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LAWYERS 2009
AWARD WINNER



Ms Kim Smith
The National Unit for Land Acquisitions and Disposals
Department for Communities and Local Government
Zone 1/C4
Eland House
Bressenden Place
London SW1E 5DU

Date 24 January 2011
Your ref LDN023
Our ref PETOM/1-1
Direct dial 0845 497 4717
monicapeto@eversheds.com

By E-Mail Only

Dear Ms Smith

**Transport and Works Act 1992
The Acquisition of Land Act 1981
Chiltern Railways (Bicester to Oxford Improvements) Order ('the Order')
Public Open Space in the District of Cherwell, Oxfordshire and in the City of
Oxford**

I am writing further to the application made by The Chiltern Railway Company Limited ('CRCL') on 29 January 2010 for an open space certificate in respect of the above land ('the Application').

As you will recall, on 9 September 2010 the Secretary of State issued a public notice of and intention to issue a certificate under Section 19(1)(a) and 19(1)(b) of, ("the Notice") paragraph 6(1)(a) and (c) of Schedule 3 to, and the Acquisition of Land Act 1981 which Notice was duly published in local newspapers. A copy of the Notice is attached for ease of reference.

As explained below, CRCL are no longer seeking powers of compulsory acquisition of permanent rights over the land described in Parts 1 and 2 of the Third Schedule to the Notice.

Land described in Part 1 of the Third Schedule to the Notice (Rights Land at Aristotle Lane)

Paragraph 4.3 of the Application relates to the above land. As explained in paragraph 4.3.2 of the Application, the compulsory acquisition of rights over the above land was sought for the provision of an accommodation ramp to the Trap Ground Allotments. During the course of the Public Inquiry which is currently considering the Order and the Application, CRCL has decided not to proceed with the proposed provision of this accommodation ramp. CRCL is therefore no longer seeking powers of compulsory acquisition over the land described in Part 1 of the Third Schedule to the Notice.

The certificate described in paragraph 2(c) of the Notice is therefore no longer required.

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Land described in Part 2 of the Third Schedule to the Notice (Rights Land at Port Meadow)

Paragraph 4.4 of the Application deals with the above land. As explained in paragraph 4.4.1 and 4.4.2 of the Application, powers of compulsory acquisition of rights over this land were sought for the provision of an accommodation access for the benefit of the allotment holders of the Trap Ground Allotments over the existing track crossing Port Meadow. CRCL has also decided not to proceed with this proposal and is therefore no longer seeking powers to compulsorily acquire permanent rights over the above land.

The certificate described in paragraph 2(d) of the Notice is therefore no longer required.

Withdrawal of part of the Application

We are therefore instructed to withdraw the Application so far as relating to the land described in Parts 1 and 2 of the Third Schedule to the Notice (ie paragraph 4.3 and 4.4 of the Application). We can confirm that CRCL have requested the Secretary of State to modify the Order, with consequential amendments to the deposited plans, so that the powers of compulsory acquisition of permanent rights sought in the Order will not apply to that land. A copy of the modifications proposed and submitted to the Inquiry (Inquiry document **CRCL/INQ/16/1**) is attached.

This withdrawal does not, however, affect the Application for the certificates sought in paragraph 2(a) and (b) of the Notice relating to the land in Parts 1 and 2 of the First Schedule to the Notice (land at Gavray Drive and land at Tubbs Lane) which are still required.

I am copying this letter to Angela Foster at the TWA Processing Unit and Helen Wilson, the Programme Officer.

Yours sincerely

Monica Peto

**Monica Peto
Partner
For Eversheds LLP**

Enclosure

PUBLIC NOTICE OF INTENTION TO ISSUE A CERTIFICATE UNDER SECTION 19(1)(a) & 19(1)(b) OF, AND PARAGRAPH 6(1)(a) & (c) OF SCHEDULE 3 TO, THE ACQUISITION OF LAND ACT 1981

**ACQUISITION OF LAND ACT 1981
TRANSPORT AND WORKS ACT 1992**

**THE PROPOSED CHILTERN RAILWAYS (BICESTER TO OXFORD IMPROVEMENTS)
ORDER**

**OPEN SPACE LAND IN THE DISTRICT OF CHERWELL, COUNTY OF OXFORDSHIRE
AND IN THE CITY OF OXFORD**

1. The Chiltern Railway Company Limited (CRCL) has applied to the Secretary of State for Transport for the above named Order under the Transport and Works Act 1992. If made, the Order will authorise the purchase of the land described in the First Schedule to this notice, and new rights over the land described in the Third Schedule to this notice which form part of an open space, as defined in the Acquisition of Land Act 1981 ("the 1981 Act"); that is, land laid out as a public garden, or used for the purposes of public recreation, or a disused burial ground.
2. The Order will be subject to Special Parliamentary Procedure unless the Secretary of State for Communities and Local Government ("the Secretary of State") gives a certificate in accordance with the provisions of section 19 of, and paragraph 6 of Schedule 3 to, the 1981 Act. The Secretary of State has been asked by CRCL to certify:
 - a) under section 19(1)(a), that he is satisfied that there has been or will be given in exchange for the land described in Part 1 of the First Schedule to this notice, other land described in the Second Schedule to this notice which is not less in area and is equally advantageous to persons, if any, entitled to rights of common or other rights and to the public, and that the exchange land has been or will be vested in the persons in whom the order land was vested, and subject to the like rights, trusts and incidents as attach to the order land; and
 - b) under section 19(1)(b), that he is satisfied that the land described in Part 2 of the First Schedule to this notice does not exceed 209 square metres in extent and that the giving in exchange of other land is unnecessary, whether in the interests of the persons, if any, entitled to rights of common or other rights or in the interests of the public; and
 - c) under paragraph 6(1)(a) of Schedule 3, that he is satisfied that the land described in Part 1 of the Third Schedule to this notice, when burdened with that right, will be no less advantageous to those persons in whom it is vested and other persons, if any, entitled to rights of common or other rights, and to the public, than it was before; and
 - d) under paragraph 6(1)(c) of Schedule 3, that he is satisfied that the land described in Part 2 of the Third Schedule to this notice affected by the rights to be acquired does not exceed 209 square metres in extent, and that the giving of other land in exchange for the rights is unnecessary, whether in the interests of persons, if any, entitled to rights of common or other rights or in the interests of the public.

3. On the open space plan referred to in paragraph 5 below, the land described in Part 1 of the First Schedule to this notice is shown coloured green, and the exchange land described in the Second Schedule to this notice is shown coloured blue.
4. The Secretary of State is required to direct CRCL to give public notice of his intention to give a certificate before he reaches a decision, to afford an opportunity for representations and objections to be made. CRCL hereby gives that notice. Any representations or objections in relation to this proposal should be addressed in writing to:

The National Unit for Land Acquisitions and Disposals
 Department for Communities and Local Government
 Zone 1/C4
 Eland House
 Bressenden Place
 London
 SW1E 5DU

by 7 October 2010 quoting reference **LDN023**.

5. Copies of the Chiltern Railways (Bicester to Oxford Improvements) Order, the Book of Reference and the Order plans, which includes a plan showing the land described in Part 1 of the First Schedule to this notice, and the proposed exchange land described in the Second Schedule to this notice ("the open space plan") are on deposit at the following locations and may be seen there as follows:

Oxford City Council Planning Services Ramsey House 10 St Ebbes Street Oxford OX1 1PT	Monday to Thursday Friday	08:30 to 17:00 08:30 to 16:30
Cherwell District Council Planning Services Bodicote House Bodicote Banbury OX15 4AA	Monday to Friday	08:45 to 17:15
Bicester Library Old Place Yard Bicester OX26 6AU	Monday, Wednesday and Thursday Tuesday and Friday Saturday	09:30 to 19:00 09:30 to 17:00 09:00 to 16:30
Banbury Library Marlborough Road Banbury OX16 5DB	Monday Tuesday, Thursday and Friday Wednesday Saturday	09:00 to 13:00 09:00 to 19:00 09:00 to 20:00 09:00 to 16:30
Oxford Central Library Westgate Oxford OX1 1DJ	Monday, Tuesday, Wednesday and Thursday Friday and Saturday	09:00 to 19:00 09:00 to 17:30

Kidlington Library Ron Groves House 23 Oxford Road Kidlington OX5 2BP	Monday and Thursday	09:30 to 17:00
	Tuesday and Friday	09:30 to 19:00
	Wednesday	09:30 to 13:00
	Saturday	09:00 to 16:30

Copies of those documents can also be viewed and downloaded from CRCL's website at www.chilternevergreen3.co.uk.

6. The Secretary of State may, if he considers it expedient, hold a public inquiry into the matter concurrently with the TWA Order Inquiry scheduled to commence on 2 November 2010.

**FIRST SCHEDULE
Part 1**

Sheet & Plot No on the Order Plans	Description of land at Gavray Drive (shown coloured green on the open space plan)
1/01004	224.16 Square Metres Shrubbery, thickets and land to the west of Charbridge Lane, Bicester, Oxfordshire
1/01011	102.71 Square Metres Shrubbery, thickets, trees and land to the west of Charbridge Lane, Bicester Oxfordshire
2/02003	11456.31 Square Metres Trees, shrubbery, thickets, brook (Langford Brook), public footpath (FP 129/3) and land to the north of Gavray Drive, Bicester, Oxfordshire
2/02007	3755.11 Square Metres Trees, shrubbery, thickets and land to the north of Gavray Drive, Bicester, Oxfordshire
3/03002	1425.98 Square Metres Trees, shrubbery, thickets and land to the north of Gavray Drive, Bicester, Oxfordshire
3/03005	128.68 Square Metres Trees, shrubbery, thickets and land to the north of Gavray Drive, Bicester, Oxfordshire

Part 2

Sheet & Plot No on the Order Plans	Description of land at Tubbs Lane
3/03023	204.10 Square Metres Trees, shrubbery, thickets and land to the south east of Tubbs Lane Crossing, Bicester, Oxfordshire

SECOND SCHEDULE

Sheet & Plot No on the Order Plans	Description of the Exchange Land (shown coloured blue on the open space plan)
1/01001	13133.27 Square Metres Shrubbery, thickets and land to the east of Charbridge Lane, Bicester, Oxfordshire
1/01002	3743.89 Square Metres Shrubbery, thickets, pond and land to the east of Charbridge Lane, Bicester, Oxfordshire
1/01012	325.76 Square Metres Shrubbery, thickets and land to the east of Charbridge Lane, Bicester, Oxfordshire
1/01013	596.76 Square Metres Shrubbery, thickets and land to the east of Charbridge Lane, Bicester, Oxfordshire

**THIRD SCHEDULE
Part 1**

Sheet & Plot No on the Order Plans	Description of the Rights Land at Aristotle Lane
29/29010	355.85 Square Metres Public footway and public bridleway (BW320/10) hard standing, to the west of Aristotle Lane
29/29011	845.85 Square Metres Private track through Port Meadow, Oxford, Oxfordshire
30/30009	586.55 Square Metres Private track (Port Meadow) Walton Bridge, Oxford, Oxfordshire

Part 2

Sheet & Plot No on the Order Plans	Description of the Rights Land at Port Meadow
29/29015	107.30 Square Metres Drain and bed thereof, trees, shrubbery, thickets and land to the north of Port Meadow, Oxford, Oxfordshire
29/29016	87.88 Square Metres Drain and bed thereof, trees, shrubbery, thickets and land (Trap Ground Allotments), to the north of Port Meadow, Oxford, Oxfordshire

SIGNED by the authority of the Secretary of State for Communities and Local Government

IAN McNALLY
National Unit for Land Acquisitions and Disposal
9 September 2010

**CHILTERN RAILWAYS (BICESTER TO OXFORD IMPROVEMENTS) ORDER
MODIFICATIONS PROPOSED BY EVERSLEDs: REMOVAL FROM THE ORDER OF
LAND, OR RIGHTS IN LAND, WITHIN PORT MEADOW**

**THE REFERENCES TO PAGE NUMBERS AND ARTICLES IN THIS PAPER OF
AMENDMENTS ARE REFERENCES TO THOSE PAGES AND ARTICLES OF THE
ORDER AS APPLIED FOR IN JANUARY 2010**

This note replaces CRCL/INQ/16

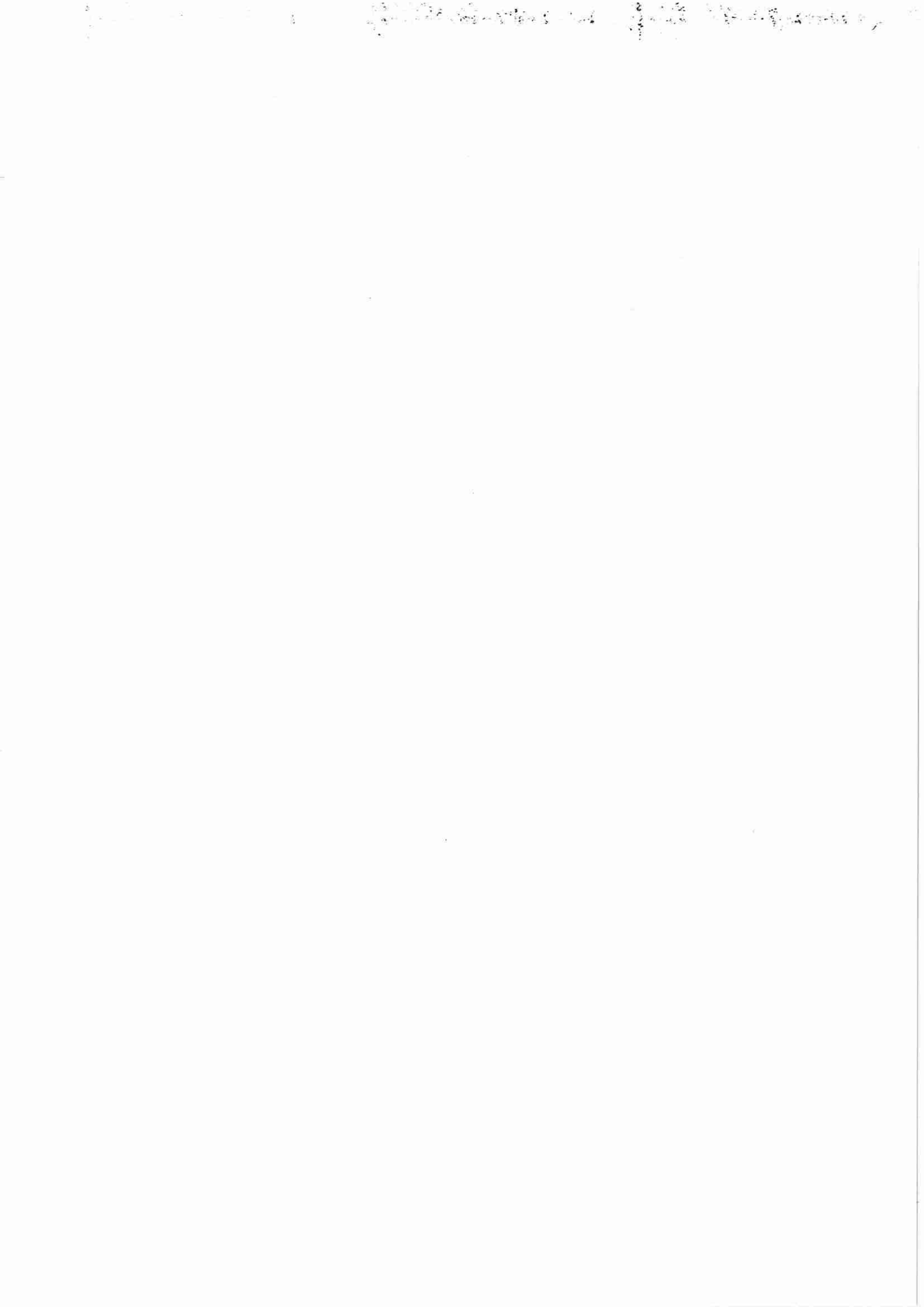
Page 19, Article 25 (5), insert "and" at the end of paragraph (b) and leave out paragraph (d) and "and" immediately preceding that paragraph.

Page 38, Schedule 2, leave out –

“	29010, 29011, 30009	Provision of rights for accommodation access to allotments”.
“	29015, 29016	Provision of rights for accommodation ramp access to allotments”.

Page 48, Schedule 9, in the fourth column of the entry relating to Aristotle Lane Crossing leave out "Accommodation access from Bridleway BW 320/10" and insert "Improved existing bridge DCL 29/OXD 51".

Page 55, Schedule 11, in column (2) of the entry relating to a working site and access for Work No 3, leave out "29008" and "29015, 29016, 29017, 29018".





Transport and Works Act 1992
Chiltern Railways (Bicester to Oxford Improvements) Order

Revised Sheet No. 29
Work Nos. 3 and 7
For Section of Work No. 7 see Sheet No. 34

CITY OF OXFORD

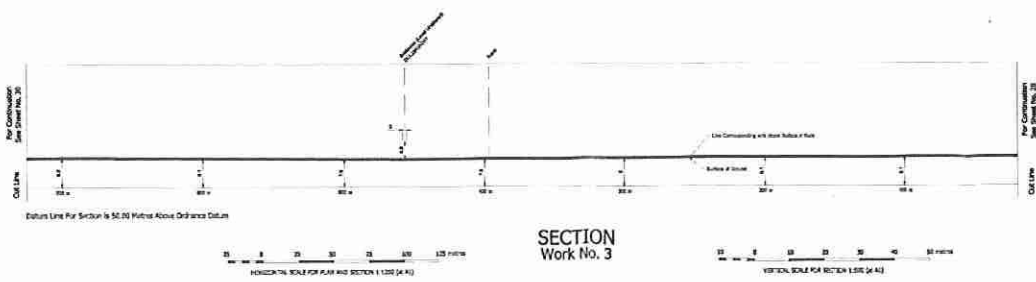


KEY

- Limits of Deviation
- Limits of Land to be Acquired or Used
- Centre Line of Work
- ⊢ Commencement of Work
- ⊣ Termination of Work
- ⊢⊣ Commencement of Work and Termination of Work
- A Access to be provided or improved
- New Right of Way to be provided (Except where provided over Work)
- Existing Right of Way

Be prepared for purposes of Orders being made under section 25 of the Transport and Works Act 1992 and section 25(1)(b) of the Transport and Works Act 1992, for any necessary amendments to be made to the Order.

PLAN



SECTION
Work No. 3

HORIZONTAL SCALE FOR PLAN AND SECTION 1:200 (A1)

VERTICAL SCALE FOR SECTION 1:500 (A1)

