



Department for Transport

Winckworth Sherwood LLP
Minerva House
5 Montague Close
London
SE1 9BB

Susan Anderson
Head of Transport Infrastructure Planning Team
Department for Transport
Zone 1/14-18
Great Minster House
33 Horseferry Road
LONDON
SW1P 4DR

Telephone:
Email: transportinfrastructure@dft.gov.uk
Web Site: www.gov.uk/dft

Our Ref: TWA/18/APP/04
Your Ref: MJA/18136/00535/PFI

4 February 2020

Dear Sirs,

TRANSPORT AND WORKS ACT 1992: APPLICATION FOR THE PROPOSED NETWORK RAIL (EAST WEST RAIL BICESTER TO BEDFORD IMPROVEMENTS) ORDER

I refer to the request made by your clients, Network Rail, for a direction as to deemed planning permission for the development provided for in the Network Rail (East West Rail Bicester to Bedford Improvements Order 2020 ("the Order").

The Secretary of State for Transport, in exercise of the powers conferred on him by section 90(2A) of the Town and Country Planning Act 1990, and in accordance with the letter of 29 January 2020 conveying his decision in respect of the Order, hereby directs that planning permission be deemed to be granted for the development for which provision is included in the Order. This direction is given subject to the conditions set out in the Annex to this letter.

Yours faithfully,

Susan Anderson

TOWN AND COUNTRY PLANNING ACT 1990

THE NETWORK RAIL (EAST WEST RAIL BICESTER TO BEDFORD IMPROVEMENTS) ORDER 2020

CONDITIONS ATTACHED TO THE DIRECTION AS TO DEEMED PLANNING PERMISSION DATED 4 FEBRUARY 2020

1. Interpretation

In the following conditions: -

“the 2012 DEFRA Biodiversity Metric” means the metric for measuring biodiversity losses and gains that result from development;

“Construction Traffic Management Plan” means the plan established to manage and control traffic disruptions to existing users on the public highway that arise during the construction period of the development;

“the Design and Access Statement” means a statement accompanying the application which explains how the development is a suitable response to the site and its setting, demonstrating that it can be adequately accessed by prospective users;

“the development” means the development authorised by the Order;

“the Environmental Statement” means the statement of environmental information submitted with the application for the draft Order;

“EWR2 Flood Risk Assessment” means an assessment of the development’s risk of flooding from all flooding mechanisms, the identification of flood mitigation measures and actions to be taken before and during a flood;

“Further Environmental Information” means environmental information submitted to relevant local authorities in addition to the Environmental Statement;

“the Global System for Mobile Communications – Railway” refers to an international wireless communications standard used for railway communication and applications;

“Intelligent Traffic Systems” means technology that analyses traffic to control traffic lights and signs to increase traffic efficiency and road safety;

“the Order” means the Network Rail (East West Rail) (Bicester to Bedford Improvements) Order 2020;

“Order Limits” means the land in which the Order is authorised;

“sustainable drainage” means water management practices that aim to align modern drainage systems with natural water processes; and

“the Written Scheme of Investigation” means a method statement which outlines the archaeological features and deposits which are (a) known to exist at the date of submission of the scheme, and (b) those that at the date of submission of the method statement are reasonably considered to potentially exist, and proposes a structure for investigating them using appropriate techniques and methods of recording where required.

2. Time for commencement

The development hereby permitted must commence before the expiration of 5 years from the date on which the Order comes into force.

***Reason:** To ensure that the development is commenced within a reasonable period of time.*

3. Development stages

No development is to commence until a written scheme setting out the division of the development into individual stages has been submitted to and approved in writing by the local planning authorities. The scheme must include details of all land to be occupied permanently or temporarily during the construction of each stage or part thereof. The development must thereafter be carried out in accordance with the approved written scheme.

***Reason:** To identify Individual Stages for the purpose of these conditions and control the timescale for the approval of details.*

4. Approved drawings

The development must be carried out in accordance with the planning drawings, as scheduled in the List of Planning Direction Drawings.

***Reason:** To ensure that the development complies with the approved drawings in the interests of certainty.*

5. Design, external appearance and materials

- (a) The materials, colours and finishes to be used for all highway overbridges, footbridges and new platforms must be in accordance with the principles set out in the Design and Access Statement, July 2018.
- (b) Prior to the commencement of construction of any building provided by way of mitigation for the accommodation of bats, drawings showing the layout and external appearance of the structure must be submitted to the relevant local planning authority for approval and built in accordance with the approved drawings.
- (c) The height of any Global System for Mobile Communications–Railway masts required in connection with the operation of the Scheme must not exceed 20 metres above rail level.

***Reason:** To enable proper control to be exercised over the external appearance of structures in the interests of protecting the character and appearance of the area.*

6. Implementation and maintenance of railway fencing

No individual stage of the development is to commence until details of the appearance, size and location of any proposed new permanent boundary fencing which abuts a highway, residential or commercial land or premises within that stage of the development have been submitted to and approved in writing by the local planning authority. All permanent boundary fencing must be maintained so as to retain its approved appearance.

Reason: *To protect the safety of residents, occupiers and highway users and to protect the character and appearance of the area.*

7. Landscaping

(a) No later than 6 months after the commencement of the individual stage of the development to which it relates, a scheme of both hard and soft landscaping works, covering the locations where landscaping will be undertaken as listed in paragraph (b), must be submitted to the relevant local planning authority for approval.

The works must be set out in that scheme which includes the details of:

- (i) any structures, such as street furniture, means of enclosure and lighting;
- (ii) a plan of existing trees and tree features (such as groups of trees or woodland) to be retained and to be removed in accordance with BS5837(2012);
- (iii) any new trees showing their species, spread and maturity and new planting plans with written specifications (including cultivation and other operations associated with plant and grass establishment) and schedules of plants (including the location, number, species, size and planting density);
- (iv) any earth screen bunds;
- (v) any areas of grass turfing or seeding and depth of topsoil to be provided; and
- (vi) a timescale for the implementation of hard landscaping works.

(b) The locations where landscaping schemes are to be submitted to and approved in writing by the local planning authority are as follows:

- (i) Charbridge Lane (OXD/36AA);
- (ii) Station Road Launton (OXD/34A);
- (iii) Queen Catherine Road (OXD/26B);
- (iv) Verney Junction Overbridge (OXD/24C);
- (v) Newton Approach (OXD/9);
- (vi) Marston Road Overbridge (BBM/8A); and
- (vii) Kempston Hardwick Station / Manor Road Overbridge (BBM/9B).

Reason: *To ensure appropriate landscaping of the development in the interests of protecting the character and appearance of the area.*

8. Implementation and maintenance of landscaping

All landscaping works must be undertaken in accordance with the appropriate landscaping scheme, approved in writing by the relevant local planning authority under Condition 7. Hard landscaping works must be implemented in full in accordance with the timescales set out within the relevant approved landscaping scheme. Soft landscaping works must be carried out within the first available planting season after the completion of the adjacent structures. Any tree or shrub planted as part of an approved landscaping scheme that, within a period of 5 years of the date of planting, is removed, dies or becomes, in the opinion of the relevant local planning authority, seriously damaged or seriously diseased, is to be replaced in the first available planting season with a specimen of the same species and size as the original planted to be approved by the relevant local planning authority.

Reason: *To ensure satisfactory implementation of the landscaping in the interests of protecting the character and appearance of the area.*

9. Archaeology

- (a) No development is to commence in respect of any individual stage until the Heritage Delivery Strategy document has been produced and approved in writing by the relevant local planning authority related to that individual stage. This document must detail evaluation and mitigation measures for heritage assets including buried archaeology. These measures must include geophysical surveys, trial trenching and excavation and a programme of works.
- (b) Where archaeological evaluation is planned, no development, unless otherwise agreed in writing beforehand by the local planning authority, is to take place until a location specific Written Scheme of Investigation ("WSI") has been submitted to and approved in writing by the relevant local planning authority.
- (c) Where archaeological remains of national importance are found, no development at that location is to take place until an appropriate methodology for their preservation in situ, where reasonably practical, has been submitted to and approved in writing by the relevant local planning authority. The methodology must be implemented as approved.
- (d) Where archaeological remains are recorded by evaluation and are not of sufficient importance to warrant preservation in situ but are worthy of recording, the development at the relevant location must be carried out in accordance with a WSI, that includes details of timings, provision for post excavation analysis and the publication of a report, which has been submitted to and approved in writing by the relevant local planning authority.

Reason: *To ensure adequate protection and recording of historic features and archaeological remains.*

10. Code of Construction Practice

No stage of the development is to commence within the area of a local planning authority until a Code of Construction Practice (CoCP), which incorporates the means to mitigate the construction impacts identified in the Environmental Statement (including the tree protection measures and ecological management measures contained within Volume 3, Appendix 2.1), has been submitted to and approved in writing by the relevant local planning authority.

The development must be implemented in accordance with the approved CoCP and the relevant plans or programmes.

Reason: *To mitigate anticipated construction impacts arising from the development and to protect local and residential amenity.*

11. Contaminated land

No development is to commence within the area of a local planning authority until a contaminated land risk assessment has been submitted to and approved in writing by the relevant local planning authority.

The contaminated land risk assessment must include ground investigation, monitoring (including groundwater and gases) within the Order Limits identified in the Environmental Statement which is likely to cause significant harm to persons, or pollution of controlled waters or the environment.

Where contamination has been shown to be a risk, a remediation strategy (including a remediation timeframe where applicable) must be submitted to and approved in writing by the relevant local planning authority.

Any required remediation must be carried out in accordance with the approved remediation strategy and on completion of the development, the objectives, methods and results of the remediation works must be reported in a verification report which must be submitted to and approved in writing by the relevant local planning authority in accordance with a timetable that must first be agreed by the relevant local planning authority.

Reason: *To mitigate anticipated construction impacts arising from the development and to ensure that the development does not adversely affect humans or the environment during and following construction in the interests of health and safety.*

12. Ecology

- (a) No stage of the development is to commence within the area of a local planning authority until, for that stage, a written ecological management plan comprising the management of ecology compensation sites and replacement habitats alongside the railway within that route section, reflecting the survey results and ecological mitigation and enhancement measures included in the Environmental Statement (and Further Environmental Information) has been submitted to and approved in writing by the local planning authority with responsibility for any area within each stage.

The ecological management plan must include:

- (i) a programme of implementation, management and maintenance;
- (ii) mitigation measures as required in accordance with the register of commitments contained within Appendix A to the Environmental Statement to these conditions updated annually based on the results of the survey; and
- (iii) a programme of monitoring with thresholds for action, setting out, if required, a remedial plan of alternative ecological actions.

The requirements of the ecological management plan must be carried out as approved.

- (b) No later than 6 months after the commencement of the development a strategy to achieve an overall 10% net gain in biodiversity for the development, including monitoring, maintenance, management and reporting arrangements, must be submitted for approval in writing by each local planning authority. From the time the development comes into operation measures to achieve an overall 10% net gain in biodiversity for the development (assessed in accordance with the 2019 update proposed by Department for Environment, Food & Rural Affairs to the 2012 Defra biodiversity metric) shall be implemented in accordance with the approved strategy.

Reason: *To ensure that the development does not adversely affect the natural wildlife and ecology of the area, including protected species, and secures a net gain in biodiversity.*

13. Flood Risk Assessment

The development is to be undertaken in accordance with the EWR2 Flood Risk Assessment July 2018 with further information as outlined in the EWR2 Flood Risk Assessment to be submitted and approved in writing by the relevant local planning authority in a phased manner to be first agreed by the relevant planning authority to inform each development stage.

Reason: *To prevent the increased risk of flooding through an appropriate hierarchy of flood risk management.*

14. Surface water drainage assessment

- (a) No construction of the structures and stations listed in paragraph (c) is to commence until an overarching surface water drainage assessment, based on the principles of sustainable drainage, has been submitted to and approved in writing by the relevant local planning authority.
- (b) A surface water drainage scheme for each of the structures and stations listed in paragraph (c) which must comply with the outputs of the approved surface water drainage assessment and include arrangements for the whole life maintenance and management of the drainage scheme, must be submitted to and approved in writing by the relevant local planning authority.
- (c) Structures:
- OXD/36AA Charbridge Lane OXD/35B
 - Manor Farm OXD/34A
 - Station Road Launton OXD/33A
 - Marsh Gibbon OXD/26B
 - Queen Catherine Road OXD/25
 - Sandhill Road (Middle Claydon) OXD/24C
 - Verney Junction OXD/14A
 - Moco Farm OXD/10AA
 - Salden BBM/9B

Manor Road BBM/8A
Marston Road BBM/6AA
Woodleys Farm MCJ2/178A
Lower Blackgrove No.1 MCJ2/177
Fleet Marston

Stations:

Ridgmont Station Platform Extensions
Woburn Sands Platform Extensions
Aylesbury Vale Parkway Station Platform Extension
Winslow Station (new station)
Bletchley Station (2 new High Level Platforms)

The development must be implemented and maintained in accordance with the approved surface water drainage strategy and scheme.

Reason: *To improve and protect water quality and ensure the provision and maintenance of adequate surface water drainage systems.*

15. Highways

- (a) No stage of the development is to commence within the area of a local planning authority until a Construction Traffic Management Plan ("CTMP") has been submitted to and approved in writing by the relevant local planning authority. The CTMP must include:
- (i) details of construction access routes including access and egress points onto the public highway, including visibility splays, width, radii, fencing and gates;
 - (ii) prohibited routes for construction traffic;
 - (iii) any time restrictions imposed on any routes;
 - (iv) temporary road and public right of way (PRoW) closures and diversions;
 - (v) a signage strategy for each construction access route adopting the principles set out on the following drawings:

133735_2A-EWR-OXD-CC_A4-DR-CH-010301

133735_2A-EWR-OXD-CC_A4-DR-CH-010302

133735_2A-EWR-OXD-CC_A4-DR-CH-010303

133735_2A-EWR-OXD-CC_A4-DR-CH-010304

133735_2A-EWR-OXD-CC_A4-DR-CH-010305

133735_2A-EWR-OXD-CC_A4-DR-CH-010306

133735_2A-EWR-OXD-CC_A4-DR-CH-010307

133735_2A-EWR-OXD-CC_A4-DR-CH-010308

133735_2A-EWR-OXD-CC_A4-DR-CH-010309

133735_2A-EWR-OXD-CC_A4-DR-CH-010310

133735_2A-EWR-OXD-CC_A4-DR-CH-010311

133735_2A-EWR-OXD-CC_A4-DR-CH-010312

133735_2A-EWR-OXD-CC_A4-DR-CH-010313;

- (vi) details of the audit and performance monitoring for construction traffic to ensure their adherence to the stated routes and restrictions;
- (vii) traffic control measures (including details of traffic signal installations);
- (viii) site specific controls in consideration of the potential nuisance (noise, vibration, mud and dust);
- (ix) prohibition of parking of any construction site vehicles along the public highway;
- (x) detailed plans of highway improvements for safety, capacity, accessibility and resilience along any routes where considered necessary by the local planning authority including but not limited to details of passing bays, junction alterations, areas of carriageway widening, highway structures, footways, cycleways, drainage, signage, Intelligent Traffic Systems, road markings and carriageway strengthening required as a result of construction of the works with a timetable for implementation of the improvements and removal where appropriate;
- (xi) details of site hoarding;
- (xii) details of control of access/site security;
- (xiii) parking, including for site operatives, turning, loading and off-loading facilities;
- (xiv) pre-condition survey of the existing highway network to be used for construction traffic to be undertaken prior to the construction route being brought into use and proposals for inspection and repair of any damage to the highway network attributable to construction traffic;
- (xv) proposals for the reinstatement of PRowS where used for construction traffic;
- (xvi) details of the storage of materials, plant and machinery; and
- (xvii) details of the management and handling of the movement of any excess excavated material and any new imported material.

The construction of each stage of the development must be carried out in accordance with the approved CTMP.

- (b) No PRowS diversions or new PRowS shall be constructed until the detailed designs including the method of construction and the timeframe for completing such works have been approved in writing by the relevant local planning authority. The construction of all PRowS diversions or new PRowS must be carried out in accordance with the approved details.

Reason: *To protect public amenity and highway safety*

16. Noise Attenuation

All noise barriers are to be constructed in accordance with the Environmental Statement and maintained for the duration of the operation of the railway.

Reason: *To protect residential amenity.*