

THE CHILTERN RAILWAYS (BICESTER TO OXFORD IMPROVEMENTS)  
SCHEME: PUBLIC INQUIRY

**Preliminary Notes for Round Table Session on Conditions**

- 1 These notes contain the initial thoughts of the Inspector on the draft planning conditions set out in Appendix 2 of Inquiry Document CD/1.12/1. They are issued without prejudice to the Inspector's recommendations to the Secretaries of State.
- 2 The intention is to arrange a round table session within the Inquiry to discuss these points and any others raised by parties to the Inquiry on the conditions subject to which any planning permission might be granted. Suggested conditions, or modifications to suggested conditions, should be submitted to the Programme Officer not less than seven calendar days before the start of the conditions session.
- 3 All parties to the Inquiry are welcome to take part in this session. It is understood that any points raised by objectors on conditions are put forward without prejudice to the matters before the Inquiry. Anybody unfamiliar with the drafting of conditions in relation to planning permissions may find it helpful to look at Circular 11/95 (Inquiry Document X/7), and particularly paragraph 14 of the Annex, before the conditions session.
- 4 The following notes arise from the draft conditions.

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Inspector  
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**NOTES**

Definitions: the definition of "building" adds *above the surface of the ground* to the definition in s336 of the 1990 T&CP Act. Not clear if it is right to do so.

Definitions: is it also necessary to define the Addenda to the Environmental Statement?

**Condition 1: Time Limit**

- Why not follow the pattern required by s92 of the Town & Country Planning Act 1990?
- Such an approach would incorporate the list of reserved matters currently in Appendix 3 of CD/1.12/1.

/over

### Condition 3: Design, external appearance and materials

- In the preamble and elsewhere, suggest change *facing materials* to *external materials*. External brickwork (for example) might not be clad with a facing material.
- at (m), is this a considered list of all the development that will be sought at the aggregates depot? It does not include, for example, employee facilities, hardstandings, boundary fencing, signage. Could a general term be substituted for the list?

### Condition 4: Fencing and means of enclosure

- Also applicable to noise barriers?
- There should be a requirement that the [fencing etc] should be provided in accordance with the approved details, by [a stated time or event], and retained thereafter.
- Combine this condition with Condition 6?

### Condition 5: Landscaping

- Why is submission of the landscaping schemes proposed to be delayed? What is the estimated works duration of each Individual Section?
- Confirmation of specific elements explicitly promised by the applicant - eg [bridge screening at Mill Lane, Islip] [etc]. Please provide a list of such undertakings.
- In 5.1(a), replace *may be* with *are*. But why is it right to exclude items provided by a local authority or the highway authority?

### Condition 6: Implementation and maintenance of security fencing

- In the second sentence, why is the bringing into use of Water Eaton station the trigger for providing fencing elsewhere?
- Line 5: why specify *by Chiltern Railways* ?
- Line 6: What arrangement is proposed in the event that the land and works are not transferred to Network Rail three years after completion?
- What arrangement is proposed for the upkeep of permanent boundary fencing after Network Rail have taken over?
- Lines 3 and 6: in each case, what is meant by *completion* ?

Condition 7: Implementation and Maintenance of Landscaping

- Is there a need for a condition requiring a landscape management plan (perhaps as circular 11/95, model 31)? If not, what secures the long-term maintenance of landscaped areas?

Condition 9: Swing Bridge

- Why is a condition necessary to secure assistance in the conservation of the Swing Bridge?

Condition 10: Contaminated land

- First paragraph: The limits of the stations are not defined. Nor are "significant" ground works.
- First paragraph: line 3: delete *investigate* and insert *establish the presence of*. The purpose of the investigation should be defined.
- Third paragraph: as drafted, this requires certification that agreed works have been done with the intention of remedying contamination. Is there also a need for a "closure report" as required by examples C and F of Appendix 2B of Annex 2 of PPS23 *Planning and Pollution Control* ?
- Fourth paragraph: "site" is not defined. Perhaps "Individual Section"? And no further construction shall be undertaken in that Individual Section?

Condition 11: Flood Risk Assessment etc

- References AP1 to AP19 not clear.
- First paragraph, penultimate line: meaning of *relevant* ?
- Is the Reason for this condition a composite one (to prevent ..., to improve and protect ..., to enhance ..., and to ensure ... )? If so, why it is necessary for the scheme to enhance habitat and amenity?

Condition 14: Restoration of Land Used Temporarily for Construction

- Why confine this condition to land within the Order limits?
- Is there a need for the condition to require a record of the pre-existing condition of such land to be lodged with the LPA before work starts? Without such a record, how is the condition enforceable and precise?

Condition 16: Operational Noise Monitoring and Mitigation

- This should also apply to vibration.

- Paragraph 1: The condition should require the LPA's approval of the submitted material to be obtained.
  
- There should be sufficient time for the LPA to properly consider the submitted material and (as a contingency) for dialogue between the applicant and the LPA before construction has reached a stage at which abortive work might be carried out on site. This would be achieved if no development took place until the LPA's approval had been issued.
  
- Paragraph 1: Meaning of "undertaken"? Substitute "completed"?
  
- Paragraph 1, last sentence: How would this work? One way would be for the applicant to separately give written notification to each LPA that (a) the noise and vibration mitigation works in its area are complete (to allow the LPA an opportunity to validate the claim before any train runs), and (b) seven days advance notice that the first rail service will run on [date], and (c) no trains to run until the LPA has confirmed in writing that it is satisfied that the agreed noise and vibration mitigation works are complete. Likewise for Paragraph 2.
  
- There should be a requirement that the agreed mitigation measures on the railway should be permanently retained in a condition sufficient to achieve the intended effect.
  
- Paragraph 2, line 3: meaning of "likely"?

Condition 17: Aggregates Depot Rail Use

- Insert at start: "Following the completion of its construction".
  
- Where in the documents is the aggregates depot defined?
  
- What is the evidence that the condition is necessary for the stated reason?

Condition 22: Aggregates Depot Hours of Operation

- Which local residents is this condition intended to protect? What is the evidence that it would be necessary?

Condition 25: Approvals

- The draft condition appears to seek to require actions of the local planning authorities. Suggest change to: "Where any of these conditions requires that the approval of the local planning authority shall be obtained, such approval shall be obtained in writing."

Further condition: List of approved drawings

- Can a list of drawings submitted for approval be provided?