

NETWORK RAIL INFRASTRUCTURE LIMITED (“NETWORK RAIL”)
THE NETWORK RAIL (EAST WEST RAIL BICESTER TO BEDFORD IMPROVEMENTS)
ORDER (“ORDER”)

OBJ 152 – Fresh Direct (UK) Limited (“Fresh Direct”)

OBJ 155 – Aviva Insurance Limited (“Aviva”)

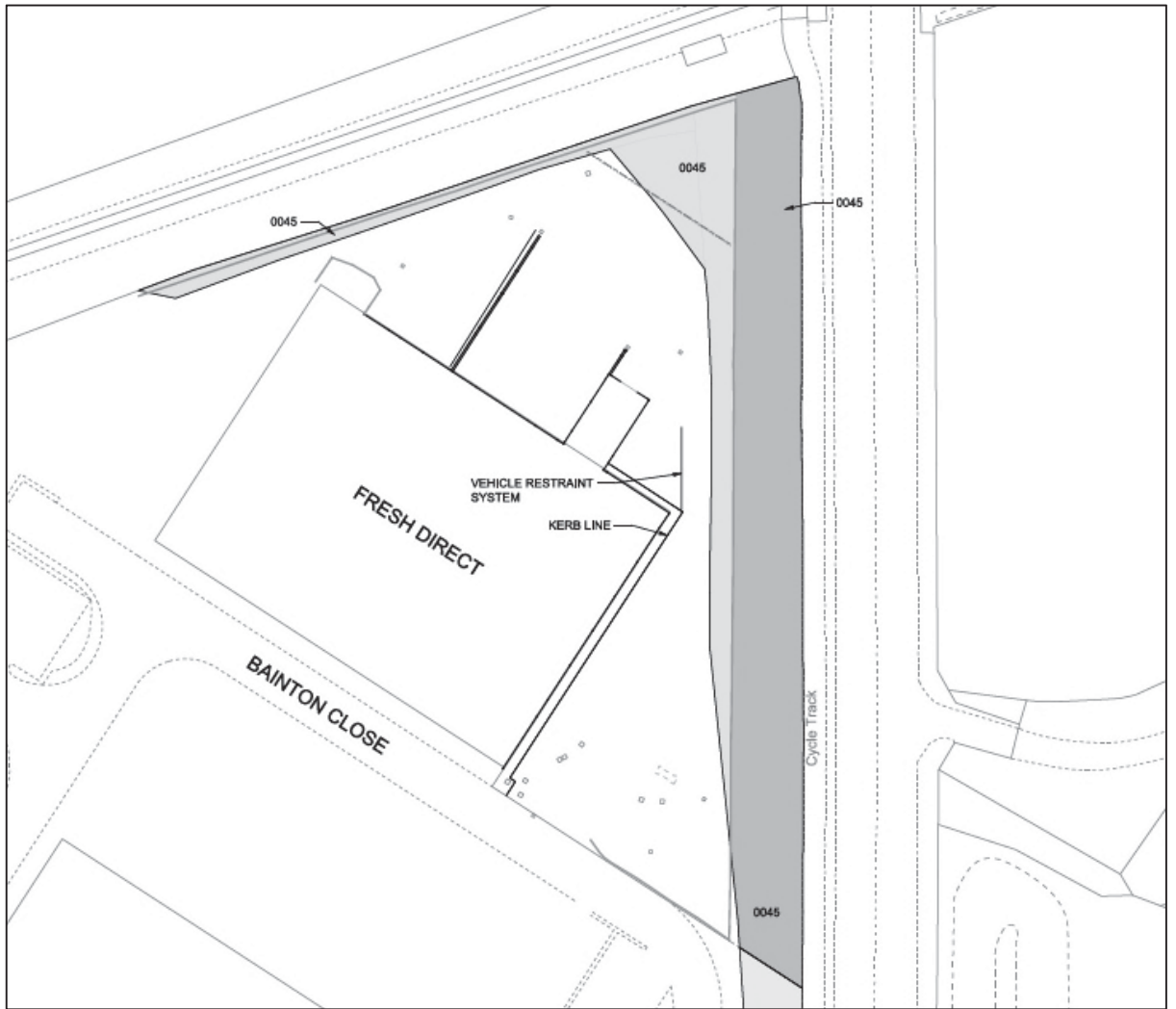
Land adjacent to Charbridge Lane

1. Introduction

- 1.1. This note summarises Network Rail’s position in respect of land owned by Aviva and tenanted by Fresh Direct and deals particularly with that part of the land within Order plot 0045. The land is used by Fresh Direct for its good-in operations adjacent to Charbridge Lane at the eastern end of route section 2A.
- 1.2. This note states how much of that plot 0045 is required by Network Rail in order to carry out the Order scheme and demonstrates that the land is needed specifically for the works to Charbridge Lane Overbridge and associated approach works.

2. Need for the land

- 2.1. The extent of Order plot 0045 has not been revised since submission of the application for the Order in July 2018. The requirement under the Order Scheme for land plot 0045 is outlined in the Proof of Evidence of Phil Holland – Construction (NR50) at paragraphs 4.3.67-71 inclusive.
- 2.2. This shows that Network Rail, following discussions with Aviva/Fresh Direct, changed a triangular plot (shaded in red) from permanent land-take to temporary land-take but retained the rest of the grey shaded area as permanent land-take. It was Network Rail’s understanding that Aviva/Fresh Direct were content with this approach.
- 2.3. It only became known to Network Rail on 21st Feb 2019 during a site meeting with that Aviva / Fresh Direct do, in fact, take issue with the line of the permanent land-take as set out in the Proof of Evidence of Phil Holland – Construction (NR50) at paragraphs 4.3.68. This was the first time this issue was raised. Since this date, Fresh Direct/Aviva has argued that this permanent land-take – which has been part of the Order since it was published – is untenable to Fresh Direct as it is understood to compromise the use of its goods in facility in the permanent use.
- 2.4. Notwithstanding the lateness of this specific objection, the amount of permanent land-take has been reviewed again by Network Rail in response to Fresh Direct’s representations and, with significant advanced design works and ultimately, design compromise, it has been confirmed that the use of land plot 0045, can be split as outlined on 133735_2A-EWR-OXD-XX-DR-T-010003 attached (extract below). This shows that permanent land use (Mauve Land) is contained to the existing Aviva / Fresh Direct yard fence line (indicated by the Orange Line) and the temporary land use utilising the remainder of land plot 0045 (Green Land).



2.5. Consequently, Network Rail is willing to limit the exercise of its powers under the Order in respect of the class of land take of Order plot 0045, in accordance with the details set out above.

3. Engagement with Fresh Direct

3.1. Network Rail has engaged extensively with Fresh Direct. The progress of discussion with Fresh Direct, and the evolution of the Order Scheme in respect of this land is given in detail at Appendix A of this note.

APPENDIX A

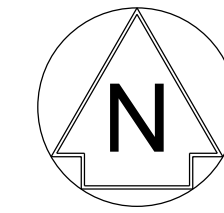
Engagement with Fresh Direct

Negotiations with Aviva / Fresh Direct have been ongoing relating to land take for some time, the detailed chronology of these discussions is outlined below:-

- James Oliver, Matt Hunter and Charles Hurst met of Network Rail (NR) with Fresh Direct (FD) on 21st February 2018 to discuss how the Order scheme would affect them and they were particularly concerned with their goods-in facility after seeing NR's updated scheme drawings. The drawings showed that NR would require a small part of FD's yard to accommodate the temporary road whilst the new over bridge on Charbridge Lane was built. In summary, as a result of this meeting NR agreed to model the exact requirements and show how its lorries would negotiate the reduced yard area.
- The modelling took some time to organise and NR and FD met again on 17th August 2018 [I need to check that this was the date of the follow up meeting] and produced a virtual video of a lorry negotiating the yard with NR land requirement in place. At this time NR also agreed to allow the yard to be extended onto railway land to facilitate the vehicle movements and allow lorries to be able to use all 5 bays of the facility. The video showed that lorries could successfully reverse onto all 5 bays. However, FD were concerned that, although NR demonstrated there was enough room for the lorries to manoeuvre, in practice it may not be straight forward and, therefore, FD wanted NR to consider moving FD's goods-in facility to another building. This NR agreed to do but asked that FD should provide estimates of the costs associated with such works. FD agreed to do this.
- NR and FD met next on 27th September 2018 to discuss the costs of providing the new facility. An accommodation was reached.
- NR and FD met again on 20th November 2018 to finalise the agreement and had a conference call on 12th December 2018 to discuss outstanding issues. During this period NR was also discussing the amount of land it required in the corner of FD's yard which would now be available, due to the agreement to move the goods-in building. FD were prepared to let NR have additional land (Pink Land) and this element was being discussed to reach agreement.
- Between this meeting and early in the new year FD asked NR to produce a plan showing the existing fence line (running parallel with Charbridge Lane) both in the existing position and the position after NR works were completed. This NR did, a copy of which is attached. It should be noted that NR was not providing new information, just additional details of what was shown on the Order Plans) FD quickly responded saying that this loss of land would seriously affect their business and would prevent them from using the existing goods in at all after the Order scheme was completed. FD asked NR to produce a further drawing with dimensions marked on it. This NR did and also arranged to meet with FD on site on 21st February 2019 when NR set out on the ground what the land lost would look like by placing cones at strategic points. At this meeting it was suggested by FD that they may be able to accept the loss of a metre along the fence line – FD asked that NR should look at all design options to reduce the land take to 1 metre and that FD would place cones a metre from their fence line to see if their facility could cope with this loss. Both sides agreed to a conference call a week later.
- By the time the conference call took place NR had carried out design assessment work and were able to confirm that NR could reduce its land requirement to 1 metre.

However, FD notified NR that their trial was not a success and that they were unable to operate with this land loss. FD asked NR to look again at its design to see if NR could remove the land requirement altogether. (It should be noted that although we are talking about the land parcel 0045, the part in question has always only been that part which runs parallel to Charbridge Lane and not the splayed part to the north of the land parcel

- This NR did and, within a further week NR confirmed it could alter the design sufficiently to get rid of the requirement to take any of FD's land (parallel with Charbridge Lane.)



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

Sheet No. 1 of 1

KEY AND NOTES

- LAND WITHIN ORDER LIMITS REQUIRED TEMPORARILY
- LAND REQUIRED PERMANENTLY (AVIVA OWNERSHIP - FRESH DIRECT TENANT)
- LAND REQUIRED PERMANENTLY (AVIVA OWNERSHIP - NO TENANT)
- FRESH DIRECT FENCE

1. DO NOT SCALE FROM THIS DRAWING.
2. ALL DIMENSIONS ARE IN MILLIMETERS UNLESS OTHERWISE STATED.
3. PLOT NUMBERS SHOWN ON THIS DRAWING CORRESPOND TO THE PLOT NUMBERS SHOWN ON TWAO DEPOSITED PLANS, DRAWING NO. 133735_2A-EWR-OXD-TWAO-DR-T-000001.



COUNTY OF OXFORDSHIRE
DISTRICT OF CHERWELL
PARISH OF BICESTER

COUNTY OF OXFORDSHIRE
DISTRICT OF CHERWELL
PARISH OF LAUNTON

Rev	Date	Description of Revisions	Dnd	Chkd	Appr	Suitability
A01	11/04/19		--	--	C.M	

WIP - Design

S0



Project
**East West Rail
(Western Section)
Phase 2**

Drawing Title
**AVIVA / FRESH DIRECT LAND PLAN
CHARBRIDGE LANE, LAUNTON**

Designed	---	Signed	---	Date	---
Drawn	Sam McLelland	Signed	S. McLelland	Date	26/03/19
Checked	---	Signed	---	Date	---
Approved	Colin Murphy	Signed	C. Murphy	Date	28/03/19

Scale(s)
1:500 @ A1 ELR - Project Chainage (Miles Yards)
OXD -

Design Package Risk Classification
Normal Sheet **1 of 1**

Alternative Reference
Revision **A01**

Drawing Number
133735_2A-EWR-OXD-XX-DR-T-010003

