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*By post & e-mail*

**Ref: OBJ/233**

Dear Mr Hayes,

I write in response to your Proof of Evidence (on behalf of Milton Keynes Council) dated 23<sup>rd</sup> January 2019 in respect of the proposed Network Rail (East West Rail Bedford to Bicester Improvements) Order (the "Order").

Network Rail recognises Milton Keynes Council's ongoing commitment and support for the scheme and I write in order to clarify a couple of the statements included in your Proof of Evidence. For ease of reference I have mirrored the headings used in your Proof of Evidence:

#### **Traffic Mitigation (Construction)**

Network Rail agrees with Milton Keynes Council that matters relating to traffic impacts during construction have been discussed and dealt with. Network Rail has proposed a draft highway planning condition requiring the approval of a Construction Traffic Management Plan prior to the commencement of construction [by the Council]. Network Rail will "progress more detailed dialogue" with Milton Keynes Council, as requested, as part of the ongoing discussions that will be necessary for implementation of the planning condition.

#### **Ecological Impact**

Network Rail has sought powers under the Order to permanently acquire ecological compensation sites to mitigate for the permanent effects of the scheme. Powers of permanent acquisition over ecological mitigation land allows for protection and safeguarding in perpetuity. As highlighted during the course of the inquiry, Network Rail has received an instruction from the East West Rail Company concerning the achievement of a 10% net gain in biodiversity (Inquiry document NR07). As you are aware, Network Rail cannot seek statutory powers to acquire land by compulsory purchase solely for the purpose of net gain. Network Rail is therefore in discussions with Natural England concerning a staged process for delivery against the instruction.

#### **Rights of Way**

##### *Woburn Sands Footpath 003*

Network Rail is considering the provision of the stepped footbridge at Woburn Sands School Crossing subject to completion of the following parallel work streams:

- Confirmation from Network Rail's Equalities Act Advisory Board that a stepped footbridge complies with Network Rail's Public Sector Equality Duty under the Equality Act;

- Confirmation that the land required for construction of a stepped footpath can be acquired through negotiation subject to agreement being reached on acceptable terms; and
- Confirmation of a successful application for planning permission for the stepped footbridge.

Network Rail is working towards achieving greater certainty in these three areas. Until it has achieved this, it is unable to offer a firm commitment to the construction of a footbridge and I wish to clarify that to date Network Rail has not offered a formal undertaking to construct any alternative to the scheme as set out in the draft Order. Network Rail will continue to update Milton Keynes Council on the progress of the above work streams.

**Woodley's Farm Overbridge and Bow Brickhill Bridleway 014**

Network Rail maintains that the proposals being applied for under this scheme are appropriate and proportionate. We are, however, committed to ongoing discussions with Milton Keynes Council and housing developers over future development schemes.

Yours sincerely,



Colin Murphy  
Head of Consenting & Environment  
IP Central [East West Rail]

For and on behalf of Network Rail Limited