

**The Network Rail  
(East West Rail Bicester to Bedford Improvements) Order**

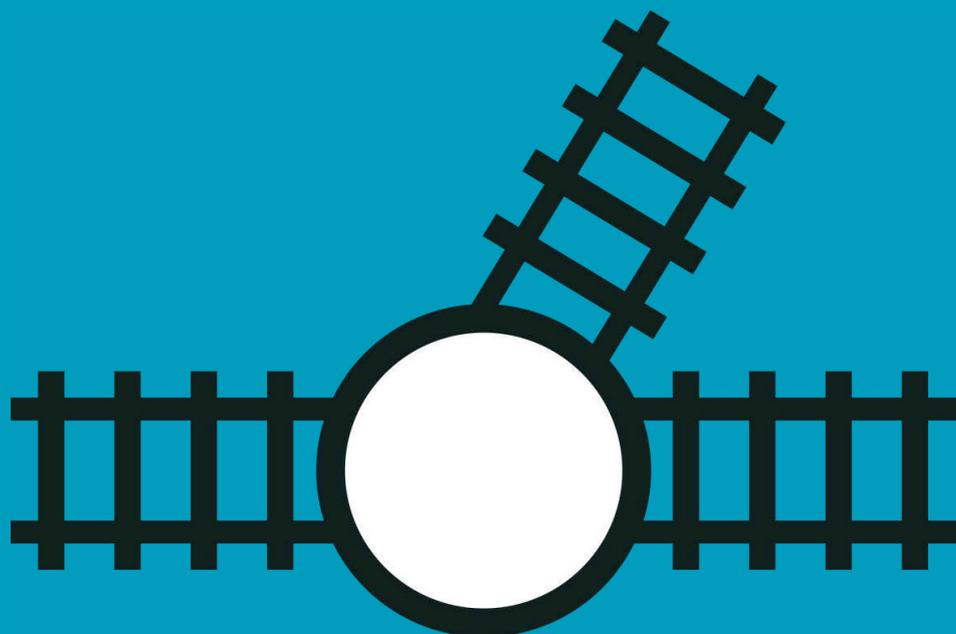
Transport and Works Act 1992

The Transport and Works  
(Inquiries Procedure) Rules 2004

Proof of Evidence of Jonathan Smith

Property

NR52





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# 1 Introduction

- 1.1.1 My full name is Jonathan Smith. I am a partner at Bruton Knowles, a firm of chartered surveyors with the head office at Olympus House, Quedgeley, Gloucester GL2 4NF. The firm operates from 12 offices throughout England and Wales and I am based in the Gloucester office.
- 1.1.2 I am a member of The Royal Institution of Chartered Surveyors (RICS) having qualified in 1996 and a Fellow of the Central Association of Agricultural Valuers. I attended the Rural Estate Management course at the Royal Agricultural University.
- 1.1.3 I have worked for Bruton Knowles since 1998 and in the last 12 years I have worked predominantly within the field of compulsory purchase and compensation. I have acted for a number of acquiring authority clients and claimants affected by projects including Compulsory Purchase Orders, Development Consent Orders and Transport & Works Act Orders (TWAOs).
- 1.1.4 In 2015 Bruton Knowles tendered for inclusion on the Network Rail Property Services framework and was successful. The areas of work covered by the tender included compulsory purchase and Bruton Knowles was awarded a commission to undertake property support services in respect of the East West Rail Phase 2 Scheme. The award was made under the auspices of the framework contract in May 2017.
- 1.1.5 The East West Rail Phase 2 project (EWR2) will be facilitated through a TWAO, the Network Rail (East West Rail Bicester to Bedford Improvements) Order (the Order).
- 1.1.6 My role is to assist the Bruton Knowles team in delivering the work awarded under the contract, in particular giving support on the valuation aspect of rural property assets. The work involves providing support to Network Rail's in-house property and consents team including supporting objection management and negotiating with affected landowners and interest holders.
- 1.1.7 I am aware of the details of the Order Scheme from the study of the application documents including Scheme drawings. I have familiarised myself with the properties affected including attending site visits where appropriate. I have also attended meetings and conference calls with the other members of the Scheme project team.
- 1.1.8 Where I have not undertaken discussions personally with landowners I have been kept fully informed by Network Rail staff, consultants and contractors. Where Bruton Knowles has engaged in direct discussions colleagues have reported details of the meetings to me. Where appropriate and relevant, Network Rail staff have provided me with notes of meetings and correspondence.
- 1.1.9 I have studied publicly available information on properties that I have not been able to inspect and I have considered the objections and representations that have been submitted.

## 2 Scope of Evidence

- 2.1.1 My Proof of Evidence will address the property impacts of Phase 2 of the East West Rail Western Section (the Order Scheme) and will cover the matters set out below:
- 2.1.2 A description of the purpose of the draft Order (**NR02**) and consideration of the rights and powers that are sought by Network Rail in the Order to facilitate the Scheme and the approach to acquiring the necessary rights, focussing on those rights and powers that affect private land.
- 2.1.3 A review of the scope for those private landowners affected by the Order Scheme to claim compensation as a result of the Order Scheme.
- 2.1.4 A brief description of engagement with landowners during the period prior to and since publication of the Order Scheme.
- 2.1.5 Response to objections made by landowners on an individual basis.

## 3 Evidence Summary

- 3.1.1 Network Rail is seeking powers to construct, operate and maintain a railway between Bicester and Bedford, and Milton Keynes and Aylesbury, to facilitate the operation of new passenger services between Oxford, Milton Keynes, Aylesbury and Bedford. It will also authorise the reinstatement of the partially disused Bicester-to-Bletchley-to-Bedford and Aylesbury-to-Claydon Junction routes, together with platforms at Bletchley and Aylesbury Vale Parkway; platform extensions at Woburn Sands and Ridgmont Stations and other ancillary development. It will also confer powers in connection with the provision of a new station at Winslow. The compulsory purchase (and other) powers are set out in the Order Scheme. To facilitate the project, third party land and rights in land are required.
- 3.1.2 In designing the Order Scheme, Network Rail has had regard to impact on landowners and has sought to minimise the land and rights acquired.
- 3.1.3 Following the submission of the application for the Order Scheme a number of objections and representations were made by affected parties. Following discussion, agreement has been reached and objections withdrawn in a number of cases. Some of these representations are not property-related so I will not deal with them in my evidence.
- 3.1.4 At the time of writing, discussions are ongoing with Objectors, many of which are at an advanced stage. The objections in relation to property that remain in place at the time of drafting this evidence are dealt with on an individual basis in section 9 of this evidence.

## 4 The Scope of Land Acquisition

- 4.1.1 The Order Scheme, if approved, will grant Network Rail the powers to permanently acquire the land, or rights over the land needed to construct, operate and maintain the Order Scheme. Wherever possible the works will be undertaken on land within the freehold ownership of Network Rail. However, where this is not possible it will be necessary to acquire land which is owned by third parties.
- 4.1.2 Network Rail seeks powers to take temporary possession of specified areas of land to use for the purpose of construction of the works and to maintain the works over a maintenance period. Network Rail seeks to acquire and use no more land and rights than is necessary to construct, operate and maintain the Order Scheme.
- 4.1.3 The extent of the land to be compulsorily acquired or used has been determined by the design and construction requirements for all elements of the Order Scheme including the new railway works, together with ancillary works such as utility diversions and environmental mitigation.
- 4.1.4 Land within the Order limits may be acquired or used by Network Rail for the Order Scheme for several different purposes, including:
- Temporary rights over land
  - Temporary occupation and use of land
  - Permanent acquisition of rights over land
  - Permanent acquisition of land
- 4.1.5 The Order Scheme limits the powers which are conferred in each of these cases to the category of interest which is required. All the areas of land and property rights which are sought in the draft Order Scheme are necessary for the Order Scheme and no land will be compulsorily acquired either permanently or temporarily unless necessary for the construction, operation, or maintenance of the Order Scheme.
- 4.1.6 Network Rail are seeking to acquire the necessary land and rights through negotiation with the relevant landowners and compulsory powers will only be used where reaching agreement appears not to be possible or practical where the owner is unknown. All reference to plots (see Book of Reference (NR13)) is to be read in conjunction with Deposited Plans and Sections (NR14) which accompany the draft Order Scheme (NR02).
- 4.1.7 In all cases where land is required to be used by Network Rail on a temporary basis, such land will be returned to the landowner within the time limits set out in Articles 28, 29 and 30 of the Order Scheme. Before giving up temporary possession of such land Network Rail must remove the temporary works and restore the land to the reasonable satisfaction of the owners of that land in accordance with the provisions contained in either Article 28, 29 or 30 of the Order Scheme as appropriate.
- 4.1.8 Network Rail also seeks powers within the Order Scheme to acquire rights over land. In the case of certain plots, Network Rail has restricted its compulsory powers to the acquisition of rights only for the purposes which have been specified in Schedule 3 to the Order Scheme, i.e. rights for the provision of construction and maintenance access to the works to be authorised by the Order Scheme.

- 4.1.9 Permanent freehold acquisition of land is required for those areas not in the ownership of Network Rail which will be needed for the Order Scheme's permanent structures, operation, maintenance and environmental mitigation; and for replacement apparatus and infrastructure for utility undertakers, the EA and the Local Authority. Where land is to be acquired permanently for environmental mitigation Network Rail hopes to return the land to the landowner provided that Network Rail is satisfied that the environmental mitigation will remain in place.
- 4.1.10 In a number of cases permanent rights are required such as rights of access to maintain EWR2 or to install and maintain diverted utility apparatus. The Order Scheme gives specific powers for this purpose.
- 4.1.11 Section 4 of the Statement of Case (**NR15**) identifies the purposes for which land within the order limits is required for the Order Scheme. In addition, where land is required for engineering works this will be detailed within the evidence provided by Simon Croft (**NR51**). Where land is required for construction, including on a temporary basis, this will be detailed in evidence provided by Phil Holland (**NR50**). Detail of the land required for ecological and environmental mitigation is included within the evidence of Stephanie Wray (**NR54**) and Andrew Shuttleworth (**NR48**).
- 4.1.12 Throughout the Scheme Order and associated scheme plans, Network Rail has used the application of limits of deviation in relation to the scheduled works to allow for appropriate deviation in the final scheme.
- 4.1.13 I have considered the compulsory powers sought by Network Rail and have compared them to the engineering requirements and the evidence listed above as far as I am able technically to do. I am satisfied that the powers of compulsory acquisition to be conferred by the Order Scheme are necessary for Network Rail to deliver the Order Scheme.

## 5 Network Rail's approach to Land Acquisition

- 5.1.1 Network Rail has had due regard to paragraphs 12 to 15 of the Department for Communities and Local Government (DCLG) Guidance on the Compulsory Purchase process and the Crichel Down Rules (together the DCLG Guidance) in formulating the scope and justification for seeking powers of compulsory acquisition in the Order.
- 5.1.2 Network Rail, acting in accordance with the DCLG Guidance and taking account the Order Scheme requirements, has sought to minimise the land and rights to be acquired or used to the extent necessary for the construction and operation of the Order Scheme.
- 5.1.3 The Order Scheme design has had regard to the potential impact of the works, operation and maintenance of the Order Scheme post-completion of the works. Further detail is set out within the Environmental Statement (**NR16**).
- 5.1.4 Following the confirmation of the initial design Network Rail sought to engage with relevant stakeholders to understand more fully the issues that landowners and other interested parties have.
- 5.1.5 Details of the consultation that was undertaken is set out in the consultation report (**NR12**). I understand there were three rounds of consultation, at which iterative refinements of the Order Scheme were proposed for public/stakeholder consideration. This demonstrates that considerable efforts were taken to consult with interested parties (including the landowners) and their views taken into account in the development of the Order Scheme design, prior to submission of an application for the Order Scheme. Further (**NR53**).
- 5.1.6 Following the outputs of consultation, the Order Scheme design was refined having regard to the issues raised during the consultation exercise. Importantly the decision was taken to move several of the main compound and environmental mitigation sites to alternative locations following engagement with the landowners and local community.
- 5.1.7 Network Rail considers it important to minimise the land required in the Order Scheme as much as possible, but the nature of the Order Scheme necessitates the acquisition of land and rights that are not in Network Rail's control. The engineering design and consultation process has been undertaken to ensure that the land identified for both temporary and permanent acquisition is necessary for the successful development of the Order Scheme. Detail of the proposed engineering and construction process are contained within the evidence of Simon Croft (**NR51**) and Phil Holland (**NR50**).
- 5.1.8 From reviewing the objections, it is clear that a number of objections from land promoters and developers follow a similar theme in that they are looking to Network Rail to take the opportunity to make additional alterations to various structures, including the road bridges, in order to accommodate increased traffic requirements following the consenting and implementation of their own schemes. Evidence provided by Simon Croft (**NR51**) explains why the current Order Scheme does not currently take into account these potential future requirements.

- 5.1.9 From the discussions I have had I understand that Network Rail is keen to understand those future requirements and has made undertakings to accommodate the developer's requirements if the consents come on-stream in a timescale that would coincide with the Order Scheme. As it appears the consenting process for such development is some way behind, this may not be practically possible. Further detail on the relationships with these potential future developments and their timing in relation to the Order Scheme are included within the evidence provided by Martyn Angus (**NR53**).
- 5.1.10 Having reviewed the evidence provided by Simon Croft (**NR51**), such changes to the structures are likely to require more land take than is currently in the Order Scheme and this would be subject to agreement.
- 5.1.11 As previously mentioned, and detailed in the evidence of Stephanie Wray (**NR54**) and Andrew Shuttleworth (**NR48**), in order to deliver the Order Scheme Network Rail are required to acquire land for ecological and environmental mitigation. Network Rail has a policy, wherever possible, to enter into agreements to hand this land back to the landowners on the basis the landowners will take on the necessary maintenance required to fulfil the ecological and environmental requirements.
- 5.1.12 Network Rail is seeking compulsory acquisition powers in the Order Scheme to enable it to secure the necessary land. The land interests and rights which Network Rail has identified, following consultation, are required for the construction and subsequent maintenance and operation of the Order Scheme.
- 5.1.13 Although compulsory purchase powers are required to facilitate the Order Scheme, many of the affected parties who own, lease or occupy land have been contacted by Network Rail with a view to seeking a negotiated agreement for the acquisition, either on a temporary or permanent basis, of their land or rights. Network Rail will continue to undertake such negotiations but it would be unrealistic and impracticable to rely on securing all the rights and land needed by agreement.

## 6 Communication & Engagement

- 6.1.1 As part of the development of the Order Scheme, Network Rail and its consultants undertook a series of consultation events to gauge opinion regarding the Order Scheme and to invite views on the proposals. Detail of the consultation that was undertaken is set out in the Consultation report (**NR12**) and addressed more specifically in the Proof of Evidence of Martyn Angus (**NR53**). This demonstrates that considerable efforts were taken to consult with interested parties prior to submission of an application for the Order Scheme.
- 6.1.2 Consultation was undertaken in four stages between August 2014 and March 2018 and is dealt with in the other Proofs of Evidence, specifically in the evidence of Martyn Angus (**NR53**).
- 6.1.3 As stated above I have had individual meetings with a number of the landowners and occupiers and where I have not undertaken discussions personally with landowners I have been kept fully informed by other Bruton Knowles staff, Network Rail staff, consultants and contractors. However, I have not been involved with the formal consultation described in the consultation report and I do not intend to deal with this aspect in my evidence.

## 7 Compulsory Purchase and the Compensation Code

- 7.1.1 The powers sought within the Order Scheme will enable Network Rail, upon the service of appropriate notices, to enter on and take possession of the numbered land plots to carry out the works required to construct and operate the Order Scheme. These plots are shown on the Deposited Plans and Sections (**NR14**) and are described in the Book of Reference (**NR13**). Both documents were submitted by Network Rail with the application for the Order.
- 7.1.2 The Order powers would enable Network Rail to take temporary possession of land compulsorily within the Order Scheme limits. Throughout the process Network Rail will continue to seek agreement with landowners in preference to and in advance of the exercise of compulsory purchase powers in accordance with DCLG Guidance.
- 7.1.3 Article 23 of the Order applies Part 1 of the Compulsory Purchase Act 1965 which, through its application, has the effect of requiring Network Rail to pay compensation to qualifying parties whose land is permanently acquired under what is known as the compensation code. The compensation code, as it now stands, is an amalgamation of numerous Acts of Parliament and legal precedents which have evolved over more than 150 years.
- 7.1.4 In summary, the code provides for the payment of compensation representing the value of the interest taken, diminution in value due to severance or injurious affection and disturbance losses where they can be proven. In addition, the code provides for the advance payment of compensation thereby ensuring the interest holder is not out of pocket in the event land interests are acquired.
- 7.1.5 Land owners from whom land or rights are acquired will be entitled to claim compensation in accordance with the compensation code, thereby ensuring a consistent approach to the assessment of fair compensation. There are also provisions within the code for recovery of compensation by parties, even though they have not had land taken by the Order Scheme, in certain specific circumstances.
- 7.1.6 In the case of land which is used temporarily, compensation will be payable for any loss or damage that arises because of the temporary possession in accordance with Articles 28, 29 and 30 of the Order Scheme.
- 7.1.7 If the parties cannot agree the amount of any compensation to be paid, the dispute will be referred to the Lands Chamber of the Upper Tribunal.

## 8 Landowners affected by the use of Compulsory Rights

- 8.1.1 There are 239 interest holders included in the Book of Reference (**NR13**). Of these, whilst a number of landowners objected to and made representations regarding the Order Scheme, the majority of interest holders have not sought to object to or make representations in relation to the Order Scheme.
- 8.1.2 Discussions are ongoing with efforts to reach agreement with landowners and it is hoped that further objections will be withdrawn at the time of the Inquiry.
- 8.1.3 Network Rail and its contractors and consultants have had discussions with a number of property interest holders prior to the application for the Order Scheme being made and their views were considered in the development of the Order Scheme as set out in the Sections above.
- 8.1.4 If the Order is made, Network Rail will continue to engage with affected landowners to ascertain if their concerns can be overcome and will continue to engage with them during the detailed design stage, particularly with a view to ensuring that concerns about security of property are addressed, for example, by consideration of appropriate fencing or gate treatments which could be applied, or consideration of alternative access routes.
- 8.1.5 A number of objections to the Scheme have been received. Many of the Objectors do not have a legal interest in land affected by the Scheme and therefore I do not consider those objections in this evidence. I summarise and comment upon objections lodged by landowners.
- 8.1.6 I set out in section 9 responses to objections by reference to correspondence from Network Rail within the scope of my evidence. So far as the responses refer to non-property issues, these matters are addressed in the proofs of evidence of the other Network Rail witnesses.

## 9 Objectors

### 9.1 OBJ/1 Daniel and Sian Damon

9.1.1 Freeholder of permanent plot 0460-required for main construction works.

Rights over permanent plot 0483- required for environmental mitigation.

9.1.2 A summary of the main area of objection is set out below:

Daniel and Sian Damon have raised objection due to the permanent and temporary acquisition of the plots of land under their ownership. They have previously been informed that this land was required to electrify the railway line. Since the line is no longer planned to be electrified they wish to have their plots of land removed from the Order Scheme.

#### *Response to objection*

9.1.3 I have reviewed the objection letter of the 27th July 2018 submitted by Mr and Mrs Damon and note that at the time of writing the property owner and Network Rail are in the advance stages of an agreement which will deal with the objection points raised.

9.1.4 The response in relation to the non-property matters is dealt with in the Proofs of Evidence in particular those of Martyn Angus (NR53) and Phil Holland (NR50).

### 9.2 OBJ/6 David Alfred Taylor

9.2.1 Freeholder of temporary plot 0375a –required for access for maintenance.

9.2.2 A summary of the main area of objection is set out below:

Mr Taylor has raised concerns regarding the three mature oak trees that may be affected as a result of the acquisition of the plot of land along A4421. He has noted that the Order states the area of land is described as agricultural, hedgerow and Fringford footpath 9 and does not mention these trees. Mr Taylor requests to receive a copy of the environmental impact assessment results.

#### *Response to objection*

9.2.3 I have reviewed the objection email put forward by Mr Taylor. The objection in relation to property revolves around the falling of trees within the temporary land take and is dealt with in Network Rail's email response dated 24<sup>th</sup> August 2018 and the Proof of Evidence of Phil Holland (**NR50**). The substantive response within the email is set out below:

"We note your concerns about the proposed temporary acquisition and temporary use of your land for the implementation of the above scheme.

The potential removal of the trees referenced as T524, T525 and T526, is due to their proximity to the proposed widening of the A4421. In order to enable construction of East West Rail, access is required to the railway corridor at carefully selected locations. The selection of construction access routes is based on the type of vehicle, frequency of access, location of access onto the railway corridor, suitability of access route and certain other criteria. These construction access routes have been consulted upon with

the local highway authorities (LHA) as well as forming part of the third round of public consultation held in January 2018.

At this specific location, traffic assessment by the project and consultation with the LHA, has identified that construction traffic turning right (from the A4421 towards Stratton Audley Park and Poundon) would cause congestion on the A4421 northbound, which is not deemed acceptable on this major road. Consequently, the project proposes to install a right turn filter lane, with a re-aligned north bound lane running to the north/west edge of this. This necessary widening of the highway has been developed in consultation with the local highway authority.

Noting the proximity of the proposed works to the trees in question, it is unlikely that removal of these trees can be avoided. This is due to the road safety concern of tree trunks in close proximity to a live carriageway as well as the proximity of the tree root ball to the carriageway construction.

An Environmental Impact Assessment (EIA) has been carried out to understand the potential effects that the new railway and its construction could have on the environment. The results of the EIA are reported in the Environmental Statement (ES), and are summarised in a Non-Technical Summary (Volume 1 of the ES) which can be downloaded along with the application documents at <https://www.networkrail.co.uk/our-railway-upgrade-plan/key-projects/east-west-rail/western-section/>. A paper copy of the documents can also be viewed at Bicester Library, the nearest deposit location to you.”

## 9.3 OBJ/7 Denise Richardson

9.3.1 Freeholder of permanent plots 0441 and 0444-required for main construction works.

9.3.2 A summary of the main area of objection is set out below:

Mrs Richardson has concerns regarding the privacy and security of her property, as well as having concerns over where her horses will live and the disturbance to them while the construction is taking place. Mrs Richardson has requested to know what will be offered to protect her, her property and her horses.

### *Response to objection*

9.3.3 I have read through the objection put forward by Mrs Richardson and consider that the points raised are covered in Network Rail’s email response of the 6<sup>th</sup> September 2018 and within the Proofs of Evidence of Phil Holland (**NR50**), Simon Croft (**NR51**) and Andrew Shuttleworth (**NR48**). The substantive detail of the letter is set out below:

“We note your concerns about the proposed temporary acquisition and temporary use of your land for the implementation of the above scheme.

In relation to your concerns over security and privacy, the site boundary will be securely fenced - this will include stock fencing suitable for equestrian paddocks as needed. This fencing will be inspected and maintained during construction of EWR2. During operation, the new overbridge which will be constructed due to the closure of the Queen Catherine Road level crossing, to the east, will be secured by stock-proof fencing.

To mitigate for potential adverse effects of construction, construction activities will be managed in line with the Code of Construction Practice (CoCP) which will be agreed with Aylesbury Vale District Council prior

to commencement of work. (A draft CoCP is provided within the TWAO Application in ES Volume 3, Appendix 2.1). The CoCP sets out the project's commitments to managing potential nuisances 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 to ensure, so far as is reasonably practicable, that residential properties and all other sensitive receptors are protected from excessive noise and vibration levels arising from the construction activities. The CoCP also commits to providing a Community Liaison Officer and a 24 hour means to contact representatives of the Project should there be any problems or queries.

With regards to potential effects on your horses during construction, we would be happy to arrange a meeting with you and our appointed property services consultants, Bruton Knowles, to discuss the implications and potential compensation arising from the Order and we would be happy to work with you to investigate ways of reducing or mitigating any loss and disruption. Please email [ewrpublicinformation@networkrail.co.uk](mailto:ewrpublicinformation@networkrail.co.uk) for these arrangements to be made at your convenience.

In order to mitigate visual impacts to your property during operation, the project will implement landscape planting, including hedgerows with trees that will be planted between Pear Tree House and the new overbridge. This planting will screen views of the road from your property. As planting matures it will provide improved screening over time. Network Rail are also working closely with HS2 to design and implement an integrated landscape design along the railway behind your property. The landscaping design will be subject to approval by the local authority.

The noise assessment presented in the ES identifies your property as being eligible for noise insulation. While this mitigation is proposed to reduce the operational impacts of the project on your property, in order to further reduce the construction noise impacts on your property, Network Rail is willing to implement the insulation early, before start of construction of the new road and overbridge.

All of the application documents are available online at <https://www.networkrail.co.uk/our-railway-upgrade-plan/key-projects/east-west-rail/western-section/> or can be viewed in paper format at Milton Keynes Library, Bedford Library, Winslow Library, the Aylesbury Study Centre and Bicester Library up to and including 7 September 2018."

## 9.4 OBJ/9 Woburn Sands Town Council

9.4.1 Freeholder of temporary plot 1143 as trustee for The Gravel Pit Close Recreation Ground Charity-required for creation of a new public right of way.

9.4.2 A summary of the main area of objection is outlined below:

Woburn Sands Town Council has raised concerns regarding the closing of the pedestrian level crossing known as School Crossing Footpath 003. Although the Council support the closure of this level crossing due to safety concerns, the alternative route proposed is not satisfactory. It had been agreed between Network Rail and Woburn Sands Town Council that a footbridge would be erected here to replace the level crossing. Planning Permission has been granted for a ramped footbridge in this location. However Network Rail have since decided not to proceed with the footbridge due to the large land take and the unreasonable impact it would have on the residents of Deethe Close in Cranfield Road. The Town Council are of the belief that school children crossing the railway line at the same point as the traffic is particularly unsafe and suggest that

a stepped bridge is built instead. This would mean that the school children would be able to cross the railway line without having to interact with moving vehicles and that wheeled vehicles, such as pushchairs, which are usually operated by adults, would cross the road at the level crossing.

Response to objection:

- 9.4.3 I have reviewed the points raised in the objection submitted by Woburn Sands Town Council and as there are no specific points raised in relation to property I will not respond in my evidence. The points are dealt with in the evidence of other witnesses, in particular the Proof of Evidence of Martyn Angus (**NR53**).

## 9.5 OBJ/11 Pak Kim Wong

### Represented by R Ballesteros of Carter Jonas

- 9.5.1 Freeholder of permanent plot 1077-required for main construction works.  
Rights over permanent plots 1078 and 1079-required for main construction works.
- 9.5.2 This objection has now been withdrawn.

## 9.6 OBJ/12 David Aubrey Calcutt

### Represented by Kerry Clarke of Simmons & Sons

- 9.6.1 Freeholder of temporary plots 1489-required for worksite and access for construction.  
Freeholder of plot 1494 for the acquisition of rights-required for temporary use of land for access  
Freeholder of permanent plot 1491-required for environmental mitigation.
- 9.6.2 A summary of the main area of objection is set out below:  
  
Mr Calcutt has expressed concern that the plots that Network Rail wishes to acquire have been identified as residential development sites, and an offer has been made by a developer for this land. He suggests the area of land required has also increased with no consultation with the landowner. David Aubrey Calcutt believes that there are no clear reasons for the land to be to be acquired, nor any clear reason why the land is required for temporary use.

### *Response to objection*

- 9.6.3 I have reviewed the objection letter and at the time of writing I am aware that there has been ongoing engagement between Network Rail and Mr Calcutt and an offer to meet to discuss Mr Calcutt's concerns.
- 9.6.4 Mr Calcutt will be entitled to compensation for the interest acquired under the Compensation Code.

## 9.7 OBJ/15 Mr and Mrs Mark Blake

- 9.7.1 Freeholders of temporary plot 0221-required for worksite access for construction.  
Occupiers of permanent plot 0209-required for main construction works.
- 9.7.2 A summary of the main area of objection is set out below:

Mr and Mrs Blake have expressed concern in relation to a number of different issues in relation to the scheme including the consultation process and the effect on their family and their property.

### *Response to objection*

9.7.3 Network Rail and Bruton Knowles have had a number of meetings with Mr Blake and his family to determine the detail of the concerns. It was clear that whilst there is no permanent land take requirement within the Scheme Order the property is one of the most severely affected by the proposed works and will be in the centre of a very intense work area over the construction period.

9.7.4 At the time of writing Network Rail and Mr and Mrs Blake are at a very advanced stage of reaching an agreement which will result in Network Rail purchasing the property. Both parties are working towards completing the agreement and the resulting purchase will remove the objections raised by Mr and Mrs Blake.

## **9.8 OBJ/16 Kenneth Gostelow**

9.8.1 Freeholder of temporary plots 0521 and 0531 required for access for construction.

Freeholder of permanent plots 0534-required for worksite access for construction and maintenance compound 0522 and 0530-required for main construction works.

9.8.2 A summary of the main area of objection is set out below:

Mr Gostelow has raised concerns regarding what he believes to be a breach to an agreement between Network Rail and himself. Network Rail purchased land from Mr Gostelow for the purpose of environmental mitigation, it was agreed at the time of this agreement that no further land would be purchased from him for the East West Rail project.

Mr Gostelow has also expressed concern over the ownership of plot 0529. He believes that this is under his ownership and refers to his deed of purchase from British Railways dated 07/11/1983.

The final point of concern raised in Mr Gostelow's objection is in reference to the temporary road closures either side of Verney Junction with no temporary diversions provided at present. Mr Gostelow believes that any diversions that will be in place will likely double many journey times and distances.

### *Response to objection*

9.8.3 Network Rail and Bruton Knowles have been in discussions with Mr Gostelow and at the time of writing are in the advance stages of reaching an agreement.

9.8.4 The details of the point raised in relation to the temporary road closures are dealt with in the Proof of Evidence of Phil Holland (**NR50**).

## **9.9 OBJ/20 Arriva Trains Holdings Limited**

9.9.1 Leaseholder of permanent plot 1524-required for main construction works

9.9.2 A summary of the main area of objection is set out below:

Chiltern Railway Company objects to the acquisition of plots in their interest due to the adverse impact it will have on their operations for the station and the facilities for their passengers.

### *Response to objection*

9.9.3 I have reviewed the point of objection and believe the matter has been dealt with in Network Rail's letter of the 25<sup>th</sup> October 2018. The substantive response contained within the letter is set out below:

"The particular works authorised by the order are indicated on Sheet 69 of East West Rail (**NR14**) are to construct an additional platform face at Aylesbury Vale Parkway station. Plot 1542 was originally included to provide access to the station and platforms during the course of construction for the above works. However, since reviewing access requirements and construction methodology at Aylesbury Vale Parkway station it is believed that plot 1542 is no longer required since other areas are able to provide sufficient access."

## **9.10 OBJ/21 John Bowyer**

9.10.1 Rights over plot 0356 for the acquisition of rights-required for access for maintenance.

9.10.2 A summary of the main area of objection is set out below:

Mr Bowyer maintains his property is now unsellable meaning that he is unable to retire as the mortgage still requires paying off. He requests that Network Rail purchases the property or pay compensation.

### *Response to objection*

9.10.3 Network Rail representatives met with Mr Bowyer at his property on 7<sup>th</sup> December 2018 to further assess the impact of the scheme and discuss his concerns.

9.10.4 Having reviewed the objection and the Proof of evidence of Phil Holland (**NR50**) I am satisfied that whilst Mr Bowyer is not currently eligible for compensation under the Compensation Code the effects of the scheme will be mitigated by the various proposed measures and works being carried out in line with the Code of Construction Practice (CoCP).

## **9.11 OBJ/22 Keir Group (Twigden Homes Limited and Kier Property Developments Limited)**

9.11.1 Freeholder of temporary plots 0085 and 0980 required for worksite and access to construction

Freeholder of permanent plots 0981, 0986 and 0987-required for environmental mitigation

0073, 0076 and 0964-required for main construction works.

9.11.2 A summary of the main area of objection is set out below:

Kier Group states it has not received any prior consultation or evidence that the land is a necessity for environmental mitigation, it suggests that acquiring plot 0986 permanently will compromise the future development of the site. Kier states the public benefit is not equal to the loss that Twigden and Kier Property Developments (its subsidiaries) will experience.

### *Response to objection*

9.11.3 From reviewing the Order Scheme detail and the evidence of Simon Croft (**NR51**), Phil Holland (**NR50**) and Andrew Shuttleworth (**NR48**), I understand that the land detailed above is required to deliver the Order Scheme.

9.11.4 Network Rail has responded to the objection points raised in its letter of 12th December 2018 and I set out the elements in relation to property below:

"In respect of those plots in the ownership of Twigden within the Order, please see below specific details on the powers required over each plot and justification as to their inclusion within the Order.

Plot 0981

Powers of permanent acquisition over plot 0981 are required to provide linear connectivity for locally and nationally rare bats including Barbastelle, between the blocks of woodland to the west of Whaddon Road, including Salden Wood LWS and the habitats to the east of Whaddon Road including Blue Lagoon LNR. Parcel 0981 will provide permanent access gates at suitable locations within the new hedgerow to allow continued use of the fields to the north and south of the hedgerow.

Plot 0964

Powers of permanent acquisition over plot 0964 are required for the planting of a hedge beyond the gas pipeline that runs parallel to the railway. The extent has been determined by the necessity to avoid planting on top of the existing high pressure gas main. It may be possible to return part of plot back to Twigden following completion of construction. However, Network Rail cannot offer an undertaking in this respect, until detailed design has been completed. Furthermore, any undertaking is subject to a permanent easement to inspect/maintain the drainage and earthworks in the future.

Plot 0968 and Plot 0980

Temporary powers of acquisition over plots 0968 and 0980 are required for construction of the rail corridor and enlarged highway embankments on Whaddon Road. The land will be returned back to Twigden following completion of the works.

Plot 0986 and Plot 0987

Powers of permanent acquisition over plots 0986 and 0987 are required for the purpose of a Compensatory Flood Storage Area (CFSA). CFSA's are designed to extend the natural floodplain by reducing ground levels in the area adjacent to existing floodplain so enabling them to flood. They are designed to mitigate for events up to the 1% annual chance event (including an allowance for future climate change).

The existing topography will be utilised in order to minimise excavation. A 360 excavator will excavate the CFSA to the required level. The topsoil will be removed and retained and the topsoil then replaced. It is therefore intended that the land will return to its former use, but ensuring the implemented flood storage capacity is maintained. While the land in this plot required for environmental mitigation is to be acquired permanently, following completion of construction of the CFSA, Network Rail would be open to hand-back this land to the original landowner subject to agreement of a maintenance regime for the CFSA.

In respect of those plots in the ownership of Kier Property Developments Ltd (KPD) within the Order, please see below specific details on the powers required over each plot and justification as to their inclusion within the Order.

Plot 0073

Powers of temporary acquisition over plot 0073 are required for the purpose of a temporary footpath diversion and construction of the tie in with the existing highway at Charbridge Lane, Bicester.

Plot 0076

Powers of permanent acquisition over plot 0076 to north of work no.6 are required for highway embankment works. Once construction is completed, it may be possible to return to KPD that part of plot 0076 to south of the work carried out on that land. However, Network Rail cannot offer an undertaking in this respect, until detailed design has been completed.

The confirmed plots form an integral part of the main construction works to facilitate the EWR2 scheme. To purchase the land prior to authorisation from the Secretary of State could potentially leave Network Rail with surplus land in the event the Order is refused. In certain circumstances land has been purchased prior to the Order; but this has only been where required to facilitate early enabling works. The plots in the ownership of KPD do not support these works.

The public benefit of the scheme will be determined by the Secretary of State. As a Statutory Objector of the scheme you will have been sent details by the Transport and Works Act Order Unit of the Public Inquiry which starts on 6 February 2019.

In order to demonstrate the necessity of the plots, Network Rail welcomes a meeting with representatives from Kier's property".

- 9.11.5 As detailed in the letter above Network Rail have confirmed that, if acquired, this site and any other environmental or ecological mitigation sites will be handed back to the landowner once the mitigation has been created and subject to agreement on an appropriate management plan. This point is dealt with in paragraph 5.1.11 above.

## 9.12OBJ/23 Elizabeth and David Howell

- 9.12.1 Freeholder of temporary plot 0699-required for worksite and access to construction

Freeholder of permanent plot 0698-required for main construction works.

- 9.12.2 A summary of the main points of objection are included below:

Mr and Mrs Howell believe that the current version of the Order Scheme now breaches Article 2 and 14 of the European Convention on Human Rights since the proposed order now attempts to obtain authority to acquire their land for a planned new service. Mr and Mrs Howell have also raised concerns over the pollution and health implications of running diesel trains along this line, especially in such a close vicinity to schools. Mr and Mrs Howell do not understand why this latest version of the scheme requires a larger amount of their land than they were previously informed of.

### *Response to objection*

- 9.12.3 From reviewing the Order Scheme detail and the Proofs of Evidence of Simon Croft (**NR51**), Andrew Shuttleworth (**NR48**) and Phil Holland (**NR50**), I understand that the land detailed above is required to deliver the Order Scheme.

- 9.12.4 I have reviewed the objection points raised by Mr and Mrs Howells. The non-property objections dealt with in the evidence of Martyn Angus (**NR53**), Andrew Shuttleworth (**NR48**) and Phil Holland (**NR50**). The concerns over the requirement for extra land are dealt with in the evidence submitted by Simon Croft (**NR51**).
- 9.12.5 At the time of writing Network Rail is in ongoing discussion and correspondence with Mr and Mrs Howell and is looking into options to limit the land take subject to the necessary design constraints and consents.

## 9.13 OBJ/24 Western Power Distribution (East Midlands) Limited

- 9.13.1 In respect of electricity equipment, apparatus and installations
- 9.13.2 A summary to the main area of objection is set out below:
- Western Power Distribution (East Midlands) Limited (WPD) have requested information regarding how the proposal will ensure the security of the electricity supply in the area, as well as how the proposal will protect the electricity network during construction and upon completion of the scheme.
- 9.13.3 WPD have also requested to know the precise details of the scheme and therefore any potential operational implications that WPD may experience.
- 9.13.4 WPD would like to know the precise details of the property rights of the scheme and the interest that will be affect the implementation of the order.
- 9.13.5 WPD have notified that the appointed inspector will be looking for information regarding the electrical networks, how they will be affected, their capacity etc. from both Network Rail and WPD.
- 9.13.6 Their statement of case indicates that their main concern relates to the adequacy of the protection contained in the Order for their apparatus

### *Response to objection*

- 9.13.7 I have reviewed the points of objection raised by WPD. The point in relation to the detail of the property rights required is dealt with in the evidence of Simon Croft (**NR51**) and Phil Holland (**NR50**).
- 9.13.8 The protection for statutory undertakers in the Order is addressed in the evidence of Phil Holland (Construction). At the time of writing Network Rail are in discussions with WPD in relation to the points they have raised with a view towards reaching agreement.

## 9.14 OBJ/27 H.C. Stock Will Trust

### Represented by Chandler Ray

- 9.14.1 Freeholder of temporary plots 0605, 0608-required for Worksite and access for construction and creation of a new public right of way,
- 0617, 0620 and 0639 required for worksite and access for construction,
- 0617a-required for Kerb realignment and widening of road.
- Freeholder of permanent plots 0604, 0606 and 0610- required for main construction works.
- 0613-Environmental mitigation and creation of a new public right of way

0623 Worksite and access for construction and maintenance, environmental mitigation and vehicle restraint barrier.

0626-required for environmental mitigation

0646-required for environmental mitigation and creation of a new public right of way.

9.14.2 A summary of the main area of objection is set out below:

The Objector states the land intended to be used temporarily by Network Rail is an integral part of H.C. Stock Will Trust's land and is expected to be used as part of a comprehensive development scheme.

They say the area of land owned by H.C. Stock Will Trust adjoining plots 0610 and 0613 contains surface water ponds and, by its nature, already acts as a wildlife mitigation area. Due to this H.C. Stock Will Trust are open to discussions regarding the future of this adjoining land with Network Rail and therefore remove the necessity for plots 0610 and 0613.

### *Response to objection*

9.14.3 I have reviewed the objection points raised by Mr Chandler in his Statement of Case on behalf of the H C Stock Will Trust and whilst the land set out in the Order Scheme is currently required as detailed in the evidence of Andrew Shuttleworth (**NR48**), Phil Holland (**NR50**) and Simon Croft (**NR51**), at the time of writing Network Rail are currently looking into potential alternative options, subject to design and consents constraints, particularly in relation to the land required for environmental mitigation.

9.14.4 Network Rail has confirmed that, if acquired, this site and any other environmental or ecological mitigation sites will be handed back to the landowner once the mitigation has been created and subject to agreement on an appropriate management plan. This point is dealt with in paragraph 5.1.11 above.

## **9.15OBJ/28 Richard Arnold White**

9.15.1 Freeholder of permanent plots 0785, 0788, 0790-required for main construction works.

9.15.2 A summary of the main area of objection is set out below:

Mr White suggests that acquisition of the station yard area will negate the use of the rest of the property and has the potential for Richard White to lose £36,000 per annum if he were to revert the yard to commercial use.

9.15.3 Mr White would like Network Rail to purchase the whole of the property.

### *Response to objection*

9.15.4 I have reviewed the objection submitted by Mr White. From the Order Scheme detail and from reading the evidence of Simon Croft (**NR51**) and Phil Holland (**NR50**), the land is required for the Order Scheme. Network Rail met with Mr White at his property on the 29th November 2018 to discuss the points raised and based on the information provided to date, purchase of the whole property would not be necessary or proportionate.

However, at the time of writing Network Rail are in discussions with Mr White and I am satisfied the acquisition of land can be dealt with by agreement following further discussion or through compensation under the Compensation Code.

## 9.16OBJ/30 Gallagher Estates Limited

9.16.1 Freeholder of temporary plots 1109-required for worksite and access for construction and creation of a new public right of way,

1110-required for worksite and access for construction and creation of a new public right of way

9.16.2 A summary of the main area of objection is set out below:

Gallagher Estates Limited have no objection to the acquisition of parcels 1108, 1110 and 1111 or the temporary use of plots 1109 and 1112 provided that two 225mm culverts are laid through the land.

### *Response to objection*

9.16.3 From reviewing the Order Scheme detail and the evidence of Simon Croft (**NR51**), Phil Holland (**NR50**) and Tim Colles (**NR55**), I understand that the land detailed above is required to deliver the Order Scheme the detail is included within their evidence. However, at the time of writing Network Rail have met with and are in discussions with the landowner looking at potential alternatives that, subject to the necessary consents, will reduce the impact of the Order Scheme.

9.16.4 The detail of a potential alternative approach, together with an offer to install the culverts if the land is required, are included within Network Rail's letter of response dated 17th December 2018. The substantive detail of the letter is set out below:

"The objection states that Gallagher Estates has no objection to the Order provided that Network Rail lays two 225mm culverts through the land within the Order which is subject to compulsory acquisition powers.

Network Rail is currently reviewing whether the work required to re-profile the approaches to Pony Level Crossing could be brought forward and delivered by Network Rail within its existing powers and land ownership, rather than under the Order. Network Rail will be in a position in January 2019 to confirm whether this is the case. In the event that this is possible, there will be no requirement to enact the powers in the Order over the plots of land in which Gallagher Estates has an interest and which the objection relates to.

In the event that the relevant works cannot be accelerated and delivered in this alternative fashion, Network Rail would welcome further discussion with Gallagher Estates in respect of their request for the two culverts be laid through the land. Subject to separate funding being provided for the additional cost of laying such culvert[s], Network Rail would have no objection to carrying out this work."

## 9.17OBJ/64 Jacqueline Lee Woodley

### **Represented by Simon Funnel of Leywood Estates**

9.17.1 Freeholder of permanent plot 0483c- required for an acoustic barrier

9.17.2 A summary of the main area of objection is set out below:

Mrs Woodley believes that parcel 0487 is not within her ownership. Mrs Woodley objects to the acquisition of plot 0483c without adequate compensation being settled.

### *Response to objection*

9.17.3 I consider that the first point has been dealt with in an email from Network Rail dated 29<sup>th</sup> October 2018, the substantive response is set out below:

“The initial plot number and plot description issued to Mrs Woodley were incorrect and a replacement notice was issued to Mrs Woodley with the correct plot number and plot description.”

9.17.4 In addition to the response by Network Rail, Bruton Knowles have contacted Mrs Woodley’s representative Simon Funnel to arrange a meeting or discussion regarding the compensation for plot 0483c.

## 9.18OBJ/86 Robert A Wilson

### Represented by Briggs and Stone

9.18.1 Freeholder of temporary plots, 0902, 0914 and 0914a -required for worksite and access for construction.

Freeholder of plot 0914c for the acquisition of rights-required for worksite and access for construction.

Freeholder of permanent plots 0909-required for worksite and access for construction and maintenance compound.

0895, 0914b and 0914d- required for main construction works.

9.18.2 A summary of the main area of objection is set out below:

Mr Wilson has raised concerns over the construction of the new overbridge at Salden Lane and the amount of land required to construct this bridge. The proposed land take must be reduced and any surplus land that is no longer required should be returned to the original owners.

He suggests that there have been no discussions to date regarding the temporary use of plot 0914c. This plot is integral to Mr Wilson’s operations as it is the access point for the land. The use of this plot will also sever the land from the main holding.

Mr Wilson wishes to know what the purpose of plots 0885 and 0915 are required for, and also believes that this land take is excessive.

Mr Wilson has requested information that will provide him with the assurance that he will have full unrestricted access to his property during the works. This is in respect of vehicles, machinery, livestock and pedestrian access to pass and re-pass at all times for all purposes during the period of the works.

Mr Wilson has not received any indication of who will be responsible for the maintenance of the new access ways and roadways upon completion of the works, and advises that until information is provided he will have to generally object to the proposal.

Response to objection:

9.18.3 From reviewing the Order Scheme detail and the evidence of Simon Croft (**NR51**) and Phil Holland (**NR50**), I understand that the land detailed above is required to deliver the Order Scheme. Network Rail has set out a response to each point of objection raised in relation to the land to be acquired and I have set out the relevant elements from the letter of response of the 17th December 2018 below:

“Please see below a detailed response in respect of the points raised in your client’s objections, including detail as to the powers sought by Network Rail under the Order and justification as to why the specified land plots are required.

Our client’s property is accessed via Salden Lane which crosses over the existing railway line at Salden Overbridge (OXD/10). As part of the works proposed this overbridge will be closed and a new overbridge will be constructed alongside. The scheme shows a significant amount of land take to facilitate this deviation and our client consider that such land take is far in excess of what is required. Particularly parcel number 0914, 0904, 0906, 0902, 0914b, 0914d, 0914e. The land take proposed must be reduced and any surplus no longer required following the closure and demolition of the existing over bridge should be returned to our client as the original owners.

For each land plot identified, the powers sought and the reason for their inclusion in the Order is provided below. Where possession of land is sought temporarily, following completion of construction, this land will be reinstated to its previous condition and returned to the land owner

<b>Plot number</b>	<b>Powers Required</b>	<b>Requirement for acquisition</b>
914	Temporary use of land	Breakout existing highway
904	Powers to acquire land permanently	Access track for GSM-R mast
906	Temporary use of land	Breakout existing highway
902	Temporary use of land	Construction of a new road
0914b	Powers to acquire land permanently	Tie in new highway with existing restricted byway
0914d	Powers to acquire land permanently	Tie in new highway with restricted byway
0914e	Temporary use of land	Breakout existing highway.

The temporary and permanent land take in this location is determined by a professional engineering decision in respect of the land required to construct and operate the new railway, highway and overbridge. At detailed design stage, in order to reduce the impact on your client, Network Rail will seek to reduce both the permanent and temporary land take in this location so far as possible.

Our client is the joint freehold owner by byway MUR/15/1 onus parcel no. 0914c. The proposals under the new scheme are to use this route on a temporary basis and acquire rights to do so. No discussions have been had between our client and Network Rail in this respect and our client objects to these proposals on the basis that byway MUR/15/1 is a key and integral part of our clients holding and provides access to land.

Powers restricted to temporary use of land and acquisition of rights are sought in respect of plot 0914c. This land is required for use as a haul route for construction traffic to access the rail corridor from the north east. A temporary closure of the byway will be applied during this period. Following completion of construction this land will be reinstated and returned to its former condition. Access will be maintained for the landowner along the byway during the construction period. This is with the exception of limited points in construction where the movement of large materials (for example bridge

decks) may restrict access along the byway. Network Rail will provide prior notification of these works and will engage with the landowner to reduce potential disruption.

A significant area of our client's land is shown to be acquired specifically designated as parcel no. 0885 and 0915 but no explanation has been provided as to why this land is required. Our client considers this land take excessive and this should be reduced. Our client objects to such land take on this basis.

#### Plot 0885

Most of this plot of land is required permanently for engineering purposes to construct the scheme. This includes land required for a new GSM-R mast and access road. The remaining area, in the north of the plot, is required to plant a hedgerow. This will screen views of the railway from residential receptors to the north, blend the proposals into the existing landscape pattern and provide green, linear habitat and connectivity.

While the land required for environmental mitigation in these plots is to be acquired permanently under the Order, following completion of construction and planting, Network Rail would be willing to return this environmental mitigation land to the original owner, subject to agreement of a maintenance regime for the area. We would be happy to arrange a meeting with you and your client, to discuss the required land take and the potential for return.

Our client requires assurances as to how the works will be done to ensure that our client has unrestricted access to their property, which is a commercial agricultural holding. No such assurances have been provided to date and our client objects to the proposal because of this. Our client seeks assurances respect of vehicles, machinery, livestock and pedestrians should be able to pass and re-pass at all times for all purposes during the period of the works.

The construction methodology to replace the existing Salden Wood overbridge, OXD/10, has been developed to maintain access to the properties to the north of the rail corridor over the existing structure. Further detail on the alternative options considered is outlined in Table 3.3 of Chapter 3, Consideration of Alternatives in Volume 2i, and Project-wide of the ES. The new structure (OXD/10AA) will be constructed off-line to the west while fully maintaining the existing highway alignment and bridge. Following completion of the new structure the highway approach embankments will be formed. To the north of the structure this will not affect the existing highway except for where new tie ins are required. These will be undertaken under traffic management to allow the new highway alignment to be merged into the existing whilst maintaining access. To the south side, the new approach embankment will interface with the existing embankment and require excavation of the highway verge. This will be undertaken under traffic management and freestanding barriers will be used to demarcate the works site.

Continued access will be maintained at all times for vehicles, both private and commercial/ agricultural and for pedestrians (note this will be along the highway, in keeping with the existing highway provision, i.e. no footpath provided). Access for livestock will not be restricted, but advance notice may be required for stock movement, depending on the stage of construction, to ensure that, if required, a more robust fence/barrier can be established to that provided via the traffic management provision.

No indication has been provided as to who will maintain the new access ways and roadways following the construction and our client seeks assurances from Network Rail in this respect until such assurances are provided our client will have to generally object to the proposal.

Post construction, the highway will be adopted by the local highway authority, Buckinghamshire County Council, up to the junction with the private access track and the restricted byway to the north of the rail corridor. Maintenance and any repairs to the highway will be the responsibility of Buckinghamshire County Council".

- 9.18.4 As detailed in the letter above, Network Rail has confirmed that environmental or ecological mitigation sites will be handed back to the landowner once the mitigation has been created and subject to agreement on an appropriate management plan. This point is dealt with in paragraph 5.1.11 above.

## 9.19 OBJ/87 Lower Blackgrove Farm Limited

### Represented by Briggs and Stone Limited

- 9.19.1 Freeholder of temporary plots 1435, 1440 1441 and 1450-required for worksite and access for construction

Freeholder of permanent plots 1444 and 1445-required for environmental mitigation and worksite and access for construction.

Freeholder of permanent plots 1436, 1437, 1438, 1439, 1442 and 1448 -required for main construction works.

1447 and 1450a -required for access for maintenance

1449-required for environmental mitigation

- 9.19.2 A summary of the main area of objection is set out below:

Lower Blackgrove Farm Ltd argues that the land Network Rail wishes to acquire is not essential to the East West Rail Project, particularly plots 1445, 1450 1450a and 1452. It is believed that there is adequate access to the track using the existing main access to Lower Blackgrove Farm, rather than using these plots.

They suggest the effect of the Order Scheme on Lower Blackgrove Farm's solar panels is also a concern. The site of these solar panels immediately adjoins the existing railway line. It is thought that an alternative design could be agreed on that would minimise the impact on these solar panels.

They state that the current design and situation of the overbridge is also of concern for Lower Blackgrove Farm. Due to the impacts on the solar panels, it has been requested that the area of plot 1441 is reduced. There is a significant impact on the residential properties to the north of the farmstead. Plots 1441, 1442 and 1448 that are required for the construction of the overbridge affect the adjoining arable farming operations as well as the existing environmental schemes in place. It is believed that a more sympathetic design can be agreed upon.

Lower Blackgrove Farm are of the opinion that the environmental mitigation to the north of the railway track (plots 1447 and 1449) is not in keeping with the environmental schemes already in place on the property.

They state that there has been limited interaction by Network Rail with Lower Blackgrove Farm and therefore they were unaware of the intention of Network Rail until the receipt of the notice.

### *Response to objection*

- 9.19.3 I have reviewed the objection points raised within the Statement of Case submitted by Mr Briggs on behalf of Lower Blackgrove Farm. I note from the Order Scheme detail and evidence of Simon Croft (**NR51**), Phil Holland (**NR50**) and Andrew Shuttleworth (**NR48**) that the land is required for the Order Scheme. However, Network Rail has reviewed the various issues raised and, following a number of meetings with Lower Blackgrove Farm, Network Rail is looking at a number of potential options that, subject to the appropriate consent, will minimise the impact of the scheme.
- 9.19.4 Network Rail has confirmed that the environmental mitigation sites will be handed back to the landowner once the mitigation has been created subject to agreement on an appropriate management plan. This point is dealt with in paragraph 5.1.11 above.

## **9.20 OBJ/88 and OBJ/89 Mrs Christine Craker, Mr Quenton Adam Craker & Mr Robert A Wilson**

### **Represented by Briggs and Stone**

- 9.20.1 Freeholder of temporary plots 0877-required for drainage works.

0883, 0902, 0906, 0914, 0914a, 0914c, 0914e, 0926-required for worksite and access for construction.

Freeholder of permanent plots 0904-required for worksite and access for construction and maintenance compound.

0909 Worksite and access for construction and maintenance compound.

0928-required for environmental mitigation.

0930-required for environmental mitigation and access for maintenance.

0885, 0895, 0914b, 0914d, 0915, 0920 and 0922-required for main construction works.

- 9.20.2 A summary of the main area of objection is set out below:

Mr and Mrs Craker, and Mr Wilson are aware that the land take for the construction of the new overbridge at Salden Lane is quite significant. There has been no consultation between the Objectors and Network Rail regarding this and the Objectors are therefore unaware of how this will impact their daily lives. The Objectors have also requested that any surplus land left after the construction of the new overbridge be returned to the current freeholders.

They state access to the farmland on the other side of the railway line is also a concern for the Objectors. The proposed alternative access following the closure of Weasels Lodge level crossing is said to be unacceptable. This alternative route will present too many difficulties when moving livestock and machinery to the land on the opposite side of the railway line. An alternative route running alongside the line has been suggested by the Objectors

Mr and Mrs Craker and Mr Wilson have raised concerns over plot 0930. This plot severs the Objectors land and therefore has an impact on the Objectors' ability to farm this land.

They state the freehold ownership of byway MUR/15/1 is with Mrs Craker and Mr Wilson. This byway is integral to the Objectors for running their farming business and they therefore object to the temporary use of this plot (0914c).

Mr and Mrs Craker and Mr Wilson object to the overall excessive land take of the scheme, particularly 0885, 0895 and 0915 since there has been no consultation with the Objectors as to why these plots are required, as well as how the Objectors are to access their home during construction.

The Objectors have concerns that there will be unrestricted access to the whole of their property during construction. There is also concern over who will be responsible for the maintenance of the new over bridge and access route, in addition to how the property will be fully secured during this time.

### *Response to objection*

9.20.3 From reviewing the Order Scheme detail and the evidence of Simon Croft (**NR51**) and Phil Holland (**NR50**), I understand that the land detailed above is required to deliver the Order Scheme.

At the time of writing Network Rail are looking into potential options to deal with the points raised as far as reasonably possible and subject to the detailed design and necessary consent.

Network Rail has confirmed that the environmental mitigation sites will be handed back to the landowner once the mitigation has been created subject to agreement on an appropriate management plan. This point is dealt with in paragraph 5.1.11 above.

## **9.21 OBJ/99 Great Moor Sailing Club**

### **Represented by Bidwells**

9.21.1 A summary of the main area of objection is set out below:

Great Moor Sailing Club is objecting to the order in respect of the impact the development will have on the north-western area of their property. Plot 0415 has been outlined for use for the re-profiling of the embankments and a vehicle restraint barrier. If this plot is acquired, along with the temporary use of plot 0419, the main access way to the property will be lost. Great Moor Sailing Club propose a replacement access to the south and an alternative route for the access track. It has been suggested that Network Rail undertake all necessary costs of this.

Great Moor Sailing Club have noted that the proposal affects land that HS2 will also have an interest in at the same time and request confirmation that there will be no further detriment to their property.

### *Response to objection*

9.21.2 I have reviewed the objection letter dated 4th September submitted by Vicky Phillips on behalf of the Great Moor Sailing Club and note that the points raised have been dealt with in Network Rail's letter of response dated 4th December 2018 and also in the evidence of Simon Croft (**NR51**) and Phil Holland (**NR50**). The substantive response from the letter is set out below:

"I write in response to the objection dated 4th September 2018 (ref OBJ/99) made on behalf of Great Moor Sailing Club in respect of the proposed Network Rail (East West Rail Bicester to Bedford Improvements) Order (the "Order").

Certain of the works authorised by the Order, as indicated on Sheet 14 of East West Rail (**NR14**) Deposited plans and Sections and Rights of Way Plans, are to construct a vehicle restraint barrier within the north and south verges approaching OXD/29 highway overbridge. Associated with this is the potential need to reinforce the existing highway embankments, which accounts for the need to permanently acquire land immediately adjacent to the highway. These works have been co-ordinated with the adjacent proposals under the High Speed Rail (London – West Midlands) Act 2017.

The access referred by your client is facilitated via the existing public right of way – TWY/4/1, which will be extinguished by the High Speed Rail (London – West Midlands) Act 2017 and diverted permanently to the north side of the railway corridor. This will include the permanent removal of the existing access. As such, a request for re-provision of the informal access route to Grebe Lake should be directed to High Speed Rail Ltd.”

## 9.22 OBJ/104 Mr John Bradley

### Represented by Colin Cottage

9.22.1 Freeholder of plot 1145 for the extinguishment of rights-required for main construction works.

9.22.2 A summary of the main area of objection is set out below:

Mr Bradley is concerned that he will lose access to his land during construction due to the access be acquired by Network Rail.

#### *Response to objection*

9.22.3 I have reviewed the above objection which is dealt with in the evidence of Phil Holland (**NR50**) and note that Network Rail has made written assurances to Mr Bradley that his access will be maintained after the Order Scheme has been completed.

## 9.23 OBJ/106 Mr and Mrs R P G Curtis

9.23.1 Freeholder of temporary plots 0693 required for worksite and access to construction

Freeholder of permanent plot 0694-required for main construction works.

Leaseholder of temporary plot 0699-required for worksite and access for construction.

Leaseholder of permanent plot 0698-required for main construction works.

9.23.2 A summary of the main area of objection is set out below:

Mr and Mrs Curtis believe that the latest version of the scheme will be more expensive in the long term if the intention is to electrify the line at later date.

Mr and Mrs Curtis have also noticed that there is a reduction in the amount of acoustic barriers and visual screening. Since heavier dirty diesel trains, are being run along the line they believe that more screening should be in place and not less.

Mr and Mrs Curtis have raised concerns about the health risks of running diesel trains so close to so many homes and schools and the increased health care and societal costs this will have in the future.

They state the mature trees on their land would act as a pollution capture if left in situ, however they are planned to be felled as part of the current scheme.

Mr and Mrs Curtis object to the acquisition of the above plots and request to know why their neighbours land is not to be acquired for a similar height embankment.

### *Response to objection*

9.23.3 I have reviewed the points raised by Mr and Mrs Curtis. The land is required for the Order Scheme and the justification is contained within the evidence submitted by Phil Holland (**NR50**) and Simon Croft (**NR51**).

The other points raised are dealt with in the evidence of Martyn Angus (**NR53**) and Andrew Shuttleworth (**NR48**).

At the time of writing I am aware Network Rail is still considering potential options that would deal with the concerns raised but these are obviously subject to the detailed design and any necessary consents.

## **9.24OBJ/109 Winslow Town Council**

9.24.1 Freeholder of temporary plot 0634-required for worksite and access for construction.

0641-required for worksite and access for construction creation of a new public right of way

0661-required for creation of a new public right of way.

Freeholder of permanent plots 0638 and 0660-required for main construction works.

9.24.2 A summary of the main area of objection is set out below:

Winslow Town Council request a revision to the plan for refurbishment of Furze Lane Road Bridge. The council is already seeking to find ways that would allow for the southern ramp to be widened which would line up with Network Rail's plans.

Winslow Town Council is of the belief that the widening of Furze Lane between the road bridge and the A413 Buckingham Road should be a permanent widening, rather than temporary. This is due to the increase of HGVs using this road and the difficulty for pedestrians using this road.

There is currently no plan to introduce a combined footpath and cycleway connection between the footbridge OXD/19 and the passenger entrance of the new railway station. This would provide a safe and shorter route for local residents to access their new public transport options in the area.

Winslow Town Council objects to the temporary use of the car park associated with its Burial Ground.

Winslow Town Council has pointed out that plots 0638 and 0641 are in fact owned by itself and not Crevichon, and notes that this has not yet been registered with Land Registry. Winslow Town Council objects to plot 0638 being acquired permanently for environmental mitigation and does not wish to enter into negotiations into this as it will serve a future function as part of the Burial Ground.

Winslow Town Council has pointed out that parts of plots 0682 and 0684 are, as set out in the Winslow Neighbourhood Plan, a publicly accessible green space and should therefore remain publicly accessible upon completion of construction.

Winslow Town Council does not believe it is the freeholder of plots 0660 and 0661.

The Council state there are discrepancies between the TWAO and Scheme Drawings showing the temporary laybys on Little Horwood Road. Winslow Town Council therefore requests clarification over the number of temporary laybys on this road.

Winslow Town Council wishes to limit the grant of powers to stop up highways temporarily to locations where the proposed works justify them.

### *Response to objection*

- 9.24.3 I have reviewed the objection points raised by Winslow Town Council in their Statement of Case and the majority of the points raised are dealt with in the evidence of other witnesses including Andrew Shuttleworth (NR48), Simon Croft (NR51) and Phil Holland (NR50).

I have reviewed the property points and note Network Rail met with Winslow Town Council on the 30<sup>th</sup> November and at the time of writing are currently trying to reach agreement on the points raised.

## 9.25OBJ/113 John and Jane Halsey

### Represented by James Dewey of Gateley Hamer Limited

- 9.25.1 Freeholder of temporary plot 0633a-required for highway widening and worksite and access for construction.

A summary of the main area of objection is set out below:

The acquisition of plot 0633a will restrict access to Lakers Nursery which could result in a loss in trade and therefore a loss in profits.

There has been no engagement by Network Rail to reach an agreement for the temporary use of plot 0663a. Nor has there been any consultation regarding the impact of noise, dust and vibration.

There has been no indication by Network Rail to John and Jane Halsey regarding the length of time that the temporary possession will last, and it is suggested that the order should not be confirmed until the specific requirements have been identified.

### *Response to objection*

- 9.25.2 Network Rail has been looking at altering the land required to widen the highway access and at the time of writing are looking at an alternative that will reduce the impact on Mr and Mrs Halsey's property subject to achieving the necessary consents. Further detail is contained within the evidence provided by Tim Colles (NR55), Simon Croft (NR51) and Phil Holland (NR50).

The points raised in relation to the impact of the construction and temporary possession are dealt with in the evidence of Phil Holland (NR50) and Andrew Shuttleworth (NR48).

## 9.26OBJ/114 Trustees of the Woburn Estate

### Represented by Michael Horton of Savills

- 9.26.1 Freeholder of temporary plots, 1191, 1194, 1209, 1214, 1221-required for worksite and access for construction

Freeholder of permanent plots 1164, 1176-required for main construction works.

1171 and 1195-required for environmental mitigation.

Lessee of permanent plot 1173-required for main construction works.

9.26.2 A summary of the main area of objection is set out below:

Woburn Estate have calculated that a total of 11.83 hectares of their land will be acquired under the current proposal of the scheme. They believe that this is far in excess of that which should reasonably be acquired. They wish to continue their objection until the purpose of the acquired land has been disclosed.

Woburn Estate are also due to lose 3.082 hectares of land temporarily under schedule 2 of the order and believe that this should be reduced.

### *Response to objection*

9.26.3 I have reviewed the objection points raised by Mr Horton on behalf of Woburn Estates. I note from the Order Scheme detail and evidence of Simon Croft (**NR51**), Phil Holland (**NR50**) and Andrew Shuttleworth (**NR48**) that the land is required for the Order Scheme. However, Network Rail has been in discussion with Woburn Estates and are currently working with them looking at a number of options that, subject to the appropriate consent, will minimise the impact of the scheme:

Network Rail and Bruton Knowles are currently in discussions with Savills regarding an agreement on the land take required for the scheme.

Network Rail has confirmed that the environmental mitigation sites will be handed back to the landowner once the mitigation has been created subject to agreement on an appropriate management plan. This point is dealt with in paragraph 5.1.11 above.

## **9.27OBJ/118 Colin O'Dell**

9.27.1 Rights over temporary plot 0661-required for creation of a new public right of way

9.27.2 A summary of the main area of objection is set out below:

Colin O'Dell stresses that he is required by his deeds not to interfere with vehicular access across plot 0661 to the back of number 6, 8, 10 and 37 Buckingham Road.

### *Response to objection*

9.27.3 At the time of writing Network Rail is looking into options that will alleviate the issue in relation to the access raised by Mr O'Dell subject to the detailed design and appropriate consents. Please see the response to Objection 143 below.

## **9.28OBJ/120 Bloor Homes**

9.28.1 Freeholder of temporary plots 0617, 0620, 0636, 0639, 0645-required for worksite and access for construction.

Freeholder of permanent plots 0622, 0623 and 0628-required for worksite and access for construction and maintenance, environmental mitigation and vehicle restraint barrier.

0632-required for main construction works.

0635, 0644-required for environmental mitigation.

0646-required for environmental mitigation and creation of a new public right of way

9.28.2 A summary of the main area of objection is set out below:

Bloor Homes has noted that the area shaded pink on the land south east of the existing bridge at Furze Lane is in fact in Bloor Homes ownership rather than Network Rail as stated (as shown in title BM412310).

Land belonging to Bloor Homes has the benefit of outline planning permission for the development of 250 dwellings. The acquisition of this land will have an adverse impact on the development site and disrupt the ongoing construction of new dwellings.

The Objector states that Plot 0628 is to be taken by Network Rail for a worksite and access for construction and maintenance impinges onto what is a proposed shared driveway for three dwellings. The curtilage of a shared ownership affordable housing house also falls within plot 0628.

Plots 0617, 0620, 0622 and 0623 together form an access to Bloor Homes' land that is vital for delivery for their development site. This, along with the temporary stopping of Furze Lane will result in an inability for Bloor Homes to access its development site.

Bloor say it is essential that the surface water drainage in place across plots under Bloor Homes' ownership remains operational and unaffected during the construction phase.

Bloor suggest the Order Scheme seems to be inconsistent with the Section 278 agreement between Bloor Homes and Buckinghamshire County Council.

Bloor say that originally there was indication that there would be an upgrading and widening of the Furze Lane Bridge to facilitate increases in traffic due to future development.

### *Response to objection*

9.28.3 I have reviewed the letter and Statement of Case of 17th October 2018 submitted by Bloor Homes. Network Rail met with representatives of Bloor Homes on the 6th of December 2018 to deal with a number of the points raised. These points are covered within Network Rail's letter of response dated 12th December 2018 and are also covered within the evidence of Simon Croft (**NR51**), Phil Holland (**NR50**) and Jill Stephenson (**NR49**).

The points raised in relation to improving the road infrastructure to accommodate future development and the handback of land used for environmental mitigation are dealt with in sections 5.1.8- 5.1.11 above.

Network Rail has confirmed that the environmental mitigation sites will be handed back to the landowner once the mitigation has been created subject to agreement on an appropriate management plan. This point is dealt with in paragraph 5.1.11 above

Discussions are currently ongoing and Network Rail is waiting for confirmation from Bloor that all their concerns have been covered. The substantive detail of Network Rail's response of the 12th December is set out below:

“The land ownership extents identified by Bloor Homes via Land Registry title BM412310 are acknowledged by Network Rail,

Plots 0617, 0620, 0622 & 0623

Plots 0617 and 0620 are listed within the Order for temporary acquisition, whilst 0622 and 0623 are listed for permanent acquisition. However, in light of your representation, Network Rail can commit to not taking acquisition of any of these four plots.

Surface water drainage and other utilities

Surface water drainage infrastructure installed by Bloor Homes, between its development and Buckingham Road, will be unaffected by works in the Order scheme. Should any protective measures for the drainage infrastructure be required, these will be consulted upon and enacted in line with statutory utility asset protection procedures. Network Rail and its contractors have a duty to identify and protect all existing utilities infrastructure as part of any works it carries out.

Works at Furze Lane overbridge (ref OXD/20)

The initial reason for replacing Furze Lane Bridge was to achieve a satisfactory clearance under the bridge for electrification of the railway as the existing structure is too low. However, given the decision by the Department for Transport in 2016 to remove electrification from the East West Rail Phase 2 project, the need to replace this bridge no longer exists. Consequently, Network Rail confirms that it is now proposing to retain the existing bridge and undertake general repair and upgrade works. These works will include increasing the parapet height, waterproofing the arch barrel and general brickwork repairs but does not include altering and/or widening the existing bridge structure.

In order to undertake these works, Furze Lane will need to be closed at the bridge location for a period of a few months. Noting your obligation under a highways agreement with the local highway authority to install a permanent traffic control system across the bridge, Network Rail will endeavour to co-ordinate the works over the bridge with your installation of the traffic control system and/or make provision within its works to the bridge for the installation of this system.

OXD/19 Footbridge Access

In order to facilitate construction of the foundations for a new footbridge over the railway corridor, it is preferred to gain construction access via the new Bloor Homes estate road. This access would be for a limited period, of typically one week, and would be co-ordinated and in agreement with Bloor Homes site management.”

## **9.29OBJ/121 Simon Hill & Aspley LTD directors**

### **Represented by Nick Denman of Sherwill Drake Forbes**

9.29.1 Freeholder of temporary plots 0884, 0884b and 0892-required for worksite and access to construction

Freeholder of permanent plots 0884a-required for worksite and access for construction and maintenance

0882 and 1151-required for main construction works

1152-required for environmental mitigation.

Leaseholder of temporary plots 0725, 0729-required for worksite and access for construction and maintenance

Leaseholder of permanent plots 0723 and 0727-required for main construction works.

9.29.2 A summary of the main area of objection is set out below:

There is insufficient evidence to suggest that plots 0882, 0884a and 1151 are required for permanent acquisition.

### *Response to objection*

9.29.3 I have reviewed the points put forward by Mr Denman on behalf of his clients Simon George Cooper Hill and Barretts of Apsley Ltd and consider they are dealt with in Network Rail's letter of the 20<sup>th</sup> November 2018 and also in the evidence of Simon Croft (**NR51**) and Andrew Shuttleworth (**NR48**). As detailed in section 5.1.11 above, Network Rail will hand the land required for the CFSA and ecological mitigation back to the landowner subject to a suitable management agreement. The substantive detail of the response of the 20<sup>th</sup> November 2018 is set out below:

“Please see below a detailed response in respect of the points raised in your objections, including detail as to the powers sought by Network Rail under the Order and justification as to why the specified land plots are required.

Plot 1152 – power to acquire land permanently

The land take in plot 1152 is for the purpose of a Compensatory Flood Storage Area (CFSA). CFSA's are designed to extend the natural floodplain by reducing ground levels in the area adjacent to existing floodplain and are designed to mitigate for events up to the 1% annual chance event (including an allowance for climate change).

This CFSA is required to mitigate for the proposed highway embankment earthworks and has been sited to be as close to the loss of floodplain as feasible, while avoiding existing utilities and exclusion zones. It needs to be located outside but adjacent to the existing floodplain to enable it to operate effectively. The CFSA will drain back into a tributary of the River Ouzel. The design of CFSA's will be refined during detailed design, following topographical survey and further hydrological and hydraulic modelling. If practicable we will reduce the area and depth of land-take required, whilst still meeting the obligations to the Lead Local Flood Authorities and Bedford Group of Internal Drainage Boards (IDB), ensuring that we do not increase flood risk in the wider area. The hydraulic modelling and design of the CFSA will be subject to approval from the Lead Local Flood Authority and Bedford Group of Internal Drainage Boards (IDB).

The identification of the CFSA's has been based on existing Environment Agency Risk of Flooding from Surface Water (RoFSW) maps. The existing topography will be utilised to minimise excavation. A 360 excavator will excavate the CFSA to the required level. The topsoil will be removed and retained and the topsoil then replaced. It is therefore intended that the land will return to its former use, but ensuring the implemented flood storage capacity is maintained.

Appendix E of the Flood Risk Assessment (Appendix 13.1.E, Volume 3 of the Environmental Statement (ES) submitted with the Order application) contains more information on the requirement for this CFSA.

While the land in this plot required for environmental mitigation is to be acquired permanently, following completion of construction of the CFSA, Network Rail would be willing to return this land to the previous owner subject to agreement of a maintenance regime for the CFSA. We would be happy to arrange a meeting with you, to discuss the required land take and the potential for return.

#### Plot 882 – power to acquire land permanently

The land take in land plot 0882 is for the purpose of planting a hedgerow with trees. This will screen views of part of the railway corridor from residential receptors along Salden Lane, blend the proposals into the existing landscape pattern and provide green, linear habitat and connectivity. This will compensate for the loss of habitat which has to be removed as a consequence of constructing the new railway. In this location, there is a high-pressure gas main that runs closely along the area required for engineering works. There is a legal requirement for Network Rail to avoid any construction or planting within a 3m wide wayleave on either side of this gas main. Consequently, the hedge must be positioned outside of the gas main in the position shown in Environmental Design drawing sheet 37 (133735\_2B-EWR-OXD-086260-DR-L-003023) in Volume 4 of the ES.

While the land in this plot is to be acquired permanently, following completion of construction and planting, Network Rail would be willing to return this environmental mitigation land to the previous owner, subject to agreement of a maintenance regime for the hedge. We would be happy to arrange a meeting with you, to discuss the required land take and the potential for return.

#### 884a – power to acquire land permanently

Where habitat loss due to the construction of EWR2 is unavoidable, compensation will be provided in the form of Ecological Compensation Sites (ECS). Each ECS has been designed separately to incorporate a variety of habitats including scrub, wildflower meadow, hedgerow, reptile hibernacula, wetland, riverine enhancement, species-rich grassland and ponds based on the mitigation requirement in each location. Sites provide habitat for translocation of protected species and to support the recovery of species populations potentially affected by EWR2, such as great crested newts and reptiles.

The main purpose of this ECS (Ref. B20) is to provide permanent lowland mixed deciduous woodland, to compensate for the loss of woodland habitat along the existing railway corridor. ECS B20 has been sited adjacent to Salden Wood, to complement the ancient woodland habitat in the Local Wildlife Site and contribute towards one of the five key targets of the Whaddon Chase Biodiversity Opportunity Area (woodland – restoration, management and creation). The creation of the woodland along with hedgerows and scrub planting will provide compensatory habitat for the nationally rare Barbastelle bat and black and brown hairstreak butterflies, all of which have been recorded within or adjacent to Salden Wood.

ECS B20 will also provide a suitable location to translocate notable populations of great crested newt (under a licence from Natural England), grass snake and common lizard, all of which have been recorded using the railway embankment habitat in this location”

## 9.30OBJ/125 Crevichon Properties Limited

9.30.1 Freeholder of temporary plots 0641-required for worksite and access for construction and creation of a new public right of way,

0647-required for worksite and access for construction

Freeholder of permanent plot 0638, 0640 and 0643-required for main construction works.

9.30.2 A summary of the main areas of objection are set out below:

Crevichon say plot 0643 covers an area that is planned to develop a new building, since this is a permanent plot Crevichon properties will suffer financially. The notice plan does not provide information regarding the purpose of use of this land following its acquisition.

Plot 0638 has been transferred to Winslow Town Council, however for some reason it has not been registered.

### *Response to objection*

9.30.3 From reviewing the Order Scheme information and the evidence of Simon Croft (**NR51**) and Phil Holland (**NR50**) the land detailed above is required for the engineering and construction of the Order Scheme. However, Network Rail and its design team are currently in communication with the landowner and exploring a solution to reduce the land take impact. This will be subject to the detailed design and necessary agreements and consents.

## 9.31OBJ/127 Andrew Preston

### Represented by Jonathan Perks of Fisher German

9.31.1 Freeholder of permanent plot 0911- required for environmental mitigation and access for maintenance

0887-required for main construction works.

Freeholder of temporary plot 0910-required for access for maintenance and a new right of access for a third party.

Mr Preston believes that the land take for the Order Scheme is excessive and requests information regarding the reason that plots 0911 and 0917 are required permanently.

The temporary acquisition of plots 0910 and 0918. If these plots have been acquired for the rights of access on behalf of neighbouring land owners than Mr Preston has requested that these rights should follow the ownership boundary around Salden Wood rather than be stepped out into his land holding.

Mr Preston has raised concerns over the possible light pollution on his property from the traffic crossing Salden Overbridge. He therefore wishes that suitable is installed to protect his property from light pollution.

### *Response to objection*

- 9.31.2 From reviewing the Order Scheme information and the evidence of Simon Croft (**NR51**) and Phil Holland (**NR50**) the land detailed above is required for the engineering and construction of the Order Scheme. However, Network Rail and its design team are currently in communication with the landowner and exploring a solution to reduce the land take impact. This will be subject to the detailed design and necessary agreements and consents

## 9.32 OBJ/128 Thomas White Properties Limited

### Represented by Katie Benbow of Savills

- 9.32.1 Freeholder of permanent plots 1155, 1156, 1160, 1161-required for main construction works.

- 9.32.2 A summary of the main area of objection is set out below:

Savills suggest there has been no communication between Network Rail's Agent, Winckworth Sherwood and Thomas White Properties and no response to the objection submitted 5<sup>th</sup> September 2018.

They say there has been insufficient detail and information provided for Thomas White Properties for a scheme of this complexity.

Thomas White Properties objects to the area of land being acquired for the East West Rail project and notes that it has not been given the opportunity to discuss the design requirements in any detail.

#### *Response to objection*

- 9.32.3 From reviewing the Order Scheme information and the evidence of Simon Croft (**NR51**), the land detailed above is required for the engineering of the Order Scheme. However, Network Rail are currently in communication with the landowner and exploring options with a view to reaching an agreement. This will be subject to the design and necessary agreements and consents.

## 9.33 OBJ/129 W Lamb Limited

### Represented by Tim Broomhead of Knight Frank

- 9.33.1 Freeholder of temporary plots 1185, 1188, 1189, 1190, 1192- required for access for construction, maintenance and creation of a new public right of way

Rights over temporary plots 1185 and 1190 as tenant to Units 6 and 7-required for access for construction, maintenance and creation of a new public right of way.

- 9.33.2 A summary of the main area of objection is set out below:

W Lamb Limited believes that there is a better solution for access for construction, maintenance and creation of a new public right of way using an existing agricultural access from the A421.

#### *Response to objection*

- 9.33.3 From reviewing the Order Scheme detail and the evidence of Simon Croft (**NR51**) the land detailed above is required to deliver the Order Scheme. However, at the time of writing Network Rail is in discussions with W Lamb Ltd and the adjoining landowner looking at an option to move the access track to the location put forward as the alternative. This will be subject to the appropriate agreements and consents.

## 9.34OBJ/131 Legal and General Assurance (Pensions Management) Limited

### 9.34.1.1 Represented by Tim Price/Samia Syeda Savills

9.34.2 Freeholder of plots 1346, 1347 and 1348 for the acquisition of rights-required for access for construction and maintenance.

9.34.3 A summary of the main areas of objection are set out below:

Legal and General object on a preliminary basis until the finer details of the agreement are reached between all parties on the access arrangements through plots 1346, 1347 and 1348 during the construction period.

Legal and General request that the ongoing access arrangements should be subject to a separate agreement in the form of an Operational Management Plan or similar.

The Objector states Network Rail have not provided any compensation associated with the exercise of the powers of the TWAO.

#### *Response to objection*

9.34.4 Network Rail have met with the Objector and are currently working with Legal and General to produce a framework agreement to state how the site traffic will be managed so that they can provide some protection to their tenants. Further detail is contained within the evidence of Phil Holland (NR50) and Tim Colles (NR55).

## 9.35OBJ/135 David Tomkins

9.35.1 Leaseholder of temporary plots 1243-required for creation of a new public right of way

1253 and 1261-required for worksite and access for construction

Leaseholder of permanent plots 1255-required for environmental mitigation

1278-required for main construction works.

Rights across plot 1295 for the extinguishing of rights-required for main construction works.

9.35.2 A summary of the main area of objection is set out below:

9.35.3 Mr Tomkins primary objection is in relation to plot 1243 and the diversion of Footpath No.1. It is planned that this footpath will be re-routed through a grass field that forms a major part of his grazing or his flock of sheep. Mr Tomkins has concerns that sheep worrying, litter, security and bio-security if the footpath is rerouted through this field.

Mr Tomkins is currently able to access his land from Marston Road 30m from the level crossing. The construction of the proposed overbridge will result in a loss of access to half of his holding. The alternative access will not only result in longer journey for access, but will also compromise the soil and could lead to increased water logging.

The field that plot 1255 will occupy will reduce an already small field to an uneconomical size. The installation of rough ground and areas put down to trees and shrubs are likely to harbour unwanted pests and weeds that can reduce to productivity of the land.

## *Response to objection*

9.35.4 I have reviewed the points raised by Mr Tomkins in his objection letter dated the 5<sup>th</sup> September 2018 and I am satisfied that the points are dealt with in Network Rail's letter of response of the 12<sup>th</sup> November and also in the evidence of Simon Croft (**NR51**), Phil Holland (**NR50**) and Andrew Shuttleworth (**NR48**).

9.35.5 The substantive response contained within the letter is set out below:

"I write in response to the objection dated 5th September 2018 (ref OBJ/135) made on behalf of the tenancy of John Tomkins and Son in respect of the proposed Network Rail (East West Rail Bicester to Bedford Improvements) Order (the "Order").

Certain of the works authorised by the Order, as indicated on Sheets 53 and 54 of East West Rail (**NR14**) Deposited plans and Sections and Rights of Way Plans, are to construct a highway overbridge carrying Marston Road over the railway and to permanently close Pilling Farm South level crossing with an associated permanent re-routing of footpath FP1.

Plot 1243 is required for the Order scheme on a temporary basis, for the purpose of creating a public right of way between points P6-P7-P8. In relation to your concerns regarding field security and livestock safety, Network Rail is willing to meet reasonable costs for you to procure/install a stock-proof fence along this section of new footpath. We estimate that this would be an approximate length of 320m.

Plot 1278 is required permanently for the Order scheme, for the purpose of creating a new highway embankment on the approach to the proposed Marston Road highway overbridge. In relation to your ability to access the adjacent field from Marston Road, Network Rail will install a new vehicle field entrance with associated right of access, under the Order, which would be located immediately south of no.1 Marston Road.

Plot 1255 is required permanently for the Order scheme, for the purpose of compensatory flood storage. During the detailed design, there may be an opportunity to reduce the area of land required for this purpose. Aside from this, the proposed work would include removing top soil, scraping the underlying soil to the required level and reinstating the top soil. Noting the use of this field, Network Rail would endeavour to undertake these works between growing seasons. Upon completion of these works, Network Rail would seek to agree to return the plot to the existing owner for continued use. However, return of the plot would be conditional on the reduced level of the plot being maintained, i.e. not filled in or items stored there.

Separately, you have queried who would amend the field extents that are reconfirmed annually for agricultural subsidy payment. Network Rail can meet your reasonable costs in respect of this one-off activity."

9.35.6 As set out in the letter above Network Rail has confirmed that the environmental mitigation sites will be handed back to the landowner once the mitigation has been created subject to agreement on an appropriate management plan. This point is dealt with in paragraph 5.1.11 above.

## 9.36 OBJ/143 Mrs Jackie O'Dell

9.36.1 Rights over temporary plot 0661-required for creation of a new public right of way

Rights over permanent plot 0660-required for main construction works

9.36.2 A summary of the main area of objection is set out below:

Mrs O'Dell object to the permanent acquisition of plot 0661 which will completely remove the vehicular access to the rear of Mrs O'Dell's residence 8 Highfield Road, Winslow.

### *Response to objection*

9.36.3 I have reviewed Mrs O'Dell's letter of objection dated the 6th September 2018 and I am satisfied the points raised in relation to property have been dealt with in Network Rail's response of the 7th December along with the evidence put forward by Phil Holland (**NR50**) and Simon Croft (**NR51**). The substantive detail from the letter is set out below:

"I write in response to your objection (ref: OBJ/143) dated 6 September 2018 in respect of the proposed Network Rail (East West Rail Bicester to Bedford Improvements) Order (the Order).

Plot 661 is listed as being a temporary acquisition for the intended purpose of installing a new boundary fence at the top of the railway cutting, whilst plot 660 is listed for permanent acquisition for the intended purpose of re-engineering the top of the railway cutting. As both plots are 3m wide, it is confirmed that the minimum width of the access corridor remaining when construction is complete will be 3m. However, in consideration of the requirement of you and your neighbours for access to the rear of properties on Highfield Road, Network Rail shall, insofar as is possible in delivering the scheme, restrict the permanent land take of plot 660 and return any elements of plot 660 to the original landowner(s), thereby resulting in a final access corridor width of greater than 3m.

In addition, Network Rail will limit the amount of time required for installation of the new fence as far as possible. Network Rail requires only temporary access to plot 661 (this period is yet to be defined) and will not affect the right of access in the long term."

## 9.37 OBJ/144 Swan Hill Homes Limited

### **Represented by James Dewey of Gateley Hamer**

9.37.1 Freeholder of plot temporary 1128-required for worksite and access for construction and creation of a temporary public right of way.

9.37.2 A summary of the main area of objection is set out below:

The Objector says the proposed route through plot 1128 will sterilise the areas of the development site, although consultation has been made to alter this route, a written agreement is yet to be signed and the objection therefore stands.

They say if the proposed route is not altered to minimise impact on Swan Hill Homes Limited, it will lead to an increased compensation claim. This is not considered an appropriate use of public funds.

They suggest the Order Scheme should not be confirmed until Network Rail can provide written certainty of the temporary possession period of plot 1128.

### *Response to objection*

- 9.37.3 I have reviewed the objection above and the Order Scheme detail and evidence of Phil Holland (**NR50**) confirm why the land is needed. However, Network Rail is in advanced discussions with Swan Hill Homes to reach an agreement which would accommodate the landowner's requirements in relation to the access track subject to the necessary agreement and consents.

## **9.38 OBJ/147 W & JA Hunter Partnership, LaSalle Land Nominees 1 Limited and LaSalle Land Nominees 2 Limited**

### **Represented by Town Legal LLP**

- 9.38.1 W & JA Hunter Partnership:

Freeholder of temporary plots 1452, 1454, 1480, 1481a, 1486, 1488 - required for Worksite and access for construction and maintenance.

1455, 1459, 1461, 1462, 1464, 1468, 1475, 1476, 1480b, 1481 -required for worksite and access for construction.

1480a-required for worksite and access for construction and utilities

Freeholder of permanent plots 1473-required for environmental mitigation

1460, 1463, 1465, 1471, 1473, 1482, 1483 and 1484-required for main construction works.

1479-required for embankment works and environmental mitigation.

- 9.38.2 LaSalle Land Nominees 1 Limited and LaSalle Land Nominees 2 Limited:

Freeholder of temporary plots 1462, 1476, 1481, 1486-required for worksite and access for construction.

1481a, 1488-required for worksite and access for construction and maintenance

Freeholder of permanent plots 1465, 1473-required for environmental mitigation.

1460, 1482, 1483 and 1484-required for main construction works.

1479-required for embankment works and environmental mitigation.

Rights over temporary plots 0914c and 0914e-required for worksite and access for construction.

Rights over permanent plots 0914b and 0914d-required for main construction works.

- 9.38.3 A summary of the main area of objection is set out below:

The Objectors state that two parts of the farm occupied by the above Objectors are connected by the Fleet Marston level crossing and by an overbridge. The above Objectors have been informed that there is a weight limit of three tonnes on the bridge and so cannot be used by farm vehicles. The Fleet Marston level crossing has been closed for two years and no alternative route provided. The Hunter partnership and LaSalle Land

Nominees 1 and 2 wish to object to the closure of this level crossing, and are in discussions with Network Rail for potential improvements to be made to the bridge.

The Hunter partnership, LaSalle Land Nominees 1 Limited and LaSalle Land Nominees 2 Limited have not received any communication regarding the use of the plots of land within their ownership, and request specific explanation of what each will be used for and reasons for their location.

Plots 1465 and 1456 are required for environmental mitigation, the above Objectors request confirmation whether this is required permanently, or whether it could be acquired temporarily subject to a claim for diminution in value.

They state it has been discussed with Network Rail that it could be beneficial for both parties if plots 1454 and 1456 were re-designed to so that any land required for environmental mitigation would adjoin to the woodland shelter belt located to the west.

The above Objectors have concerns regarding the noise, dust, lights and traffic impact upon their nearby dwelling during construction.

The Objectors hope to reach a satisfactory agreement so that their objection can be withdrawn.

### *Response to objection*

9.38.4 From reviewing the Order Scheme detail and the evidence of Simon Croft (**NR51**), Phil Holland (**NR50**) and Andrew Shuttleworth, I understand that the land detailed above is required to deliver the Order Scheme. However, Network Rail is in advanced discussions with the landowner looking at various options including alterations to the Accommodation Bridge and environmental mitigation areas with a view to reaching an agreement which, subject to the detailed design and necessary consents, will deal with the objection points stated above.

In addition Network Rail has confirmed that the environmental mitigation sites will be handed back to the landowner once the mitigation has been created subject to agreement on an appropriate management plan. This point is dealt with in paragraph 5.1.11 above.

## **9.39 OBJ/148 Russell William Just Read and Melanie Patricia Jayne-Read**

### **Represented by Marcus Blake of Berrys**

9.39.1 Freeholder of temporary plot 1457-required for worksite and access for construction.  
Freeholder of permanent plots 1451 and 1458-required for main construction works.

9.39.2 A summary of the main area of objection is set out below:

Mr and Mrs Read object to the lack of permanent provisions for reducing the impact of the scheme during construction and upon completion of the scheme.

They say there is no provision of stock proof fencing during the construction phase to protect Mr and Mrs Read's property.

### *Response to objection*

9.39.3 I have reviewed the points raised by Mr Blake on behalf of Melanie Patricia Jayne-Read and Russell William Justin Read in his letter of the 6<sup>th</sup> September 2018 and consider the issues raised have been dealt with in Network Rail's letter dated the 2<sup>nd</sup> November 2018 and also in the evidence put forward by Simon Croft (**NR51**), Phil Holland (**NR50**) and Andrew Shuttleworth (**NR48**).

9.39.4 The substantive detail contained within the letter of the 2<sup>nd</sup> November is set out below:

"Please see below our response to the points raised within your objection.

1. No permanent provisions for reducing the impact of physical factors resulting from the scheme including noise, dust, fumes, smells, vibration and (if appropriate) artificial lighting.

Once the East West Rail Phase 2 (EWR2) is operational and new train services are running, there will be some noise and vibration impacts on residential properties close to or adjacent to the railway. Mitigation measures including noise barriers and noise insulation are identified in the Environmental Statement (ES), which are proposed to minimise adverse effects in line with Noise Policy Statement for England (2010), significant adverse effects will be avoided at most of the sensitive receptors. The operational noise assessment in the ES shows that your clients' property has noise levels below the threshold for any adverse effects, indicating that they are unlikely to be affected by noise from the re-opened line. These results are shown on Figure 10.6 (Volume 4) of the ES.

The ES also includes an assessment of the emissions to air from the trains once EWR2 is operational, along with the road traffic making journeys to and from the railway stations (see Chapter 8, Volume 2i Project-wide of the ES). This has identified no significant adverse effects in relation to impacts on air quality from traffic or operational trains and therefore no permanent mitigation measures are required. There is limited operational lighting proposed as part of the Order scheme, nevertheless, the potential impacts are assessed within the landscape visual impact assessment (Chapter 12, Volume 2i Project-wide of the ES). This has identified no significant adverse effects in relation to operational lighting and therefore no permanent mitigation measures are required.

2. No provision during construction for reducing the impact of physical factors resulting from the scheme including noise, dust, fumes, smells, vibration and (if appropriate) artificial lighting.

To mitigate the potential adverse effects of construction, construction activities will be managed in line with EWR2's Code of Construction Practice (CoCP) (Appendix 2.1, Volume 3 of the ES). The CoCP sets out EWR2's commitments to managing potential nuisances 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 to ensure so far as is reasonably practicable, in order that residential properties and all other sensitive receptors are protected from excessive noise and vibration levels arising from the construction activities. The CoCP also commits to providing a Community Liaison Officer and a 24 hour means to contact representatives of EWR2 should there be any problems or queries.

3. No provision for temporary stock-proof security fencing during construction to protect Objectors' other retained property.

At the start of construction, land take will be marked out and a temporary site fence will be installed. This fencing will prevent unauthorised access, vandalism and theft, and will also control access and egress by animals.

4. No provision for stock-proof and secure palisade fencing and other suitable robust security provisions to replace mature hedge along boundary so as to provide stock-proof security protection to Objectors' other retained property.

For safety and security reasons, fencing is proposed along the operational boundary of the railway. This fencing will prevent unauthorised access, vandalism and theft, and will control access by animals, thereby managing the safety risk to both potential trespassers and rail users. The Order scheme will aim to retain existing fences where they are appropriate to the level of risk presented by the operational railway  
Network Rail Infrastructure Limited Registered Office: Network Rail, One Eversholt Street, London, NW1 2DN Registered in England and Wales No. 2904587 [www.networkrail.co.uk](http://www.networkrail.co.uk) and are in a suitable condition. In locations where there is no existing fencing, or the existing provision is damaged or inappropriate to manage the risk in that location, new fencing is proposed. In the section of the rail corridor adjacent to plots 1451, 1457 and 1458, fencing will consist of post and rail or post and wire depending to a certain extent on location and the type of use of adjacent land e.g. livestock.

In addition to the fencing a hedgerow is proposed to be planted within plot 1458. This hedgerow will screen views of the railway from receptors to the east, blend the proposals into the existing landscape pattern, provide security and provide green, linear habitat and connectivity. In addition to the fencing described above, fencing will be provided to protect the new planting proposed as part of EWR2's environmental design. This will comprise post and rail fence or similar, as shown on the Environmental Design Drawings in Volume 4 of the ES."

## 9.40OBJ/152 Fresh Direct (UK) Limited

### Represented by Joanne Wright of Thomson Snell & Passmore LLP

9.40.1 Leaseholder of temporary plot 0017a-required for worksite and access for construction

Leaseholder of permanent plots 0025a and 0045-required for main construction works.

9.40.2 A summary of the main area of objection is set out below:

Fresh Direct have not received any prior communication from Network Rail or representatives regarding the acquisition of plot 0025a, they are therefore unaware of the required use of this plot. Fresh Direct are objecting to the permanent acquisition of this plot due to the negative impacts it will on their business and its operations.

Fresh Direct's representatives and Network Rail's representatives have been in discussions regarding the acquisition of plot 0045, however an agreement is yet to be reached. The land shown on the notice plan is thought to be larger than Fresh Direct were previously advised, and therefore has a larger impact on Fresh Direct's operations, and is wholly unacceptable to them.

Fresh Direct have not received any communication from Network Rail or its representatives regarding the temporary acquisition of plot 0017a. Fresh Direct have requested information regarding the use of this plot, including information on timing, duration and access requirements.

### *Response to objection*

- 9.40.3 From reviewing the Order Scheme detail and the evidence of Simon Croft (**NR51**) and Phil Holland (**NR50**), I understand that the land detailed above is required to deliver the Order Scheme. However, Network Rail has had a number of meetings with Fresh Direct and they are in advanced discussions with the landowner looking at various options towards reaching an agreement that will deal with the objections raised.

## **9.41 OBJ/153 Arnold White Estates Limited, Cloud Wing UK Limited and Hanson Packed Products Limited.**

### **Represented by Town Legal LLP**

- 9.41.1 Arnold White Estates Limited:

Freeholder of temporary plot 1316-required for worksite and access for maintenance.

1323-required for worksite and access for construction.

Freeholder of permanent plots 1313, 1319 and 1322-required for environmental mitigation.

- 9.41.2 Kempston Hardwick Developments Limited:

Freeholder of permanent plot 1314-required for main construction works.

Freeholder of temporary plot 1317-required for worksite and access for construction.

- 9.41.3 Hanson Packed Products Limited:

Freeholder of temporary plots 1296 and 1298-required for worksite and access for construction.

Rights over plot 1297 for the extinguishing of rights-required for main construction works.

- 9.41.4 A summary of the main area of objection is set out below:

The Objectors above find issues with the closure of Manor Road level crossing and its replacement by an overbridge and the closure of the Stewartby Brickworks level crossing.

They state the scheme is designed to promote economic growth and development along the line and the M11 corridor. However, it is believed by the Objectors above that much of the development land risks being sterilised and therefore results in one of the key objectives of the scheme unfulfillable.

Part of the land under Kempston Hardwick Developments ownership is contaminated and is therefore in need of remediation.

Kempston Hardwick Developments are in the process of preparing a planning application for their land which will ultimately result in business premise and warehouses totalling 8.4 million square feet of floor space.

Although this land is not included in the local plan to 2030 it is in the county's strategy not to allocate land for employment development since the Local Planning Authority will support individual applications of this type.

The Objectors state that the provision of an overbridge at Kempston Hardwick does not eliminate the health and safety risks at the remaining level crossing between Green Lane and Kempston Hardwick Station. They also believe that the overbridge would only be used by approximately 10% of drivers, and there would therefore be congestion at the remaining level crossings.

There has been no justification from Network Rail with regard to the amount of land take to provide the realignment of Manor Road and the creation of the overbridge.

The above Objectors do not know the reasons for the closure of the level crossing at Stewartby Brickworks which is currently a Public Right of Way. Without providing a suitable pedestrian and cycle crossing, and a separate vehicular crossing the railway line will sever the Objector's land.

It has been suggested by the above Objectors that the introduction of two vehicle bridges at Kempston Hardwick and Stewartby would facilitate the closure of the level crossings between Green Lane and Manor Road. This would also eliminate the risk of conflict between rail and road.

With the proposed Stewartby development at Stewartby there is currently no provision of any east to west pedestrian or cycle provisions.

The alternatives considered in the Environmental Statement are very broad and are only considered on a project-wide basis and not in sections of the route of the line.

The final point of objection raised is the issue of compensation. The Objectors have stated that since there is significant impact on them and their land, there will also be a significant claim for injurious affection.

### *Response to objection*

9.41.5 A number of the objection points raised above are not in relation to property and are dealt with in the evidence of Martyn Angus (**NR53**), Jill Stephenson (**NR49**), Tim Colles (**NR55**), Simon Croft (**NR51**) and Andrew Shuttleworth (**NR48**).

From reviewing the Order Scheme detail and the evidence of Simon Croft (**NR51**), Phil Holland (**NR50**), Tim Colles (**NR55**) and Andrew Shuttleworth (**NR48**), I understand that the land detailed above is required to deliver the Order Scheme. However, Network Rail has met with the landowner and is in discussions looking at various options that will limit the impact of the Order Scheme on the Objector and deal with at least some of the objection points subject to the detailed design and appropriate consents.

## **9.42OBJ/154 Fox Land and Property Limited (FLP)**

### **Represented by Trowers & Hamlins**

9.42.1 Freeholder of temporary plot 1112 and 1120- required for worksite and access for construction and creation of a new public right of way.

1116, 1124-required for worksite and access for construction

Freeholder of permanent plots 1111, -required for Worksite and access for construction and creation of a new public right of way.

1118-required for main construction works.

9.42.2 A summary of the main area of objection is set out below:

FLP believe that there are design flaws in the proposed new bridge at Woodley's Farm Level Crossing. It is believed that the bridge will not support the capacity of what is required in the emerging local plan.

FLP state that the current proposed width of the bridge at Woodley's Farm also limits the potential use to provide a farm access.

FLP state that there has been failure by Network Rail to acquire land interests by private treaty, and have failed to enter into negotiations with FLP for the voluntary acquisition of interests in land. It cannot therefore be said that Network Rail are using compulsory powers as a last resort. FLP believe that private treaty negotiations would have resulted in material improvements to the scheme.

### *Response to objection*

9.42.3 A number of the objection points raised above are not in relation to property and are dealt with in the evidence of Martyn Angus (**NR53**), Jill Stephenson (**NR49**), Tim Colles (**NR55**), Simon Croft (**NR51**) and Andrew Shuttleworth (**NR48**). The comments in relation to designing the road and rail infrastructure to accommodate future development are dealt with in paragraphs 5.1.8 to 5.1.11 above.

From reviewing the Order Scheme detail and the evidence of Simon Croft (**NR51**), Phil Holland (**NR50**) and Tim Colles (**NR55**), I understand that the land detailed above is required to deliver the Order Scheme. However, Network Rail have met with FLP and at the time of writing Network Rail is in discussions with the landowner looking at various options towards reaching an agreement that would remove at least some of the objection points subject to the appropriate design and consents.

## **9.43 OBJ/155 Aviva- Fresh Direct Landlord**

9.43.1 Freeholder of permanent plots 0045, 0053 and 0054-required for main construction works.

9.43.2 A summary of the main area of objection is set out below:

Aviva insurance object to the Order Scheme on the grounds that the draft Order Scheme seeks an unrestricted power to acquire land, and Network Rail have failed to acquire land by agreement. Network Rail have also failed to consider alternative options that would avoid the requirement for the use of Aviva's land.

They suggest acquisition of plot 0045 would render the delivery yard, occupied by Fresh Direct, inoperable

Aviva believe that there is not a compelling case of public interest for taking away a persons' land or rights in land for the East West Rail project.

Aviva also believe that Network Rail is far from clear that all of the land is required for the scheme, and have not received any justification for the use of their plots. Therefore Aviva have requested that land under their ownership should be removed from the order limits.

### *Response to objection*

9.43.3 From reviewing the Order Scheme detail and the evidence of Simon Croft (**NR51**) and Phil Holland (**NR50**), I understand that the land detailed above is required to deliver the Order Scheme. However, Network Rail has had a number of meetings with Aviva and their tenant Fresh Direct and they are in discussions with the

landowner looking at various options towards reaching an agreement that will deal with the objection points raised.

## 9.44 OBJ/156 O&H Q6 Limited and O&H Q7 Limited

### Represented by Shoosmiths

#### 9.44.1 O&H Q6 Limited:

Freeholder of temporary plots 1011, 1012, 1015, 1015a-required for worksite and access for construction.

1044-required for worksite and access for construction and maintenance.

Freeholder of permanent plots 1010, 1013, 1024, 1030, 1034, 1036 and 1055-required for main construction works

1029, 1032, 1033-required for environmental mitigation

1056- Worksite and access for construction and environmental mitigation.

#### 9.44.2 O&H Q7 Limited:

Freeholder of temporary plot 1117, 1117b, 1122, 1123, 1253, 1261, and 1302-required for worksite and access for construction.

1117a-required for worksite and access for construction and creation of a new public right of way.

1122a- required for worksite and access for construction and creation of a new public right of way, and access for construction and maintenance.

1122b, 1124-required for worksite and access for construction and maintenance.

1243-required for creation of a new Public Right of Way.

1106, 1107-required for Worksite and access for construction and creation of a new public right of way.

Freeholder of permanent plots 1121, 1255, 1292, 1299 and 1300-required for environmental mitigation.

1287-required for worksite and access for construction and environmental mitigation.

1114, 1119, 1278, 1284, 1305-required for main construction works.

Rights over permanent plot 1115- required for main construction works.

#### 9.44.3 A summary of the main area of objection is set out below:

O&H believes that only limited discussions have been made by Network Rail, and that there has been no consideration for its concerns or alternative suggestions. Network Rail has failed to explain why each of these land parcels has been chosen, when each parcel will be required and the details of their use, how Network Rail plans to mitigate the impact of the works for O&H's operations and how Network Rail will ensure that the works do not prejudice the proposed development plans for O&H's land holdings.

O&H's landholdings to the east of the former Bletchley Brickworks are currently in agricultural use and the tenants' access for this land is via the former Brickworks. The acquisition of this access will result in a sterilisation of this agricultural land.

They state that the permanent acquisition of plot 1033 and 1056 will result in a loss of 12.26 hectares of land. O&H has received no justification for this land take and wishes to know how such a large loss of agricultural land can be justified. This land take will also result in small un-farmable and inaccessible parcels being left in O&H's ownership.

O & H suggest that Network Rail's proposals would also leave no access to O&H's land to the south of plot 1056.

O&H has been informed that plot 1033 is to be acquired for Compensatory Flood Storage Area (CFSA) however this is less than half of the proposed area outlined in the draft Order Scheme. O&H therefore considers that its neighbouring land may be at an increased risk of flooding if the CFSA is insufficient.

O&H wishes to be provided with information which will help to better its understanding of the CSFA area and how it will be maintained.

O & H state Network Rail have not provided clear information of the extent of the mitigation for the haul road on the site adjoin Dimmocks Pit. This is currently used by a fishing syndicate and the haul road could therefore prove detrimental to this use.

They say there has been no provision of the details for constructing the compound by Network Rail.

Plot 1121 is proposed to be used as a CFSA, however this site is allocated residential development as part of the strategic land allocation known as South East Milton Keynes in the Milton Keynes Local Plan. The creation of a CFSA on this land would significantly reduce the area of land available for development.

O & H suggest there are discrepancies in the total area required for CFSA as differing information is being provided by Network Rail.

O & H state there is no indication on the plans as to where the ditches/swales will discharge to on the south of the line.

Plot 1121 has been marked as permanent acquisition, however is landlocked by O&H's land and will therefore be inaccessible. It is therefore unclear how this CFSA will be accessed for maintenance once the temporary land is returned to the freeholders.

O&H has stated that it fails to see how the area designated for CFSA can be considered as public interest when it has also been designated for housing in the local development plan.

O&H also has concerns regarding the location and design of the new overbridge at Woodleys Crossing. The alternative position suggested by O&H, roughly 130m to the east, would avoid additional third party land acquisition.

O & H state the design of the overbridge appears to take no consideration into the increased train movements and therefore the increased congestion at the Woburn Sands level crossing. As well as this there does not appear to be any consideration of the impact of the 3000 new homes to the south east of Milton Keynes and how this will impact the line and the crossings.

O&H has made representations to Network Rail that the proposed accommodation bridge could be designed to facilitate two-way traffic and for use as a public highway in the future.

O & H say that the proposed overbridge design is not suitable for modern farm machinery or for the inevitable larger farm machinery in the future. Due to this and the other issues raised regarding the Woodleys Crossing Overbridge, O&H object to the design of the overbridge and believe a new comprehensive design should be adopted.

O&H submitted an outline planning application for a mixed use development site in May of 2018 on the site known as plot 1255. This site is now proposed to be permanently acquired for a CFSA. The permanent acquisition of this plot would also result in there being no access route for maintenance of the CFSA. On top of this there are no details of the outfalls for this area.

O & H say that the current proposal for the Marston Vale overbridge will not only result in a large loss of agricultural land for O&H but a loss in access to the land to rear of Valley House from Marston Road, without provision for an alternative access to be introduced. There is also a similar situation for agricultural access for O&H's land at Manor Road to the north of the line.

O&H objects to the closure of the Pilling Farm South level crossing and the resulting diversion of footpath FP1 across their land.

O&H objects to the ecological mitigation site D3 and compound D2 and believes that more appropriate alternatives are available and have not been considered.

O & H say the proposed temporary land take of O&H's land will result in a loss of access to neighbouring fields and reduced agricultural productivity.

O & H suggest the design of the Marston overbridge does not meet adequate traffic or cycleway provision. It is also unclear whether it would be safe and suitable for equestrian use. O&H believes that the design of this bridge should be reviewed.

The current design of the Marston Road overbridge would limit O&H's opportunity to deliver sustainable education in this area as their proposals have mentioned.

O&H believes that the permanent acquisition of the CFSA is not required since it is not proposed for flood attenuation or flow control. This area will also be landlocked and therefore present maintenance access issues.

O&H believes that Mitigation site D4 does not require such a large land take, and therefore object to the acquisition of 3.9 for this use.

O&H believes that the Manor Road overbridge will not adequately meet the need of the public using it, and therefore object to this design.

O&H believes that the Environmental Impact Assessment (EIA) does not fully consider the impact of a number of development sites. This includes those that have outline permission, such as O&H's site at Marston Valley, and those that have allocations in the local plans.

The severance of Lidlington Village and the effects this will have on the connectivity. One of the main concerns is the safety for the pedestrians that would use the school crossing to access Thomas Johnson Lower School. Given the nature of these pedestrians they are likely to be at a greater danger than others when crossing an active railway line.

There is also concern that the footway provision at the Station Road crossing is not adequate to accommodate the quantity of pedestrian users it will likely have.

### *Response to objection*

9.44.4 I have read through the objection letter and Statement of Case submitted by Shoosmiths on behalf of O & H Q6 and O & H Q7 limited (O & H) and will deal with the property elements. The other objection points will be dealt with in the evidence provided by other Network Rail witness in particular the evidence of Simon Croft (**NR51**), Phil Holland (**NR50**), Martyn Angus (**NR53**) and Jill Stephenson (**NR49**).

Network Rail has met with O & H on a number of occasions including on the 29<sup>th</sup> November and have had a number of detailed discussions since this meeting. The parties are working towards agreements for the land required for the scheme terms for the various land acquisitions are at an advanced stage.

Network Rail has confirmed that environmental and ecological mitigation sites will be handed back to O & H once the mitigation has been created subject to agreement on a suitable management plan. This point is dealt with in paragraph 5.1.11 above.

As with other Developer objections, O & H raise a point in relation to improvement of the infrastructure to accommodate future development. This is dealt with under paragraphs 5.1.8 to 5.1.11 of my evidence above and also within the evidence of Martyn Angus (**NR53**) and Jill Stephenson (**NR49**).

## **9.45 OBJ/157 Bryan Arthur Wood**

**Represented by Matt Hawkins of Arnold Thompson (Solicitor)**

**Represented by Andrew Jenkinson of Robinson and Hall LLP (Agent)**

9.45.1 Freeholder of permanent plot 0824f-required for main construction works.

9.45.2 A summary of the main area of objection is set out below:

Mr Wood states he has not received any terms for the proposed licence, or any details of the required use of the land during the licence.

### *Response to objection*

9.45.3 From reviewing the Order Scheme detail and the evidence of Phil Holland (**NR50**), I understand that the land detailed above is required to deliver the Order Scheme. However, Network Rail will engage with Mr and Mrs Wood to work towards reaching an agreement for the land required. If an agreement cannot be reached the landowners will be eligible to make a claim under the Compensation Code.

## **9.46 OBJ/158 Valerie Marjorie Elizabeth Wood**

**Represented by Matt Hawkins of Arnold Thompson (Solicitor)**

**Represented by Andrew Jenkinson of Robinson and Hall LLP (Agent)**

9.46.1 Freeholder of permanent plot 0824f-required for main construction works.

9.46.2 A summary of the main area of objection is set out below:

Mrs Wood has not received any terms for the proposed licence, or any details of the required use of the land during the licence, please see above.

### *Response to objection*

9.46.3 Please see my response to OBJ/157 above.

## **9.47 OBJ/161 Angela Darbishire and Frances Younghusband**

### **Represented by Jonathan Perks of Fisher German**

9.47.1 Freeholder of temporary plot 0194-required for worksite and access for construction.

Freeholder permanent plot 0190-required for main construction works.

0192-required for worksite and access for construction.

9.47.2 This objection has now been withdrawn.

## **9.48 OBJ/162 Jean Louise Morgan and Josephine Sandra Horton**

### **Represented by Jonathan Perks of Fisher German**

9.48.1 Freeholder of temporary plots 0168-required for worksite and access for construction and maintenance.

0182 and 0188-required for worksite and access for construction.

Freeholder of permanent plots 0133-required for environmental mitigation

0169- required for worksite and access for construction, environmental mitigation and utility diversions

0170, 0173 and 0178-required for main construction works.

9.48.2 A summary of the main area of objection is set out below:

The owners of the property are concerned that property is currently accessed by crossing the railway, however it has been proposed that an overbridge be constructed. They believe this does not provide suitable access to the highway and suggest it would be better if access was taken across third party land from the A4421 roundabout, as this would be a better use of public money and in land take. They suggest there has also been no consultation regarding the design of the environmental mitigation.

### *Response to objection*

9.48.3 Having reviewed the Order Scheme information and the evidence put forward by Simon Croft (**NR51**), it is clear that the land mentioned above is required to deliver the Order Scheme. However, following the points raised in the objection Network Rail have been looking into alternative options which, subject to the detailed design and necessary consents, deal with the points raised in relation to the access and bridge.

Network Rail has confirmed that the environmental mitigation sites will be handed back to the landowner once the mitigation has been created subject to agreement on an appropriate management plan. This point is dealt with in paragraph 5.1.11.

## 9.49 OBJ/163 Mr Simon Orpin

### Represented by Paul Zanna of Create Consulting Engineers

9.49.1 Freeholder of temporary plots 0669-required for worksite and access for construction.

Freeholder of permanent plots 0663-required for environmental mitigation

0668-required for main construction works.

9.49.2 A summary of the main area of objection is set out below:

Mr Orpin has requested that Network Rail confirms the nature of the proposed works associated with the junction at Buckingham Road and Great Horwood Road. Is this change going to be a permanent alteration to the highway or temporary during the construction phase?

Mr Orpin also requests information regarding the connectivity of the planned Winslow Rail Station and the interference with his land which offers one of the closest development opportunities to Winslow Station.

Mr Orpin does not consider the temporary road closure order to be clear, and wishes to know the diversion route that will be employed to minimise the disruption.

Upon reviewing the Environmental Statement Mr Orpin noted that there was no information available that considers the impact on utility equipment and the SGN high pressure gas line that crosses his land. Following a site inspection by SGN it has been confirmed that the gas main cover level is less than 0.6m in places.

Whilst Mr Orpin supports the use of site B10 for environmental mitigation, he wishes to explore mitigation that will be beneficial to both parties.

Mr Orpin wishes to explore the possibility of similar mitigation being installed at Brickyard Farmhouse as is currently planned at Buckingham Road, Courthouse and Mill Close.

There had been a request from Network Rail to complete soil and stability testing associated with the construction of the planned retaining wall however none of this has taken place.

#### *Response to objection*

9.49.3 A number of the points raised are not directly in relation to property and will be dealt with in evidence provided by Martyn Angus (**NR53**), Andrew Shuttleworth (**NR48**), Tiim Collis and Phil Holland (**NR50**).

Network Rail has held a meeting with Mr Orpin and his agent and is currently in negotiations with the landowner and is close to reaching an agreement which will deal with the objections raised.

Network Rail has confirmed that the environmental mitigation sites will be handed back to the landowner once the mitigation has been created subject to agreement on an appropriate management plan. This point is dealt with in paragraph 5.1.11 above.

## 9.50 OBJ/164 Edward Antony Townsend Roscoe

9.50.1 Leaseholder of temporary plots 0336b-required for worksite and access for construction.

0340-required for use as a passing place.

Leaseholder of permanent plots 0329, 0332, 0336a-required for environmental mitigation

0335-required for main construction works

9.50.2 A summary of the main area of objection is set out below:

The Objector states that notices served to Mr Roscoe have come from talks with Network Rail representatives, however during these discussions it had not been mentioned that the land would be subject to compulsory purchase. Mr Roscoe therefore feels that there was a material misrepresentation in obtaining his permission to assisting with mitigation.

Mr Roscoe requests that information should be provided to demonstrate that the land for permanent acquisition is vital for the scheme.

The current land acquisition will leave parts of Mr Roscoe's farm unfarmable due to the size and shape of the remaining fields.

Mr Roscoe believes that due to recent case law and Section 44 of the Companies Act 2006, the serving of the notices with a typical signature is not correct and these notices can therefore not be relied upon.

9.50.3 Response to objection:

I have reviewed the objection points raised by Mr Roscoe and those not relating to property will be dealt with in the evidence of others in particular in the evidence of Simon Croft (**NR51**) and Andrew Shuttleworth (**NR48**). Having reviewed the Order Scheme detail and Mr Croft's and Mr Shuttleworth's evidence it is clear the land is required for the purposes of the Order Scheme.

Land required for environmental mitigation will be handed back to the landowner subject to the appropriate consents as detailed in paragraph 5.1.11 above.

The issues in relation to the areas of land left after the land is taken can be dealt with by compensation under the Compensation Code if they are not alleviated by the point directly above.

## 9.51 OBJ/165 John Busby and sons

### Represented by Vicky Phillips of Bidwells

9.51.1 Freeholder of temporary plots 0245-required for worksite and access for construction and a new right of access for third party access.

0253, 0259, 0237-required for worksite and access for construction.

Freeholder of permanent plots 0218, 0242, 0243, and 0254-required for main construction works.

0223, 0241, 0247 and 0248-required for environmental mitigation and utility diversions.

9.51.2 A summary of the main area of objection is set out below:

The Busbys object to the amount of land being permanently acquired for the use of environmental mitigation. The Busbys request justification for the areas required including the size design and scale of these areas.

Plots 0217 and 0223 are ridge and furrow fields, the management plan for these plots should therefore protect this feature.

The Busby's have concerns about the taxation implications.

The proposed area for the compound currently includes the stone barn used as a livestock holding area. The Busbys therefore request that stone barn is fenced off from the main compound and to ensure its structural integrity for the future. The Busbys also request that since this barn will be lost, a replacement gated area to hold and sort livestock is provided.

### *Response to objection*

9.51.3 I have reviewed the objection points raised by Bidwells on behalf of the Busbys. The reasons for the land take required and the points raised in the objection are dealt with in the evidence of Simon Croft (**NR51**), Phil Holland (**NR50**) and Andrew Shuttleworth (**NR48**). It is clear that the land mentioned above is required to deliver the Order Scheme.

In addition Bruton Knowles is currently arranging to meet with the landowner with a view to reaching an agreement on the various land requirements.

In addition Network Rail has confirmed that the environmental mitigation sites will be handed back to the landowner once the mitigation has been created subject to agreement on an appropriate management plan. This point is dealt with in paragraph 5.1.11 above

## **9.52 OBJ/166 SME Coffee (3) Limited**

### **Represented by Bircham Dyson Bell**

9.52.1 Freeholder of temporary plot 1135-required for access for construction and maintenance.

9.52.2 A summary of the main area of objection is set out below:

SME is concerned that the rights of access for Network Rail across plot 1135 will restrict the parking provision for their customers.

SME has also raised concerns regarding the restricted access to their costa store for customers and deliveries.

It has also been pointed out by SME there could also be an impact on the customer enjoyment of the property.

### *Response to objection*

9.52.3 I have reviewed the objection letter of the 7th September 2018 and Statement of Case dated the 22nd October 2018 submitted by Bircham Dyson Bell LLP on behalf of SME Coffee (3) and I am satisfied that the points are dealt with in Network Rail's response letter of the 1<sup>st</sup> November 2018 including the statement that plot 1135 is no longer required.

9.52.4 The substantive response contained within the letter of the 1<sup>st</sup> November 2018 is set out below:

“Certain of the works authorised by the Order, as indicated on Sheet 46 of East West Rail (**NR14**) Deposited plans and Sections and Rights of Way Plans, are to construct a platform extension at the west end of Woburn Sands Station. Plot 1135 was originally included in the Order to provide access to the station and platforms on a temporary basis during the course of construction to enable Network Rail to undertake the above works.

Network Rail has since reviewed its access requirements and construction methodology at Woburn Sands Station and believes that access at plot 1135 is no longer needed as other areas provide sufficient access to the site of the works. Consequently, Network Rail can offer a commitment to SME Coffee (3) Ltd that it will not exercise powers of acquisition conferred by the Order over plot 1135.

Network Rail also confirms that it is not proposed to close temporarily either Newport Road or Station Road as part of the works authorised by the Order.”

## 9.53 OBJ/169 Mr Terry Fisher

9.53.1 Rights over permanent plot 0660- required for main construction works.

Rights over temporary 0661-required for creation of a new public right of way.

9.53.2 A summary of the main area of objection is set out below:

Mr Fisher and his neighbours both have a right of access across plots 0660 and 0661. This right of access is often used for vehicular access to the back of their properties for maintenance to their gardens.

Mr Fisher had no objection to the temporary use of this plot, however is now raising an objection to Network Rail extinguishing the rights of access across this land.

Mr Fisher would like to highlight that there appears to be no reason for Network Rail to retain the land upon completion of the scheme, and also notes that there has been no communication from Network Rail in relation to the change in acquisition.

### *Response to objection*

9.53.3 I have reviewed Mr Fishers letter of objection dated the 7th September 2018 and I am satisfied the points raised in relation to property have been dealt with in Network Rail's response of the 7th December 2018 along with the evidence put forward by Phil Holland (**NR50**) and Simon Croft (**NR51**). The substantive response from the letter is set out below:

“I write in response to your objection (ref: OBJ/169) dated 7 September 2018 in respect of the proposed Network Rail (East West Rail Bicester to Bedford Improvements) Order (the Order).

Plot 661 is listed as being a temporary acquisition for the intended purpose of installing a new boundary fence at the top of the railway cutting, whilst plot 660 is listed for permanent acquisition for the intended purpose of re-engineering the top of the railway cutting. As both plots are 3m wide, it is confirmed that the minimum width of the access corridor remaining when construction is complete will be 3m. However, in consideration of the requirement of you and your neighbours for access to the rear of properties on Highfield Road, Network Rail shall, insofar as is possible in delivering the scheme, restrict the permanent land take of plot 660 and return any elements of plot 660 to the original landowner(s), thereby resulting in a final access corridor width of greater than 3m.

In addition, Network Rail will limit the amount of time required for installation of the new fence as far as possible. Network Rail requires only temporary access to plot 661 (this period is yet to be defined) and will not affect the right of access in the long term.”

## 9.54 OBJ/172 FCC Environment Ltd.

9.54.1 A summary of the main area of objection is set out below:

FCC have raised a number of objection points in relation joint working and the interface with HS2 together with a point in respect of monitoring bore holes on land that will be used on a temporary basis under the Order Scheme.

### *Response to objection*

9.54.2 At the time of writing Network Rail is in discussion with FCC to try and resolve the issues raised and a meeting has been planned. These discussions will be tied in with the discussions with O & H (Objection 156) who are the owners of the site. Further detail on the other points raised are contained within the evidence of Martyn Angus (**NR53**), Stephanie Wray (**NR54**) and Phil Holland (**NR50**).

## 9.55 OBJ/174 Launton Parish Council

9.55.1 Lessee of permanent plots 0082, 0096 and 0126-required for main construction works.

Lessee of temporary plots 0092 and 0104 -required for worksite and access for construction maintenance and utility diversion.

0124-required for worksite and access for construction

9.55.2 A summary of the main area of objection is set out below:

Launton Parish Council has raised concerns regarding the access required up the narrow land between the Parish Hall and the School for construction of the replacement bridge is unsuitable for large vehicles as well as safety concerns for those using the School or the Parish Hall.

The Parish Council have requested that the lane is made good and standard upon on the completion of the works, and an agreed compensation scheme is paid to for the loss of income from the Parish Hall since the Parish Hall would be largely unusable without access to the carpark.

The transportation of materials to the northern storage site near the former Launton Station presents issues with access. It has already been discussed that heavy goods vehicles are unable to pass through the village of Launton either via Bicester or Blackthorn Roads and turn up Station Road as this turning is already dangerous and congested.

The closure of Bicester Road, particularly regarding the diversion route and safety of exit onto the A41 at the Blackthorn junction is particularly hazardous. Network Rail must work closely with Oxfordshire County Council highways and other authorities to ensure the safety of the road users.

Footpath Number 272/7 which joins Charbridge Lane was marked for closure, this is a very well used route by villagers walking their dogs, and by pupils and adults getting into Bicester for school and work. Footpath number 272/20 has been marked for closure, however footpath 272/21 will remain open but this floods in winter. If 272/20 is closed, the Parish Council would like Network Rail to ensure that remedial action is undertaken on 272/21 to mitigate the loss of 272/20.

### *Response to objection*

9.55.3 I have reviewed the points raised in the objection submitted by Launton Parish Council and as there are no specific points raised directly in relation to property I will not respond in my evidence. The points will be dealt with in the evidence of the other Witnesses including the evidence of Simon Croft (**NR51**), Tim Colles (Traffic) and Phil Holland (**NR50**).

## 9.56 OBJ/175 Anglian Water Service Limited

9.56.1 Freeholder of temporary plots 0692 and 1343-required for worksite and access for construction  
1336-required for worksite and access for construction and creation of a new public right of way.  
Freeholder of permanent plots 0691 and 0695- required for main construction works.

9.56.2 A summary of the main area of objection is set out below:

Anglian Water has raised concerns over the wording of Schedule 16 Part 1 as this does not ensure that Anglian Water can continue to serve its customers as a water and sewage undertaker.

There is concern over the temporary possession of land that contains a surface water sewer and related discharge points and the possible implications this may have.

Anglian Water has requested that the wording in Appendix 1 of its Statement of Case be adopted so that it can continue to provide safe water and waste water services to its customers.

### *Response to objection*

9.56.3 I have reviewed the objection and Statement of Case submitted by Anglian Water which raises a number of non-property points which are dealt with in the evidence of the other Network Rail witnesses including Simon Croft (**NR51**) and Phil Holland (**NR50**).

Having reviewed the property objection points I am satisfied that their concerns are dealt with by the protective provisions for statutory undertakers in the Order.

## 9.57 OBJ/183 Michael, Audrey, Peter, William and Simon Deeley and the M R Deeley and Son farm partnership

### Represented by Vicky Phillips of Bidwells

9.57.1 Freeholder of temporary plots 0043, 0092, 0104-required for worksite and access for construction and maintenance and utility diversions.  
0095, 0110, 0124, 0150, 0155, 0159, 0282, 0388, 0394-required for worksite and access for construction  
0184, 0156-required for worksite and access for construction and maintenance.  
0198, 0198a -required for worksite and access for construction and utility diversions.  
0255-required for a new right of access for a third party, worksite and access for construction and utility diversions.  
0375-required for main construction works.  
Freeholder of permanent plots 0036, 0041, 0148, 0166-required for environmental mitigation.

0128, 0136, 0141-required for worksite and access for construction and maintenance and environmental mitigation.

0185, 0249-required for environmental mitigation and utility diversions.

0379, 0383-required for worksite and access and construction.

0029, 0042, 0082, 0096, 0109, 0126, 0157, 0158, 0171, 0177, 0183, 0256, 0283, 0376, 0389, 0395-required for main construction works.

Leaseholder of temporary plots 0046-required for worksite and access for construction, maintenance and utility diversions.

0085, 0182, 0188-required for worksite and access for construction.

0168-required for worksite and access for construction and maintenance.

Leaseholder of permanent plots 0133-required for environmental mitigation.

0169-required for worksite and access for construction, environmental mitigation and utility diversions.

0048, 0073, 0076, 0170, 0173, 0178-required for main construction works.

Rights over temporary plots 0216-required for worksite and access for construction and a new right of access for a third party.

0381- required for worksite and access for construction.

Rights over permanent plots 0199, 0351, 0384, 0386, 0387-required for main construction works.

#### 9.57.2 A summary of the main area of objection is set out below:

The Deeley family object to the amount of land being acquired for environmental mitigation, and request clarification on why the land is required on a permanent basis. The Deeley family also request details of the management plan and obligations for this mitigation site.

The Deeley family request that the plots 0136 and 0127 are removed from the acquisition as they form the roadside boundary to the remaining land.

The Objectors state the current plans show that land will be acquired from the Deeley family in order to provide access to the bridge. However it has been noted that there is some underused highway land adjoining the bridge that would better suit this purpose. This land was originally acquired by the Highways Authority for the purposes of ensuring safe sightings over the bridge.

The Deeleys say the proposed access to Tythe Barn from the A4421 will have a detrimental impact on the Deeley's business operations, and request that the access to this area is moved further south.

The Deeley family request that an agreement is put in place to confirm that the bunds will remain in situ.

The Deeley family have planted trees along the boundary to screen their property and business from the noise produced from the railway line. The proposed boundary would render this tree planting useless from their purpose. It has therefore been requested that these trees be relocated to the top of the proposed boundary to enhance the screening and sound proofing.

The impact of the scheme on the Deeley Family's wedding venue has been raised several times to EWR. The Deeley family request a milestone date after which all weddings will be impacted by the scheme and the cancellation of bookings will be compensated.

### *Response to objection*

9.57.3 I have reviewed the objection points raised by Bidwells on behalf of the Deeley family and note the justification for the land required by the Order Scheme is detailed within the Order Scheme documents and within the evidence of Simon Croft (**NR51**), Phil Holland (**NR50**) and Andrew Shuttleworth (**NR48**). The land mentioned above is required to deliver the Order Scheme. However, Network Rail have had a number of meetings and discussions with Bidwells and the Deeley family with a view to reaching agreements that will deal with the points raised. These negotiations are at an advanced stage.

Network Rail has confirmed that the environmental mitigation sites will be handed back to the landowner once the mitigation has been created subject to agreement on an appropriate management plan. This point is dealt with in paragraph 5.1.11.

## **9.58 OBJ/184 Geo Browns Limited**

### **Represented by Andrew Jenkinson of Robinson and Hall**

9.58.1 Freeholder of temporary plots 0501, 0507, 0509, 0510, 0513, 0519, 0519c, 0519d, 0570 and 0585a -required for worksite and access for construction.

0507a-required use as a passing place.

0516, 0519a -required for creation of a new public right of way.

Freeholder of permanent plots 0502, 0508, 0512, 0514, 0519b, 0520, 0524, 0536, 0541, 0545, 0549, 0573 and 0582-required for main construction works.

0533-required for environmental mitigation.

0532, 0585-required for worksite and access for construction and maintenance compound.

Rights over permanent plots 0518 and 0574-required for main construction works.

9.58.2 A summary of the main area of objection is set out below:

Geo Browns Limited believe that plot 0512 and 0514 will be used for the construction of a new bridge allowing the level crossing to be closed. It has been requested that Network Rail note this bridge is absolutely vital to the continued farming operations of this farm.

The Objectors state it had previously been agreed with Network Rail and Geo Browns that, other than the land at 0524, no further land would be taken for environmental mitigation. It has therefore been requested that 0532 be removed from the order with the exception of the permanent sale that has been agreed.

Geo Browns Limited is yet to receive any information regarding the noise mitigation at his other residential properties.

Geo Browns has entered into a voluntary agreement with Network Rail in respect of the Otter Holt which is to be built on plot 0533. This, however, was agreed on a much smaller area than plot 0533. Geo Browns

therefore see no reason for such a large area to be included within the order. In addition to this, Geo Browns object to the temporary access and crossing of Claydon Brook as this land can be easily access from the other side without disrupting land and water flow surrounding the brook.

The acquisition of plot 0585 will have a detrimental effect on Geo Brown's Farm since this land will be inaccessible. Geo Brown therefore requests that an agreement is drawn up allowing for sensible solution to be reached.

### *Response to objection*

- 9.58.3 I have reviewed the objection points raised by Robinson Hall on behalf of Geo Brown and note the justification for the land required by the Order Scheme is detailed within the Order Scheme documents and within the evidence of Simon Croft (**NR51**), Phil Holland (**NR50**) and Andrew Shuttleworth (**NR48**). However, Network Rail have had a number of meetings and discussions with the Geo Browns and their agent and are currently considering different options with a view to reaching agreements that will deal with the points raised. Negotiations are currently at an advanced stage.
- 9.58.4 Network Rail has confirmed that the environmental mitigation sites will be handed back to the landowner once the mitigation has been created subject to agreement on an appropriate management plan. This point is dealt with in paragraph 5.1.11 above.

## **9.59 OBJ/185 Sara, Tom and Carolyn Deeley**

### **Represented by Andrew Jenkinson of Robinson and Hall**

#### 9.59.1 Sara Deeley:

Freeholder permanent of plots 0383-required for worksite and access for construction.

0389-required for main construction works.

Freeholder of temporary plot 0388-required for worksite and access for construction.

Rights over permanent plots 0384, 0386, 0387-required for main construction works.

Tom and Carolyn Deeley:

Freeholder of permanent plots 0376-required for main construction works.

0379-required for worksite and access for construction.

Freeholder of temporary plot 0375-required for access for maintenance.

Rights over temporary plot 0381-required for worksite and access for construction.

#### 9.59.2 A summary of the main area of objection is set out below:

Sara, Tom and Carolyn Deeley have concerns over the environmental impact of having such traffic going so close to their cattle, as well as disruption this traffic will cause to their bed and breakfast.

The Deeley family are concerned about the location of the compound on their land, and the Health and Safety risks this will cause as well as the effects of losing 17% of their land would have on their business. They have also requested for more information regarding the permanent acquisition of plot 0376, and stated the importance of their access to the overbridge and Marsh Gibbon, Poundon.

### *Response to objection*

9.59.3 I have reviewed the objection points raised by Robinson Hall on behalf of the Deeley family and note the justification for the land required by the Order Scheme is detailed within the Order Scheme documents and within the evidence of Simon Croft (**NR51**) and Phil Holland (**NR50**). However, Network Rail have had a number of meetings and discussions with the Deeleys and their agent and are currently considering different options with a view to reaching agreements that will deal with the points raised. Negotiations are at an advanced stage.

## 9.60 OBJ/186 Arqiva Limited

### Represented by Lucy Close of Pinsent Masons

9.60.1 Freeholder of temporary plots 1336-required for worksite and access for construction and creation of a new public right of way.

1342-required for worksite and access for construction.

Freeholder of plots 1346, 1347 and 1348 for the acquisition of rights-required for access for construction and maintenance.

Freeholder of permanent plot 1341-required for main construction works.

9.60.2 A summary of the main area of objection is set out below:

Arqiva believes there is a risk of interference with broadcasting services which would negatively affect its operations.

There has been no justification for the location of the foot bridge which would affect Arqiva's land and operations.

Arqiva also believes that there are errors in the book of reference not showing it having rights of access over plots 1346, 1347 and 1348.

#### *Response to objection*

9.60.3 Network Rail are currently in discussions with Arqiva with both parties working towards an agreement to facilitate Network Rail's construction works on Arqiva's land in accordance with an agreed methodology. Further detail is contained within the evidence of Simon Croft (**NR51**) and Phil Holland (**NR50**).

## 9.61 OBJ/204 National Grid

9.61.1 Freeholder of temporary plots 0992 and 1002-required for worksite and access for maintenance

Freeholder of permanent plot 0993-required for environmental mitigation

0991 and 1001-required for main construction works.

9.61.2 A summary of the main area of objection is set out below:

National Grid state that existing NGET and NGG infrastructure will require appropriate protection for retained apparatus. This must comply with relevant standards for works proposed within close proximity of the apparatus.

National Grid's overhead lines and pipelines is protected by a Deed of Easement Wayleave Agreement which provides full right of access to retain, maintain, repair and inspect their assets.

National Grid state all statutory electrical safety clearances must be maintained, these distances are set out in EN 43 - 8 Technical Specification for "overhead line clearances Issue 3 (2004).

They say drilling or excavation works should not be undertaken to where they may affect the support of the foundations for existing pillars and towers.

And pipelines should only be crossed at previously agreed locations with National Grid where existing roads cannot be used. These pipelines will be protected appropriately, and all protection agreed by National Grid, and the third party should review the ground conditions, vehicle types and frequencies to ensure that sufficient measures have been taken.

National Grid ask that a Deed of Consent is required for any crossing of an easement, and any cable crossing of an easement.

Cables may only cross pipelines at perpendicular angles and a clearance of at least 600mm above or below a pipeline must be maintained. An impact protection slab should also be maintained between the cable and a pipeline.

### *Response to objection*

- 9.61.3 I have reviewed the objection points raised by National Grid and whilst I understand Network Rail are in discussions with this Objector with a view to reaching agreement the points raised are in the main in relation to protection of the operational assets and not directly related to the land to be acquired. Further detail on the points raised are dealt with in the evidence of Simon Croft (**NR51**) and Phil Holland (**NR50**).

## **9.62OBJ/206 the Oxford Diocesan Board of Finance**

### **Represented by Andrew Robson of Sidleys**

- 9.62.1 Freeholder of permanent plots 0526-required for environmental mitigation.

0543a, 0545, 1404, 1413 and 1433-required for main construction works.

Freeholder of temporary plots 0543-required for worksite and access for construction and maintenance.

1414, 1415, 1419, 1421, 1423, 1430, 1432 and 1434-required for worksite and access for construction.

1421a-required for creation of a temporary public right of way.

- 9.62.2 A summary of the main property area of objection is set out below:

The Oxford Diocesan Board of Finance is objecting on the grounds that the land requested is inappropriate. They believe that the land included within the notices is good, productive arable land and is some distance from the railway. It is felt that a simpler solution for flood mitigation would be would be to enlarge the existing lake rather than using their land that immediately adjoins the railway.

### *Response to objection*

- 9.62.3 I have reviewed the objection points raised by Sidleys on behalf of the The Oxford Diocesan Board of Finance and note the justification for the land required by the Order Scheme is detailed within the Order Scheme documents and within the evidence of Simon Croft (**NR51**), Andrew Shuttleworth (**NR48**) and Phil Holland (**NR50**). As such, the land mentioned above is required to deliver the Order Scheme. However, at the time of writing Network Rail have had discussions with the Oxford Diocesan Board of Finance and its agent and are currently considering different options and alternatives subject to the necessary consents with a view to reaching agreements that will alleviate the issues raised.
- 9.62.4 Network Rail has confirmed that the environmental mitigation sites will be handed back to the landowner once the mitigation has been created subject to agreement on an appropriate management plan. This point is dealt with in paragraph 5.1.11 above.

## 9.63 OBJ/214 Bedford Borough Council (BBC)

- 9.63.1 Freeholder of temporary 1337-required for worksite and access for construction and creation of a new public right of way
- 9.63.2 Response to objection:

I have reviewed the points raised in the objection submitted by Bedford Borough Council and as there are no specific points raised in relation to property acquisition I will not respond in my evidence. The points will be dealt with in the Proofs of other witnesses including those of Simon Croft (**NR51**) and Phil Holland (**NR50**).

## 9.64 OBJ/220 Peter Arthur Cox

### Represented by Andrew Chandler of Carter Jonas

- 9.64.1 Freeholder of temporary plots 0195, 0197, 0203-required for worksite and access for construction and creation of a new public right of way.
- 0216-required for worksite and access for construction and creation of a new right of access for a third party.
- 0234-required for worksite and access for construction.
- Freeholder of permanent plots 0196, 0207, 0210, 0211, 0214, 0219-required for main construction works.
- 0205, 0217-required for environmental mitigation.
- Rights across permanent plot 0199-required for main construction works.
- 9.64.2 A summary of the main area of objection is set out below:
- Peter Arthur Cox has noted that a flood scrape is still included on parcels 0217 and 0223. It had been agreed by email with Bobby Singh that the flood scrapes would be removed from Mr Cox's land (February 5<sup>th</sup> 2018).
- Mr Cox has requested that, on plot 0205 in particular, the land is reseeded using commercially available stock from existing suppliers. If Mr Cox has requested to be indemnified against any remedial action required, this includes but is not limited to the use of poor seed stock, and rogue and injurious seeds and weeds.
- Mr Cox has requested that the gateway entrances from Station Road be retained.

### *Response to objection*

- 9.64.3 I have reviewed the objection points raised by Mr Chandler on behalf of Mr Cox and note the justification for the land required by the Order Scheme is detailed within the Order Scheme documents and within the evidence of Simon Croft (**NR51**), Andrew Shuttleworth (**NR48**) and Phil Holland (**NR50**). However, Network Rail have had discussions with Mr Cox and his agent and is currently considering different options and alternatives, subject to the necessary consents with a view to reaching agreements that will alleviate the issues raised. Negotiations are at an advanced stage in relation to some of the land required within the Order Scheme.
- 9.64.4 Network Rail has confirmed that the environmental mitigation sites will be handed back to the landowner once the mitigation has been created subject to agreement on an appropriate management plan. This point is dealt with in paragraph 5.1.11 above.

## 9.65 OBJ/221 Oxfordshire County Council and Cherwell District Council (OCC and CDC)

- 9.65.1 Freeholder of temporary plots 0058-required for worksite and access for construction.
- 0091 and 0104-required for worksite and access for construction, maintenance and utilities
- 0124-required for worksite and access for construction.
- 0162b-required for access for construction and maintenance.
- 0125-required for worksite and access for construction and highway improvements
- Freeholder of permanent plots 0071, 0084, 0126, 0130, 0138 and 0162 -required for main construction works.
- 0113-required for environmental mitigation.
- 0127-required for worksite and access for construction and maintenance and environmental mitigation.
- 0238-required for worksite and access for construction.
- 9.65.2 A summary of the main area of objection is set out below:
- Both Councils are committed to ensuring that East West Rail Phase 2 services do not see Oxford as an end point, but continue to operate continuing through Oxford Station and onto Didcot Parkway to enhance the connectivity of the scheme.
- Both Councils would like to raise concerns over the London Road level crossing and the impact of additional services on this crossing. The barriers will be down at this crossing for significantly longer each hour and the impacts this will have on congestion. During the second round of consultation the County Council resolved that any service upgrade for East West Rail over and above the core service specification is contingent upon a solution for the level crossing at London Road.
- Both Councils have a number of concerns regarding the Framework Construction Management Plan, particularly in relation to construction routes, which must be addressed. These concerns include the impact on public rights of way and the proposed mitigation.
- The Objector states the submitted documentation does not include contain any references to a net gain in biodiversity that would be expected from a development of this scale. On this basis and in the context of strengthened NPPF requirements in this area, OCC object to the East West Rail Scheme.

OCC and CDC have recommended that a temporary land take plot is removed from the scheme to protect well preserved earthworks of a medieval windmill between Launton and Bicester. They have also recommended conditions for a programme of archaeological work along the rest of the scheme.

### *Response to objection*

- 9.65.3 I have reviewed the points raised in the objection submitted by Oxfordshire County Council and Cherwell District Council and as there are no specific points raised in relation to property I will not respond in my evidence. The points will be dealt with in the evidence of the other Witnesses.

## **9.66 OBJ/226 Thames Water Utilities Limited (TWUL)**

- 9.66.1 Freeholder of permanent plots 1500, 1521a and 1522-required for main construction works.

Freeholder of temporary 1504 and 1521-required for worksite and access to construction.

- 9.66.2 A summary of the main area of objection is set out below:

TWUL raise a number of points in their objection which are primarily concerned with protection of their operational assets.

### *Response to objection*

- 9.66.3 I have reviewed the objection points raised by TWUL and consider that the points raised are not directly in relation to property and are dealt with in the evidence of others including Simon Croft (**NR51**) and Phil Holland (**NR50**).
- 9.66.4 In addition I understand Network Rail is in discussions with TWUL and the parties are making progress toward agreement on the points.

## **9.67 OBJ/228 Mr Mark Spooner and Mr David Spooner**

- 9.67.1 A summary of the points of objection and are included within OBJ 229 Gladman Land Developments (GDL) below.

### *Response to objection*

- 9.67.2 The response to this objection is dealt with in OBJ/229 below and in Network Rail's letter to Mark and David Spooner of the 4<sup>th</sup> November 2018. The relevant text from the letter is set out below:

“Access route (Parcel 0670)

Powers limited to temporary use of land and permanent acquisition of rights are sought over land plot 0670 to provide access for construction and maintenance of the Compensatory Flood Storage Area. This is required to inspect and maintain the CFSA once EWR2 is operational. An exercise was undertaken to determine the most appropriate route for this access route, considering land take and accessibility. This assessment determined this route to be the most appropriate.”

## 9.68 OBJ/229 Gladman Developments

9.68.1 A summary of the main area of objection is set out below:

Gladman Developments Limited(GDL) have submitted objections and Statements of Case on behalf of Mark and David Spooner (OBJ 228), Elizabeth Spooner (OBJ 230) , G W Fox Limited (OBJ 231 and in their own right as interest holders (OBJ 229).

GDL have submitted a comprehensive Statement of Case raising a number of points which are common to each of the objections listed above these cover questions over the consultation process, a lack of engagement, not taking into account and planning for future development and then specific issues in relation to the proposed land take. The points raise in relation to land take include the justification and selection of land for Compensatory Flood Storage Area (CFSA) and ecological compensation sites and rights of access to these areas. The points raise draw into question the validity of the Environmental Statement (ES) and the selection process for the sites.

### *Response to objection*

9.68.2 The points raised in relation to consultation and engagement are covered in Network Rail's letter of the 4<sup>th</sup> November 2018 (sent 4<sup>th</sup> December 2018) and also in the evidence of Martyn Angus (**NR53**) so I will not cover them in my evidence.

9.68.3 I will not deal with the justification and location selection of the CFSA and Ecological compensation sites in my evidence as the reasons are detailed in Network Rails response dated 4<sup>th</sup> November 2018 (sent 4<sup>th</sup> December 2018) and also in more detail in the evidence of Andrew Shuttleworth (**NR48**) and Stephanie Wray (**NR54**). The relevant text from the letter is set out below:

"Please find below additional detail on the specific land plots referenced within your objection. This includes detail as to the powers required and justification as to why these land plots are required.

Ecological Compensation Site B10 (plot 0677)

EWR2 will result in the loss of 3.7 ha of woodland and scrub on the existing railway embankments adjacent to Winslow between the A413 and Little Horwood Road. In this location, due to failure of the track drainage, the track bed is permanently flooded creating a series of shallow ephemeral 'ponds' and ditches (the pond habitat referred to in Appendix 9.13, Volume 3 of the Environmental Statement (ES)), see Insert 1.

Insert 1 - Trackside Habitats Adjacent to Winslow

This combination of habitats is ideal for great crested newts, which are known to inhabit at least three ponds near the railway adjacent to Winslow. Medium sized populations of great crested newts are present in three ponds which are all adjacent to each other in a block of woodland and scrub 40m north of the Scheme Boundary.

The woodland and scrub that would be lost in this location during construction of EWR2 equates to approximately 57% of the total suitable terrestrial habitat within 500 m of this metapopulation of great crested newts. Loss of this habitat is likely to negatively affect the favourable conservation status of this

metapopulation of great crested newts in this location. This impact needs to be mitigated or compensated for to meet the requirements of UK planning policy and European legislation.

Network Rail has been undertaking discussions with Natural England to determine the requirements of protected species licensing for great crested newts. Although the EWR2 scheme will not result in the loss of any 'ponds' used for breeding great crested newts in this location, there will be a loss of terrestrial habitat and potentially disruption of access to breeding ponds. As detailed in Appendix 9.13 Volume 3 of the ES, Ecological Compensation Site (ECS) B10 provides for the creation of both terrestrial habitats to compensate for the loss of the existing habitats on the railway embankments, and aquatic habitats to enhance this location for great crested newts in the long-term.

ECS B10 is 1.8 ha in size and will include lowland mixed deciduous woodland, lowland meadow, hedgerows, scrub, embankments, hibernacula and log piles. This habitat, along with the reinstated grassland and scrub which will be planted on the newly aligned embankments, is considered sufficient to compensate for the impacts of EWR2 on great crested newts in this location and result in a long-term positive effect. This is considered sufficient to meet both the requirements of planning policy and protected species licensing, something which Natural England will consider in its role as statutory nature conservation regulatory body for England, as part of this Transport and Works Act Order application process.

The location of ECS B10 is based on a number of factors, including: being adjacent to the railway in order to maintain long-term connectivity for great crested newts post construction, via trackside habitat; being close to existing great crested newt populations to form part of a functioning metapopulation; and being of a size to provide local great crested newt populations sufficient opportunity to maintain and enhance their populations. ECS B10 also provides a suitable location to translocate grass snake and common lizard, which are present in significant numbers on the existing railway and receive protection under the Wildlife and Countryside Act 1981.

The Statement of Case by Gladman Developments (OBJ 228 – 231) states that Environmental Statement (ES) for EWR2 does not adequately consider alternatives to this land take, stating that "It is for the promoter to provide cogent evidence that there are no alternative areas of land to perform the functions for which its compulsory acquisition is sought to be justified. The promoter has failed to provide such evidence and has failed to justify the particular proposed land take or that alternative mitigation other than mitigation land i.e. payment to protection schemes would not be viable. Further, for these reasons, the Environmental Statement is inadequate and not competently prepared in accordance in accordance with Rule 11 of the 2006 Rules."

Dealing first with the suggestion that the Scheme has not followed the 2006 Rules, for the purposes of certainty what the 2006 Rules say with regard to environmental information is reproduced below.

11 Environmental statements: provision of information.

(1) An environmental statement submitted in connection with an application shall include—

(a) a description of the project comprising information on the site, design and size of the proposed works;

- (b) a description of the measures proposed to be taken in order to avoid, reduce and, if possible, remedy any significant adverse effects on the environment of the proposed works;
- (c) the data required to identify and assess the main effects which the proposed works are likely to have on the environment;
- (d) an outline of the main alternatives to the proposed works studied by the applicant and an indication of the main reason for his choice, taking into account the environmental effects; and
- (e) a non-technical summary of the information provided under sub-paragraphs (a) to (d).

Rule 11(d) above relates to the main alternatives to the works. The requirement is to provide information on the main alternatives to the overall Scheme that have been considered. This is provided in the ES in Chapter 3, Consideration of Alternative (Volume 2i, Project-wide).

In terms of ECS B10, alternative locations were considered, but due to the constraints of other committed or reasonably foreseeable future developments, as outlined below, the current location of ECS B10 is considered to be the only viable location for EWR2 to mitigate the impacts of construction. Use of land immediately to the west of ECS B10 was not considered viable as this area already provides suitable terrestrial habitat for great crested newts. Use of land further west would result in any great crested newts moved to the ECS being isolated by the A413 and Great Horwood Road. Use of land to the north of WIN001 for an ECS would result in great crested newts being separated from other populations by the Horwood Brook and any future housing development (see Insert 2 below). Long-term maintenance and success of the great crested newt populations in this location rely on movement of individuals between populations to maintain genetic function and colonisation of terrestrial and aquatic habitats. Isolation of populations was therefore not considered a viable method of mitigating for the impacts of EWR2 on this species.

#### Insert 2 – Allocations and commitments in Winslow area

##### Compensatory Flood Storage Area (Plot 0681)

The land take in plot 0681 is for the purpose of a CFSA. CFSA's are designed to extend the natural floodplain by reducing ground levels in the area adjacent to existing floodplain so enabling them to flood. They are designed to mitigate for flood events up to the 1% annual chance event (including an allowance for future climate change). This CFSA is required to mitigate any effects of the proposed embankment widening and has been sited alongside the watercourse to be as close to the loss of floodplain as feasible, while avoiding existing utilities and other exclusion zones. This CFSA will drain back into Horwood Brook by virtue of the excavated ground levels: the area will not become a sunken pond, but merely a reprofiled pasture that accepts a wider floodplain.

All CFSA's need to be located outside but adjacent to the existing floodplain to enable it to operate effectively. The design of CFSA's will be refined during detailed design, based on topographic survey and further hydrological and hydraulic modelling. If practicable Network Rail will reduce the area and excavation depth of the land-take required, whilst still meeting its obligations to the Lead Local Flood Authority, ensuring that we don't increase flood risk in the wider area. The hydraulic modelling and design of the CFSA's will be subject to approval from the Lead Local Flood Authority

The assessment for this site has been based on existing Environment Agency Flood Zone maps and Environment Agency Risk of Flooding from Surface Water (RoFSW) maps. The design will use the natural topography to minimise the extent of reprofiling. A 360 excavator will extend the floodplain into the area by excavating the higher ground. Topsoil will be removed, retained and then replaced. It is intended that the land will return to its former use, albeit accommodating more floodwater during extreme events. It will be necessary to ensure that the implemented flood storage capacity is maintained to prevent excess floodwaters being passed elsewhere. Whilst the land in this plot (required for environmental mitigation) is to be acquired permanently, following completion of the CFSA, Network Rail would be willing to return this land to the original landowner subject to agreement of an appropriate maintenance regime for the CFSA.

Indicative hydrological and hydraulic modelling of the Horwood Brook has been undertaken based on the Revitalised Flood Hydrograph (ReFH) method to derive flows, with a 2D TUFLOW hydraulic model developed using 1m LiDAR data. Topographic survey data of the Horwood Brook and its key structures are currently being collected and will supplement the indicative modelling when available. The indicative modelling corresponds closely to the Environment Agency floodplain mapping data, suggesting this is appropriate for deriving floodplain losses due to the proposed embankment works. Therefore, this confirms that the proposed extent and location of the CFSA is suitable.

Alternative CFSA locations have been considered, both upstream and downstream of the floodplain loss location, but these locations were not suitable for a variety of reasons, including utility conflicts, insufficient area within which to provide the required storage, and excessive distance from the floodplain loss location.

Appendix E of the Flood Risk Assessment (Appendix 13.1.E in Volume 3 of the ES) contains more information on the requirement for this CFSA.

#### Access route (Plot 0670)

Powers limited to temporary use of land and permanent acquisition of rights are sought over land plot 0670 to provide access for construction and maintenance of the CFSA. This is required to inspect and maintain the CFSA once EWR2 is operational. An exercise was undertaken to determine the most appropriate route for this access route, considering land take and accessibility. This assessment determined this route to be the most appropriate.”

- 9.68.4 GDL raise within their objection and Statement of Case points in relation to planning the Order Scheme to accommodate future development. This is dealt with under section 4 of my evidence above and also within the evidence of Martyn Angus (**NR53**).
- 9.68.5 Network Rail is currently in discussion with GDL with a view to reaching an agreement on at least some of the land parcels.
- 9.68.6 Network Rail has confirmed that the land required for the CFSA and Ecological compensation sites will be offered back to the landowners subject to a suitable management plan once the works have been completed as detailed in paragraph 5.1.11 above.

## 9.69 OBJ/230 Elizabeth Spooner

9.69.1 Freeholder of temporary plot 0670-required for worksite and access for construction and maintenance

0685-required for worksite and access for construction

Freeholder of permanent plots 0677, 0683-required for environmental mitigation

0677a, 0680 and 0687-required for main construction works.

0683-required for environmental mitigation.

A summary of the points of objection and are included within OBJ 229 Gladman Land Developments (GDL) above.

### *Response to objection*

9.69.2 The response to this objection is dealt with in OBJ/229 above and in Network Rail's letter to Elizabeth Spooner of the 4th November 2018.

## 9.70 OBJ/231 G W Fox Limited

9.70.1 Freeholder of temporary plots 0685, 0690-required for worksite and access for construction.

Freeholder of permanent plots 0681, 0683-required for environmental mitigation 0681a, 0683a, 0687 and 0689-required for main construction works.

A summary of the points of objection and are included within OBJ 229 Gladman Land Developments (GDL) below.

### *Response to objection*

9.70.2 The response to this objection is dealt with in OBJ/229 above and in Network Rail's letter to G W Fox Limited of the 4th November 2018. The relevant text from the letter is set out below:

"Compensatory Flood Storage Area (Plot 0681)

The land take in plot 0681 is for the purpose of a CFSA. CFSAs are designed to extend the natural floodplain by reducing ground levels in the area adjacent to existing floodplain so enabling them to flood. They are designed to mitigate for flood events up to the 1% annual chance event (including an allowance for future climate change).

This CFSA is required to mitigate any effects of the proposed embankment widening and has been sited alongside the watercourse to be as close to the loss of floodplain as feasible, while avoiding existing utilities and other exclusion zones. This CFSA will drain back into Horwood Brook by virtue of the excavated ground levels: the area will not become a sunken pond, but merely a reprofiled pasture that accepts a wider floodplain.

All CFSAs need to be located outside but adjacent to the existing floodplain to enable it to operate effectively. The design of CFSAs will be refined during detailed design, based on topographic survey and further hydrological and hydraulic modelling. If practicable Network Rail will reduce the area and excavation depth of the land-take required, whilst still meeting its obligations to the Lead Local Flood

Authority, ensuring that we don't increase flood risk in the wider area. The hydraulic modelling and design of the CFSA's will be subject to approval from the Lead Local Flood Authority.

The assessment for this site has been based on existing Environment Agency Flood Zone maps and Environment Agency Risk of Flooding from Surface Water (RoFSW) maps. The design will use the natural topography to minimise the extent of reprofiling. A 360 excavator will extend the floodplain into the area by excavating the higher ground. Topsoil will be removed, retained and then replaced. It is intended that the land will return to its former use, albeit accommodating more floodwater during extreme events. It will be necessary to ensure that the implemented flood storage capacity is maintained to prevent excess floodwaters being passed elsewhere. Whilst the land in this plot (required for environmental mitigation) is to be acquired permanently, following completion of the CFSA, Network Rail would be willing to return this land to the original landowner subject to agreement of an appropriate maintenance regime for the CFSA.

Indicative hydrological and hydraulic modelling of the Horwood Brook has been undertaken based on the Revitalised Flood Hydrograph (ReFH) method to derive flows, with a 2D TUFLOW hydraulic model developed using 1m LiDAR data. Topographic survey data of the Horwood Brook and its key structures are currently being collected and will supplement the indicative modelling when available. The indicative modelling corresponds closely to the Environment Agency floodplain mapping data, suggesting this is appropriate for deriving floodplain losses due to the proposed embankment works. Therefore, this confirms that the proposed extent and location of the CFSA is suitable.

Alternative CFSA locations have been considered, both upstream and downstream of the floodplain loss location, but these locations were not suitable for a variety of reasons, including utility conflicts, insufficient area within which to provide the required storage, and excessive distance from the floodplain loss location.

Appendix E of the Flood Risk Assessment (Appendix 13.1.E in Volume 3 of the ES) contains more information on the requirement for this CFSA."

## 9.71 OBJ/232 Buckinghamshire County Council (BCC)

9.71.1 Freeholder of temporary plots 0654, 0997, 1003, 1011, 1518, 1520, 1528, 1529, 1531, 1532 and 1533-required for worksite and access for construction.

0837, 0847 and -required for access for construction and maintenance.

Freeholder of plot 0860 for the acquisition of rights-required for temporary use of land for access.

Freeholder of permanent plots 0652, 0793, 1010 and 1524-required for main construction works.

0653-required for environmental mitigation.

9.71.2 A summary of the main area of objection is set below:

Buckinghamshire County Council (BCC) have submitted a very detailed objection but the majority of the points will be dealt with in the evidence of other witnesses including Andrew Shuttleworth (NR48), Simon Croft (NR51), Phil Holland (NR50) and Tim Colles (NR55).

### *Response to objection*

9.71.3 Network Rail are working towards an agreement with BCC over plot 0652 but have included this plot within the Order Scheme as it needs to be sure that they have the ability to carry out certain permanent works on the land including drainage on the site OBJ/233

## 9.72 OBJ/233 Milton Keynes Council (MKC)

9.72.1 Freeholder of temporary plots 1014-required for main construction works.

1025, 1027, 1041, 1045, 1054-required for worksite and access for construction

Freeholder of permanent plots 1020, 1040, 1046, 1048, 1053, 1057, 1081, 1082, 1086, 1087 and 1089-required for main construction works.

1029-required for environmental mitigation.

9.72.2 A summary of the main area of objection is outlined below:

MKC have noted that the proposed HGV routes exclude the A421 between M1 junction 13 and the Kingstone Roundabout. This places unnecessary pressure on junction 14 and the works to the south of Milton Keynes and Bletchley.

The methodology of the transport assessment does not allow for the congested or over-capacity of junctions. No mitigation has been proposed as the peak impact is only expected to last 7 months.

Two level crossings are being closed as part of the project; The Fisherman's Path and the School Crossing. Both of the diversions provided for these closures are long and detract from the directness of the original routes, and do not provide safe crossing point of the railway line. MKC have requested that all safety precautions are sent to them to ensure the safety of those using the diverted routes.

There is a temporary overbridge being constructed as part of the project over Water Eaton Road, however no details of this have been included in the submitted information.

No drawings have been provided for access Ref 81.7, 81.8 and 178.9, and access to compound C1 is unclear and appears to be referred to on the drawings as being accessed from Saxon Street (79.9).

No details have been provided for many of the Street works at Bletchley and Woburn Sands.

MKC have raised concerns regarding the junction assessments, those that have and haven't been carried out, and the data that was used to validate these.

MKC request the Network Rail take steps to explore a range of options associated with the Woodley's Farm Bridge and adjacent Rights of Way.

The CFSA indicated to be an area of 1.4ha at mitigation 200023/5.2/FH. MKC do not believe it is correct to state that the bridge and the embankment do affect the floodplain.

MKC query the validity of the position of the watercourse as shown in Figure 13.3F, since it shows the watercourse originating at the railway line and heading northwest/west towards Milton Keynes urban area. MKC suggest it would be better suited to coincide with the CFSA.

The ecological survey data is incomplete and has not been included in the submitted documents. The TWAO concludes that there will be a residual impact on biodiversity but in the absence of complete survey data, the compensation indicated cannot be accurate.

It is unclear whether the management of the ecological conservation sites and additional areas offered to mitigate for the harm caused by the development will be in perpetuity.

### *Response to objection*

9.72.3 I have reviewed the points raised in the objection submitted by Milton Keynes Council and as there are no specific points raised in relation to the acquisition of land I will not respond in my evidence. The points will be dealt with in the evidence of the other Witnesses.

9.72.4 Network Rail is in discussions with the Objector with a view to dealing with the points raised.

## **9.73 OBJ/238 Victoria Kemp**

9.73.1 Freeholder of temporary plot 0828-required for worksite and access for construction.  
Freeholder of permanent plot 0827-required for main construction works.

9.73.2 A summary of the main area of objection is outlined below:

Ms Kemp objects to the time allowance of the objection period of this proposal since it fell during the school summer period. This meant that people who were away on holiday were unable to object. Equally the press and advertising were headlined as showing support for the project which is 'misleading and illegal'.

Ms Kemp believes that the time saved between journeys is not significant enough to warrant the trains being reinstated, and costs of the journeys will make it prohibitive form of transport since the majority of people will be already paying costs of tax, insurance, depreciation etc on their cars.

Freight is not regularly transported between locations and will unlikely to be transported regularly in the future. Ms Kemp therefore believes that this is a red herring and is being used as a threat.

Ms Kemp does not believe that there is any evidence that demonstrates public support for this scheme.

Ms Kemp has raised concerns regarding the location of the railway stations. She does not believe that they are in close proximity to shops and offices, meaning that passenger will experience a problem with the second half of the journeys.

The government are focused on electric cars being the future of our daily travel, Ms Kemp therefore believes that public spending in the transport sector should be focussed on developing electric cars rather than re-opening a dis-used railway that she believes will have limited usage.

The whole purpose of the re-opening of this railway was to provide better transport links between the east and west where there was an inadequate road network. Since the East-West express way has now been proposed, Ms Kemp believes that the government should settle on a transport strategy.

### *Response to objection*

9.73.3 I have reviewed the objection put forward by Ms Kemp and whilst Ms Kemp is a landowner none of her points are in relation to property and I will not deal with them in my evidence. Responses to these points will be dealt with in the Proofs of other witnesses and, in particular, the evidence of Martyn Angus (**NR53**).

## 9.74 OBJ/239 Bletchley Developments Limited

### Represented by Simon Ricketts

9.74.1 Freeholder of plot permanent 1067-required for main construction works

9.74.2 A summary of the main area of objection is outlined below:

The Objector states that the acquisition of plot 1067 will detrimentally affect the development potential of Mercury House.

They say the acquisition of plot 1067 would result in limitation to develop a multi storey car park at Mercury House, which is a key element of the development aims for this property.

They state Network Rail have failed to state what plot 1067 will be used for, and Bletchley Developments therefore believe that it should be removed from the order.

#### *Response to objection*

9.74.3 Network Rail has met with Bletchley Developments to look at options and the parties are close to reaching an agreement, subject to the necessary consents, that will deal with the points of objection set out above.

## 9.75 OBJ/240 Miss Penelope Copeman

9.75.1 Rights over plot permanent 1238-required for extinguishment of level crossing

9.75.2 A summary of the main area of objection is set out below:

Miss Copeman objects to the proposal since it will restrict her gaining access to her land.

#### *Response to objection*

9.75.3 I have read through the objection put forward by Miss Crossman and I am satisfied the points raised are dealt with in Network Rail's response of 2<sup>nd</sup> November 2018.

9.75.4 The substantive detail is set out below:

"Network Rail are able to confirm that there will be public access along Bye Road and Bridleway 12, as marked on sheet 53 of the plans and access to Miss Copeman's land will be maintained. "

## 9.76 OBJ/241 Central Bedfordshire Council (CBC)

9.76.1 Freeholder of temporary plots 1205, 1207, 1226-required for Worksite and access for construction and creation of a new public right of way.

1206, 1209, 1213, 1219, 1220, 1269, 1271-required for worksite and access for construction

1252-required for creation of a new public right of way

Freeholder of plot 1157 for the extinguishing of rights-required for main construction works.

Freeholder of permanent plots 1148, 1159, 1172, 1181, 1184, 1186, 1272, 1279 and 1280-required for main construction works.

1208-required for extension of platform

1276-required for environmental mitigation and worksite and access for construction

9.76.2 A summary of the main area of objection is set out below:

Central Bedfordshire Council (CBC) has noted that an old NPPF has been referenced in the Planning Policy chapter of the Environmental Statement. It is thought that this should now be updated with the most recent NPPF.

CBC has concerns that by excluding the planning growth from the baseline assessment there is a risk to underplaying the benefits of EWR. The planned growth must therefore be fully considered to draw attention to EWR rather than to adjacent developments in Milton Keynes and Bedford.

CBC requests that that localised impacts be mitigated in order to reduce the high impacts the construction and completion of the railway will have on rural communities.

CBC has raised concerns of the diversion route suggested for the road closure at the Marston Vale Level Crossing. There are several junctions along this route that have received investment to reduce incidence of injurious collisions.

CBC wishes to limit the number of HGVs routing via the staggered cross roads in the centre of Marston Moretaine to and from the A421.

CBC has stated that more information is required regarding the temporary highway works on Bury Ware.

The severance of Lidlington village is a great concern for CBC. It strongly believes that improvements to the connectivity and cohesion must be installed across the line as there is currently no positive benefit of the railway line for the village of Lidlington.

The closure of two adjacent level crossing means that a considerable amount of traffic will be using the Station Road crossing at Lidlington. CBC proposes that suitable changes are made to this crossing to facilitate the increased traffic and ensure the safety of its users.

CBC requires confirmation regarding the accommodation of the bridleway as this provides vital access for pedestrians, cyclists and horse riders.

CBC notes that the environmental statement is not striving for a net gain but only to provide mitigation and request further information regarding the design of ECS sites.

The flood storage areas do not allow for an enhanced habitat for great crested newts.

CBC has requested that the location of the nineteen properties in area 2D that will experience negative residual operational night time impacts be confirmed. This is to ensure that the appropriate mitigation can be installed. This includes the guarantee that operational construction works are only carried out between working hours on weekdays and 8am and 1pm on Saturdays.

### *Response to objection*

9.76.3 I have reviewed the above objection points and as none of the matters raised in the objection above are in relation to property I do not intend to deal with them in this Proof. These matters are covered in the Proofs supplied by other witnesses, in particular those of Simon Croft (NR51), Phil Holland (NR50), Martyn Angus (NR53), Andrew Shuttleworth (NR48) and Tim Colles (NR55).

## 10 Declarations

10.1.1 I hereby declare as follows:

- (i) This Proof of Evidence includes all facts which I regard as being relevant to the opinions that I have expressed and that the Inquiry's attention has been drawn to any matter which would affect the validity of that opinion.
- (ii) I believe the facts that I have stated in this Proof of Evidence are true and that the opinions expressed are correct.
- (iii) I understand my duty to the Inquiry to help it with matters within my expertise and I have complied with that duty