



Anne Jordan

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*By email*

5 February 2019

Ref: **OBJ/194**

Dear Ms Jordan,

I write in response to the objection dated 6 September 2018 (**ref OBJ/194**) in respect of the proposed Network Rail (East West Rail Bicester to Bedford Improvements) Order (the Order).

Before turning to the points you have raised in your objection, it might be helpful to set out the strategic context and background against which the Order is applied for.

When complete, East West Rail (EWR) will provide a direct rail link between Oxford and Cambridge and join up key towns and cities across the corridor. EWR Western Section Phase 2 (EWR2), the section of EWR to be authorised by the Order, will reinstate and upgrade railway lines to enable new train services to run between Oxford and Milton Keynes, Oxford and Bedford and Milton Keynes and Aylesbury.

As part of the Government's wider investment in the Cambridge to Oxford Arc (the Arc), EWR2 will improve public transport connectivity and journey times, reduce car journeys and improve productivity, economic growth and housing in the region. This vital infrastructure will help enable the Arc to 'realise its potential as a globally competitive, knowledge intensive economic cluster'.

Turning to the issues raised in your objection:

You raised concerns regarding accessing the EWR2 application documents and the time allowances for raising an objection to the Order.

The application documents were made available in PDF format on the Network Rail website at <https://www.networkrail.co.uk/our-railway-upgrade-plan/key-projects/east-west->

[rail/western-section/](#) from 27 July 2018 with the facility to preview or download the documents. A 'find' function exists within PDF documents. The documents were also available in printed format from the same date at Milton Keynes Central Library, Bedford Library, Bicester Library, Winslow Library and Aylesbury Study Centre.

Network Rail gave notice of the deadline of 7 September 2018 for any objections to, or other representations about, the proposals in the application. Network Rail does not agree with your assertions that a valid period to comment on the proposals was not given and that it failed to provide the required access to the documentation.

### **Consultation**

Network Rail undertook consultation with key stakeholders and the local community at successive stages of the scheme's development, between August 2014 and March 2018. The purpose of this consultation was to ensure that statutory bodies, landowners, members of the public and other stakeholders had an opportunity to understand and comment on the scheme and potential environmental effects.

Three rounds of public consultation were carried out on the EWR2 scheme prior to submission of an application for the Order. Round One Consultation presented initial scheme design, Round Two Consultation presented findings of the draft Environmental Statement, and Round Three Consultation presented changes in design that had taken place since Round Two. There were 33 events in total for Rounds One, Two and Three Consultation. Each event was well publicised with a total of 136,700 leaflets (providing details on where information could be viewed and accessed) delivered by hand. Similarly, the Order application has been publicised (i.e. through site notices, local newspapers, websites) in accordance with the Rules covering applications for Transport and Works Act Orders (the 2006 Rules).

Network Rail has complied with the relevant legislative requirements of the 2006 Rules in relation to consultation.

You expressed concerns about reopening of the mothballed railway.

Where part of the UK railway network ceases to be in operational use but is retained as part of the network, it is termed 'mothballed'. The Railways Closures Guidance issued by the Department for Transport under Part 4 of the Railways Act 2005 (18 October 2006) (the Closures Guidance) recommends that in formulating closure packages, it may be appropriate to consider options for mothballing parts of the network or stations considered for closure where, for example, there is a reasonable prospect that demand for services over that part of the rail network might increase in future years to an extent that would reverse the results of the closure assessment.

The section of railway between Steeple Claydon and Bletchley (in front of your property) was deemed to have a reasonable prospect for future demand of services and as a result was

never formally closed or removed from the operational rail network but was instead 'mothballed'. This means that it has remained part of the operational rail network and therefore may be brought back to use at any time.

Plans to permanently reopen this section of route and reintroduce passenger and freight services have been in development since 1995 when the East West Rail Consortium (a group of local authorities and businesses) was formed with an interest in improving access to and from East Anglia and the Milton Keynes South Midlands growth area.

## **Noise and vibration**

You also raise concerns over a lack of noise and vibration information from the construction and operation of EWR2.

### Construction impacts – Noise

The assessment of construction noise is given in Chapter 10 of Route Section 2B in Volume 2ii of Volume 2 of the Environmental Statement (ES). Table 10.3 identifies that civil engineering construction works have potentially significant effects at properties on Newton Road which would include your property, 170 Newton Road. The Scheme drawings (Volume 4 of the ES), show your property to be approximately 18m from the nearest construction works, and 75m from the closest point of the compound on Bletchley Road.

Appendix 10.3 of Volume 3 of the ES provides the noise assessment for the construction of EWR2 and the construction and use of compounds. Taking a worst-case assessment, using the noise highest levels set out in Table 1.2, significant effects are not expected at distances beyond 25m from works, and adverse effects are not expected at distances beyond 65m. 170 Newton Road is less than 25m from the nearest construction works and therefore there is potential for significant effects. Paragraph 10.3.7 identifies that the duration of individual construction activities is unlikely to be sufficient for their impacts to be considered significant, and therefore they are regarded as adverse impacts rather than significant adverse impacts. Furthermore, it is noted that the construction works associated with the track would take place at least 35m from the property, and therefore have the potential to result in adverse effects rather than significant effects.

170 Newton Road is further than 65m from the compound and therefore adverse and significant effects are not expected from the compound. Mitigation methods for the impacts from the construction of EWR2 are set out in the ES and the Code of Construction Practice (CoCP) (Appendix 2.1, Volume 3 of the ES). Generally, construction noise impacts are controlled with the use of Best Practical Means and specific measures set out in the CoCP, as described in paragraphs 10.6.2 and 10.6.3 in Chapter 10 of Volume 2i of the ES. In addition, in this location there is also a noise barrier proposed to mitigate for operational noise impacts which will be installed at the earliest practicable opportunity.

### Construction impacts - Vibration

Appendix 10.3 of Volume 3 of the ES provides the vibration assessment for the construction of EWR2 and the construction and use of compounds. This shows that overall, adverse vibration effects may be expected at distances closer than 40m from ground compaction activities, and adverse vibration effects may be expected at distances closer than 160m from piling works. It is identified in paragraphs 10.3.14 and 10.3.16 of Chapter 10 of Route Section 2B in Volume 2i of the ES that activities resulting in ground borne vibration are likely to last for less than 1 week. Furthermore, paragraph 10.3.15 identifies that there are no properties at risk from cosmetic damage. Mitigation methods for the impacts from the construction of the Project are set out in the ES. Construction vibration impacts are controlled with the use of Best Practical Means and specific measures set out in the CoCP, as described in paragraphs 10.6.2 and 10.6.3 in Chapter 10 of Volume 2i of the ES.

### Operational impacts – Noise

The assessment presented in the ES reports the impacts at your property. The operational impacts are shown on sheets D and E2 of Figure 10.6 in Volume 4 of the ES, and 170 Newton Road is shown to have a negligible impact, i.e. the noise levels between the current situation in the opening year (2024) and the proposed Project in the future year (2035) are shown to increase by less than 3.0dB LAeq. The current noise climate has been taken from the baseline noise measurements. A night time façade baseline level of 51dB LAeq and a daytime façade baseline level of 59dB LAeq have been used, based on representative freefield baseline measurements undertaken in the area, and reported in Section 3.2 of Appendix 10.2 in Volume 3 of the ES.

The future (2035) noise levels at this property is calculated to be 52dB LAeq at night and 59dB LAeq during the day, giving rise to impacts of +1dB during the night and +0dB during the day. The property will be protected by a noise barrier which runs for approximately 1800m, mitigating noise impacts that would occur without it. In this area the barrier will be located between the line of the railway and Newton Road.

With regards to the reference to reasonably foreseeable future project (RFFP) AV6, this refers to the outline planning application (Ref - 15/00314/AOP) for up to 1855 dwellings submitted to Aylesbury Vale District Council on 30 January 2015. The design of the housing proposed for the site is not yet known and the site does not yet have planning approval (decision still pending). Therefore, it would be the developer, in agreement with the local planning authority, that would determine and implement noise control measures to ensure that noise impacts from the railway were suitably mitigated.

### Operational impacts – Vibration

Appendix 10.5 of Volume 3 of the ES assesses groundborne vibration. This shows that

adverse effects are not expected at distances greater than 20m from the Project. 170 Newton Road is more than 20m from the Project track alignment. As the property is further than the thresholds for adverse effects, these are not expected, and mitigation is not required.

## **Air pollution**

You also raise concerns over air quality issues from the construction and operation of EWR2.

### Baseline

The baseline NO<sub>2</sub> survey reported within the ES included locations on Newton Road (2B-11 and 2B-12, in ES Volume 3, figure 8.1E). The survey data are reported in ES Volume 3, Appendix 8.4, Table 1.8. The measured annual mean NO<sub>2</sub> concentrations in 2016 at these two locations were 19 µg/m<sup>3</sup>, less than half the national air quality strategy objective of 40 µg/m<sup>3</sup>.

The baseline survey of particulate matter in Bletchley (site PM2, ES Volume 4, Figure 8.1E) recorded annual average concentrations of 9.8 µg/m<sup>3</sup> PM<sub>10</sub> and 8.7 µg/m<sup>3</sup> PM<sub>2.5</sub> (ES Volume 3, Appendix 8.4, Table 1.10). These concentrations are well below the national air quality strategy objectives for 40 µg/m<sup>3</sup> and 25 µg/m<sup>3</sup> respectively.

### Construction emissions

Construction traffic emissions are assessed in the ES, Chapter 8 (Air Quality), Volume 2i Project-wide (paragraphs 8.5.30 to 8.5.37). The construction traffic emissions during peak construction for an assessment year of 2019 result in negligible changes to annual mean concentrations of NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub>.

Construction dust is assessed in the ES Chapter 8 (Air Quality), Volume 2i Project-wide (paragraphs 8.5.1 to 8.5.26). Further detail for Bletchley is provided in Chapter 8 (Air Quality), Volume 2ii, Route Section 2B. Due to the proximity of properties on Newton Road the construction activities were assigned 'medium to high risk' of dust soiling (if no mitigation were to be put in place). Appropriate dust mitigation and monitoring measures for this area are included within the Code of Construction Practice (ES Volume 3, Appendix 2.1, Section 5 Air Quality). The correct application of these measures will mean residual effects will not be significant.

### Operational emissions

The assessment of rail emissions is reported in the ES Chapter 8 (Air Quality), Volume 2i Project-wide. The assessment of emissions from diesel trains was undertaken following Government guidance published by the Department for Environment Food and Rural Affairs for local air quality management and used emission rates published by the Department for

Transport. The assessment was undertaken on a conservative basis:

- The long-term estimates of train frequency for the “growth” service in 2035 (Table 2.15 in Chapter 2 (Project Description), Volume 2i Project-wide) were used to calculate total emission rates, rather than the frequency in the opening year 2024.
- The NO<sub>2</sub> concentrations measured in 2016 were used unadjusted as background concentrations for the assessment of the future year 2031. In fact, ambient concentrations are expected to continue to improve in future (as they have done in the past) as a result of air quality policy and legislation, and projects that reduce reliance on road transport.

The results for the rail movements through Bletchley were presented in Table 1.16 in Appendix 8.5 of Volume 3 of the ES<sup>1</sup>. The conservative assessment gave a moderate increase 30 m north of the track of 6 µg/m<sup>3</sup> annual mean NO<sub>2</sub> and a slight increase 50 m north of the track of 4 µg/m<sup>3</sup>, with EWR2 in 2031 (ES Volume 3, Appendix 8.5, Table 1.16). The properties on Newton Road are over 35 m from the rail track. The main text of the ES (paras 8.5.59 and 8.5.60, Chapter 8 (Air Quality), Volume 2i Project-wide), explains why the change was concluded not to be significant. The baseline NO<sub>2</sub> concentration in 2016 is very low, less than half the NO<sub>2</sub> annual mean objective of 40 µg/m<sup>3</sup> and at properties closest to the rail track there is no risk of exceeding the NO<sub>2</sub> annual mean objective, even based on assessment using conservative assumptions.

The modelling of transport-related environmental impact such as noise, air quality and greenhouse gas emissions have been monetised and included in the benefit cost ratio (BCR) for EWR2 which can be found in the ‘The case for East West Rail, Western Section Phase 2’, link available at the Department for Transport website at:

<https://www.gov.uk/government/publications/the-case-for-east-west-rail-western-section-phase-2>

The benefits quantified in the BCRs presented within this report include transport user benefits and wider economic impacts such as improved productivity through improved connectivity of both businesses and people. Given the potential for housing growth along the line there is also a need to consider and plan for future demand. Network Rail has worked with the Department for Transport and the East West Railway Company to develop EWR2 where the right balance between initial capital costs and appropriate provision for future growth is struck.

Additionally, Network Rail has undertaken and published an Environmental Statement (ES) detailing land use and environmental impacts for the construction and operation of the scheme and how, where possible, these will be mitigated. The ES was submitted with the Order application and is available at <https://www.networkrail.co.uk/our-railway-upgrade->

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<sup>1</sup> Please note, the paragraph reference cited in the objection letter (para 8.3.69) refers to the method, where preliminary modelling identified areas where more detailed modelling was required. The detailed model results provide the basis for the conclusions.

plan/key-projects/east-west-rail/western-section.

### **Access opposite your property**

The new/improved access opposite your property, as shown on Sheet 38 of the Deposited Plans and Sections and Right of Way Plans, will allow Network Rail to access the railway to construct an earthworks retaining wall and associated filter drain. To mitigate any potential adverse effects of construction, construction traffic and site processes will be managed in line with a Construction Traffic Management Plan agreed with the local highway authority (Milton Keynes Council). In addition, a Code of Construction Practice (CoCP) sets out the project's commitments to managing potential nuisances during construction, such as noise, vibration, light, dust and mud on the roads, as well as controls for water and soils pollution prevention and monitoring. This includes a number of measures to control and limit noise and vibration levels, so that residential properties are protected from excessive noise and vibration levels during construction so far as possible. The CoCP also commits to providing a Community Liaison Officer and a 24-hour helpline to report concerns and issues.

Network Rail will need to pollard (where the upper branches of a tree are removed to promote a dense head of foliage and branches) the existing trees and remove vegetation along this section of the existing railway within the Network Rail boundary as the earthworks retaining wall and drainage works will make it extremely difficult to avoid removing the trees. The drainage works will mean that the root system will be impacted however Network Rail will seek to reduce the impact on the root system as much as possible.

### **Train services**

As stated above, EWR2 will see new passenger and freight services running between Oxford and Milton Keynes, Oxford and Bedford and Milton Keynes and Aylesbury. Many of the rail journeys EWR2 will enable are not currently feasible without interchanging and travelling significantly further than will be possible with EWR2, such as from Oxford to Milton Keynes via Coventry or London. The current journey time for this trip is estimated at 1 hour 19 minutes. Following the implementation of EWR2, that journey time will decrease to 42 minutes. EWR2 will enable significantly more movement across the entire growth area of the Arc directly impacting its ability to function as a single, integrated economic area. Freight usage along the line will lead to faster and more efficient movement of goods which will impact the wider economic growth in the region.

### **Compensation**

Under the statutory compensation code property owners are entitled to compensation only if their title ownership falls within the boundary of the scheme.

Network Rail can confirm that your property is not required for the EWR2 scheme; consequently, compensation would not be payable for either acquisition of property or

infringement of any property right. Compensation may be payable in relation to physical factors resulting from the operation of the scheme and, if affected, you may submit a claim under Part 1 of the Land Compensation Act 1973 until one year and one day after the scheme comes into public use. The link below is a guidance note which sets out Part 1 claims and the statutory timeframe.

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/425148/M150005\\_Compensation\\_booklet\\_v3.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/425148/M150005_Compensation_booklet_v3.pdf)

(Please note the paper states road/highway scheme but applies also to rail projects).

I hope that the above response has provided some clarity on each of the points made in your objection. If you have any questions in relation to these points, please do not hesitate to contact me. If you are satisfied the concerns in your objection have been addressed, can I request that you write to the Transport and Works Act Orders Unit, notifying it that your objection (ref OBJ/194) is withdrawn. The Unit's contact details are below:

**Post**

Transport and Works Act Orders Unit  
General Counsel's Office  
Department for Transport  
Zone 1/18  
Great Minister House  
33 Horseferry Road  
London  
SW1P 4DR

**Email**

transportandworksact@dft.gsi.gov.uk

Yours sincerely,



Sophie Moeng  
For and on behalf of Network Rail