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Transport and Works Act Order Unit
Department for Transport
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Great Minster House
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Your ref: TWA/18/APP/04/OBJ/241
Date: 22/10/2018

Dear Angela

Transport and Works Act 1992: Application for the Proposed Network Rail (East West Rail Bicester to Bedford Improvements) Order

This Statement of Case is made on behalf of Central Bedfordshire Council (CBC) in respect of Network Rail's application to the Secretary of State for Transport (DfT) for an order made under the Transport & Works Act 1992 ('the Order') for the Proposed Network Rail (East West Rail Bicester to Bedford) Improvements.

We have previously set out our concerns and ask that our representation be considered as our Statement of Case. An updated version of this response is appended, along with some supporting information (Appendix A).

We would like to reserve the right to present verbal evidence at the Inquiry should our holding objections not be resolved to our satisfaction in the coming months. We are aware that if we uphold our objection we will be required to satisfy the procedures of section 239 of the 1972 Act.

The Full Council meeting at which the matter will be discussed is due to be held on 17th January 2019.

Please contact me if you require any further information at this stage.

Yours faithfully



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**Central Bedfordshire Council Statement of Case- Transport and Works Act 1992:
Application for the Proposed Network Rail (East West Rail Bicester to Bedford
Improvements) Order**

Ref: OBJ/2140

1. CBC welcomes this next stage in the delivery of Phase 2 of the EWR Western Section and the opportunity to comment on the proposals, as outlined in the TWAO.
2. As a supporter of EWR and member of the EWR Consortium, we offer our representations as constructive input. It is part of our ongoing contribution to ensure the scheme achieves its full potential.
3. Our detailed comments are supplied as Appendix A. From these, we have summarised areas of interest /concern where further discussion is required. These follow below.
4. We expect our concerns to be satisfactorily resolved through an ongoing collaboration. However, that the Order does not take into account Local Plan Policies SA2 and SE2 (see paragraphs 9 and 10), nor offers mitigation to severance issues at Lidlington (paragraphs 24 and 25), is of sufficient concern to Members to constitute a ‘holding objection’ and we ask that this be registered as such.

Draft Order and Supporting Planning Documents

5. Many of the procedures within the order, pertaining to Highways, Rights of Way closures, detailed designs, etc. are subject to a further technical approval stage. Alongside other Local Authorities within the consortium, we require a written clarification as to how this will take place.
6. We note the 28-day approval period stated in the Order and for this ‘reserved matters’ approval to be secured via an appropriately worded condition, in addition to the supplied proposed conditions. We look forward to working collaboratively

with the Consortium to reach this point in the coming weeks and months.

7. A detailed commentary on specific sections of the order are recorded in Appendix A. We ask that these comments are taken on board.

Environmental Statement

Planning Policy

8. We note the Planning Policy chapter makes reference to the old NPPF, presumably because of the date it was drafted. We recommend that it is updated to reflect the current national planning policy viewpoint.

Planning Scope

9. We request that due regard is taken the CBC's Local Plan 2015 to 2035 submission, currently in the process of examination. In particular, we draw attention to the following EWR-related strategic objectives and policies:
 - a. **Objective SO9:** Reduce the reliance on the use of the car by improving facilities at bus and train stations, delivering transport interchanges and by promoting safe and sustainable forms of transport, such as improved walking and cycling routes.
 - b. **Objective SO10:** Ensure a reliable network of east/west and north/south public transport routes to improve access to local services and facilities, especially for those without a car, through well planned routes and integrated public transport. Encouraging the shift from road to rail freight to reduce demands on the highway network.
 - c. **Policy SP1: Growth Strategy** - Outlines the Plan's objective to deliver 39,350 homes and a minimum of 24,000 new jobs between 2015 and 2035. It also identifies a number of growth location options being considered, including those of relevance to EWR such as Marston Vale New Villages.
 - d. **Policy SA2: Marston Vale New Villages** - The land for Marston Vale New Villages, as shown in Appendix A, is allocated for a mixed-use development comprising of up to 5,000 dwellings and a minimum of 40 hectares of employment land. The associated planning application is

awaiting determination by CBC. The exclusion of this site from the assessment of the scheme presents several issues, namely:

- The full impact on the Lidlington Station Road level crossing has not been adequately assessed
 - The opportunity to add value through a closer integration of the two projects has been missed. For example, the opportunity to create an alternative road crossing of the railway to the benefit of Lidlington residents has not been explored
 - The opportunity to future-proof the works against an increase in line speed will be lost. The Marston Valley application provides the opportunity to share the investment cost and avoid a far more substantial future cost to the project, to the benefit of the public purse.
- e. **Policy SE2: M1 Junction 13 – Marston Gate Expansion** - The Marston Gate expansion, shown in plan format at Attachment A-D, will provide up to 35 hectares of new employment land, delivering a mix of uses including B8 warehousing and distribution with associated B1 uses, A3 food and drink uses and a lorry park. CBC is currently reviewing a submitted EIA scoping opinion for this site.
- f. **Policy T2: Highway Safety and Design** – states that new development must not have a detrimental impact on highway safety, patterns of movement and must provide appropriate access.
- g. **Policy T4: Development and Public Transport Interchanges** – supports East West Rail by requiring those developments in close proximity to bus and rail interchanges to provide enhanced access, facilitating greater public transport use.
- h. **Policy EE10: The Bedford & Milton Keynes Waterway Park** - the Council will expect development on the route of the Bedford & Milton Keynes Waterway Park to deliver the section of the Waterway Park within its boundary. Development should be designed to relate positively to the Waterway Park.

10. We draw attention to the above policies as ‘reasonably foreseeable future projects’, deserving of inclusion in the drafting of the Order. As a minimum, the **SA2** and **SE2** strategic allocations must be considered, given they inform the future assessment scenario within which EWR will operate.
11. Both of these allocations are progressing quickly, following the submission of our Local Plan. They will significant impact the local area, including crossing movements. For this reason, we would reasonably expect **SA2** and **SE2** to be explicitly referenced in the TWAO.
12. We are also concerned of the risk that the construction of **SA2** and **SE2** will ‘clash’ with EWR-related activity. Hence, we strongly encourage a direct and early engagement with the sponsors of **SA2** and **SE2** in regard to rail and highway issues.
13. With regard to **Policy EE10** The Bedford and Milton Keynes Waterway, we require confirmation that the ‘super canal planning exclusion zone’- shown on scheme drawing 58 - relates to the Waterway. We say this because of concerns that the Waterway scheme has received insufficient consideration in the plans for EWR.
14. We continue to stress the importance of not prejudicing the route and development of the Waterway and the need for engagement between officers of EWR and the Bedford and Milton Keynes Waterway Consortium.
15. In light of the above, we are concerned that by excluding planned growth from the baseline assessment, we risk underplaying the benefits of EWR and draw attention to other adjacent developments in Milton Keynes and Bedford.

Transport, Traffic and Public Rights of Way

16. We note the agreed transport assessment methodology shows the operational and construction-related highway impacts to be of insufficient magnitude to warrant specific junction modelling and mitigation.
17. However, we stress that these impacts will be significant for our residents given the nature of the area, being semi-rural, small villages and hamlets.
18. We therefore require localised impacts to be mitigated to our satisfaction, to be agreed through a Construction Traffic Management Plan and considerate HGV and diversionary routing.

HGV routing, diversion routes and road closures

19. We are concerned that the scheme involves an extended temporary closure of the Marston Road level crossing, to allow for the construction of a new road bridge.
20. We stress that the length of this closure raises significant issues, not least matters of road safety. We highlight this as several junctions on potential diversion routes have received investment to reduce the incidence of injurious collisions. We note that diversion routes have not been specified in the TWAO documentation and stress the need for consultation when these routes are being planned.
21. We note that in the reverse situation, an intensification of the use of selected routes would constitute grounds for raising an objection. Hence, we stress the requirement for early and ongoing discussions with CBC Highways to ensure proposed diversionary routes are acceptable on capacity and safety grounds.
22. With regards to construction traffic routing, we must be consulted on proposed routes. We particularly wish to limit the number of HGVs routing via the staggered crossroads in the centre of Marston Moretaine, routing to/from the A421 – for further details see our comments in Appendix A.
23. We note the reference to two areas of ‘temporary’ highways works on Bury Ware. We presume these works are to provide a passing place and to improve visibility splays for HGVs exiting onto the A507. Before approving the schemes, we require further detail - see Appendix A – including sight of the assessment work undertaken to inform these proposals. We welcome the meeting on 7th November 2018 to discuss this further.

Lidlington School Crossing- ‘mitigation’ scheme

24. We remain gravely concerned for the impact of EWR on the community of Lidlington, whose village straddles the rail line. We have argued strongly for improvements to cement connectivity and cohesion, particularly in light of the Marston Valley planning application currently under consideration. As the TWAO proposals do not yet meet our aspirations to provide suitable crossing facilities for existing (and potentially new) residents in this area, we raise a holding objection on this issue.

25. At each consultation stage, we have stressed the risk that the EWR proposals will compound the problem of severance. As presented, the proposals offer no mitigation, affording the local community no positive benefit. We are concerned that EWR may request the closure of other Lidlington RoW crossings in response to the **SA2** planning application. In the absence of mitigating measures, this would be unacceptable.
26. We appreciate the efforts Network Rail have made to engage with Lidlington Parish Council on the matter of the School crossing. However, we are disappointed that the most recent proposal to improve the 'diverted' walking route is not referenced in the TWAO, or accompanying documentation. We request that this is incorporated within the order, not left to be separately negotiated.
27. We note that by closing the two adjacent level crossings, the usage of the Station Road crossing in Lidlington will intensify against a backdrop of significant additional potential vehicle and pedestrian and cycle movements as **SA2** is built out. We therefore request EWR to undertake and report on the options for:
- minimising barrier downtime, without impacting safety
 - changing the layout and operation, to improve safety for vulnerable road users including for example an 'advanced start' to give pedestrians chance to clear the crossing before other traffic is released
 - Consider options for a further crossing point of the railway to relieve pressure on this pinch point- given the potential impact of **SA2**.

Marston Road Overbridge

28. We require confirmation as to how the bridleway is to be accommodated, given this is not shown in the schematic plan for the Marston Road bridge. We are adamant that this facility is suitable for the shared use of pedestrians, cyclists and horse riders. We remain unclear as to the next stage in agreeing an acceptable design and draw attention to our previously submitted 'Form 6', a copy of which is included in Appendix A.
29. We reference your most recent response on this issue, in which you state:

'a preliminary design level for the overbridge, which is not yet complete, and when it is this information will be shared with CBC in due course to invite comment. This work will then lead into a detailed design stage.'

Until such time as we have received a satisfactory design, our previous comments stand.

Public Rights of Way

30. Concerning Public Rights of Way, we note that temporary closure details are to be provided in the CEMP/CTMP in due course and await the further opportunity to comment. We are satisfied with the content of the framework CTMP.
31. We will take responsibility for PROW waymarking and signage, as we understand Buckinghamshire will also do and ask that this arrangement is referenced in the relevant documents. Other issues and clarifications are included in Appendix A.

Ecology and Land Use

32. We recognise that section 2D follows the existing rail line, with land take and impacts primarily limited to the new overbridge and ECS areas.
33. We acknowledge and applaud the siting of compensatory habitats (ECS) close to where mitigation is required. ECS 3 currently provides reasonable habitat value, being rough grassland and scrub. However, whilst acknowledging the beneficial addition of a pond, we believe there is a greater gain by siting this on arable land.
34. We are disappointed that the referenced net gain is an 'aspiration' and not integral to the scheme, as can be inferred from other documents. We would point out that the updated NPPF expects a net gain for biodiversity from development whereas currently, the ES does not look beyond mitigation.
35. Whilst ECS sites are identified, we note the lack of detail as to their layout. Hence, we require details of the process for compiling and approving the respective site specifications.
36. We query the flood storage areas shown on the plans, noting a lack of reference to how these enhance habitat connectivity for great crested newts. Further commentary on these issues is provided in Attachment A.

Landscaping and Visual Impacts

37. The approach and section 2D proposals are acceptable. However, we require the queries attached to be resolved within the detailed design.

Air Quality

38. We are satisfied with the methodology for assessing air quality issues and for dealing with the likely impacts. However, we draw attention to Attachment A, in particular likely changes to the landscape within which EWR operates as a result of the Marston Valley planning application.
39. We draw attention to a new monitoring station in Beancroft Road, Marston Moretaine as this will be of use for future monitoring.

Water Quality and Flood Risk

40. We are satisfied that the proposed planning conditions relating to flood risk and water quality as these will ensure the scheme is acceptable. We will continue to work with Network Rail on this matter, engaging in discussions as the design progresses.

Noise and Vibration

41. We note that nineteen properties in area 2D will experience negative residual operational night time impacts. On the basis of Volume 4 figures, our assumption is that these properties are in Aspley Guise and would appreciate this being confirmed. We also request confirmation that these are the only properties within CBC to be substantially impacted, on the basis of the modelling work undertaken.
42. We understand there is no legal obligation to mitigate the impact on these dwellings, given Network Rail is within its rights to intensify use of a rail line. However, there is a moral case for authorities to act, where this is reasonable and would request confirmation that a budget will be allocated for this purpose.
43. We request that all construction takes place between the hours of 8am to 6pm on weekdays and 8am to 1pm on Saturdays. No audible works should take place outside these hours, or on Sundays and Bank Holidays without first obtaining prior

permission. We ask for advanced liaison on the use of plant and the operation of 'Best Practicable Means'.

Geology, Soil and Contaminated Land

44. We are content with the undertakings received to date on this matter. We are party to the detailed investigatory work and are assisting Atkins by sourcing supporting information.

Cultural Heritage

45. We are satisfied that the proposed planning conditions provide an acceptable basis for undertaking the required archaeological investigations.
46. We have allocated a case officer to deal with the Listed Building Consent at Ridgmont Station, for which an internal consultation on the proposal is currently underway. The case has been referred to the National Casework Unit, as requested.

Conclusion

47. We remain supportive of the overall strategic case underpinning East West Rail Phase 2 and endorse the principles that underpin the proposal submitted under the Transport and Works Act. EWR will enhance the Central Bedfordshire's growth potential and directly supports the sustainability of strategic allocations in our Local Plan.
48. We understand the TWAO process constitutes legal, rather than technical approval. For this reason, we will be content to see the Order approved once the matters raised in this response have been resolved to our satisfaction. That many of these points were raised in previous rounds without resolution, is frustrating.
49. We look forward to the start of construction and the commencement of new East West Rail services from 2024 and would be pleased to be contacted on any of the points raised in this submission.