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Dear Sirs,

TRANSPORT AND WORKS ACT 1992: APPLICATION FOR THE NETWORK RAIL (EAST WEST RAIL) (BICESTER TO BEDFORD IMPROVEMENTS) ORDER AND DEEMED PLANNING PERMISSION

1. I am directed by the Secretary of State for Transport to say that consideration has been given to the report of the Inspector, Mr Martin Whitehead LLB BSc (Hons) CEng MICE who held a public inquiry from 6 February 2019 to 30 April 2019, into the application made on 27 July 2018 by your clients, Network Rail Infrastructure Limited ("NR") for:
 - the Network Rail (East West Rail) (Bicester to Bedford Improvements) Order ("the Order") to be made under sections 1 and 5 of, and paragraphs 1-5, 7-11, 13 and 15-17 of Schedule 1 to the Transport and Works Act 1992 ("TWA"); and
 - a direction as to deemed planning permission for the development provided for in the Order, to be given under section 90(2A) of the Town and Country Planning Act 1990 ("the Planning Direction").
2. The Order and the Planning Direction, if made, would authorise NR to construct, operate and maintain a railway between Bicester and Bedford, Milton Keynes and Aylesbury, to facilitate the operation of new passenger services between Oxford, Milton Keynes, Aylesbury and Bedford. The Order would also authorise the reinstatement of the partially disused Bicester-to-Bletchley-to-Bedford and Aylesbury-to-Claydon Junction routes, together with the construction of a new station at Winslow; platforms at Bletchley and Aylesbury Vale Parkway; platform extensions at Woburn Sands and Ridgemont Stations; and other ancillary development. It would include the provision for the acquisition,

compulsorily and by agreement, of land and rights in land and to use land, and provision for the construction, operation and maintenance of the railway.

3. Enclosed with this letter is a copy of the Inspector's report ("IR"). The Inspector's conclusions are set out in Chapter 8. The Inspector's formal recommendations are set out in Chapter 9.
4. In making this application, NR complied with the publicity requirements of the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006 ("the 2006 Rules"). This included serving copies of the application and the accompanying documents on the persons specified by the 2006 Rules and making the documents available for public inspection. As also required by the 2006 Rules, NR displayed and published notice, giving information about the application and how to make representations, and served notices on those whose rights over land would be extinguished under the Order.

Summary of Inspector's Recommendations

5. The Inspector recommended that the Order should be made, subject to modifications, and that deemed planning permission be granted subject to conditions.

Summary of the Secretary of State's Decision

6. For the reasons given in this letter, **the Secretary of State has decided to make the Order with modifications, and to give the planning direction, subject to the conditions set out in Annex 1 to this letter.** In a separate letter being issued today, the Secretary of State for Housing, Communities and Local Government has decided to give the various listed building consents required for implementation of the Scheme as recommended by the Inspector in paragraph 9.2 of the IR.

Secretary of State's Consideration

7. Careful consideration has been given to all the arguments put forward by, or on behalf of, the parties. The Secretary of State's consideration of the IR is set out in the following paragraphs. All other paragraph references, unless otherwise stated, are to paragraphs in the IR.

Aims and need for the proposed Network Rail (East West Rail) (Bicester to Bedford Improvement) Order ("the Scheme")

8. The Inspector notes that the aims of, and the need for, the Scheme are given as the "key objectives" in NR's Statement of Case, covering improving east-west public transport connectivity through rail links between Oxford, Bicester, Bletchley and Milton Keynes, and between Aylesbury, Bletchley and Milton Keynes; meeting initial forecast passenger demand through new and reliable train services; stimulating economic growth, housing and employment across the Oxford-Cambridge Arc; contributing to improved inter-regional passenger

connectivity and journey times; maintaining current capacity for rail freight; making appropriate provision for future demand and economic growth; and providing a sustainable transport solution to support economic growth (IR 3.6). The Inspector notes that the need for the scheme is set out in the DfT report “the case for East West Rail, Western Section 2” (IR 8.3).

9. The Secretary of State notes that most objectors did not question the need for the Scheme and there has been a significant level of support for it (IR 8.4). The Inspector considered that the aim to provide for future demand and economic growth has been compromised by the need to reduce costs from the original proposals to ensure that the Scheme is affordable and economically viable. The Inspector was satisfied that options remain open to provide in the future: electrification, increased platform lengths and improved capacity, if demand requires and the funding is available (IR 8.7). The Secretary of State does not disagree with that assessment and further agrees with the Inspector’s conclusions that the Scheme will meet the stated aims (IR 8.9).

Main alternatives considered by NR and the reasons for choosing the proposals comprised in the Scheme

10. The Secretary of State notes that the Scheme has undergone a thorough selection process to determine the most appropriate train services to run and its physical infrastructure, and that the Environmental Statement (“ES”) examined a number of alternatives. These are detailed at IR 3.10 to IR 3.13. The Secretary of State notes that the selection process has led to changes to the Scheme to ensure that it can demonstrate value for money whilst still meeting the overarching aims and outputs of the Scheme (IR 8.11). These changes are detailed at IR 3.14. The Inspector notes that no party put forward a feasible alternative route for any sections of the Scheme and taking account the completion of Phase 1 of the western section of East West Rail (“EWR”) and the existing railway corridors between Bicester, Bletchley and Bedford and between Aylesbury and Bletchley, the Secretary of State agrees that the proposed route is the most appropriate for the Scheme to take (IR 8.12).
11. The Secretary of State has noted that some objectors and supporters expressed concern that the Scheme will not provide for an electrified service. This was included in the original specification for the project but some measures to enable the Scheme to be electrified are no longer part of the Scheme, following cost and viability challenges (IR 8.13). The Inspector found that the new structures constructed as part of the Scheme will allow sufficient clearance to accommodate electrification. The Secretary of State agrees with the Inspector’s conclusion that based on the evidence provided, the benefits of the Scheme are not reliant upon it being electrified and can be achieved with a diesel-only railway (IR 8.14).
12. The Secretary of State has taken account of the Inspector’s comments that the current and projected passenger demand does not support double-tracking the line from Aylesbury to Milton Keynes (IR 8.15), and the estimated additional

cost of providing longer platforms would be disproportionate to the benefits that it would provide (IR 8.16).

13. The Secretary of State agrees with the Inspector that NR has considered enough alternatives, and provided satisfactory reasons, to demonstrate that the proposals comprised in the Scheme are the most appropriate and economically viable to achieve the identified aims (IR 8.17).

Justification for the proposals in the draft Order

14. The Secretary of State has taken note that the evidence for the Applicant, which has not been challenged by any substantive evidence, identifies significant transportation and socio-economic benefits (IR 8.18). These are identified at IR 3.15 and IR 3.16. Whilst the Scheme would result in environmental impacts during its construction and operation, the Secretary of State notes that these impacts would be limited by the implementation of a Code of Construction Practice (“CoCP”) and the use of an established hierarchy of avoidance, mitigation and compensation for its environmental design (IR 8.20). The Secretary of State agrees with the Inspector that any adverse impacts due primarily to the Scheme’s environmental impact would, taking account of the proposed mitigation measures, be more than offset by the benefits and that NR has provided a strong case to justify the proposals in the draft Order (IR 8.22).

Consistency with the National Policy Planning Framework (“NPPF”), National Transport Policy, and Local Transport, environmental and local planning policies

15. The Secretary of State has taken account that the NPPF is supportive of the provision of infrastructure (IR 8.23), and that the Scheme represents the type of sustainable transport supported by the NPPF (IR 8.24). The Secretary of State takes account of the objections that the Scheme fails to comply with some of the environmental objectives in the NPPF. The Secretary of State agrees with the Inspector that the approach in the ES to firstly avoid, then mitigate and, as a last resort, compensate for adverse impacts complies with the NPPF. The Secretary of State also agrees that the mitigation measures included in the Scheme design to address flood risk are also NPPF compliant (IR 8.25).
16. The Inspector notes that a number of emerging and adopted local development plan policies include sites near to the Scheme corridor that are allocated for new development which may be affected by the land take of the Scheme. The Secretary of State notes the Inspector’s conclusion that the sites for development under the Emerging Vale of Aylesbury Local Plan are dependent upon the delivery of the Scheme and the new station (IR 8.28). The Inspector also noted that the Milton Keynes Council Development Plan (“MKCDP”) acknowledges that some land from within the development plan area may be required for the Scheme, but that aspects of the MKCDP are dependent on the benefits expected to be brought by the Scheme and therefore delivery of the Scheme should first be secured (IR 8.29).

17. The Secretary of State agrees with the Inspector that the proposals in the Order are consistent with the NPPF, and with transport policies, local planning and environmental policies (IR 8.30).

Impacts on Landowners and Tenants, Local Residents, General Public, Utility Providers and Statutory Undertakers

Impact on roads, including the Strategic Road Network, from increased traffic and construction vehicles

18. The Secretary of State notes that the Statement of Common Ground between NR and Highways England (“HE”) includes measures that have been agreed by HE to remedy their concern about construction traffic at the M40 Junction 10 and Baynards Green roundabout, and agrees with the Inspector that the Scheme would not result in any significant adverse impact on the Strategic Road Network (IR 8.31). The Secretary of State notes that the imposition of a highways condition (Condition 14) which will include the approval of a Construction Traffic Management Plan (“CTMP”) to regulate and control the impact of construction traffic, has been agreed with local authorities and will satisfy the concerns expressed by those authorities (IR 8.32).
19. The Secretary of State notes that some objectors expressed concern about the impact of construction traffic and that most of these concerns have been addressed by NR. The Secretary of State agrees that the evidence has demonstrated that NR has taken all the available measures to minimise disruption to local residents as much as possible during the construction phase (IR 8.33). The Secretary of State notes that the impact on the roads during the operation of the Scheme would be likely to be positive due to it increasing the capability of taking freight traffic off the roads, thus reducing reliance on the roads, some of which are unsuitable for heavy traffic (IR 8.34).
20. The Secretary of State notes that most of the objectors’ concerns about traffic during the operation of the Scheme are regarding the impact at level crossings due to additional barrier down time. The Secretary of State notes Langford Village Community Association’s objection which expresses concerns about the barrier down times at the London Road level crossing in Bicester, however, the Secretary of State agrees with the Inspector that to introduce a solution to resolve this concern would result in undue delays and costs to the Scheme and as such, agrees with the Inspector that a solution should not form part of the Order (IR 8.150). Further, the Secretary of State agrees with the Inspector that the evidence provided by NR has demonstrated that the adverse impact as a result of the barrier down time after the proposed mitigation would be insufficient to outweigh the overall benefits that the Scheme would provide to roads in the area (IR 8.35). With regard to concern about the potential highway impact of the Scheme on the level crossing at Bow Brickhill, the Inspector found that the congestion in the area is an existing problem which NR have shown will not be made materially worse by the proposed services that will be provided as part of the Scheme (IR 8.36). The Secretary of State does not disagree with this conclusion.

21. The Secretary of State agrees with the Inspector that, in light of the beneficial impact that the Scheme will have on the roads, any resulting increase in congestion at localised areas along the route is justified. He also agrees that the measures implemented through planning conditions ensure there is sufficient control over the construction traffic on the local roads, so that any impact during construction of the Scheme will be minimised. The Secretary of State further agrees with the Inspector's conclusion that the Scheme's impact on the roads, including the Strategic Road Network, from increased traffic and construction vehicles, is acceptable (IR 8.37).

Impacts on land use, including the effects on commercial property and the effect on other planning development in the area

22. The Secretary of State notes that the impact on land use is mainly due to the compulsory acquisition of land allocated or identified for new development, and that NR has shown that it has entered into, or is in the process of negotiating agreements with relevant land owners and developers. As such, most of the objectors have not appeared at the Inquiry or have narrowed the scope of their evidence referred to at the Inquiry (IR 8.38).
23. The Secretary of State notes that Thames Water Utilities Limited ("TWUL") is the only remaining statutory undertaker objecting to the Scheme and their concern is that it would fail to retain control over discharges through the operation of article 19(8) of the draft Order. The Secretary of State agrees with the Inspector that NR has provided evidence that this provision, which provides for effective deemed consent, has been previously applied to other orders made under the TWA authorising railways without any noted problems (IR 8.51). The Inspector found that the inclusion of article 19(8) would not compromise the ability of TWUL to carry out its statutory duties as article 19(3) gives TWUL the powers to refuse consent to discharge (IR 8.52). The Secretary of State further notes that the protective provisions have not been questioned by anyone other than TWUL (IR 8.109) and agrees that article 19 would provide the correct balance between giving TWUL sufficient time and control over making a decision on a discharge application and avoiding unnecessary delay to the Scheme (IR 8.145).

Public Right of Ways ("PRoWs") and access to public amenities

24. The Secretary of State notes that the local highway authorities have withdrawn their objections regarding PRoWs on the basis that a condition is imposed on the Planning Direction which requires their approval of a CTMP, which includes temporary road and PRoW closures and details of PRoW diversions or new PRoWs to be approved (IR 8.54). The Secretary of State agrees with the Inspector that the impact of the Scheme on PRoWs has been suitably mitigated and, with the implementation of the planning conditions under the Planning Direction, would not cause any unacceptable harm in terms of severance and journey distances or cause any significant problems with access to public amenities (IR 8.58).

Impact from the cumulative effects of HS2

25. The Secretary of State notes that the main concerns about the cumulative effects of the Scheme and HS2 are during the construction of these projects. The Transport Assessment, as reported in the ES provides a detailed analysis of the impact of HS2 construction and operational traffic and an assessment of the HS2 interface with the Scheme. None of the objectors provided evidence to oppose the findings of the assessment of the cumulative effects (IR 8.59) and NR have indicated that it will have a strategic integrated programme in place which will allow for the delivery of the Scheme and HS2 (IR 8.60). The Secretary of State agrees that NR has considered the impact from the cumulative effects of the Scheme and HS2 and has taken appropriate measures to adequately mitigate any significant harm, including from the construction traffic that would be generated by the two projects (IR 8.61).

Likely impacts of level crossing closures

26. The Secretary of State notes that the approach NR has taken to level crossing closures relies upon the Office of Rail and Road's guidance on reducing and controlling risk at level crossings, which where practicable seeks to replace level crossings with bridges, underpasses or diversions (IR 8.62). The Secretary of State agrees with the Inspector that this approach is acceptable and has successfully been used by NR elsewhere to determine and implement level crossing closures (IR 3.32 to 3.37).
27. The Secretary of State notes that the objections received regarding the closure of the Woburn Sands School Crossing were based on concerns that the alternative crossing at Station Road would not be safe for the number of people, particularly children that were likely to use it (IR 8.64). The Inspector notes that the preferred option of a footbridge is not included within the Order and therefore cannot be considered as part of the Scheme. The Secretary of State agrees that there is insufficient evidence to show that the proposed closure of the School Crossing and the use of the alternative route would result in a serious enough risk to pedestrian safety to justify any change to the Order (IR 8.65). The Secretary of State further notes that during the inquiry, Woburn Sands Town Council accepted that a footbridge would be unable to be included in the Order and notes the Inspector's observation that the objection is capable of being resolved outside the terms of the Order, and as such the Secretary of State agrees that this objection carries limited weight against the making of the Order (IR 8.142).
28. With regard to the Lidlington School Crossing, the Secretary of State notes that Lidlington Parish Council's objection to the closure of the crossing, which is also the main remaining objection from Central Bedfordshire Council, is on safety grounds and diversion to use another crossing. The Secretary of State agrees with the Inspector that there is no evidence to show that the proposed closure of Lidlington School Crossing, together with the closure of the South Piling Farm level crossing, would cause any significant problems due to severance and

therefore agrees that the proposed closure and diversion is justified. He notes that at the Inquiry, the Council supported the replacement of the School Crossing by a footbridge. Whilst NR has suggested that it would examine such a replacement footbridge the Secretary of State agrees with the Inspector that the proposed closure and diversion to use Station Road level crossing would be acceptable. (IR 8.67 and IR 8.143).

29. The Secretary of State notes the objections regarding increased barrier down time at the London Road level crossing in Bicester and notes that NR would be introducing measures, such as changes to signalling, to reduce barrier down times. The Secretary of State agrees with the Inspector that there is insufficient evidence to support the need for an alternative crossing to replace London Road level crossing, as part of the Order (IR 8.68).
30. The Secretary of State notes that objectors proposed a bridge to replace the Bow Brickhill crossing but agrees with the Inspector that the replacement of the crossing at Bow Brickhill is not justified under the Scheme, and its introduction would result in considerable delays to the implementation of the Scheme (IR 8.69).
31. The Secretary of State agrees with the Inspector that the likely impacts of level crossing closures have mainly been addressed by suitable diversions and/or replacement bridges to ensure that they would not be significant (IR 8.72).

Likely environmental impacts of constructing and operating the project

32. The Secretary of State notes that the ES has assessed the likely environmental effects, including cumulative impacts based on reasonably foreseeable future projects and understands that the principal findings have shown the potential environmental impacts of the Scheme during construction and operation are mainly landscape and visual impacts, impacts on ecology, noise and flood risk (IR 8.73).

Measures proposed by NR to mitigate any adverse impacts of the project

Proposed Code of Construction Practice (“CoCP”)

33. The Secretary of State notes that the draft CoCP is included in the ES and the final CoCP will be subject to approval under the agreed planning condition (Condition 9). The Inspector notes that no concerns have been expressed about the likely effectiveness of the CoCP. The Secretary of State therefore agrees with the Inspector that the approved CoCP will be effective in controlling the environmental impacts during construction to ensure that the impacts would be acceptable (IR 8.82).

Measures to avoid, reduce, or remedy any major or significant adverse environmental impacts of the project

34. The Secretary of State notes that NR has indicated in the ES that it has applied the hierarchical process of avoiding, mitigating and compensating for adverse environmental impacts, which is in accordance with the NPPF (IR 8.83). The Secretary of State notes that objections regarding visual impact have mainly been addressed by NR during the course of the Inquiry. However, in terms of specific concerns, the Secretary of State notes the visual impact on the Deeleys' farm includes works required to move the earth bunds towards the farm. The Secretary of State notes that NR has agreed to provide screen planting along the revised boundary, including replanting as many of the existing trees as reasonably practicable, and will undertake additional planting to help address the issue of screening at the Tythe Barn, Launton (IR 8.84). Furthermore, the Secretary of State notes that NR has indicated that during detailed design it will look for opportunities to retain existing line-side vegetation wherever possible, which will help to reduce the visual impact of the operational railway (IR 8.84). The Secretary of State notes that, where it has been necessary to remove trees for the construction of the railway, appropriate arrangements for re-planting will be included in the proposed landscape works to be delivered under the Order (IR 8.85).
35. The Secretary of State notes that one of the most important measures included in the Scheme to mitigate the predicted ecological impact is the ecological compensation sites ("ECSs") along the route, which will act as 'stepping stones' to provide the connectivity for wildlife and biodiversity that will be lost during the construction and operation of the Scheme (IR 8.87). The Secretary of State notes that some objectors have questioned the location of the ECSs and have suggested alternative locations; however, the Secretary of State agrees that NR's approach, which creates sites of greater capacity in order to mitigate the short-term loss thereby avoiding a negative effect on the protected species, is appropriate (IR 8.89). With regard to contested ECSs, the Secretary of State agrees with the Inspector that ECS B9 and B10 are necessary (IR 8.90) and that the land referred to as 'Yellow Land' would not be a suitable replacement for ECS B9 as any improvements to it would not provide any meaningful additional environmental mitigation (IR 8.91). The Secretary of State notes that the trustees of the HC Stock Will Trust confirmed at the Inquiry that they are supportive of the Scheme but object to the acquisition of land for ECS B9. The Secretary of State has found however that ECS B9 is necessary to provide mitigation for protected species, and in particular great crested newts, and that the alternatives suggested are either unsuitable or have not been confirmed as being acceptable at the close of the Inquiry. Therefore, without ECS B9, the Order would be unlikely to ensure that the Scheme would properly mitigate its impacts on European Protected Species. As a result, the Secretary of State is satisfied that provision for ECS B9 should remain in the Order (IR 8.147).
36. The Secretary of State notes that Gladman has expressed its support for the Scheme, but has maintained its objection to the acquisition of land to be used for ECS B10. The Secretary of State notes that its suggested alternative site

to ECS B10 was not progressed by NR because it was unable to achieve additional capacity and would therefore be unlikely to be able to be enhanced to provide additional habitat (IR 8.92). The Secretary of State understands that NR has demonstrated the need for ECS B10 and that no alternatives have been shown at the Inquiry to be acceptable and deliverable. Therefore, the Secretary of State agrees with the Inspector that without the inclusion in the Order of the power to acquire the land for ECS B10, the Order would be unlikely to properly mitigate the impact of the Scheme on European Protected Species, as such the Secretary of State is satisfied that ECS B10 should remain in the Order (IR 8.146). The Secretary of State notes that the alternative ECS B28 at Moco Farm has not been agreed by NE as being an appropriate substitute (IR 8.91). The Secretary of State agrees with the Inspector that the inclusion of the ESCs has been justified by NR as being necessary to compensate for the loss of habitat during the construction of the Scheme and that no suitable alternatives have been identified that would guarantee that the necessary ecological compensation would be provided (IR 8.92).

37. The Secretary of State notes the proposed mitigation in terms of noise and vibration (IR 8.94) and notes that objections were submitted regarding increases in noise that would be experienced over several locations (IR 8.95). He notes that Littleworth Farm and Furzen Farm Cottage would be considered by NR for noise insulation and residential properties in Bletchley and Winslow would be protected by noise barriers which would run between the line of the railway and the properties and would reduce the operational noise impacts at these locations to what NR considers to be negligible (IR 8.95).
38. The Secretary of State notes that mitigation measures have been proposed which include the provision of compensatory flood storage areas (“CFSA”) to compensate for the encroachment on existing floodplains and an agreed flood risk assessment will be implemented under a condition (Condition 12) to the Planning Direction (IR 8.96). The Secretary of State notes that Schedule 16 to the Order would provide adequate protection of watercourses, as it would ensure that the relevant drainage authorities would have the opportunity to examine plans of the works before they are carried out and refuse any works that might cause harm (IR 8.97). The Secretary of State agrees with the Inspector that NR has demonstrated the need for the CFSA at the proposed locations, as they are related to the loss of existing floodplain and the watercourse that will receive the floodwater, leaving little or no scope to provide a reasonable CFSA in a different location (IR 8.98).

Whether, and if so to what extent, any adverse environmental impact would still remain after the proposed mitigation

39. The Secretary of State notes that the ES has provided details of the predicted residual adverse environmental effects after the proposed mitigation. The Secretary of State notes that the ES found that the removal of lineside vegetation to facilitate the construction works would increase the prominence of construction elements and operations and extend the area over which they would influence landscape and visual amenity. The Secretary of State notes

that these effects would, however, be limited by the presence of existing buildings, hedges and tree belts in areas close to the railway corridor, and the mainly flat topography means there are few elevated viewpoints which constrains the visual impact (IR 8.99). The Secretary of State notes that most of the objections regarding visual impact have been addressed by NR, which indicates the effectiveness of the proposed mitigation (IR 8.100).

40. The Secretary of State notes that the main residual ecological effects given in the ES include the risk of collision mortality for bats and barn owls with trains. With regard to bats, NR has carried out extensive survey work, including a Collision Risk Analysis to identify where bats cross the railway and the number of bats crossing to arrive at the probability of bats and trains being present at the same time (IR 8.101) and indicated that its approach to the permanent loss of vegetation along the railway corridor has been to seek to plant new hedges to make sure that there is an alternative flight route for bats (IR 8.104). The Secretary of State notes NE's objection to the impact of the Scheme on bats but agrees that the implementation of Condition 11 to the Planning Direction, which includes an approved ecological management plan would ensure that the favourable conservation status ("FCS") of protected species, including bats and barn owls, in the area of the Scheme would not be harmed (IR 8.105). This particular objection is addressed in greater detail in paragraph 56 and 57 of this decision letter.
41. Neither the EA nor the local drainage authorities have suggested that there would be any significant effects on watercourses or flood risk as a result of the Scheme after mitigation and the Secretary of State is satisfied that the proposed mitigation would remove any likelihood that there would be a residual adverse impact in terms of water quality and flood risk (IR 8.108).

Adequacy of the Environmental Statement

42. The Secretary of State agrees with the Inspector that the ES and its update submitted with the Order application is thorough and adequate to satisfy the requirements of the 2006 Rules (IR 8.112). The Secretary of State confirms that in reaching his decision on this application, he has complied with the requirements of paragraphs (a) to (c) of section 14(3A) of the TWA relating to the consideration of the ES.

Compulsory Purchase Matters

43. The Secretary of State notes the criteria for justifying compulsory purchase powers in paragraphs 12 to 15 of the Ministry of Housing, Communities and Local Government Guidance on the Compulsory purchase process and the Crichel Down Rules, July 2019 and has considered them in this decision.
44. The Secretary of State agrees that, with regard to the acquisition of land for ECSs, NR has demonstrated the need for the land to compensate for the loss of habitat for protected species along the route; that the location and design of the ECSs has been informed by an accepted survey methodology and that this

is considered an appropriate methodology to assess the suitability of ECSs (IR 8.115).

45. The Secretary of State notes the Inspector's conclusion that there is a compelling case for the project to be implemented in order to provide the benefits associated with improved public transport connectivity to support economic growth and proposed new housing development in the area. The Secretary of State agrees with the Inspector that there is a compelling case for the land's compulsory purchase in the public interest which justifies interfering with the human rights of those with an interest in the land and that loss of any interest could be met by compensation (IR 8.116).
46. The Secretary of State agrees with the Inspector that the draft Order authorises the acquisition of no more land than is necessary and NR has a clear idea of how it intends to use the land. The Secretary of State agrees that the land is necessary for the construction and reinstatement of the railway and environmental mitigation and compensation and that the alternatives suggested have not been shown to be acceptable for this purpose (IR 8.117).

Proposals for funding the Scheme

47. NR has provided details of the funding for the project and the Secretary of State notes the costs of implementing the works. The Secretary of State agrees that there is no reason to consider that the project will not be adequately funded, provided that it has the required consents, keeps to the tight programme and continues to be value for money (IR 8.118).

Conditions to be attached to the Planning Direction

48. The Secretary of State notes that apart from Condition 11, all the planning conditions have been agreed (IR 8.119). In relation to Condition 11, the Secretary of State agrees with the Inspector that it should not include any unnecessary detail, including setting a time frame for the ecological management plan, as this would reduce its flexibility (IR 8.121). The Secretary of State notes the Inspector's conclusion that Condition 11(b), in securing delivery of an overall 10% net gain in biodiversity, complies with the instruction from EWR Company to satisfy paragraphs 102(d) and 170(d) of the NPPF to provide net gains for biodiversity and environmental gains. The Condition provides sufficient detail, while keeping the necessary flexibility, to allow for an appropriate strategy to be provided to achieve this net gain in biodiversity (IR 8.123). The Secretary of State agrees with the Inspector's conclusions that the conditions included in Appendix C to the Inspector's report are reasonable and necessary and meet the six tests referred to in paragraph 55 of the NPPF (IR 8.125).

Whether the statutory procedural requirements have been complied with

49. The Secretary of State notes that the statutory procedural requirements have been complied with and evidence of this was provided by NR at the inquiry (IR

8.126). The Secretary of State notes that the failure of Cemex UK to receive notification on time was due to a change in the location of their office and was not through any failure by NR to comply with the requirements. The Secretary of State agrees with the Inspector's conclusions that Cemex UK's interests have not been unduly prejudiced by the late receipt of the notice (IR 8.127).

Proposed works affecting the Listed Buildings and Conservation Areas

50. The Secretary of State notes that the three applications for Listed Building Consent have not been opposed by the relevant local planning authorities, and agrees with the Inspector that this demonstrates there are no concerns about any lack of compliance with adopted or emerging development plan policy (IR 3.53 and IR 8.128). The Secretary of State agrees with the Inspector that the public benefits of the Scheme would outweigh the less than substantial harm that would be caused by the proposed works, in line with paragraph 196 of the NPPF (IR 8.133). The Secretary of State agrees with the Inspector's conclusion that all three proposals would sustain the character and appearance and the setting of the heritage assets and comply with the relevant saved development plan policies and emerging development plan policies, the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990 (IR 8.136). As such, the Secretary of State notes that Listed Building Consent has been granted for all three proposals.

Objections

51. The Secretary of State notes that most of the objections to the Order are not against the principle of the Scheme but regard specific concerns about the Scheme (IR 8.138). The main objections that were represented at the Inquiry that have not been addressed already in this letter will be addressed below.

Natural England ("NE")

52. By the close of the Inquiry, the evidence indicated that NE's main outstanding objections are regarding the wording of the ecology condition attached to the Planning Direction, particularly with regard to securing a net gain in biodiversity, and the mitigation for potential harm to bats, with particular regard to the level of survey information provided by NR. The Secretary of State agrees with the Inspector that the wording of Condition 11 to the Planning Direction proposed by NR, following discussions at the Inquiry, is acceptable to ensure that NR's ecology and biodiversity commitments to the Scheme would be achieved. (IR 3.61, IR 5.107 to IR 5.123, IR 7.1 to IR 7.19 and IR 8.139)
53. The Secretary of State notes NE's concerns about bat mitigation are regarding the need for it to have sufficient information to be confident that it will be able to issue the necessary licences. The Secretary of State is satisfied that the level of survey work and design of the proposed mitigation is adequate to demonstrate that it will be unlikely that the Scheme will be detrimental to the maintenance of the FCS of bats, given the precautionary approach that NR has taken to the survey results. Furthermore, additional survey work should be

available which will assist in refining the design of the mitigation to enable NE to have sufficient information to be in a position to issue the necessary licences. The Secretary of State agrees with the Inspector that the remaining objections by NE are capable of being resolved and its concerns about the level of survey information currently available are insufficient to justify any delays to the project by postponing the making of the Order until NE is satisfied with the level of information that NR has provided. (IR 8.140)

Buckinghamshire County Council ("BCC")

54. The Secretary of State notes that BCC has adopted a similar stance to NE in respect of the level of survey information to support the proposed bat mitigation. The Secretary of State understands that BCC has also argued for changes to the proposed ecology conditions to be attached to the Planning Direction, particularly regarding biodiversity net gain and the protection of barn owls. For the reasons given in paragraph 48, the Secretary of State agrees with the Inspector that the proposed Condition 11 would secure NR's commitment to net gain and would ensure the necessary measures are provided to adequately protect barn owls along the route. Therefore, the Secretary of State is satisfied that any inadequacies in the surveying are resolvable and the concerns expressed by BCC do not carry enough weight to justify not making the Order. (IR 3.59, IR 5.51 to IR 5.62, IR 7.20 and IR 8.141)

Luton Borough Council ("LBC")

55. LBC indicated at the inquiry that it no longer objects to the making of the Order. The Secretary of State does however, note LBC's concern that the closure of an existing road level crossing at Manor Road, Kempston Hardwick and replacement with an overbridge may be affected by the choice of route for the Central Section of EWR. The Secretary of State agrees with the Inspector that this objection is capable of being resolved following the decision on the route for the Central Section. (IR 8.144)

O & H Q6 Limited and O & H Q7 Limited ("O&H")

56. The Secretary of State notes that O&H has maintained its objection, mainly based on the effect of the Scheme on its proposed development in the area, but it did not present its case at the Inquiry and it has stated that it supports the Scheme. The Secretary of State also notes that submissions made at the Inquiry indicate that the main obstacle to reaching an agreement with NR is the Heads of Terms for the construction of an alternative bridge to Woodleys Crossing. The Secretary of State understands that the objection extends to concerns about severance of land and loss of access, acquisition of land for CFSA's and ECS's, especially ECS D2, and the effect of the Scheme on the delivery of O&H's proposed development. However, based on the evidence provided, the Secretary of State agrees with the Inspector that these matters are capable of being resolved. Therefore, the Secretary of State is satisfied that this objection does not carry sufficient weight to justify not making the Order as proposed. (IR 5.63 to IR 5.81, IR 7.79 to IR 7.86 and IR 8.148)

Milton Keynes Green Party (“MKGP”)

57. The Secretary of State notes that whilst MKGP made a number of criticisms of the Scheme at the Inquiry, it has stated that it fully supports the reinstatement of the rail line between Cambridge and Oxford via Milton Keynes. Furthermore, the Secretary of State understands that it has indicated that it wishes to see the delivery of the Scheme as early as possible. Therefore, the Secretary of State agrees with the Inspector that there is no benefit in delaying the Scheme to enable MKGP’s suggested changes to be made. The Secretary of State is satisfied that the likely additional costs and delays of implementing the changes do not justify them being made, especially if the additional cost would reduce its viability. (IR 5.88 to IR 5.90, IR 7.87 to IR 7.91 and IR 8.149)

Proposed TWA Order

58. The Secretary of State is satisfied that, subject to the changes discussed below, the form of the Order as recommended by the Inspector is appropriate, and agrees with the Inspector that the modifications to the draft Order proposed by NR are necessary to make the Order more acceptable to those parties that have been involved in discussions with NR. The Secretary of State also agrees that the suggested further modifications by other interested parties are not appropriate and does not accept them. This includes the omission of ECS B9, ECS B10 and/or ECS D2, as the inclusion of this land in the Order is justified and there is potential to not use the powers to acquire the land if alternative land is available later that is found to be an acceptable replacement. (IR 3.64, 5.38 and 5.47 and 8.151).
59. The Secretary of State is making a number of minor drafting changes which do not materially alter the effect of the Order and which do not make a substantial change in the proposals such as would require notification to affected parties under section 13(4) of the TWA. A number of more substantial changes have also been made, which in the Secretary of State’s view do also not require notification under section 13(4). The reasoning for the more substantial changes are set out below.
60. The Secretary of State notes that in respect of article 21 (power to survey and investigate land), the Applicant has modified the model clause to include provisions based on new warrant powers provided in the Housing and Planning Act 2016. The Secretary of State does not think it is appropriate for the warrant provisions from the Housing and Planning Act 2016 to be included without also including the warrant notice requirements from that Act, and has amended article 21 accordingly. Precedent for these provisions, as contained in a TWA order can be found in the Network Rail (Werrington Grade Separation) Order 2018.
61. In article 22 (power to acquire land), paragraph (2), which is a model clause, has been added, which makes the article subject to article 25 (power to acquire new rights) and article 28 (temporary use of land for construction or works), and

excludes land specified in Schedule 14 (land over which temporary rights of access may be exercised). In the Secretary of State's view, limiting the rights which can be exercised over the relevant land or the manner in which they are exercised, which the specified provisions purport to do, will be ineffective without this paragraph (2). The Secretary of State notes that the inclusion of the Schedule 14 within paragraph (2) reflects the drafting to the equivalent provision in the Network Rail (Reading) (Land Acquisition) Order 2009, upon which the Applicant based the temporary use of land for access provisions.

62. In article 25 (power to acquire new rights), paragraph (4)(b) has been removed and paragraph 6 in Schedule 13 (modification of compensation and compulsory purchase enactments for creation of new rights). The removed provisions relate to modifications regarding the creation of new rights in relation to the Compulsory Purchase (Vesting Declarations) Act 1981. It is not the Secretary of State's position to provide for the modification of these rights unless it has been demonstrated by the Applicant that there is good reason for these modifications to be applied. This is the position in relation to this Order. The reference to the Abbots Ripton Order is not regarded by the Secretary of State as a precedent to be relied upon. While these modification provisions were applied in the HS2 legislation (which was considered and approved by Parliament), that scheme is a significant and important national infrastructure and while the Secretary of State regards the East Rail Scheme as important, it is not of the same scale and is not subject to the same delivery requirements as the HS2 scheme to justify equivalent provisions.

Secretary of State's overall conclusion and decision

63. The Secretary of State agrees that for all the reasons above, the Order is justified on its merits and there is a compelling case in the public interest for making it. The Secretary of State, has, accordingly decided to make the Order as recommended by the Inspector, subject to the modifications detailed in paragraphs 59 to 62. The Secretary of State has also decided to make a Direction granting deemed planning permission for the works authorised by the Order, subject to the conditions set out in **Annex 1** to this letter. He proposes to add an interpretation clause to those conditions.

Notice under section 14 of the TWA

64. This letter constitutes the Secretary of State's notice of his determination to make the Order subject to the conditions stated above. Your clients are required to publish newspaper notices of the determination in accordance with section 14(4) of the TWA.

Challenge to Decisions

65. The circumstances in which the Secretary of State's decisions may be challenged are set out in Annex 2 to this letter.

Distribution

66. Copies of this letter are being sent to those who appeared at the Inquiry and to all statutory objectors whose objections were referred to the Inquiry under section 11(3) of the TWA but who did not appear.

Yours sincerely,

Susan Anderson

TOWN AND COUNTRY PLANNING ACT 1990

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

CONDITIONS WHICH THE SECRETARY OF STATE INTENDS TO ATTACH TO THE DIRECTION AS TO DEEMED PLANNING PERMISSION

1. Interpretation

In the following conditions: -

“the 2012 DEFRA Biodiversity Metric” means the metric for measuring biodiversity losses and gains that result from the development;

“Construction Traffic Management Plan” means the plan established to manage and control traffic disruptions to existing users on the public highway that arise during the construction period of the development;

“the Design and Access Statement” means a statement accompanying the application which explains how the development is a suitable response to the site and its setting, demonstrating that it can be adequately accessed by prospective users;

“the development” means the development authorised by the Order;

“the Environmental Statement” means the statement of environmental information submitted with the application for the draft Order;

“EWR2 Flood Risk Assessment” means an assessment of the development’s risk of flooding from all flooding mechanisms, the identification of flood mitigation measures and actions to be taken before and during a flood;

“Further Environmental Information” means environmental information submitted to relevant local authorities in addition to the Environmental Statement;

“the Global System for Mobile Communications – Railway” refers to an international wireless communications standard used for railway communication and applications;

“Intelligent Traffic Systems” means technology that analyses traffic to control traffic lights and signs to increase traffic efficiency and road safety;

“the Order” means the Network Rail (East West Rail) (Bicester to Bedford Improvements) Order;

“Order Limits” means the land in which the Order is authorised;

“sustainable drainage” means water management practices that aim to align modern drainage systems with natural water processes; and

“the Written Scheme of Investigation” means a method statement which outlines the archaeological features and deposits which are (a) known to exist at the date of submission of the scheme, and (b) those that at the date of submission of the method statement are reasonably considered to potentially exist, and proposes a structure for investigating them using appropriate techniques and methods of recording where required.

2. Time for commencement

The development hereby permitted must commence before the expiration of 5 years from the date on which the Order comes into force.

Reason: To ensure that the development is commenced within a reasonable period of time.

3. Development stages

No development is to commence until a written scheme setting out the division of the development into individual stages has been submitted to and approved in writing by the local planning authorities. The scheme must include details of all land to be occupied permanently or temporarily during the construction of each stage or part thereof. The development must thereafter be carried out in accordance with the approved written scheme.

Reason: To identify Individual Stages for the purpose of these conditions and control the timescale for the approval of details.

4. Approved drawings

The development must be carried out in accordance with the planning drawings, as scheduled in the List of Planning Direction Drawings.

Reason: To ensure that the development complies with the approved drawings in the interests of certainty.

5. Design, external appearance and materials

- (a) The materials, colours and finishes to be used for all highway overbridges, footbridges and new platforms must be in accordance with the principles set out in the Design and Access Statement, July 2018.
- (b) Prior to the commencement of construction of any building provided by way of mitigation for the accommodation of bats, drawings showing the layout and external appearance of the structure must be submitted to the relevant local planning authority for approval and built in accordance with the approved drawings.

- (c) The height of any Global System for Mobile Communications–Railway masts required in connection with the operation of the Scheme must not exceed 20 metres above rail level.

Reason: *To enable proper control to be exercised over the external appearance of structures in the interests of protecting the character and appearance of the area.*

6. Implementation and maintenance of railway fencing

No individual stage of the development is to commence until details of the appearance, size and location of any proposed new permanent boundary fencing which abuts a highway, residential or commercial land or premises within that stage of the development have been submitted to and approved in writing by the local planning authority. All permanent boundary fencing must be maintained so as to retain its approved appearance.

Reason: *To protect the safety of residents, occupiers and highway users and to protect the character and appearance of the area.*

7. Landscaping

- (a) No later than 6 months after the commencement of the individual stage of the development to which it relates, a scheme of both hard and soft landscaping works, covering the locations where landscaping will be undertaken as listed in paragraph (b), must be submitted to the relevant local planning authority for approval.

The works must be set out in that scheme which includes the details of:

- (i) any structures, such as street furniture, means of enclosure and lighting;
 - (ii) a plan of existing trees and tree features (such as groups of trees or woodland) to be retained and to be removed in accordance with BS5837(2012);
 - (iii) any new trees showing their species, spread and maturity and new planting plans with written specifications (including cultivation and other operations associated with plant and grass establishment) and schedules of plants (including the location, number, species, size and planting density);
 - (iv) any earth screen bunds;
 - (v) any areas of grass turfing or seeding and depth of topsoil to be provided; and
 - (vi) a timescale for the implementation of hard landscaping works.
- (b) The locations where landscaping schemes are to be submitted to and approved in writing by the local planning authority are as follows:

- (i) Charbridge Lane (OXD/36AA);
- (ii) Station Road Launton (OXD/34A);
- (iii) Queen Catherine Road (OXD/26B);
- (iv) Verney Junction Overbridge (OXD/24C);
- (v) Newton Approach (OXD/9);
- (vi) Marston Road Overbridge (BBM/8A); and
- (vii) Kempston Hardwick Station / Manor Road Overbridge (BBM/9B).

Reason: *To ensure appropriate landscaping of the development in the interests of protecting the character and appearance of the area.*

8. Implementation and maintenance of landscaping

All landscaping works must be undertaken in accordance with the appropriate landscaping scheme, approved in writing by the relevant local planning authority under Condition 7. Hard landscaping works must be implemented in full in accordance with the timescales set out within the relevant approved landscaping scheme. Soft landscaping works must be carried out within the first available planting season after the completion of the adjacent structures. Any tree or shrub planted as part of an approved landscaping scheme that, within a period of 5 years of the date of planting, is removed, dies or becomes, in the opinion of the relevant local planning authority, seriously damaged or seriously diseased, is to be replaced in the first available planting season with a specimen of the same species and size as the original planted to be approved by the relevant local planning authority.

Reason: *To ensure satisfactory implementation of the landscaping in the interests of protecting the character and appearance of the area.*

9. Archaeology

- (a) No development is to commence in respect of any individual stage until the Heritage Delivery Strategy document has been produced and approved in writing by the relevant local planning authority related to that individual stage. This document must detail evaluation and mitigation measures for heritage assets including buried archaeology. These measures must include geophysical surveys, trial trenching and excavation and a programme of works.
- (b) Where archaeological evaluation is planned, no development, unless otherwise agreed in writing beforehand by the local planning authority, is to take place until a location specific Written Scheme of Investigation (“WSI”) has been submitted to and approved in writing by the relevant local planning authority.
- (c) Where archaeological remains of national importance are found, no development at that location is to take place until an appropriate methodology for their preservation in situ, where reasonably practical, has been submitted to and

approved in writing by the relevant local planning authority. The methodology must be implemented as approved.

- (d) Where archaeological remains are recorded by evaluation and are not of sufficient importance to warrant preservation in situ but are worthy of recording, the development at the relevant location must be carried out in accordance with a WSI, that includes details of timings, provision for post excavation analysis and the publication of a report, which has been submitted to and approved in writing by the relevant local planning authority.

Reason: *To ensure adequate protection and recording of historic features and archaeological remains.*

10. Code of Construction Practice

No stage of the development is to commence within the area of a local planning authority until a Code of Construction Practice (CoCP), which incorporates the means to mitigate the construction impacts identified in the Environmental Statement (including the tree protection measures and ecological management measures contained within Volume 3, Appendix 2.1), has been submitted to and approved in writing by the relevant local planning authority.

The development must be implemented in accordance with the approved CoCP and the relevant plans or programmes.

Reason: *To mitigate anticipated construction impacts arising from the development and to protect local and residential amenity.*

11. Contaminated land

No development is to commence within the area of a local planning authority until a contaminated land risk assessment has been submitted to and approved in writing by the relevant local planning authority.

The contaminated land risk assessment must include ground investigation, monitoring (including groundwater and gases) within the Order Limits identified in the Environmental Statement which is likely to cause significant harm to persons, or pollution of controlled waters or the environment.

Where contamination has been shown to be a risk, a remediation strategy (including a remediation timeframe where applicable) must be submitted to and approved in writing by the relevant local planning authority.

Any required remediation must be carried out in accordance with the approved remediation strategy and on completion of the development, the objectives, methods and results of the remediation works must be reported in a verification report which must be submitted to and approved in writing by the relevant local planning authority in accordance with a timetable that must first be agreed by the relevant local planning authority.

Reason: *To mitigate anticipated construction impacts arising from the development and to ensure that the development does not adversely affect humans or the environment during and following construction in the interests of health and safety.*

12. Ecology

- (a) No stage of the development is to commence within the area of a local planning authority until, for that stage, a written ecological management plan comprising the management of ecology compensation sites and replacement habitats alongside the railway within that route section, reflecting the survey results and ecological mitigation and enhancement measures included in the Environmental Statement (and Further Environmental Information) has been submitted to and approved in writing by the local planning authority with responsibility for any area within each stage.

The ecological management plan must include:

- (i) a programme of implementation, management and maintenance;
- (ii) mitigation measures as required in accordance with the register of commitments contained within Appendix A to the Environmental Statement to these conditions updated annually based on the results of the survey; and
- (iii) a programme of monitoring with thresholds for action, setting out, if required, a remedial plan of alternative ecological actions.

The requirements of the ecological management plan must be carried out as approved.

- (b) No later than 6 months after the commencement of the development a strategy to achieve an overall 10% net gain in biodiversity for the development, including monitoring, maintenance, management and reporting arrangements, must be submitted for approval in writing by each local planning authority. From the time the development comes into operation measures to achieve an overall 10% net gain in biodiversity for the development (assessed in accordance with the 2019 update proposed by Department for Environment, Food & Rural Affairs to the 2012 Defra biodiversity metric) shall be implemented in accordance with the approved strategy.

Reason: *To ensure that the development does not adversely affect the natural wildlife and ecology of the area, including protected species, and secures a net gain in biodiversity.*

13. Flood Risk Assessment

The development is to be undertaken in accordance with the EWR2 Flood Risk Assessment July 2018 with further information as outlined in the EWR2 Flood Risk Assessment to be submitted and approved in writing by the relevant local planning

authority in a phased manner to be first agreed by the relevant planning authority to inform each development stage.

Reason: *To prevent the increased risk of flooding through an appropriate hierarchy of flood risk management.*

14. Surface water drainage assessment

(a) No construction of the structures and stations listed in paragraph (c) is to commence until an overarching surface water drainage assessment, based on the principles of sustainable drainage, has been submitted to and approved in writing by the relevant local planning authority.

(b) A surface water drainage scheme for each of the structures and stations listed in paragraph (c) which must comply with the outputs of the approved surface water drainage assessment and include arrangements for the whole life maintenance and management of the drainage scheme, must be submitted to and approved in writing by the relevant local planning authority.

(c) Structures:

OXD/36AA Charbridge Lane OXD/35B
Manor Farm OXD/34A
Station Road Launton OXD/33A
Marsh Gibbon OXD/26B
Queen Catherine Road OXD/25
Sandhill Road (Middle Claydon) OXD/24C
Verney Junction OXD/14A
Moco Farm OXD/10AA
Salden BBM/9B
Manor Road BBM/8A
Marston Road BBM/6AA
Woodleys Farm MCJ2/178A
Lower Blackgrove No.1 MCJ2/177
Fleet Marston

Stations:

Ridgmont Station Platform Extensions
Woburn Sands Platform Extensions
Aylesbury Vale Parkway Station Platform Extension
Winslow Station (new station)
Bletchley Station (2 new High Level Platforms)

The development must be implemented and maintained in accordance with the approved surface water drainage strategy and scheme.

Reason: *To improve and protect water quality and ensure the provision and maintenance of adequate surface water drainage systems.*

15. Highways

(a) No stage of the development is to commence within the area of a local planning authority until a Construction Traffic Management Plan (“CTMP”) has been submitted to and approved in writing by the relevant local planning authority. The CTMP must include:

- (i) details of construction access routes including access and egress points onto the public highway, including visibility splays, width, radii, fencing and gates;
- (ii) prohibited routes for construction traffic;
- (iii) any time restrictions imposed on any routes;
- (iv) temporary road and public right of way (PRoW) closures and diversions;
- (v) a signage strategy for each construction access route adopting the principles set out on the following drawings:

133735_2A-EWR-OXD-CC_A4-DR-CH-010301

133735_2A-EWR-OXD-CC_A4-DR-CH-010302

133735_2A-EWR-OXD-CC_A4-DR-CH-010303

133735_2A-EWR-OXD-CC_A4-DR-CH-010304

133735_2A-EWR-OXD-CC_A4-DR-CH-010305

133735_2A-EWR-OXD-CC_A4-DR-CH-010306

133735_2A-EWR-OXD-CC_A4-DR-CH-010307

133735_2A-EWR-OXD-CC_A4-DR-CH-010308

133735_2A-EWR-OXD-CC_A4-DR-CH-010309

133735_2A-EWR-OXD-CC_A4-DR-CH-010310

133735_2A-EWR-OXD-CC_A4-DR-CH-010311

133735_2A-EWR-OXD-CC_A4-DR-CH-010312

133735_2A-EWR-OXD-CC_A4-DR-CH-010313;

- (vi) details of the audit and performance monitoring for construction traffic to ensure their adherence to the stated routes and restrictions;
- (vii) traffic control measures (including details of traffic signal installations);
- (viii) site specific controls in consideration of the potential nuisance (noise,

vibration, mud and dust);

- (ix) prohibition of parking of any construction site vehicles along the public highway;
- (x) detailed plans of highway improvements for safety, capacity, accessibility and resilience along any routes where considered necessary by the local planning authority including but not limited to details of passing bays, junction alterations, areas of carriageway widening, highway structures, footways, cycleways, drainage, signage, Intelligent Traffic Systems, road markings and carriageway strengthening required as a result of construction of the works with a timetable for implementation of the improvements and removal where appropriate;
- (xi) details of site hoarding;
- (xii) details of control of access/site security;
- (xiii) parking, including for site operatives, turning, loading and off-loading facilities;
- (xiv) pre-condition survey of the existing highway network to be used for construction traffic to be undertaken prior to the construction route being brought into use and proposals for inspection and repair of any damage to the highway network attributable to construction traffic;
- (xv) proposals for the reinstatement of PRowS where used for construction traffic;
- (xvi) details of the storage of materials, plant and machinery; and
- (xvii) details of the management and handling of the movement of any excess excavated material and any new imported material.

The construction of each stage of the development must be carried out in accordance with the approved CTMP.

- (b) No PRowS diversions or new PRowS shall be constructed until the detailed designs including the method of construction and the timeframe for completing such works have been approved in writing by the relevant local planning authority. The construction of all PRowS diversions or new PRowS must be carried out in accordance with the approved details.

Reason: *To protect public amenity and highway safety*

16.Noise Attenuation

All noise barriers are to be constructed in accordance with the Environmental Statement and maintained for the duration of the operation of the railway.

Reason: *To protect residential amenity.*

RIGHT TO CHALLENGE ORDERS MADE UNDER THE TWA

Any person who is aggrieved by the making of the Order may challenge its validity, or the validity of any provision in it, on the grounds that—

- it is not within the powers of the TWA; or
- any requirement imposed by or under the TWA or the Tribunals and Inquiries Act 1992 has not been complied with.

Any such challenge made be made, by application to the High Court, within the period of 42 days beginning with the day on which notice of this determination is published in the London Gazette as required by section 14(1)(b) of the TWA. This notice is expected to be published within three working days of the date of this decision letter.

CHALLENGES TO DEEMED PLANNING PERMISSION GIVEN IN CONNECTION WITH A TWA ORDER

There is no statutory right to challenge the validity of the Secretary of State's direction that planning permission shall be deemed to be granted for development for which provision is included in the Order. Any person who is aggrieved by the giving of the direction may, however, seek permission of the High Court to challenge the decision by judicial review.

A person who thinks they have grounds for challenging the decision to make the Order is advised to seek legal advice before taking action.