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BY E-MAIL ONLY

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26 April 2019

Dear Joanna and Graham,

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

We act on behalf of our client Aviva Insurance Limited. Our client submitted an objection on 7 September 2018 to the Draft Order. That objection, supplemented by Aviva's Statement of Case sets out Aviva's interests in the Order land and its objection to the proposed compulsory acquisition of its Land.

We write also further to the Position Statement submitted by Fresh Direct (UK) Ltd ("**Fresh Direct**") dated 18 April ("**Fresh Direct Representation**"). Fresh Direct is the leasehold owner of Unit D Bicester Distribution Centre and Aviva owns the freehold interest. Aviva's interests in the Order land are summarised in its objection.

Aviva's objection as set out in its objection letter and Statement of Case to the proposed acquisition of its Land has been maintained, but not pursued at inquiry, as Aviva understood that a workable solution was being developed between Fresh Direct Ltd and the Promoter which would not lead to any insurmountable permanent adverse affect to the operation of the premises. It is apparent now that this may no longer be the case. The Fresh Direct Representation sets out in more detail the sequence of events which is not repeated here. Aviva notes that while discussions have taken place between Fresh Direct and the Promoter, as set out in the Fresh Direct Representation, there has been no genuine attempt by the Promoter to negotiate directly with Aviva, the freehold owner of the Land in question.

Our client shares the concerns raised in the Fresh Direct Representation in respect of the adverse effects to the operation of Unit D that would result were the Land to be compulsorily acquired. If implemented it is evident that the Order would adversely affect Aviva's interest in the freehold to that land, and the retained land.

In light of the above, Aviva endorses the request in section 8 of the Fresh Direct Representation that requests that if the Order is to be made by the Secretary of State, plot 45 is to be omitted.

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For the avoidance of doubt, this endorsement is expressed without prejudice to Aviva's objection to the proposed acquisition of its Land, as set out in its Statement of Case and letter of objection, which is maintained in full.

Yours faithfully

Pinsent Masons LLP

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