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# Lyons Davidson

SOLICITORS

Eversheds LLP  
1 Wood Street  
London  
EC2V 7WS

3<sup>rd</sup> August 2010

Direct Dial: 0117 904 5860  
Our Ref: GJAB/GR70/133985/275  
Your Ref: PETOM/119788-010009  
Always quote our reference

Dear Sir

**"The Proposed Order":** The proposed Chiltern Railways (Bicester to Oxford Improvements) Proposed Order applied for by the Chiltern Railway Company Limited ("CRCL")

**"The Property":** Unit 8 McKay Trading Estate Station Approach Bicester shown edged red on the attached plan

**"Our Client":** Plumbase Limited

Our Client is the tenant of the Property and which is affected by the compulsory purchase provisions of the Proposed Order. We have been advised by the Department of Transport that objections to the Proposed Order must be sent to you no later than 6th August 2010.

By way of background information, our Client operates a plumbers' merchant business from the Property and which comprises a modern warehouse unit within the McKay Trading Estate. Our Client acquired its interest in the Property on 28<sup>th</sup> November 2007 comprising a leasehold term from 28<sup>th</sup> November 2007 to 28<sup>th</sup> November 2022 with the usual statutory rights to renew pursuant to Part 2 of the Landlord & Tenant Act 1954. Our Client's initial capital investment in the Property (ignoring removable fixtures and fittings) was more than £135,000.

Our Client objects to the Proposed Order on the following grounds:-

*Insufficient justification*

1. The proposed compulsory acquisition of the Property is to provide dedicated parking to Bicester Town Railway Station.
2. This is not a justifiable reason for the compulsory acquisition and demolition of this modern facility as there are better alternative sites available for such parking adjacent to London Road and which would only require the acquisition of older obsolete buildings.

*Financial viability*

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CR 001.07/09



INVESTOR IN PEOPLE

3. Our Client cannot see from the information available from CRCL how the proposals can be financially viable in these uncertain economic times and having particular regard to the Coalition Government's need to reduce expenditure. It would be of great detriment to all concerned for the continuing blight created by the Proposed Order to continue for several years only to find that the financial implications and/or funding of the proposals could not justify or be obtained for their implementation.

*Insufficient Consultation*

4. Neither CRCL nor its advisers have consulted with our Client in advance of their application for the Proposed Order. We enclose a copy of the letter sent by Ardent Management Limited to our client on 28<sup>th</sup> August 2009 being the only communication relating to this matter of which our client is aware.
5. The Local Search which this Firm made of Cherwell District Council before our Client acquired its interest in the Property is dated 20<sup>th</sup> September 2007. The following questions were asked in that search:

*"Question 3.5 - Is the Property (or will it be) within 200 metres of the centre line of a proposed railway, tramway, light railway or monorail?"*

*"Question 3.11 - Has any Enforceable Proposed Order or Decision been made to compulsorily purchase or acquire the Property".*

The Council's answer to both questions was "No". Our Client proceeded to acquire its interest in the Property in reliance upon that answer.

*Local Employment*

6. The compulsory acquisition of the Property would result in the permanent loss of local employment at the Property. Our Client currently employs four staff at the Property.

*Local Business*

7. Our Client currently operates from the Property a modern, popular, efficient and highly competitive warehouse outlet to the local building industry and which would close to the detriment of local businesses upon compulsory acquisition.

*Blight*

8. The Proposed Order has clearly blighted the Property. This blight will continue until the compulsory purchase powers envisaged by the Proposed Order are exercised or it becomes clear that the Proposed Order will not be made. Our Client their customers and staff are therefore left in a state of uncertainty. Also, it is extremely difficult for our client to determine whether the relocation of its business will be required.

*Summary*

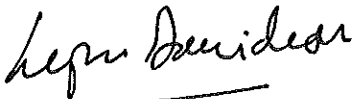
9. Our Client objects to the Proposed Order on the basis that there is insufficient justification for it, there are better and cheaper alternatives to achieve CRCL's objectives, the proposals may not be economically viable, there has been insufficient or no consultation, the proposals would result in the loss of a modern facility providing local employment and servicing the local building industry, and the Property is and will remain blighted until resolution of the matter.

Correspondence relating to these objections and the Proposed Order should be sent to this Firm at the address set out below:

Graham Brand  
Lyons Davidson  
Victoria House  
51 Victoria Street  
BRISTOL BS1 6AD

Would you kindly acknowledge receipt of this letter and confirm that our Client's objections to the Proposed Order.

Yours faithfully



LYONS DAVIDSON

Out PC/P2.3/CE3/0006

Plumbase Limited  
Aquis Court  
31 Fishpool Street  
St Albans  
Herts  
AL3 4RF

**COPY**

28<sup>th</sup> August 2009

Dear Sirs,

**Chiltern Railways Evergreen 3 Project - Oxford to Bicester Line – Land Acquisition**

You may be aware that the Chiltern Railways Evergreen 3 Project is providing a new railway through the route between Oxford and London Marylebone. Chiltern Railways is undertaking the project as one of its Franchise commitments.

Part of this project requires the upgrade of the current Oxford to Bicester railway line and the station at Bicester Town. Further information on the project can be found on the projects website at – [www.chiltern-evergreen3.co.uk](http://www.chiltern-evergreen3.co.uk). It is hoped that work can start on the project in 2011.

Design work has been ongoing this year to ascertain what land and property will be required outside the Network Rail boundary to upgraded Bicester Town station and car park. The intention is to apply for a Compulsory Purchase Order in mid October this year to enable the land needed to be acquired.

The attached plan shows the land that will be required for the station improvement and associated car parking, highlighted blue. Unfortunately this includes your property.

If you would like to discuss this proposal or the scheme further please contact Paul Clarke who is dealing with land and property issues, or contact the consultation team on - Telephone: 01865 384 896 Email: [consultation@chiltern-evergreen3.co.uk](mailto:consultation@chiltern-evergreen3.co.uk).

We look forward to hearing from you.

Yours faithfully,



**Ardent Management Ltd**  
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Tel – 07900 052307

Enc – Land Plan