

By email.

IPC reference: TR040002

13 January 2012

Dear Sir/Madam

**Proposed Ipswich Rail Chord - north of Ipswich Goods Yard – Planning Act 2008 (PA 2008) and the Infrastructure Planning (Examination Procedure) Rules 2010 (the Examination Rules):**

- **Examining Authority's Requests for Further Information and Written Comments under Rule 17**
- **Notice of Hearings under Rule 13**
- **Written Representation from the Environment Agency**

I attach as Annex A the Examining Authority's Requests for Further Information and Written Comments issued under Rule 17 of the Infrastructure Planning (Examination Procedure) Rules 2010.

The requests are addressed to the following Interested Parties as stated in the text of the requests themselves:

- The applicant.
- The Environment Agency.
- Suffolk County Council.
- Ipswich Borough Council.
- Mr Beaumont.

Responses are to be received by the Examining Authority by Monday 6 February 2012. The Examining Authority will take all responses received by this date into account including where Interested Parties choose to address requests not directed to them. Responses will be published on the IPC website and the Examining Authority will take into account any comments upon the responses from Interested Parties that are received by Wednesday 29 February 2012.

In addition the IPC is aware that not all Interested Parties had access to the Written Representation submitted by the Environment Agency on 8th December 2011 for the prescribed time period before comments were due upon it. As Examining Authority therefore I will accept any further comments, if any, on this Written Representation provided they are received by Monday 6 February 2012.

I also attach as Annex B notice of Open Floor, Issue Specific and Compulsory Acquisition Hearings.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Gideon Amos', with a long horizontal stroke extending to the right and a small dot at the end.

**Gideon Amos OBE RIBA MRTPI  
Commissioner – Examining Authority**

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## Annex A

Proposed Ipswich Rail Chord - North Of Ipswich Goods Yard –  
IPC Case Ref: TR040002

### Examining Authority's Requests for Further Information and Written Comments

#### R17 - Infrastructure Planning (Examination Procedure) Rules 2010

The Requests below are addressed to the following Interested Parties as set out below:

- The applicant.
- The Environment Agency.
- Suffolk County Council.
- Ipswich Borough Council.
- Mr Beaumont.

#### Responses to be Received by the Examining Authority by Monday 6 February 2012

Responses will be published on the IPC website and the Examining Authority will take into account any comments received upon them by Wednesday 29 February 2012.

Questions are addressed to Interested Parties as set out below, the Examining Authority will take all responses into account including where Interested Parties choose to address questions not directed to them below.

#### **DESIGN DRAWINGS: BRIDGE 404**

The applicant states in its responses to the Examining Authority's questions that a like for like replacement of Bridge 404 has been considered. Suffolk County Council has raised the safety and visual impact of the proposed replacement bridge and has requested that the applicant redesign the bridge to create a more open structure and provide mitigation measures which would create a safe and welcoming environment for all users including lighting and appropriate surfaces. The **applicant** is requested to comment on these suggestions, in particular on whether more natural light could be admitted to the underpass perhaps through the proposed bridge and whether any other detailed design improvements could be made. The applicant is also requested to comment on a possible Requirement that the detailed design of Bridge 404 be approved by Ipswich Borough Council in consultation with Suffolk County Council prior to the development going ahead.

#### **WORKS PLANS: TEMPORARY CANTILEVER CYCLE PATH**

The **applicant** is requested to comment on the desirability that the temporary foot and cycle path proposed to be constructed on the river side of the existing masonry pier to Bridge 404 (subject to Environment Agency agreement) be secured by the Development Consent Order (DCO) in an appropriate way and to propose an amendment to the Works Plans or DCO as appropriate.

The **applicant** is requested to comment through the proposed Statement of Common Ground (SoCG) or otherwise on the possibility of the foundations to the cold store building being retained upon which to create a new building.

## **ENVIRONMENTAL MANAGEMENT PLAN (EMP) DRAWING: ACCESS RAMPS & SIGNIFICANT EARTHWORKS**

The **applicant** is requested to show on the EMP all and any access ramps up the embankments (including the one agreed with the Borough Council in a letter of 17 October 2011) and significant earthworks to be constructed within the Order Limits that are not yet shown and where temporary to indicate these using dashed or dotted line (identified in the legend) as appropriate.

The **applicant** is requested to include on the EMP Figure 1 (Drawing Number 1469500\_EMP\_1) any trees in the area between the existing railway line and the most northerly buildings on Riverside Road which have a trunk of a diameter of 100mm or greater and to clearly number these. The applicant is requested to comment on a Requirement that these, or a number of these trees, be protected and to consider providing a suitable wording.

The **applicant** is requested to comment on what provision is made for the drainage of land to the south of the proposed chord embankment through the embankment and whether this is confined to drainage through the underpass or in addition through the embankment itself and if appropriate show this on the EMP.

### **ARTICLE 4: DISAPPLICATION OF LEGISLATIVE PROVISIONS**

#### **ARTICLE 4(1)(a): ABSTRACTION**

The **Environment Agency** is requested to comment on its position on the disapplication of s.24 of the Water Resources Act 1991 on which it was considering its position. The applicant is requested to comment and propose a revised wording should the Environment Agency request this in relation to water abstraction.

#### **ARTICLE 4(1): IMPOUNDMENT, STRUCTURES IN ETC A RIVER, BYELAWS & OBSTRUCTIONS IN WATER COURSES**

The **applicant** is requested to comment on the proposal from the Environment Agency, that provisions of the Water Resources and Land Drainage Acts of 1991 listed in Article 4 should be disapplied only for the duration of the works and to suggest an appropriate wording to amend Article 4 in this regard.

### **ARTICLE 5: DEVELOPMENT CONSENT ETC GRANTED BY THE ORDER (SCHEDULE A): ASSOCIATED WORKS**

The authorised development including the associated development authorised by this Article is set out in Schedule A and would permanently empower the applicant to construct a wide range of works listed a) to j). The DCO cannot authorise works that have not been subject to Environmental Impact Assessment therefore the **applicant** is requested to comment on an amendment to the wording of Part 1 of Schedule A such that the words "which are within the scope of the environmental impact assessment recorded in the Environmental Statement" appear after the words "Order Limits" and before "consisting of" in the line that precedes the list (a) to (j) of proposed associated development.

## **ARTICLE 9: STREET WORKS**

The **applicant** is requested to comment on a potential Requirement that no apparatus nor any structures within the meaning of Part 3 of the New Roads and Streetworks Act 1991 shall be permanently erected on the highway except with the consent of the Highway Authority and to suggest an appropriate wording. (Such a Requirement would not extend to any apparatus placed within or under the street).

## **ARTICLE 11: TEMPORARY STOPPING UP OF STREETS**

### **ARTICLE 11(2): RESTORATION OF STREETS USED AS WORKSITES**

The **applicant** is invited to comment on the article (or a new Requirement) requiring that any street used for a worksite the highway should be restored to a condition to the County Council's satisfaction after any closure and to suggest an appropriate wording (unless this issue is covered by changes relating to Article 23 below).

## **ARTICLE 16 COMPULSORY ACQUISITION OF LAND**

The Funding Statement refers to the availability of Strategic Freight Network Fund and Network Rail Discretionary Fund, the **applicant** is requested to comment on the value of each of these funds and whether they underwritten by HM Government?

## **ARTICLE 18: COMPULSORY ACQUISITION OF RIGHTS**

The **applicant** is requested to comment on how, in the event of any application to the Secretary of State under article 18(5) to transfer the power to compulsorily acquire rights or impose covenants to another body, the availability of funding from that body would be demonstrated?

The **applicant** is requested to identify the nature and location of any new rights to be created and acquired under Article 18.

The **applicant** is requested to identify the nature and location of any restrictive covenants to be imposed under Article 18.

## **LAND PLANS**

The **applicant** is requested to comment on what diligent inquiry has been made under s.59(4) regarding the unknown ownership of plots 17 and 18.

Plot 1(PCCL): The **applicant** is requested to comment on whether there is a compelling case for the acquisition of the full extent of plot 1 for the purpose described assuming it is required for / incidental to the development and/or the rationale in general terms for determining the area necessary.

Plot 7(Scot Group): Given the centre line of the proposed Railway (Work No 1 – Works Plan Sheet 3 Drawing Number GAD/0003) and the extent of the drainage swale proposed the **applicant** is requested to comment on whether there is a compelling case for the acquisition of the full extent of plot 7 assuming it is required for / incidental to the development, and whether worksite access could not be afforded from along the line of the new railway itself necessitating a smaller land take on plot 7.

Plot 51(PCCL): The **applicant** is requested to comment on whether there is a compelling case for the acquisition of the full extent of the cold store building/plot 7 assuming it is required for / incidental to the development.

Plot 9 (Nicoll & Smith): The **applicant** is requested to comment on whether there is a compelling case for the acquisition of the full extent of plot 9 assuming it is required for / incidental to the development and / or the rationale in general terms for determining the area necessary.

The **applicant** is requested to provide details of any measures agreed with Sustrans (or other parties) to facilitate improvements to National Cycle Route 51, particularly any measures to take effect within the Order Limits showing the latter on the Land Plans.

## **ARTICLE 23: TEMPORARY USE OF LAND FOR THE CARRYING OUT OF THE AUTHORISED PROJECT**

### ARTICLE 23(4): RESTORATION

Notwithstanding the applicant's answer to the Examining Authority's question 22 which points out the distinction between Works and Land Use, it appears to remain that certain temporary works would be authorised under the headings "Land Use" including for example any access ramps up to the railway and / or major earthworks (the response to Cllr Jones' Relevant and Written Representations refers to such a ramp having been agreed with the Borough Council in a letter from Network Rail of 17 October 2011) resulting from land amongst other things being used for Worksites. The **applicant** is therefore requested to comment on a revised Article 23(4)(b) as follows (proposed inserted words underlined):

"(4) Before giving up possession of land of which temporary possession has been taken under this article, Network Rail shall remove all temporary works and restore the land including all land of which temporary possession has been taken for the purpose of Land Use only as described in column (3) of Schedule F to the reasonable satisfaction of the owners of the land; but Network Rail shall not be required to—

- (a) replace a building removed under this article;
- (b) restore the land on which any permanent works have been constructed under paragraph (1)(d); or
- (c) remove any ground strengthening works which have been placed in that land to facilitate construction of the authorised development."

Alternatively the applicant is requested to suggest a definition of the term "temporary works" as used in draft Article 23(4) such that these include the operations described under the headings "Land Use" in column (3) of Schedule F, or otherwise suggest an amendment to the draft DCO to secure the restoration of land of which temporary possession is taken for land use purposes only.

## ARTICLE 30: PROTECTION OF INTERESTS

### IMPACT ON RAIL SERVICES

The **applicant** is requested to comment on the general scale of the impact of the works on rail freight services to and from the Port of Felixstowe and on any other relevant rail operators (other than those of the applicant) and the volume of goods likely to be affected.

The **applicant** is requested to comment on the general scale of the impact of the works on rail passenger services to and from the Port of Felixstowe and on any other relevant rail operators (other than those of the applicant) and the number of journeys goods likely to be affected.

## **SCHEDULE A: AUTHORISED PROJECT - PART 2: REQUIREMENTS**

### **REQUIREMENTS GENERAL**

The **County Council** is requested to comment on whether it would expect to be responsible for discharging any of the Requirements directly or whether it will be satisfied for the Borough Council to be so responsible in consultation with the County Council?

**Ipswich Borough Council** is requested to comment on the possibility of the Order granting the Council the authority to discharge draft Requirements 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 14 and 15.

The **Environment Agency** is requested to comment on whether it still requests the mitigation measures in section 7.2.5 of volume 3 binder of the Environmental Statement (Mitigation Measures for Fluvial Flood Risk) to be incorporated into the DCO or whether the Provisions to protect the Environment Agency now proposed by the applicant along with the Design Drawings and Works Plans sufficiently address these concerns.

### **REQUIREMENT 3**

The **applicant** is requested to comment on the following suggested revised wording to 3(1) :

“...unless otherwise approved in writing by the local planning authority and any such alternative approved details shall be within the parameters of the authorised development set out in this Order.”

### **REQUIREMENTS 4/5: LANDSCAPING**

The County and Borough Councils have raised issues in relation to landscaping in particular measures relating to removal of rabbit protection, keeping planting free from competing grass and weeds, checking, adjusting and replacing and repairing all stakes, ties, shelters and fencing used in the Scheme do not appear to be covered by the draft Requirement. The **applicant** is requested to comment on the addition of these items in Requirement 5 and to suggest an appropriate wording.

### **REQUIREMENT 8: CONTRACT REQUIREMENTS – ENVIRONMENT**

#### **POLLUTION CONTROL INCIDENT PLAN**

The applicant is requested to comment on how the DCO can secure the minimum measures to be included in the Pollution Control incident Plan as set out in the SoCG

between the applicant, Natural England and the Environment Agency dated 9 January 2012.

#### REQUIREMENT 9: RESTRICTIONS ON ACCESS / ABNORMAL LOADS

The **applicant** is requested to comment on how the DCO will secure the agreement that any abnormal loads accessing the site will approach the Hadleigh Road access gate from the west, and to suggest any appropriate wording.

#### REQUIREMENT 10: NOISE MITIGATION RAILWAY COTTAGES

##### WHEEL SQUEAL

The **applicant** is requested to comment on whether the noise impacts on Railway Cottages and on other receptors arising from wheel squeal (given the curvature of the chord) have been assessed as part of the environmental assessment and whether this impact requires mitigation.

##### EUROPA WAY

The **applicant** is requested, given the Environmental Statement's conclusion that "complaints are likely for the night time" in relation to noise impact on Europa Way and Sproughton Road, to comment on the possibility of providing noise mitigation measure for these properties notwithstanding the applicant's comments to date, in addition clarity is sought regarding the floor levels at which assessments relate, are complaints likely from ground floor and / or other residents?

The **applicant** is requested to provide amended wording which defines more precisely the meaning of "final commissioning" in this Requirement.

#### REQUIREMENT 11: CONTAMINATED LAND

The **Environment Agency** is requested to comment on whether the measures in relation to additional investigative work on contaminated land requested in its letter of 8 December 2011 are still required given the applicant's comments of 9 January 2012 in response to the Agency's Relevant and Written Representations

#### REQUIREMENT 13: PEDESTRIAN AND CYCLE ACCESS TO RIVER GIPPING

Paragraph 10.22 of 'Network Rail's Comments on Relevant Representations, Written Representations and Responses to ExA's First Written Questions' states that the applicant expects to provide the Examining Authority with a note of amendments to the draft DCO which it believes to be necessary after the conclusion of the hearings. The **applicant** is requested to consider providing any such information that may need to be discussed at the hearings, in relation to changes to the DCO, before the hearings wherever appropriate.

#### POTENTIAL NEW REQUIREMENT: ENVIRONMENTAL MANAGEMENT PLAN DRAWING

The **applicant** is requested to comment on a Requirement that the development be carried out in accordance with the Environmental Management Plan Drawing submitted on

8 December 2011 except where the landscaping scheme agreed by Requirement 4 determines otherwise.

#### POTENTIAL NEW REQUIREMENT: WORKING HOURS

The applicant is requested, given the statement at Paragraph 13.6.9 of the Environmental Statement indicates site construction hours of 09.00-16.00, to comment on a potential new Requirement that working hours on site should normally be between the hours of 08:00 and 17:00 except as otherwise agreed under Requirement 8 taking into account the need for limited working at unsocial hours.

#### FURTHER MATTERS/REQUESTS

#### OTHER PERMITS AND CONSENTS

The **applicant** is requested to provide any letter of comfort from Natural England regarding Protective Species Licence in relation to demolition of the cold store building as soon as possible.

The **applicant** is requested to comment on the likelihood of consents listed in section 24 of the application form being granted.

#### NEW REQUIREMENT: ROAD BED

The **applicant** is requested to comment through its proposed SoCG or otherwise on a potential requirement that permanent road bed and foundations for the access road be constructed prior to the commencement of the other works.

#### EXAMINATION MANAGEMENT

The Written Representation received from Mr Beaumont sets out issues with obtaining sight of the application documents and this representation will be taken into account by the Examining Authority. Further to this representation **Mr Beaumont** is requested to comment on whether he now has now obtained sight of the application documents?

## **Annex B**

**Proposed Ipswich Rail Chord - North Of Ipswich Goods Yard –  
IPC Case Ref: TR040002**

### **Examining Authority's Requests for Further Information and Written Comments**

#### **Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 13(3) Notice of Hearings**

**An Open Floor Hearing will be held at 10am on Tuesday 14 February 2012 at the IP City Centre, Bath Street, Ipswich.**

**An Issue Specific Hearing on the draft Development Consent Order will be held at 2pm on Tuesday 14, and 10am on Wednesday 15 February 2012 at the IP City Centre, Bath Street, Ipswich.**

**Compulsory Acquisition Hearings will be held at 10am on Tuesday 21, at 10am on Wednesday 22 and at 10am on Thursday 23 February 2012 at the IP City Centre, Bath Street, Ipswich.**