

Objector Name and Reference: Mr Henry Horton OBJ/098/2

Date submitted: 10 September 2010

Date of Response: 04/10/2010

Response: Responses from CRCL are provided to the questions submitted. The Inspector, in document [X/6.1] issued on 14 September, determined that certain questions were not questions of clarification and gave individual reasons for each one.

Question Number	Response
1	<p><i>Has the exposure of the Old Mill to the Scheme been assessed and has a landscaping scheme been drawn up to mitigate the visual impact?</i></p> <p>The effects of the Scheme on setting were assessed. No landscape scheme has been drawn up. CRCL is examining the suitability of noise barriers. Landscaping on land to be acquired by CRCL will be specified at detailed design stage after approval of the Order.</p>
2	Not QoC
3	Not QoC
4	Not QoC
5	Not QoC
6	<p><i>Environmental Statement Volume 2, Table 6.22 refers to Mill Farm and also to 3 properties- could you state exactly which dwelling(s) Mill Farm and the '3' properties refer to in the table?</i></p> <p>The table states that a <i>large noise barrier is unlikely to be visually acceptable for the 3 properties at the western end of Mill Lane</i>. This table refers to three properties, Mill Farm, Mill Farm Barns and the property to the east of Mill Farm Barns.</p>
7	Not QoC
8	Not QoC
9	Not QoC
10	Not QoC
11	Not QoC
12	Not QoC
13	Not QoC
14	Not QoC
15	<p><i>Is there a landscape proposal to mitigate the impact of the Scheme on the listed Old Mill and the views into and out of the Conservation Area in which it is located?</i></p> <p>See answer to Q1. No landscape scheme has been devised. This is not a location where landscape plans are to be presented in evidence by CRCL.</p>

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16	<p><i>Does it include new planting?</i></p> <p>CRCL is prepared to consider planting on the existing railway land or on land which it acquires, if a noise barrier is erected.</p>
17	<p><i>What will the structural recording entail?</i></p> <p>These arrangements for recording historic buildings do not include any building owned by Mr Horton.</p>
18	<p><i>How will the existing planting be recorded to ensure that the reinstated planting will be satisfactory?</i></p> <p>It is normal practice to photograph trees and areas of significant vegetation where these are likely to need replacement. This will apply within areas LM 15 and LM 16, in order to deliver the proposals in the ES at these locations.</p>
19	<p><i>Does a planting scheme exist for any of the Scheme adjacent to land belonging to the listed Old Mill, or adjacent Barns?</i></p> <p>See answer to Q1.</p>
20	Not QoC
21	Not QoC
22	Not QoC
23	Not QoC
24	<p><i>What is Chilterns justification need for the proposed landtake of the main part of 19010 that runs adjacent to the track (please also be specific about the need to take the width any why this cannot be less?)</i></p> <p>Worksite and access (temporary). Please note final landtake will be determined during detailed design.</p>
25	<p><i>Do Chiltern intend to exclude me from any/all of this land (19010)?</i></p> <p>This is land subject to temporary powers to be used for a worksite and access. Mr Horton will be excluded from this land for the duration of any construction that is required, following detailed design, then it will be handed back to him in a condition to Mr Horton's reasonable satisfaction as required by the draft Order terms.</p>
26	<p><i>What is Chilterns justification/need for this proposed landtake? (19011)</i></p> <p>Permanent for the widening of the embankment if needed. Please note final landtake will be determined during detailed design.</p>
27	<p><i>It is understood that in order to meet statutory regulations the track will need to be widened to the south. Please quote the relevant regulations.</i></p> <p>This is not a statutory requirement. The land may be needed to strengthen or widen the embankment, based on a structural condition inspection. Where land has not been identified for widening, this is because the embankment at that point has been considered to be sound, taking account of its height and condition.</p>
28	<p><i>Please provide sectional details to substantiate the case?</i></p> <p>Any embankment widening will be designed at detailed design after the approval of the Order. No sectional details are available.</p>

Question Number	Response
29	Not QoC
30	<p><i>What is Chilterns justification/need for this proposed landtake? (19012)</i></p> <p>Permanent for widening of railway. Please note final landtake will be determined during detailed design.</p>
31	<p><i>What is Chilterns justification/need for this proposed landtake? (19013)</i></p> <p>Permanent for widening of railway. Please note final landtake will be determined during detailed design.</p>
32	<p><i>What is Chilterns justification/need for this proposed landtake? (19017)</i></p> <p>Permanent for the main railway works. Please note final landtake will be determined during detailed design.</p>
33	<p><i>What is Chilterns justification/need for this proposed landtake? (19018, 20001)</i></p> <p>Both parcels are needed for the construction of Work Number 2. They are in NR ownership.</p>
34	<p><i>What is Chilterns justification/need for this proposed landtake? (20002)</i></p> <p>Permanent for the widening of the embankment if necessary. Please note final landtake will be determined during detailed design.</p>
35	<p><i>What is Chilterns justification/need for this proposed landtake? (20003)</i></p> <p>Worksite and access (temporary). Please note final landtake will be determined during detailed design.</p>
36	<p><i>What is Chilterns justification/need for this proposed landtake? (20010)</i></p> <p>River works needed for works to bridge. Please note final landtake will be determined during detailed design.</p>
37	<p><i>What is Chilterns justification/need for this proposed landtake? (20011)</i></p> <p>River works needed for works to bridge. Please note final landtake will be determined during detailed design.</p>

Question Number	Response
38	<p data-bbox="497 183 1232 212"><i>What will the specification of the permanent fencing boundary my land be?</i></p> <p data-bbox="497 250 1410 376">Fencing details are to be submitted for approval to the local planning authority prior to commencement of development and you will have opportunity to comment on this should the Order be approved. For information, the relevant planning condition is set out below.</p> <p data-bbox="497 414 1410 510"><i>Request for Direction under section 90(2a) of the Town and Country Planning Act 1990, conditions to be attached to the Direct and Statement of Reserved Matters (available to view at http://www.chiltern-evergreen3.co.uk/index.php/document-downloads)</i></p> <p data-bbox="497 542 1337 600"><i>Appendix 2 Conditions Proposed to be attached to the Direction for Deemed Planning Permission</i></p> <p data-bbox="497 638 845 667"><i>4. Fencing and Means of Enclosure</i></p> <p data-bbox="497 698 1410 824"><i>No individual section of the development shall commence until details of any new permanent boundary fencing or other means of enclosure, which abuts a highway, residential or commercial premises within that section of the development, have been submitted to and approved by the local planning authority.</i></p> <p data-bbox="497 862 1284 891">Reason: to protect the amenity of residents, occupiers and highway users.</p>
39	Not QoC
40	<p data-bbox="497 958 1348 1016"><i>Will conditions B5.2.15, B5.2.16 and B5.2.17 also apply to my private drive- including making good any damage caused to the stone wall at the entrance of Mill Farm?</i></p> <p data-bbox="497 1055 1410 1205"><i>Article 29 of the draft Order provides that CRCL will “(4) Before giving up possession of land of which temporary possession has been taken under this article, the Company shall remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land; but the Company shall not be required to replace a building removed under this article.”</i></p>
41	<p data-bbox="497 1236 1348 1294"><i>The topsoil from my land is particularly rich alluvial soil. Is Chiltern able to give better assurance/guarantee of the soil be returned other than ‘as far as practicable’.</i></p> <p data-bbox="497 1326 1410 1473"><i>Article 29 of the draft Order provides that CRCL will “(4) Before giving up possession of land of which temporary possession has been taken under this article, the Company shall remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land; but the Company shall not be required to replace a building removed under this article.”</i></p>
42	<p data-bbox="497 1505 1109 1534"><i>If not what will the specification of the replacement topsoil be?</i></p> <p data-bbox="497 1572 1268 1630">A standard topsoil specification will be included in CRCL’s contract for construction.</p>
43	<p data-bbox="497 1662 1077 1691"><i>What land clearance is planned for the land taken from me?</i></p> <p data-bbox="497 1729 821 1758">This has yet to be determined</p>

Question Number	Response
44	<p><i>What measures will be in place to prevent the mobilisation of construction materials/excavated sediments on site in the event of flooding/heavy rain?</i></p> <p>Section 9 of the draft Code of Construction Practice Revision Two: Draft (CD/1.24 and available at http://www.chiltern-evergreen3.co.uk/index.php/twa-inquiry sets out the steps which will be taken when working in the water environment. All works will be conducted in accordance with UK water and flood risk policy, Network rail standards and good practice with regards to the management of risks to the water environment. Specifically, BS 6031:1981 Code of Practice for Earthworks regarding the general control of site drainage, which is due to be replaced in the next 12 months by draft BS 6031:2009 Code of Practice for Earthworks. The Contractor will adhere to whichever version is in force.</p>
45	<p><i>What trees are scheduled for removal (including the mature trees to the south of the Mill Stream Viaduct)</i></p> <p>Until detailed design stage, CRCL is unable to give a definitive answer about which trees will be removed. However, as stated in 10.5.2 of the draft Code of Construction Practice loss of trees shall be avoided as far as reasonably practical. 'Trees' are defined as being a diameter of over 10cm girth and a height of 1.5 metre above ground level.</p>
46	<p><i>Are these trees to be fenced off and protected?</i></p> <p>The requirements to fence trees are in BS 5837:2005 'Trees in relation to construction' which the contractor will have to follow.</p>
47	<p><i>What is the proposed timetable for work/reseeding/planting on land to be taken from me?</i></p> <p>Not yet determined.</p>
48	<p><i>Will my land be subject to a detailed condition and level survey to ensure that the land is returned to the same level?</i></p> <p>Article 29 of the draft Order provides that CRCL will "(4) Before giving up possession of land of which temporary possession has been taken under this article, the Company shall remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land; but the Company shall not be required to replace a building removed under this article."</p>
49	<p><i>Will the riverbank relating to proposed land take 20002 20003 be subject to a level/condition/planting survey prior to the works to ensure that the bank will be left as it is found?</i></p> <p>See answer to Q18.</p> <p>The draft Code of Construction Practice Revision Two: Draft (CD/1.24 and available at http://www.chiltern-evergreen3.co.uk/index.php/twa-inquiry sets out the following, relevant in Riparian Zones.</p> <p>9.6.5 <i>Where bankside habitat is temporarily affected, it shall be reinstated to its original form on completion of the works.</i></p> <p>9.6.7 <i>Stripping of surface vegetation at construction sites will be kept to a minimum. Any required vegetation in riparian zones will be restored through the replanting removed vegetation or reseeding as appropriate.</i></p>