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13 December 2010

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Your ref: OBJ 91/0110147

Dear Mr and Mrs Conibear

**Chiltern Railways: Proposed Undertakings and Conditions in relation to the Footbridge at Mill Lane, Islip**

Thank you for your 'Request for Conditions' dated 6 December 2010, which the Programme Officer has given the reference OBJ91/4.

As you know, Chiltern Railways has offered to give you formal legal undertaking in relation to the potential lighting of the bridge (as set out in Para 3.8 of CRCL/R/OBJ91) and I agreed, in the course of cross-examination, when you appeared at the Inquiry on 18 November 2010, to also give you an undertaking that the fence on the upper section of the south eastern approach ramp would be a loose close boarded fence at least 1.8m high to prevent pedestrians from being able to look into the first floor windows of The Grange.

I will deal with each of the points made in OBJ91/4 in turn. A copy of the latest draft Planning Conditions CD/1.12/1 is attached, for reference.

**Planting:** There is already a proposed planning condition 5.1 and 5.2 which requires Chiltern Railways to submit a landscaping scheme for the bridge, which is Work No 16, to Cherwell District Council for approval. Once it has been approved, the landscaping scheme has to be carried out (see condition 26) and any trees or shrubs planted have to be maintained by Chiltern Railways or others, including replanting any that die, for a minimum period of 3 years after planting (see condition 7). These are standard planning conditions used for many developments and Cherwell District Council has the legal powers to enforce compliance.

We have already provided a plan which illustrates the extent of the planting anticipated (Figure IMG 4.4 in Appendix IMG4, a copy of which is also attached). This will be turned into a detailed planting plan to meet the requirements of planning condition 5.1. Chiltern Railways has yet to agree the exact arrangements for the future maintenance of the planted areas, in Islip and elsewhere. This will be settled, in due course with the County Council, who will be responsible for the maintenance of the bridge and paths.

In order to make it clear that Chiltern Railways is fully committed to providing a satisfactory landscaping and planting scheme, a further undertaking is offered. This would say the following:

*"Chiltern Railways will, in accordance with the planning conditions, submit a landscaping and planting scheme for the Mill Lane, Islip Bridge, which, to the south east of the railway, will be no less extensive than that shown in Figure IMG 4.4 attached. Following the completion of the bridge and the planting, Chiltern Railways will maintain the planting in accordance with the planning conditions or until the bridge and approach ramps are adopted by Oxfordshire*



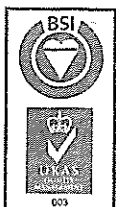
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County Council, whichever is the sooner. Chiltern Railways will use reasonable endeavours to secure the long term maintenance of any planting outside the adopted highway by an appropriate body".

Lighting: I have taken note of your concern that the undertaking previously offered in Para 3.8 of CRCL/R/OBJ91 cannot guarantee that the County Council will not, at some future date, decide to install lighting on the bridge. If you wish to pursue this point, it could not be addressed by an undertaking, but could be by an appropriately worded planning condition. I would suggest that an appropriately worded condition could take the following form:

*"The footbridge and approach ramps at Mill Lane, Islip, being Work No 16, shall not have footway lighting, unless required by the local planning authority to ensure public safety. If lighting is required it shall be low level lighting, designed to avoid light spill or other adverse impacts on the amenity of nearby residential properties.*

*Reason: to protect rural and residential amenity."*

If you are happy with a condition of this form, please let me know and I will add it to the revised set of planning conditions that are being proposed by Chiltern Railways.

Height of Fencing and Parapets: I agreed at the inquiry on 18 November to the provision of a 1.8m screen fence at the top of the south eastern approach ramp and note your point concerning the height of the eastern bridge parapet. We have yet to amend the engineering plans to show these. It would be Chiltern Railways preference that this commitment is given in the form of a further undertaking. This would state:

*"Chiltern Railways will design the Mill Lane, Islip footbridge to include 1.8m high solid parapets and a 1.8m screen fence on the south eastern side of the eastern approach ramp, for a sufficient length to avoid overlooking of the first floor windows of any habitable room of The Grange. Chiltern Railways will seek approval of the design from the local planning authority and, if approved, will construct the bridge and screen fencing in the form approved".*

I look forward to your early response to these proposals. In order to program me the preparation of an undertaking and to provide the revised conditions to the Inspector well in advance of the conditions session in January, please let me have your response by 16 December. If it would be helpful to discuss this, please call me on 07802 886132.

Yours sincerely,

*Ian Gilder*

Ian Gilder  
Head of Planning  
ERM

For and on behalf of the Chiltern Railway Company Ltd