



Secretary of State for Transport
C/o Transport and Works Act
Orders Unit
General Counsel's Office
Department for Transport
Zone 1/18, Great Minster House
Horseferry Road
London SW1P 4DR

Please ask Chris Pettifer
for:
Direct line:
E-mail: Chris.Pettifer@bedford.gov.uk
Fax no:
Your ref:
Our ref: EWR2 response 190205
Date: 5th February 2019

Dear Mr Grayling,

Ref: East-West Rail Transport and Works Act Order Application – Holding Objection from Bedford Borough Council

On 7th September 2018 I wrote to you outlining a number of objections raised by Bedford Borough Council in response to the Transport and Works Act 1992: Application for the Proposed Network Rail (East-West Rail Bicester to Bedford Improvements) Order. These objections were ratified as required under section 239 of the Local Government Act 1972 at a meeting of the Full Council on 5th December 2018. Bedford Borough Council remains a strong supporter and advocate of the scheme, however there remains a few points of detail that the Council believes require ongoing attention in order that the scheme is delivered to achieve its full potential.

I am pleased to advise that through ongoing positive dialogue with Network Rail over recent months the Council is now in a position to remove the majority of its objections.

The Council has received a written undertaking from Network Rail that it has reviewed the scheme's proposal in relation to the closure of Stewartby Footpath STW 5A, as indicated on Sheet 56 of East-West Rail NR14 Deposited Plans and Sections and Rights of Way Plans, and has concluded that its closure is no longer required for the Order scheme (see Appendix A to this letter). On the basis that the Council has received formal assurance that Network Rail undertakes not to exercise powers conferred by the Order over footpath STW 5A it removes the part of its holding objection relating to Public Rights of Way.

There are however some remaining issues outstanding, further details of which are provided below.



Traffic and Transport (Construction)

The Council is content that matters relating to traffic impacts during construction have now been considered more fully. Network Rail has confirmed that in addition to the proposed 'Code of Construction Practice' planning condition that a 'Construction Management Plan' planning condition is now proposed. This is welcomed.

However, the Council notices that the new condition at present does not require the Construction Management Plan to include details of the storage of materials / plant on site and how the movement of any excess excavated soil within Network Rail's development area will be managed or (more pertinent to Bedford Borough Council due to the proposed new overbridge at Manor Road, Kempston Hardwick) how additional material brought in will be managed. Bedford Borough Council needs to understand what amount of waste a site might generate and / or the amount of new material that may need to be brought into a given site to have a full picture with regard to potential vehicle movements.

On the basis that the Construction Management Plan planning condition is amended to include the requirement for these details to be submitted and approved, the Council would be willing to remove the part of its holding objection relating to Traffic and Transport.

Ecological Impact

Bedford Borough Council is yet to be satisfied that its objections relating to ecological impact have been addressed sufficiently to enable it to withdraw the part of its holding objection relating to Ecology.

The DfT confirms that they have an aspiration to provide positive net gains for biodiversity and wishes to align itself with the policies contained within the NPPF (July 2018) and the Government's 25 year environment plan. Network Rail has not yet demonstrated that this aspiration will be realised, partially due to the lack of proposed compensatory habitats and compensatory sites in perpetuity. Sites lost to this type of development are likely to be lost forever and should therefore be replaced forever, or at the very least for the time that the railway constructed on the lost habitat continues to operate. However, Network Rail considers perpetuity to be a period of 30 years, after which there is a risk that the compensatory site may stop being managed or may be used for an alternative purpose as development or intensive agriculture.

The scheme as it stands does not fully compensate for habitats lost to the development, and the biodiversity accounting metric undertaken and presented in the Technical Appendix shows that the project will result in a significant net loss to biodiversity. Local and National planning policy already expects a net gain for



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biodiversity and the Government is currently consulting about a mandatory net gain from all developments.

Notwithstanding the above, the Council is content that these matters and the specific habitats of concern relating to Bedford Borough are before the Inspector in detail for consideration. In particular I refer you to the content of the letter sent to the DfT by the Wildlife Trust for Bedfordshire, Cambridgeshire and Northamptonshire dated 18th December 2018 (see Appendix B to this letter). For this reason Bedford Borough Council does not intend to make representation at the Inquiry in respect of ecological matters.

In conclusion, Bedford Borough Council maintains its objection on the following grounds:

- Ecological impact.

I will of course keep you advised if this position changes in the lead up to, or during, the Inquiry.

Yours sincerely

Chris Pettifer

Chief Officer for Transport

Encl.

[Appendix A – Network Rail letter ref. OBJ/214 dated 17th January 2019](#)

[Appendix B – Wildlife Trust letter to DfT dated 18th December 2018](#)

Greg Logan
Senior Planning Officer
Development Management
Bedford Borough Council
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MK42 9AP

Colin Murphy
Head of Consenting
Network Rail
One Victoria Square
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B1 1BD

17 January 2019

Ref: OBJ/214

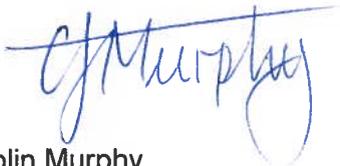
Dear Mr Logan,

I write in response to Bedford Borough Council's objection dated 7th September 2018 in respect of the proposed Network Rail (East West Rail Bedford to Bicester Improvements) Order (the "Order").

Network Rail has reviewed the East West Rail Western Section Phase 2 (EWR2) scheme's proposal in relation to closure of Stewartby Footpath STW 5A, as indicated on Sheet 56 of East West Rail NR14 Deposited plans and Sections and Rights of Way Plans and has concluded that its closure is no longer required for the Order scheme.

In consideration of Bedford Borough Council withdrawing its objection to the Order, Network Rail undertakes not to exercise powers conferred by the Order over footpath STW 5A.

Yours sincerely,



Colin Murphy

For and on behalf of Network Rail Ltd



**Bedfordshire
Cambridgeshire
Northamptonshire**

**The Wildlife Trust
The Visitor Centre
Priory Country Park
Barkers Lane
Bedford MK41 9DJ
Tel: 01234 364213**

Secretary of State for Transport
c/o Transport and Works Act Orders Unit
General Counsel's Office
Department for Transport
Zone 1/18
Great Minster House
33 Horseferry Road
London
SW1P 4DR

18th December 2018

RE: East-West Rail Western Section Phase 2: Environmental Statement Ecology Chapter – Further Environmental Information

Dear Sir,

I am writing on behalf of The Wildlife Trust for Bedfordshire, Cambridgeshire and Northamptonshire (BCN). We are a voluntary charitable organisation who care for the wildlife and countryside in our three counties and are one of 46 similar Wildlife Trusts covering the UK which are affiliated to the Royal Society of Wildlife Trusts. We manage over 100 nature reserves, 9 Living Landscapes and are supported by over 36,000 members. The sections of this Transport Works Act Order which are within Central Bedfordshire and Bedford Borough are a particular interest to us. Although the route is an operational railway line within this section, some changes are proposed and there are opportunities to enhance the landscape for wildlife which are sadly, at present, still not included within the scheme.

Having looked through the initially available documents as well as the Further Ecological Information made available during November 2018, I would like to make the following comments:

- We would have expected the survey work to have been completed with clear impacts and mitigation measures outlined prior to submission. The location and design of the ecological compensation sites should have been guided by the results and contributed to wider ecological networks. We are pleased to see that additional survey work has now been completed within Central Bedfordshire and Bedford Borough. Whilst this is not exhaustive it does give a better estimate of the impacts of the scheme within these two counties than was previously available.
- Areas D1, D2, D3 and D4 contain sections for ecological compensation. Despite the increased availability of survey information there is still very little information about the design of the ecological compensation zones (ECZ). We welcome the plans to improve the Elstow Brook around D4 for wildlife. The creation of backwaters, adding gravel to the river bed and including marginal planting would all be beneficial. However, no further information is available about the proposed habitats or features which would be included in the ECZ within Bedfordshire. This is very disappointing as it is not possible to fully assess the impact of the proposals when the plans for the necessary mitigation and compensation are unavailable. We would advise that the TWAO should not be decided until this information forms a clear part of the scheme. It is important to consider that the habitats to be established within the ECZ will take time to create and that it is customary to create a greater area/length than is to be lost due to the time it takes for habitats to mature and the many uncertainties in the process. It is important that the ECZ also contribute to the wider biodiversity network. We would also encourage the proposals for the flood storage areas to complement the ecological compensation sites to increase the biodiversity value of both areas.

www.wildlifebcn.org  @wildlifebcn  /wildlifebcn

The Wildlife Trust for Bedfordshire, Cambridgeshire and Northamptonshire
Registered Office: The Wildlife Trust, The Manor House, Broad Street, Great Cambourne, Cambridge CB23 6DH
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- Open Mosaic Habitat on Previously Developed Land is listed as a priority habitat in Section 41 of the Natural Environment and Rural Communities (NERC) Act, 2006. Within the invertebrate assemblage of Open Mosaic Habitats alongside the railway line at Lidlington, Central Bedfordshire, Grizzled Skipper (*Pyrgus malvae*, NERC Act Section 41 priority species) and Dingy Skipper (*Erynnis tages*, NERC Act Section 41 priority species) butterflies have been observed. As the Marston Vale appears to be an important area for these butterflies we would recommend that they are carefully considered within the design of the ECZ and wider landscaping plans alongside other species which have been highlighted during the survey work. Areas within the scheme where the presence of Open Mosaic Habitats should be particularly considered are D3 Land East of Marston Road, Lidlington, and D4 Land West of Manor Road, Bedford. St John's Station County/Local Wildlife Site in Bedford, which is adjacent to the line, has also been noted for its invertebrate assemblage. It is important that these sites, and others which may be found during the remaining surveys, are protected from harm and enhanced by this scheme.
- It is proposed that the ECZ have 30-year management plans as part of the scheme. We do not consider this to be appropriate. The impact on wildlife will continue for as long as the railway is operational and therefore, we would consider it necessary for the ECZ to be managed for wildlife over the same time period (for as long as the railway is operational). There are a number of mechanisms which could be used to achieve this. The mitigation/compensation measures should not be a temporary situation.
- We continue to be very surprised that the scheme does not include any 'net gain'/'net positive' plans. Net gain is a requirement within the National Planning Policy Framework and a scheme the size of East-West Rail should be making a significant contribution to the biodiversity of the areas it passes through. Local meetings have been held with East-West rail representatives in the past to discuss 'net positive' plans so it is disappointing that none of the suggestions discussed appear to have been taken forward. We welcome the inclusion of Technical Appendix 9.16 on biodiversity accounting as it has started to apply metric calculations to the scheme, which is useful. Unfortunately the calculations are fairly meaningless within Bedford Borough and Central Bedfordshire at present because no plans for the ECZ can be included. It is concerning that there is a net loss for both linear and non-linear habitats within the current estimated calculations. This would not be acceptable in any other planning application, it is clearly not in line with the NPPF and we strongly advise that this application should not be determined until this issue is resolved.

We hope that our comments on this proposal are useful. If you have any queries, please do not hesitate to contact me.

Yours sincerely,

Katharine Banham
Conservation Officer (Bedfordshire)

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