



Guide to the Access Agreement for Ground Investigation and other Intrusive Surveys

Summer 2024

eastwestrail.co.uk

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The purpose of this booklet

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This booklet is intended to give guidance and information to anyone who owns or occupies land which East West Railway Company (EWR Co) may need to access to undertake ground investigations and other intrusive surveys.

This booklet explains:

- 1. What ground investigations and other intrusive surveys are, and why EWR Co needs to do them
- 2. What access we are asking for, and what the land access agreements involve
- 3. The types of ground investigations and other intrusive surveys we need to undertake
- 4. Our commitments to you
- 5. The fees we will pay for surveys and any further compensation you may be entitled to
- 6. Your questions answered
- 7. The next steps
- 8. How to contact us for further information

The East West Rail project

East West Rail (EWR) is a proposed new rail link connecting communities from Oxford, Milton Keynes, Bedford and Cambridge. EWR would unlock economic growth, and make it easier, cheaper and greener to get around the region and beyond. Further information about the project can be found at www.eastwestrail.co.uk

What are ground investigations and other intrusive surveys?

Ground investigations and other intrusive surveys are the examination and study of the soil, rock and groundwater below the surface. Although we can learn a lot from desk-based research, to help us develop the design for the new railway we also need to gather more detailed information by surveying land for ourselves.

It is essential that we have a clear understanding of the properties of the soil and rock and the nature of the groundwater in the area around the proposed railway. We also need to identify any archaeological features or deposits which could be affected by our proposals.

A number of methods are used in ground investigation surveys to obtain samples and to monitor and test them. These are explained in more detail in section 3 below.

Why do we need to do ground investigations and other intrusive surveys now?

Having announced the preferred route for the new railway in May 2023 we now need to develop the design so we can submit our Development Consent Order application to seek permission to build and operate the new railway.

To develop the design we need a clear understanding of the environment, including the ground conditions, surrounding the preferred route. This will help us deliver this new transport connection in a responsible and environmentally sustainable way and design the most appropriate ways to avoid and mitigate any potential negative effects.

What are we asking you for?

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We need to undertake some ground investigations and other intrusive survey work on your land. To enable us to do this, we would like to enter into an Access Agreement with you to carry out these essential surveys.

This type of Access Agreement is standard practice for infrastructure and other development projects where detailed information on ground conditions and other environmental matters is essential to the design and construction.

The Access Agreement allows our survey teams to carry out the ground investigation and other intrusive surveys and access your land during agreed periods.

The areas we would like to access are shown edged green and tinted green on the plan attached to the Access Agreement which we have sent to you.

We appreciate that these surveys will cause some disturbance, so we are offering an upfront payment for access as well as further payments for additional surveys. Full details of payment terms are set out in the Access Agreement, and a summary is provided in section 5 of this document.

Once surveys are completed, we will remove all of our equipment and reinstate the land where necessary by reference to the photographic schedule of condition.

Our team will always maintain our commitments to you when organising and carrying out our surveys. You can read more about these in section 4 of this document.

If you sign an Access Agreement, you will be confirming that you hold the necessary legal rights in the land to give us permission to access it to undertake the surveys. If there are any other parties that need to give their agreement before access can be granted, it is important that you let us know before you sign and return the Access Agreement.

If you have any other questions about who should sign the Access Agreement, please get in touch. You'll find all our contact details in section 9 of this booklet.

The start and end dates for the survey period are set out on the first page of the Access Agreement which we have sent to you. We don't need constant access to the land but might need access at different times to undertake different types of surveys and to take readings from monitoring equipment.

It is always our preference to reach agreements with landowners to enable us to access their land. However, where agreement cannot be reached it is possible for us to seek authorisation to undertake these essential surveys without consent from the owner or occupier of the land. We would only rely on these powers as a last resort but if we have to rely on these powers, you would not be entitled to any survey payments.

There are many different types of intrusive surveys and the Access Agreement we have sent you will explain which of these we need to undertake on your land. The different types of intrusive surveys are detailed in the next section of this document.

The types of ground investigation and other intrusive surveys we need to undertake

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Survey type	What does the survey involve?	How long will the survey take?
Cable percussion borehole	This is the most common ground investigation technique. Once a site has been selected the equipment will be towed onto site, usually by a 4 x 4 vehicle. Once on site the drilling rig will be constructed and surveyors will drill a borehole between 150mm and 300mm wide and between 10m and 30m deep, and soil samples will be taken at various depths throughout the drilling process. The rig itself is 7m tall.	Typically this work takes 2-3 working days to complete plus time to set up the rig and reinstate the land following the testing.
Rotary borehole	A mobile rig (either tracked or sometimes vehicle mounted) with an 8m tall mast uses a rotating drill bit, typically 150mm wide, to bore through hard soils and rocks, down to 50m depth. Soil and rock samples are taken during the drilling process.	Typically this work takes 2-3 working days to complete plus time to set up the rig and reinstate the land following the testing.
Sonic borehole	The equipment is similar to the rig used for a rotary borehole but uses high frequency energy (resonance) generated inside a sonic drill head to improve penetration in difficult ground conditions.	Typically this work takes 2-3 working days to complete plus time to set up the rig and reinstate the land following the testing.
Dynamic sampling	These surveys require a small, tracked drilling rig with a 3m high mast. The rig pushes steel tubes into soft soil to take samples often referred to as window samples. Each sample will typically be from a core up to 100mm wide and down to 10m depth.	The survey work will typically take 1-2 hours to complete plus time to set up the rig and reinstate the land following the testing.

Survey type	What does the survey involve?	How long will the survey take?
Cone penetration testing	Cone Penetration Testing (CPT) measures the properties of the ground by pushing an instrumented cone into the ground. Various types of rig are available but the equipment is usually mounted within a lorry or a tracked unit, depending on the available access.	CPT will typically take 1-3 hours to complete plus time to set up the test and reinstate the land following the testing.
Dynamic probing	Dynamic probing measures the strength of the ground by hammering a cone into the ground and measuring the number of blows required to push the cone a certain distance. The equipment is usually mounted on a small tracked unit.	Dynamic probing will typically take 1-2 hours to complete plus time to set up the test and reinstate the land following the testing.
Trial pit	A mechanical excavator digs pits that are typically 1m wide and can extend for 5m with up to 5m depth to help view and identify the ground conditions and to obtain soil samples for testing.	The survey work will typically take 1-2 hours to complete.
Groundwater monitoring	Some boreholes will be installed with groundwater monitoring instruments (e.g. a standpipe or piezometers, which are instruments used to measure pressure) with a diameter of less than 100mm. These boreholes are securely capped following the installation.	Remote and on-site groundwater level and water quality monitoring will be carried out for a period, typically for a year. This could involve brief visits using handheld equipment to take readings.
Laboratory testing	A range of laboratory testing is carried out on samples collected during the ground investigations. Testing provides information to determine the properties and behaviour of the ground at a specific site and the presence of any ground contamination. This information will supplement any tests carried out on site.	N/A

Survey type	What does the survey involve?	How long will the survey take?
Archaeological trial trenching	Either a wheeled or tracked machine will be used. Trial trenches are typically up to 2m wide and between 20m and 50m long. They are normally excavated down to the horizon between top and sub-soil as this is where evidence of archaeology is usually located (average depth between 0.5m and 1m). The excavated soil is replaced in the same top and sub-soil layers and compacted back to ground level. Photographs may be taken as part of the survey but will not be placed into the public domain if the landowner explicitly requests this.	Typically, one team may complete the opening up of trenches and complete the recording of one to two trenches per day. However, a trench may need to be kept open for a few days to allow regulatory authorities to inspect if archaeology is found.
Soil augering and sampling	These will be undertaken by hand using a soil augur to a depth typically 1.2m and diameter of 25mm and the land reinstated to ground level.	These typically take around 30 minutes per auger point.



Example of a cable percussion borehole on site



Example of a rotary core rig



Example of a trial pit on site



Example of a flush borehole cover

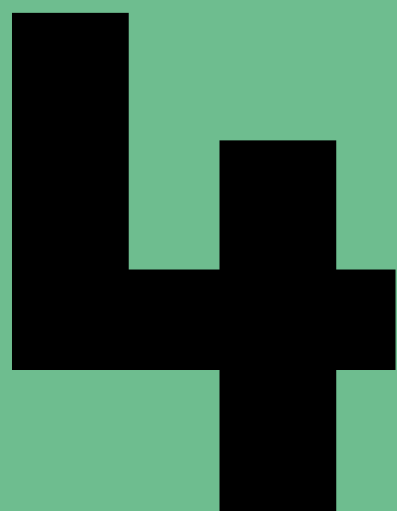


Example of a raised borehole cover with marker posts



Examples of a raised borehole cover

Our commitments to you



Through our actions and behaviour, we are designing East West Rail in a way which is fundamentally grounded in supporting the communities we serve.

We will work hard to earn your trust, by being transparent and clear in our interactions with you.

Our nine commitments to you are laid out below. We will robustly monitor our suppliers and ourselves to check we're meeting them and to find ways to improve.

1. We will treat you, your land, property and personal data, and third parties acting for you with respect
2. We will make the health and safety of you, your community and our workforce a priority
3. We will work collaboratively with you and any third parties acting on your behalf
4. We will discuss each activity with you, so we understand and manage the impacts to you
5. We will keep potential damage and disruption to the minimum required to deliver the railway
6. We will make good any physical damage caused through our activities
7. We will make all payments and compensation due to you on time
8. We will assign a dedicated Land Access Manager to you so you always have a way to contact us
9. We will make every effort to reply to all communication within five working days – sooner if possible

The fees we will pay

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Annual Access Fee	£600
Landowner time / professional Fee	<p>For the completion of an intrusive survey licence and cooperation with EWR Co and its agents in the exercise of rights authorised by licence, EWR Co will offer either:</p> <p>a. an extra fixed sum of £750 to cover your costs of obtaining professional advice on this Agreement or your time completing it or a mixture of the two; or</p> <p>b. your reasonable costs of obtaining professional advice on this Agreement.</p> <p>Where crop loss and or damage to land is suffered, a landowner’s reasonable and necessarily incurred professional fees will be payable where timesheets and terms of engagement are provided.</p>
Early Return Fee	<p>We will pay you an extra fixed sum of £500 if you return the signed Access Agreement to us by the date specified in your Agreement.</p>
Additional payments	<p>If you are the occupier, we will make additional payments on the following basis:</p> <p>For any of the below mentioned survey types undertaken, £250 will be paid per each individual survey location (for example, two boreholes will give a payment of £500);</p> <ul style="list-style-type: none">• Cable percussion borehole• Rotary borehole• Sonic borehole• Dynamic sampling• Dynamic probing• Cone penetration• Trial pit / trench• Monitoring and measuring apparatus <p>Where monitoring equipment is required to be installed in boreholes, an additional £250 will be paid for each borehole in which the equipment is sited.</p> <p>Payments differ for archaeological trial trenching, soil auguring and soil nutrient sampling as below:</p> <p>Archaeological trial trenching (per trench): £400</p> <p>Soil auguring and soil nutrient sampling: £25 each</p> <p>We will make these supplemental payments quarterly in arrears.</p>

Claims for additional compensation

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Reinstatement

We will prepare a photographic schedule of the condition of the land before the works start and provide this to you.

Once surveys are completed, we will remove all of our equipment and reinstate the land where necessary by reference to the photographic schedule of condition, including any damage to visible field drainage pipes for which we will invite the landowner to inspect before they are covered over.

Any trenches will be backfilled, replacing the strata in the reverse order to which it was excavated, returning the site to the state in which it was found as far as possible to do so.

For boreholes with monitoring equipment these will be secured with a locked cover. When we have finished monitoring the borehole, we will remove all monitoring equipment and reinstate the land.

Making a claim

If the carrying out of the surveys on the land directly causes you crop loss or environmental scheme income loss, we will pay you reasonable compensation for that loss, provided that you tell us about your claim as soon as reasonably practicable. If you do make a claim, you will need to include suitable evidence and information, such as dates, levels of damage and photographs and we will reimburse your agent’s reasonable fees in relation to the claim. We will make payment within 28 days of agreeing the claim.

If we can’t agree

If there is a dispute in relation to the Access Agreement or any claim for losses that you might make and we are unable to agree a resolution with you, the matter will be referred to an independent expert for determination. This is designed to resolve disputes simply, quickly and in a cost-efficient way for all parties without the need to go to court.

Please bear in mind that the expert can award the costs of the dispute to either party – especially if a party has acted unreasonably in some way – so you may want to seek professional advice before referring your claim.

Discussing your claim

We will work hard to earn your trust, acting respectfully and in collaboration with you every step of the way. However, if you find you have issues, concerns or wish to make a complaint please don’t hesitate to get in touch so we can investigate and quickly find a good resolution.

You can do this by:

- Raising the issue with your dedicated Land Access Manager
- Emailing us at land@eastwestrail.co.uk
- Sending us a message online at eastwestrail.co.uk/get-in-touch
- Calling us on 0330 8387583
- Writing to us at Freepost EAST WEST RAIL LAND

Your questions answered

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Will EWR Co provide a programme of the surveys on my land?

Yes. We will send you a draft programme before we start work for your comment, as set out in the Access Agreement. Each programme will contain details of the proposed survey types, indicative locations of each survey and the time during which they would be undertaken.

We may need to survey your land in more than one phase. We will send you a draft programme for your comment, as outlined above before every phase.

What do the surveys involve, and how long do they take?

Generally, ground investigation works are carried out by drilling boreholes and digging trial pits / trenches. Therefore, plant and equipment may typically be on your property for a few hours up to a few days at each of the ground investigation locations. Some locations may require follow-on monitoring visits, for example groundwater level monitoring within a borehole would typically require visits once a month for a minimum of one calendar year.

For archaeological trial trenching, it could be as little as one trench per day but timings on site will be variable depending on the archaeological findings, ground conditions and weather conditions.

The duration of each survey will depend on the size of the survey site and the survey types required, and we'll be happy to talk you through the detail when we speak to you.

What notice will EWR Co provide when they want access to land?

Once the access agreements have been signed, we will give you the following notice before accessing your land:

- 14 days' notice in advance of ground investigation and intrusive works. We will provide a Draft Ground Investigation Programme (such programme and subsequent programmes to include timings, scope of works, land area required, access routes and this may be repeated for different survey types and for different phases).
- 48 hours' notice will be provided before directly taking access and entering the property after the 14-day Ground Investigation Programme period outlined in the second bullet above has expired.

During the preliminary investigations and ground investigation period we will refine our risk assessment for the survey work and will ask you for specific information to help identify any risks you are aware of.

Our team at EWR Co is — and will remain — available to you if you have any questions or concerns or if you are uncomfortable with any of the actions we take. Please don't hesitate to contact EWR Co directly, emailing us at land@eastwestrail.co.uk or telephone 0330 8387 583.

What happens next?

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Agreeing the Access Agreement for Surveys

We will be in touch with land owners and occupiers to agree the Access Agreement for Surveys. The Agreement will cover a two-year period, however we will only require access at specific times during this period to undertake the various surveys or to collect data from our monitoring equipment.

It is important that you only sign and return the Access Agreement if you are legally able to grant us the access rights to carry out the surveys. If you are not able to do this or if someone else’s agreement will also be required, please contact us using the details set out in section 9 of this booklet, giving as much information as you can. Alternatively, you can use the Contact Details Form and pre-paid envelope provided to give your details and any additional information.

Once we have received and checked the documents, we may in some cases need to contact you for additional information.

While this Guide provides a summary of the key points of the Agreement, you should also refer to the full details of the terms and conditions as set out in the Agreement itself.

Anyone employed or contracted by EWR Co will carry a signed letter authorising them to undertake work on behalf of EWR Co, which they will be happy to produce if you ask them.



Butterfly Bridge, Bedford

Further information and contact details



We are open, honest and fair and publish all relevant information unless it is exempt from publication under the UK General Data Protection Regulations (GDPR), the Data Protection Act 2018 (DPA 2018), the Freedom of Information Act 2000, or the Environmental Information Regulations 2004.

More information on our Privacy Notice can be found on our website:

<https://eastwestrail.co.uk/privacy-at-ewr-co>

The Department for Communities and Local Government (DCLG) also publishes the following series of technical booklets that you may find useful.

¹ <https://www.gov.uk/guidance/compulsory-purchase-and-compensation-guide-1-procedure>

² <https://www.gov.uk/government/publications/compulsory-purchase-and-compensation-booklet-2-compensation-to-business-owners-and-occupiers>

³ <https://www.gov.uk/government/publications/compulsory-purchase-and-compensation-booklet-3-compensation-to-agricultural-owners-and-occupiers>

⁴ <https://www.gov.uk/guidance/compulsory-purchase-and-compensation-guide-4-compensation-to-residential-owners-and-occupiers>

If you have any questions about this Guide or intrusive surveys, please get in touch with us:

Email us: land@eastwestrail.co.uk

Message us: www.eastwestrail.co.uk/get-in-touch

Call us: 0330 8387583 (24/7, but our dedicated Land & Property Team is available Mon-Fri, 9am - 5pm)

Write to us: Freepost EAST WEST RAIL LAND

Sign up for project updates: www.eastwestrail.co.uk

