

By email only
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Your Ref:
Our Ref: AVZD/18136/00535/PFI

29 April 2019

Dear Ms Phillips

**Michael Deeley, Audrey Deeley, Peter Deeley, William Deeley, Simon Deeley of the M R Deeley and Son Partnership (the Deeleys)
The Proposed Network Rail (East West Rail Bedford to Bicester Improvements) Order (Order)**

As you will be aware, your clients the Deeleys made an objection to the Order on 7 September 2018, which was given reference OBJ/183.

Network Rail Infrastructure Limited ("Network Rail") has been in detailed discussions with your clients to respond to the points raised in their objection and to offer certain commitments to them. A draft statement of common ground was sent to you which encapsulates the outcome of the exchanges between the parties so as to minimise the impact of the Order on your clients' business.

Network Rail is therefore willing, subject to contract, to enter into an agreement based on the items in the draft statement of common ground enclosed with this letter, as appropriate, and a draft agreement is in circulation on this basis.

Yours faithfully



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Encl.

THE NETWORK RAIL (EAST WEST RAIL BICESTER TO BEDFORD IMPROVEMENTS) ORDER

STATEMENT OF COMMON GROUND

NETWORK RAIL INFRASTRUCTURE LIMITED (Network Rail) & MICHAEL, AUDREY, PETER AND SIMON DEELEY AND THE M R DEELEY AND SON FARM PARTNERSHIP (the Deeleys)

Network Rail and the Deeleys have engaged in meaningful discussions both during the consultation phase and following submission of the application for the Network Rail (East West Rail Bicester to Bedford Improvements) Order (the Order) on 27th July 2018. This Statement of Common Ground is intended to provide a detailed summary of the matters between the parties that have now been resolved and those outstanding and progressing as at 22nd March 2019.

Bidwells on behalf of the Deeleys submitted an objection on 7th September 2018 (OBJ/183). The issues raised in OBJ/183 were responded to by Network Rail in letters dated 21st December 2018 and 5th February 2019 and further in subsequent meetings and email correspondence.

A. Environmental Mitigation Land

OBJ/183 identifies land parcels 0041, 0136, and 0127 as being an excessive requirement by the Order scheme for environmental mitigation and states that there has been a lack of detail offered in justification for using these land parcels. During the three rounds of consultation and several meetings between the parties Network Rail has confirmed the use of these land parcels, as follows:

1. Plot 0041 will be used as an ecological mitigation site. The site is 1.4 hectares and will consist of mixed deciduous broadleaved woodland, watercourse enhancements (back water and marginal planting) and an artificial otter holt.
2. Plot 0136 is taken to create a permanent access point and access road onto the railway corridor for operation and maintenance purposes.
3. Plot 0127, which will be 'land-locked' between plot 0136 and the road will be used for tree planting.

Statement of Common Ground:

Network Rail is confident that, following full explanations and meaningful discussions with the Deeleys and their agents, agreement has now been reached concerning these three parcels of land, and particularly:

1. *Plot 0041 can be used for the intended purpose noted above. Although this plot is shown as permanent acquisition in the Order Network Rail is prepared to offer this land back to the Deeleys once the planting has been completed on condition that they maintain the site in accordance with an agreed management plan for which they will be suitably reimbursed.*

2. *Network Rail has explained the need for access onto the railway at strategic points. The Deeleys and their agents accept that this land is required for the purpose stated and that they will be suitably compensated.*
3. *The Deeleys accept that plot 0127 will be taken for tree planting. Although this plot is shown as permanent acquisition in the Order Network Rail is prepared to offer this land back to the Deeleys once the planting has been completed on condition that they maintain the site in accordance with an agreed management plan for which they will be suitably reimbursed..*

B. Bridge Access from Bicester Road

The Deeleys have stated their concern that they [will lose land permanently for the bridge access.] However, there are now no plans to alter the bridge structure known as OXD 36 or the approaches to the bridge along the Bicester Road from Launton other than structural repair and maintenance work for which temporary possession of these plots is required.

Statement of Common Ground:

Land plots 0125, 0156, 0154 and 0153 are all required on a temporary basis for bridge repair and maintenance works and the installation of new crash barriers on the approach to the bridge. There is no outstanding objection regarding the use of these land plots.

C. Access to Tythe Barn

The Deeleys have identified the need to make alterations to the western entrance to the farm from Charbridge Lane, in particular to assist in improving the access arrangements for the wedding venue as a result of the new bridge construction works at Charbridge Lane.

Through its land referencing work Network Rail has identified that Kier owns a small strip of land on the East side of Charbridge Lane. Consequently, in order to create a new access to Tythe Barn negotiations with Kier will be necessary.

Statement of Common Ground:

Network Rail has agreed to undertake additional planting in order to help address the issue of screening.

Network Rail has discussed with the Deeleys the possibility of moving the access to the farm from Charbridge Lane to a new location further to the south. Network Rail has agreed with the Deeleys where the new access point could be situated. Network Rail has engaged with Oxfordshire County Council to seek its initial agreement in principle to the proposed new position of the access to the farm and the wedding venue. Network Rail has identified that a strip of land (outside of the Order limits but an extension to plot number 0073) is owned by a third party [is it Kier or another name]. Network Rail has engaged with Kier to purchase the land which would enable Network Rail to progress the alternative access, subject to obtaining the necessary approvals and consents. Kier has responded but, as yet, Network Rail awaits definite proposals from Kier regarding the sale of the

land. Without the land Network Rail cannot alter the access in the way required by the Deeleys. Once Network Rail has a satisfactory agreement with Kier Network Rail will progress the access alterations through the planning process. Network Rail understands that the Deeleys would like the new access to be completed prior to the bridge works on Charbridge Lane commencing; Network Rail will endeavour to work within this time frame so far as reasonably practicable, although it is dependent on Kier's response to enquires regarding sale of the strip of land on the boundary of the Deeleys' farm.

D. Bunds

The Deeleys have stated that they would wish to retain all of the bunds in their current positions if at all possible.

Statement of Common Ground:

Network Rail recognises that the Deeleys would like to keep the bunds to the west of the farm in their current position. However, as the height of the bridge increases so the footprint of the earthworks will increase also. The new earthworks (shown as Work No 8 on the Deposited Plans) within the vast majority of plot 0076 will require the two northern-most existing bunds to be moved towards the farm. Network Rail has stated that it will reposition them in an easterly direction but as close to the current position as reasonably practicable. Further, Network Rail will retain as much of southern-most bund as reasonably practicable.

Network Rail will provide screen planting along the revised boundary which will include the replanting of as many of the existing trees as reasonably practicable where they are able to be relocated from the relocated bunds. Network Rail has also agreed to source new shrubs and trees for planting where necessary and largely as required by the Deeleys.

E. Level Crossing

The Deed of Release for the removal of level crossing OXD/35B has now been completed and this matter is resolved.

F. Timescales

The Deeleys and their advisors have requested a date by which they can conduct their business without risk from the Order scheme. *Network Rail has confirmed that no work, except the realignment of the access from Charbridge Lane to the west of the farm, will commence before the beginning of 2020 at the earliest.*

Statement of Common Ground:

It has been agreed between the parties that the wedding business will not be affected by the works until the beginning of 2020 and that the business will be able to trade as normal until this time.

G. Tythe Barn Wedding Venue

The Deeleys are concerned that:

1. The works at Charbridge Lane will affect the wedding business (i.e. numbers of bookings).

2. Systems for addressing compensation issues should be in place prior to the works starting so that both parties will be clear as to how any claims will be made and the information required to substantiate any such claims.

Statement of Common Ground:

Network Rail met with the Deeleys on 6th December 2018 to discuss how to monitor the effects on the business which may be attributable to the Order scheme. Network Rail has confirmed its approach in a letter from its advisors Bruton Knowles, dated 18th February 2019, and Network Rail remains willing to engage in further discussions as required to implement the process Network Rail has outlined as being necessary to accurately record the losses incurred. Network Rail believes this issue has been progressed as far as is practicable prior to any works commencing.

REF