

From: [REDACTED]
To: [BARTHOLOMEW Fiona](#)
Subject: FW: Legal Agreement pursuant to the discharge of Condition 19 4
Date: 17 September 2015 17:54:56
Attachments: [Cond 19-4 \[REDACTED\] Agreement Signed 9-9-15_Redacted.pdf](#)

Hi Fiona

Further to my email of 10 September some nervousness has been expressed by NR about having sent the legal agreement with the financial information included. I would be grateful if the publically available document would have the monetary values redacted as in the attached document.

Many thanks

[REDACTED]

[REDACTED]

Principal Planner

ERM, London

Tel: [REDACTED]

Mobile: [REDACTED]

www.erm.com

From: [REDACTED]
Sent: Thursday, September 10, 2015 5:02 PM
To: BARTHOLOMEW Fiona (xxxxxxxxxxxx@xxxxxx.xxx.xx)
Cc: [REDACTED]
Subject: Legal Agreement pursuant to the discharge of Condition 19 4

Fiona

Please find attached a covering letter and copy of the signed legal agreement between Network Rail and [REDACTED] which relates to the discharged Condition 19 (4).

If you have any queries please do not hesitate to get in touch

Regards

[REDACTED]

[REDACTED]

Principal Planner

ERM, London

Tel: [REDACTED]

Mobile: [REDACTED]

www.erm.com

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From: [REDACTED]
To: [BARTHOLOMEW Fiona](#)
Cc: [REDACTED]
Subject: Legal Agreement pursuant to the discharge of Condition 19 4
Date: 10 September 2015 17:14:30
Attachments: [Cond 19-4 \[REDACTED\] Agreement Signed 9-9-15.pdf](#)
[Condition 19 4 legal agreement section H Cover Letter 10092015.pdf](#)

Fiona

Please find attached a covering letter and copy of the signed legal agreement between Network Rail and [REDACTED] which relates to the discharged Condition 19 (4).

If you have any queries please do not hesitate to get in touch

Regards

[REDACTED]

[REDACTED]

Principal Planner

ERM, London

Tel: [REDACTED]

Mobile: [REDACTED]

www.erm.com

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From: [BARTHOLOMEW Fiona](#)
To: [REDACTED] [Councillor WADE Liz](#); [REDACTED]
Cc: [Cllr John Howson](#); [REDACTED]; [REDACTED]; [REDACTED];
<xxxxxx.xxxxxxxx.xx@xxxxxxx.xx>; [Councillor GOTCH Mike \[INET\]](#)
Subject: RE: Council Website - Rail Developments Update page
Date: 18 September 2015 11:50:07
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)

Dear [REDACTED],

I acknowledge your concerns about NR's pre-application consultation but, in line with my email to you yesterday, this is not the last word. NR has yet to submit to the Council their formal proposals to discharge condition 19 in this area. When they do there will be formal public consultation as part of the planning process, and subsequent consideration by the West Area Committee as recently in the case of section H.

I have copied [REDACTED] into this email: [REDACTED] has left ERM and she is their principal planner dealing with EWR matters. I am sure that if she has anything further to add she will do so.

Kind regards,
Fiona

Mrs Fiona Bartholomew
Principal Planning Officer

Direct Dial: 01865 252774 Email: [xxxxxxx@xxxxx.xxx.xx](#)

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From: [REDACTED] [mailto:[REDACTED]]
Sent: 14 September 2015 10:52
To: Councillor WADE Liz; BARTHOLOMEW Fiona
Cc: Cllr John Howson; [REDACTED]; [REDACTED]; [REDACTED];
<xxxxxx.xxxxxxxx.xx@xxxxxxx.xx>; BARTHOLOMEW Fiona; Councillor GOTCH Mike [INET]

Subject: Re: Council Website - Rail Developments Update page

Dear Fiona and Councillor Wade,

Fiona passed this issue to [REDACTED] of ERM and asked him to reply to me directly. He has not done so. Please could you follow this up urgently on our behalf for the reasons below.

NR has run 3 information sessions. However, the letter informing residents of these were not received in the post until the afternoon of the second session - and too late for those to attend who received it when they got home from work. Therefore many residents had only the opportunity of attending the last session. Many people did go to this, but it was crowded with not enough solid information or detailed answers to residents legitimate questions being available. This makes commenting by the 16th September even more difficult as details necessary for any sensible evaluation were not available, and residents are rightly angry about this when many peoples day to day lives are about to be profoundly affected by this development. In particular in relation to the effectiveness of mitigation and the disruption and modification to our homes this will cause to accommodate intolerable levels of noise caused by the development - which would still result in the loss of the use of our gardens and community spaces that run alongside the tracks.

Also NR have said that there will need to be a lot of construction work that is carried out at night because it will be done alongside and joining live tracks. However no details could be given on this either. We have already been experiencing some work at night on the new freight loop on the mainline (without any warnings or information) which involves floodlights and noise all night and at the weekends during the day. This causes massive loss of sleep which inevitably affects health and well being. (if you saw the medical evidence from the Tonight programme last week).

I also notice that NR now have a proposed timetable of applying for discharge of conditions leading right up to Christmas with a proposed decision date of Christmas Eve. They have taken note of some suggestions and issues raised during the info sessions and will report back on these (but only by email to individuals who raised them) and there is no further information or any consultation at all planned. This means that residents have the prospect of anxiety and concern over what is fundamentally a complete change of living conditions for this community with no real consultation, and insufficient information.

Please can you follow up on having an extension of time for residents to submit comments and also for responses to comments made to be available to EVERYONE through further information sessions and some real consultation.

This is particularly important as so many households are to be offered noise reduction packages requiring structural alterations to their homes, but would mean they are no longer able to open their windows without being subjected to noise levels exceeding agreed standards. For most this is an unthinkable way to live. These properties do not have air conditioning - we should be able to open our windows - both day and night - without suffering from the effects of excess noise. The 82db contour shown in the NSOA already takes into account any reduction from the acoustic fence - that is properties will still be affected by 82db even with an acoustic fence. However, as all of this is theoretical, if the noise levels are actually more than predicted, what other measures are there to reduce it ?

Please give this your urgent attention,

On behalf of Waterways Management Company and the 531 households that live on the Waterways.

On 21 Aug 2015, at 20:21, Councillor WADE Liz <xxxxxxxxxx@xxxxxxx.xxx.xx> wrote:

Dear [REDACTED]

Thanks for flagging this up.

The consultation time is clearly not long enough and we will take this up. John Howson and I are meeting tomorrow to discuss the noise issue and whether the number of houses that are currently earmarked for protective measures needs to be increased. One of us will come back to you.

Best wishes

Liz

Liz Wade

City Councillor for St Margaret's Ward

Email: xxxxxxxxxx@xxxxxxx.xxx.xx

-----Original Message-----

From: [REDACTED] [REDACTED]

Sent: Friday, August 21, 2015 10:02 AM GMT Standard Time

To: Councillor WADE Liz; Cllr John Howson

Cc: [REDACTED]; [REDACTED]; [REDACTED]; xxxxxxxxxx@xxxxxxxxxxx.xx; BARTHOLOMEW Fiona; Councillor GOTCH Mike [INET]

Subject: Fwd: Council Website - Rail Developments Update page

Dear Liz, John and Mike

You will see from the documents just published below that there are large numbers of households on the Waterways that will be significantly impacted by excessive rail noise. There are 3 public information drop in sessions planned but the deadline given for responses is September 16th.

This is far too short a time period to enable us to fully get to grips with the technical reports and to ensure all affected properties can understand the implications for them and respond accordingly.

Please can this deadline be extended. This is being rushed through although all delays so far are on the part of NR.

Please can you pursue this for us?

Thank you

[REDACTED]

[REDACTED]

22 Stone Meadow

Begin forwarded message:

From: "BARTHOLOMEW Fiona"
<xxxxxxxxxxxx@xxxxxx.xxx.xx>
Date: 20 August 2015 15:28:13 BST
To: <[REDACTED]>, [REDACTED]>,
"Councillor GANT Andrew" <xxxxxxxxxxxx@xxxxxx.xxx.xx>,
<[REDACTED]>, <[REDACTED]>,
<[REDACTED]>, <[REDACTED]>,
<[REDACTED]>,
<[REDACTED]>, "SADLER Tim"
<xxxxxxxx@xxxxxx.xxx.xx>, "STEVENS David"
<xxxxxxxx@xxxxxx.xxx.xx>, "Councillor PRICE Bob"
<xxxxxxxxxxxx@xxxxxx.xxx.xx>, "Councillor GOTCH Mike"
<xxxxxxxxxxxx@xxxxxx.xxx.xx>, "Councillor GODDARD Steve"
<xxxxxxxxxxxx@xxxxxx.xxx.xx>, "Councillor PRESSEL Susanna"
<xxxxxxxxxxxx@xxxxxx.xxx.xx>, "Councillor UPTON Louise"
<xxxxxxxxxxxx@xxxxxx.xxx.xx>, "Councillor FRY James"
<xxxxxxxx@xxxxxx.xxx.xx>, "Councillor FOOKS Jean Lesley"
<xxxxxxxxxxxx@xxxxxx.xxx.xx>, "Councillor ROYCE Gwynneth L"
<xxxxxxxxxxxx@xxxxxx.xxx.xx>, "Councillor WADE Liz"
<xxxxxxxxxxxx@xxxxxx.xxx.xx>
Subject: Council Website - Rail Developments Update page

I write to let you know that the update below in red has been made today to the Council's Rail Developments webpage:
<http://www.oxford.gov.uk/PageRender/decVanilla/RailwayDevelopments.htm>

Details of NR's proposed consultation for noise and vibration in the northern part of Section I

Kind regards,
Fiona

Mrs Fiona Bartholomew
Principal Planning Officer

Direct Dial: 01865 252774 Email: xxxxxxxxxxxx@xxxxxx.xxx.xx
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St Aldates, Oxford, OX1 1DS
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<image003.png>

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From: [Plan Cons Area Team \(Thames Valley\) \(NE\)](#)
To: [BARTHOLOMEW Fiona](#)
Cc: [MARSHALL Ian](#)
Subject: RE: East West Rail - Air Quality Baseline Report
Date: 17 September 2015 12:14:51
Attachments: [Air Quality submission.msg](#)
[ATT10414604.txt](#)
[image001.png](#)
[image002.png](#)
[image004.png](#)

Dear Fiona,

We did meet with ERM back in May to discuss the findings of the report. They presented us a summary, and we did suggest a few things at that stage. I have yet to go through the report in detail but unless anything has changed drastically, we did not have any issues with the methodology/findings.

I understand they are only applying to discharge the baseline monitoring element of the relevant conditions, and as such I believe it is merely a case of 'receiving' the reports.

Kind Regards,

[REDACTED]

[REDACTED]

Adviser
Sustainable Development and Regulation
Thames Valley Team

Ph: [REDACTED]

Email: [REDACTED]

www.gov.uk/natural-england

From: BARTHOLOMEW Fiona [<mailto:xxxxxxxxxxxx@xxxxxx.xxx.xx>]
Sent: 03 September 2015 17:44
To: Consultations (NE)
Cc: MARSHALL Ian
Subject: FW: East West Rail - Air Quality Baseline Report

See below – please can this be dealt with in [REDACTED] absence?

Mrs Fiona Bartholomew
Principal Planning Officer

Direct Dial: 01865 252774 Email: xxxxxxxxxxxx@xxxxxx.xxx.xx

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From: BARTHOLOMEW Fiona
Sent: 03 September 2015 17:42
To: [REDACTED]
Cc: MARSHALL Ian
Subject: East West Rail - Air Quality Baseline Report

Dear [REDACTED],

15/02501/CND
East West Rail - Air Quality Baseline Report

I understand that Ian Marshall spoke to you about this today. As the case officer I need to ask for NE's formal response to the report and NE's recommendation as to whether the relevant sections of the condition can be discharged. I shall be most grateful if you are able please do so this in the next 21 days (by 24th September). The papers are available on the Council's website under the above reference although I understand that you already have a copy of the report itself.

For your information we have some concerns about the report as I have set out in the attached email to ERM. Perhaps you can help to assuage our concerns. Would you like to join us for a meeting? If so, the 17th September has been suggested to ERM.

Kind regards,
Fiona

Mrs Fiona Bartholomew
Principal Planning Officer

Direct Dial: 01865 252774 Email: xxxxxxxxxxxx@xxxxxx.xxx.xx

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From: [BARTHOLOMEW Fiona](#)
To: [REDACTED]
Subject: RE: Environmental impact
Date: 17 September 2015 13:07:29

Dear [REDACTED],

Thank you for your email. I asked ERM to comment and they replied as follows:

"An Environmental Statement was produced in support of the TWA Order application in 2009 (The Chiltern Railways (Bicester to Oxford Improvements) Order Environmental Statement [ES], 2009) alongside two addendums. The main ES and the first Addendum considered all environmental aspects of the Scheme as a whole. This remains the relevant assessment of environmental impacts of the Scheme. The second ES Addendum dealt specifically with the realignment of the western section of the Langford Lane replacement road (2010) and is not directly relevant to the works in Section I.

The relevant documents, therefore are:

*The Chiltern Railways (Bicester to Oxford Improvements) Order Environmental Statement (2009) [CD/1.15 to CD/1.18]; and *Addendum to Environmental Statement (2010) [CD/1.22].

These can be found at <http://www.chiltern-evergreen3.co.uk/index.php/core-documents>

Following on from the noise consultation sessions, residents who express a wish to know what specific mitigation will be provided either at or in the vicinity of their property will be written to by ERM. The deadline for the close of the consultation and providing responses to ERM is 16 September 2015. The named ERM contact is [REDACTED] at [REDACTED]

ERM will respond to your noise specific queries as part of the noise consultation process by the end of September 2015".

I would add that your concerns appear to me to relate to the adequacy and on-going relevance of the ES. The time for challenging the adequacy of the ES has long passed. In relation to its on-going relevance I would say that EIA is to a large extent a "point in time" process which does not require constant on-going assessment and revisiting of issues to take account of new information. The relevant ES is therefore as set out in ERM's response above. I hope that this clarifies those points for you.

As for the timetable for determination, the recent consultation was done at our request as a 'pre-application' consultation. NR/ERM will now respond to people's concerns in the ways they have suggested, and may amend the scheme in the light of those concerns. Their final draft will be sent to the Independent Expert who may also have concerns. Ultimately the final scheme will be submitted to the Council (with the final report of the IE) as an application to discharge condition 19 in this part of section I (setting aside the question of splitting section I which has still to be determined - possibly 13th October but may be November). When we receive the formal application we will subject it to public consultation and then consideration by Committee. There is therefore no set timetable for formal determination at the moment.

Kind regards,
Fiona

Mrs Fiona Bartholomew
Principal Planning Officer

Direct Dial: 01865 252774 Email: xxxxxxxxxxx@xxxxxx.xxx.xx

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-----Original Message-----

From: [REDACTED] [mailto:[REDACTED]]

Sent: 07 September 2015 20:24

To: BARTHOLOMEW Fiona

Cc: xxxxxx.xxxxxxxxxx.xx@xxxxxxxxxx.xx; [REDACTED]; Elizabeth Wade; Councillor GOTCH Mike [INET]

Subject: Environmental impact

Dear Fiona

Please can you tell me if NR has produced an Environmental Impact statement for section I of the TWAO?

It is quite clear from the NSoA, currently under consultation, that there will be considerable impacts - noise, visual, wildlife, removal of even more trees, pollution and social.

Where are these analysed and evaluated? At the information sessions NR have been unable to provide us with anything other than general statements (nothing specific, plans or details) about their intentions for tree removal, the effectiveness of any noise barriers at ground floor and every level above, the specification and effectiveness of any noise insulation packages, impact of noise on open spaces and gardens, what is involved in noise insulation packages and their installation (other than it would mean complete replacement of windows and frames). They do not provide any convincing rationale for their rejection of reduction of noise at source. They do not appear to have explored alternative designs which could reduce noise for all 531 households on the Waterways development,

Given that it is now not known when or even if electrification of the line will happen, the worst case scenario is now potentially a permanent state, contrary to previous assurances that this would be temporary until electrification in 2019.

Given that also there is now consultation on EWR phase 2 (Sept 17th) to include links to HS2 it is important that the planning scenario reflects the current position.

Please could you let me know if you have a timetable for consideration of condition 19. At the moment there is such a dearth of detailed information coming from NR, and so many households considerably impacted it would seem very premature to make any decision.

I look forward to your reply,

Best wishes,

[REDACTED]

[REDACTED]

From: [REDACTED]
To: [BARTHOLOMEW Fiona](#); [REDACTED]; [REDACTED]; [MORGAN Michael](#)
Cc: [REDACTED]; [REDACTED]; [REDACTED]
Subject: RE: Splitting Section I EWRP1
Date: 01 September 2015 14:36:11
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image005.png](#)

Hi Fiona,

Just back from holidays and tried your phone earlier.

Further to the below could ERM and Network Rail ([REDACTED]) perhaps organise a telecon or attend your Thursday morning meeting (3rd or 10th September) to discuss this in terms of the information you require.

If you could give me a call or an e-mail that would be appreciated.

Regards

[REDACTED]

From: BARTHOLOMEW Fiona [mailto:xxxxxxxxxxxx@xxxxxx.xxx.xx]
Sent: Thursday, August 27, 2015 12:16 PM
To: [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]
Cc: EDWARDS David; SADLER Tim; PIERCY Fiona; MORGAN Michael; THOMPSON Jennifer
Subject: RE: Splitting Section I EWRP1

Dear All,

Following the meeting yesterday we have decided to defer presentation of the report on the split of Section I from the 8th September Committee. This is to allow NR time to consider further whether the work in Sections I2 and J are under the TWA or are PD. Please do let us know, as soon as you are able, how you decide to proceed. The deadline for the 13th October Committee is 5th October.

Kind regards,
Fiona

Mrs Fiona Bartholomew
Principal Planning Officer

Direct Dial: 01865 252774 Email: xxxxxxxxxxxx@xxxxxx.xxx.xx

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From: BARTHOLOMEW Fiona

Sent: 20 August 2015 11:50

To: [REDACTED] ([REDACTED]); [REDACTED] ([REDACTED])

Cc: [REDACTED]

Subject: Splitting Section I EWRP1

Dear [REDACTED] and [REDACTED] (and [REDACTED]),

I attach our draft Committee report. Please can you read this draft and call me as soon as you are able to? The report needs to be finalised by Thursday next week so I am up against the clock.

Many thanks,
Fiona

Mrs Fiona Bartholomew
Principal Planning Officer

Direct Dial: 01865 252774 Email: xxxxxxxxxxx@xxxxxx.xxx.xx

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Dated: 2015

- (1) [REDACTED] ("the Owner")
- (2) Network Rail Infrastructure Limited ("Network Rail")

**Agreement for carrying out of mitigation work in relation to the Chiltern
Railways (Bicester - Oxford Improvements) Order 2012**

BETWEEN

- (1) [REDACTED] of 45 Lakeside, Oxford ("the Owner"); and
- (2) Network Rail Infrastructure Limited whose registered office is at 1 Eversholt Street, London NW1 2DN ("Network Rail")

RECITAL

- (A) Network Rail is authorised by the Chiltern Railways (Bicester – Oxford Improvements) Order 2012 ("the Order") to carry out certain works for the provision of new sections of railway and improvements to an existing railway between Bicester and Oxford.
- (B) Deemed planning permission was granted, subject to conditions, for the works authorised by the Order, which includes condition 19, a requirement for the approval of a scheme of assessment of noise and vibration together with proposed monitoring and mitigation measures prior to sections of the works authorised by the Order being carried out.
- (C) Condition 19(4) provides that any such scheme of assessment must include measures that shall be taken to ensure that the noise caused by passing trains in the Studio at 45 Lakeside, Oxford does not exceed 35dB L^{aeq,30min} and 55dB L^{a1,30min}, the standards to be met by music teaching rooms as defined in building bulletin 93, Acoustic Design of Schools (table 1.1).
- (D) The Owner is the freehold owner of 45 Lakeside, Oxford ("the Property").
- (E) In order to meet the requirements of condition 19(4), Network Rail and the Owner have agreed that the appropriate standards can be met by the carrying out of works at the Property, the costs of which will be met by Network Rail in accordance with the terms of this Agreement.

NOW THIS DEED WITNESSES AS FOLLOWS:-

1. In this Agreement the following expressions shall have the following meanings unless the context shall otherwise require:-
- | | |
|--------------------|---|
| "the Contract Sum" | means the sum of [REDACTED] for the carrying out of the Works which is inclusive of any VAT; and |
| "the Works" | means the works to provide a new single storey extension to the Property for the purpose of providing a new room at the Property for the teaching of music in accordance with the specification contained in the quotation set out in the Schedule to this Agreement. |
2. The obligations contained in clauses 2 to 5 (inclusive) of this agreement are conditional upon both of the following conditions being met:-
- (a) Oxford City Council, as the local planning authority, confirming that the measures provided for in this agreement are satisfactory and issuing a written notice that condition 19(4) is discharged on the basis of the Owner and Network Rail having entered into this Agreement; and
- (b) Oxford City Council granting the necessary planning permission for the Works to be carried out at the Property.

3. Network Rail agrees that it shall pay to the Owner the Contract Sum in the instalments and subject to the terms listed below:-
 - (a) the sum of [REDACTED] within seven days of the Owner providing satisfactory written evidence to Network Rail that planning permission has been granted by Oxford City Council to enable the Works to be carried out;
 - (b) the sum of [REDACTED] within seven days after satisfactory evidence has been provided to Network Rail that the brick and blockwork included within the Works has been substantially completed; and
 - (c) the sum of [REDACTED] within seven days after the provision of satisfactory evidence to Network Rail that a Building Regulations Completion Certificate has been issued in respect of the Works.
4. Subject to the payment of the Contract Sum in accordance with clause 3, Network Rail shall have no further liability to the Owner in respect of the carrying out of the Works.
5. The Owner hereby agrees that [REDACTED] is satisfied that [REDACTED] considers that the Works, when completed, will meet the requirements of condition 19(4) and that [REDACTED] shall not make or procure the making of any complaint, objection or legal challenge to the discharge of condition 19(4) in relation to the Property or make any claim or bring any proceedings against Network Rail in respect of noise or vibration experienced at the Property (including the Works when completed) with respect to any interference with, or effect on, music teaching arising from the carrying out of works, or the subsequent operation of the Railway, authorised by the Order.
6. Any notice pursuant to this Agreement shall be in writing and shall be duly and validly served if delivered by hand or sent by first class post to the registered office of the relevant party. Any notice sent by post shall be conclusively treated as having been served two working days after posting.
7. No party may assign or charge its rights or interests under this Agreement without the prior written consent of the other party (not to be unreasonably withheld or delayed).
8. No party intends that any term of this Agreement should be enforceable, by virtue of the Contracts (Rights of Third Parties) Act 1999, by a person other than Network Rail or the Owners.
9. No amendment to or variation of this Agreement shall be effective unless in writing and signed by or on behalf of the parties. No general terms and conditions contained in any purchase order or other document customarily required by either party in connection with a request for works or services shall be binding on the parties.
10. This Agreement constitutes the entire agreement between the parties relating to the subject matter of this Agreement and supersedes any previous agreements between the parties. Each party acknowledges that in entering into this Agreement it is not relying upon any statement or representation not set out in this Agreement.
11. This Agreement shall be governed by and construed in accordance with the laws of England and Wales. Save as expressly provided otherwise, the parties agree that the Courts of England and Wales shall have exclusive jurisdiction to settle any disputes that may arise out of or in connection with this Agreement.

SCHEDULE 1


Specification of Works

Quotation letter of 14 August 2015 from Lansdowne Orangeries and Conservatories to the Owner containing the specification

LANDSDOWNE

MORE THAN A CONSERVATORY

14th August, 2015


45 Lakeside,
North Oxford,
OX2 8JQ

Dear 

Re: Proposed Front Single Storey Extension

Further to our discussions, please find below our revised quotation:

Professional Fees

Planning Application Fees;

Professional fees, structural engineers and building control costs.

Building Costs

Foundations and concrete oversite;

Brickwork and Blockwork;

Internal works, removing walls and insertion of supporting steels;

Roof structure and tiling / 2 Velux windows;

Plastering and screed.

Windows and doors;

Heating and electrics;

Second fix joinery, decoration, floor coverings.

Total Net:
VAT @ 20%

TOTAL COST

Payment Structure:

Due once planning through:

On completion of brick and block work:

On final completion:



We hope that the above is helpful, but please do not hesitate to contact us should you have any queries.

Assuring you of our best attention.

Yours sincerely,

A solid black rectangular redaction box covering a signature.

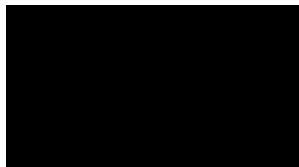
Director

C.c.

A solid black rectangular redaction box covering text.

Signed by
duly authorised for and on behalf of
Network Rail Infrastructure Limited

)
)
)

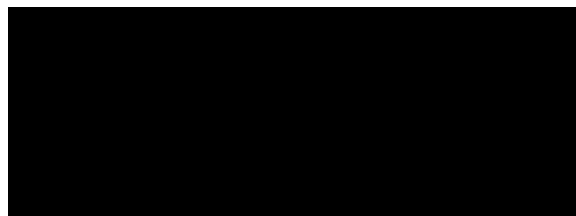


7/9/15

Signed by



)





Fiona Bartholomew,
Principal Planning Officer,
The Planning Department,
Oxford City Council,
St Aldate's Chambers,
109 St Aldate's,
Oxford,
OX1 1DS

10 September 2015

Our Ref: TWA/10/APP/01/Oxford/H/C19 Item 4

Dear Fiona,

**Pursuant to Partial Discharge of Planning Condition 19 (Noise) item 4 of
The Chiltern Railways (Bicester to Oxford Improvements) Transport
Works Act Order (TWA/10/APP/01) relating to works within Section H**

We are writing in connection with condition 19(4) of the above mentioned
Order.

Condition 19(4) relates to mitigation of noise impacts on a studio at 45
Lakeside ("the Property") which has been used for music teaching.
The sub-condition states that:

"The schemes of assessment of the predicted noise impacts of Phase
1 and 2A and of Phase 2B on the Individual Section or Sections that
abut 45 Lakeside shall also identify measures that shall be taken to
ensure that the noise caused by passing trains in the studio at 45
Lakeside does not exceed 35dB L_{AEQ, 30 min} or 55dB L_{A1, 30min} the
standards to be met by Music Teaching Rooms as defined in
Building Bulletin 93, acoustic Design of Schools (Table 1.1).

Further to the discharge of Condition 19 (Item 4 as it relates to noise in
Section H) of the deemed planning direction attached to the Order we are
writing to confirm that we have now reached an agreement with the owner
of the Property, under which Network Rail have agreed to pay for the
construction of a new room at the front of the Property for the purposes of
ensuring that the conditions specified in condition 19(4) are satisfied.

Registered office
2nd Floor, Exchequer Court
33 St Mary Axe
London EC3A 8AA

Registered number
1014622 England

VAT Registration
404 6180 80

A member of
Environmental Resources
Management Group

I enclose a copy of that agreement with this letter.

You will note from clause 2 of the Agreement that the obligations in the Agreement are conditional on:

- (a) the Council as local planning authority confirming that the measures provided for in the Agreement are satisfactory and issuing a written notice that condition 19(4) is discharged on the basis of the owner of 45 Lakeside and Network Rail having entered into the Agreement; and
- (b) that necessary planning permission for the Works identified in the Agreement. We would therefore be grateful if you could (i) confirm that the measures contained in the Agreement are satisfactory and (ii) issue a written notice that the requirements of condition 19(4) have been discharged on the basis of the Owner and Network Rail having entered into the Agreement.

On receipt of your confirmation and discharge, the Owner will then apply for planning permission for the Works to the Council.

We look forward to hearing from you as soon as possible, but if you have any queries, please do not hesitate to contact me.

Yours sincerely,



Principal Planner
ERM

ENC: Condition 19 (4) Legal Agreement