

Secretary of State for Transport
c/o Transport and Works Act Order Unit
General Counsel's Office
Department for Transport
Zone 1/14 – 1/18
Great Minster House
33 Horseferry Road
London
SW1P 4DR

Our ref: WA/2018/125567/03-L05
Your ref: OBJ178
Date: 16 April 2019

Dear Sir/Madam,

The Transport and Works Act 1992

The Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006

Proposed Network Rail (East West Rail Bicester to Bedford Improvements) Order

We are writing to confirm our final position on the Transport & Works Act Order above, before the end of the public inquiry later this month. This letter is an update to our response submitted to you on 30 January 2019 (reference: WA/2018/125567/02-L01), which itself was an update to our original response dated 7 September 2018 (reference: WA/2018/125567/01-L01).

Since we submitted our response in January, we have:

- Reviewed Network Rail's biodiversity net gain update letter/proposals sent to Natural England (dated: 6 February 2019; reference: OBJ/242).
- Provided a supplementary response to you with a full statement addressing our *Protective Provisions ('deemed approval/refusal')* objection (dated: 8 February 2019; reference: WA/2018/125567/03-L01).
- Reviewed Winkworth Sherwood's rebuttal to our response above on behalf of Network Rail (received by e-mail from Steve Ricks, Atkins on 12 February 2019).
- Continued our pre-application engagement with Atkins to resolve our 'watercourse mitigations' objections through a site visit meeting, telecons and other communications.

Environment Agency position

We are now in a position to remove two of our three previous objections, whilst maintaining one objection.

We **remove** our objections related to:

- Net biodiversity gain and loss
- Proposed watercourse mitigations

Cont/d..

We **maintain** our objection related to:

- Protective Provision wording re: 'deemed approval/refusal'

Objection 1 - Net biodiversity gain and loss

We **remove** this objection on the basis of Network Rail's commitment to the delivery of biodiversity net gain for the scheme as outlined in their letter to Natural England dated 6 February.

Objection 2 – Proposed watercourse mitigations

We **remove** this objection following agreement with Atkins that the East West Rail Alliance will provide watercourse mitigation measures close to the site of impact on appropriate watercourses, as well as the previously proposed off-site enhancements. Atkins have provided us an updated statement to this effect and we understand that they will be sending this to you separately.

Objection 3 – Protective Provision wording

We **maintain** our objection on part 1 of this objection in our 30 January response, related to the matter of 'deemed approval/refusal'. However, the second part of this objection in our 30 January response ("*Construction*" to include "*excavations*") has been addressed to our satisfaction, so we no longer need to maintain an objection on this part.

A full explanation of our objection on this matter is provided in our letter to you dated 8 February, and our position has not changed since we sent this response.

We are currently awaiting a final Statement of Common Ground (SoCG) from the East West Rail Alliance, which we expect to be submitted to you before the end of the public inquiry. The SoCG will reiterate the matters outlined in this response.

If you have any queries about this response, please do not hesitate to contact me.

Yours faithfully,

Clark Gordon
Strategic Planning Specialist

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cc Sophie Moeng – Network Rail (EWR Alliance)
Steve Ricks – Atkins (EWR Alliance)