Dear Sir/Madam,

Please find attached correspondence. I would be grateful if you could confirm safe receipt.

Kind regards, Kathryn

Kathryn Jump
Partner

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Dear Sir or Madam,

THE PROPOSED NETWORK RAIL (EAST WEST RAIL, BICESTER TO BEDFORD IMPROVEMENTS) ORDER ("THE DRAFT ORDER")

Our clients: O&H Q6 Limited and O&H Q7 Limited ("O&H")

We write on behalf of our above named client to formally, and vigorously, object to the making of the above Draft Order which is being promoted by Network Rail Infrastructure Limited (Network Rail)

Failure to negotiate acquisition of O&H's interests by private treaty

O&H is the freehold owner of a substantial portion of the land included in the Draft Order. A list of 43 plots owned by O&H which Network Rail propose to acquire, either on a permanent or temporary basis, is provided at Appendix 1 of this letter. The extent of O&H land that East West Rail will pass through is also significant, as can be seen on the attached plan.

To date Network Rail has only held limited, and piecemeal, discussions with O&H over the impact of the proposals on O&H's landholdings. As such, we can currently see no basis on which the Secretary of State could conclude that the making of the Order would be a measure of last resort, as required by the CPO Guidance (February 2018).

As far as we can ascertain from the documentation issued with the Draft Order, Network Rail has failed utterly to take into account the potential impact of their proposals on O&H's land. Given the very significant amount of O&H's land that Network Rail propose to acquire, it would have been reasonable and proper to assume that O&H would have been closely involved with Network Rail in working up their proposals for the rail improvement scheme, and discussing the impact of the proposals on O&H's land. In reality, only limited discussions have taken place and Network Rail have failed to take any of O&H's concerns, or alternative suggestions, into account in the design of the proposed improvement works, or the extent of the land and rights included in the Draft Order. As such, O&H are currently at a loss to know:

- why each parcel of their land has been chosen to be acquired and what alternative solutions have been considered by Network Rail;
- when their land will be needed by Network Rail and the details of what is proposed for each land parcel;
- the steps Network Rail are going to take to mitigate the impact of the works on each land parcel, and the current operations taking place on the land,
- the steps Network Rail will take to ensure that their works do not prejudice or prevent the proposed development plans for O&H's land holdings.

These unanswered questions leave O&H gravely concerned about Network Rail's proposals. They object to the making of the Draft Order and formally request that the progress of the Draft Order be held in abeyance to allow meaningful and detailed negotiations to take place between Network Rail and O&H to address the concerns raised in this letter. Progressing to a public inquiry at this stage would be premature given the extent of outstanding issues linked to the making of the Draft Order.

Failure to make out a compelling case in the public interest

The proposed acquisition of a large number of O&H's landholdings will have a significant negative impact on O&H's current usage of their land, and the development proposals that they have for the land.

Two of the land areas affected by the Draft Order form part of large, strategic development sites. The first is known as Marston Valley, and the second is the Woburn Estate.

The Marston Valley site is subject to a draft allocation within the emerging Central Bedfordshire Local Plan for 5,000 new homes and up to 40 ha of employment land. This is a key strategic allocation which is fundamental to the delivery of the Council's ambitions to deliver 39,350 new homes and 24,000 jobs during the plan period 2015 – 2035. The development of the Marston Valley site will deliver significant public benefits, including the provision of much-needed new housing to help address the current national housing crisis.

Part of the Marston Valley site has been included in the Draft Order, as Network Rail state that the land is needed for flood mitigation work. The acquisition of this land will significantly prejudice O&H's ability to deliver new housing and employment space on this site. This is a major negative effect of Network Rail's proposals. They have failed to take into account in working up their proposals. The balancing exercise between the public benefits of the proposed rail improvement scheme, and the disbenefits of the proposals on affected land has not been undertaken. As such, we can see no basis on which the Secretary of State could properly conclude that there is a compelling case in the public interest for making the Draft Order, and granting Network Rail the compulsory purchase powers that they are seeking in the draft Order, as required by the CPO Guidance (February 2018).

In addition, Network Rail has failed to explain why this key, allocated site has been chosen by Network Rail for flood mitigation works, rather than an alternative less strategically important site.

O&H's Woburn Estate is subject to a draft allocation as part of the “South East Milton Keynes Strategic Urban Extension” in the emerging Milton Keynes Local Plan (“Plan MK”), which proposes the construction of 3,000 new homes across the site. O&H expect to contribute circa 1,300 of these dwellings on their land. The residential development of this site will bring significant public benefits.

Network Rail propose to acquire part of O&H's Woburn Estate for a bridge crossing and environmental mitigation works. The acquisition of this land will thwart O&H's ability to deliver the strategic allocation and, again, this significant impact has not been considered by Network Rail.

The negative impact of the proposals on O&H's ability to deliver over 6,000 new homes on these two sites is a major issue that must be weighed in the balance against the proposals. On this basis, O&H are of the view that the Draft Order should not be made in its current form but that Network Rail's proposals should be put on hold, pending further discussions between Network Rail and O&H as to alternative solutions for the delivery of the rail improvement scheme that minimise and mitigate the impact of the rail scheme on O&H's landholdings, and their development proposals for the Marston Valley and Woburn Estates.
Concerns regarding the Environmental Impact Assessment ("EIA") prepared to support the Draft Order

The EIA prepared in relation to the Draft Order is inadequate as it fails to consider and assess the impact of Network Rail’s proposals on O&H’s landholdings, and O&H’s development proposals. O&H does not consider that the cumulative assessment undertaken by Network Rail in the EIA is robust in that it fails to consider the cumulative impact of a number of proposed development sites, including O&H’s submitted outline planning application at Marston Valley and strategic development proposals at its Woburn Estate. The assessment also failed to consider the planning permission O&H have obtained on the Former Bletchley Brickworks site for open storage and ancillary uses. The access serving this development has now been constructed (and the permission has been partially implemented).

It is O&H’s view that the exlosure of the Marston Valley planning application, and draft allocations of Marston Valley and the Woburn Estate in local plans, which are both at an advanced stage, means that the EIA does not fully consider the potential for significant environmental effects of all of the projects where such effects are likely, as required by Regulation 14(2) (Schedule 4) of the Infrastructure Planning (EIA) Regulations 2017. On this basis, the conclusions of the EIA both in relation to the environmental effects assessed and appropriate mitigation identified, cannot be considered as robust.

Severance effects at Lidlington Village and loss of connectivity

O&H has engaged at multiple stages of consultation in relation to the Network Rail’s emerging proposals relating to the project at Lidlington. O&H has consistently objected to the effects on connectivity at Lidlington through severance caused by the closure of the School Crossing and Pilling Farm South level crossings. O&H maintains its objection in this regard as set out in Appendix 3 of this letter.

Site specific comments

The remainder of this letter sets out O&H’s detailed comments on the specific parcels of its land Network Rail are proposing to acquire in the Draft Order. O&H reserves its position to provide further representations and evidence in support of its objections in due course.

The Former Bletchley Brickworks - Plots 1010, 1011, 1012, 1013, 1015, 1015a, 1024, 1029, 1030, 1032, 1033, 1034, 1036, 1044, 1055, 1056 (Sheets 38, 39 and 40)

The Former Bletchley Brickworks site is owned by O&H and comprises the vacated site of the Jubilato Brickworks, two arable agricultural holdings, amenity lakes and a sports club with pitch provision. The estate falls into two local authority areas and the former brickworks land is currently allocated in the Development Plans for both Aylesbury Vale District and Milton Keynes Borough for general employment uses. Planning permission was granted in 2013 for open storage on part of the former brickworks site (ref. 13002031/APP) and the infrastructure has been implemented ready for letting. Despite high demand in the area for this type of employment use, it has not been possible to secure a commercial tenant, due to Network Rail’s proposals for the site.

Network Rail propose to acquire part of the site currently in agricultural use on a permanent basis for a work site access and environmental mitigation works (including a Compensatory Flood Storage Area), and further land on a temporary basis for a work compound.

The Draft Order gives Network Rail an unrestricted power to acquire the following plots of land owned by O&H – Plots 1010, 1013, 1024, 1029, 1030, 1032, 1033, 1034, 1036, 1055 and 1056. It also grants temporary access rights to the following plots owned by O&H – Plots 1011, 1012, 1015, 1015a and 1044.

O&H object to the inclusion of all of the above land in the Draft Order for the following reasons:
1. O&H's landholdings to the east of the Former Bletchley Brickworks are subject to agricultural land tenancies and are currently in agricultural use. Access to this land for existing tenants is via the former Brickworks. Network Rail's proposals will result in the sterilisation of this access and the remaining agricultural land as a result. Ongoing and future access and operational requirements for agricultural tenants has not been properly considered.

2. Network Rail propose to permanently acquire over 12.26 hectares of agricultural land, woodland, hedgerows and streams (Plots 1033 and 1056). Network Rail has failed to adequately explain why a land take of such significant scale is required and what alternative arrangements they have considered. They have also failed to explain why the loss of so much agricultural land can be justified. In addition, the residual land available for agricultural use would leave small and unfarmable parcels and inaccessible areas of agricultural land which have not been included in the scheme design.

3. The proposals would leave an inaccessible and therefore unmanageable element of O&H's land to the south of Plot 1056.

4. Network Rail proposes to acquire 49,163 sq.m of land (Plot 1033) for the creation of a Compensatory Flood Storage Area ("CFSA"). Network Rail state that the CFSA is needed to provide compensation for the loss of flood plain, both fluvial and areas at risk of surface water flooding, due to encroachment from the permanent embankment works, and also the proposed temporary construction compound (BTC). The summary calculations for the area required as the CFSA are not clear. The Order documents state that an area of 105,427 sq.m is required although the area actually proposed for the CFSA is 49,530 sq.m – less than half the area that is suggested as being required. As set out within these wider representations, the figures expressed within the submission documents in relation to the land required for environmental features included within the project are generally inconsistent. Notwithstanding this, the calculations for the CFSA at Bletchley Brickworks are not considered to be clear and consistent thereby undermining their credibility as a basis for the compulsory purchase of O&H's land. Furthermore, O&H's remaining adjacent land may be at increased risk of flooding due to the EWR project if the CFSA is not correctly assessed and the provision is insufficient.

5. The proposed CFSA is an area of land to be regraded and does not provide attenuation or flow control. Therefore, it is not clear why there is a requirement for this land to be acquired on a permanent basis. Should this land be acquired permanently, no corresponding right of access is sought and therefore it is not clear how the CFSA will be maintained.

6. Network Rail propose to construct a haul road on the site which adjoins Dimmocks Pit. Dimmocks Pit is a lake currently leased and used by a fishing syndicate. A busy haul road will have a detrimental impact on Dimmocks Pit for environmental and disturbance reasons. Noise, vibrations, pollution etc. The extent of measures proposed to mitigate these effects is not clear.

7. O&H object to the temporary use of its land at the Former Bletchley Brickworks for a site compound. The proposal will result in the sterilisation of this access and the remaining agricultural land as a result. Ongoing and future access and operational requirements for agricultural tenants has not been properly considered.

8. No details of the temporary works to create the compound such as creating new paved areas; changing ground levels, vehicular access or provision of drainage and services for the compound have been provided by Network Rail.

Woburn Estate - Plots 1106, 1107, 1114, 1115, 1117, 1117a, 1117b, 1119, 1121, 1122, 1122a, 1122b, 1123, 1124 (Sheets 44 and 45)

The Woburn Estate is owned by O&H and is predominantly in agricultural use, land out to arable. A small part of the site is managed under a fishing tenancy. O&H also own the track to the south of the railway line that leads to Woodley's Crossing and have rights to cross the railway to facilitate access to the part of the holding that lies to the north of the railway line. There is a public footpath that runs along the eastern boundary of O&H's estate. All of the site forms part of an emerging allocation as a
strategic residential development site for 3,000 new homes in the emerging Milton Keynes Local Plan. The Wolburn Estate is expected to deliver circa 1,300 of these units. A Comprehensive Development Framework is currently being prepared by Milton Keynes Council to guide development on the site.

We understand that Network Rail propose to acquire part of the site on a permanent basis to undertake the improvement works themselves, for a worksite, accommodation crossing, flood mitigation and for environmental mitigation works (including a CFSA). Further land is required on a temporary basis for a worksite and environmental mitigation reinstatement.

The Draft Order gives Network Rail an unrestricted power to acquire the following plots of land, and extinguishment of rights, owned by O&H – Plots 1114, 1115, 1119 and 1121. It also grants temporary access rights to the following parcels of O&H land – Plots 1106, 1107, 1117, 1117a, 1117b, 1122, 1122a, 1122b and 1124.

O&H objects to the inclusion of all of the above land in the Draft Order for the following reasons:

1. Network Rail proposes that 16,205 sq.m of O&H’s land ownership (Plot 1121) is acquired permanently as a CFSA. O&H objects to Network Rail’s proposals for this land because:
   a. As discussed above, this site is allocated for residential development as part of the strategic land allocation known as South East Milton Keynes in the Milton Keynes Local Plan. The area of land proposed for acquisition would significantly reduce the capacity of the site for development but would also have a significant adverse impact on the ability to create a well-designed scheme, either in terms of residential layout or wider surface water attenuation required through built development.
   b. It is understood that the CFSA is intended to provide floodplain compensation due to earthworks associated with the proposed overbridge encroaching into an area identified at risk of surface water flooding in a 1 in 1,000-year event. The summary of calculations provided within the submission documents indicates that an area of 938 sq.m is required. The documents indicate that an area of 10,438 sq.m for flood storage is proposed, over 11 times the mitigation requirement. Notwithstanding that the required area is described inconsistently within the submission, it is unclear from the summary calculations why such a large area is required and the proposed land take for the CFSA in this location is considered to be wholly unjustified in this context.
   c. The submission documents imply that “swales” will be provided at the toe of the earthworks to intercept run-off, and the drawings indicate some form of swale/ditch. It appears that the northern swales/ditches discharge to a watercourse to the north. It is not clear to where the southern ditches/swales discharge to. No indication of any proposed attenuation or flow control associated with these swales/ditches is provided.
   d. O&H questions if it is necessary for the land required for the CFSA to be acquired permanently. The proposals relate to the regrading of land to provide flood compensation, not flood attenuation or flow control. On this basis, O&H consider that permanent land acquisition is not required.
   e. Additionally, if this land is acquired on a permanent basis, it will be a landlocked feature within O&H’s land that cannot be accessed. On this basis, it is not clear how the CFSA feature or the swale outfall structure will be adequately maintained. Without satisfactory arrangements, these swales / ditches may overflow and could then increase flood risk for O&H’s land.
   f. Finally, it is not clear if Network Rail has considered any reasonable alternative locations or alternative mitigation solutions for the CFSA. This land is allocated for residential development within the Milton Keynes Local Plan. O&H fail to see how it can be justified as being in the public interest to use land identified as suitable for sustainable residential development (in part due to its proximity to the EWR rail station...
at Woburn Sands) to be used for flood mitigation works, when there must be alternative
other land far more suited to this purpose.

2. The extinguishment of its rights through the Draft Order, particularly in relation to Plot 1115,
would mean that rights of access to O&H land to the north of the railway line for its agricultural
tenants would be permanently lost. The draft Order is not clear whether, or how, these rights
would be re-related for a new Woodley's Crossing.

3. Irrespective of Point 2, the proposed construction of an overbridge on the same alignment as
the existing access route will result in a loss of access to its land for its tenant during the
construction of the bridge. Network Rail have failed to provide details of any temporary,
alternative means of access.

4. Network Rail proposes that 27118 sq m of O&H's land is compulsory purchased for the
construction of the proposed overbridge and CsFA at The Woburn Estate (Plots 1114, 1119
and 1121). Notwithstanding O&H's wider objections described in these representations, and its
objection to the loss of agricultural land, the proposed design of the CsFA along with the land
take requirements for the overbridge will leave residual areas of agricultural land which are
unfarmable and therefore unmarketable.

5. O&H has safety concerns regarding the diversion of the footpath onto the farm access road.

6. O&H objects to the potential effects on its tenants the Vauxhall Angling Club and in particular
the effects on the Club's current application proposals for the construction of a car park for its
users (Milton Keynes Council Reference - 18/01508/FUL). The proposed diversion of the public
Footpath (Woburn Sands FP002) will direct pedestrians alongside this proposed development
and could present a greater risk of trespass.

7. O&H have a number of concerns regarding the location and design of the new overbridge at
Woodley's Crossing. These are summarised in Appendix 2 of this letter.

Marston Valley - Plots 1243, 1253, 1255, 1261, 1276, 1284, 1287, 1291, 1292 (Sheets 53 and 54)

O&H own circa 4,000 acres of land in the Marston Valley. The land is predominantly in agricultural
production, with lakes being the secondary land use. However, there are also small pockets of
woodland, amenity areas and sports clubs. Central Bedfordshire Council have identified part of O&H's
land in their emerging Local Plan for up to 5,000 homes across 4 villages. In response, O&H have
submitted an outline planning application for Marston Valley (ref: 18/01999/OUT) which is currently
being considered by the Councils. Part of the land included within the planning application is proposed
to be acquired by Network Rail in the Draft Order.

We understand that Network Rail propose to acquire part of the site on a permanent basis for a work
site for overbridge and access for construction vehicles and to undertake environmental mitigation works
(including a CsFA). The permanent acquisition of rights to maintain site and, and further land is required
on a temporary basis to construct a new footpath.

The Draft Order gives Network Rail an unrestricted power to acquire the following parcels of land, and
extinguishment of rights, owned by O&H - Plots 1255, 1278, 1284, 1287, 1291 and 1292. It also grants
temporary access rights to the following parcels of O&H land - Plots 1243, 1253 and 1261.

O&H object to the inclusion of all of the above land in the Draft Order for the following reasons:

1. Network Rail proposes that 10.393 sq m of O&H's land ownership (Plot 1255) is acquired
permanently as a CsFA. O&H objects to this for the following reasons:
a. As set out above, O&H have submitted an outline planning application for a mixed use
development on this site comprising up to 5,000 dwellings, up to 30ha of employment
land, retail, community, open space and other units in May 2018. Network Rail's
proposals for the site will significantly prejudice O&M's ability to construct their proposed development on the site, and deliver much needed new homes. The loss of this development opportunity has not been taken into account in Network Rail's consideration of their proposals

b. It is understood that Network Rail are acquiring the land to provide flood plain compensation due to the earthworks associated with the proposed Marston Road overbridge which would encroach into an area identified at Risk of Surface Water Flooding in a 1 in 1000-year event to the south of the railway line. It is noted that this area considered to be at risk is not in O&M's ownership. The summary of calculations provided by Network Rail indicates that an area of 8,952 sq m of flood plain compensation is required which is a smaller area than the area that is proposed to be acquired by Network Rail in the Draft Order. Indeed, the areas for this feature is stated inconsistently within the documentation submitted.

c. O&M questions if it is necessary for the land required for the CFSA to be acquired permanently. The proposals relate to the regrading of land to provide flood compensation, not flood attenuation or flow control. On this basis, O&M consider that permanent land acquisition is not required.

d. Additionally, if this land is acquired on a permanent basis, it will be a landlocked feature within O&M's land that cannot be accessed. On this basis, it is not clear how the CFSA feature will be adequately maintained.

e. The details of outfall(s) from the toe-of-earthwork swale / ditches are not provided. Without satisfactory arrangements, these swales / ditches may overflow and could then increase flood risk for O&M's land.

2. Network Rail’s proposals to replace the existing Marston Road Level Crossing with an overbridge will result in the unacceptable permanent loss of agricultural land. They will also result in an unacceptable loss of access into agricultural land. The current means of access to O&M’s land to the north of the Bedford-Bletchley Railway Line is from Marston Road via an existing field gate to the north of the existing Marston Road Crossing. The proposals for the construction of a road overbridge bridge to replace the Marston Road Crossing do not take account of this access and no provision is made in the proposals for this access to be replaced. O&M consider that this is likely to have significant detrimental impact on its existing agricultural tenants in their agricultural use of the land to the north of the Bedford-Bletchley Railway Line. It is likely to lead to increased journey times to access the land with associated increases in fuel and mileage demands on machinery.

3. The proposed design of the overbridge does not make any provision for accommodating O&M’s land to the rear of Valley House currently taken from Marston Road.

4. Given the design of the proposed Marston Road overbridge, should the accesses described above be replicated in their existing locations, embankments would be required within the respective land parcels in order to provide an acceptable gradient from the existing ground level to the proposed bridge embankment level. However, it is O&M's views that there is limited technical opportunity for such a design to be provided and that visibility would be restricted and therefore sub-standard considering the horizontal and vertical planes due to the design of the overbridge structure and embankment. Network Rail proposals could also separate O&M's land from a contiguous boundary with the public highway.

5. Network Rail proposes to close the existing Filling Farm South Level Crossing and to extinguish Footpath FP1 where this currently runs across the crossing. Network Rail proposes that the footpath is diverted via the Station Road Crossing entering O&M's land at the northern edge of Lidlington and crossing eastwards to meet its current onwards alignment. Notwithstanding O&M's general objection to this proposal due to its impact on connectivity at Lidlington and resulting severance of the village (described above), the proposed diversion of
Footpath FP1 will result in this footpath passing through a field in use for grazing livestock. O&H’s tenant is concerned that the use of the footpath for pedestrians and people walking dogs will have a detrimental impact upon the current agricultural use of this field and livestock. It is not clear if the footpath will be adequately fenced or segregated.

6. Network Rail proposes that Ecological Mitigation Site D3 is established on 0.4 ha O&H’s land to the rear of existing properties which front onto Marston Road. This land would be permanently acquired for this purpose. O&H object to this proposed use. The proposed location for Ecological Mitigation Site is currently in use as the route of a permissive bridleway which extends from Marston Road to Station Road at Millbrook Railway Station. It is not clear if this context and the potential incompatibility between the proposed use and its current use has been considered in the Acquiring Authority’s selection of this land. The degree to which the Acquiring Authority has considered reasonable alternative sites is also not clear. It is O&H’s view that it is likely that suitable alternative locations could be identified particularly given that it is intended that this Ecological Mitigation Site would seek to compensate for the loss of pond habitat along the whole extent of Route Section 2D.

7. O&H object to the proposed temporary use of its land which will have a detrimental impact upon its agricultural use, by taking the land out of productive agricultural use and by restricting access to neighbouring fields.

8. O&H objects to the proposed design of the Marston Road overbridge. The proposed design will not adequately meet the needs of all of the users which will cross it. The proposed design does not seek to provide cycleway provision and it is not clear if the design would be suitable for equestrian use.

Kempston Hardwick - Plots 1299, 1300, 1302, 1305 (Sheet 57)

The Kempston Hardwick site is owned by O&H and is currently an agricultural holding, laid to arable with access from Manor Road. A roundabout access serves the site from the west. The land is currently being promoted for education uses, with proposals being worked on for the site to accommodate two secondary schools.

We understand that Network Rail propose to acquire part of the site on a permanent basis for a work site and environmental mitigation works, including a CFSA. Further land is required on a temporary basis to be used as a site compound and for construction access.

The Draft Order gives Network Rail an unrestricted power to acquire the following parcels of land, and extinguishment of rights, owned by O&H – Plots 1299, 1300 and 1305. It also grants temporary access rights to Plot 1302 which is also owned by O&H.

O&H object to the inclusion of all of the above land in the Draft Order for the following reasons.

1. O&H has emerging development proposals for its land at Kempston Hardwick (known as CP Farm) which will include the use of the existing access from Manor Road as a sustainable route to Kempston Hardwick station. O&H’s proposals at CP Farm seek to meet a growing and significant need for educational facilities in the wider Marston Vale. The proposed design of the Manor Road overbridge would limit O&H’s opportunity to deliver sustainable educational uses. O&H question if the proposed design and use of its land in this location is in the wider public interest.

2. The proposals will result in the permanent loss of agricultural land and will therefore have an impact on O&H’s tenants.

3. The proposals will result in an unacceptable loss of access into agricultural land. The current means of access to O&H’s land to the north of the Bedford-Bletchley Railway Line is from Manor Road via an existing field gate to the north of the existing Kempston Hardwick Crossing. The proposals for the construction of a road overbridge bridge to replace the
Kempston Hardwick Crossing do not take account of this access and no provision is made in the proposals for this access to be replaced. If the existing field access was to be replicated in its existing location, an embankment would be required within the land parcel in order to provide an acceptable gradient from the existing ground level to the proposed overbridge embankment level. However, due to vertical alignment of Manor Road, visibility from the access would be substandard. Also, it appears that visibility would be restricted and sub-standard considering the horizontal plane due to the proposed bridge parapets and infrastructure associated with the design of the overbridge. Additionally, the proposed design of the overbridge and associated embankments would prevent O&H from upgrading the existing field access in the future as a junction with substandard visibility would be deemed a “Departure from Standards” in the EMA8. Further, Network Rail proposals could also separate O&H’s land from a contiguous boundary with the public highway.

4. O&H object to the proposed temporary use of its land for Compound D2. The proposed use of this land during the construction period will result in a substantial loss of agricultural land and will have a detrimental impact upon the wider agricultural use of O&H’s land in this location.

5. Network Rail proposes that 27,627.05 sq.m of O&H’s land (part of Plot 1300) is acquired as a CFSA. O&H objects to this for the following reasons:

   a. It is understood that this is intended to provide flood plain compensation due to the earthworks associated with the proposed Manor Road overbridge and temporary compound encroaching into an area identified as fluvial flood plain. The summary of calculations provided within the submission documents indicates that an area of 1,220 sq.m of flood plain is lost and that the proposed CFSA is 12,626 sq.m. It is noted that the CFSA is assumed to be regraded into the existing ground levels at a gradient of 1 in 12. However, notwithstanding that the suggested quantum of land required is stated inconsistently within the submission documents, the requirement for a substantially larger land take from that suggested by the summary of calculations is not clear from the summary of calculations. On this basis, the suggested extent of O&H’s land which would be compulsory purchased is not justified.

   b. O&H questions if it is necessary for the land required for the CFSA to be acquired permanently. The proposals relate to the regrading of land to provide flood compensation, not flood attenuation or flow control. On this basis, O&H consider that permanent land acquisition is not required.

   c. Additionally, if this land is acquired on a permanent basis, it will be a landlocked feature that cannot be access without the use of O&H’s land. On this basis, it is not clear how the CFSA feature will be adequately maintained.

   d. The arrangements for the maintenance of the outfall from the swale / ditch from the toe of earthworks have not been properly considered. Without satisfactory arrangements, these swales / ditches may overflow and could then flood onto adjacent O&H land.

6. Network Rail proposes that Ecological Compensation Site D4 is established on 3.9 ha of O&H’s land at Kempston Hardwick (eastern part of Plot 1300). This land would be permanently acquired for this purpose. O&H object to this proposed use. Appendix 9.13 of the ES indicates that this land will be used for watercourse enhancement, lowland mixed deciduous woodland planting and bat mitigation. It is not clear why such a large land take is required to meet the mitigation requirements of the proposals.

7. O&H objects to the proposed design of the Manor Road overbridge. The proposed design will not adequately meet the needs of all of the users who will cross it. Attention should be paid to ensure safe access for all road users.
Conclusion

O&H object to the making of the Draft Order for the reasons set out in this letter.

It is O&H's view that the Draft Order should not be made in its current form and that the process of making the Order should be suspended to allow proper and detailed discussions between Network Rail and O&H in relation to the railway improvements proposals, and the extent to which O&H's landholdings could be affected by the proposals.

Yours sincerely

[Signature]

KATHRYN JUMP
Partner
SHOOSMITHS LLP

APPENDIX 1 – O&H's landholdings included in the Draft Order

<table>
<thead>
<tr>
<th>Plot</th>
<th>Extent, Description and situation of land</th>
<th>Sheet No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>1010 201 square metres, or thereabouts, of Grassland, embankment and unpaved access track situated to the south of OX/D6 Newton Road Underbridge, in the parish of Newton Longville</td>
<td>38</td>
</tr>
<tr>
<td>2.</td>
<td>1011 4 square metres, or thereabouts, of Unpaved access track situated to the south of OX/D6 Newton Road Underbridge, in the parish of Newton Longville</td>
<td>38</td>
</tr>
<tr>
<td>3.</td>
<td>1012 159 square metres, or thereabouts, of Woodland situated to the south east of OX/D6 Newton Road Underbridge, in the parish of Newton Longville</td>
<td>38</td>
</tr>
<tr>
<td>4.</td>
<td>1013 1370 square metres, or thereabouts, of Woodland situated to the south east of OX/D6 Newton Road Underbridge, in the parish of Newton Longville</td>
<td>38</td>
</tr>
<tr>
<td>5.</td>
<td>1015 7836 square metres, or thereabouts, of Woodland, scrubland, concrete hardstanding, paved access track, stream and grassland situated to the south east of OX/D6 Newton Road Underbridge, in the parishes of Newton Longville and Bletchley and Fenny Stratford</td>
<td>38</td>
</tr>
<tr>
<td>6.</td>
<td>1015a 471 square metres, or thereabouts, of Agricultural land situated to the east of OX/D6 Newton Road Underbridge, in the parish of West Bletchley</td>
<td>38/39</td>
</tr>
<tr>
<td>7.</td>
<td>1024 10 square metres, or thereabouts, of Woodland situated to the south of OX/D5 cattle Arch Underbridge, in the parish of Bletchley and Fenny Stratford</td>
<td>38</td>
</tr>
<tr>
<td>8.</td>
<td>1029 1313 square metres, or thereabouts, of Agricultural land situated to the east of OX/D5 cattle Arch Underbridge, in the parish of West Bletchley</td>
<td>39</td>
</tr>
<tr>
<td>Plot</td>
<td>Extent, Description and situation of land</td>
<td>Sheet No.</td>
</tr>
<tr>
<td>------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>-----------</td>
</tr>
<tr>
<td>9.</td>
<td>1030 809 square metres, or thereabouts, of Agricultural land situated to the east of OXDS/5 Cattle Arch Underbridge, in the parish of West Betchley</td>
<td>38/39</td>
</tr>
<tr>
<td>10.</td>
<td>1032 438 square metres, or thereabouts, of Agricultural land situated to the east of OXDS/5 Cattle Arch Underbridge, in the parish of West Betchley</td>
<td>39</td>
</tr>
<tr>
<td>11.</td>
<td>1033 49163 square metres, or thereabouts, of Agricultural land, woodland, hedgerow and stream situated to the south west of OXDS4 Cattle Arch Selbourne Avenue Underbridge, in the parishes of West Betchley and Bletchley and Fenny Stratford</td>
<td>39</td>
</tr>
<tr>
<td>12.</td>
<td>1034 1308 square metres, or thereabouts, of Agricultural land and woodland situated to the south west of OXDS4 Cattle Arch Selbourne Avenue Underbridge, in the parishes of West Betchley and Bletchley and Fenny Stratford</td>
<td>39</td>
</tr>
<tr>
<td>13.</td>
<td>1036 1083 square metres, or thereabouts, of Woodland, grassland, adopted highway known as Selbourne Avenue and Footpath Bletchley 026 forming part of Selbourne Avenue Playing Fields situated to the south west of OXDS4 Cattle Arch Selbourne Avenue Underbridge, in the parishes of West Betchley</td>
<td>39</td>
</tr>
<tr>
<td>14.</td>
<td>1044 580 square metres, or thereabouts, of Grassland and fence forming part of Selbourne Avenue Playing Fields situated to the south west of OXDS4 Cattle Arch Selbourne Avenue Underbridge, in the parish of West Betchley</td>
<td>39</td>
</tr>
<tr>
<td>15.</td>
<td>1055 479 square metres, or thereabouts, of Agricultural land situated to the south of adopted highway known as Coleridge Close, in the parish of Bletchley and Fenny Stratford</td>
<td>40</td>
</tr>
<tr>
<td>16.</td>
<td>1056 73531 square metres, or thereabouts, of Agricultural land and Footpath Bletchley 027 situated to the south of adopted highway known as Coleridge Close, in the parish of Bletchley and Fenny Stratford</td>
<td>40</td>
</tr>
<tr>
<td>17.</td>
<td>1106 492 square metres, or thereabouts, of Agricultural land and hedgerow situated to the east of adopted highway known as Beethoven Close, in the parish of Wavendon</td>
<td>44</td>
</tr>
<tr>
<td>18.</td>
<td>1107 10 square metres, or thereabouts, of Agricultural land and hedgerow situated to the east of adopted highway known as Beethoven Close, in the parish of Wavendon</td>
<td>44</td>
</tr>
<tr>
<td>19.</td>
<td>1114 8139 square metres, or thereabouts, of Agricultural land and unpaved access track situated to the north of Woodleys Farm Level Crossing, in the parishes of Wavendon and Woburn Sands</td>
<td>45</td>
</tr>
<tr>
<td>20.</td>
<td>1115 982 square metres, or thereabouts, of Railway works and land and Woodleys Farm Level Crossing forming part of the Bicester to Bedford Railway Branch situated to the north of Woodleys Farm, in the parishes of Wavendon and Woburn Sands</td>
<td>45</td>
</tr>
<tr>
<td>21.</td>
<td>1117 1230 square metres, or thereabouts, of Agricultural land and hedgerow situated to the north west of Woodleys Farm Level Crossing, in the parishes of Woburn Sands and Wavendon</td>
<td>45</td>
</tr>
<tr>
<td>22.</td>
<td>1117a 1668 square metres, or thereabouts, of Agricultural land and Woburn Sands Footpath 002 situated to the north east of Woodleys Farm Level Crossing, in the parish of Woburn Sands</td>
<td>45</td>
</tr>
<tr>
<td>23.</td>
<td>1117b 1179 square metres, or thereabouts, of Agricultural land situated to the north of Woodleys Farm Level Crossing, in the parish of Woburn Sands</td>
<td>45</td>
</tr>
<tr>
<td>Number</td>
<td>Reference</td>
<td>Description</td>
</tr>
<tr>
<td>--------</td>
<td>-----------</td>
<td>-------------</td>
</tr>
<tr>
<td>24</td>
<td>1119</td>
<td>2774 square metres, or thereabouts, of Agricultural land and unpaved access track situated to the south of Woodleys Farm Level Crossing, in the parish of Woburn Sands</td>
</tr>
<tr>
<td>25</td>
<td>1121</td>
<td>16205 square metres, or thereabouts, of Agricultural land to the north of adopted highway known as Bows Brickhill Road and to the east of Newport Road A5130, in the parish of Woburn Sands</td>
</tr>
<tr>
<td>26</td>
<td>1122</td>
<td>16376 square metres, or thereabouts, of Agricultural land situated to the north of Woodleys Farm Level Crossing, in the parish of Woburn Sands</td>
</tr>
<tr>
<td>27</td>
<td>1122a</td>
<td>3463 square metres, or thereabouts, of Agricultural land, unpaved access track and Woburn Sands Footpath 002 situated to the east of Woodleys Farm, in the parish of Woburn Sands</td>
</tr>
<tr>
<td>28</td>
<td>1122b</td>
<td>4008 square metres, or thereabouts, of Agricultural land and unpaved access track from Bows Brickhill Road situated to the south of Woodleys Farm, in the parish of Woburn Sands</td>
</tr>
<tr>
<td>29</td>
<td>1123</td>
<td>4834 square metres, or thereabouts, of Agricultural land, woodland, hedgerow, pylons and overhead cables situated to the east of Woodleys Farm Level Crossing, in the parish of Woburn Sands</td>
</tr>
<tr>
<td>30</td>
<td>1124</td>
<td>132 square metres, or thereabouts, of Entrance to Woodleys Farm situated to the south of Woodleys Farm, in the parish of Woburn Sands</td>
</tr>
<tr>
<td>31</td>
<td>1243</td>
<td>1931 square metres, or thereabouts, of Agricultural land, hedgerows and Footpath 1 situated to the north of Walnut Grove, in the parish of Lidlington</td>
</tr>
<tr>
<td>32</td>
<td>1253</td>
<td>104 square metres, or thereabouts, of Agricultural land, hedgerow and Footpath 1 situated to the north of Pillinge Farm South Level Crossing, in the parish of Lidlington</td>
</tr>
<tr>
<td>33</td>
<td>1255</td>
<td>10393 square metres, or thereabouts, of Agricultural land and hedgerow situated to the north of Pillinge Farm South Level Crossing, in the parish of Lidlington to the east of Walnut Grove</td>
</tr>
<tr>
<td>34</td>
<td>1261</td>
<td>4866 square metres, or thereabouts, of Agricultural land and stream situated to the west of Marston Road Level Crossing, in the parish of Lidlington</td>
</tr>
<tr>
<td>35</td>
<td>1278</td>
<td>1678 square metres, or thereabouts, of Agricultural land and garden forming part of premises known as Chaffa Cottage, in the parish of Lidlington</td>
</tr>
<tr>
<td>36</td>
<td>1284</td>
<td>923 square metres, or thereabouts, of Wooded area and scrubland situated to the north east of Marston Road Level Crossing, in the parish of Lidlington</td>
</tr>
<tr>
<td>37</td>
<td>1287</td>
<td>1553 square metres, or thereabouts, of Wooded area and scrubland situated to the north east of Marston Road Level Crossing, in the parish of Lidlington</td>
</tr>
<tr>
<td>38</td>
<td>1291</td>
<td>1962 square metres, or thereabouts, of Wooded area and Permissive Footpath situated to the east of Valley House, in the parish of Lidlington</td>
</tr>
<tr>
<td>39</td>
<td>1292</td>
<td>1325 square metres, or thereabouts, of Wooded area and Permissive Footpath situated to the north east of Valley House, in the parish of Lidlington</td>
</tr>
<tr>
<td>40</td>
<td>1299</td>
<td>68 square metres, or thereabouts, of Agricultural land situated to the east of Manor Road Level Crossing, in the parish of Stewarty</td>
</tr>
<tr>
<td>41</td>
<td>1300</td>
<td>41129 square metres, or thereabouts, of Agricultural Land, woodland and hedgerow situated to the east of Manor Road Level Crossing, in the parish of Stewarty</td>
</tr>
</tbody>
</table>
6. O&H has set out in previous representations how with relatively minor modifications to its width and span, the current ‘accommodation bridge’ design could be adjusted to construct an overbridge capable of taking two way vehicles and being adopted as public highway once road connections are in place to link the bridge crossing with the existing highway network, thereby mitigating the impact of EWR in the next control period. Details of these modifications are outlined in the plan attached as Appendix 6 to this letter.

7. On this basis, it is O&H’s view that it is in the public interest that the design of the proposed overbridge is amended to meet DMRB standards for District Distributor roads with the following cross-section recommended to cater for all users:
   - minimum effective carriageway – 7.3m
   - footway/cycleway – 3m + 1m verge
   - footway – 2m

9. Additionally, O&H object to the design of the proposed overbridge given that it is not future proofed to be suitable for modern farm machinery and to allow for its use by larger farm machinery in the future.

10. On the basis of the above, O&H object to the Acquiring Authority’s proposed design of the Woodley’s Crossing overbridge and consider that an alternative, comprehensive design should be adopted to provide a crossing which (a) fully mitigates the impacts of the current Project in terms of uninterrupted tenant access and maintaining acceptable safety conditions at Woburn Sands level crossing and (b) is constructed in a way which allows future adaptation to enable a public highway over the railway without the need to demolish and rebuild the bridge crossing within 2-3 years of its construction.

APPENDIX 3 - Lidlington Village

O&H has engaged at multiple stages of consultation in relation to the Network Rail’s emerging proposals relating to the project at Lidlington. O&H has consistently objected to the effects on connectivity at Lidlington through severance caused by the closure of the School Crossing and Pilling Farm South level crossings. O&H maintains its objection in this regard for the following reasons:

School Level Crossing

O&H considers that the closure of the School Crossing will have the most detrimental effects on severance at Lidlington when compared to the options which have been considered by Network Rail, presented through consultation in June 2016 and which have been subsequently rejected.

The decision to close the School Crossing was not supported by the outcomes of consultation in June 2016 and is subject to significant local objection. O&H question if comments made through the consultation process have been given due consideration in the selection of the final scheme design. A consideration of alternatives such as a comprehensive solution which maintains existing levels of connectivity for the western part of the Village therefore avoiding substantial severance effects at Lidlington is not described within Chapter 3 Consideration of Alternatives (at Volume 2i of the ES).

O&H note and agree with local concerns raised in previous rounds of consultation regarding the impact on pedestrian safety resulting from Network Rail’s proposal to divert pedestrian movements from the existing School Crossing to the Station Road Crossing, given that due to its connection to the Thomas Johnson Lower School, pedestrians using the School Crossing are likely to be more vulnerable to the dangers of crossing an active railway line.

There are also concerns that existing footway provision is not adequate to accommodate the intensification of the use of the route to the Station Road and that footway provision for pedestrians across the existing Station Road Crossing is similarly unsuitable. The existing public realm in proximity
APPENDIX 2 – Additional comments regarding Woodley’s Crossing

O&H have a number of concerns regarding the location and design of the new overbridge at Woodley’s Crossing. These can be summarised as follows:

1. Network Rail’s proposals for a new overbridge at Woodley’s Crossing is a direct replacement for the existing level crossing. The location and design of the overbridge remains unchanged from that originally promoted at the start of consultation in 2015 and has not been reviewed/amended to reflect O&H’s various consultation responses made in October 2015, 2016 and August 2017. O&H’s responses set out an alternative location for the overbridge crossing on O&H land approximately 130m to the east of Network Rail’s proposal. This would allow the construction of the new overbridge off line (thereby avoiding loss of tenant access during bridge construction) and avoid additional third party land acquisition which the current proposal requires.

2. The design of the overbridge included in the Draft Order (shown on submitted drawing 133735_2D-EWR-BBM-XXXXXX-DR-T-016077 Revision A01) consists of a 5m carriageway, 2.1m footway and 1.4m verge. This design is required to (a) provide a ‘replacement access’ for the current at grade crossing so that farm vehicles of up to 40t in weight can still cross the rail line (known as an ‘accommodation bridge’; and (b) accommodate public pedestrian and cycle movements diverted from the closure of the Fisherman’s Path public footpath crossing further east (see submitted drawings 133735_2D-EWR-BBM-XXXXXX-DR-T-004009 Revision A02 and 133735_2D-EWR-BBM-XXXXXX-DR-T-004007 Revision A02). However, Network Rail’s proposed bridge design takes no account of the impact of the rail improvement scheme in terms of increased train movements and resulting increased congestion at the Woburn Sands level crossing (and therefore a resulting adverse impact on safety at that crossing), nor of the current allocation at South East Milton Keynes for 3,000 new homes north and south of the rail line and the impact this will have on the rail line and crossing points in the local area. Neither of these impacts have been fully considered or mitigated through the EIA.

3. Whilst O&H recognise that the current round of TWA activity is limited to that needed for the first stage EWR improvements, O&H understand that works at the Woburn Sands Stanton crossing (Newport Road) to mitigate the impact on safety and road congestion increased ‘barrier down’ times are likely to be required as part of the further planned upgrade to EWR to be delivered by NR in the period 2024-29 (Control Period 7).

4. As these is no engineering solution to improve conditions at the current level crossing (there is insufficient space for either road improvements or the construction of a road bridge in the centre of Woburn Sands) for the next phase of EWR, O&H has made representations to Network Rail in previous rounds of consultation that the proposed accommodation bridge could be designed and constructed in such a way as to allow its future use as a public highway to create an alternative vehicular crossing of the railway to Newport Road and thereby mitigate congestion and safety impacts at Woburn Sands level crossing.

5. As proposed, the design of the overbridge does not allow future use for general two-way traffic and would need to be demolished and rebuilt as a vehicular bridge to mitigate the impacts of EWR in the next control period at considerable additional cost.
to the Station Road Crossing is not conducive to an increased number of pedestrians waiting in this location whilst the level crossing barriers are down.

Pilling Farm South Level Crossing

O&H objects to the proposed closure of the Pilling Farm South Level Crossing which will lead to a permanent loss in connectivity in Lidlington. O&H estimate that the closure of this crossing and the subsequent diversion of pedestrian movements associated with the existing Footpath FP1 via the Station Road Crossing will result in an increase of 11 minutes walking time for pedestrians to reach the same point on the Marston Vale Trail long distance footpath.