

**DEPARTMENT FOR TRANSPORT**

**MARCH 2019**

**TRANSPORT AND WORKS ACT 1992**

**TRANSPORT AND WORKS (APPLICATIONS AND OBJECTIONS PROCEDURE)  
(ENGLAND AND WALES) RULES 2006**

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

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**REBUTTAL**  
to Laura Anne Tilson Proof of Evidence  
**PHIL HOLLAND**  
**CONSTRUCTION**

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**NR50/1**

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# 1 Rebuttal to Laura Anne Tilson

## 1.1 Proof of Evidence

- 1.1.1 This rebuttal is written in response to the Proof of Evidence submitted by Laura Anne Tilson which outlines the overarching objection of Gladman Development Limited (GDL) to the EWR2 scheme.
- 1.1.2 This rebuttal addresses the specific points relating to the EWR2 scheme's use of land plot 0670. Ms Tilson's proof of evidence summarises GDL's position on this matter in section 5.4, specifically paragraphs 5.4.1 and 5.4.3.
- 1.1.3 Paragraph 5.4.1 – Justification  
Justification – the documents in support of the order go no further than to identify an access route. There is no adequate justification of, inter alia: (i) the need for the access; (ii) the particular route.
- 1.1.4 Paragraph 5.4.3 - Alternatives  
Alternatives – the promoter has failed to consider appropriate alternatives.  
I address each of these points in turn below.

## 1.2 Justification

- 1.2.1 Ms Tilson's proof of evidence outlines that there is no adequate justification of the need for the access provision on land plot 0670. The access route outlined on land plot 0670 is required to facilitate the construction of both the Compensatory Flood Storage Area – CFSA 2B0331/5.2/FH on land plot 0681 and the Environmental Compensation Site - ECS B10 on land plot 0677.
- 1.2.2 The CFSA on land plot 0681 is identified as requiring 8145m<sup>3</sup> of excavation. These works involve stripping the topsoil from the land plot and storing in a bund to one side, reduction of the ground levels using a 360 excavator and multiple 8 wheeled lorries for removal of this excavated spoil and subsequent replacement of the stored topsoil over the land plot.
- 1.2.3 The spoil generated from excavation of this CFSA will generally be cohesive material which is unsuitable for use in the railway embankment, this material is to be relocated to one of the many new highway structures to form part of an approach embankment. This material will be moved via the local road network and not along the railway corridor.
- 1.2.4 The environmental compensation works to ECS B10 on land plot 0677 will include new pond excavation, hedgerow planting along with the planting of trees and hibernacula creation. Each of these activities requires access onto this plot for plant, materials and equipment.
- 1.2.5 This section of the railway corridor is particularly constrained, with the Winslow cutting immediately to the West; there is comprehensive railway embankment earthworks, track drainage, structural improvements to multi span underbridges in the immediate vicinity, along with the identified environmental compensation works. As such, access directly from the local road network is proposed for these environmental compensation works to minimise the effect of this significant works traffic on the other construction activities taking place in this area of the works. Routing of the access to the CFSA site (land plot 0681) through the ECS site (land plot 0677) was considered an efficient way of minimising the required land take by dualling the use of a portion of land plot 0677 as an access route.
- 1.2.6 Some of the proposed works in the ECS site, such as the planting, are seasonally driven. As such it cannot currently be guaranteed that these works will be complete by the time that the track and ballast installation and the subsequent train service commence.
- 1.2.7 Post-construction both the CFSA and ECS are required to be inspected and maintained throughout the life of the railway, and this access right provision facilitates these activities.
- 1.2.8 The points above provide the necessary justification for this land being included within the Order scheme.

## 1.3 Alternatives

- 1.3.1 Ms Tilson's proof of evidence states that the promoter has failed to consider adequate alternatives for the access provision made under the Order Scheme which uses land plot 0670.

1.3.2 During development of the scheme, access to the CFSA and ECS was considered by the promoter and has been provided for, in this case, from public highway network.

1.3.3 The alternatives considered for this site were as follows:-

A - Access from the rail corridor to the South

B - Access from the Little Horwood Road to the East

C - Access from the B4033 Great Horwood Road to the North West

1.3.4 Each of these routes is outlined on the map of the area below in Insert 1

Insert 1 – Map of considered access route alternatives



1.3.5 Route Option A would use access from the rail corridor to the South. This was discounted for a number of reasons:-

1.3.5.1 Access to the CFS and ECS sites from the existing rail corridor, as noted above in paragraphs 1.2.3 and 1.2.5, would add additional traffic to the rail corridor in this area. This would further constrain an already congested area of the construction site and elongate the delivery programme for the works. In addition, as noted in paragraph 1.2.6 and 1.2.7 above, some of the required works go on beyond the construction phase making access from the rail corridor impractical and inefficient.

1.3.5.2 As outlined in paragraph 1.2.7 there is a maintenance requirement associated with both the CFSA and ECS beyond construction completion. Access to facilitate this maintenance has been allowed for from the public highway as access from the railway would only be available during engineering hours and would significantly hamper efficient maintenance of these sites.

1.3.5.3 On this basis Route Option A was discounted.

1.3.6 Route Option B would use Little Horwood Road to the East. This was discounted on the basis that, for it to be routed efficiently, it would need to run through the drive and garage area of a private residence which was deemed unacceptable.

1.3.7 On this basis Route Option B was discounted.

1.3.8 Route Option C, the selected option runs from the B4033 Great Horwood Road to the North West. This selected route has been routed from the Western edge of the ECS site around the field margin to minimise

the impact on farmable acreage had the access been taken directly across the field. The route selected from the B4033 to the field behind, through Jane Elizabeth Spooner's land, was chosen as it already has an established access from the highway and an access route through to the field behind, therefore requiring no undesirable hedgerow removal to establish access. It was also felt that any routing of traffic through this area would require some upgrading to this track which could be left in place at the end of the works minimising removal and leaving a benefit to the landowner.

- 1.3.9 Any alternate routing around the land mentioned in paragraph 1.3.7 would constitute an increased work scope forming a new access bell-mouth, more track installation through the adjacent fields and more hedgerow removal. This and the points covered in paragraph 1.3.7 led the project team to select Route Option C as the most efficient access to the ECS and CFSA sites.

## 1.4 Summary

- 1.4.1 Based on the responses above I believe that I have identified that there is clear justification of the 'Need for the access' and the reasoning for the 'Particular Route'. In addition, I have outlined that there were other alternative access routes considered by EWR2 before it reached the access route contained within the Order scheme.