

The Infrastructure Planning Commission
Temple Quay House
Temple Quay
Bristol
BS1 6PN

Our ref: AE/2012/113954/03-L01
Your ref: TR 040002
Date: 13 March 2012

Dear Sir/Madam

RULES 17 AND 8(1)(K) OF THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES 2010: EXAMINING AUTHORITY'S REQUEST FOR WRITTEN COMMENTS RELATING TO AN APPLICATION FOR THE PROPOSED IPSWICH RAIL CHORD, 1KM NORTH OF IPSWICH GOODS YARD.

Thank you for your letter of 2 March 2012 about the above matters.

We have reviewed the latest draft version, dated 1 March 2012, of the Development Consent Order (DCO) and have a number of comments which are set out below. However, before doing so, the writer wishes to mention that the Environment Agency National Legal Advisor, Carol Bolt, who has been closely involved in this project, has been away on annual leave and remains so until the 19 March 2012. In her absence it has not been possible to discuss certain aspects falling under our protective provisions arising out of the latest changes to the DCO. Therefore, our comments should be taken as provisional pending Carol Bolt's return to the office.

Schedule A Part 1

We note that Schedule A, Part 1, Work no 4 (j) states "a temporary structure secured to the north bank of the River Gipping to support a footpath and cycleway for use as a temporary replacement for any part of the existing footpath and cycleway while that part is stopped up under article 11".

In principle we have no objection to the temporary structure. However, to date we have not seen any drawings regarding the design and location of the structures. In addition details of who will be responsible for maintaining the structure need to be agreed. In order for us to have access to our defences we may need to move the footpath. This will be at the expense of the landowner (or a designated third party). The protective provisions and agreement between us and Network Rail may need to be revised to reflect the temporary structure.

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Schedule A Part 2

Paragraph 3

This looks at the list of drawings that the authorised development shall be carried out in accordance with. It is noted that none of these drawings include the temporary footpath/cycleway, or that of the permanent footpath/cyclepath and associated handrails etc.

Paragraph 8

We are in agreement with the revisions to this paragraph.

Paragraph 13

This looks at the pedestrian/cycle access to the river Gipping and the dedication of such access as a public right of way. This route needs to be formalised. In addition we have concerns that if it is designated a public right of way, if in the future when we undertake any maintenance work, we may need to close the footpath at an expense. This additional expense is something that potentially needs addressing. The protective provisions and agreement between us and Network Rail may need to be revised.

Paragraph 19

This states that the footpath and cycleway on the north bank of the River Gipping shall not be stopped up until the temporary structure is in place. Once again Network Rail should submit a drawing of the temporary cantilever footpath and cycleway as soon as possible.

Paragraph 20

This states “– (1) Network Rail shall construct such of the cycle way measures, including ramps, that are within the Order Limits and are shown on the drawing that is Appendix 1 “Potential cycleway measures within Order Limits” of Network Rail’s response dated 6 February 2012 to the Examining authority’s Requests for Further Information submitted to the Commission in the examination of the application for this order, and as are necessary to connect with the riverside cycle path.
(2) The works in paragraph 1 shall be carried out in accordance with the drawing that is Appendix 1 “Potential cycleway measures within Order Limits” of Network Rail’s response dated 6 February 2012 unless alternative details are submitted to and approved by the relevant planning authority.
(3) The works in paragraph 1 shall be opened to public bicycle and pedestrian use within six calendar months from the opening of the authorised development to rail traffic”.

To date we have not seen a drawing from Network Rail that depicts the potential cycleway. We have not seen or gained access to the drawing in Appendix 1 - Potential cycleway measures within Order Limits” of Network Rail’s response dated 6 February 2012.

In order to ensure that the potential cycle path does not encroach on our flood defences and affect our maintenance operations we need to see this drawing. This drawing will have to show all the details of the route including finishing, parapets etc. In addition the long term adoption and maintenance of this footpath and parapets needs to be established.

If we need to gain access to the defences along the north bank of the river, certain aspects of the route may need to be deconstructed. This will have to be at the

landowners or at a third parties expense. Protective provisions and agreement between us and Network Rail may need to be amended or alternatively a Section 30 agreement under Anglian Water Act 1977 may need to be undertaken to ensure that we can still operate and maintain our assets at no additional cost to us.

Schedule G Part 3

Our earlier letter of 2 March 2012 stated that in view of the protective provisions agreed both in writing between the Environment Agency and Network Rail and during discussions at the issue specific hearing held at Ipswich, we do not now wish to pursue an objection against the above application for a development consent order. However, in the light of the latest revisions to the DCO in relation to the temporary structure that is proposed to be secured to the north bank of the River Gipping and the permanent footpath/cyclepath, we consider it is possible we may wish to seek specific reference to these two features within Schedule G Part 3. We will advise you further once we have received legal advice from Carol Bolt.

We will aim to respond promptly with our final views following Carol Bolt's return to the office.

Yours faithfully

Andrew Hunter
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cc Network Rail