

**TRANSPORT AND WORKS ACT 1992  
TRANSPORT AND WORKS (INQUIRIES  
PROCEDURE) RULES 2004**

**THE NETWORK RAIL (LONDON TO CORBY)  
(LAND ACQUISITION, LEVEL CROSSING AND  
BRIDGE WORKS) DRAFT ORDER**

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**PROOF OF EVIDENCE SUMMARY**

**MR. PAUL BOATMAN  
BOVIS HOMES LIMITED**

## **1. INTRODUCTION**

- 1.1. Paul John Boatman. Project Director Stanton Cross Development. 46 years working in the construction industry. Joined Bovis Homes Limited (“BHL”) in 2002, employed in numerous Project Management positions on developments throughout England.
- 1.2. For this project I obtain planning consents for the development, conclude legal agreements required to progress the project’s construction and programme and monitor infrastructure provision.

## **2. SCOPE OF EVIDENCE AND CPO PROCEDURE HISTORY**

- 2.1 The CPO Order is detrimental to the Stanton Cross development if confirmed. This Proof sets out BHL’s objections.
- 2.2 BHL objects to Network Rail Infrastructure Limited’s (“NRIL”) applications, pursuant to Transport and Works (Inquiries Procedure) Rules 2004, Rule 4.
- 2.3. NRIL Draft Order and related applications notice was served. BHL has a freehold interest and other interests in respect of the relevant land as included in Schedules 1, 2, 3 and 5 and/or as shown on the deposited plans and described in the book of reference.
- 2.4. BHL’s objection letter to Draft Order dated 2<sup>nd</sup> August 2018.

## **3. BACKGROUND AND PLANNING POSITION**

- 3.1. Outline planning permission granted by B C of Wellingborough (“BCW”) on 28<sup>th</sup> January 2008 (“the 2008 outline planning permission”), planning application reference WP/2004/0600 for: -

“Mixed use development including 87ha of residential development; B1, B2 and B8 development, ..... and associated works / facilities”

Land Between Finedon Road & The Railway, Neilson's Sidings & Land north of Finedon Road (Bovis) Finedon Road Wellingborough (“the permission land”).

- 3.2. BCW, NRIL, BHL and others entered into a S.106 Town and Country Planning Act 1990 (as amended) (“1990 Act”) Agreement on 28<sup>th</sup> January 2008 (“the 2008 S.106”).
- 3.3. Access - detailed consideration of the 2008 Outline Planning Permission and the approved route plan identified on Plan C of said 2008 S.106 - Route 2, which is of current relevance.
- 3.4. 3,200 homes allowed.
- 3.5. The permission land forms the main part of a Sustainable Urban Extension allocated in BCW’s Local Plan and specifically referred to in adopted North Northamptonshire Joint Core Spatial Strategy.
- 3.6. 17<sup>th</sup> September 2014, WBC approved a reserved matters application, reference WP/14/00475/REM, pursuant to 2008 outline planning permission for: -  
  
“amendment of part of approved route 2 for scheme and landscaping to that part”.
- 3.7. Condition 2 refers to drawings 47069875/3036:001 - Realignment of Irthlingborough Road and 006 Route 2 Realignment - Sheet 1 of 2 in order to define the consent. This shows an approved realignment of northern section of Route 2, west of route shown on Plan D of the 2008 S.106.
- 3.8. 6<sup>th</sup> February 2017, WBC granted conditional planning permission under s.73 of 1990 Act for: -  
  
“Mixed use development including 87ha of residential development; B1, B2 and B8 development, ..... and associated works / facilities....” on permission land.
- 3.9. BCW, NRIL, BHL and others completed a 1990 Act S.106 Agreement on 6<sup>th</sup> February 2017 (“the 2017 S.106”).
- 3.10. Condition 7 prevents development from progressing unless in accordance with the 2015 Masterplan (drawing ref DE026\_001 G). The 2015 Masterplan incorporates the amendment to Route 2 approved in 2014.
- 3.11. Condition 9 allows for up to 3,650 dwellings.

- 3.12. Condition 14 requires construction of Route 2 (referred to as Access Road 2) prior to the occupation of 724<sup>th</sup> residential property. BHL is undertaking the residential development with the sale of some development parcels.
- 3.13. Route 2, Phase 1 (shown on approved drawing 47069875/3036:001) provides a new road bridge over Midland Mainline railway east of existing road bridge, with the new road linking into Irthlingborough Road on both sides of the railway.
- 3.14. Route 2, Phase 2 (shown on approved drawing 47069875/3036:006) would continue the new road south of the railway in a south-westward direction, maintaining an existing link to Irthlingborough Road but without a direct link to it from the new road.
- 3.15. BHL has a Bridge Option Agreement with NRIL that includes agreed rights for the NRIL land and air rights to cross the railway at this location.

#### **4. OBJECTIONS TO THE USE OF COMPULSORY PURCHASE POWERS**

##### **4.1 Parcels 605, 629, 630 and 631**

Draft Order seeks to compulsorily acquire BHL's land and/or interests in land in connection with alterations and improvement of Midland Mainline railway with removal and replacement of existing road bridge ("bridge 83", Draft Order, Column 2, Schedule 1) across Midland Mainline railway - Irthlingborough Road, Wellingborough.

The planning permissions and approvals referred to above benefit the above parcels.

BHL owns parcels 605, 630 and 631.

Compulsory acquisition of Parcels 605, 629, 630 and 631 would preclude delivery of Route 2 / Irthlingborough Road Realignment, as shown on drawing 47069875/3036:001 (Phase 1) and drawing 47069875/3036:006 (Phase 2).

(Parcels 602, 603, 604, 632 and 633 (temporary use) are required to construct Route 2 / Realignment of Irthlingborough Road.)

The parcels' compulsory acquisition would prevent more than 724 dwellings on the permission land. Further, no suitable alternative access to Route 2 has been

identified. An alternative access (if any) over land not within BHL's ownership may render the implementation of the development unviable.

Unable fully (or at all) to build out the development would be contrary to sustainable development, statutory development plan and revised National Planning Policy Framework (July 2018). BCW would be unable to demonstrate 5-year deliverable housing supply or meet Housing Delivery Test (Revised NPPF paragraph 11 d. and footnote 7 refers), providing a "tilted balance" in favour of "ad hoc" planning proposals to the detriment of plan-led planning.

NRIL made no objection to planning applications referred to above and are party to the S.106 agreements.

BHL planned Route 2, Phase 1 to permit a new bridge to be constructed over Midland Mainline railway both for proper access to the development and avoiding NRIL's need to reconstruct existing bridge 83.

NRIL prematurely seeks compulsory acquisition powers as discussions and design work with NRIL continue. BHL has expressed its preparedness to commit to contributing to the cost of the new bridge.

Vehicular traffic may be unable to access the Leyland industrial estate, north-west of existing bridge via the existing bridge and Route 2, Phase 1 pending construction of Route 2, Phase 2 causing detriment and inconvenience to businesses situated there.

A compelling public interest case for compulsory acquisition of Parcel 605 has not been made.

#### **4.2 Parcels 621 and 624**

Planning permissions and approvals referred above benefit the parcels yet are proposed to be compulsorily acquired. Parcel 621 is subject to an agricultural cropping licence.

A compelling compulsory acquisition case has not been made. Loss of these parcels will reduce the land's development potential.

#### **4.3 Parcels 602, 603 (and related Parcels 601 and 602), 604, 632, 633**

These parcels plus Parcels 605, 629, 630 and 631 are required (save for 601/602) for Route 2 / Irthlingborough Road realignment.

Generally, no objection to temporary use of Parcel 603 (or temporary use of Parcels 601/602 land for access along private access track off Irthlingborough Road, as also sought by Draft Order, Schedule 2), or to temporary use of adjacent Parcels 604/632/633, however:

- (i) Parcels 603, 604, 632, 633 form part of land needed for Route 2 / Irthlingborough Road realignment (Phases 1 and 2). The temporary period is questioned, with adverse consequences for development delivery. A compelling public interest case for temporary use of these parcels has not been made;
- (ii) January 2019 to June 2019 Anglian Water has a licence to use Parcel 603, with access via Parcels 601, 602 and Parcel 604 for a site compound storing materials, plant and equipment to facilitate sewer diversion for NRIL's electrification scheme.....”

#### 4.4 **Parcels 618, 619, 621 and 622**

These Parcels are within the permission land (with Parcels 620, 623 and 628). Their proposed temporary use is not time-limited, so the potential impact is unknown. The proposed acquisition has not been justified.

#### 4.5 **Parcels 620, 623 and 628**

These parcels are licensed for agricultural crops. The Draft Order proposes entry and temporary use of airspace above the surface of the land for the oversailing of cranes. No temporary use timescale for these parcels is provided effecting the development and the proposed acquisition has not been justified.

#### 4.6 **Parcels 502 and 503 (Irchester Viaduct)**

Air rights are to be acquired. Schedule 1 (authorised works) and Schedule 3 (acquired new rights) refer in both cases to attaching apparatus to existing railway infrastructure.

These Parcels bisect two areas of BHL land, forming part of the approved strategic open space for the proposed development also designated as a SSSI/SPA for wintering birds. BHL require access that has not been safeguarded under the viaduct and adjoining land at all times for public right of way and land maintenance. The acquisition has not been justified.

#### 4.7 **Parcel 606**

Unable to locate Parcel 606 on plans. Therefore, holding objection until location is clarified.

Paul Boatman – Project Director

Bovis Homes Limited – January 2019