

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

**AMENDED REQUEST FOR PLANNING DIRECTION
AND FURTHER REVISIONS TO
PROPOSED PLANNING CONDITIONS**

1 Introduction

- 1.1 This note introduces CRCL's final proposed Request for Planning Direction and Draft Planning Conditions, which are attached as **CD/1.12/2**. These supersede **CD/1.12/1** introduced at the opening of the Inquiry. This Inquiry note supersedes **CRCL/INQ/61** and includes relevant correspondence in Appendix A.
- 1.2 This note responds to the Inspector's initial thoughts on planning conditions (**X/10**) and also to proposals for additional or amended planning conditions submitted by Objectors and others since the start of the Inquiry. Where CRCL is proposing amendments to the request or conditions as set out in **CD/1.12/1** these are shown, for convenience, as highlighted changes to the base document, which was **CD/1.12/1**.
- 1.3 Comments on the draft conditions in **CD/1.12/1** or later drafts have been received from the following statutory bodies. Where these are not Inquiry documents, these are attached in Appendix A:
- (i) Environment Agency (**OBJ 248**). Letter dated 15 December 2010 and subsequent email of 10 and 11 January 2011.
 - (ii) Natural England (**OBJ 246**). Email of 16 November 2010.
 - (iii) Oxfordshire County Council (**OBJ 131**). Discussions relating to planning conditions have taken place in the course of negotiating an agreement between CRCL and OCC, which is now concluded. The conditions now proposed by CRCL are supported by Oxfordshire County Council, except where noted in the commentary below.
 - (iv) Oxford City Council (**OBJ 109**). Conditions amended to take account of submission **OBJ/109/3W**, dated 1 November 2010.
 - (v) Cherwell District Council (**OBJ 292**). Email of 10 January and reply. Certain suggested changes to Conditions 4 and 5 accepted.

- (vi) Gosford and Water Eaton Parish Council (**OBJ 33**). Letter of 21 December 2010 [**OBJ33/9**], requesting a condition to control on-street parking in residential streets in Kidlington, which the Council believes will be necessary once parking charges are applied at Water Eaton Station and Park and Ride site. Chiltern Railways does not consider such a condition is necessary and this view is shared by Oxfordshire County Council. In the event that any sort of parking problem was to occur, the County Council has powers under the Road Traffic Regulation Act to control that parking.
- 1.4 Individual objectors have also made submissions in relation to the proposed conditions and/or CRCL, in evidence or cross-examination, has proposed conditions or undertakings to resolve objections. Some of these are listed in **X/10**.
- 1.5 The following have been considered and, where appropriate, dealt with as proposed conditions or amendments to conditions:
- (i) Request by Ms Dhall (**OBJ 235**) for the scrub to be retained along the eastern boundary of Oxford station car park. Now included on plans, AL032 revision 03 and AL033, revision 03, incorporated in the Revised Design and Access Statement (**CD/1.19/1**).
 - (ii) Restriction on lighting of Mill Lane bridge, Islip, as proposed by Mr and Mrs Conibear in **OBJ 91/4**. Now included as a planning condition. Their other concerns are to be covered by an agreement with CRCL.
 - (iii) Request by Mr Hayward (**OBJ 1**) for the retention of the hedge along the railway boundary. A site meeting has taken place with Mr Hayward and he is satisfied that the CRCL will try to ensure hedge is retained.
 - (iv) Request by BBOWT (**OBJ 211**) for conditions to deal with conservation of priority species [**CRCL/R/OBJ211/2**]. Now included as planning conditions.
 - (v) Request by Jonathan Clark, Tony Hollander and Ian Salisbury, in document **OBJ 236/5**, for three conditions to secure the construction of a new crossing and upgrade of the existing railway crossing at Aristotle Lane. Chiltern Railways does not support the imposition of any of these conditions for reasons set out fully in evidence to the Inquiry.
 - (vi) Request by Quadrangle Management Limited (**OBJ 14/2**) for conditions restricting train speeds between Water Eaton Parkway and Castle Mill Stream bridge. For the reasons set out fully in Chiltern Railways' evidence, Chiltern Railways considers that such conditions should not be imposed. They are neither necessary, nor relevant to planning and not directly enforceable as a planning condition.

If further proposed conditions are submitted by objectors, Chiltern Railways will respond to these submissions with a further note.

2 Commentary on Changes to the Request for Direction

- 2.1 Minor non-material changes were made in **CD/1.12/1**. Three further non-material changes are being proposed, which are highlighted in **CD/1.12/2**.
- 2.2 The request and the planning conditions have been drafted on the assumption that the Secretary of State confirms the Order, incorporating the Proposed Modification. In that event, the original alignment of the western section of Langford Lane will not form part of the Order and the substitute sheets 8b and 8c in the Deposited Plans and Sections and the Planning Direction Drawings will form part of the Order and the Request for Direction.

3 Commentary on the Proposed Planning Conditions

General

- 3.1 The Inspector has noted, in **X/10**, instances where the CRCL proposed conditions differ in wording from the 'model' conditions set out in Circular 11/95. These proposed conditions have been drawn from other recent Requests for Direction for Transport and Works Act Orders for light and heavy rail schemes and have, in those cases, been accepted by the Secretary of State.

Definitions

- 3.2 CRCL proposes to retain the words 'above the surface of the ground' in the definition of building, in line with other recent TWA Orders. The definition of Environmental Statement has been extended to refer to the First and Second Addenda to the Environmental Statement. The reference to the Noise and Vibration Policy has been updated.

Condition 1: Time Limit

- 3.3 The planning direction does not constitute the grant of an outline planning permission for a building and the 'reserved matters' defined in s70 of the Town and Country Planning Act 1990 are not directly applicable. Condition 3 includes a number but not all of the matters which would normally be reserved.
- 3.4 The five year time limit proposed is longer than the three year period normally allowed for planning permissions but is consistent with recent planning directions associated with TWA Orders. Given the scale of the project and the need for Chiltern Railways to secure the approval of both Network Rail and the Local Planning Authorities to detailed designs, a five year period to allow for any delays is considered appropriate. A single five year time limit also matches the period for the exercise of the CPO powers in the Order.

Condition 2: Development Sections

- 3.5 This condition, which has been used for other TWA Orders, would enable CRCL to commence development, section by section, provided that the relevant pre-commencement approvals for that section have been secured. This again reflects

the scale of the Scheme and that decisions regarding, for example, detailed design can safely be made independently at different locations along the route.

Condition 3: Design, External Appearance and Materials

- 3.6 The word 'facing' has been replaced by 'external' as suggested in **X/10**. Two additional items have been added at (c) and (h) to separate out the bridge decks as items for approval, since these are likely to be designed and installed later than other elements of the stations. The list of development elements at item (o) for the rail aggregates depot has been modified so that it is general and includes all elements which could reasonably need the subsequent approval of the LPA.

Condition 4 (now includes previous condition 6): Implementation and Maintenance of Security Fencing

- 3.7 The principal purpose of this condition is to ensure that where permanent boundary fences need to be replaced or upgraded to ensure the safety of the public these are approved in advance of development. The title of the condition and the reason have been amended for clarity. Condition has been reformulated to include noise barriers where these also serve the function of security fences on the railway boundary. Many noise barriers are likely to be erected within the railway land rather than along the boundary and will be 2 metres high, the normal permitted development height except where fences abut the highway.
- 3.8 This condition complements Condition 6 and the Inspector's suggestion that these be combined has been adopted. The trigger for 'installation' of the fencing has been amended to take account of the possibility that passenger services will be commenced in stages, for example, to Water Eaton Parkway in the first instance. The intention, set out in the commercial agreement between CRCL and Network Rail, is that the works will, in fact, be transferred to NR at the conclusion of the 'defects liability period', which is 2 years. There are no circumstances in which the works will not be transferred to Network Rail. Legal responsibility for securely fencing the railway rests with Network Rail and it is not, in Chiltern Railways' view, necessary for the long term maintenance of the fencing to be conditioned.

Condition 5: Landscaping

- 3.9 This condition is principally directed towards the planting of trees and shrubs and the detailed hard and soft landscaping at Bicester Town and Water Eaton Parkway stations. Works on Individual Sections of development are likely to take between 9 and 15 months. The delayed trigger for these submissions is so that commencement of the principal engineering and building works does not have to be held up while these details are designed and approved. Specific commitments made by Chiltern Railways, e.g. at Mill Lane, Islip are covered in separate conditions or in legal undertakings given to specific objectors.
- 3.10 The exclusion in 5.1(a) has been accepted in other recent TWAO planning directions. It is entirely sensible that the designs of e.g. bus stops or traffic signs should not be subject to approval of the LPA, where these are normally specified and installed by e.g. the highway authority, under permitted development powers.

The Inspector's amendment to Condition 5.1(a) has been adopted. New Condition 5.1 (b) has been added.

Condition 6 (previously 7): Implementation and Maintenance of Landscaping

- 3.11 Long term landscape maintenance conditions have not been considered necessary and have not been imposed on other recent TWAO planning directions.
- 3.12 The principal reason why Chiltern Railways believes that a condition of the sort set out in model 31 in Circular 11/95 is not considered necessary or easily enforceable is that, after completion, the planted areas will revert or be transferred to a number of different bodies for future maintenance. For example, planting alongside new or altered highways will be adopted (with the highway) by Oxfordshire County Council under the provisions of Article 12 (2) of the Order. Planting inside the railway boundary fence will revert to Network Rail. Planting at the stations will, generally, be transferred to Network Rail, who then lease the stations back to the Station Facility Owner (in the first instance, Chiltern Railways). At Water Eaton Parkway, arrangements for maintenance will be shared by OCC and CRCL in accordance with the Oxfordshire County Council agreement.
- 3.13 Network Rail share Chiltern Railways' view that a long term maintenance condition is neither necessary nor enforceable.

Condition 7 (previously 8): Archaeology

- 3.14 A further minor amendment to this condition has been made. This condition is now agreed by Oxfordshire County Council and addresses a concern raised by the Oxford City Council. The condition has been drafted to allow the Local Planning Authority to permit certain works, for example, to the railway itself, to be commenced where further archaeological investigation is not required.

Condition 8 (previously 9): Rewley Abbey Street Swing Bridge

- 3.15 The wording of the condition had already been amended in **CD/1.12/1** and the wording of the title and reason has now been amended accordingly. The condition reflects the arrangements agreed with Oxford Preservation Trust.

Condition 9 (previously 10): Contaminated Land

- 3.16 This condition, as drafted in **CD/1.12/1**, had been discussed and agreed by the Environment Agency. The drafting was intended to confirm that detailed investigations of contamination are not necessary along the existing railway formation, but only where bridge foundations, culverts or the tunnel works are to take place. The drafting has been amended to clarify this.
- 3.17 The third and fourth paragraphs of the condition have been reversed, making it clear that a 'verification' (or 'closure') report will be required wherever remediation proves necessary.

Condition 10 (previously 11): Flood Risk Assessment

- 3.18 Condition 11 has now been split into three conditions. The references to AP1 to AP19 are to the works as described in the Level 2 FRA and other reports in **CD/2.22** and as used in correspondence with the Environment Agency.
- 3.19 The word 'relevant' in the penultimate line is superfluous and has been removed. Other minor changes to wording have been agreed with the EA.
- 3.20 The reasons for Conditions 10 to 12 have been tidied up following the split. The reference to 'improve habitat and amenity' derives from the EA's requested conditions, but may not be necessary.

Condition 11 (previously second part of 11): Surface Water Drainage

- 3.21 This now contains the second paragraph of Condition 11 with minor amendments as agreed with the EA.

Condition 12 (previously third part of 11): Safe Access and Egress in Flood Conditions

- 3.22 This now contains the third paragraph of Condition 11 with amendments to include Langford Lane crossing and Northfield Farm crossing as requested by the EA.

Condition 13 (previously 12): Water Pollution Control

- 3.23 The wording of this condition is as agreed with the EA.

Condition 14 (previously 13): Protection of National and European Designated Sites

- 3.24 The wording of this condition has been amended at the request of Natural England.

Condition 15 (previously 14): Land used Temporarily for Construction

- 3.25 This condition is in a standard form that has been attached to other TWAO planning directions. The 'Order limits' includes all of the land coloured pink and green on the Deposited Plans and Sections. It corresponds to the land within the 'red line' of the planning direction and includes all land on which CRCL will be authorised to undertake permanent or temporary works or activities.

Condition 16 (previously 15): Code of Construction Practice

- 3.26 This remains as previously drafted. The draft Code has been agreed with the LPAs and the EA. They will have a further formal opportunity to consider its provisions under the terms of this condition.

Condition 17 (previously 16): Operational Noise and Vibration Monitoring and Mitigation

- 3.27 The heading has been amended to confirm that it covers vibration. Minor amendments are being proposed to the version in **CD/1.12/1** to address points made by objectors, as noted in **CRCL/INQ/31**. CRCL proposes to make minor

amendments to the Noise and Vibration Mitigation Policy, which is to be issued as **CD/1.29/1**.

- 3.28 Other amendments have been made to the condition to take account of the points raised by the inspector in **X/10**.
- 3.29 The proposed revisions to this condition have been sent to ENGAGE and other objectors in North Oxford, who have been asked to confirm that this condition meets their reasonable concerns.

Condition 18 (previously 17): Aggregates Depot Rail Uses

- 3.30 The Inspector's suggestion in **X/10** has been adopted.

Condition 19 (previously 18 and 19): Aggregates Depot Throughput

- 3.31 These conditions have been combined but are otherwise unaltered from the drafting in **CD/1.12/1**.

Condition 20: Height of Stored Aggregates

- 3.32 The County Council has requested that this condition should only refer to the height of the enclosing earth bunds. Chiltern Railways believes, for the reasons given in cross-examination of Ian Gilder by Dr Scargill (**OBJ 122**), that the earth bunds should be limited in height to perhaps 2 metres, as a basis for planting, rather than taking the form of higher earth bunds, routinely used for the temporary screening of sand and gravel extraction sites. Cherwell DC believes that a height limit of 8 metres is excessive. Evidence for Chiltern Railways, in **CRCL/R/OBJ122**, was that this height will not adversely affect openness of Green Belt. The condition has been amended to reflect Chiltern Railways' position.

Condition 21: Floodlighting

- 3.33 This condition is unaltered from **CD/1.12/1**.

Condition 22: Depot Hours of Operation

- 3.34 The nearest residential property is about 500m from the depot to the south east. The County Council originally proposed two overlapping conditions relating to the hours of vehicle movements and of train unloading. Chiltern Railways certainly can see no reason for two different sets of hours to be imposed. Chiltern Railways is prepared to propose the simplified condition, but accepts that such a condition may not be strictly necessary, given the separation from residential properties. Oxfordshire County Council has not agreed this condition.

Conditions 23 and 24: Sheeting and Control of Dust and Debris

- 3.35 These conditions are unaltered from **CD/1.12/1**.

Condition 25 (new condition): Control of Water Eaton Parkway Car Parks

- 3.36 Chiltern Railways has concluded an agreement under Article 14 of the Order with Oxfordshire County Council which deals, inter alia, with the seamless management of the car parking and bus facilities at Water Eaton Parkway. This is intended to allow the joint management of these facilities during the life of the Chiltern Railways franchise. The scope of and relevant extracts from this agreement are set out in **CRCL/INQ/66**.
- 3.37 This agreement, unlike a s106 obligation, does not run with the land, and can only persist while Chiltern Railways is Station Facility Owner at Water Eaton Parkway. For this reason, Chiltern Railways has agreed with OCC that it will propose a planning condition that will ensure that the principal planning requirements in relation to vehicle access and management operate throughout the life of the development, even after the County Council agreement has terminated.
- 3.38 The wording of the condition has been agreed by Chiltern Railways and OCC and has been accepted by Network Rail. It has been drafted in a way that meets the tests in Circular 11/95.

Condition 26 (new condition): Lighting at Mill Lane bridge, Islip

- 3.39 This condition is proposed to meet the concerns of the adjoining residents Mr and Mrs Conibear (**OBJ 91**). Their other concerns are being dealt with by a unilateral legal undertaking.

Condition 27 (new condition): Conservation of Tassel Stonewort

- 3.40 This condition is proposed to meet the concerns of BBOWT and has been agreed with the Trust, as set out in **CRCL/R/OBJ211/2**.

Condition 28 (new condition): Conservation of Habitat for Brown Hairstreak

- 3.41 This condition is proposed to meet the concerns of BBOWT and has been agreed with the Trust, as set out in **CRCL/R/OBJ211/2**.

Condition 29 (previously 25): Approvals

- 3.42 The Inspector's suggestion in **X/10** has been adopted.

Condition 30 (previously 26): Implementation

- 3.43 This condition is unaltered from **CD/1.12/1**.

List of Approved Drawings

- 3.44 The only approved drawings will be the Planning Direction Drawings, which show the application 'red line'. The illustrative engineering and other designs in the Revised Design and Access Statement are not approved drawings, but will be tied into the permission by the provisions of proposed Condition 3.

4 Conclusions

- 4.1 Chiltern Railways has responded to the suggestions of the Inspector in **X/10** and has brought together an Amended Request for Direction and Proposed Planning Conditions in **CD/1.12/2**. Where appropriate, amendments requested by consultees and objectors have been incorporated.
- 4.2 Chiltern Railways proposes this revised set of conditions and confirms that it has considered them against the policy tests in Circular 11/95, namely that they are *'necessary; relevant to planning; relevant to the development to be permitted; enforceable; precise and reasonable in all other respects'*.

Ian Gilder

12 January 2011

Appendix A

CRCL/INQ/67/1

Emails regarding
conditions

From: Carty, Peter [peter.carty@environment-agency.gov.uk]
Sent: Tuesday, January 11, 2011 4:25 PM
To: Ian Gilder
Cc: Mansbridge, Jon; Harrison, Catherine; Zoe Maxwell
Subject: RE: Chiltern Railways

Thanks and noted Ian.

Pete

From: Ian Gilder [mailto:Ian.Gilder@erm.com]
Sent: 10 January 2011 17:44
To: Carty, Peter
Cc: Mansbridge, Jon; Harrison, Catherine; Zoe Maxwell
Subject: RE: Chiltern Railways

Peter

I have accepted your wording.

When we get to discharging this condition we will need to agree exactly what the scope of the assessment is. For example, there are some properties which have alternative access to the highway network, but who choose for reasons of convenience to use the crossings we are concerned with. There are others who use one of the crossings concerned because that crossing is less susceptible to flooding than their normal preferred route to the highway network.

Regards

Ian

Ian Gilder
Head of Planning, ERM, Exchequer Court, 33, St. Mary Axe, London, EC3A 8AA
T (direct): 020 3206 5661
T: 020 3206 5200
F: 020 3206 5440
M: 07802 886132

From: Carty, Peter [peter.carty@environment-agency.gov.uk]
Sent: Monday, January 10, 2011 2:05 PM
To: Ian Gilder
Cc: Mansbridge, Jon; Harrison, Catherine; Zoe Maxwell
Subject: RE: Chiltern Railways

Thanks Ian.

I attach the request and we have only made amendments to condition 12.

By way of explanation:

1. We want to specify the properties rather than just referring to properties in the vicinity, for the sake of certainty.
2. We are also concerned by the words, *which* to *and*, which we have deleted. This could mean that you will not assess those properties which have other routes to the highway but where these other routes would be blocked by flood water.

I hope you can now agree these amendments which we do think are reasonable.

Pete

From: Ian Gilder [mailto:Ian.Gilder@erm.com]
Sent: 06 January 2011 18:57
To: Carty, Peter
Cc: Mansbridge, Jon; Harrison, Catherine; Zoe Maxwell
Subject: RE: Chiltern Railways

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Peter

Thank you for your letter of 15 December and suggested changes to conditions.

I have incorporated these changes, or at least the meaning of them, into the attached Draft of CD/1.12/2. I also attach for information a draft Inquiry Note which explains the genesis of all of the changes we are proposing.

If you have any concerns about the condition wordings please come back to me swiftly as we intend to submit these to the Inquiry on 11 January. This is so that objectors have the chance to see them before the inspector's deadline for submitting their request for conditions on 19 January.

I share your view that, outside the Inquiry, we need to progress our dialogue about the discharge of the conditions and I have asked Zoe to liaise with Cathy to arrange a meeting in early February. I have not progressed the previously promised Protocol, but can do so as soon as I have an understanding with CRCL about the likely design and approval timetable.

Regards

Ian

Ian Gilder
Head of Planning, ERM, Exchequer Court, 33, St. Mary Axe, London, EC3A 8AA
T (direct): 020 3206 5661
T: 020 3206 5200
F: 020 3206 5440
M: 07802 886132

From: Carty, Peter [peter.carty@environment-agency.gov.uk]
Sent: Wednesday, December 15, 2010 4:10 PM
To: Ian Gilder
Cc: Mansbridge, Jon; Harrison, Catherine
Subject: Chiltern Railways

Ian

Letter of 15th Dec attached replying to your letter of 28th October together with amended planning conditions.

Pete

Pete Carty
Advisory Team Leader
Thames Region, Legal Services

email peter.carty@environment-agency.gov.uk
phone External: 0118 953 5175 Internal: 7 25 5175 Mobile 07833501130

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DEPARTMENT FOR TRANSPORT
2010

TRANSPORT AND WORKS ACT 1992

TRANSPORT AND WORKS (APPLICATIONS AND OBJECTIONS PROCEDURE)
(ENGLAND AND WALES) RULES 2006

THE CHILTERN RAILWAYS (BICESTER TO OXFORD IMPROVEMENTS) ORDER

**Request for Direction under section 90(2A) of the Town and Country
Planning Act 1990, conditions to be attached to the Direction and
Statement of Reserved Matters**

- To: The Secretary of State for Transport, Zone 1/31, Great Minster House, Marsham Street, London SW1P 4DR.
1. The Chiltern Railway Company Limited (CRCL) hereby seeks, pursuant to rule 10(6) of the above mentioned Rules, a direction from the Secretary of State under section 90(2A) of the Town and Country Planning Act 1990 that planning permission, so far as it is required, be deemed to be granted for the development sought to be authorised by the Order now being applied for within the various limits provided for in the draft Order and the accompanying deposited plans and sections.
2. The principal works proposed in the Order comprise:
- (i) the construction of a new double track railway on embankment at Bicester linking the London Marylebone to Birmingham Moor Street main line to the Bletchley to Bicester and Oxford railway;
 - (ii) the laying of a double track railway, replacing the existing single track on an existing double track formation, from North East of Bicester Town station to Oxford North Junction, including the construction of a new freight loop and connections into the Exchange Sidings at Bicester;
 - (iii) the laying of a single track railway on an existing formation alongside the main line from Oxford North Junction to Oxford Station;
 - (iv) the rebuilding of Bicester Town station, to include two platforms up to 200 m in length, booking hall and waiting facilities, footbridge, single decked car park, with a total capacity for approximately 520 cars, and consequential alterations to highway, bus, cycle and pedestrian access;
 - (v) the rebuilding of Islip Station, to include two platforms, up to 200 m in length, ticket machines, waiting facilities, a footbridge and consequential alterations to highway, cycle and pedestrian access and the car park;
 - (vi) the relocation of the existing aggregates rail depot at Water Eaton, with a new access road from the junction with the A4165 Oxford Road,

around the edge of the existing Oxfordshire County Council Park and Ride site;

- (vii) the demolition of the former grain silos and other buildings at Water Eaton;
- (viii) the construction of a new station at Water Eaton Parkway to include two platforms, up to 200 m in length, booking hall and waiting facilities, a footbridge, a car park, partly decked, with a total capacity for up to 1,100 cars, and consequential alterations to the signalised access junction to the A4165 Oxford Road, pick-up and drop-off facilities for the station, additional bus stops on the A4165 Oxford Road and alterations to the layout of the Oxfordshire County Council Park and Ride site;
- (ix) the construction of two new platforms, each up to 150 m in length with waiting facilities replacing the former parcels platforms at Oxford station, a building for ancillary uses to the railway and consequential alterations to the short term and staff parking to the east of Oxford station;
- (x) the construction or reconstruction of under bridges, in particular the Mill Stream and Cherwell viaducts, south west of Islip, and the bridge over the Rewley Abbey Stream (also known as the Sheepwash Channel), in Oxford;
- (xi) the reconstruction and widening of the A41 over bridge in Bicester;
- (xii) the closure of existing public and private level crossings and improvements to the level crossing at London Road, Bicester;
- (xiii) the construction of 10 new road and/or foot bridges, including the diversion of roads, footpaths and bridleways, in particular a new highway between Wendlebury and Langford Lane;
- (xiv) the lowering of tracks, reinforcement of foundations and structural works to the Wolvercot Tunnel, the overbridge carrying the A41 and other overbridges, where necessary, to enable the railway to accommodate tracks with W12+ loading gauge; and
- (xv) widening and reinforcement of embankments, where necessary, and construction of retaining walls, rebuilding and alterations to drainage and other structures, the installation and diversion of utilities, the installation of new signalling, other accommodation works and consequential landscaping and fencing.

The Order also provides for the compulsory purchase of land and interests in land the closure and diversion of public footpaths, bridleways and other highways. Permission is also sought for the temporary use of land for construction, storage and access routes.

The development is located principally in the administrative area of Cherwell District Council, but the works in 2 (iii) and 2(ix) are entirely in the administrative area of Oxford City Council. Some of the works in 2 (ii), 2 (x) and 2 (xiv) are in the administrative area of the City of Oxford.

3. The applicant's interest in the proposed development is as prospective purchaser of any land not already in the ownership of Network Rail.

4. Notice to property owners and occupiers affected by the proposed development has been given by way of service of notices under Rule 15 of the above-mentioned Rules and other publicity required by those Rules.
5. The following aspects of the proposals contained in the draft Order are or may be development requiring planning permission under section 57(1) of the Town and Country Planning Act 1990 as follows:

Proposals	Draft Order Articles/Schedules
The scheduled works	Article 5, Schedule 1
Level crossings	Articles 15, 16 and 17, Schedules 7, 8 and 9
Highway alterations and improvements	Articles 7-14, Schedules 3, 4 and 5
Temporary use of land	Articles 29 and 30, Schedule 11

6. Where land is being acquired permanently, the effect of this direction will be to change the use of all of the land within the revised railway boundary to railway. Such land will become 'operational land' as defined in section 264(3) of the Town and Country Planning Act 1990.
7. Further particulars of items currently identified as forming elements or possible elements of development proposed are contained in Appendix 1 to this request.
8. The direction sought is one of deemed planning permission to be granted for the whole development and for each element of it, with certain aspects of design, external appearance, means of access and landscaping being reserved for subsequent approval by the local planning authority to the extent and in the manner set out in conditions attached to the direction. Attached as Appendix 2 to this Request pursuant to Rule 10(6)(b) are draft conditions which the applicant currently wishes to propose. Attached as Appendix 3 to this Request is a statement of reserved matters pursuant to Rule 10(6)(c).
9. There also accompanies this application pursuant to rule 10(6)(d) of the above-mentioned rules a set of Planning Direction drawings showing some of the elements of development in further detail. These show the planning application boundary, which corresponds with the limits of Land to be Acquired or Used, and statutorily designated sites and areas which are to be protected, but are otherwise for illustrative purposes only.
10. An Environmental Statement and a Design and Access Statement also accompany this application.

Dated: 6 January 2010 revised **6 January 2011**

Eversheds LLP

Eversheds LLP
 One Wood Street
 London
 EC2V 7WS

Solicitors and Parliamentary Agents
 For The Chiltern Railway Company Limited

APPENDIX 1

ELEMENTS OF THE DEVELOPMENT

In the administrative area of Cherwell District Council:

1. Between 200m east of the Charbridge Lane overbridge and the south west face of the A41 over bridge at Bicester:
 - (a) the construction of a double track railway (about 1,200 metres in length) partly on new embankment connecting the existing railway from London Marylebone to Birmingham Moor Street to the existing Bletchley to Oxford Railway [being part of Work No. 1];
 - (b) the laying of a double track railway (about 400m in length) on the course of the existing railway, terminating at the A41 over bridge [being part of Work No. 2];
 - (c) the laying of a single track railway siding (about 650m in length) alongside (b), commencing 100m south of the London Road crossing and terminating at the A41 over bridge for use by trains accessing the MoD Depot at Bicester [being part of Work No.4];
 - (d) the construction of a footbridge over the railway in (a) to carry Public Footpath FP 129/3 [being Work No 8];
 - (e) the construction of a footbridge at Tubbs Lane to carry Public Footpath FP 129/3 [being Work No 9];
 - (f) the installation of full barriers, traffic lights and CCTV at the London Road crossing;
 - (g) the reconstruction of Bicester Town station with two platforms up to 200m in length, a booking hall and waiting facilities, a footbridge with lifts, single decked and at-grade parking for up to 500 vehicles; cycle parking, pedestrian access, pick up and drop-off facilities at both sides of the railway;
 - (h) the widening and reinforcement of the embankments, where necessary;
 - (i) reconstruction and extension of the A41 overbridge [being Work No 10];
 - (j) construction or reconstruction of drainage culverts;
 - (k) installation of necessary plant, signalling, electrical and mechanical equipment or apparatus required for operation of the railway;
 - (l) erection of the necessary boundary fencing, lighting and signage;
 - (m) the realignment of Station Approach, alterations to the junction with London Road and the creation of new vehicular and pedestrian accesses to London Road;
 - (n) temporary use of land for construction, access, storage and as a worksite;

- (o) the creation, if necessary of replacement open space on land to the East of Charbridge Lane and its change of use to that purpose;
 - (p) landscaping works in the vicinity of the Bicester Town station on both sides of the railway and at Tubbs Lane;
 - (q) any other works required for, or ancillary to, the construction, operation and maintenance of the railway, including maintenance access;
 - (r) any works necessary for the stopping up of the existing public crossing at Tubbs Lane and the existing public footpath, North of Gavray Drive;
 - (s) any works necessary for the diversion and re-connection of public footpaths, bridleways and private access roads; and
 - (t) widening of under bridges OXD37 and OXD38.
2. Between the south west face of the A41 overbridge at Bicester and the Bletchington Road over bridge at Islip station:
- (a) the laying of a double track railway (about 10,000m in length) on the course of the existing railway commencing at the A41 over bridge and terminating at the Bletchington Road over bridge, Islip station [being part of Work No. 2];
 - (b) the laying of a single track railway siding (about 400 m in length) alongside (a) and connections into the Exchange Sidings at Bicester Depot, [being Works 4, 4A and 5];
 - (c) the reinforcement and widening of the embankments, where necessary, including the construction of retaining walls;
 - (d) the construction of a road bridge over the railway east of Elm Tree Farm to replace the level crossing at Langford Lane and the existing accommodation crossing [being part of Work No 11];
 - (e) the construction of a highway for vehicular traffic from Wendlebury Road via the bridge in (d) to Langford Lane [being part of Work No 11];
 - (f) the construction of an electricity supply building at (d);
 - (g) the construction of turning heads, on each side of the railway, adjacent to the Langford Lane crossing;
 - (h) the construction of a footbridge over the railway at Merton crossing to carry Public Footpath FP 398/3 and the diverted public footpath [FP3984/4][being Work No 12];
 - (i) the construction of an accommodation road bridge over the railway south of Holts Farm to replace, the BBONT Bridleway [BW157/4] and Holts Farm occupation crossings, with connecting highway and private accommodation roads and the resiting of a farm building [being Work No 13 and ancillary works];
 - (j) the construction of a road bridge over the railway and connecting highway, 150m east of the Oddington level crossing to replace the Oddington Road AOCL crossing [being Work No 14];

- (k) the construction of a footbridge over the railway at the existing Oddington No 5 crossing to carry Public Footpath FP 318/5 [being Work No 15];
 - (l) the construction of an extended platform, up to 160 m in length, on the east side of the railway at Islip station, the provision of ticket machine and waiting facilities and consequential alterations to the existing car park and highway access;
 - (m) the construction of two platforms, up to 200 m in length, on both sides of the railway at Islip station, replacing the platform in (l), a footbridge, ticket machines and waiting facilities, a ramped path from Bletchingdon Road to the west side platform and 2 additional disabled parking bays;
 - (n) construction or reconstruction of drainage culverts;
 - (o) installation of necessary plant, signalling, electrical and mechanical equipment or apparatus required for operation of the railway;
 - (p) erection of the necessary boundary fencing, lighting and signage;
 - (q) temporary use of land for construction access, storage and as a worksite;
 - (r) landscaping works in the vicinity of Works 11,12,13, 14 and 15 and at Islip station;
 - (s) any other works necessary for the operation of the railway, including maintenance access;
 - (t) any works necessary for the stopping-up of existing public crossings at Langford Lane, Merton, Wendlebury, Beebont and Oddington Road;
 - (u) any works necessary for ecological mitigation;
 - (v) any other works necessary for the diversion and re-connection of public footpaths, bridleways and private access roads; and
 - (w) widening of underbridges OXD39 and OXD40.
3. Between the Bletchingdon Road overbridge at Islip Station and Peartree Hill Farm:
- (a) the laying of a double track railway (about 4,400 metres in length) on the course of the existing railway commencing at the Bletchingdon Road over bridge to the south west of Islip station and terminating at Peartree Hill Farm [being part of Work No. 2];
 - (b) the laying of sidings alongside and connected to the railway in (a), (about 500 metres in length) 400m north east of the A4165 Oxford Road over bridge for use as an aggregates rail depot [being Work No. 6];
 - (c) reinforcement of the embankments, where necessary, including the construction of retaining walls;

- (d) the construction of a foot and equestrian bridge over the railway, about 150 m north east of the existing Islip level crossing to replace, in part, that crossing [being Work No. 16];
- (e) the reconstruction of the superstructure to Mill Stream and Cherwell viaducts carrying the railway;
- (f) the construction of a road bridge over the railway at Water Eaton No 5 crossing to replace the Northfield Farm accommodation over bridge, which will be demolished, to carry Bridleway BW 229/5, including farm accommodation roads on both sides of the railway [being Work No. 17];
- (g) the relocation of the existing aggregates depot, known as the Banbury Road sidings (Water Eaton), to a site about 400m north east of the A4165 over bridge, including construction of a new access road from the signalised junction with the A4165 Oxford Road to the aggregates terminal, the access road being mainly within the existing Park and Ride site and the construction of buildings, hardstandings, weighbridges and other fixed plant;
- (h) the demolition of the former grain silos and other buildings and construction of Water Eaton Parkway station, including two platforms, up to 200m in length, a booking hall and waiting facilities, footbridge with lifts, an at-grade and partly single decked car park for up to 1,000 vehicles, pick-up and drop-off facilities;
- (i) the construction of a footbridge over the railway at Water Eaton No 10 crossing to replace that crossing for Public Footpath FP 229/10; [being Work No. 18];
- (j) construction or reconstruction of drainage culverts;
- (k) installation and diversion of necessary utilities, plant, signalling, electrical and mechanical equipment and apparatus required for operation of the railway;
- (l) erection of the necessary boundary fencing, lighting and signage;
- (m) improvements to the signalised access junction between the Park and Ride site and the station and the A4165 Oxford Road, the creation of new cycle and pedestrian accesses and bus stops on Oxford Road and consequential alterations to the layout of the Park and Ride site;
- (n) temporary use of land for construction access, storage and as a worksite;
- (o) landscaping works in the vicinity of Works No. 6, 16, 17 and 18, the Water Eaton Parkway station and the aggregates terminal;
- (p) any other works necessary for the operation of the railway, including maintenance access;
- (q) any works required for the stopping-up of public crossings at Islip, Northfield Farm, Water Eaton No 5, Water Eaton No 4 and Water Eaton No 10;
- (r) any works necessary for ecological mitigation; and

- (s) any works necessary for the re-connection and diversion of public footpaths and bridleways.

In the administrative area of Oxford City Council:

4. Between Peartree Hill Farm and Oxford station:

- (a) the laying of a double track railway (about 3,200 metres in length) on the course of the existing railway commencing at Peartree Hill Farm and terminating at the Oxford North Junction, including a lowered track alignment through the Wolvercot tunnel, with retaining structures and drainage in and adjacent to the tunnel [being part of Work No. 2];
- (b) the laying of a single track railway (about 1,850 metres in length) on the existing formation, commencing at Oxford North Junction and terminating in two bay platforms at Oxford station [being Works No. 3 and 3A];
- (c) the laying of a crossover track at Oxford North Junction (about 200 metres in length) [being Work No. 7];
- (d) reinforcement of the embankments and cuttings, where necessary, including the construction of retaining walls;
- (e) the reconstruction of First Turn Bridge;
- (f) the strengthening of the Castle Mill Stream Bridge and the construction of two bridge spans across the Rewley Abbey Stream (also know as the Sheepwash Channel);
- (g) accommodation works to enable the closure of Aristotle Lane occupation crossing, including a pedestrian ramp and improvements to Aristotle Lane footbridge;
- (h) the construction of two platforms, about 150 m in length, ticket and waiting facilities on the site of the former parcels depot and platforms at Oxford station;
- (i) the construction of a two storey building for ancillary storage and railway use at Oxford station;
- (j) construction or reconstruction of drainage culverts;
- (k) installation and/or diversion of necessary utilities, plant, signalling, electrical and mechanical equipment and apparatus required for operation of the railway;
- (l) erection of the necessary boundary fencing, lighting and signage;
- (m) the rearrangement of short term and staff parking to the east of Oxford station;
- (n) temporary use of land for construction access, storage and as a worksite;
- (o) landscaping works in the vicinity of the Rewley Abbey Stream (also know as the Sheepwash Channel) Bridge and at Oxford station;

- (p) any other works necessary for the operation of the railway, including maintenance access;
- (q) any works necessary for the stopping-up of the Aristotle Lane occupation crossing; and
- (r) any works necessary for ecological mitigation.

APPENDIX 2

CONDITIONS PROPOSED TO BE ATTACHED TO THE DIRECTION FOR DEEMED PLANNING PERMISSION

In these conditions, unless the context otherwise requires:

“building” means any structure or erection, above the surface of the ground, but does not include any level crossing barrier, traffic light or sign or any plant or machinery;

“the development” means the works authorised by the Order:

“the Draft Code of Construction Practice means the code published on 6 August 2010, being CD/1.24

“the Environmental Statement” means the Statement submitted with the application for the Order on 6 January 2010, the Addendum to the Environmental Statement submitted on 9 April 2010 and the Second Addendum to the Environmental Statement, submitted on 8 September 2010;

“the Design and Access Statement” means the revised Statement submitted on [date], being CD/??;

“the local planning authority” means the Cherwell District Council or the Oxford City Council, as the context requires;

“the Noise and Vibration Mitigation Policy” means the Policy, revised and submitted on [date], being CD/1.29/1;

“the Order” means The Chiltern Railways (Bicester to Oxford Improvements) Order 201[X];

“the Order limits” has the same meaning as in Article 2 of the Order

“Phase” means a set of works or elements of the development intended to be constructed, as described in the Environmental Statement as Phase 1, 2A or 2B; and

“Individual Section” means a defined geographical part and/or Phase of the development, normally a length of the railway or a station site, the extent of which has been submitted to and approved by the local planning authority; and

references to numbered works are references to the Works set out in Schedule 1 to the Order.

1. Time limit

The development shall commence no later than the expiration of five years beginning with the date that the Order comes into force.

Reason: to ensure that the development is begun within a reasonable period of time.

2. Development Sections

No development shall commence until a scheme (which may be amended or varied in whole or part from time to time with the approval of the local planning

authority) setting out the division of the development into Individual Sections has been submitted to and approved by the local planning authority. The scheme shall include details of all land to be occupied permanently or temporarily during the construction of each section.

Reason: in order to identify development sections for the purpose of these conditions.

3. **Design, external appearance and materials**

No works in respect of the items listed below shall be commenced until details of the layout, scale, appearance and external materials of that item has been submitted to and approved by the local planning authority:

- (a) the station buildings, platforms, footbridge and canopies at Bicester Town Station;
- (b) the at grade car parks, vehicular and pedestrian access arrangements at Bicester Town Station;
- (c) the car park deck at Bicester Town Station;
- (d) the Phase 1 extended platform and waiting facilities at Islip Station;
- (e) the Phase 2B platforms, waiting facilities, footbridge, pedestrian ramp and any new car parking provision at Islip Station;
- (f) the station buildings, platforms, footbridge and waiting facilities at Water Eaton Parkway Station;
- (g) the at grade car parks, vehicular and pedestrian access arrangements at Water Eaton Parkway Station;
- (h) the car park deck at Water Eaton Parkway Station;
- (i) the layout of the vehicular access road to the rail aggregates depot and car park at Water Eaton Parkway Station;
- (j) the station buildings, platforms and waiting facilities at Oxford Station;
- (k) any alterations to vehicular and pedestrian access arrangements at Oxford Station;
- (l) any other foot or vehicular bridge which is new or is to be substantially reconstructed [where described as a numbered Work in Schedule 1 to the Order];
- (m) the layout of the vehicular road from Wendlebury Road to Langford Lane, intended to replace the Langford Lane level crossing;
- (n) any other building that is to be greater than 25 square metres footprint; and
- (o) any buildings, hardstandings, weighbridges and other fixed plant to be provided on the aggregates depot at Water Eaton Parkway.

- (p) The design, layout and appearance and external materials of the stations and the design of any bridges shall conform generally to those set out in the Design and Access Statement.
- (q) Reason: to enable proper control to be exercised over the design of the development and to protect sites of archaeological or ecological importance.

4. **Implementation and Maintenance of Security Fencing**

No Individual Section of the development shall commence until details of any new permanent boundary fencing or other means of enclosure, which abuts a highway, residential or commercial premises within that Section of the development, have been submitted to and approved by the local planning authority. The railway, including any construction sites, shall remain securely fenced at all times during construction and any temporary fencing shall be removed on completion. Any new permanent boundary fencing shall be installed before the adjacent Section of the railway is brought back into use for passenger services.

All boundary fencing shall be maintained in a secure condition by Chiltern Railways, until the expiry of a period of three years from completion, or until the works are transferred to Network Rail, whichever is the sooner.

Reason: to protect the safety of residents, occupiers and highway users.

5. **Landscaping**

5.1 No later than six months after the commencement of the Individual Section of the development to which it relates, a landscaping scheme, covering the locations where landscaping will be undertaken mentioned in paragraph 5.2 of this condition shall be submitted to the local planning authority for approval. That scheme shall include the details of:

- (a) any structures, such as street furniture, fencing and lighting, save those which are to be provided by the highway authority or a local authority or are to be approved under condition 4;
- (b) any trees or shrubs to be planted, including the location, number, species, size and planting density; ,
- (c) any earth screen bunds to be provided at the replacement rail aggregates depot; and
- (d) any other soft landscaping.

5.2 The locations at which landscaping will be undertaken are:

- (a) the vicinity of the Bicester Town Station on both sides of the railway;
- (b) Tubbs Lane;
- (c) in the vicinity of Work Nos. 11, 12, 13, 14 and 15;
- (d) at Islip Station;
- (e) in the vicinity of Work Nos. 6, 16 , 17 and 18;

- (f) at the Water Eaton Parkway Station and the aggregates depot;
- (g) in the vicinity of Rewley Abbey Stream (also known as Sheepwash Channel) Bridge; and
- (h) at Oxford Station.

Reason: to ensure appropriate landscaping of the development.

6. **Implementation and Maintenance of Landscaping**

All landscaping works shall be undertaken in accordance with the appropriate landscaping scheme, approved under Condition 5. Unless otherwise agreed by the local planning authority, planting shall take place no later than the first available planting season after the completion of the adjacent buildings and hard surfaced areas.

Any tree or shrub planted as part of an approved landscaping scheme that, within three years of the date of planting, is removed, dies or becomes, in the opinion of the local planning authority, seriously damaged or seriously diseased, shall be replaced in the first available planting season with a specimen of the same species and size as the original planted, unless otherwise agreed by the local planning authority.

Reason: to ensure satisfactory implementation of the landscaping.

7. **Archaeology**

The development shall not commence in respect of an Individual Section until a Written Scheme for the Investigation (WSI) of archaeological potential within that Section has been submitted to and approved by the local planning authority and such elements of that WSI as the local planning authority considers necessary before commencement of development have been implemented. The WSI shall provide for a programme of further detailed walk-over surveys and document study of the route within the relevant limits; non-intrusive and intrusive investigation before construction is commenced in any location where this is necessary; protection of remains, where these are to remain in-situ; watching briefs during construction, where these are necessary; the photographic recording of structures, in particular the Mill Stream and Cherwell viaducts; preservation of finds and publication of the results of the investigation.

Construction of the replacement road from Wendlebury Road to Langford Lane and the bridge over the railway (being Work No 11) shall not commence until details of the measures to avoid (including minor realignment of the road within limits), protect (including raising the road where necessary to protect remains) and record archaeological remains has been submitted to and approved by the local planning authority, in consultation with English Heritage, the Oxfordshire County Council Archaeologist and the Environment Agency, and the approved field evaluation has been completed.

Reason: to ensure adequate protection and recording of historic features and archaeological remains.

8. **Protection and Enhancement of the Setting of the Swing Bridge at Rewley Abbey Stream.**

No development shall commence on the Railway Bridge across the Rewley Abbey Stream (otherwise the Sheepwash Channel) until a scheme for the protection of the Swing Bridge, which is a Scheduled Monument, and the improvement of fencing and footpaths around the Scheduled Monument has been submitted to and approved by the local planning authority, in consultation with English Heritage and the Oxford Preservation Trust.

Reason: to ensure the protection of the bridge during construction and to assist in the **enhancement of the setting** of the Swing Bridge.

9. **Contaminated Land**

No development shall commence **in relation to** the Bicester Town, Islip, Water Eaton Parkway or Oxford station **works** or at the sites of the proposed bridges, **culverts** or other **below** ground **structures**, until a scheme to investigate, assess and, if necessary, remediate contamination at that location, which is likely to cause significant harm to persons, pollution of controlled waters or the environment within that section has been submitted to and approved by the local planning authority, in consultation with the Environment Agency.

Any remedial measures shall be undertaken before development at that location is commenced, unless otherwise agreed by the local planning authority.

If during development, contamination not previously identified is found to be present on the site, no further construction shall be undertaken at that location, unless otherwise agreed by the local planning authority, until a scheme to assess and remediate that contamination, to the extent necessary, has been submitted to and approved by the local planning authority, in consultation with the Environment Agency.

Upon completion of the approved remedial measures at each location, a verification report that demonstrates that the agreed remediation has been completed and setting out any necessary longer term monitoring and maintenance required shall be submitted to the local planning authority and the Environment Agency.

Reason: to ensure that any necessary remediation is undertaken.

10. **Flood Risk Assessment**

The development shall be undertaken in accordance with the Revised Level 2 Flood Risk Assessment, dated July 2010. No construction of any one of the following elements of development shall commence until a Level 3 Flood Risk Assessment of that element, suitable to the scale and nature of that element, has been submitted to and approved by the local planning authority, in consultation with the Environment Agency; AP1 Bicester Chord; AP3 Bicester Town station; AP4 A41 overbridge; AP6 replacement Langford Lane overbridge; AP7 Merton footbridge; AP13 Water Eaton No 5 overbridge; AP17 Aristotle Lane works and AP18 the Rewley Abbey Stream bridge. The Level 3 FRAs shall follow the methodology set out in the Flood Storage and Compensation Technical Note, dated July 2010, agreed by the Environment Agency. Each FRA shall demonstrate that this particular element of the development, or as taken together with other works in the same catchment will not increase flood risk through alterations to fluvial flood flows or reduction in fluvial flood water storage.

Reason: To prevent the increased risk of flooding through an appropriate hierarchy of flood risk management

11. Surface Water Drainage Assessment

No construction of any one of the following elements of development shall commence until a surface water drainage assessment and scheme for that element has been submitted to and approved by the local planning authority, in consultation with the Environment Agency: AP1 Bicester Chord; AP2 Tubbs Lane footbridge; AP3 Bicester Town station; AP4 A41 overbridge; AP6 replacement Langford Lane overbridge; AP7 Merton footbridge; AP8 Holts Farm overbridge; AP9 Oddington No 5 footbridge; AP10 Oddington overbridge; AP11 Islip station in Phase 1; AP11 Islip station in Phase 2; AP13 Water Eaton No5 overbridge; AP14 Water Eaton Parkway station and car park; AP15 Gosford and Water Eaton No 10 footbridge; AP17 Aristotle Lane works; AP18 Rewley Abbey Stream bridge and AP19 Oxford station. The surface water drainage assessments shall follow the methodology set out in the Scope of Surface Water Drainage Assessment, July 2010, agreed by the Environment Agency. Each surface water drainage assessment shall demonstrate that surface water discharge rates and volumes from that element of the development will not increase flood risk, or taken together with other relevant works in the same catchment, can be maintained at or below the agreed limits, using sustainable drainage techniques.

Reason: To improve and protect water quality and ensure the provision and maintenance of adequate surface water drainage systems.

12. Safe Access and Egress under Flood Conditions

The level crossings at Islip Mill Lane, Islip and Langford Lane and the Northfield Farm accommodation bridge shall not be closed permanently until a detailed assessment of any increase in flood hazard, in particular the safe access and egress of residents of properties in Mill Lane and Mill Street, Alchester House, Bramlow properties, and Northfield Farm or other which would affect residential properties in the vicinity of each of these crossings; and which have no other means of vehicular access to the highway network other than the crossings to be closed and details of such mitigation measures as are practicable have been submitted to and approved by the local planning authority in consultation with the Environment Agency.

Reason: To ensure that all reasonable measures are taken to maintain safe access to residential properties under severe flood conditions.

13. Water Pollution Control

In carrying out the development, all reasonable steps shall be taken to prevent the pollution of watercourses and groundwater, including the following:

- (a) no contaminated material, or polluting construction or demolition material or refuse, shall be deposited within the Order limits;
- (b) no water from the construction areas shall be permitted to discharge to any watercourse, well, spring or soakaway, if it is contaminated with foul sewage, suspended soil or other pollutant;
- (c) the details of the design and construction of any storage facilities for oils, fuels or chemicals shall be submitted to and approved by the local planning authority before that facility is installed; and

(d) no water shall be permitted to discharge into or onto contaminated land.

Reason: to ensure that pollution of watercourses and groundwater is prevented

14. **Protection of National and European Designated Sites**

No Individual Section of development shall commence within 500 metres of the European designated site, the Oxford Meadows Special Area of Conservation (SAC), or **any** of the following Sites of Special Scientific Interest, namely (i) the Wendlebury Meads and Mansmoor Closes SSSI and (ii) the Hook Meadows and Trap Grounds SSSI, until a Method Statement **detailing the methods and materials to be used in the construction and mitigation works** to be employed on that Section of the development so that the works comprised in that Section shall not adversely affect the nature conservation interest of any designated site and its reasons for designation, has been submitted to and approved by the local planning authority, in consultation with Natural England.

Reason: to ensure that identified Special Area of Conservation and the Sites of Special Scientific Interest are properly protected.

15. **Restoration of Land Used Temporarily for Construction**

Any land within the Order limits, which is used temporarily for construction shall be restored to its former condition, or such condition as the local planning authority may approve, within one year of completion of the permanent works.

Reason: to protect amenity and restore landscape and habitats

16. **Code of Construction Practice**

No development shall commence until a Code of Construction Practice, which shall cover all matters specified in the Draft Code of Construction Practice, has been submitted to and approved by the local planning authority, in consultation with the Environment Agency.

Reason: to protect residents and amenity during construction

17. **Operational Noise and Vibration Monitoring and Mitigation**

Development shall not commence within each Individual Section, **until** a detailed **scheme of** assessment of **predicted** noise impacts during operation of Phase 1 and **2A** of the railway works, **predicted vibration impacts during Phase 2B** and details of proposed **monitoring and** mitigation measures, which achieve the standards for noise and vibration attenuation set out in the Noise and Vibration Mitigation Policy, has been submitted to **and approved by** the local planning authority. **Where vibration mitigation measures required for Phase 2B can be installed most cost-effectively during the Phase 1 and 2A works, this shall be done.** All mitigation measures, including those prescribed in the Noise Insulation Regulations 1996, required for Phase 1 and 2A shall be installed as soon as possible after commencement of the works and no later than the date on which Chiltern Railways **resume** a passenger rail service on that Section of railway. **Any monitoring of noise and vibration shall be undertaken in accordance with the approved scheme of assessment.**

Before the commencement of the laying of the second track between the MoD Depot at Bicester and Islip, which is the principal component of the Phase 2B works, a detailed **scheme of** assessment of the **predicted** noise impacts **arising**

from the works and from the additional services assessed as likely to operate under Phase 2B in the Environmental Statement and details of proposed mitigation measures, which achieve the standards for noise and vibration attenuation set out in the Noise and Vibration Mitigation Policy shall be submitted to and approved by the local planning authority. Any vibration mitigation measures not already installed during the Phase 1 and 2A works necessary for Phase 2B shall be installed. All mitigation measures, including those prescribed in the Noise Insulation Regulations 1996, required for Phase 2B shall be undertaken as soon as possible after commencement of the works and no later than the date on which the second track is brought into use. Any monitoring of noise and vibration shall be undertaken in accordance with the approved scheme of assessment.

Reason: to ensure that operational noise is adequately mitigated at nearby residential premises.

18. Aggregates Depot Rail Use

Following the completion of construction, aggregates shall only be brought onto the aggregates depot site at Water Eaton by rail

Reason: to protect the amenity of the area and the integrity of the highway network

19. Aggregates Depot Throughput

The weight of aggregates and aggregate products leaving the depot by road shall not exceed 350,000 tonnes in any one calendar year. From the date of commencement of use of the aggregates depot, records of the weight of aggregates leaving the site by road shall be maintained and made available to the local planning authority on request.

Reason: to protect the amenity of the area and the integrity of the highway network.

20. Height of Stored Aggregates

The height of any stockpiles of stored aggregates shall not exceed 8 metres in height above rail level.

Reason: to protect the visual amenity of the area and maintain the openness of the Green Belt

21. Aggregates Depot Floodlighting

No floodlighting shall be erected or used on the aggregates depot site, except in accordance with a scheme submitted to and approved by the local planning authority.

Reason: to limit light spill and protect the visual amenity of the area

22. Aggregates Depot Hours of Operation

No HGVs shall enter or leave the aggregates depot, nor shall unloading of trains or loading of lorries take place, except during the following hours: 06.00 to 19.00 Monday to Friday and 06.00 to 13.00 on Saturday. No such operations shall take place on Sundays or Bank Holidays.

Reason: to protect the amenities of local residents.

23. Aggregates Depot Sheeting of Lorries

No loaded aggregates vehicles shall leave the aggregates depot unsheeted.

Reason: in the interests of highway safety and the local environment.

24. Aggregates Depot Control of Dust and Debris

The use of the rail aggregates depot shall not commence until a scheme to minimise the emissions of dust has been submitted to and approved by the local planning authority. No vehicle leaving the depot site shall emit dust or deposit mud, slurry or other debris on the highway.

Reason: to protect the amenities of the area and in the interests of highway safety.

25. Car Park Provision and Management at Water Eaton Parkway

The layouts of the Water Eaton Parkway Station car parks, to be submitted to the local planning authority for approval under conditions 3 (g), (h) and (i) shall include a signage scheme and be designed, in accordance with Plan A attached to these conditions, to ensure that (i) there shall be no vehicular access between car parks A or C and the station pick up and drop off area, except for emergency vehicles (ii) vehicular access to and from car parks A, C and the rail aggregates depot shall be via the perimeter road (iii) car park B shall only be used for short stay parking (defined as less than 30 minutes) and for car park season ticket holders (iv) appropriate signage is provided from the highway and within the site to ensure that the restrictions in (i) (ii) and (iii) above are clearly marked.

The car parks shall be constructed and operated in accordance with these requirements and no subsequent alterations shall be made to the car park layouts or signage that contravene these requirements, unless approved, in writing, by the local planning authority, in consultation with Oxfordshire County Council.

Reason: To ensure the sustainable and integrated operation of the station, the rail car parks and the bus based Oxford Park and Ride facility, on the Water Eaton site is continued, if or when Chiltern Railways is replaced as Station Facility Owner by another Train Operating Company

26. Lighting of Footbridge and Approach Ramps at Mill Lane, Islip

The footbridge and approach ramps at Mill Lane, Islip, being Work No 16, shall not have footway lighting, unless required at the time of approval of the detailed design 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

27. Conservation of Tassel Stonewort

Construction of the replacement farm accommodation track and farm building on plots 11008, 11009, 12002 and 12003, adjacent to the Beebont Crossing,

shall not commence until a scheme to conserve the population of tassel stonewort, present in this location, has been submitted to and approved by the local planning authority, in consultation with the Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust (BBOWT).

Reason: To assist in the conservation of this priority species and to assist in delivering the requirements of the Natural Environment and Rural Communities Act 2006.

28. Management of Habitat to Assist in the Conservation of Brown Hairstreak Butterfly

Before development commences for the Individual Section which includes the chord line at Bicester, a scheme for the management and planting of blackthorn scrub within the Limits shall be submitted to and approved by the local planning authority, in consultation with BBOWT and Butterfly Conservation.

Reason: To assist in the conservation of this priority species and to assist in delivering the requirements of the Natural Environment and Rural Communities Act 2006.

29. Approvals

Where any of these conditions requires the approval of the local planning authority be obtained, such approval shall be obtained in writing.

Reason: to ensure that approvals are properly recorded.

30. Implementation

All works or matters which require approval under these conditions shall be carried out in accordance with that approval, unless otherwise approved by the local planning authority.

Reason: to ensure that these works or matters are implemented as approved.

APPENDIX 3

STATEMENT OF RESERVED MATTERS

The following matters are intended to be reserved for subsequent approval by the relevant local planning authority under the application for a direction for deemed planning permission for the development provided for in the proposed order under section 90(2A) of the Town and Country Planning Act 1990:

1. Details of the layout, scale, appearance and facing materials in respect of:
 - (a) the station buildings, platforms, footbridge and canopies at Bicester Town Station;
 - (b) the car parks, vehicular and pedestrian access arrangements at Bicester Town Station;
 - (c) the Phase 1 extended platform and waiting facilities at Islip Station;
 - (d) the Phase 2 platforms, waiting facilities, footbridge, pedestrian ramp and any new car parking provision at Islip Station;
 - (e) the station buildings, platforms, footbridge and waiting facilities at Water Eaton Parkway Station;
 - (f) the car park, vehicular and pedestrian access arrangements to Water Eaton Parkway Station;
 - (g) the layout of the vehicular access road to the rail aggregates depot and car park at Water Eaton Parkway Station;
 - (h) the station buildings, platforms and waiting facilities at Oxford Station;
 - (i) any alterations to vehicular and pedestrian access arrangements at Oxford Station;
 - (j) any other foot or vehicular bridge which is new or is to be substantially reconstructed [where described as a numbered Work in Schedule 1 to the Order];
 - (k) the layout of the vehicular road from Wendlebury Road to Langford Lane, intended to replace the Langford Lane level crossing;
 - (l) any other building that is to be greater than 25 sq metres footprint; and
 - (m) any buildings, **hardstandings**, weighbridges and other fixed plant to be provided on the replacement rail aggregates depot at Water Eaton.

2. Details of any new permanent boundary fencing or other means of enclosure, which abuts a highway, residential or commercial premises.
3. A landscaping scheme, covering the locations where landscaping will be undertaken mentioned in 3.2 of this condition including details of:
 - (a) any structures, such as street furniture, fencing and lighting, save those which **are to** be provided by the highway authority or a local authority,
 - (b) any trees or shrubs to be planted, including the location, number, species, size and planting density; and
 - (c) any other soft landscaping.
- 3.1 The locations at which landscaping will be undertaken are:
 - (a) the vicinity of the Bicester Town Station on both sides of the railway;
 - (b) Tubbs Lane;
 - (c) in the vicinity of Works 11, 12, 13, 14 and 15;
 - (d) at Islip Station;
 - (e) in the vicinity of Works No 6, 16 , 17 and 18;
 - (f) at the Water Eaton Parkway Station and the aggregates depot;
 - (g) in the vicinity of the Rewley Abbey Stream (also known as Sheepwash Channel) Bridge; and
 - (h) at Oxford Station.

**DEPARTMENT FOR TRANSPORT
2010**

Transport and Works Act 1992

**Transport and Works (Applications and
Objections Procedure) (England and
Wales) Rules 2006**

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

**Request for Direction under section
90(2A) of the Town and Country
Planning Act 1990, conditions to be
attached to the Direction and
Statement of Reserved Matters**

The Chiltern Railway Company Limited
Western House
14 Rickfords Hill
Aylesbury
Bucks HP20 2RX

Eversheds LLP
One Wood Street
London EC2V 7WS

Solicitors and Parliamentary Agents

our ref. Legal/PC/Chiltern
your ref. 0110147/OBJ248
ddi 0118 953 5175
e-mail peter.carty@environment-agency.gov.uk

15 December 2010
~~06 January 2011~~

ERM
Wallbrook Court (1-2)
North Hinksey Lane
Oxford
OX2 0QS

Dear Ian,

Re: Proposed Chiltern Railways (Bicester to Oxford Improvements) Order

Thank you for your letter of 28th October.

Dealing with the points raised in your letter:

ACCESS AND EGRESS

Of major concern with the closures of the Islip Mill Lane crossing is the cutting off of people from the wider community. It may be that safe refuge will be achievable, but emergency vehicular access is likely to be difficult or impossible, and people will be unable to access and egress their properties to obtain essential supplies. We, therefore, view it as essential to maintain some kind of vehicular access alternative to Church Lane. We suggest that a subway or bridge could be considered to maintain vehicular access. It may even be possible to retain the level crossing for emergency use during a flood event.

In your letter you have referred to safe refuge being used only when no other "practicable alternative exists." You should note that a site specific definition of what is considered to be a "practicable alternative" will have to be justified/agreed with us when we come to granting a plan approval. We, therefore, recommend this is agreed sooner rather than later.

Following on from this point, you refer to "health and safety requirements" in the second paragraph to this section. Are you referring to specific legislative requirements?

Islip Mill Lane

In response to your comments under the same heading on the second page of your letter we would like to clarify that our 'Lower Cherwell' hydraulic model is relevant when trying to understanding the flooding characteristics in Islip, as a proportion of the flooding comes from the Cherwell. However, the model does not fully represent the additional inputs in the area, such as flows from the River Ray. With these points in mind, it is likely that the Lower Cherwell model will be of use when trying to gain a better understanding of the flooding characteristics in Islip but will require some additional work.

You must investigate the flooding characteristics of the sites concerned in order to have

an improved understanding of the impact of the level crossing closures and replacement access roads as part of Level 3 FRA.

What concerns us is that the level crossings which fall outside the protective provisions are included in the request for direction.

DETAILED DRAINAGE STRATEGY AND SCOPE

We have repeatedly raised the issue of allowing an increase in surface water discharge rates from some sites, most recently in our letters dated 23 September, 06 September and 05 August 2010. The danger of allowing increases in surface water discharge from a site, even where an improvement is being offered elsewhere in the same catchment is that flood risk could be increased in the vicinity of the site. We expect every effort to be made to maintain/reduce existing surface water discharge rates at each of the APs, but are willing to have some flexibility where this is unfeasible and it is clear there will be no negative local impact from allowing a small increase.

Your letter provides clarification that surface water drainage strategy will be progressed in parallel with Level 3 FRA and lists the sites that will be addressed.

As indicated previously in our letter dated 06 September 2010, we want surface water drainage to be assessed as part of the Level 3 FRA at the following sites: AP1, AP3, AP6, AP7, AP8, AP9, AP10, AP11, AP12, AP13, AP14, AP15, AP17, AP18 and AP19.

COMPENSATORY FLOOD STORAGE

Consideration of Flood Zone 2

We requested that Flood Zone 2 be considered in the assessment of flood risk in the meeting on 08 February 2010. This was acknowledged in meeting notes from Michael Fraser in an email dated 17 February 2010 under point 12. We also raised this again in our letters dated 05 August 2010 and 06 September 2010. Flood risk assessments are required under PPS25 for development within Flood Zone 2. Flood Zone 2 is used within many strategic flood risk assessments throughout the region to represent Flood Zone 3 plus climate change. We insist that the impact of development within Flood Zone 2 is included within the Level 3 FRA.

Do you agree a meeting would be a good way to try and resolve this point?

The location of specific storage

The previously submitted compensatory and storage report, dated July 2010, only shows outlines of sites and does not include information such as consideration of the footprint of the structures and the storage requirements for the scheme. Even if these are applying a worst case approach, they still need to be shared with us.

AP1 – AP5

We note your comments

AP6 Elm Tree Farm/ Langford Lane, Overbridge

Your letter states that further investigations into the flood plain and archaeological interests will be made as the design progresses for the Langford Lane, Elm Tree farm overbridge. Any roads not set at grade will need to be kept to a minimum. Obstructions to flood flows and storage should be kept to minimum, before mitigation is considered where obstructions are unavoidable.

We reiterate that the provision of compensatory storage for any losses must be as close to where it is lost as possible. Any deviation from this must be hydraulically feasible. Your letter suggests that compensation could be provided at APs 1-5.

These sites are some distance from this site and it is unlikely that the compensation provided will perform in same way as the storage which is lost. We appreciate the difficulties posed by these separate constraints within the site but we advise work on this is progressed far in advance of detailed designs being made as plan approval will be withheld if flood risk is not dealt with adequately.

We acknowledge that areas lowered to provide level-for-level compensation may be inundated by groundwater. However, the nature of level-for-level compensation being a direct replacement for the storage that is lost, means that the original flood storage that is being replaced would have also be inundated by groundwater from time to time.

AP7 Merton footbridge

Comments noted.

AP8 Holts Farm Overbridge

We understand that this site is near to Flood Zone 3 but we are not sure how it would be used for flood plain storage unless it is actually in hydraulic connectivity with the floodplain and the land in between is also under the ownership of Chiltern Rail.

This land is also the only AP in the Oddington Brook catchment, so it is unlikely to be appropriate to use this land to compensate for losses at other APs.

AP9-AP10

Comment noted subject to confirmation of the feasibility of surface water compensation for these two APs at AP10.

AP11-AP12 Islip Station and Millstream and Cherwell Viaducts

We are satisfied that the redecking works can be removed from the scope for detailed Level 3 FRA. We are still concerned with the method of working for the redecking, but we are happy to agree this through the consenting process.

AP13-AP15 Water Eaton No. 5 Overbridge

AP13 can be addressed through the Level 3 FRA.

AP16 Wolvercot Tunnel and First turn Overbridge

Comments noted.

AP17 Aristotle Lane Footbridge

We understand that there is a wish to maintain access to the allotments during wet periods once the level crossing is closed. However, there is an important flood flow route across the low point in this path. We would object to any earth raising of the path with culverts running through it, due to likelihood of the culverts becoming blocked, and the lack of an available area to provide flood storage compensation for the volume of the earth. The July 2010 Compensatory Storage Technical Paper and Level 3 Specification indicated that this path raising would be a 'mainly steel and timber open structure'. We would much prefer a design of this nature if raising of this path is essential, to ensure there is minimal obstruction to flood flows or loss of flood water storage.

AP18-19 Sheepwash Bridge and Oxford Station

Refer to our previous comments made under Location of specific storage.

PLANNING DIRECTION AND CONDITIONS

I turn now to the planning conditions as enclosed with your letter of 28th October and enclose your Request for Direction amended. We have only amended conditions 10 and 11 in red.

The flood risk and drainage conditions must be 3 separate conditions as this makes them easier to discharge.

We are concerned with allowing a piecemeal approach to the submission of the level 3 FRA. We understand the need for this to allow construction to start on individual sites in a phased approach. However, sites that have a hydraulic connection, specifically with regard to flood storage compensation and safe access and egress, need to be submitted as one single FRA.

PROTOCOL

In your letters of 8 July 2010 (last page) and 30 July 2010 (last page), you stated that you would ask Eversheds to prepare a skeleton protocol to collate a content for our ongoing technical exchanges and reports. Please instruct Eversheds to forward this to me.

It may be that a meeting could resolve the outstanding planning conditions and, if so, we are prepared to meet to discuss them.

Yours sincerely,

PETER CARTY
SOLICITOR

The Environment Agency
Kings Meadow House, Kings Meadow Road, Reading, RG1 8DQ
DX Address 121325 Reading 10 Tel 08708 506506 Fax 01189509440

DEPARTMENT FOR TRANSPORT
2010

TRANSPORT AND WORKS ACT 1992

TRANSPORT AND WORKS (APPLICATIONS AND OBJECTIONS PROCEDURE)
(ENGLAND AND WALES) RULES 2006

THE CHILTERN RAILWAYS (BICESTER TO OXFORD IMPROVEMENTS) ORDER

**Request for Direction under section 90(2A) of the Town and Country
Planning Act 1990, conditions to be attached to the Direction and
Statement of Reserved Matters**

To: The Secretary of State for Transport, Zone 1/31, Great Minster House, Marsham Street, London SW1P 4DR,

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1. The Chiltern Railway Company Limited (CRCL) hereby seeks, pursuant to rule 10(6) of the above mentioned Rules, a direction from the Secretary of State under section 90(2A) of the Town and Country Planning Act 1990 that planning permission, so far as it is required, be deemed to be granted for the development sought to be authorised by the Order now being applied for within the various limits provided for in the draft Order and the accompanying deposited plans and sections.

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2. The principal works proposed in the Order comprise:

- (i) the construction of a new double track railway on embankment at Bicester linking the London Marylebone to Birmingham Moor Street main line to the Bletchley to Bicester and Oxford railway;
- (ii) the laying of a double track railway, replacing the existing single track on an existing double track formation, from North East of Bicester Town station to Oxford North Junction, including the construction of a new freight loop and connections into the Exchange Sidings at Bicester;
- (iii) the laying of a single track railway on an existing formation alongside the main line from Oxford North Junction to Oxford Station;
- (iv) the rebuilding of Bicester Town station, to include two platforms up to 200 m in length, booking hall and waiting facilities, footbridge, single decked car park, with a total capacity for approximately 520 cars, and consequential alterations to highway, bus, cycle and pedestrian access;
- (v) the rebuilding of Islip Station, to include two platforms, up to 200 m in length, ticket machines, waiting facilities, a footbridge and consequential alterations to highway, cycle and pedestrian access and the car park;
- (vi) the relocation of the existing aggregates rail depot at Water Eaton, with a new access road from the junction with the A4165 Oxford Road,

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around the edge of the existing Oxfordshire County Council Park and Ride site;

- (vii) the demolition of the former grain silos and other buildings at Water Eaton;
- (viii) the construction of a new station at Water Eaton Parkway to include two platforms, up to 200 m in length, booking hall and waiting facilities, a footbridge, a car park, partly decked, with a total capacity for up to 1,100 cars, and consequential alterations to the signalised access junction to the A4165 Oxford Road, pick-up and drop-off facilities for the station, additional bus stops on the A4165 Oxford Road and alterations to the layout of the Oxfordshire County Council Park and Ride site;
- (ix) the construction of two new platforms, each up to 150 m in length with waiting facilities replacing the former parcels platforms at Oxford station, a building for ancillary uses to the railway and consequential alterations to the short term and staff parking to the east of Oxford station;
- (x) the construction or reconstruction of under bridges, in particular the Mill Stream and Cherwell viaducts, south west of Islip, and the bridge over the Rewley Abbey Stream (also known as the Sheepwash Channel), in Oxford;
- (xi) the reconstruction and widening of the A41 over bridge in Bicester;
- (xii) the closure of existing public and private level crossings and improvements to the level crossing at London Road, Bicester;
- (xiii) the construction of 10 new road and/or foot bridges, including the diversion of roads, footpaths and bridleways, in particular a new highway between Wendlebury and Langford Lane;
- (xiv) the lowering of tracks, reinforcement of foundations and structural works to the Wolvercot Tunnel, the overbridge carrying the A41 and other overbridges, where necessary, to enable the railway to accommodate tracks with W12+ loading gauge; and
- (xv) widening and reinforcement of embankments, where necessary, and construction of retaining walls, rebuilding and alterations to drainage and other structures, the installation and diversion of utilities, the installation of new signalling, other accommodation works and consequential landscaping and fencing.

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The Order also provides for the compulsory purchase of land and interests in land the closure and diversion of public footpaths, bridleways and other highways. Permission is also sought for the temporary use of land for construction, storage and access routes.

The development is located principally in the administrative area of Cherwell District Council, but the works in 2 (iii) and 2(ix) are entirely in the administrative area of Oxford City Council. Some of the works in 2 (ii), 2 (x) and 2 (xiv) are in the administrative area of the City of Oxford.

- 3. The applicant's interest in the proposed development is as prospective purchaser of any land not already in the ownership of Network Rail.

4. Notice to property owners and occupiers affected by the proposed development has been given by way of service of notices under Rule 15 of the above-mentioned Rules and other publicity required by those Rules.
5. The following aspects of the proposals contained in the draft Order are or may be development requiring planning permission under section 57(1) of the Town and Country Planning Act 1990 as follows:

Proposals	Draft Order Articles/Schedules
The scheduled works	Article 5, Schedule 1
Level crossings	Articles 15, 16 and 17, Schedules 7, 8 and 9
Highway alterations and improvements	Articles 7-14, Schedules 3, 4 and 5
Temporary use of land	Articles 29 and 30, Schedule 11

6. Where land is being acquired permanently, the effect of this direction will be to change the use of all of the land within the revised railway boundary to railway. Such land will become 'operational land' as defined in section 264(3) of the Town and Country Planning Act 1990.
7. Further particulars of items currently identified as forming elements or possible elements of development proposed are contained in Appendix 1 to this request.
8. The direction sought is one of deemed planning permission to be granted for the whole development and for each element of it, with certain aspects of design, external appearance, means of access and landscaping being reserved for subsequent approval by the local planning authority to the extent and in the manner set out in conditions attached to the direction. Attached as Appendix 2 to this Request pursuant to Rule 10(6)(b) are draft conditions which the applicant currently wishes to propose. Attached as Appendix 3 to this Request is a statement of reserved matters pursuant to Rule 10(6)(c).
9. There also accompanies this application pursuant to rule 10(6)(d) of the above-mentioned rules a set of Planning Direction drawings showing some of the elements of development in further detail. These show the planning application boundary, which corresponds with the limits of Land to be Acquired or Used, and statutorily designated sites and areas which are to be protected, but are otherwise for illustrative purposes only.
10. An Environmental Statement and a Design and Access Statement also accompany this application.

Dated: 6 January 2010 revised 29 October 2010

Eversheds LLP

Eversheds LLP
 One Wood Street
 London
 EC2V 7WS

Solicitors and Parliamentary Agents
 For The Chiltern Railway Company Limited

APPENDIX 1

ELEMENTS OF THE DEVELOPMENT

In the administrative area of Cherwell District Council:

1. Between 200m east of the Charbridge Lane overbridge and the south west face of the A41 over bridge at Bicester:

- (a) the construction of a double track railway (about 1,200 metres in length) partly on new embankment connecting the existing railway from London Marylebone to Birmingham Moor Street to the existing Bletchley to Oxford Railway [being part of Work No. 1];
- (b) the laying of a double track railway (about 400m in length) on the course of the existing railway, terminating at the A41 over bridge [being part of Work No. 2];
- (c) the laying of a single track railway siding (about 650m in length) alongside (b), commencing 100m south of the London Road crossing and terminating at the A41 over bridge for use by trains accessing the MoD Depot at Bicester [being part of Work No.4];
- (d) the construction of a footbridge over the railway in (a) to carry Public Footpath FP 129/3 [being Work No 8];
- (e) the construction of a footbridge at Tubbs Lane to carry Public Footpath FP 129/3 [being Work No 9];
- (f) the installation of full barriers, traffic lights and CCTV at the London Road crossing;
- (g) the reconstruction of Bicester Town station with two platforms up to 200m in length, a booking hall and waiting facilities, a footbridge with lifts, single decked and at-grade parking for up to 520 vehicles; cycle parking, pedestrian access, pick up and drop-off facilities at both sides of the railway;
- (h) the widening and reinforcement of the embankments, where necessary;
- (i) reconstruction and extension of the A41 overbridge [being Work No 10];
- (j) construction or reconstruction of drainage culverts;
- (k) installation of necessary plant, signalling, electrical and mechanical equipment or apparatus required for operation of the railway;
- (l) erection of the necessary boundary fencing, lighting and signage;
- (m) the realignment of Station Approach, alterations to the junction with London Road and the creation of new vehicular and pedestrian accesses to London Road;
- (n) temporary use of land for construction, access, storage and as a worksite;

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- (o) the creation, if necessary of replacement open space on land to the East of Charbridge Lane and its change of use to that purpose;
- (p) landscaping works in the vicinity of the Bicester Town station on both sides of the railway and at Tubbs Lane;
- (q) any other works required for, or ancillary to, the construction, operation and maintenance of the railway, including maintenance access;
- (r) any works necessary for the stopping up of the existing public crossing at Tubbs Lane and the existing public footpath, North of Gavray Drive;
- (s) any works necessary for the diversion and re-connection of public footpaths, bridleways and private access roads; and
- (t) widening of under_bridges OXD37 and OXD38.

2. Between the south west face of the A41 overbridge at Bicester and the Bletchington Road over bridge at Islip station:

- (a) the laying of a double track railway (about 10,000m in length) on the course of the existing railway commencing at the A41 over bridge and terminating at the Bletchington Road over bridge, Islip station [being part of Work No. 2];
- (b) the laying of a single track railway siding (about 400 m in length) alongside (a) and connections into the Exchange Sidings at Bicester Depot, [being Works 4, 4A and 5];
- (c) the reinforcement and widening of the embankments, where necessary, including the construction of retaining walls;
- (d) the construction of a road bridge over the railway east of Elm Tree Farm to replace the level crossing at Langford Lane and the existing accommodation crossing [being part of Work No 11];
- (e) the construction of a highway for vehicular traffic from Wendlebury Road via the bridge in (d) to Langford Lane [being part of Work No 11];
- (f) the construction of an electricity supply building at (d);
- (g) the construction of turning heads, on each side of the railway, adjacent to the Langford Lane crossing;
- (h) the construction of a footbridge over the railway at Merton crossing to carry Public Footpath FP 398/3 and the diverted public footpath [FP3984/4][being Work No 12];
- (i) the construction of an accommodation road bridge over the railway south of Holts Farm to replace, the BBONT Bridleway [BW157/4] and Holts Farm occupation crossings, with connecting highway and private accommodation roads and the resiting of a farm building [being Work No 13 and ancillary works];
- (j) the construction of a road bridge over the railway and connecting highway, 150m east of the Oddington level crossing to replace the Oddington Road AOCL crossing [being Work No 14];

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- (k) the construction of a footbridge over the railway at the existing Oddington No 5 crossing to carry Public Footpath FP 318/5 [being Work No 15];
- (l) the construction of an extended platform, up to 160 m in length, on the east side of the railway at Islip station, the provision of ticket machine and waiting facilities and consequential alterations to the existing car park and highway access;
- (m) the construction of two platforms, up to 200 m in length, on both sides of the railway at Islip station, replacing the platform in (l), a footbridge, ticket machines and waiting facilities, a ramped path from Bletchingdon Road to the west side platform and 2 additional disabled parking bays;
- (n) construction or reconstruction of drainage culverts;
- (o) installation of necessary plant, signalling, electrical and mechanical equipment or apparatus required for operation of the railway;
- (p) erection of the necessary boundary fencing, lighting and signage;
- (q) temporary use of land for construction access, storage and as a worksite;
- (r) landscaping works in the vicinity of Works 11,12,13, 14 and 15 and at Islip station;
- (s) any other works necessary for the operation of the railway, including maintenance access;
- (t) any works necessary for the stopping-up of existing public crossings at Langford Lane, Merton, Wendlebury, Beebont and Oddington Road;
- (u) any works necessary for ecological mitigation;
- (v) any other works necessary for the diversion and re-connection of public footpaths, bridleways and private access roads; and
- (w) widening of underbridges OXD39 and OXD40.

3. Between the Bletchingdon Road overbridge at Islip Station and Peartree Hill Farm:

- (a) the laying of a double track railway (about 4,400 metres in length) on the course of the existing railway commencing at the Bletchingdon Road over bridge to the south west of Islip station and terminating at Peartree Hill Farm [being part of Work No. 2];
- (b) the laying of sidings alongside and connected to the railway in (a), (about 500 metres in length) 400m north east of the A4165 Oxford Road over bridge for use as an aggregates rail depot [being Work No. 6];
- (c) reinforcement of the embankments, where necessary, including the construction of retaining walls;

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- (d) the construction of a foot and equestrian bridge over the railway, about 150 m north east of the existing Islip level crossing to replace, in part, that crossing [being Work No. 16];
- (e) the reconstruction of the superstructure to Mill Stream and Cherwell viaducts carrying the railway;
- (f) the construction of a road bridge over the railway at Water Eaton No 5 crossing to replace the Northfield Farm accommodation over bridge, which will be demolished, to carry Bridleway BW 229/5, including farm accommodation roads on both sides of the railway [being Work No. 17];
- (g) the relocation of the existing aggregates depot, known as the Banbury Road sidings (Water Eaton), to a site about 400m north east of the A4165 over bridge, including construction of a new access road from the signalised junction with the A4165 Oxford Road to the aggregates terminal, the access road being mainly within the existing Park and Ride site; Deleted: Kidlington
- (h) the demolition of the former grain silos and other buildings and construction of Water Eaton Parkway station, including two platforms, up to 200m in length, a booking hall and waiting facilities, footbridge with lifts, an at-grade and partly single decked car park for up to 1,100 vehicles, pick-up and drop-off facilities; Deleted: 0
- (i) the construction of a footbridge over the railway at Water Eaton No 10 crossing to replace that crossing for Public Footpath FP 229/10; [being Work No. 18];
- (j) construction or reconstruction of drainage culverts;
- (k) installation and diversion of necessary utilities, plant, signalling, electrical and mechanical equipment and apparatus required for operation of the railway;
- (l) erection of the necessary boundary fencing, lighting and signage;
- (m) improvements to the signalised access junction between the Park and Ride site and the station and the A4165 Oxford Road, the creation of new cycle and pedestrian accesses and bus stops on Oxford Road and consequential alterations to the layout of the Park and Ride site; Deleted: Kidlington
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- (n) temporary use of land for construction access, storage and as a worksite;
- (o) landscaping works in the vicinity of Works No. 6, 16, 17 and 18, the Water Eaton Parkway station and the aggregates terminal;
- (p) any other works necessary for the operation of the railway, including maintenance access;
- (q) any works required for the stopping-up of public crossings at Islip, Northfield Farm, Water Eaton No 5, Water Eaton No 4 and Water Eaton No 10;
- (r) any works necessary for ecological mitigation; and

- (s) any works necessary for the re-connection and diversion of public footpaths and bridleways.

In the administrative area of Oxford City Council:

4. Between Peartree Hill Farm and Oxford station:

- (a) the laying of a double track railway (about 3,200 metres in length) on the course of the existing railway commencing at Peartree Hill Farm and terminating at the Oxford North Junction, including a lowered track alignment through the Wolvercot tunnel, with retaining structures and drainage in and adjacent to the tunnel [being part of Work No. 2];
- (b) the laying of a single track railway (about 1,850 metres in length) on the existing formation, commencing at Oxford North Junction and terminating in two bay platforms at Oxford station [being Works No. 3 and 3A];
- (c) the laying of a crossover track at Oxford North Junction (about 200 metres in length) [being Work No. 7];
- (d) reinforcement of the embankments and cuttings, where necessary, including the construction of retaining walls;
- (e) the reconstruction of First Turn Bridge;
- (f) the strengthening of the Castle Mill Stream Bridge and the construction of two bridge spans across the Rewley Abbey Stream (also know as the Sheepwash Channel);
- (g) accommodation works to enable the closure of Aristotle Lane occupation crossing, including a pedestrian ramp and improvements to Aristotle Lane footbridge;
- (h) the construction of two platforms, about 150 m in length, ticket and waiting facilities on the site of the former parcels depot and platforms at Oxford station;
- (i) the construction of a two storey building for ancillary storage and railway use at Oxford station;
- (j) construction or reconstruction of drainage culverts;
- (k) installation and/or diversion of necessary utilities, plant, signalling, electrical and mechanical equipment and apparatus required for operation of the railway;
- (l) erection of the necessary boundary fencing, lighting and signage;
- (m) the rearrangement of short term and staff parking to the east of Oxford station;
- (n) temporary use of land for construction access, storage and as a worksite;
- (o) landscaping works in the vicinity of the Rewley Abbey Stream (also know as the Sheepwash Channel) Bridge and at Oxford station;

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- (p) any other works necessary for the operation of the railway, including maintenance access;
- (q) any works necessary for the stopping-up of the Aristotle Lane occupation crossing; and
- (r) any works necessary for ecological mitigation.

APPENDIX 2

CONDITIONS PROPOSED TO BE ATTACHED TO THE DIRECTION FOR DEEMED PLANNING PERMISSION

In these conditions, unless the context otherwise requires:

"building" means any structure or erection, above the surface of the ground, but does not include any level crossing barrier, traffic light or sign or any plant or machinery;

"the development" means the works authorised by the Order;

"the Draft Code of Construction Practice means the code published on 6 August 2010, being CD/1.24

"the Environmental Statement" means the Statement submitted with the application for the Order on 6 January 2010;

"the Design and Access Statement" means the Statement submitted with the application for the Order on 6 January 2010 and revised on [date], being CD/??;

"the local planning authority" means the Cherwell District Council or the Oxford City Council, as the context requires;

"the Noise and Vibration Mitigation Policy" means the Policy, published on 20 October 2010, being CD/1.29;

"the Order" means The Chiltern Railways (Bicester to Oxford Improvements) Order 201[X];

"the Order limits" has the same meaning as in Article 2 of the Order

"Phase" means a set of works or elements of the development intended to be constructed, as described in the Environmental Statement as Phase 1, 2A or 2B; and

"Individual Section" means a defined geographical part and/or Phase of the development, normally a length of the railway or a station site, the extent of which has been submitted to and approved by the local planning authority; and

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references to numbered works are references to the Works set out in Schedule 1 to the Order.

1. Time limit

The development shall commence no later than the expiration of five years beginning with the date that the Order comes into force.

Reason: to ensure that the development is begun within a reasonable period of time.

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2. Development Sections

No development shall commence until a scheme (which may be amended or varied in whole or part from time to time with the approval of the local planning authority) setting out the division of the development into Individual Sections has been submitted to and approved by the local planning authority. The

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scheme shall include details of all land to be occupied permanently or temporarily during the construction of each section.

Reason: in order to identify development sections for the purpose of these conditions.

3. **Design, external appearance and materials**

No works in respect of the items listed below shall be commenced until details of the layout, scale, appearance and facing materials of that item has been submitted to and approved by the local planning authority:

- (a) the station buildings, platforms, footbridge and canopies at Bicester Town Station;
- (b) the car parks, vehicular and pedestrian access arrangements at Bicester Town Station;
- (c) the Phase 1 extended platform and waiting facilities at Islip Station;
- (d) the Phase 2B platforms, waiting facilities, footbridge, pedestrian ramp and any new car parking provision at Islip Station;
- (e) the station buildings, platforms, footbridge and waiting facilities at Water Eaton Parkway Station;
- (f) the car park, vehicular and pedestrian access arrangements at Water Eaton Parkway Station;
- (g) the layout of the vehicular access road to the rail aggregates depot and car park at Water Eaton Parkway Station;
- (h) the station buildings, platforms and waiting facilities at Oxford Station;
- (i) any alterations to vehicular and pedestrian access arrangements at Oxford Station;
- (j) any other foot or vehicular bridge which is new or is to be substantially reconstructed [where described as a numbered Work in Schedule 1 to the Order];
- (k) the layout of the vehicular road from Wendlebury Road to Langford Lane, intended to replace the Langford Lane level crossing;
- (l) any other building that is to be greater than 25 square metres footprint; and
- (m) any office buildings, weighbridges and other fixed plant to be provided on the replacement rail aggregates depot at Water Eaton.

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The design, layout and appearance and facing materials of the stations and the design of any bridges shall conform generally to those set out in the Design and Access Statement.

Reason: to enable proper control to be exercised over the design of the development and to protect sites of archaeological or ecological importance.

4. **Fencing and Means of Enclosure**

No Individual Section of the development shall commence until details of any new permanent boundary fencing or other means of enclosure, which abuts a highway, residential or commercial premises within that section of the development, have been submitted to and approved by the local planning authority.

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Reason: to protect the amenity of residents, occupiers and highway users.

5. **Landscaping**

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5.1 No later than six months after the commencement of the Individual Section of the development to which it relates, a landscaping scheme, covering the locations where landscaping will be undertaken mentioned in paragraph 5.2 of this condition shall be submitted to the local planning authority for approval. That scheme shall include the details of:

- (a) any structures, such as street furniture, fencing and lighting, save those which may be provided by the highway authority or a local authority,
- (b) any trees or shrubs to be planted, including the location, number, species, size and planting density; and
- (c) any earth screen bunds to be provided at the replacement rail aggregates depot; and
- (d) any other soft landscaping.

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5.2 The locations at which landscaping will be undertaken are:

- (a) the vicinity of the Bicester Town Station on both sides of the railway;
- (b) Tubbs Lane;
- (c) in the vicinity of Work Nos. 11, 12, 13, 14 and 15;
- (d) at Islip Station;
- (e) in the vicinity of Work Nos. 6, 16 , 17 and 18;
- (f) at the Water Eaton Parkway Station and the rail aggregates depot;
- (g) in the vicinity of Rewley Abbey Stream (also known as Sheepwash Channel) Bridge; and
- (h) at Oxford Station.

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Reason: to ensure appropriate landscaping of the development.

6. **Implementation and Maintenance of Security Fencing**

The railway, including any construction sites, shall remain securely fenced at all times during construction and any temporary fencing shall be removed on completion. Any new permanent boundary fencing throughout the route shall be completed before the station at Water Eaton Parkway is brought into use. Such fencing shall be maintained in a secure condition by Chiltern Railways

~~until the expiry of, a period of three years from completion, or until the land and works are transferred to Network Rail, whichever is the sooner,~~

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Reason: to ensure public safety.

7. Implementation and Maintenance of Landscaping

All landscaping works shall be undertaken in accordance with the appropriate landscaping scheme, approved under Condition 5. Unless otherwise agreed by the local planning authority, planting shall take place no later than the first available planting season after the completion of the adjacent buildings and hard surfaced areas.

Any tree or shrub planted as part of an approved landscaping scheme that, within three years of the date of planting, is removed, dies or becomes, in the opinion of the local planning authority, seriously damaged or seriously diseased, shall be replaced in the first available planting season with a specimen of the same species and size as the original planted, unless otherwise agreed by the local planning authority.

Reason: to ensure satisfactory implementation of the landscaping.

8. Archaeology

~~The development shall not commence in respect of an Individual Section until a Written Scheme for the Investigation (WSI) of archaeological potential within that Section has been submitted to and approved by the local planning authority. The WSI shall provide for a programme of further detailed walk-over surveys and document study of the route within the relevant limits; non-intrusive and intrusive investigation before construction is commenced in any location where this is necessary; protection of remains, where these are to remain in-situ; watching briefs during construction, where these are necessary; the photographic recording of structures, in particular the Mill Stream and Cherwell viaducts; preservation of finds and publication of the results of the investigation.~~

~~Construction of the replacement road from Wendlebury Road to Langford Lane and the bridge over the railway (being Work No 11) shall not commence until details of the measures to avoid (including minor realignment of the road within limits), protect (including raising the road where practicable) and record archaeological remains has been submitted to and approved by the local planning authority, in consultation with English Heritage, the Oxfordshire County Council Archaeologist and the Environment Agency, and the approved field evaluation has been completed.~~

Reason: to ensure adequate protection and recording of historic features and archaeological remains.

9. Protection and Enhancement of the Swing Bridge at Rewley Abbey Stream.

No development shall commence on the Railway Bridge across the Rewley Abbey Stream (otherwise the Sheepwash Channel), until a scheme for the protection of the Swing Bridge, which is a Scheduled Monument, and the improvement of fencing and footpaths around the Scheduled Monument has

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been submitted to and approved by the local planning authority, in consultation with English Heritage and the Oxford Preservation Trust.

Reason: to ensure the protection of the bridge during construction and to assist in the conservation of the Swing Bridge.

10. **Contaminated Land**

No development shall commence at Bicester Town, Islip, Water Eaton Parkway or Oxford stations or at the sites of the proposed bridges, or landfills, or otherwise where significant groundworks are proposed, until a scheme to investigate, assess and, if necessary, remediate contamination at that location, which is likely to cause significant harm to persons, pollution of controlled waters or the environment within that section has been submitted to and approved by the local planning authority, in consultation with the Environment Agency.

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Any remedial measures shall be undertaken before development at that location is commenced, unless otherwise agreed by the local planning authority.

Upon completion of the approved remedial measures at each location, a verification report that demonstrates that the agreed remediation has been completed and setting out any necessary longer term monitoring and maintenance required shall be submitted to the local planning authority and the Environment Agency.

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If during development, contamination not previously identified is found to be present on the site, no further construction shall be undertaken, unless otherwise agreed by the local planning authority, until a scheme to assess and remediate that contamination, to the extent necessary, has been submitted to and approved by the local planning authority, in consultation with the Environment Agency.

Reason: to ensure that any necessary remediation is undertaken.

11. **Flood Risk Assessment and Surface Water Drainage Assessment**

The development shall be undertaken in accordance with the Revised Level 2 Flood Risk Assessment, dated July 2010. No construction of any one of the following elements of development shall commence until a Level 3 Flood Risk Assessment of that element, suitable to the scale and nature of that element, has been submitted to and approved by the local planning authority, in consultation with the Environment Agency; AP1 Bicester Chord; AP3 Bicester Town station; AP4 A41 overbridge; AP6 replacement Langford Lane overbridge; AP7 Merton footbridge; AP13 Water Eaton No 5 overbridge; AP17 Aristotle Lane works and AP18 the Rewley Abbey Stream bridge. The Level 3 FRAs shall follow the methodology set out in the Flood Storage and Compensation Technical Note, dated July 2010, agreed by the Environment Agency. Each FRA shall demonstrate that this paryicular element of the development, or as taken together with other relevant works in the same catchment will not increase flood risk through alterations to fluvial flood flows or reduction in fluvial flood water storage.

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No construction of any one of the following elements of development shall commence until a surface water drainage assessment and scheme for that element has been submitted to and approved by the local planning authority, in consultation with the Environment Agency; AP1 Bicester Chord; AP2 Tubbs Lane

footbridge; AP3 Bicester Town station; AP4 A41 overbridge; AP6 replacement Langford Lane overbridge; AP7 Merton footbridge; AP8 Holts Farm overbridge; AP9 Oddington No 5 footbridge; AP10 Oddington overbridge; AP11 Islip station in Phase 1; AP11 Islip station in Phase 2; AP13 Water Eaton No5 overbridge; AP14 Water Eaton Parkway station and car park; AP15 Gosford and Water Eaton No 10 footbridge; AP17 Aristotle Lane works; AP18 Rewley Abbey Stream bridge and AP19 Oxford station. The surface water drainage assessments shall follow the methodology set out in the Scope of Surface Water Drainage Assessment, July 2010, agreed by the Environment Agency, each surface water drainage assessment shall demonstrate that surface water discharge rates and volumes from that element of the development will not increase flood risk, or taken together with other relevant works in the same catchment, can be maintained at or below the agreed limits, using sustainable drainage techniques.

The level crossing at Mill Lane Islip, Langford Lane crossing and Northfield Farm Bridge shall not be closed permanently until a detailed assessment of any increase in flood hazard, in particular the safe access and egress of residents of properties in Mill Lane and Mill Street, Alchesterr House, Bramlow properties, and Northfield Farm; and practicable mitigation measures have been submitted to and approved by the local planning authority in consultation with the Environment Agency.

Reason: To prevent the increased risk of flooding through an appropriate hierarchy of flood risk management, improve and protect water quality, enhance habitat and amenity and ensure future maintenance of surface water drainage systems.

12. **Water Pollution Control**

In carrying out the development, all reasonable steps shall be taken to prevent the pollution of watercourses and groundwater, including the following:

- (a) no contaminated material, or polluting construction or demolition material or refuse, shall be deposited within the Order limits;
- (b) no water from the construction areas shall be permitted to discharge to any watercourse, well, spring or soakaway, if it is contaminated with foul sewage, suspended soil or other pollutant;
- (c) the details of the design and construction of any storage facilities for oils, fuels or chemicals shall be submitted to and approved by the local planning authority before that facility is installed; and
- (d) no water shall be permitted to discharge into or onto contaminated land.

Reason: to ensure that pollution of watercourses and groundwater is prevented

13. **Protection of National and European Designated Sites**

No Individual Section of development shall commence within 500 metres of the European designated site, the Oxford Meadows Special Area of Conservation (SAC), or of the following Sites of Special Scientific Interest, namely (i) the Wendlebury Meads and Mansmoor Closes SSSI and (ii) the Hook Meadows and

Deleted: prepared, which covers all buildings, hard surfaced areas and earthworks to be constructed in Phase 1 which lie within or may affect a location in that section confirmed as falling within Flood Zone 3, and (ii) a surface water drainage assessment and a proposed surface water drainage scheme, which covers all new or extended station buildings, bridges and related hard surfaced areas, within that section, has been submitted to and approved in respect of that section by the local planning authority, in consultation with the Environment Agency.

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No individual section of the development shall commence until an Ecology Management Plan, which provides details of measures to (i) protect bats, great crested newts, otters, badgers and any other protected species during construction (ii) protect sensitive habitats, including sites designated as of national or European importance during construction, and (iii) ensure, including any protected species licensing requirements, that the impacts of the permanent works on those habitats and any protected species are properly mitigated, in that section, has been ... [1]

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Trap Grounds SSSI, until a Method Statement identifying the means of construction to be employed on that Section, of the development so that the works comprised in that Section shall not adversely affect the nature conservation interest of any designated site and its reasons for designation, has been submitted to and approved by the local planning authority, in consultation with Natural England.

Reason: to ensure that identified Special Area of Conservation and the Sites of Special Scientific Interest are properly protected.

14. Restoration of Land Used Temporarily for Construction

Any land within the Order limits, which is used temporarily for construction shall be restored to its former condition, or such condition as the local planning authority may approve, within one year of completion of the permanent works.

Reason: to protect amenity and restore landscape and habitats

15. Code of Construction Practice

No development shall commence until a Code of Construction Practice, which shall cover all matters specified in the Draft Code of Construction Practice, has been submitted to and approved by the local planning authority, in consultation with the Environment Agency.

Reason: to protect residents and amenity during construction

16. Operational Noise Monitoring and Mitigation,

No later than six months after commencement of development within each Individual Section a detailed assessment of likely noise impacts during operation of Phase 1 (and such other phases as are being constructed at the same time) of the railway works and details of proposed mitigation measures, which achieve the standards for noise and vibration attenuation set out in the Noise and Vibration Mitigation Policy, shall be provided to the local planning authority. All mitigation measures, including those prescribed in the Noise Insulation Regulations 1996, required for Phase 1 (and such other phases as are being constructed at the same time) shall be undertaken as soon as possible after commencement of the works and no later than the date on which Chiltern Railways commence a passenger rail service on the railway comprised in the development.

Before the commencement of the laying of the second track between the MoD Depot at Bicester and Islip, which is the principal component of the Phase 2 works, a detailed assessment of the likely noise impacts of the additional services likely to operate under Phase 2 and details of proposed mitigation measures, which achieve the standards of noise attenuation set out in the Noise and Vibration Mitigation Policy shall be provided to the local planning authority. All mitigation measures, including those prescribed in the Noise Insulation Regulations 1996, required for Phase 2 shall be undertaken as soon as possible after commencement of the works and no later than the date on which the second track is brought into use.

Reason: to ensure that operational noise is adequately mitigated at nearby residential premises.

17. Aggregates Depot Rail Use

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Aggregates shall only be brought onto the aggregates depot site at Water Eaton by rail

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Reason: to protect the amenity of the are and the integrity of the highway network

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18. Aggregates Depot Throughput

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The weight of aggregates or aggregate products leaving the depot by road shall not exceed 350,000 tonnes in any one calendar year

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Reason: to protect the amenity of the area and the integrity of the highway network

19. Monitoring of Aggregates Depot Throughput

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From the date of commencement of use of the rail aggregates depot, records of the weight of aggregates leaving the site by road shall be maintained and made available to the local planning authority on request.

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Reason: to enable enforcement of condition 20

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20. Height of Stored Aggregates

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The height of any stockpiles of stored aggregate shall not exceed 8 metres or the height of the earth bunds approved under condition 5.1, if higher.

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Reason to protect the visual amenity of the area and maintain the openness of the Green Belt.

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21. Aggregates Depot Floodlighting

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No floodlighting shall be erected or used at the rail aggregates depot site, except in accordance with a scheme submitted to and approved by the local planning authority.

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Reason: to limit light spill and protect the visual amenity of the area

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22. Aggregates Depot Hours of Operation

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No HGVs shall enter or leave the aggregates depot, nor shall loading or unloading of trains take place except during the following hours: 06.00 to 19.00 Monday to Friday and 06.00 to 13.00 on Saturday. No such operations shall take place on Sundays or Bank Holidays.

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Reason: to protect the amenities of local residents.

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23. Aggregates Depot Sheeting of Lorries

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No loaded aggregates vehicles shall leave the depot unsheeted.

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Reason: in the interests of highway safety and the local environment.

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24. Aggregates Depot Control of Dust and Debris

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The use of the rail aggregates depot shall not commence until a scheme to minimise the emissions of dust has been submitted to and approved by the local planning authority. No vehicle leaving the depot site shall emit dust or deposit mud, slurry or other debris on the highway.

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Reason: to protect the amenities of the area and in the interests of highway safety.

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25. Approvals

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Where under any of these conditions, the approval of the local planning authority is required, all such approvals shall be given in writing.

Reason: to ensure that approvals are properly recorded.

26. Implementation

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All works or matters which require approval under these conditions shall be carried out in accordance with that approval, unless otherwise approved by the local planning authority.

Reason: to ensure that these works or matters are implemented as approved.

APPENDIX 3

STATEMENT OF RESERVED MATTERS

The following matters are intended to be reserved for subsequent approval by the relevant local planning authority under the application for a direction for deemed planning permission for the development provided for in the proposed order under section 90(2A) of the Town and Country Planning Act 1990:

1. Details of the layout, scale, appearance and facing materials in respect of:
 - (a) the station buildings, platforms, footbridge and canopies at Bicester Town Station;
 - (b) the car parks, vehicular and pedestrian access arrangements at Bicester Town Station;
 - (c) the Phase 1 extended platform and waiting facilities at Islip Station;
 - (d) the Phase 2 platforms, waiting facilities, footbridge, pedestrian ramp and any new car parking provision at Islip Station;
 - (e) the station buildings, platforms, footbridge and waiting facilities at Water Eaton Parkway Station;
 - (f) the car park, vehicular and pedestrian access arrangements to Water Eaton Parkway Station;
 - (g) the layout of the vehicular access road to the rail aggregates depot and car park at Water Eaton Parkway Station;
 - (h) the station buildings, platforms and waiting facilities at Oxford Station;
 - (i) any alterations to vehicular and pedestrian access arrangements at Oxford Station;
 - (j) any other foot or vehicular bridge which is new or is to be substantially reconstructed [where described as a numbered Work in Schedule 1 to the Order];
 - (k) the layout of the vehicular road from Wendlebury Road to Langford Lane, intended to replace the Langford Lane level crossing; Deleted: and
 - (l) any other building that is to be greater than 25 sq metres footprint; and
 - (m) any office building, weighbridges and other fixed plant to be provided on the replacement rail aggregates depot at Water Eaton. Formatted: Bullets and Numbering

2. Details of any new permanent boundary fencing or other means of enclosure, which abuts a highway, residential or commercial premises.
3. A landscaping scheme, covering the locations where landscaping will be undertaken mentioned in 3.2 of this condition including details of:
 - (a) any structures, such as street furniture, fencing and lighting, save those which may be provided by the highway authority or a local authority,
 - (b) any trees or shrubs to be planted, including the location, number, species, size and planting density; and
 - (c) any other soft landscaping.
- 3.1 The locations at which landscaping will be undertaken are:
 - (a) the vicinity of the Bicester Town Station on both sides of the railway;
 - (b) Tubbs Lane;
 - (c) in the vicinity of Works 11, 12, 13, 14 and 15;
 - (d) at Islip Station;
 - (e) in the vicinity of Works No 6, 16 , 17 and 18;
 - (f) at the Water Eaton Parkway Station and the aggregates depot;
 - (g) in the vicinity of the Rewley Abbey Stream (also known as Sheepwash Channel) Bridge; and
 - (h) at Oxford Station.

**DEPARTMENT FOR TRANSPORT
2010**

Transport and Works Act 1992

**Transport and Works (Applications and
Objections Procedure) (England and
Wales) Rules 2006**

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

**Request for Direction under section
90(2A) of the Town and Country
Planning Act 1990, conditions to be
attached to the Direction and
Statement of Reserved Matters**

The Chiltern Railway Company Limited
Western House
14 Rickfords Hill
Aylesbury
Bucks HP20 2RX

Eversheds LLP
One Wood Street
London EC2V 7WS

Solicitors and Parliamentary Agents

RE: CR TWA Order: Condition 13

Charlotte Frizzell [Charlotte.Frizzell@naturalengland.org.uk]

Sent: Tuesday, November 16, 2010 10:23 AM**To:** Ian Gilder

Hi Ian,

Here is our suggestion for slight changes to the wording of condition 13:

No Individual Section of development shall commence within 500 metres of the European designated site, the Oxford Meadows Special Area of Conservation (SAC), or **any** of the following Sites of Special Scientific Interest, namely (i) the Wendlebury Meads and Mansmoor Closes SSSI and (ii) the Hook Meadows and Trap Grounds SSSI, until a Method Statement **detailing the methods and materials to be used in identifying the means of construction and remediation works** to be employed on that Section of the development so that the works comprised in that Section shall not adversely affect the nature conservation interest of any designated site and its reasons for designation, has been submitted to and approved by the local planning authority, in consultation with Natural England.

Let me know if you agree with these changes.

Thanks
Charlotte

Mrs Charlotte Frizzell
Lead Environmental Planning Officer
Western Area Government Team, London and South East Region
Natural England
11 Fenlock Court, Blenheim Office Park
Long Hanborough, OX29 8LN
Tel: 0300 060 1925, Mob: 07824 597885

www.naturalengland.org.uk

We are here to secure a healthy natural environment for people to enjoy, where wildlife is protected and England's traditional landscapes are safeguarded for future generations.

In an effort to reduce Natural England's carbon footprint, I will, wherever possible, avoid travelling to meetings and attend via audio, video or web conferencing.

From: Ian Gilder [mailto:Ian.Gilder@erm.com]
Sent: 13 November 2010 19:48
To: Charlotte Frizzell
Cc: Andy Coates; Zoe Maxwell
Subject: CR TWA Order: Condition 13

Charlotte

Am happy to deal with any suggested changes to conditions without the need for formal submission to the Inspector at this stage.

If you forward your suggestions, I will see if we can agree them.

Can you please let me know what progress has been made on your side re the air quality issues at Oxford

Charlene Baker

From: Ian Gilder
Sent: 12 January 2011 17:26
To: Linda Griffiths
Cc: Charlene Baker; Andrew Bowe; Deadman, Michael - Environment & Economy - Development Control; Groves, David - Environment & Economy
Subject: RE: Chiltern Railways TWA Order: Planning Conditions and Management of Replacement Open Space
Follow Up Flag: Follow up
Flag Status: Red

Linda

Conditions you have seen, with the exception of 20 and 22, have been agreed with Oxfordshire CC and are in our agreement with OCC signed today. The City council have accepted all of the conditions, as have Natural England and EA.

That said, I have looked at all of your comments and respond below to your points. On reflection, I am proposing two further changes to meet three of your points. I have noted these below.

Regards

Ian

Ian Gilder
 Head of Planning, ERM, Exchequer Court, 33, St. Mary Axe, London, EC3A 8AA
 T (direct): 020 3206 5661
 T: 020 3206 5200
 F: 020 3206 5440
 M: 07802 886132

From: Linda Griffiths [Linda.Griffiths@Cherwell-DC.gov.uk]
Sent: Tuesday, January 11, 2011 4:53 PM
To: Ian Gilder
Cc: Charlene Baker; Andrew Bowe; Deadman, Michael - Environment & Economy - Development Control; Groves, David - Environment & Economy
Subject: RE: Chiltern Railways TWA Order: Planning Conditions and Management of Replacement Open Space

Ian, Good Afternoon

I have been going through your list of suggested conditions and have a number of comments to make as follows

3. this relates effectively to the reserved matters element. Should there not be a time limit for submitting these details and having them approved?

Conditions 1 and 3 are in standard form used for TWA Directions. Condition is absolute at 5 years because CPO powers end after 5 years.

4. I think this condition should be amended to include " the fencing shall be erected in accordance with the details as approved and thereafter shall be retained and maintained in accordance with this condition."

Am prepared to amend to deal with this point.

the wording relating to chiltern railways and transfer to network rail should be omitted.

We are presenting in this form, although Inspector may well take your view.

5. The condition should read "prior to the commencement of the development of the individual section..... submitted to and approved in writing by the LPA"

We are presenting in this form to avoid delay to commencement

(e) details of trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedge and the minimum distance between the base of the tree and the nearest edge of any excavation.

There is no reference to the protection of existing hedges and trees and the erection of protective fencing and root protection zones etc.

Am prepared to amend re details of trees etc to be retained. Root protection etc covered in Code of Construction Practice.

6. the district council normally seeks 5 years not 3.

The Inspector may agree with you, since 5 years are in Circ 11/95

9. this condition needs to include reference to producing a validation report and continued methods of monitoring of the site and production of certification of the work.

Validation and verification are the same. EA are content with condition.

19. the storage of aggregates up to 8m is excessive and will have a considerable impact on the openness and appearance of the green belt. This is not acceptable to the LPA

We disagree. OCC will make the same case that you do.

There are no conditions proposed relating to highway matters. Access and junction improvements to the stations and new station at Gosford.

Covered in OCC Agreement

Parking areas should be provided, constructed, laid out etc in accordance with details to be submitted and agreed in writing by LPA.

Covered in condition 3 and OCC agreement

Cycle parking provision details.

Covered in OCC Agreement.

Details of noise barriers and fencing

Will amend Condition 4
Provision of bus stops

Covered in OCC Agreement

Protection of scheduled ancient monuments

Covered in CoCP

Demolition of existing structures on site and removal of all debris from the site prior to commencement.

We don't think it is necessary.

Ecological mitigation and protection

Set out in Species Mitigation Plans agreed with NE and in CoCP.

protection of public footpaths/bridleways during construction. Details to be submitted prior to commencement of development.

Set out in Order and in CoCP

Submission of a Construction Environmental management plan

covers same ground as CoCP

Boundary details

I believe now adequately covered in conditions 4 and 5.

These elements should also be included as conditions. If I think of others tomorrow, I shall let you know.

If you would like to discuss, please give me a ring.

Regards Linda

Linda Griffiths
Senior Planning Officer (Major Developments)
Planning, housing and economy
Cherwell District Council
Tel: 01295 227998
Extension: 7998
[Mailto:Linda.Griffiths@cherwell-dc.gov.uk](mailto:Linda.Griffiths@cherwell-dc.gov.uk)
www.cherwell-dc.gov.uk

From: Ian Gilder [mailto:Ian.Gilder@erm.com]
Sent: 06 January 2011 15:12
To: Linda Griffiths
Cc: Charlene Baker
Subject: Chiltern Railways TWA Order: Planning Conditions and Management of Replacement Open Space

Linda

Happy New Year.

I am attaching the latest draft planning conditions for this scheme, which are those to be proposed by Chiltern Railways.

The Inspector has asked that we seek the views of both LPAs on these conditions. If you can let me have your comments and, if possible, acceptance of the draft conditions by 11 January, I can include these in our submission.

The Conditions session for the Inquiry is on 26 January and the District Council is, of course, entitled to participate, if you believe it to be worthwhile.

Can I also remind you that one of your leisure colleagues was assessing the amount of a commuted payment that the District Council thinks appropriate for the future maintenance of the replacement open space at Bicester.

Regards

Ian

Ian Gilder
Head of Planning, ERM, Exchequer Court, 33, St. Mary Axe, London, EC3A 8AA

13/01/2011

T (direct):020 3206 5661
T: 020 3206 5200
F: 020 3206 5440
M: 07802 886132

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