

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

CHILTERN RAILWAYS' REBUTTAL PROOF OF EVIDENCE

IN RELATION TO

THE EVIDENCE OF

NEIL WARNER ON BEHALF OF MCKAY SECURITIES PLC

1 Introduction

- 1.1 This rebuttal proof of evidence has been prepared on behalf of the Chiltern Railway Company Limited (Chiltern Railways) to respond to particular aspects of the objection and evidence of Neil Warner on behalf of McKay Securities Plc.
- 1.2 In particular, Neil Warner on behalf of McKay Securities Plc has raised new points in evidence provided for the Inquiry that Chiltern Railways had not previously addressed in the proofs of evidence prepared by their witnesses, which were submitted to the Inspector and to certain objectors on 1 October 2010.
- 1.3 It is not intended that this rebuttal proof should repeat material that the witnesses for Chiltern Railways have already covered in their evidence. Cross-references to relevant paragraphs of those witnesses' proofs of evidence are given below, where appropriate.
- 1.4 It is intended that this rebuttal proof should be a composite response by Chiltern Railways to those new points raised in the evidence of McKay Securities Plc, by Neil Warner. In this respect, for cross-examination purposes, the name of the Chiltern Railways witness who is responsible for each aspect of this rebuttal proof is given at the beginning of each section below.

2 Defined Terms

- 2.1 The following defined terms are referred to throughout this rebuttal proof:

"the Correspondence" means correspondence in the form of letters exchanged between Chiltern Railways and McKay Securities Plc dated 12 February 2010, 15 June 2010, 27 September 2010 and 19

November 2010, attached as Appendix A to this rebuttal proof;

“the Objector” means McKay Securities Plc;

“the Objector’s evidence” means the proof of evidence and appendices of Neil Warner on behalf of McKay Securities Plc (**OBJ66/5.1** and **OBJ66/5.2**).

“the Order application” means the application for the proposed Order submitted on 6 January 2010 and the Proposed Modification dated 9 September 2010;

“the proposed Order” means the proposed Chiltern Railways (Bicester to Oxford Improvements) Order.

3 Chiltern Railways’ Rebuttal of the Objector’s Evidence

Introduction

- 3.1 Neil Warner is an Associate at the John Phillips Planning Consultancy. Neil Warner’s evidence on behalf of McKay Securities Plc compares the Order Scheme works (as shown on PFA Drawing E094/40 in Appendix 4 of Neil Warner’s evidence) for Bicester Town station with an alternative scheme produced on behalf of McKay Securities (as shown on Drawings AP4A and AP5 in Appendix 5 of Neil Warner’s evidence). The Order Scheme is a decked 509 space car park whereas the McKay’s alternative scheme provides for 361 in the first phase and 522 spaces in the second phase.
- 3.2 The evidence addresses how both these schemes relate to the development plan and any other material considerations to determine whether there is an impediment to implementation.

Planning History, Ian Gilder

- 3.3 The Objector states that the current shared parking facility with Bicester Village and rail users, to the west of Bicester Town station, is covered by a planning permission granted in 2010 [10/00439/F] which amended an earlier 2008 permission [08/00704/F]. The planning permission provides for 219 car parking spaces for rail users on a weekday. Condition 7 of the planning permission requires details of the enforcement and control of vehicles using the shared car park during the week shall be submitted to and approved by the local planning authority before the car park is brought into use. The reason given is to ensure that the use of the car park is effectively monitored and controlled to ensure that rail users are utilising the allotted 219 spaces. The Objector states that the condition is enforceable and that there is no indication that it will not be complied with.
- 3.4 It is Chiltern Railways’ understanding that Condition 7 has been discharged and the permission has already been implemented. Chiltern Railways accepts that, in principle, there is an arrangement, enforceable by the local planning authority, to ensure railway use of the car park during the week and shared use at the weekend.

Impediments to Implementation, Ian Gilder

- 3.5 The Objector refers to the requirement under paragraph 23 of Circular 06/2004 [CD/5.19] that when considering impediments to implementation where planning permission is required, there should be no obvious reason why it might be withheld. The Objector states that irrespective of the legislative powers under which the actual acquisition is being proposed, the provisions of section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the Order Scheme should be in accordance with the development plan for the area unless material considerations indicate otherwise.
- 3.6 The extent to which the Order Scheme conforms to national and local policy raised by the Objector is discussed in the remainder of this rebuttal evidence.
- 3.7 Chiltern Railways considers that there is a compelling case and justification for the acquisition of the Objector's land. The evidence to support this is set out in the evidence of Paul Tregear [CRCL/P/8/A], Leo Eyles [CRCL/P/5/A] and the other Chiltern Railways witnesses.
- 3.8 It is important to note that the McKay's alternative layout cannot be delivered through the powers in the TWA Order. There are two substantial parcels of land, fronting onto London Road and land within the dual use Bicester Village car park, which are outside of the Limits of Land to be Acquired or Used and outside the Planning Direction request 'red line'.

Position of Cherwell District Council, Ian Gilder

- 3.9 The Objector refers to the position of Cherwell District Council in the Committee Report of 8 January 2010 which was to support the wider scheme whilst raising a technical question on the need for the level of parking at Bicester Town station.
- 3.10 The position of Cherwell District Council has been to support the Order Scheme in principle. The Committee Report refers to three technical points of objection which includes a request for further clarification of the need to provide 'so much' car parking at Bicester Town station and how this relates to the County Council's Integrated Transport proposals.
- 3.11 Cherwell District Council has been provided with the justification of the required parking levels as is set out in the rebuttal response to Alec Philpott's evidence [CRCL/R/OBJ66/2]. Cherwell District Council is not pursuing this or either of the other two technical points of objection at the Inquiry.

Conformity with Sustainable Development and Design Quality in PPS1, Ian Gilder

- 3.12 The Objector refers to the policy requirements in PPS1 Delivering Sustainable Development [CD/3.13] that sustainable development is the core principle underpinning planning decisions (paragraph 3). Particular reference is made to paragraph 22 which encourages minimising the need to consume new resources over the lifetime of development by making more efficient use or reuse of existing resources, rather than making new demands on the environment, and paragraph 27, criteria (viii) which encourages the promotion of the more efficient use of land through

higher density, mixed use development and the use of suitably located previously developed land and buildings. Policy seeks to bring vacant and underused previously developed land and buildings back into beneficial use to achieve the targets the Government has set for development on previously developed land.

- 3.13 Bicester Town station is surrounded by developed areas and actively used sites. There is no opportunity to locate the Bicester Town station and car park on vacant and/or underused previously developed land or buildings. The design of the car park has sought to balance the aspiration to minimise land take whilst meeting other policy objectives of PPS1 for good quality and safe design.
- 3.14 The Objector makes reference to the requirement in PPS1 for good design, being the efficient and prudent use of resources, optimising the potential of a site to accommodate development, responding to the local context and distinctiveness, creating safe environments and addressing the needs of society. PPS1 endorses developments that respond to their surroundings and are visually attractive as a result of good architecture and appropriate landscaping.
- 3.15 Chiltern Railways maintains that the design of Bicester Town station contained in the Order Scheme is a high quality design that meets all the requirements in PPS1 in terms of its relationship with the surrounding area. The design, as far as a car park development can, reflects local and distinctive features, creates a safe environment that is also visually attractive and landscaped sympathetically as appropriate to its surroundings. The relative merits, in design terms, of the Order Scheme over the McKay's alternative scheme is set out in the rebuttal evidence to Gregory Beale [CRCL/R/OBJ66/3]. The conclusion that can be drawn from that evidence is that the Order Scheme better achieves the policy objectives of PPS1 than the McKay alternative.

Conformity with PPS4 and Local Economic Development Policy and Evidence, Ian Gilder

- 3.16 The Objector refers to the overarching aim in PPS4 Planning for Sustainable Economic Growth [CD/3.24] to achieve sustainable economic growth and build prosperous communities by improving the economic performance of towns to deliver more sustainable patterns of development, reduce the need to travel, especially by car and respond to climate change. The Objector refers to policy EC2.1 which states the requirement on local planning authorities that their development plan sets out a clear economic vision and strategy for their area which positively and proactively encourages sustainable economic growth, whilst having regard to the character of the area and the need for a high quality environment. Local planning authorities are also required to support existing business sectors and seeks to make the most efficient and effective use of land. Prioritising previously developed land which is suitable for re-use reflects the different location requirements of businesses as well as the locally available workforce.
- 3.17 The Objector refers to paragraphs 3.3 and 3.7 of the adopted Cherwell Local Plan (which are not saved policies) that set out the Council's objective to maintain a strong local economy and promote economic development in the District. Appendix G of the adopted Local Plan sets out the Council's Economic Development Policy, in which

Paragraph G2(i) states out the Council's objective of encouraging enterprise by the retention and growth of existing companies.

- 3.18 Whilst Chiltern Railways acknowledges that the Order Scheme will result in the loss of a small number of jobs with the requirement to remove five units from the McKay Trading Estate, its overall economic impact on Bicester far outweighs any more localised impacts. As stated in paragraph 13.8 of Ian Gilder's evidence [CRCL/P/12/A], Chiltern Railways considers that the Order Scheme would act as catalyst for the future redevelopment and regeneration of the area as being promoted through Policy S17 (Appendix B to this rebuttal) of the Non-statutory Cherwell Local Plan. The Order Scheme allows for a more logical and positive interface with the redevelopment aspirations set out in Policy S17.
- 3.19 Paragraph 3.14 of the Cherwell District PPS6 Assessment (2006) states that it remains important for town centres such Bicester to avoid complacency and seek to maintain a competitive position. Enhanced public transport accessibility will greatly contribute to its future attractiveness compared to other competing centres. As stated in paragraph B.10 of the draft Core Strategy [CD/4.12] some of Bicester's employment areas are ageing and in need of rejuvenation and a greater range of employment space is needed.
- 3.20 This statement is backed up by paragraph B.15 of the draft Core Strategy which states that one of the key environmental issues facing Bicester is improving the attractiveness of the town's employment areas. Policy S17 of the Non-statutory Cherwell Local Plan, 2011 (see Appendix B) has identified the area around Bicester Town station as an area that offers the potential for redevelopment and regeneration. It states in paragraph 5.87.1 of the reasoned justification for Policy S17 that many of the *"areas within it are underused and do not constitute an effective use of a prominent site. The site generally presents a poor gateway to Bicester and there is potential to achieve significant environmental improvement"*. Policy S17 is for a mixed use development intended to include employment generating uses on the site.
- 3.21 Whilst Chiltern Railways recognises that adopted and emerging policy understandably seeks to maintain a strong economy and promote economic development, this is not necessarily dependent upon the retention of a small number of units on the McKay Trading Estate. Whilst draft Policy E1 of the emerging policy in the draft Cherwell Core Strategy [CD/4.12] states the Council's intention to continue to protect existing employment land and buildings for employment uses, it goes on to say that a range of sites will need to be identified, including those that make efficient use of existing and underused sites and premises, by increasing the intensity of use on sites with good access, or those that can be made to have good access, by public transport.
- 3.22 As recognised in paragraph A1.684 of the draft Cherwell Core Strategy [CD/4.12] there will be instances where a change of use is proposed on an employment site. In such instances, regard will be had to *"other planning objectives that would outweigh the value of retaining the site in an employment use and where the applicant can demonstrate that the proposal would not have the effect of limiting the level of provision and quality of land available for employment"*. The Order Scheme demonstrates clear planning benefits in terms of delivering sustainable transport

improvements to Bicester that outweigh the loss of a small amount of employment floorspace. Whilst the McKay Trading Estate may have been recognised as a 'good quality' and well occupied business estate in the Employment Land Review of 2006, the loss of a small number of the units will not prevent the remaining units on the trading estate from continuing to function effectively.

- 3.23 Chiltern Railways recognises that there needs to be a flexible supply of employment land to meet varying needs within the economic sector. The draft Cherwell Core Strategy [CD/4.12] is seeking to facilitate economic growth and a more diverse economy through attracting higher technology industries and to deliver attractive employment space to meet modern business needs (Objectives LO1 and LO3, page 89). This relies heavily on the strategic employment allocations in South West Bicester [BIC 2] which will deliver 22 hectares of land for employment uses generating 2,900 jobs when fully developed and the North West Bicester Ecotown [NWB 1] which allocates 32 hectares of land for employment which could deliver 3,000 jobs by 2026. The McKay Trading Estate is not of strategic importance in supporting the planned economic growth in Bicester.

Conformity with Sustainable Transport Policy in PPG13, Ian Gilder

- 3.24 The Objector refers to paragraph 21 of PPG13 which seeks to make maximum use of the most accessible sites, such as those close to major transport interchanges and recognises that those opportunities may be scarce. Local planning authorities need to be proactive in promoting intensive development in these areas.
- 3.25 As stated in paragraph 13.8 of Ian Gilder's evidence [CRCL/P/12/A] the station works will act as a catalyst for the future redevelopment and regeneration of the wider area in support of Policy S17 of the Non-statutory Cherwell Local Plan. A full extract of the policy and the supporting reasoned justification are provided in Appendix B to this rebuttal. Policy S17 seeks to maximise the opportunities provided by "a largely previously developed site to create new business and residential areas. These uses would be well located in terms of access to the town centre and public transport in accordance with the principles of PPG3 and PPG13" (paragraph 5.87.2). This can be achieved whilst allowing for the continued operation of the remaining units on the McKay Trading Estate without leading to planning blight or the prospect of vacant units on the site.
- 3.26 The Objector makes reference to paragraph 48 of PPG13 which states that quick, easy and safe interchange is essential to integration between different modes of transport. Local authorities should promote more sustainable travel choices, by, amongst other things, ensuring that interchange points are well related to travel generating uses, and that the design, layout and access arrangements of surrounding development and interchanges are safe and convenient so as to maximise the walking and cycling catchment population for public transport services.
- 3.27 As set out in paragraph 3.26 of Chiltern Railways' rebuttal to the evidence of Alex Philpott [CRCL/R/OBJ66/2] the station layout has been specifically designed to deliver effective interchange between sustainable transport modes which has been a particular objective of Oxfordshire County Council. The layout also provides for a suitable layout and access arrangement that responds to and meets the needs of

surrounding development and creates safe and convenient access for pedestrians and cyclist in order to maximise the walking and cycling catchment population for public transport services. Pedestrian provision is described in more detail in paragraph 3.24 of Chiltern Railways' rebuttal to the evidence of Alex Philpott [CRCL/R/OBJ66/2]. In this respect the Order Scheme is in full compliance with paragraph 48 of PPG13 and is more effective in meeting these policy objectives than the McKay's alternative.

- 3.28 The Objector refers to paragraph 51 of PPG13 which encourages the shared use of parking, particularly in town centres where users might share parking because the peak levels of use do not coincide provided adequate attention is given at the design stage.
- 3.29 Chiltern Railways understands that as a condition of the sale of the land to develop the dual use car park, a confidential agreement was signed by both parties stipulating that during weekdays, 220 spaces be provided for rail passengers' use only. During weekends both customers of Bicester Outlet Village and rail passengers would share the car park. Chiltern Railways has no influence over this agreement and is not a party to it. With the Order Scheme in place dual use by shoppers and railway users would continue on the 220 spaces (minus those lost to build the new station taking this down to 176 spaces) during the week.
- 3.30 The Objector refers to paragraph 61 of PPG13 which states that Park and Ride schemes need to be subject to robust assessment, including consideration of alternative sites, the impact on local amenity, and travel impacts, including traffic reduction and generation. The policy requirements is that where their use is appropriate, they need to be designed and implemented in association with other measures, such as public transport improvements, traffic management and parking controls.
- 3.31 The Order Scheme has not been designed to increase the total public parking stock available in Bicester, but to specifically cater for the uplift in passenger numbers that have been forecast and set out in the evidence of Leo Eyles [CRCL/P/5/A] and Paul Tregear [CRCL/P/8/A]. The justification for the need for the level of parking planned for Bicester Town station is set out in the evidence of Leo Eyles [CRCL/P/5/A] and in CRCL/P/8/E where clarification is given on Chiltern Railway's position in relation to the existing 'Station Car Park' on Bicester Outlet Village land. The level of parking has been determined in accordance with sustainable transport principles and which have been integral to the demand assessment work that underpins the car parking demand. The management of the parking will be under the full control of Chiltern Railways.
- 3.32 The location of the new station and its associated parking has been the subject of detailed consideration and consultation with Oxfordshire County Council as the highway authority. The Bicester Town Station Options Report [CD/2.17] summarises the options considered in the early stages of the design process. The traffic and transport impacts of the Order Scheme have been considered in detail, as set out in the Environmental Statement [CD/1.16] and the further specific work has been undertaken on the impacts on London Road in the S-Paramics Micro-simulation Traffic Model of London Road, Bicester [CD/2.24].

- 3.33 The Objector refers to paragraph 63 of PPG13 which states that whilst the provision of parking at urban rail stations can increase the potential catchment population for rail services it can at the same time exacerbate road congestion in the surrounding area. PPG13 goes on to say that at main line stations travellers can be discouraged from using local bus or train services to connect to longer distance services. Paragraph 63 of PPG13 goes on to state that parking may also result in lower density development in the immediate vicinity of the station and, therefore, local authorities need to consider the case for parking facilities at urban rail stations and the treatment of on-street parking near to stations including making the most of highly accessible sites.
- 3.34 The Order Scheme will not lead to road congestion in Bicester as demonstrated in the evidence of Paul Tregear [CRCL/P/8/A]. The station layout makes positive provision to encourage bus interchange with rail services to promote use of sustainable modes of transport including walking and cycling. Positive provision has been made to ensure effective interchange and linkages between bus and rail services.
- 3.35 The aspiration of Policy S17 of the Non-Statutory Cherwell Local Plan is to maximise the opportunities provided on the site through higher density, mixed use development. The reasoned justification in paragraph 5.87.3 of the Local Plan states that *“In view of the ‘sustainability’ of the location, densities in excess of 45 dwellings per hectare will not be inappropriate”*. A proactive policy framework alongside good design and planning practice will ensure that any future development framework or masterplan for the site will seek to maximise densities, given its high accessibility by public transport and proximity to the town centre.

Conformity with Allocated Uses Within the Adopted Cherwell Local Plan and the Non-statutory Cherwell Local Plan, 2011, Ian Gilder

- 3.36 The Objector refers to the allocation of land, which is now developed as the dual use Bicester Village and railway car park, in the adopted Cherwell Local Plan under Policy EMP1 for employment generating development. The Objector refers to paragraph 5.75 of the adopted Cherwell Local Plan which allocates the small area of open land to the north of the Talisman Centre, adjacent to Bicester South Railway Station, for future use as a car park. It has been safeguarded as such as it was anticipated by the Council that the existing Oxford to Bicester railway service would be likely to become more popular in future and this site could be required to provide additional car parking for rail users.
- 3.37 The allocation of the land to the south west of Bicester Town station has been overtaken by the granting of planning permission of the [10/00439/F] for the dual use car park. The Bicester Town station layout conforms with the allocated uses on the area of land to the north of the Talisman Centre as it forms part of the additional station parking associated with a future uplift in passenger numbers with the Order Scheme.
- 3.38 The Objector refers to Policy S17 of the Non-statutory Cherwell Local Plan, which allocates the wider area around Bicester Town station as a mixed use redevelopment

opportunity for predominately employment and residential uses. A full extract of Policy S17 and reasoned justification is included as Appendix B to this rebuttal. The Objector states that the weight that can be attached to the policy is relatively small, but acknowledges that it does set out the Council's aspirations for the site.

- 3.39 As stated in paragraph 2.55 of Ian Gilder's evidence [CRCL/P/12/A], Policy S17 contains within it support for a new rail station for Bicester to allow an increase in frequency and quality of service. The Bicester Town station forms part of the wider allocation for employment and retail uses in the area. Policy S17 seeks to maximise the opportunities provided by "*a largely previously developed site to create new business and residential areas. These uses would be well located in terms of access to the town centre and public transport in accordance with the principles of PPG3 and PPG13*" (paragraph 5.87.2). The proposal is for a mixed use development including residential and employment uses alongside "*railway related uses associated with the operation of the existing station*". Policy S17 states in paragraph 5.87.9:

"The railway station provides a focus for public transport in this area and proposals exist to upgrade rail services in Bicester as part of the East-West Rail Link. If the frequency and quality of service to Bicester Town is to increase in the longer term, the Council considers that this must be matched by an increase in the quality of station facilities. While such improvements will be the responsibility of Network Rail, provision should be made to meet operational needs of the station such as improved car parking, interchange and bus stopping facilities in the future".

- 3.40 The Non-statutory Cherwell Local Plan has been approved as interim planning policy for development control purposes incorporating changes following the consideration of all representations received to the Pre-Inquiry version of the draft plan. In line with the advice in PPS1 General Principles, 2004 (paragraph 47), other than in the circumstances where a proposal would have a cumulative effect that would be so significant that to grant consent would prejudice the outcome of the development plan, '*refusal of planning permission on grounds of prematurity will not usually be justified*'. It goes on to state that '*account will also be taken of policies in emerging development plans that are going through the statutory procedures towards adoption. The weight to be attached to such policies depends upon the stage of plan preparation or review, increasing as successive stages are reached*'. On this basis, it is considered that the weight that can be afforded policies in the Non-statutory Cherwell Local Plan is considerably greater than that stated by the Objector.
- 3.41 The Employment Land Review (2006) which forms part of the Local Development Framework Evidence states that site B10 which covers an area greater than that allocated under Policy S17 states that the "*site is within walking distance to the town centre and the train station which makes it suitable for a mixed-use development incorporating an element of B1 employment use along with some residential and open space provision which is in-line with the Council's objectives*".

Retention of Existing Employment Generating Floorspace, Ian Gilder

- 3.42 The Objector states that the general thrust of the adopted Local Plan is to support the provision of new floorspace on allocated sites and encourage the retention and growth of existing companies. The Objector states that two of the identified employment sites (Gavray Drive and RAF Bicester) in the adopted Local Plan will not now come forward for employment. The Objector states that the Non Statutory Cherwell Local Plan continues to identify the need to provide sufficient employment generating land at Bicester. The Objector recognises that under Policy S17 employment generating uses will be retained as part of the redevelopment aspirations of the wider site.
- 3.43 The Objector states that although policy of the draft Core Strategy [**CD/4.12**] recognises that some of Bicester's employment areas are ageing and in need of renovation, this does not include the McKay Trading Estate which is recognised in the Employment Land Review as being good quality and well-occupied business estate. As stated in Policy E1 of the Draft Core Strategy, the Council will, as a general principle, continue to protect existing employment land and buildings for employment uses.
- 3.44 The Objector states that the loss of employment generating floorspace is contrary to the adopted development plan and emerging policy as it would result in the loss of a significant employment site which could continue to make an important contribution to the economic development of Bicester. The evidence of John Jones [**OBJ/66/2.1**] is that the Order Scheme would result in the loss of a significant part of the McKay Trading Estate which would also have a detrimental impact on the desirability of the retained units.
- 3.45 The Objector states that the McKay alternative layout better achieves the objectives in the Draft Core Strategy [**CD/4.12**] to provide attractive employment generating floorspace to reduce out-migrating and deliver attractive floorspace to meet modern business needs as it retains existing good quality and well occupied business space, rather than older less desirable units.
- 3.46 The Objector correctly states that five units on the McKay Trading Estate will be lost with the Order Scheme. The Objector has calculated that the Order Scheme would result in the loss of 2,340 m² of employment floorspace. The Objector compares this to a loss of floorspace with the McKay alternative layout of 1,890 m², assuming that Unit 11 is rebuilt. The Objector states that more of the McKay Trading Estate will be lost as a result of the Order Scheme, which is correct.
- 3.47 It is not clear from the McKay's layout drawing AP5 (in Appendix 5 of his evidence) how or where Unit 11 would be replaced. If the proposal is to realign the exterior wall to accommodate the turning area then this would only leave about half a unit. This would raise the amount of employment floorspace to be more in the region of 2,050 m², which is not that different from that in the Order Scheme.
- 3.48 The Objector states that these are modern desirable units and their loss is not readily replaceable, relying on the evidence from John Jones on behalf of McKay. That evidence is rebutted in **CRCL/R/OBJ66/1**. The McKay Trading Estate is not a

strategic employment location, as clearly evidenced by the Council's desire to redevelop it as part of a wider mixed scheme for the area. Whilst the McKay Trading Estate may have been recognised as a 'good quality' and well occupied business estate in the Employment Land Review of 2006, the loss of a small number of the units will not prevent the remaining trading estate from continuing to function. The draft Core Strategy contains two strategic employment allocations in Bicester totalling 54 hectares of land with the potential to deliver 5,900 jobs by 2026. This level of supply of employment land is sufficient to meet policy objectives in the emerging Core Strategy [CD/4.12] to provide employment opportunities for higher value and knowledge based industries and to deliver attractive employment space to meet modern needs without relying on the existing stock on the McKay Industrial Estate.

- 3.49 Chiltern Railways agrees with the Objector that the protection of existing employment generating land is a reasonable objective of the planning system which is supported in policy. However, as also recognised in the emerging Core Strategy (paragraph A.162) there will be instances when there may be *"other planning objectives that would outweigh the value of retaining the site in an employment use and where the applicant can demonstrate that the proposal would not have the effect of limiting the level of provision and quality of land available for employment"* permission could be granted. The Order Scheme demonstrates clear planning benefits in terms of delivering sustainable transport improvements to Bicester that clearly outweighs the loss of a small amount of employment uses.
- 3.50 Whilst policy necessarily seeks to protect existing employment floorspace, it should be noted that Cherwell District Council has not objected to the loss of these units, presumably as it conforms with their longer term objectives for the wider site as set out in Policy S17 of the Non-statutory Cherwell Local Plan. The view of the Council of the wider site, as expressed in Policy S17, is that *"many of the areas within it are underused and do not constitute an effective use of a prominent site. The site generally presents a poor gateway to Bicester and there is potential to achieve significant environmental improvement"*.

Best Use of Land, Ian Gilder

- 3.51 The Objector states that PPS1 and PPG13 both recognise the need to use land efficiently, through higher density and mixed use development of suitably located previously developed land and buildings. The Objector refers to the advice in PPG13 which requires that maximum use is made of the most accessible sites such as those close to major transport interchanges. PPG13 recognises that such resources and opportunities are scarce and intensive development of travel intensive uses should be promoted in these locations. The Objector states that the Order Scheme fails to take advice in paragraphs 51 and 63 of PPG13 as it would deliver a large car park adjacent to the dual use shoppers and rail car park shared with Bicester Village (for which there is already consent) and the wider parking provided for Bicester Village. The Objector states that this would be very inefficient use of land.
- 3.52 The Objector states that no reason is given as to why the dual use parking is not taken account of by the Order Scheme as it runs counter to the aims of sustainable development, which is the principle that underpins planning. The Objector states that the McKay's alternative, on the other hand, pays due regard to this advice as it

makes best use of land and considers the prospect of the shared use of the parking space available in the vicinity, in accordance with the statements of Government planning policy.

- 3.53 For the reasons outlined in (**CRCL/P/8/E**), Chiltern Railways came to the decision that it could not rely upon the Bicester Outlet Village car parking spaces being available for use by the Order Scheme. A full response on traffic and parking issues is provided in the rebuttal to the evidence of Alec Philpott [**CRCL/R/OBJ66/2**]. This sets out a detailed comparison of the Order Scheme and the McKay's alternative on traffic and parking issues.
- 3.54 Chiltern Railways believes that the Order Scheme is in full accordance with sustainable development policies in PPS1, PPG13 and other national policy documents, being at its core a sustainable transport project. The design of the car park at Bicester Town has sought to balance functionality, safety and good design to make efficient use of the land without compromising its future development potential to deliver a high density mixed-use development on the site, in accordance with the Council's aspirations and national policy.

Visual Impacts and Heritage Assets Settings, Ian Gilder

- 3.55 The Objector states that in line with PPS1, good design in developments includes how development responds to its surroundings to ensure that it is visually attractive. The Objector recognises that whilst the architecture of the Order Scheme is not for consideration at this stage, proper regard can be paid to the ability of the area to be landscaped and the general response of the Order Scheme to its context. The Objector states that the context for the Order Scheme in this location is the station use and regard needs to be given to the former Station Master's house which is listed. The Objector cross refers to the evidence of Gregory Beale on behalf of McKay [**OBJ66/4.1**] which concludes that insufficient regard is given to the historic environment.
- 3.56 The Objector states that the Order Scheme fails to have regard to local distinctiveness and the appearance of what will be a major entrance point for visitors to Bicester. The retention of the properties fronting onto London Road is not seen to provide any opportunity to improve the appearance of the area and would provide poor legibility for pedestrians, whilst the retained units on the McKay Trading Estate would not allow any significant space for suitable landscaping.
- 3.57 In contrast, the Objector states that the McKay's alternative better relates to local distinctiveness in that it retains the existing mature landscaping at the rear of the retained units on the McKay Trading Estate and this is kept as a self contained use. The Objector argues that the alternative scheme not only provides for an appropriate relationship with the historic Station Master's House, but also better legibility at the entrance to the station and at the junction with Station Approach and London Road.
- 3.58 The Order Scheme has paid careful attention to 'preserving those elements of the setting that make a positive contribution', as required by Policy HE10.1 of PPS5 [**CD/3.29**]. The removal of the buildings at the rear of the Station Master's House, replacing them with the main pedestrian route to the new station and the new

landscaped car park makes a considerable start to better reveal the significance of the asset. A full response to Gregory Beale [OBJ66/4.1] is provided in CRCL/R/OBJ66/3.

- 3.59 The McKay's alternative scheme has been driven entirely by property considerations and by the need to accommodate the parking and other transport requirements of the station. Its only advantage, in historic building and townscape terms, would be to remove the unsympathetic extensions to the listed building. In return, it would surround the listed buildings with a large expanse of at-grade parking. It is difficult to see how this would be an overall enhancement to the listed building or its setting, or create an appropriate gateway to the Conservation Area or the wider site.
- 3.60 The functionality of the station layout is an important aspect of its urban design and townscape qualities. The Order Scheme allows for a compact and more logical layout and a sensible pedestrian network serving the station and linking through to Bicester Village via Pingle Drive. The principal pedestrian route to the station as accommodated within the Order Scheme layout will be both more attractive and open up the potential for views of the station as well as the Station Master's House.
- 3.61 With the McKays alternative scheme, the existing large industrial blocks would be retained as part of the alternative layout. These are large industrial buildings of no merit which would dominate the front of the station forecourt and be a intrusive element in views from the bus stops and pedestrian routes. This would result in both poor quality townscape and contorted pedestrian routes that would wind around these buildings. It is Chiltern Railways conclusion that the McKay's alternative would be disastrous in terms of townscape and the setting of the listed building.
- 3.62 A landscaping strategy has been produced for Bicester Town station and car parking which can be found in Figure IMG 4.1 in Ian Gilder's appendices [CRCL/P/12/B]. The landscaping scheme will include both hard surface treatment as well as soft landscaping within the station forecourt and parking areas as described in more detail in the Design and Access Statement [CD/1.19]. Chiltern Railways has given proper regard to the ability of the area to be landscaped in a manner which reflects its function as a car park and responds to its surroundings. This is direct contrast to the McKay alternative for which no landscaping proposals have been produced and it is hard to visualise what could be realistically achieved within the proposed layout.

Aspirations for Comprehensive Redevelopment of the Wider Area, Ian Gilder

- 3.63 The Objector states that the Order Scheme does not adequately consider the scope for the comprehensive redevelopment of the land identified in Policy S17 and that the separation of the area of employment land into two parcels does not provide the same opportunity to provide a suitable buffer for the residential development and it would make the comprehensive development of the residual land more difficult. The Objector states that in contrast the McKay's alternative retains a single parcel of land.
- 3.64 As set out in paragraph 13.10 of Ian Gilder's evidence [CRCL/P/12/A], the design of the Order Scheme has taken a comprehensive approach to the redevelopment of the Bicester Town station and car park that allows for effective integration with any development proposals coming forward on the rest of the site in order to allow for a

cohesive design. The relative merits of the Order Scheme and the McKay's alternative are discussed in detail in the rebuttal to Gregory Beale's evidence [CRCL/R/OBJ66/3]. The conclusion that can be drawn from that evidence is that the Order Scheme allows for a more comprehensive and better planned development in urban design terms, than the McKay alternative. The Order Scheme would result in a more logical and defined development boundary than that achieved with the alternative layout.

4 Conclusion

- 4.1 This rebuttal provides a comprehensive response to the evidence presented by the Objector.
- 4.2 Chiltern Railways has made clear the reasons for land acquisition in **CRCL/P/8/E** and the overall case for the grant of compulsory purchase powers in this case is set out for the Order Scheme is summarised in **CRCL/INQ/30**.
- 4.3 The McKay Trading Estate is not a strategic employment site. Cherwell District Council has aspirations under Policy S17 of the Non-statutory Cherwell Local Plan to redevelop the site with the loss of all of the McKay units.
- 4.4 The Order Scheme as proposed complies with the core principles of national and local policy in relation to sustainable development and the promotion of sustainable transport. In designing Bicester Town station due regard has been given to the design advice in PPS1 and the impacts on the cultural heritage as promoted through PPS5. Overall the Order Scheme better meets these policy requirements than the McKay's alternative scheme.

Appendix A

CRCL/R/OBJ66/4

Relevant Correspondence
between Chiltern Railways
and the Objector

035/66

shoosmiths

The Secretary of State for Transport
c/o Transport and Works Act Orders Unit
Department for Transport
Zone 1/31
Great Minster House
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LONDON
SW1P 4DR

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Solent Business Park
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DX 124693 Whiteley

T 03700 866800
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kirsten.hewson@shoosmiths.co.uk
T 03700 866943

Delivered: By e-mail to:
transportandworksact
@dft.gsi.gov.uk

Our Ref KJH/ch 169102.52
Date 12 February 2010

and by Special Delivery Post

Dear Sir

**THE TRANSPORT AND WORKS ACT 1992
PROPOSED CHILTERN RAILWAYS (BICESTER TO OXFORD IMPROVEMENTS) ORDER (the
"TWA Order")
OBJECTION MADE ON BEHALF OF MCKAY SECURITIES PLC (the "Objector")**

We are instructed by the Objector, whose registered office is at 20 Greyfriars Road, Reading, RG1 1NL, to act on its behalf in submitting an objection to the TWA Order.

Objector's interest in property affected by the TWA Order

The Objector is the freehold owner and landlord of the property known as McKay Trading Estate, Bicester, Oxfordshire. Part of the property is included in the TWA Order as:

Plot 04010 – 3354.75 sq m Hardstanding, private road and car park, trees, shrubbery, thickets, land, McKay Trading Estate, Bicester, Oxfordshire;

Plot 04020 – 287.23 sq m Manufactory (unit 8) McKay Trading Estate, Bicester, Oxfordshire;

Plot 04021 – 337.60 sq m Manufactory (unit 9) McKay Trading Estate, Bicester, Oxfordshire;

Plot 04022 – 338.57sm Manufactory (unit 10) McKay Trading Estate, Bicester, Oxfordshire;

Plot 04023 – 344.50 sq m Manufactory (unit 11) McKay Trading Estate, Bicester, Oxfordshire;

Plot 02424 – 308.37 sq m Manufactory (unit 12) McKay Trading Estate, Bicester, Oxfordshire;

Accordingly, the Objector is a statutory Objector.

The Objector does not consider that sufficient justification has been provided for the acquisition of its land by the use of compulsory purchase powers. In addition, the Objector is uncertain as to how the implementation of the proposals will affect its use and enjoyment of all that land shown edged red on the attached plan, including units numbered 1-7 of McKay Trading Estate (the "Retained Land"). It therefore objects to the TWA Order.



HEWSONK ALBI-20100208-0006 112.2.2010

Grounds of objection

The Objector objects to the TWA Order being made by the Secretary of State on the following grounds:

1 INSUFFICIENT JUSTIFICATION FOR THE ACQUISITION OF LAND

- 1.1 The Objector contends that insufficient justification has been provided to justify the acquisition of the Objector's plots by way of compulsory acquisition.
- 1.2 The Design and Access Statement prepared by ERM and dated 15 December 2009 ("the Design and Access Statement") which is submitted in support of the TWA Order states at paragraph 3.2.14 "land adjacent to the station building is to be acquired to allow Station Approach to be rationalised and improved and dedicated station parking to be provided. The station development will require the demolition of seven industrial buildings including.....units 8 to 12 of the McKay Trading Estate". The statement continues at 3.2.15 "the London Road /Station Approach junction is to be improved and will make the station a more visible gateway to Bicester".
- 1.3 The Objector contends that there are other parcels of land which could be acquired to meet the requirements of paragraph 3.2.14 of the design and access statement and provide a better design solution to address the statement in paragraph 3.2.15, without the need to acquire the Objector's plots and which could minimise land take from private land owners. The TWA Order and supporting documentation does not justify the need for a standalone two deck car park on the Objector's land. Alternative solutions to the design and access arrangement for the station have not been thoroughly considered to minimise land take and provide a more dynamic parking arrangement.
- 1.4 The Objector is of the opinion that other parcels of land would be not less than accessible for the provision of a station car park and would provide a more cogent and workable planning solution and access arrangement for the station for both pedestrians and vehicles. The acquisition of parcels of land adjacent to London Road would provide a more accessible entrance to the station from London Road, remove the need to acquire the Objector's plots and would reduce the adverse impact on the Objector's Retained Land.
- 1.5 The Objector contends that the proposal is contrary to the Local Planning Authority's policy for redevelopment on the Land adjacent to Bicester Town Railway Station. The proposal will undermine the existing policy and the emerging policy in the LDF. Policy S17 of the Non Statutory Cherwell Local Plan 2011 identifies the land adjacent to the Station for mixed use development. The Objector acknowledges that this includes railway related uses but the policy clearly states that "piecemeal proposals that would prejudice the implementation of an overall strategy for this area will not be permitted". The Objector contends that the proposal is a piecemeal proposal which will prejudice the future development of the area as it does not seek to unlock the area or open up the access arrangements or provide a gateway into this part of Bicester as required by the planning policy.
- 1.6 The Objector contends that should the proposal be constructed with its current design the effect would be that the area would remain "under used" and it would "not constitute an effective use of a prominent site", neither would it allow for future development to make effective use of this prominent site which is identified as a reason for allocating this area for redevelopment in paragraph 5.87.1 in the supporting text to policy S17.
- 1.7 Whilst the emerging policy in the LDF is not as detailed as the Non Statutory Cherwell Local Plan 2011 it is clear from the public consultation undertaken by the Local Planning Authority from 2007 to date that it intends for the land adjacent to Bicester Town Station to remain allocated as a mixed use residential and employment site. Therefore, the Objector contends that Chiltern Railways should be required to thoroughly consider the impact its proposal will have on the long term objective to redevelop this area.

2 INTERFERENCE WITH USE AND ENJOYMENT OF RETAINED LAND

- 2.1 It is unclear to the Objector having reviewed the supporting documentation submitted with the TWA Order, how the access arrangements to the Objector's Retained Land will operate during the construction of the Proposals and following completion of the works.
- 2.2 The Objector objects to the proposals as inadequate access has been provided for the Retained Land. For example drawing No. AL002.1 appended to the Design and Access Statement does not include any access arrangements for Unit 1 of the McKay Trading Estate, no access to the parking and access at the Rear of Unit 2 and extremely limited access to the front of Unit 2. The proposed arrangements shown on drawing No. AL002.1 would sterilise Units 1 and 2. The Objector objects to the proposal unless or until Chiltern Railways provide access which is equivalent to the current access arrangements enjoyed by all the Units on the Retained Land.
- 2.3 In addition to the obvious and immediate concerns arising from the drawings, the Objector has instructed highways engineers to review the documentation and ensure safe operation of the access and egress from the Retained Land to the public highway, and the operation of the accesses into the Industrial Units with appropriate size vehicles, both during construction and following completion of the works.
- 2.4 The Objector objects to the proposal unless and until a binding arrangement is entered into providing the Objector with assurance that it will have equivalent rights of access for its Retained Land as it currently enjoys for the McKay Trading Estate. The Objector currently has unlimited access direct to the public highway for any use or purpose carried out on the McKay Trading Estate. If that part of the road edged and hatched green on the plan (the "McKay Estate Road") is to be a private road the Objector requires the McKay Estate Road to be constructed to adoptable standards and to benefit from easements which grant full and unfettered rights of access and services to be provided for whatever use the Objector achieves planning consent for in the future. The Objector requires Chiltern Railways or the party who will be the owner of the McKay Estate Road to enter into a legal agreement confirming that the Objector or its successors in title to the Retained Land shall not be required to pay any maintenance for the McKay Estate Road nor shall it be required to seek the consent of the owner of the McKay Estate Road should the Objector or its successors in title propose to redevelop the Retained Land. Without these specific provisions the Objector objects to the proposed TWA Order.
- 2.5 The Objector objects to the proposed TWA Order as insufficient information has been provided in the documentation to ascertain whether the London Road/Station Approach junction will be able to operate safely for the number and types of vehicles proposed. The documentation is contradictory as it states at paragraph 4.4.8 of the Design and Access Statement that the junction will operate as a mini roundabout. The remainder of the documentation refers to the revised London Road/Station Approach junction as a priority junction with right turn lane. The Objector requests further information from Chiltern Railways to clarify the proposal so that it can fully assess the impact of the proposal on the use and enjoyment of its Retained Land.
- 2.6 Insufficient detail has been provided in the documentation to demonstrate if the realignment of Station Approach, McKay Estate Road and the revised Station Approach/London Road junction is feasible or can operate without adverse impact to users accessing the Retained Land. The limited information provided in the documentation shows a sub-standard right turn lane. The Objector requests sight of an appropriate independent Stage 1 Road Safety Audit of the proposed junction improvements along with the associated Designers Response. The Objector objects to the proposal until Chiltern Railways provides sufficient information to confirm the safety of the proposed London Road/Station Approach junction and the ability for HGV traffic to access the Retained Land.

- 2.7 The Objector is concerned about the safe operation of Station Approach and the McKay Estate Road given the potential future use by buses, cars and HGVs. The documentation to support the proposed access into the Retained Land requires more detail. The Objector contends that HGVs will have to cross onto the opposite side of the carriageway on the McKay Estate Road to egress from the Retained Land. It is proposed that, as the Retained Land will remain an Industrial Estate, there will be HGV traffic attending on a regular basis, making the operation of the revised alignment of Station Approach and the McKay Estate Road unsafe. Therefore the Objector objects to the proposal as it affects the safe operation of its Retained Land.
- 2.8 The Objector is concerned that Chiltern Railways have under-estimated the level of traffic which will be passing through the London Road/Station Approach junction which will have an adverse effect on the Retained Land. The Objector requests that Chiltern Railways provides further data in relation to the use and operation of the Station Approach junction.
- 2.9 Section 10, Schedule 5 of the Order requests power to temporarily close Station Approach. The Objector cannot find any further reference or programme revealing the nature or extent of the Stopping Up Order. The Objector objects to the temporary closure of Station Approach until Chiltern Railways provides sufficient information to confirm that the temporary closure of Station Approach will not adversely affect the operation of the Retained Land.
- 2.10 The Objector contends the proposal will result in additional closures of the London Road level crossing which will have an adverse impact on the access arrangements for its Retained Land, which will continue as McKay Trading Estate. The modelling for the proposal assumes the closure of the London Road level crossing 4 times per hour. The Environmental Impact Assessment supporting the proposal identifies that up to 10 trains per hour will pass through the station when the East West Route comes forward. The Objector contends that the modelling seriously underestimates the frequency of queuing occurring at the level crossing. It is likely that Station Approach would be blocked at most times when the level crossing closes, and may struggle to clear again at peak times before the next closure. The Objector objects as insufficient information has been provided to analyse the impact of the additional closures of the level crossing. The Objector requires Chiltern Railways to provide a detailed daily study to be produced to enable analysis of the impact of the proposal on the level crossing and the resulting impact on the access to the Retained Land via Station Approach. The Objector requires Chiltern Railways to find a design solution to overcome the need for a level crossing at London Road. The Objector objects to the proposal unless and until Chiltern Railways satisfies it that there will be no adverse impact on the access to the Retained Land as a result of the additional closures of the London Road level crossing.
- 2.11 The Environmental Impact Assessment and other supporting information do not set out the implications of the development on Station Approach or the McKay Estate Road. The Objector requests that Chiltern Railways provides the visibility/geometry and swept path analysis to ensure the safe operation of all access arrangements and that Chiltern Railways makes the S-Paramics model it has relied upon for its analysis available for the Objector to review to ensure the access arrangements into the Retained Land by HGV traffic is safe and not adversely affected by the proposals.
- 2.12 The Objector is concerned that no evidence has been provided to demonstrate that the service area to be provided to serve the Retained Land is sufficient in size to cater for the likely service vehicles. Inadequate manoeuvring and servicing space will prejudice the viability of the Retained Land. The Objector objects to the proposal until it is satisfied, and detailed evidence has been provided, confirming that the appropriate servicing arrangements are to be provided.

3 FAILURE TO DEMONSTRATE FINANCIAL VIABILITY OF THE PROPOSALS

- 3.1 The Objector is aware that Rule 10 of the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006 (SI 2006/1466) (the "TWA Rules") prescribes the documents which must be submitted to the Secretary of State in connection with an application for a Transport and Works Act order. Whilst an estimate as to the cost of the works has been provided in accordance with Schedule 3 to the Rules there is scope for uncertainty as to the viability of the project, particularly given the current economic climate.
- 3.2 Chiltern Railway's 'Funding Statement – 6 January 2010' (submitted with the TWA Order to the Secretary of State) states the Proposals will be brought forward in two phases. The Objector's land holdings are affected by Phase 1. Section 1 c sets out how Chiltern Railways proposes to fund Phase 1 of the Proposals. It confirms that the Department of Transport issued its preliminary confirmation for Chiltern Railways to proceed in this manner in August 2009. However, there is no confirmation that Network Rail has the funds available or committed to the Proposals to forward fund the Proposals as set out in 1 c. The Objector contends that the lack of a statement from Network Rail confirming the funding arrangements leads to uncertainty as to the viability of the scheme.
- 3.3 Any uncertainty as to the adequacy and availability of funding for the project is fuelled further by the statement that Chiltern Railways expects to reach Financial Close with the Department for Transport shortly. The Objector questions the viability of the funding arrangements, given that funding for Phase 1 of the project does not appear to have been identified or committed by the Department for Transport. The Objector seeks evidence that there are sufficient resources to ensure that there is no impediment to the implementation of the works pursuant to the TWA Order.

4 CONSULTATION WITH THE OBJECTOR

- 4.1 The Objector is surprised and disappointed by the lack of communication received from Chiltern Railways or its agents. The only communication that has been received ahead of receipt of the TWA Order was a requisition for information from Chiltern Railways' referencing agents. As far as the Objector is aware there has been no public consultation over the proposal to construct a two storey car park adjacent to the Station on the Objector's Land. All proposals that were subject to public consultation proposed the car park to the South of the railway line.
- 4.2 The lack of public consultation does not accord with the spirit of the guidance for promotion of a TWA Order and when coupled with the lack of detailed information provided in the supporting documentation to the TWA Order has required much more input from external consultants and therefore additional costs to the Objector.
- 4.3 The lack of information and certainty has already had a significant impact on the value of the Objector's land holdings and will have a continuing effect until the TWA Order is confirmed and the land vested in the promoting party. The McKay Trading Estate is seriously blighted, with existing tenants looking to relocate and new tenants not being able to be given any certainty over access or parking arrangements due to the Objector having no certainty on the proposed arrangements.
- 4.4 The Objector requires certainty in relation to the proposals to understand the impact on its current operation and tenants and to ensure it has control over its land holdings to enable it to redevelop the property in the future in accordance with planning policy for the area, without additional cost or impact due to the inadequate access arrangements.

4.5 The Objector requires a response to its request for information in relation to the proposal and requires physical certainty at the outset rather than being forced to rely on the Compensation Code.

5 CONCLUSION

5.1 The Objector considers insufficient justification has been provided to justify the acquisition of the Objector's land interests and insufficient information has been provided to enable the Objector to understand the impact of the proposals on the operation of the Retained Land.

5.2 The Objector requests that the Secretary of State refuse to confirm the TWA Order until such time as the concerns set out in this letter of objection have been fully addressed and satisfactorily resolved.

The Objector reserves its right to expand upon these grounds of objection in its Statement of Case to the public inquiry. The Objector also reserves the right to add to these grounds of objection should any further matters (of which it is currently unaware) come to light.

Postal address for correspondence

With reference to the Department for Transport's requirement that a postal address for correspondence be supplied by Objectors to the TWA Order, we should be grateful if all correspondence relating to this objection may be sent to Shoosmiths at Russell House 1550 Parkway Whiteley Hampshire PO15 7AG (reference KJH/CH -169102.52).

Please acknowledge safe receipt of this letter and please confirm that the Objector, McKay Securities PLC, has been duly noted as a statutory Objector to the TWA Order.

We look forward to hearing from you.

Yours faithfully

Shoosmiths

Your Ref: KJH/ch 169102.52
Our Ref: PC/P3.366.2.1/EG3/001

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1550 Parkway
Solent Business Park
Whiteley Fareham
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management.com

28 June 2010

Dear Sir,

**Proposed Chiltern Railways (Bicester to Oxford Improvements) Order
Objection Number 66 – Mckay Securities PLC**

We refer to your letter dated 12th February 2010, addressed to the Secretary of State for Transport, setting out your clients objection to the above Order application. The following are Chiltern's responses to the points of objection.

As your Kirsten Hewson knows, this response has been delayed waiting for the completion of a revised layout of the proposed car parking to be completed. This was made necessary to meet the requirements of the County Council. Your client had requested at a meeting held since receipt of the objection that a complete response to the objection was sent by Chiltern, rather than dealing with other issues prior to this redesign being finalised.

1 INSUFFICIENT JUSTIFICATION FOR THE ACQUISITION OF LAND

Other land cannot be used to achieve an effective integrated layout for a station and bus interchange which would meet the requirements of the Chiltern Railways' scheme. We have revised the layout of the parking and bus interchange, in order to deliver an integrated transport interchange. This revised layout is attached.

We have also been preparing refined forecasts of passenger demand and parking requirements. Although these show a small reduction to the parking requirements set out in

the Environmental Statement, the analysis is transparent and is based on a more detailed understanding of the interrelationship between the catchment areas and planned service provision at both Bicester North and Bicester Town. Although this is still work in progress, we are prepared to share this with you and a summary technical note prepared by SDG is attached.

There are a large number of transport, planning, urban design and property constraints to creating an effective transport interchange at Bicester Town. You and the other consultants advising McKay Securities will be well aware of these constraints, although we will be happy to explain them. These were all explored in detail before we submitted the TWA Order application and the refined layout does not differ substantially from the original proposals. If there are ways in which it can be improved further to address your client's concerns, we are willing to discuss this.

The primary need for plots 04010 and 04020-04024 is to straighten Station Approach to create an effective multi-modal interchange for rail, bus, car and pedestrian users of the station. Station Approach as presently configured is just too close to the railway to achieve this.

As already explained, we require a regularly shaped site to allow for the proposed car park to be decked efficiently, in due course, to provide additional parking. Your client has proposed a different area for parking incorporating the listed station house and the former bus garage on the London Road frontage. This land is not suitable for several reasons, including:

- The area is a very irregular shape, which is not conducive to an efficient parking layout, particularly the creation of an additional deck. A larger area of land would be required to provide decked parking with the capacity of the layout shown in the attached plan.
- the Local Planning Authority has expressed a strong preference for the car park, particularly once it is decked, to be pulled back from the London Road frontage in order to retain the listed former station house and the adjacent building, as a continuous street frontage.
- In any case, we could not justify demolition of the listed building and would have had to avoid directly affecting the building or its curtilage.

Even if these constraints could be overcome, your clients' property would still be required to provide the required bus rail interchange facilities.

You refer in paras 1.5 to 1.7 of your letter to the position of the Cherwell District Council and the emerging planning policy through the LDF. We have been in close contact with the Council during the pre-application period and again since the application was submitted. The Council is a strong supporter of the Chiltern Railways scheme as a whole and recognises that, at Bicester Town, high quality multi-modal transport facilities are needed to help deliver the wider sustainable transport and growth agenda for Bicester, including the 'eco-town'. We are continuing discussions with the Council about the details of our layout, but they agree with the principles and that any wider redevelopment of this area could fit well with our proposals.

2 INTERFERENCE WITH USE AND ENJOYMENT OF RETAINED LAND

During construction Chiltern agrees that it will be important to maintain access to the unaffected units. Loss of access will disrupt businesses and give rise to a compensation liability to Chiltern. We would suggest that the best method of minimising such disruption would be for Chiltern to enter into an agreement with your client to use its reasonable endeavours to minimise access disruption and to keep the occupiers of the estate fully advised as to any possible unavoidable disruption, so that the occupier's specific requirements can be gained. These requirements can be incorporated into the working method adopted as far as is reasonably practical.

If your client agrees that such an obligation would be of value we will propose this to Chiltern and revert to you with detailed heads of terms for an appropriate agreement. Such a principle has already been investigated with Chiltern. Such an obligation would then be passed to Chiltern's contractor.

As has been discussed with your client, its requirement to see detailed construction methodologies and designs at this stage of a Transport and Works Act application is unrealistic. Such detail is never investigated until the Order is made and project wide final constraints are known, design can then be carried out within those constraints. A Promoter's obligation is to be able to show that the scheme applied for is buildable within the land over which powers are sought.

Detailed design will then be subject to all statutory consents required and again a compensation liability if the works as designed do not provide suitable access to its retained property.

The attached plan shows the results of further consideration given to this issue prior to detailed design. This has been presented to the County Council highways and transportation team, who are shortly to comment in detail. The plan also includes a swept path analysis showing that HGV access can be provided to Units 2-7. Units 1 and 2 have offices on their frontages to Station Approach and additional vehicular access to the rear. We would be pleased to receive any further comments that your client may have on this layout and the access to its retained property.

With regards to paragraph 2.10 of the objection relating to London Road, the impact will not be as is suggested. The crossing is currently closed at all times when trains enter the station and does not re-open until the train has left the station. This length of closure is a result of the current signalling system and safety requirements. Following the proposed upgrade of the signalling system on the line, the crossing will only be closed for an average of 2 minutes each time a train passes over it. It will not be required to be closed each time a train stops at the station. Based upon Chiltern Railways' proposed 4 trains per hour, this will mean that the road is only closed for 8 minutes in every hour. If the East West Rail (EWR) scheme does proceed, as is hoped, this will lead to a maximum of 10 trains per hour, which will result in closure for 20 minutes in each hour.

However, this is regarded as the worst case scenario in the Environmental Statement. The actual EWR service pattern is by no means fixed. We understand that EWR as part of its business case, will be promoting no more than 4 trains per hour.

With regards to 2.11 and 2.12, as above, the attached plan includes a swept path analysis for Units 2-7. This same swept path if overlain over the access to the rear of Units 1 and 2 shows that HGV access will be entirely practicable.

You have asked for a copy of the S-Paramics model and supporting documents so that you can review these. As part of the traffic impact review that we are doing with the County Council, we are updating the S-Paramics modelling. This will reflect the revised passenger forecasting. This will be available shortly and we will be happy to let you have access either to the model or the graphical outputs and validation report

3 FAILURE TO DEMONSTRATE FINANCIAL VIABILITY OF THE PROPOSALS.

As discussed with your client, Chiltern has now reached financial close with the Department for Transport and has demonstrated that it has the necessary funds available. Agreement has also been reached with Network Rail, as is shown publically on NR's website at

<http://www.railnews.co.uk/news/general/2010/01/15-network-rail-to-fund-250m.html> . This assures funding for Phase 1, which gives rise to the need for the land as sought in the Order application. East West Rail is subject to its own funding, but Phase 2 does not give rise to the need for the land sought.

4 CONSULTATION WITH THE OBJECTOR

As discussed with your client, once it became apparent that the original land take proposals were no longer sufficient, we wrote to your client stating that its land was required and that it would be subject to an application for compulsory purchase powers. Your client produced the letter during our meeting and recalled the telephone conversation that Paul Clarke of Ardent had with Richard Griffiths of Mckay. However, no further information was requested following this letter and telephone call.

General consultation has also been carried out. As set out in the consultation report, extensive local consultation has been carried out, in accordance with The Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006. Public consultation exercises have taken place including exhibitions, newsletters and targeted infomails and a website. A hotline has been publicised so that residents and other interested parties can make contact with consultation team, and enquiries have been followed up with written and verbal correspondence.

Your clients concerns are appreciated and it is hoped that the above helps to allay its fears. We will be happy to meet further with your client to discuss their objection and this response.

We look forward to hearing from you.

Yours faithfully,



Paul Clarke
Associate director

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Our Ref KJH/ch/169102.52
 Date 7 July 2010

Dear Sirs

THE TRANSPORT AND WORKS ACT 1992 PROPOSED CHILTERN RAILWAYS (BICESTER TO OXFORD IMPROVEMENTS) ORDER (THE "TWA ORDER")

Thank you for your letter dated 28 June 2010, we are currently considering the details you provided, however, we need immediate clarification of some points to enable us to fully understand the position. We would be grateful if you could provide us with this information as soon as possible to enable us to prepare our case, either in preparation for the Inquiry in November or, preferably, to enable us to come to a solution prior to the Inquiry.

Steer Davies Gleave Report

We are considering the report you have supplied and will come back to you with detailed comments as soon as possible. However, there are a couple of areas where we require clarification to enable us to understand the impact of the proposed development.

1. At paragraph 2.6 of the report we understand you have taken a worst case scenario in relation to assumptions on the number of rail passengers who have access to a car. We acknowledge that this is the most appropriate assumption to make assessing a worst case scenario in terms of highway capacity. Could you please confirm whether such a worst case scenario has been taken into consideration when assessing the level of car parking required for the development.
2. In table 5.2 on page 14 you have set out the future year required capacity based on the growth rates described in the analysis. The table shows a total demand for 2016 at 307 car parking spaces and 395 spaces at 2026. This is obviously significantly less than the 509 spaces proposed on the revised drawing that you have supplied. Please explain how the need for the 509 spaces is justified and the data you are relying upon to reach this conclusion.
3. Our understanding is that 190 spaces are available for station users on the Bicester Village site under Planning Permission 08/00704/F. The analysis in this report does not make reference to the 190 parking spaces that the landowner is required to make available for use by station users under the section 106 Agreement supporting this planning consent. We accept that these car parking spaces may not be available at weekends due to increased shopping demand, however, the possibility of utilising these spaces on weekdays should, in our opinion, have been included in your calculations. Please confirm whether the 190 spaces have been taken into account. If not, please provide an explanation as to why this is the case.



THE TRANSPORT AND WORKS ACT 1992 PROPOSED CHILTERN RAILWAYS (BICESTER TO OXFORD IMPROVEMENTS) ORDER (THE "TWA ORDER")

4. The current figures provide parking requirements for a typical demand on a typical day. Please confirm that a typical day at the weekend is a reduced demand for a typical weekday. We understand that parking requirements reduce considerably at weekends, an average ratio maybe 4:1 i.e. 4 week day spaces to 1 weekend space. If this is applied to the 509 spaces shown on the layout, this would reduce the number at weekends to 127 spaces at weekends. Or taking the SDG figure of 395 spaces it would reduce to 99 spaces at weekends. Please provide data on the number of parking spaces required at weekends.
5. In the report there is no information in relation to the charging regime to be applied to the car park. Please provide details of the proposed charges. Please confirm that the car park revenue is not being taken in to account when considering the overall viability of the scheme. Please confirm the proposed use of the parking revenue.

Revised Layout

1. Thank you for providing Drawing number EO94/40 showing the revised Bicester town station layout. We are assuming that the full extent of Station Approach, which will extend along the front of all of the McKay Retained Land will be public highway. Please confirm that it will be adopted by the Highway Authority and become a public highway upon completion of the works required to implement the Transport & Works Act Order.
2. In relation to the swept path analysis, we acknowledge that this assists us in the understanding of the access to Unit 3. There is no such analysis for Units 4, 5, 6 and 7. We would be grateful if you could provide us with a revised plan showing such access.
3. In relation to Units 1 and 2 you have suggested that these can be accessed to the rear of the buildings. As you will appreciate this is not the current configuration of the buildings and we require you to undertake swept path analysis to show whether Units 1 and 2 can be accessed from the rear with appropriate size of vehicle. Please note that the service yard to the rear of Unit 2 has restrictions on the time of use imposed in a planning condition, these times are:
(Only load and unload between 0700 and 1900 weekdays, 0700 and 1300 on Saturdays and not at any time on Sundays or Bank Holidays.

As currently configured Unit 1 has no rear access and in our opinion it will not be possible to create such rear access with appropriate sized vehicles without additional land take. However, we look forward to receiving your swept path analysis in this regard.

4. We note that the green modes of travel route from Bicester Village shopping centre is proposed to run through the revised Station Approach from the Bicester Village shopping site. We attach for your attention a copy of a plan which shows the green route. Please confirm that a bus gate will be erected to ensure only buses can use this access. If this is not an option, please confirm that you are putting in place provisions to ensure that shoppers from the Bicester shopping village will not access Station Approach directly. Our preference would be for a bus gate to be erected and for a restrictive covenant to be placed on the land to the benefit of the retained land such that a bus gate would be retained at all times.
5. We have concerns as to the detailed arrangements for access on the revised plan and in particular as to how some of the properties will be properly accessed and whether they can be utilised for the current purpose. The garage building adjacent to the listed building on London Road appears to be landlocked as a result of your revised plans. We acknowledge from your letter that you are concerned about the demolition of the listed building, however, we consider that there are alternative arrangements that could include re-use of the listed building, allowing demolition of the buildings adjacent to it. Please confirm that you have considered this analysis and provide your explanation as to the constraints which have stopped you including the area of land adjacent to the listed building.

THE TRANSPORT AND WORKS ACT 1992 PROPOSED CHILTERN RAILWAYS (BICESTER TO OXFORD IMPROVEMENTS)
ORDER (THE "TWA ORDER")

Further Outstanding Information

Please provide the following:

1. A copy of the PARAMICS Model in relation to the transport network;
2. Swept path analysis of the proposed junction and details of the size of vehicles used
3. Visibility splays to be shown on drawings (forward and from side roads)
4. All junction models which include the Station Approach/London Road junction
5. Turning count flow diagrams or matrices that the modelling relies on
6. All raw baseline traffic survey data
7. Phasing diagram illustrating the construction phase to a level of detail that satisfies our concerns regarding the maintenance of access to the retained Units
8. Confirmation of vehicle numbers (hour by hour) that will use the new Station Approach to enable us to consider the acceptability of HG vehicles having to cross onto the wrong side of the carriageway when accessing the retained land.
9. Volume One of the ES refers to a Transport Assessment. Is this merely incorrect reference to the information contained in Appendix I of the ES or is there a separate TA document that is not available on your website?

We acknowledge your offer, to enter into an agreement, however, at this stage we do not feel we are in a position to enter into an agreement until we have the full information to enable us to analyse the impact of the scheme. We do welcome the opportunity to continue to discuss the scheme with you and, once we have the outstanding information from you, we will be interested to meet with you to discuss the detailed arrangements and proposals.

Yours faithfully



Shoosmiths

c.c. Alan Boyland – Inspector
Helen Wilson – Programme Officer
Angela Foster – Department for Transport

Our Ref: PC/P3.366.2.1/EG3/001
Your Ref: KJH/ch/169102.52

Kirsten Hewson
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E-mail – richardcaten@ardent-management.com

05th August 2010

Dear Mrs Hewson,

**Draft Chiltern Railways (Bicester to Oxford improvements) Order
Objection number 66 – McKay Securities**

I refer to your letter dated 7th July 2010 addressed to Paul Clarke. I have taken your points in order below:

STEER DAVIES GLEAVE REPORT

The SDG Report supplied to you is a draft and the estimates it contains may be subject to further refinement. Responses to the specific points made in your letter are as follows:

1. The car park requirements set out in this report should be considered to be 'central case' or 'most likely' estimates. It should be noted that these are estimates of parking requirements based on Chiltern Railways' passenger forecasts. They do not, as yet, include estimates of parking required to support East West Rail passenger services.
2. The East West Rail consortium has recently published an Outline Business Case. These services will give rise to additional parking requirements from 2017 onwards, the likely date of first operation of EWR services. The estimate of 355 spaces required in 2026 is therefore subject to upward revision. The estimates in Table 5.2 are, with this caveat, considered to be robust, central case estimates.

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3. We are, of course, aware of the existence and content of planning permission 08/00704/F, in particular, the conditions attached to that permission. Cherwell District Council has confirmed to me that there is no s106 agreement attached to this permission. If you have details of any such agreement, please provide them. The assessment of parking requirements in the SDG Report are based on demand forecasts and the references to the car park capacity in Table 5.2, namely 277 spaces (509 when decked), are to the car park to be provided by Chiltern Railways on the Station site.
4. The car park at Bicester Town will serve both long distance, London trips, and those to local destinations, e.g., Oxford, Milton Keynes. It is likely that the weekend parking requirements will be higher than the 1:4 ratio that you suggest and are predicted to be 305 spaces by 2026.
5. The levels of car park charges at Bicester Town will be an operational decision to be made by Chiltern Railways, in due course. Chiltern Railways will both meet the costs of operating the car park and receive the revenues. Neither the costs nor the revenues have been included in the economic appraisal in Table 4.1. However, Chiltern Railways intention is to keep parking charges consistent with those at Bicester North, so that users will not be attracted to stations by cheaper parking.

REVISED LAYOUT

1. Arrangements for the adoption of Station Approach have not been discussed, in detail, with Oxfordshire County Council or Network Rail. As you are aware, the south western part of Station Approach, beyond the entrance to the McKay Estate is not, at present, adopted public highway. The extent of the new Station Approach to be adopted will be a matter for discussion between the parties, including your clients.
2. Our proposals for Station Approach and the car park include only very minor changes to the road frontages of Units 1 and 2. In our view, the access arrangements for loading and unloading for these units can remain as they are at present and the same size of vehicles will be accommodated as at present.
3. Chiltern Railways is aware of the proposal to allow a through route to Pingle Drive to be provided for buses. Chiltern Railways will, within the land it owns or acquires, ensure that the ability to provide this is safeguarded. The design and provision of suitable facilities, such as bus gates, will be for the owner of Bicester Village and the local authorities to progress. We understand your clients' concern about uncontrolled use by through traffic, which is likely to be shared by Chiltern Railways and Network Rail.

4. We believe that vehicular access can be maintained to the garage building at the corner of Station Approach, from London Road. As you will be aware, the 'listed building' includes all of the land and buildings within its curtilage. These have to be retained. The whole of the garage building was not included in our layout since it was neither essential to provide for an improved junction for Station Approach and London Road nor would it have made any useful contribution to meeting the car parking requirements for the station.

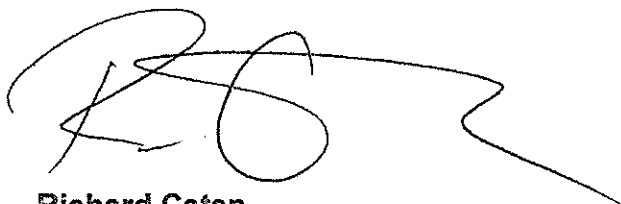
FURTHER INFORMATION

Progress in providing the information you have requests is set out below:

1. There has been further delay in completing the revised S-Paramics modelling due to delay in obtaining the rail passenger demand forecasting data for East West Rail. We aim to issue you with a copy of the S-Paramics Validation and Forecasting report on Monday 16 August.
2. Swept path analysis of an articulated HGV at the proposed London Road / Station Approach junction is shown on PFA Drawing E094/43 (attached)
3. Visibility splays are shown on the above drawing (Drawing E094/43).
4. The London Road / Station Approach junction has been tested using S-Paramics and we will provide details by 16 August.
5. The modelled trip matrices will be included in the modelling report.
6. The baseline traffic survey data will be included in the modelling report.
7. No detailed construction phasing has yet been undertaken. We are confident that appropriate access can be maintained to your clients' premises and appropriate commitments will be offered in any agreement.
8. An hourly breakdown of vehicle numbers over the modelled peak periods will be included in the modelling report.

9. You are correct to state that this is an incorrect reference. The assessment of traffic impacts of the Scheme is contained in Appendix I [*Note not 1*] of the ES. No separate 'Transport Assessment' has been produced.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'RC', with a long horizontal flourish extending to the right.

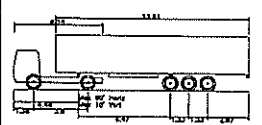
Richard Caten
Director

cc C Baker ERM
Enc E094/43 Plan



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Swindon, SN3 4HG

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FIA Design Articulated Vehicle (1998)
Overall Length 16.480m
Overall Width 2.650m
Overall Body Height 2.870m
Min Body Ground Clearance 0.515m
Max Truck Width 2.470m
Lock to Lock Time 3.00 sec
Kerb to Kerb Turning Radius 6.550m

Rev	Date	Description	Issued
01		Client	

Chiltern Railways

Project
**Chiltern Railways
(Bicester-Oxford
Improvements)**

Drawing Title
**Proposed London Road/
Station Approach Junction
Vehicle Swept Path Analysis**

Drawing No. E094/43	
Date	August 2010
Scale	1:500 @ A2
Drawn By	CS
Checked By	ES
E-Mail	espace@pfaipc.com
File Ref.	E094AutoCAD/E094_43.dwg

RECEIVED IN

30 AUG 2010

TWA ORDER

OBJ/66

shoosmiths

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Delivered: by post

Your Ref PC/P3.366.2.1/EG3/001
Our Ref KJH/LJF 169102.52
Date 27 August 2010

Dear Paul

**DRAFT CHILTERN RAILWAYS (BICESTER TO OXFORD IMPROVEMENTS) ORDER
OBJECTION NUMBER 66 - MCKAY SECURITIES**

Further to our letter dated 09 August 2010, to which we await your response, we have reviewed the contents of your letter dated 5 August 2010 with our clients. There are a number of points which still require clarification in order to enable us to prepare our case, either in preparation for the Inquiry in November or, preferably, to enable us to come to a solution prior to the Inquiry.

Justification of requirement

- 1 We are not satisfied that the 509 car parking spaces you proposed are justified in either the Steer Davis Gleave Report or your correspondence. As you will appreciate the quantum of car parking is of significance to the extent of the land acquisition. We are of the opinion that if the quantum is not justified the Secretary of State cannot make an order to enable the acquisition of the full extent of the land identified in the CPO plans. Given our concerns about the car parking numbers we require further clarification on the following:
 - 1.1 We understand no Section 106 agreement exists in respect of planning permission 08/00704/F; we apologise for this incorrect reference. However, this does not deter from the fact that the description of the development and condition 7 of that permission, a copy of which is attached for your convenience, clearly refers to a park and ride car park for Bicester Station users. Please confirm why you consider that the 190 parking spaces situated on Bicester Village's land, which were designated for park and ride customers during weekdays pursuant to this consent, should not be taken into account in your proposal.
- 2 Even if the 509 spaces are justified, we do not consider that you need to acquire such a large proportion of our site. If we have understood your proposals correctly, you plan to build 250 spaces at surface level on the McKay land with 27 spaces available on the other side of the track, which totals 277 spaces. If Chiltern add the 163 on the Bicester Village site (which is calculated as the 190 space car park minus 27 spaces to enable the construction of the Station building) this provides 440.

If Chiltern then deck the car park on the McKay land as suggested, this provides a further 232 spaces, giving a total of 672 spaces. This figure is not justified.



In addition, if the surface car park on the Bicester Village park and ride land were to be decked (as has already been undertaken by Bicester Village on the adjacent land to provide more parking for their retail outlet) it would result in a total of 852 spaces.

Please provide clear justification as to why Chiltern Railways need to acquire the extent of the McKay land in light of the availability of car parking spaces on the Bicester Village land. It would appear to us that if the consented Station park and ride car park were decked then the land take required from McKay would be much reduced.

- 3 At paragraph 4 of your letter you state that weekend requirements will be higher than the ratio we have suggested. Our ratio of 4:1 in terms of weekday compared to weekend demand for car parking is based upon the National Passenger Survey – Wave 22 – Spring 2010 which shows the exact ratio as 88:12. Please explain why the National Passenger Survey does not apply to this development and if this Survey does not apply please provide the analysis you have employed to generate your prediction for weekend usage.

Impact on McKay Securities' land

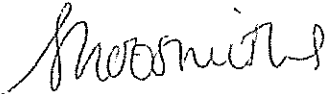
1. As requested in our letter dated 9 August 2010, we still require Swept Path Analysis for each and every one of our Units. If you cannot provide this analysis of the access and egress of each and every Unit on our site by 2 September 2010, then please provide an AutoCad compatible plan for us to enable McKay to undertake its own analysis. The cost incurred by McKay in relation to this work will be included in our compensation claim, as it is necessary to understand and mitigate the impact of the proposal.
2. We have a number of concerns regarding Station Approach as your letter and Chiltern Railways' Statement of Case fails to clarify whether this road will be adopted. We need clarification and reassurance from Chiltern Railways that equivalent access and egress to that which our client's land currently has, will be provided during and on completion of the proposed development.
3. Please confirm your analysis of the impact on the level crossing as set out in the Transport section of the ES and in Section 9 of the Statement of Case, includes the operational requirements of the proposed East West Rail Link.
4. We note that the green modes of travel route from Bicester Village shopping centre is proposed to run through the revised Station Approach from the Bicester Village shopping site. Please confirm that a bus gate will be erected to ensure only buses can use this access. If this is not an option, please confirm that you are putting in place provisions to ensure that shoppers from the Bicester shopping village will not access Station Approach directly. Our requirement is that a bus gate be erected and for a restrictive covenant to be placed on the land to the benefit of the retained land such that a bus gate would be retained at all times. We require an obligation on Chiltern in the legal documentation to use best endeavours to deliver this solution.

Given the Inquiry timetable will require us to start producing evidence in the near future we suggest that a meeting is arranged to discuss both the impact of construction of the proposed site and the agreement which will be required to safeguard McKay's interests. Our team could be available for such a meeting on Tuesday 14 September 2010 at McKay's offices in Reading? Please confirm this date as soon as possible. It would be helpful if your solicitors could produce a first draft of the Deed of Agreement for our consideration before the meeting on the 14 September.

We are still reviewing the Paramics report you have recently supplied and will respond to you as soon as we are able. Please be aware that we may require access to the model itself.

We look forward to your response to our enquiries by 2 September 2010. In the meantime if you have any questions or comments, please do not hesitate to contact us.

Yours sincerely



Shoosmiths

c.c. Alan Boyland – Inspector
Helen Wilson – Programme Officer
Angela Foster – Department for Transport

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Delivered: by post

Your Ref PC/P3.366.2.1/EG3/001
Our Ref KJH/LJF 169102.52
Date 2 September 2010

Dear Paul

**DRAFT CHILTERN RAILWAYS (BICESTER TO OXFORD IMPROVEMENTS) ORDER
OBJECTION NUMBER 66 - MCKAY SECURITIES**

Further to our letter dated 27 August 2010, we have now been able to review the S Paramics Report in full. Our transport Consultants (Mayer Brown) would like to make the following comment upon the Report and request for further information.

The Paramics Report identifies both delay and queuing on the London Road northbound and southbound carriageway, which is useful in anticipating additional delay for vehicles wishing to access Station Approach. However, with regard to Station Approach itself, the Report only sets out the changes in queues and does not illustrate the changes in delay that are likely to occur on this side arm. As I am sure you will appreciate, it is critical that we understand the full implications of delay on Station Approach to existing vehicles as this will directly impact on our Clients tenants and the potential viability of the retained land.

Given the complexity of the issues involved, we believe it will be far easier and cost effective if our transport consultants were able to make direct contact with Steer Davis Gleave in order to resolve any technical points. Therefore we would be most grateful if you could provide their contact details.

We look forward to receiving this additional information as soon as possible.

Yours sincerely

Shoosmiths

c.c. John Watson – Inspector
Helen Wilson – Programme Officer
Angela Foster – Department for Transport



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Delivered: by e-mail

Date 27 September 2010

Dear Paul

**TRANSPORT AND WORKS ACT 1992
PROPOSED CHILTERN RAILWAYS, BICESTER TO OXFORD IMPROVEMENT ORDER
OBJECTOR NUMBER 66 – MCKAYS SECURITIES PLC**

Following McKay's consultation with Rupert Warren today, I indicated that I would come back to you with any additional points we would like you to address with your client.

As you indicated last week you would not object to our request for an extension of time for submission of proof to the 22 October I can confirm I will be writing to the programme officer today to request that extension of time.

In preparation for your meeting tomorrow, I attach an updated version of the McKay revised layout plan, Figure AP4, which has minor amendments to drawing number 3F that was tabled recently. The amendments relate to level changes on site.

In relation to additional information we would be grateful if you could confirm whether there are any contractual arrangements in place between Chiltern Railways and/or Network Rail and the owners of Bicester Village Shopping Centre, regarding the park and ride car park or any other contractual relationships regarding future parking requirements.

In relation to point 10 and 11 of my letter dated 22 September I confirm that we are seeking the following restrictive covenants and not a ransom strip. The terms of the covenants to be as follows:

On the land of the acquired from McKay, that it may be used only for station car parking and that a maximum number of car parking spaces should be provided on that land. This number is to be agreed.

In addition we require a restrictive covenant over the land to be acquired from McKay and over the land to be acquired by Chiltern under the CPO, plot ref numbers; 04026, 04025, 04019, 04013, 04014, 04012 and 04016. Such restrictive covenants to be imposed if the CPO be confirmed by the

Paul Clarke

27 September 2010

OBJECTOR NUMBER 66 – MCKAYS SECURITIES PLC

Secretary of State, for the benefit of the Retained Land, and shall require that the landowners will not permit any private motor vehicles from Bicester Village using the car parking spaces to be constructed on the land to be acquired or permitting a right of access from the Bicester Village land across the acquired land to access onto London Road.

We understand that you will be meeting with your client's tomorrow morning and we look forward to hearing from you by close of business on Wednesday 29th September.

Yours sincerely

Kirsten Hewson

Enc

Our Ref: PC/P3.366.2/EG3/001
Your Ref:

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19th November 2010

Dear Ms Hewson,

**Draft Chiltern Railways (Bicester to Oxford Improvements) Order
Objection number 66- McKay Securities**

Thank you for your letters of 1 and 4 November 2010.

Your letter of 1 November requested clarification as regards the matter of access to the existing dual purpose car park (“the car park”), I confirm that there is no proposal to alter the existing right of access to this car park although the physical layout of the access will be modified, as shown on the illustrative layout plans which are currently the subject of discussions.

The predicted parking demand has been forecast by Leo Eyles [CRCL/P/5/1] and is summarised in Table 5, page 35 of Paul Tregear’s evidence [CRCL/P/8/A] set out below.

The car park has been completed and is in use. The arrangements for its operation are clearly set out in notices at the car park. The layout is shown on the approval layouts attached to planning permission 10/00439/F and Cherwell District Council has recently discharged planning condition 7 of that permission, relating to the enforcement and control of vehicles using the car park.

Your letter of 4 November requested further clarification in relation to the existing ‘Station Car Park’ on Bicester Outlet Village land and the reasons behind choosing your client’s land for the proposed station car park.

In summary, the ground level car park to the south of the existing station and adjacent to the railway was recently constructed on land previously in the ownership of the British Rail Residuary Body (BRRB). There is a total of 367 spaces in this car park.

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As mentioned in Monica Peto's email to you of 16 November, I understand that as a condition of the sale of this land to Bicester Outlet Village, a confidential agreement was entered into between the freeholders of the Bicester Village Outlet and BRB (Residency) Limited stipulating that:

- During weekdays 220 spaces be provided for rail passengers' use only.
- During weekends both customers of Bicester Outlet Village and rail passengers would share the car park.

I would highlight that CRCL has no influence over this agreement and is not a party to it.

That part of the car park presently signposted as a 'Station Car Park' is delineated by removable bollards and is currently marked out with 213 spaces. Under the TWAO at least 37 spaces will be permanently removed from the Bicester Outlet Village 'Station Car Park' because of the construction of the new station, leaving a total of 176 spaces within the 'Station Car Park'.

CRCL's objective at Bicester Town Station is to create a high quality urban transport interchange, which is consistent with local transport policy and to provide adequate car parking to accommodate forecast demand. The provision of adequate parking will avoid on-street parking by rail passengers in the vicinity of the station which could create highway safety issues.

The predicted parking demand has been forecast and is summarised in Table 5, page 35, of Paul Tregear's Proof of Evidence.

Part of that table is set out below, together with the forecast demand in 2017 when EWR is expected to become operational.

		Demand	
		Weekday	Weekend
2016	CRCL	254	147
2017	CRCL	260	150
	EWR	50	25
	TOTAL	310	175
2026	CRCL	327	189
	EWR	145	67
	TOTAL	472	256

At most a total of 124 spaces can be provided on land adjacent to the station but outside McKay Securities land.

This number of spaces is substantially less than the weekday and weekend forecast demand in 2016 when only the CRCL Phase 1 Scheme will be operational.

CRCL's options in promoting the TWA Order were therefore one of the following:

- a) Rely on the Bicester Outlet Village 'Station Car Park' continuing to be available for rail passengers during weekdays.
- b) Include Bicester Outlet Village 'Station Car Park' within the TWA Order.
- c) Include land from McKay Securities Trading Estate within the TWA Order.

Option (a) was not pursued because it relies on the confidential agreement that could be terminated without notice and over which CRCL has no control.

In addition, 310 spaces is more than the likely maximum which could be provided on the Bicester Outlet Village 'Station Car Park' plus the land adjacent to the station but outside McKay Securities land (i.e. $176 + 124 = 300$ spaces). Consequently, by 2017 additional land would be required from Bicester Outlet Village to the serious detriment of the Bicester Outlet Village business.

Option (b) would have meant CRCL promoting all or part of the recently completed Bicester Outlet Village car park but this was not pursued because:

- The provision of adequate car parking is fundamental to the business of Bicester Outlet Village in that:
- customer parking needs to be located close to the business
- as a sub-regional shopping centre the majority of customers inherently travel by car.

In contrast the units on the McKay Securities trading estate are not tied to a particular location.

During busy shopping periods at Bicester Outlet Village, which include school holidays, and the 4 to 6 weeks before Christmas, the demand for parking is high. If parking provision for Bicester Outlet Village was permanently reduced this would lead to a serious under provision of parking for customers of the outlet shopping centre.

Yours sincerely,

P.P 

Richard Caten
Director

cc C Baker ERM

Appendix B

CRCL/R/OBJ66/4

Policy S17 of the Non-
Statutory Cherwell Local
Plan

BICESTER TOWN RAIL STATION

S17 PROPOSALS FOR THE COMPREHENSIVE REDEVELOPMENT OF LAND ADJACENT TO BICESTER TOWN RAILWAY STATION WILL BE PERMITTED PROVIDED THAT IT COMPRISES:

- (i) RESIDENTIAL DEVELOPMENT (ACCESSED FROM PRIORY ROAD);**
- (ii) EMPLOYMENT DEVELOPMENT (ACCESSED FROM LONDON ROAD)**
- (iii) OPEN SPACE AND A FLOOD/ECOLOGICAL BUFFER ALONGSIDE PINGLE STREAM;**
- (iv) RAILWAY RELATED USES ASSOCIATED WITH THE OPERATION OF THE EXISTING STATION; AND**
- (v) PUBLIC TRANSPORT, CYCLE AND PEDESTRIAN LINKS**

PIECEMEAL PROPOSALS THAT WOULD PREJUDICE THE IMPLEMENTATION OF OVERALL STRATEGY FOR THIS AREA WILL NOT BE PERMITTED

- 5.87.1 The proposed redevelopment area comprises a variety of employment uses, including a small trading estate; railway related activities, car parking and vacant land. Many of the areas within it are underused and do not constitute an effective use of a prominent site. The site generally presents a poor gateway to Bicester and there is potential to achieve significant environmental improvement.
- 5.87.2 The policy seeks to maximise the opportunities provided by a largely previously developed site to create new business and residential areas. These uses would be well located in terms of access to the town centre and public transport in accordance with the principles of PPG3 and PPG13.
- 5.87.3 Residential development will be most appropriate on the western side of the site. Housing in this location would be closest to the town centre and other residential areas off Priory Road. In view of the 'sustainability' of the location, densities in excess of 45 dwellings per hectare will not be inappropriate. A flexible approach will be taken to car parking provision due to the proximity of the Town Centre and the availability of public transport. It is envisaged that vehicular traffic will access new residential areas from Priory Road. Pedestrian and cycle links should also be provided from this area to the rail station.
- 5.87.4 Employment development will be limited to activities within Use Class B1 in order to avoid adverse effects upon adjacent residential areas. Employment activities would be best situated on the eastern side of the redevelopment area. This location provides convenient access to the rail station and London Road, in addition to screening housing from road and railway noise.
- 5.87.5 Bicester Village Factory Outlet Shopping Centre lies to the south of the redevelopment area but uses some land within it to provide overflow car parking. This area of land fulfils an occasional operational function for the retail village, but the case for a continuation this use has yet to be made. Although not referred to in the policy as one of the predominant uses proposed, the policy does not preclude the continuation of the car parking use if that is shown to be justified. However, there is scope for a rationalisation of boundaries to define a more convenient and coherent redevelopment site

whilst continuing to reserve land that would enable potential future parking requirements at Bicester Village to be met.

- 5.87.6 Existing highway infrastructure will need to be improved to accommodate the development proposals. The junction of Station Approach and London Road, as the principal point of access to the proposed employment area will require upgrading. Commercial development will be required to comply with the provisions of Policies TR2 and TR3.
- 5.87.7 Land must be reserved for the construction of a road for buses only as part of a 'Green Modes Route' to be provided from the Pingle Stream Bridge at the southern end of the site, through the existing overflow car parking area to Bicester Town rail station (and on to London Road via the existing access road). This route will enable improved public transport linking the proposed South West Bicester urban extension, with Bicester Village, the rail station and the Town Centre. The route is not shown on the Proposals Map Inset 5. It will be decided in consultation with the landowners concerned during the course of the preparation of supplementary planning guidance.
- 5.87.8 Development of this land provides the opportunity for strategic footpath/cycleway links to be constructed that will significantly open up the area and increase permeability in this part of the town. This would include links from the railway station to Bicester Village, London Road, Priors Road/Chapel Street and the Talisman Business Park via the existing railway underbridge. The alignment of these routes is shown on the Proposals Map. The footpath cycleway route across the railway at the Station will require the construction of a suitable bridge, which meets the requirements of the Disability Discrimination Act 1995.
- 5.87.9 The railway station provides a focus for public transport in this area and proposals exist to upgrade rail services in Bicester as part of the East-West Rail Link. If the frequency and quality of service to Bicester Town is to increase in the longer term, the Council considers that this must be matched by an increase in the quality of station facilities. While such improvements will be the responsibility of Network Rail, provision should be made to meet operational needs of the station such as improved car parking, interchange and bus stopping facilities in the future.
- 5.88 The Environment Agency will require the land liable to flood, albeit not currently shown on the official flood plain map, to be retained free of development and also a minimum of a 20m buffer to be retained adjacent to the watercourses for ecological reasons. The Council has aspirations, to facilitate the implementation of the *Urban Design Strategy* (1996), to create a ribbon of linked green spaces from Shakespeare Drive via the Pingle to Bicester Fields Park and following the course of the Langford Brook beyond. Therefore the Council will seek land adjacent to the watercourses as public open space, as indicated on the Proposals Map.
- 5.89 The Council will prepare supplementary planning guidance for the site to guide the detailed land use planning, transportation and design requirements.