

WRITTEN REPRESENTATION
FROM TOM TAPPIN LTD.
T/A GUIDE FRIDAY/CITY SIGHTSEEING OXFORD
TO THE CHILTERN RAILWAYS
(BICESTER TO OXFORD IMPROVEMENTS)
TRANSPORT & WORKS ACT INQUIRY

INTRODUCTION

Guide Friday/City Sightseeing Oxford operate a circular hop on – hop off open top bus tour of the historic city of Oxford with the terminal point at the forecourt of Oxford Railway Station from where a number of other bus services operate. Some of our journeys operate with a live guide whilst all journeys offer a multi-lingual commentary transmitted through headphones.

The operational departure times are from 0930 until either dusk or 1800 whichever is the earlier and as the service is seasonal in nature the frequencies vary from every 20 or 30 minutes in Winter to every 10 minutes with some duplication in Summer. The tour takes approximately one hour to complete.

Although the company's depot is elsewhere in the City, the actual service is controlled from an office situated on the Railway Station concourse in Oxford. This office also acts as an information centre most particularly for people arriving in the City by train.

BACKGROUND

This company welcomes the general principle proposed by Chiltern Railways which in our view will bring more tourists into Oxford and increase the number of people using Oxford Railway Station which should act to the benefit of Guide Friday/City Sightseeing's service.

The concern of the company arose when two notices of compulsory purchase dated 6th January 2010 were served on the company. On the schedule, these were given numbers 31026, 31027 and 31028 on the plan, the latter two being jointly served.

On 25th January 2010, on behalf of Tom Tappin Ltd. Thomas Knowles wrote to the secretary of State for Transport expressing objections in the following terms:

"The Bus terminus is used by a number of bus operators, including ourselves, who operate registered bus services. My understanding is that we are the only major bus operator that has been served with such an order and I suggest that that is unreasonable and anti competitive if all operators are not treated equally. We use this terminus in conjunction with a shop that we rent from First Great Western Limited. From this shop we control our operations in respect of crew use and also sell tickets for use on our City Sightseeing Tour buses and provide a free Tourist Information service. If the compulsory acquisition of the land on which our buses load and unload (which is easily visible from our control office) is implemented the value of our office at the Railway Station would be greatly reduced and if we were removed totally from the forecourt at the Railway Station, clearly we would most likely close our office there.

The net result of this is that the Railway Station would lose its Tourist Information facility that we provide, and railway passengers would lose an excellent and convenient transfer facility on to our tourist bus service. This would surely be damaging to the Railway Companies in terms of information provision and passenger

loadings where some tourists wishing to see the City by open top bus would no longer visit Oxford since the ease of transfer (integration) would no longer exist.

As a very long term tenant of about twenty years, with an established business, it is important to us that access is maintained to our No.1 Shop at Oxford Railway Station and that adequate short stay parking is available to service the premises when required, hence our objection to 31026. We are concerned about the significant reduction in the short stay/ staff parking availability proposed for the station and must ensure that general access to our sales office is also retained.

We are also concerned that with the probability of one or more alternative exits being offered from Oxford Station, that the footfall which will incorporate additional visitors to Oxford will not pass by our tourist facility and open top bus sales point unless directed to leave the premises passing our shop, or being strongly advised by signage as to the whereabouts of our facility.

Finally, should the intention of the order be to remove this company from the Railway Station forecourt then our business would suffer which would mean reducing the frequency of our service operation and consequent loss of jobs.

I am making these objections on behalf of Tom Tappin Limited who trade as City Sightseeing Oxford."

THE PROCESS

A very helpful response has been received from Angela Foster of the Department for Transport who has kept us informed as each stage has developed and for this we are most grateful.

Thomas Knowles has also liaised with Paul Clarke, Associate Director of Ardent who are representing Chiltern Railways' interests in this case.

In a letter of 18th May 2010 Mr Clarke advises that all occupiers and users of property have been issued with notices and indeed this appears to be the case in respect of users of properties within the railway station concourse. However in respect of our rights over the Railway Station forecourt we note that we are the only bus company using the forecourt to have been issued with a compulsory purchase order despite it being used by several operators. All we seek in respect of the forecourt is to be able to continue our operation without interruption as registered with the Western Traffic Commissioner.

Mr Clarke says that no powers are being sought to acquire our information kiosk in the Railway Station, and I understand that the order relates to access to the concourse which, so long as buses can continue operation unimpeded, does not present us with a problem.

A number of other concerns have been raised by Tom Tappin Ltd. which have been addressed in paragraph four of his letter whereby Paul Clarke suggests that Chiltern Railways enter into an agreement with this company to accommodate our concerns.

Unfortunately, as of this date, we have not had any approach from Chiltern Railways in connection with our concerns.

I am submitting Mr Clarke's letter of 18th May 2010 and my reply to him dated 15th June 2010 which arose from my initial letter of 25th January 2010 the contents of which are reproduced above.

CONCLUSION

As stated earlier, we welcome the initiative put forward by Chiltern Railways and if agreement can be reached whereby the following can be achieved then Tom Tappin Ltd. would be happy to withdraw their objection:-

- That the information centre/office operated by Guide Friday/City Sightseeing Oxford be allowed to remain operational throughout.
- That the open top bus service be able to continue uninterrupted whilst all the works take place and then carry on thereafter in a similar manner to that existing at present.
- That short term parking remain available to allow the office premises to be services both during the works and after they are completed.
- That should it not be possible for the exit from the new platforms to be arranged such that the existing station exit is used, that appropriate signs be erected, at least at the secondary exit, advising passengers of the location of our information office and the boarding point for the open top bus tours.

That is the basis on which TomTappin Ltd. trading as Guide Friday/City Sightseeing Oxford have raised an objection and I thank you for your attention to our concerns.

Thomas W. W. Knowles
For Tom Tappin Ltd.,
T/A Guide Friday/City Sightseeing Oxford,
No 1 Shop,
Oxford Railway Station,
Park End Street,
OXFORD.
OX1 1HS

18th July 2010.

Our Ref: PC/P3.6j.2/EG3/001
Your Ref:

City Sightseeing Oxford
No 1 Shop
Railway Station
Park End Street
Oxford
OX1 1HS

Dir Tel – 07900 052307
E-mail – paulclarke@ardent-
management.com

18th May 2010

Dear sirs,

**Draft Chiltern Railways (Bicester to Oxford improvements) Order
Objection number 10**

We refer to your letter dated 25th January 2010 addressed to the Secretary of State. The following are Chiltern's responses to your points of objection:

1. Your company was served with notices in respect of its occupation of the information/sales kiosk in the station building in Oxford and your rights over the station forecourt. All occupiers and users of property included within Order Limits have been served with notices relevant to their interests in property, in accordance with Transport and Works Act 1992 requirements. All other recipients of notices can be found by referring to the Book of Reference, one of Chiltern's Order Application Documents. This can be found at www.chiltern-evergreen3.co.uk.
2. Permanent acquisition powers are not being sought in the Order application. Temporary use powers only are being sought. This can be checked by looking at the plot numbers from the Order application plans in the draft Order, which can be found at the above web address, which specifies the powers sought.

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3. Powers are not being sought over the station concourse in Oxford, there is no intention to acquire the information kiosk.
4. To help alleviate the other concerns in your letter and to provide you with certainty, we propose that we ask Chiltern to enter into an agreement with your company that provides the following:
 - a. Chiltern to use reasonable endeavours to maintain access to the sales/information kiosk at all times during the works.
 - b. Chiltern is to liaise with First Great Western to try to arrange for replacement car parking during the works when your current parking will be lost as far as is reasonably possible.
 - c. The exit from the new platforms will be arranged to pass through the existing access points, subject to safety requirements resulting from the increase in passenger numbers. However, the secondary exit/access has been included due to the numbers of passengers expected, so this may not be feasible.
 - d. Chiltern will liaise with First Great Western to attempt to persuade them to include signage for your company in any new station signage scheme.

Please contact the undersigned if you would like to discuss the above further or to move forward with the suggested agreement. We look forward to hearing from you further.

Yours faithfully,



Paul Clarke
Associate director

cc C Baker ERM

Paul Clarke Esq.,
Associate Director,
Ardent Management Ltd.,
PO Box 3050,
WOKINGHAM,
Berkshire.
RG40 3YD

15th June 2010.

Dear Mr Clarke,

Draft Chiltern Railways (Bicester to Oxford improvements) Order
Objection number 10.

As you know, I have been dealing with the above on behalf of Tom Tappin Ltd. trading as City Sightseeing Oxford.

Unfortunately I have been in Australia and so apologise for the delay in replying to your letter dated 18th May 2010 and am pleased to do so now.

I must make it clear that Tom Tappin do not wish to hinder the development of the Chiltern Railways project but we must, of course, protect our own interests and it is to this end that an objection was lodged.

Paragraph 1 of your letter clarifies the extent of the notices issued and I thank you for that but Paragraph 2 does not explain just what is meant by 'temporary use powers' and we would seek clarification in writing as to what I the intent of these powers i.e. will our buses be able to continue operating and will the office be affected in terms of daily use. I do, however, note that in paragraph 3 you state that you are not seeking powers in respect of the station concourse.

Finally in respect of Paragraph 4, we would welcome an agreement with Chiltern on the issues raised and in respect of 4b would wish that a parking facility be retained after the works are completed.

Perhaps any agreement could be drafted to take into account all of our concerns and then there would be no need for this company to be represented at any public inquiry.

Yours sincerely,

Thomas W. W. Knowles.
Transport Consultant for Tom Tappin Ltd.

Jane Marshall

From: Paul Clarke [PaulClarke@ardent-management.com]
Sent: 05 July 2010 12:38
To: thmsknw@aol.com
Cc: Peter Gibbard; 'Charlene Baker'
Subject: OBJECTION NUMBER 10 - TOM TAPPIN LIMITED.
Mr Knowles

Thank you for your letter dated 15th June 2010, my apologies for the delay in responding to you.

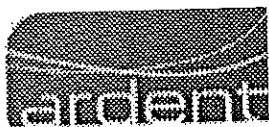
The temporary powers are contained within the draft Order, they are unique to Transport and Works Act Orders and they are not usual compulsory purchase powers. Their purpose is to give the promoter of the Order the ability to use property for a temporary period, without the need to acquire it. It can also use land for the purpose of access only, as is the intention here.

I have attached a copy of sheet 31 of the Order plans, the plots giving access to the station are numbers 31027-31029. You will see in schedule 11 to the draft Order that the purpose that these plots can be put to is only Access. Therefore, Chiltern is not applying for powers to stop up other peoples access over these plots.

I am now preparing a number of sets of heads of terms for such agreements for authorisation by Chiltern and Network Rail. I will let you have these as soon as is possible and I certainly hope that this agreement will enable your client to withdraw its objection and not appear at the inquiry.

Regards,

Paul



Paul Clarke | Associate Director
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