

**From:** [REDACTED]  
**To:** [Paul Humphrey](#)  
**Cc:** [Sara Peters](#); [Joanna Vincent](#)  
**Subject:** Re: CSIE- Hobson's Conduit trust - Discussion this afternoon of my letter dated 22nd February 2022  
**Date:** 22 February 2022 19:56:06  
**Attachments:** [image001.png](#)

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Dear Paul,

Thank you very much for your, as always, prompt response.

I am now very happy to confirm that the issues raised by me on behalf of Hobson's Conduit Trust in my letter today have been fully addressed.

On 5 (1) no doubt we could spend time discussing and trying to define the future interaction between, say, Stantec and an ecological expert, but I am sure that the present reality of habitat along that stretch of the watercourse means that there is relatively little at stake ecologically. The main issues there are of course maintenance of water quality and avoiding detriment to the physical state of the Brook, and I am sure that once the exchange land is turned into an extension of the park much more sympathetic planting and a more natural treatment of the margins will quickly improve the habitat and biodiversity.

In terms of the lighting, yes, this is exactly what I had anticipated from earlier conversations.

Many thanks again, Paul, for your swift and purposeful response to the points that I raised.

I am very impressed and very pleased that you and your team have been able to make such comprehensive progress across such a range of issues in the course of the Inquiry, and of course we stand ready to do what we can to support the project as it moves forward.

We will look forward to our further engagements with you and Sara, and Joanna, and with the project team and contractor in future.

Congratulations, all good wishes and best regards

Yours

John

On Tuesday, 22 February 2022, 16:25:35 GMT, Paul Humphrey <[paul.humphrey@networkrail.co.uk](mailto:paul.humphrey@networkrail.co.uk)> wrote:

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Dear John,

Further to your email below, I can confirm that in relation to item 2 of your letter issued this morning (22 February), we propose to add the following wording to para 5(1):

#### **Survey of watercourse**

5.—~~(1)~~ Before the commencement of the initial construction of any part of the specified work and again following practical completion of the specified work Network Rail must bear the reasonable cost of the carrying out by a qualified engineer ("the surveyor"), to be approved by the Trust and Network Rail, of a survey (including a dip-survey to measure the depth of the watercourse and ecological survey) ("the survey") of so much of the watercourse and of any land and works of Network Rail in existence at the date of the coming into force of this Order which may provide support for the watercourse as will or may be affected by the specified works.

(2) For the purposes of the survey Network Rail must—

- (a) on being given reasonable notice afford reasonable facilities to the surveyor for access to the site of the specified works and to any land and existing works of Network Rail which may provide support for the watercourse as will or may be affected by the specified works; and
- (b) supply the surveyor as soon as reasonably practicable with all such information as the surveyor may reasonably require with regard to such existing works of Network Rail and to the specified works or the method of their construction.

(3) The reasonable costs of the survey must include the costs of any dewatering or reduction of the water level of any part of the watercourse (where reasonably required) which may be effected to facilitate the carrying out of the survey and the provisions of this Part of this Schedule apply with all necessary modifications to any such dewatering or reduction in the water level as though those measures were specified works.

(4) Copies of the report of the survey must be provided to both the Trust and Network Rail at no cost to the Trust.

In respect to item 3 from your letter I can confirm that the CoCP Part A Section 3.3 Site Lighting, sets out how we propose to implement the

site lighting, I have included the relevant extract below:

### 3.3 Site lighting

*3.3.1 Artificial lighting has the potential to adversely impact on lineside neighbours and wildlife during construction activities. Wherever practicable, nighttime work will be avoided. However, where it is necessary, the following control measures will be applied to a reasonably practicable minimum:*

- *Direct lights away from any sensitive receptors such as residential neighbours and known areas of nature conservation significance, such as badger setts and linear habitat features such as hedgerows, woodland and watercourses (known bat commuting habitats)*
- *Lights will be shielded/cowled and lux levels reduced as much as reasonably practicable, without compromising safe delivery of the works*
- *Lighting will be dimmed or switched off when not in use if there are no adverse health and safety implications*
- *Where appropriate, lighting to site boundaries will be provided and illumination will be sufficient to provide a safe route for the passing public*
- *Lighting will also be positioned so as to prevent unsafe interference (dazzling or glare) with railway operations, road traffic signals and signing and passing motorists*

Further details of the temporary site lighting will be shared with HCT as part of our pre-construction engagement under the protective provisions, as this will form part of a specified work i.e. it being within 16m of the watercourse and may in any way adversely affect the watercourse.

I hope the above provides the Trust with the reassurances you require, and that you are now able to confirm that the three items within your letter have been adequately addressed.

Please let me know if you require any further information or clarifications on the items you have raised.

Best regards,

Paul

**Paul Humphrey**

TWAO Consents Manager

Network Rail – Capital Delivery

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**From:** John Latham [REDACTED]  
**Sent:** 22 February 2022 15:50  
**To:** Joanna Vincent <Joanna.Vincent@gateleyhamer.com>  
**Cc:** Paul Humphrey <Paul.Humphrey@networkrail.co.uk>; Sara Peters <Sara.Peters@networkrail.co.uk>  
**Subject:** CSIE- Hobson's Conduit trust - Discussion this afternoon of my letter dated 22nd February 2022

Dear Joanna,

The Inspector asked this afternoon if I would write to confirm that I am content with the responses on my letter dated 22nd February.

I am certainly content with the change proposed in relation to my point 1.

In relation to point 3., I am content that this will be picked up in the the Code of Construction Practice, although I do wish to underline that we have previously discussed artificial lighting with Network Rail, and it was my understanding that an element of prior discussion would take place with the Trust about the lighting arrangements before they are settled upon, and we look forward to that.

However in relation to item 2, I feel that the point that I was making was missed.

The survey that is currently mentioned at item 5 (1) is a physical survey, '(including a dip-survey to measure the depth of the [watercourse])', such as a surveyor or engineer would carry out. Clearly that is relevant and important.

However, such a survey would not be expected to benchmark the ecology of the watercourse, nor could the surveyor normally be expected to have the skills or the tools with which to carry out an ecological benchmarking survey.

It was for that reason that I suggested that a suitably qualified local firm specialising in such work should be contracted to undertake such a survey over a sufficient period prior to the commencement of work to allow a full and specific understanding to be developed of the ecology of the area along which, for example, Approach Road 2 will operate. I do not believe that this has been done as part of the extensive environmental of biodiversity investigation work that has already been undertaken.

So, I am sorry to say that I am not yet satisfied that point 2. that I made in my letter is already being addressed, or has been addressed.

Without an appropriate understanding of the current ecology in that section of the Brook, it will be very difficult to assess detriment, and therefore determine what remedial work should take place. For example, it is quite possible that water voles may be present even though the margins of the Brook in that section of the Brook presently have the cleared character of agricultural drainage.

I look forward to hearing what other proposals or suggestions can be made in response to my point 2.

Many thanks indeed

All good wishes and best regards

John

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