

our ref. Legal/PC/Chiltern
your ref. 0110147/OBJ248
ddi 0118 953 5175
e-mail peter.carty@environment-agency.gov.uk

ERM
Wallbrook Court (1-2)
North Hinksey Lane
Oxford
OX2 0QS

10 August 2010

Dear Ian,

Re: Proposed Chiltern Railways (Bicester to Oxford Improvements) Order

Thank you for your letter of 30th March and I hope you had an enjoyable holiday.

I enclose a copy of our statement of case for your information and hope that negotiations can continue such that our presence at the Inquiry will not be needed. I will not send you a hard copy of this letter unless you request one.

We acknowledge the comments made in your letter and have the following responses.

A FLOOK RISK

1. Flood Risk Assessment is unacceptable

Objection withdrawn.

2. Cherwell Viaduct (The proposed development is unacceptable because there is insufficient information regarding the alterations to the design of the Cherwell Viaduct).

I spoke to Monica yesterday. Monica is going to consider this issue and so I hope that, by the time you return from holiday we can withdraw this objection.

More specifically, please confirm that works within flood zone 2 fall to be regulated under the protective provisions. We did highlight this issue during our meeting on 8th February 2010 and recorded in Mike Fraser's e-mail on 17th February 2010 as a key action and discussion point.

3. Road at Langford Lane (The proposed development is unacceptable because there is insufficient information regarding the alternative route at Langford Lane to avoid the scheduled monument).

My comments as set out in A2 apply.

4. A41 Overbridge (The proposed development is unacceptable because there is insufficient information regarding the increase in capacity of the A41 overbridge (AP4) which may present risks of flooding on-site and off site).

Objection withdrawn.

5. Flood storage (The proposed development is unacceptable because there is insufficient information regarding the obstruction to flood flows or loss of flood water storage).

We have not been able to review the Compensatory Storage Technical Report and Level 3 FRA Specification and will revert to you shortly. You should be aware that if you have not shown that there is enough land for flood storage you will be increasing flood risk. This would be a condition of any plan approval.

Again, my comments as set out in A2 apply.

6. Surface Water Drainage Strategy (The proposed scale of development may present risks of flooding on-site and/or off-site if surface water run-off is not effectively managed).

The Detailed Drainage Strategy Scope does not address either of the objections set out A5 and A6.

We commented in our letter dated 10th November that the minimum requirement is no increase in current run-off rates. This document still states that discharge rates from some sites may be increased.

The principles laid out are good but the acceptability of the surface water drainage scheme at this stage will largely depend on the Compensatory Storage Paper which we are yet to assess. My comments as set out in the first paragraph in A5 above apply.

The approach to construction compound drainage is acceptable.

It is stated that method statements will be produced for all works which may impact on watercourses. I would to reiterate that our consent would be needed for this.

7. Pingle Stream and Bicester Town Station (The impact of the extension of Bicester Town Station on the Pingle Stream floodplain has not been assessed).

Objection withdrawn.

8. Culvert at Tubbs Lane Foot Bridge.

Objection withdrawn.

9. Flood risk at construction sites (Sequential testing of temporary construction compounds and new access roads).

I think you meant to refer to the Application of the Sequential Test to Temporary Construction Compounds.

Again, my comments as set out in A2 apply.

10. Road closures and new road structures and safe access (The impact of temporary construction compounds and new access roads within the flood plain has not been assessed with regard to flood flows, flood storage and access and egress routes of surrounding properties).

Again, my comments as set out in A2 apply.

When will your analysis of safe access from permanently occupied premises be available?

We have a statutory duty to supervise flood risk. We can remove our objection if your analysis of safe access and egress is acceptable. If this is not included within the protective provisions then a specific planning condition will need to be included that requires our agreement to the safe access and egress analysis.

B LAND QUALITY

1 to 3

As stated in my letter of 21st July, we look forward to receiving your revised draft conditions.

C THE CODE OF CONSTRUCTION PRACTICE (CoCP)

1. The CoCP should include abstractions licensed by the Agency and specifically those that are not licensed.

Objection withdrawn.

2. The use of excavated materials and waste generated from excavations would be considered as the re-deposition of waste without authorisation.

Objection withdrawn.

3. Consultation with the Environment Agency.

Objection withdrawn.

4. Culvert works

Objection withdrawn.

D PLANNING CONDITIONS

We have the following comments on the Level 2 FRA:

Fluvial

In our letter dated 10th November we requested a demonstration of sufficient land availability for all necessary flood storage compensation. This has not been addressed in the revised FRA and is, therefore, an ongoing request.

We requested in the same letter confirmation that the Pingle Stream would not overtop the railway embankment at Bicester Village. This has not been addressed.

We requested that all proposed roads in the floodplain be set at grade level so that they do not form an obstruction to flood flows. This has not been revisited in the revised FRA.

We also asked that the FRA be revised to acknowledge that culverting of an ordinary watercourse requires our consent (as well as works on/near main rivers). This has not been addressed (see revision on p32).

The FRA still states that the Cherwell District Council SFRA has not been released yet, despite our advice to the contrary in the letter dated 10th November and at our meeting on 8th February. The FRA also does not acknowledge the availability of our detailed

modelling of the Bicester area, the River Cherwell, or the Oxford 'Wolvercote' model. We stated at the meeting that we have not agreed the modelling contained in the Oxford City Council SFRA. It is, therefore, not signed off and the Wolvercote model is hence the best available data on flood risk throughout this area. The FRA has not been revised to reflect this.

A lot of these points have been covered in the Detailed Drainage Strategy Scope (see below) but have not been reflected in the revised FRA. We would suggest that the documents are amalgamated to allow specific planning conditions to be used in order to gain our approval.

Surface Water

We commented in our letter dated 10 November that the minimum requirement is no increase in current discharge rates, with greenfield rates the target for all applications. The revised FRA still states that discharge rates from some sites may be increased.

We are still waiting for a demonstration that there will be sufficient land take to provide surface water attenuation for increases in hard standing (as with the fluvial flood storage compensation).

During our meeting on 8th February we raised the issue that Table 1 in the Level 2 FRA required amendment. Specifically we raised concerns that it had not been identified that the following sites would need a detailed assessment of surface water flood risk:

- AP8 Holts Farm overbridge
- AP10 Oddington overbridge
- AP11 and AP11a Islip Station and equestrian bridge
- AP13 Water Eaton no. 5 overbridge
- AP14 Water Eaton Parkway
- AP19 Oxford Station

This has not been addressed in the revised FRA, which is contrary to the comments made in the e-mail from Mike Fraser dated 17th February 2010.

As with B above we look forward to receiving your draft conditions

E. PROPERTY

Objection withdrawn

F. PROTECTIVE PROVISIONS

I look forward to receiving the draft protocol.

Yours sincerely,

PETER CARTY

SOLICITOR

The Environment Agency
Kings Meadow House, Kings Meadow Road, Reading, RG1 8DQ
DX Address 121325 Reading 10 Tel 08708 506506 Fax 01189509440

**ENVIRONMENT AGENCY (“the
Agency”)**

STATEMENT OF CASE

**THE CHILTERN RAILWAYS
(BICESTER TO OXFORD
IMPROVEMENTS)**

TRANSPORT & WORKS ACT INQUIRY

Planning Inspectorate reference: TWA/10/APP/1

DOCUMENTS

The Agency shall submit a schedule of documents upon which it intends to rely.

INTRODUCTION

The Agency is subject to statutory environmental and conservation duties.

MAIN ARGUMENTS OF THE AGENCY

Cherwell Viaduct

The proposed development is unacceptable because there is insufficient information regarding the alterations to the design of the Cherwell Viaduct.

Road at Langford Lane

The proposed development is unacceptable because there is insufficient information regarding the alternative route at Langford Lane to avoid the scheduled monument.

Flood storage

The proposed development is unacceptable because there is insufficient information regarding the obstruction to flood flows or loss of flood water storage.

Surface Water Drainage Strategy

The proposed scale of development may present risks of flooding on-site and/or off-site if surface water run-off is not effectively managed.

Flood risk at construction sites

Sequential testing of temporary construction compounds and new access roads is inadequate.

Road closures and new road structures and safe access

The impact of temporary construction compounds and new access roads within the flood plain has not been assessed with regard to flood flows, flood storage and access and egress routes of surrounding properties.

Planning conditions

The Agency will seek planning conditions relating to flood risk, surface water drainage, water pollution control and contaminated land.

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Peter Carty

Advisory Team Leader, Thames Region of the Environment Agency

5th August 2010