

22 July 2021
20210722 - Midcounties - CPO Objection - FINAL



The Secretary of State for Transport
c/o Transport Infrastructure Planning Unit
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Dear Sir / Madam

RE ORDER: THE NETWORK RAIL (OXFORD STATION PHASE 2 IMPROVEMENTS) (LAND ONLY) ORDER 2021 ('THE ORDER')

OUR CLIENT: THE MIDCOUNTIES COOPERATIVE, CO-OPERATIVE HOUSE, WARWICK TECHNOLOGY PARK, WARWICK, CV34 6DA ('our Client')

PROPERTY: THE CO-OP CHILDRENS NURSERY, 1 RODER DUDMAN WAY, OXFORD, OX1 1HW (PLOTS 0010, 0013, 0017b) ('the Property')

We act on behalf of our Client, The Midcounties Cooperative, who is the freehold owner of the above Property. The Property falls within the boundary of the above Order. The Order, if made, would give powers for the permanent acquisition of land and rights owned and occupied by our client.

In response to Carter Jonas letter (sent on behalf of the acquiring authority, Network Rail) dated 4th June 2021 to our Client, we are instructed to give notice of our client's objection to the Order. Our client objects on the following grounds:

- (i) The initial proposal put forward by Network Rail incorporated a minor area of permanent acquisition. However, the applicant and plans sent to the Secretary of State now identifies the whole of our clients interest as being subject to permanent acquisition. There has been insufficient information or explanation provided to our Client to enable proper understanding as to why the inclusion of the Land is required for the Transport and Works Act Order.
- (ii) From the limited information provided to date, it is understood the need to permanently acquire a very small part of our clients interest within the original proposal was in order to realign Sheep Wash Bridge. There has been no supporting evidence for the need to do this, nor has there been any information provided as to the alternative option, being to increase the level of the highway to avoid any permanent acquisition of our clients Property.
- (iii) As a children's nursery, our Client's Property serves an important purpose for the surrounding community. It is therefore of concern that the initial proposal put forward by Network Rail, which was

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for just the permanent acquisition of a very small part of the building has changed so drastically to now include the whole interest. As a result, our Client has been seeking alternative properties within Oxford that would be able to serve the same purpose as the existing Property. As Network Rail are aware, there are currently no available opportunities within Oxford for such a use as a children's nursery. Subject to the Order being granted, this would leave our Client with no other option but to extinguish the business, unless temporary accommodation that provides accommodation that is equivalent to our Clients existing Property and accommodation that complies with the necessary Ofsted requirements.

- (iv) As a result of the potential business extinguishment, parents are already looking for alternative nursery's for their children to ensure they have a place secured elsewhere prior to the potential closure of the nursery. Naturally, this is a concern for the financial performance of the business, especially in light of the difficulties caused by COVID-19 over the last 18 months.
- (v) Network Rail's Concise Statement of the Aims of the Proposals states, under paragraph 2.3, that *"future projections suggest that passenger numbers at Oxford station will grow significantly over the next 15 years. With the introduction of the December 2019 timetable, Oxford Station is nearing full capacity and cannot robustly accommodate the further growth and service enhancements planned to be introduced in 2024"*. However there is no evidence to support the suggestion of future growth of passenger numbers in light of the changes in working patterns and high street shopping as a result of the ongoing COVID-19 global pandemic. It is therefore not fully understood why the current station provisions cannot remain, thus allowing for our Clients children's nursery to continue to operate and to serve the local community. The reasons for it to be acquired compulsorily and why our client's ownership cannot continue have not been fully explained.
- (vi) Our client is also concerned with Network Rail's Statement, under paragraph 7.9 of its document titled Report Summarising Consultations Undertaken. The statement put forward by Network Rail is not a true and fair reflection of the consultation that has been undertaken to date. Our Client has been looking at all options available to them, namely temporary relocation, permanent relocation and more latterly (due to the lack of engagement on the temporary relocation and Network Rail enlarging its area of permanent acquisition), business extinguishment. Business extinguishment is considered a last resort by our client and our Client continues to be open to all opportunities, with temporary relocation being the preferred option.
- (vii) Whilst our Client acknowledges there has been engagement between parties, the engagement thus far has not provided the information required to full understand why Network Rail amended its proposals and whether there would be an alternative option to Network Rail to avoid the likely outcome (in light of no alternative property opportunities) of a business extinguishment, which will result in the loss of jobs and potentially children without a nursery to attend.

This information is a pre-requisite to assessing whether or not the benefits of the project outweigh any harm caused to those affected by the proposals. We therefore reserve the right to amend, extend or withdraw this objection accordingly in due course.

Finally, we would be grateful if you could please confirm receipt of this objection.

Yours faithfully



Kirk Macdiarmid
Director