



Network Rail
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Mrs Julia Gregory
c/o Brenda Taplin, Programme Officer

By email only -

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Our Ref: TP/LNE/TR/L2CTWA

Dear Madam

18th February 2019

Transport & Works Act 1992 – The Network Rail (London To Corby)(Land Acquisition and Bridge Works) Order(the “Order”)

Following the conclusion of the evidence stage of the Public Inquiry into the Order you will be aware of the late written submission of Bedford Borough Council (“BBC”) by means of a letter dated 7 February 2019 (the “BBC Letter”) concerning the request for deemed planning permission and the conditions attached to that request.

Following receipt of the BBC Letter, Network Rail met with a representative of BBC during the afternoon of 7 February 2019 to seek clarification on its contents.

As you will be aware, the BBC Letter raised two points in respect of the proposed draft planning conditions. First, BBC raised concerns over draft Condition 4 (Construction Code of Practice) as setting unrealistic expectations over the degree of control of construction activities. As Network Rail stated in evidence, the wording of this type of condition has been developed over a number of recent TWAO applications (namely, Tinsley Chord, Hope Valley, Ordsal Chord, Werrington Grade Separation), with the support of the relevant local planning authorities, and have been accepted as such by the Secretary of State. Consequently, and on that basis, Network Rail is content for you to consider the matter without further comment from us.

Secondly, the BBC Letter expressed concerns over the two draft conditions proposed in section 12 of my main proof of evidence dated 3 January 2019, relating to the temporary footbridge. During the Inquiry these temporary footbridge conditions evolved into a single broader condition, to cover matters raised by you, including footprint, privacy and effect on trees.

Further to Network Rail's meeting with BBC on 7th February, the wording of the proposed Condition 5 was augmented further from that handed up at Inquiry. Revised Condition 5 is given below – it has been refined slightly by inclusion of the requirement to submit an arboricultural method statement to BBC for approval prior to commencement of development, as BBC had sought additional reassurance as to the methods to be employed to protect existing trees and their root systems in particular. (Added text is shown underlined.)

5. The development shall not commence until details of the temporary footbridge have been submitted to and approved in writing by the Local Planning Authority. The details shall include the following:

- i. Precise location of the footprint of the temporary bridge;*
- ii. Elevations of the structure including measures put in place to protect the amenity of the adjacent residential properties including suitable security measures to prevent any access to void areas created by the installation of the temporary pedestrian footbridge bridge;*
- iii. An Arboricultural Method Statement, including detail of the foundations of the scaffolding particularly in relation to the root systems of the three London Plane Trees between Spenser Road and Bromham Road;*
- iv. Details of all proposed works to the aforesaid London Plane trees;*
- v. A date for the removal of the temporary bridge upon completion of the works.*

The approved tree works shall be carried out in accordance with BS3998:2010 or BS5837:2012 (or other BS standard the council consider appropriate), and specifically in accordance with the submitted Arboricultural Method Statement. The development thereafter shall be implemented in strict accordance with the approved details.

Reason: Required prior to commencement of development to avoid damage to Important trees and to protect the amenity of the adjacent residential properties and the visual amenity of the area during the construction phase of the development in accordance with policies NE4 Trees & hedges & BE30 Material Considerations In The Control Of New Development (both policies are "saved" from the 2002 Bedford Local Plan).

(A full set of draft planning conditions, including the revision to Condition 5 is enclosed with this letter.)

Network Rail subsequently wrote to BBC with the proposed Condition 5 (see email dated 8 February 2019) and sought confirmation that the re-worded Condition 5 satisfies its concerns. At the time of writing, no response has been received from BBC. Notwithstanding this, Network Rail is confident that the additional requirements in revised Condition 5 address the concerns raised in the BBC letter and in the meeting on 7 February.

Please let me know if you require any further information.

Yours faithfully

A handwritten signature in blue ink, consisting of a large, stylized 'R' followed by a long horizontal stroke extending to the right.

Tony Rivero
Town Planning Manager LNE/EM

