

**On Behalf Of:** Mr Andrew Deacon  
C/o Miss Sarah Goodall  
ERM  
Exchequer Court  
33 St Mary Axe  
London  
EC3A 8AA

Date: 30th June 2015  
Your ref:  
My ref: 15/00956/CND  
Please ask for: Fiona Bartholomew  
Telephone: (01865) 252774

Dear Sir /Madam

**COMPLIANCE WITH CONDITION(S)**

**APPLICATION 15/00956/CND  
NO:**

**PROPOSAL:** Details submitted in compliance with condition 19 (operational noise and vibration) of TWA ref: TWA/10/APP/01 (The Chiltern Railways (Bicester to Oxford Improvements) Order - deemed planning permission granted under section 90(2A) of the Town and Country Planning Act 1990).

**LOCATION:** Chiltern Railway From Oxford To Bicester

**CONDITION N°:** 19

I write in response to your application submitting details on requirement of conditions attached to the consent referenced TWA/10/APP/01. The City Council's decision is set out below.

Following consideration of the application in respect of the proposal outlined above, it was resolved to **partially discharge condition 19 in respect of operational noise in section H** for the following reasons:-

- 1 The Noise Scheme of Assessment is considered to be robust and has demonstrated that the required standards set out in the Noise and Vibration Mitigation Policy will be achieved.
- 2 The Council considers that the proposal accords with the policies of the development plan. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

Subject to following conditions, which have been imposed for the reasons stated:-

- 1 The development is to be carried out strictly in accordance with the documents titled "Noise Scheme of Assessment for Route Section H" (ref 0221083/11/H06) dated 6 March 2015; the ERM further technical note submitted to the Council on 5 May 2015 titled "Technical Note to Provide Information on the Effect of Relocating the Woodstock Road Crossover (ref 0221083/H07) and drawing numbers 0221083\_SecH\_Sheet24\_Ver1, 0221083\_SecH\_Sheet25\_Ver1, 0221083\_SecH\_Sheet26\_Ver1 and 0221083\_SecH\_Sheet27\_Ver1 all dated May 2015. In the event of conflict between these drawings and other documents the four May 2015 drawings shall prevail and as between the other documents the later produced document shall prevail.

Reason: the Noise Scheme of Assessment has been prepared upon the basis of these details and deviation from them would not necessarily result in the standards of vibration mitigation required by the Noise and Vibration Mitigation Policy (January 2011) being achieved.

- 2 Within three months of this partial approval under condition 19 of the deemed planning permission, proposals shall be submitted for the written approval of the local planning authority showing how at-source noise attenuation by rail dampening to at least the standard achievable by the use of Tata Silentrail can be incorporated into the scheme. The development to which this approval relates shall not be brought into operation EITHER without that written approval having been obtained and other than in accordance with such approved details OR without the Council having given written confirmation that it is satisfied that the provision of such rail dampening is not reasonably practicable.

Reason: The local planning authority is not satisfied that rail dampening as an at source mitigation measure has been shown to not be reasonably practicable in the absence of any attempt on the part of the applicant to secure approval for the use of such a measure.

- 3 Passenger train movements on Section H between 0700 hours and 2300 hours shall not be in excess of 8 movements per hour. Freight train movements between 2300 hours 0700 hours on the following day shall not exceed 8.

Reason: to ensure compliance with condition 19 of the planning permission deemed to have been granted (ref TWA/10/APP/01)

- 4 Section H shall not be made available for use by trains until provision for continuous monitoring of noise has been effected for noise sensitive properties throughout section H in accordance with a scheme previously approved in writing by the Council. The results of such monitoring shall be provided to the Council on each of six months, eighteen months, thirty months, forty-two months, fifty-four months, sixty-six months and seventy-eight months from the date on which Section H is first made available for use for trains. In the event that the monitoring results provided to the Council exceed the noise thresholds in the Noise and Vibration Mitigation Policy then additional mitigation measures shall be effected within six months in order to ensure that those levels are not again exceeded.

Reason: to ensure compliance with condition 19 of the planning permission deemed to have been granted (ref TWA/10/APP/01)

It is confirmed that prior to and in connection with the granting of this consent, the Council has taken the Environmental Statement and other relevant environmental information into account.

Yours sincerely,



**Fiona Bartholomew**  
Principal Planning officer

For and on behalf of  
**DAVID EDWARDS**  
Executive Director of Regeneration and Housing

