

**The Network Rail
(East West Rail Bicester to Bedford Improvements) Order**

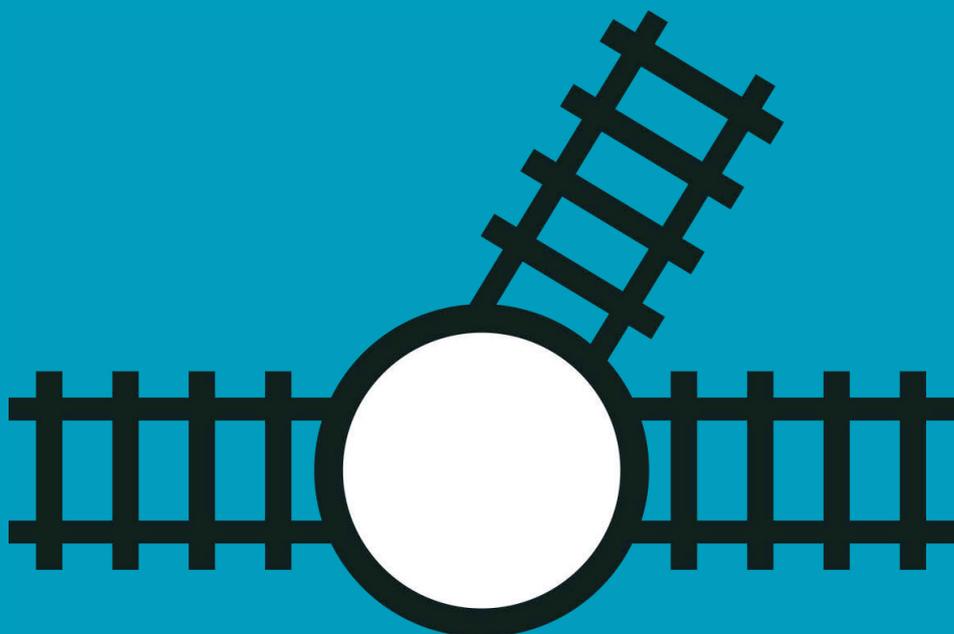
Transport and Works Act 1992

The Transport and Works
(Inquiries Procedure) Rules 2004

Proof of Evidence of Jill Stephenson

Planning

NR49



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List of acronyms and abbreviations

Acronym or abbreviation	Definition
AVDC	Aylesbury Vale District Council
BBC	Bedford Borough Council
CBC	Central Bedfordshire Council
CDC	Cherwell District Council
CoCP	Code of Construction Practice
EIA	Environmental Impact Assessment
ES	Environmental Statement
EWR	East West Rail
GDPO	Town & Country Planning (General Permitted Development) (England) Order 2015
GSM-R	Global System for Mobile Communications – Railway
HS2	High Speed 2
LBC	Listed Building Consent
LIVA	Landscape & Visual Impact Assessment
LPA	Local Planning Authority
LTP	Local Transport Plan
MCJ	Railway line between Claydon Junction and Aylesbury
MKC	Milton Keynes Council
MoD	Ministry of Defence
NIC	National Infrastructure Commission
NIDP	National Infrastructure Delivery Plan
NPPF	National Planning Policy Framework
NPS	National Policy Statement
NSIP	Nationally Significant Infrastructure Project
PROW	Public Right of Way
SUE	Strategic Urban Extension
TWA(O)	Transport & Works Act (Order)
VALP	Vale of Aylesbury Local Plan
WSI	Written Scheme of Investigation

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1 Introduction

1.1 Personal Details

1.1.1 My name is Jill Stephenson.

1.1.2 I am a Chartered Town Planner by profession with 18 years' experience in the rail industry. My role with Network Rail is that of Town Planning Manager for the London North Western Route and I have been a full member of the Royal Town Planning Institute (RTPI) for 12 years and a Practitioner member of the Institute of Environmental Management and Assessment (IEMA) for 2 years. In this role I have been responsible for providing town planning advice in relation to railway enhancement schemes including the Network Rail (Norton Bridge Improvements) Order 2014, the Network Rail (Huyton) Order 2014, the Network Rail (Ordsall Chord) Order 2015, the Network Rail (Manchester Piccadilly and Oxford Road Capacity Scheme) Order (undecided) and The Network Rail (Hope Valley Capacity) Order 2018. I acted as expert planning witness at the Public Inquiries into both the Ordsall Chord scheme and the Manchester Piccadilly and Oxford Road Capacity scheme.

1.1.3 In respect of Network Rail's application for the Network Rail (East West Rail Bicester to Bedford Improvements) Order to authorise the Order Scheme, my role has been to advise on town planning matters, including applications submitted in relation to advanced works.

1.2 Scope of Evidence

1.2.1 This evidence concerns the planning policy context and overall planning balance for the Request for Deemed Planning Permission (**NR08**) and listed building consent applications, providing reasons why it is considered that the Secretary of State should approve those applications. It explains the reasons for which different elements of the EWR2 Project are authorised by various planning mechanisms. It also deals with matters raised at the post submission stage, responses received through consultation and the use of draft planning conditions as set out in the Request for Deemed Planning Permission (**NR08**).

1.2.2 On 21 November 2018 the Secretary of State for Transport set out the Statement of Matters on which he particularly wishes to be informed. My evidence will principally address the following matters:

In relation to the draft Order -

a) 4. The extent to which proposals in the TWA Order are consistent with the National Planning Policy Framework, transport policies, local planning and environmental policies.

b) 5. The likely impact of the exercise of the powers in the proposed TWA Order on land owners, tenants and statutory undertakers, including any adverse impact on their ability to carry on their business and undertakings effectively and safely and to comply with any statutory obligations applying to their operations during construction and operation of the scheme. Consideration under this heading should include:

b) the impacts on land use, including effects on commercial property and the effect on other planned development in the area. Note that my evidence relates to the impact of the Scheme on other planned development, with wider evidence on commercial property related matters covered within the evidence of Jonathan Smith.

- c) 12. The conditions proposed to be attached to the deemed planning permission for the project, if given, and in particular whether those conditions satisfy the six tests referred to in Paragraph 206 of the National Policy Framework.

In relation to the applications for listed building consent -

- d) 14. The extent to which the works are in accordance with the development plan for the area including any 'saved policies'.
- e) 15. The weight that should be attached to the development plan, and any emerging plans.
- f) 16. The extent to which the works would accord with the National Planning Policy Framework and in particular the desirability of sustaining or enhancing the character or appearance of the heritage assets and Conservation Areas.
- g) 17. If consent for the works is granted, the need for any conditions to ensure they are carried out in a satisfactory manner.

1.3 Structure of this Proof of Evidence

1.3.1 This Proof of Evidence includes a description of the works for which a direction for deemed planning permission is sought (Page 8) and a description of the works where listed building consent is sought (Page 11). The national, strategic, local and transport policies relevant to the scheme are covered (Page 13), with an appraisal of the scheme set against the policy background (Page 27).

1.3.2 Draft planning conditions are discussed (Page 31), with other planned development considered (Page 38).

2 Description of Works where Planning Permission Sought

2.1 Order planning permission

- 2.1.1 In applying for the Order, Network Rail is seeking powers to construct, operate and maintain the Scheme which comprises a railway between Bicester and Bedford, Milton Keynes and Aylesbury, to facilitate the operation of new passenger services between Oxford, Milton Keynes, Aylesbury and Bedford. It will also authorise the reinstatement of the partially discussed Bicester-to-Bletchley-to Bedford and Aylesbury-to Claydon Junction routes, together with the construction of a new station at Winslow, additional platforms at Bletchley and Aylesbury Vale Parkway Stations, platform extensions at Woburn Sands and Ridgmont Stations, and other ancillary development. The full description of the Scheme is set out in Chapter 4 of the Statement of Case.
- 2.1.2 The Order application seeks a direction from the Secretary of State for Transport under Section 90(2A) of the Town and Country Planning Act 1990 that planning permission shall be deemed to be granted for the Scheme works to be authorised by the Order, subject to conditions substantially in the form of those set out in draft within Schedule 1 of the Request for Deemed Planning Permission (**NR08**).
- 2.1.3 The Scheme is located within the boundaries of five local planning authorities: Cherwell District Council, Aylesbury Vale District Council, Milton Keynes Council, Central Bedfordshire District Council and Bedford Borough Council. It spans two county authorities: Oxford County Council and Buckinghamshire County Council.
- 2.1.4 Whilst the Scheme boundary includes all the land required to enable the full construction and development of the Scheme, certain works within the existing operational railway boundary benefit from the provisions of Part 18 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) as permitted development. Part 18 Class A of the GPDO permits development authorised under local or private Acts or Orders. As successor's in title to the authorising Acts under which the railway was originally constructed, Network Rail benefits from the future works clauses contained within those Acts, so long as the relevant Act for the relevant section of railway remains extant.
- 2.1.5 All works which ordinarily require the granting of prior approval under the provisions of Part 18, Class A of the GPDO have also been included in the Order application as the final designs were not completed with sufficient time to enable separate applications to be made to the relevant LPAs in advance of the Order application being submitted. Typically these works comprise alterations to existing bridges and stations.

2.2 Advanced Works

- 2.2.1 A number of works are being brought forward in advance of the main Scheme. In order to prepare the existing railway corridor for the main project work to commence, a series of works are being undertaken between May 2018 and March 2019. Briefly these works comprise:

- a) Preparation for site safety, comprising:
 - Removal of sharps and other materials which may pose a safety hazard to the workforce,

- Fencing repairs to secure the rail corridor,
 - Repairs and reinstatement of existing safety signage,
 - Repairs to make safe existing drainage catchpits,
 - Repairs to existing infrastructure, including replacement of broken trough covers,
 - Replacement of edge protection to existing structures, where currently inadequate,
 - Identification and protection of overhead services,
 - Cleaning and repair of track access steps, and
 - Removal of redundant equipment including spare sections of rail and sleepers from work areas.
- b) Replacement of sections of operational cabling and ducting
- c) Removal of old railway track (section 2A only)
- d) De-vegetation (to take place outside the bird nesting season) (section 2A only)

2.2.2 These works are being undertaken within the parameters of Part 8, Schedule 2 of the GPDO, as “development by railway undertakers on their operational land, required in connection with the movement of traffic by rail”. No separate approvals are necessary for works deemed to benefit from permitted development rights under Part 8. As the advanced works do not consist of the construction or alteration of a railway, they do not require EIA.

2.3 Environmental Mitigation Sites

2.3.1 Separate planning applications for a series of environmental mitigation sites (as detailed in the ES) have been submitted to the relevant local planning authorities – this approach has been taken to allow for their early construction and establishment. Further detailed information about these sites is provided within the evidence of Stephanie Wray.

2.4 Temporary Construction Compounds

2.4.1 Further planning applications have also been submitted to seek approval for a series of temporary construction compounds. Again, their early set-up will allow the main Scheme to commence in a timely manner when the Order is made. The compounds may also be used to facilitate the works to operational railway as described in section 2.2 above, as well as environmental mitigation works, and off-site highway improvement works. Table 1 below details the number of separate planning applications made in association with the EWR2 Scheme (correct at the time of writing).

Table 1

	Environmental mitigation sites	Construction compounds
Number of planning approvals to date	11*	1
Number of applications pending	2	0
Number of future applications envisaged	1	11*

*1 site falls within the administrative areas of two local planning authorities so treated as two applications

2.5 Winslow Station

- 2.5.1 Winslow station was first opened in 1850 but closed under the Beeching regime in 1968, and the site of the original station is now largely redeveloped as housing. The development of a new station at Winslow has long been an aspiration of the Local Planning Authority and is supported within the Buckinghamshire County Council LTP 4 (2016). It has been the subject of a series of separate planning applications made to the Local Planning Authority, Aylesbury Vale District Council.
- 2.5.2 Outline planning permission (Ref: 13/02112/AOP) was granted in November 2013 for B1 (Business) B2 (General Industry) and B8 (Storage and Distribution) Uses with ancillary office accommodation, provision of rail station with associated parking, landscaping and access on Land At Buckingham Road, Winslow. The application was submitted by Crevishon Properties Ltd.
- 2.5.3 Reserved Matters in relation to the detailed design of the spine road and site infrastructure were then approved in April 2016 (Ref: 15/02417/ADP).
- 2.5.4 An application for reserved matters relating to access, appearance, landscaping, layout and scale for the provision of the rail station building, associated parking and internal road was then approved in June 2017 (Ref: 16/03132/ADP).
- 2.5.5 Network Rail is currently seeking a new approval of reserved matters in relation to the station phase of the development (Ref: 18/04244/ADP) with revisions made to the 2016 permission in response to public and stakeholder consultation, comprising: reduction in the size of the station building, reduction in the number of retail units from 3 to 1, provision of a separate building for the bin store/cycle store, amendments to the cladding and elevations of the station, changes to the car park ramp and stairwells, a small increase in the amount of car parking spaces, inclusion of vehicle charging points and changes to the material finish to the car park elevations. This application has been submitted and is pending decision with a target determination date of 27 February 2019.
- 2.5.6 Notably, the platforms and footbridge element of the proposed new station were not included in the 2013 outline planning application but have been included within the request for deemed consent under the draft Order.

2.6 School Crossing Footbridge, Woburn Sands

- 2.6.1 Network Rail obtained planning permission for the construction of ramped public footbridge over the railway line to replace an existing level crossing at School Crossing, Cranfield Road, Woburn Sands on 17 November 2016 (Milton Keynes Council Ref: 16/01639/FUL). However, the provision of the consented footbridge has been removed from the scope of the Scheme and a diversion via the existing level crossing at Newport Road is proposed in the draft Order. The basis for this decision is covered within the Proof of Evidence of Simon Croft.

2.7 High Speed Rail 2 Interface Area

- 2.7.1 In Route Section 2E between an area north of Station Road, Quainton and south of Sheephouse Wood, the EWR2 route runs parallel with the proposed route of HS2 (the HS2 Interface Area). The High Speed

Rail (London-West Midlands) Act 2017 (**NR24**) authorises the construction of the HS2 scheme which is currently designed to be built with a retaining wall along this section.

- 2.7.2 The EWR2 Scheme proposes to undertake track renewals only within this section, and therefore consent is not required under the Order. However, it is possible that HS2 Ltd will seek to vary the current design authorised by the HS2 Act and construct a combined earthwork which would accommodate both the new HS2 route and the existing EWR2 route. If HS2 pursue this option it will be subject to a separate planning application and any required accompanying environmental assessment.
- 2.7.3 Within the HS2 Interface Area, next to Sheepphouse Wood, the draft Order will provide approval for the extension of HS2's bat mitigation structure over the MCJ Line (this is the north-south link between Claydon Junction and Aylesbury).
- 2.7.4 With regard to Greatmoor Sidings, HS2 is proposing to construct railway sidings and associated works south of Sheepphouse Wood and adjacent to the MCJ Lines for the loading and offloading of spoil and waste material to the Calvert Landfill site and the Greatmoor Energy from Waste Facility. This interfaces with EWR2 as the sidings join onto the MCJ Lines and is authorised under The High Speed Rail (London – West Midlands)(Greatmoor Railway Sidings Etc.) Order 2018 (**NR25**).

2.8 Listed Building Applications

- 2.8.1 Three separate applications seeking Listed Building Consent have been submitted to the relevant local planning authorities in respect of works required for the Order Scheme to operate at the following stations:

Table 2

Station	LPA	Reference	Description
Quainton Road	Aylesbury Vale	18/02661/ALB	Works to Quainton Road Station (Buckinghamshire Railway Centre) involving the erection of new fencing along the platforms to provide protection, creation of two new door openings (one within the former station building and one within the platform shelter) and ancillary works
Ridgmont	Central Bedfordshire	CB/18/02917/LB	Platform extension works to Ridgmont Railway Station, with associated fencing and ancillary works.
Woburn Sands	Milton Keynes	18/01863/LBC	Listed building consent for platform extension works to Woburn Sands Railway Station with associated fencing and ancillary works

- 2.8.2 Section 17 of the Transport and Works Act 1992 amended section 12 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to provide that, without any direction from the Secretary of State, any application for listed building consent shall be referred to the Secretary of State instead of being dealt with by the local planning authority in any case where the consent is required in consequence of the proposals included in an application for an order under the Transport and Works Act. Therefore, whilst these applications have been made to the relevant Local Planning Authorities, they were automatically called in for determination by the Secretary of State in parallel with the application for the draft Order, in

accordance with the Transport and Works Applications (Listed Buildings, Conservation Areas and Ancient Monuments Procedure) Regulations 1992 (SI 1992/3138) (“the 1992 Regulations”).

2.8.3 The Secretary of State has informed Network Rail that he has decided to hold a public local inquiry into the listed building applications which will run concurrently with the related application for the draft Order as provided for in the 1992 Regulations. No objections have been submitted in respect of the 3 listed building applications.

2.8.4 These applications are supported by Heritage Statements (CD36 Quainton Road Station, CD37 Ridgmont Station and CD38 Woburn Sands Station) which detail the relevant planning policy context and appraise the impact of the proposed works on the significance of the heritage assets, in compliance with the requirements set out paragraph 189 of the NPPF. In each case, the corresponding Heritage Statement concludes that the proposed works will have considerably less than substantial harm, outweighed by the great public benefits of the Scheme, and the sustained use of the stations for the purpose of which they were originally intended. These applications should be determined in accordance with paragraph 196 of the NPPF which states that development proposals which lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. In each case, it is clear that the works to the stations will secure their future as vital transport infrastructure serving their communities.

2.8.5 The Heritage Statements also appraise the proposed works to each station against the relevant development plan policies and emerging plans.

2.8.6 Aylesbury Vale DC provided written confirmation to the TWA Order Unit dated 21 September 2018 that they would have granted listed building consent subject to conditions for the works to Quainton Road Station if they had retained the powers to do so. At the time of writing both the Ridgmont and Woburn Sands applications have reached their target determination date but no similar recommendations have been made available. It should be noted that, as stated above, there are no objections raised in relation to the three applications.

2.8.7 Detail in respect of the materials and finishes for works to the listed buildings will be controlled by condition requiring the pre-commencement approval of the relevant local planning authority. Draft proposed conditions to be attached to the grant of Listed Building Consent are as follows:

1. The works hereby authorised shall commence not later than the expiration of five years beginning with the date of this consent.
2. The works hereby authorised shall be carried out in accordance with the approved plans.
3. No works shall commence until a full schedule of all proposed works together with detailed plans at a scale of 1:20, 1:50 or 1:100, as appropriate, details of materials and finishes and details of how the works are to be carried out have been submitted to and approved in writing by the local planning authority. The submitted details shall include full details and specifications for fitting, laying joints and attachment of all materials required to carry out the works and shall be accompanied by an explanation of the engineering and construction risks associated with the works. The works shall be carried out in accordance with the approved schedule and details.

3 National Planning Policy Context

3.1 National Infrastructure Delivery Plan (2016) (NIDP)

3.1.1 The NIDP sets out the Government's aims for delivering economic infrastructure required to support housing and social infrastructure over a 5 year period (2016-2021), and details Government spend of £100 billion over the plan period, alongside private investment. Overarching aims of the NIDP will be to support economic growth and create jobs, raise the productive capacity of the economy, drive efficiencies, and boost international competitiveness.

3.1.2 Chapter 4 describes rail transport's significant role in economic growth. Priority projects and programmes include:

East West Rail: completion of Phase 1 from Bicester to Oxford (in partnership with Chiltern Railways) with a new direct service from Oxford to London by December 2016. Phase 2 linking Oxford to Bedford and Milton Keynes is being developed and construction will start as soon as possible.

3.1.3 Chapter 11 sets out the Government's housing and regeneration delivery strategy. Paragraph 118 states that:

The government can support housing delivery by ensuring that national programmes of investment in infrastructure, including road and rail investments, support local plans and local need. Significant projects which will help to unlock major housing development include HS2 and Crossrail (Old Oak Common), East-West Rail (Bicester Garden Town), the A14 (Northstowe), and extension of London Overground services to Barking Riverside.

3.1.4 The Infrastructure and Projects Authority will monitor progress on priority projects to ensure that they remain on track. EWR is identified in the list of such projects in Chapter 15.

3.2 Industrial Strategy: Building a Britain fit for the future (2017)

3.2.1 The Government's industrial strategy is a White Paper cited in the revised NPPF (Paragraph 80) as setting out the vision to drive productivity improvements across the UK. Page 232 of the White Paper states that:

The corridor containing Cambridge, Milton Keynes and Oxford has the potential to be the UK's Silicon Valley... Estimates by the National Infrastructure Commission (NIC) suggest that, with the right actions, annual output of the corridor could increase by £163bn per annum by 2050 – approximately doubling the growth expected to happen without government intervention... the government is investing in the rail and road infrastructure needed to boost productivity across the corridor and support the homes the area needs.

3.3 Partnering for Prosperity: A new deal for the Cambridge Milton Keynes Oxford Arc (2017)

3.3.1 The National Infrastructure Commission (NIC) published its report to set out proposals and options to maximise the growth potential of the Oxford-Milton Keynes-Cambridge corridor. Page 7 of the report highlights the importance of the arc:

Cambridge, Milton Keynes and Oxford are amongst the UK's most productive, successful and fast growing cities. They play host to a highly skilled labour force; world-leading research facilities; knowledge-intensive firms and technology clusters which compete on the world stage. To maximise the economic potential of this arc – and the contribution it makes to UK output, trading accounts and tax revenues – we must invest in the continued growth and success of these cities and their surrounding areas.

- 3.3.2 Proposals include the provision of 1m new homes within the arc by 2050 to accommodate a growth in population between 1.4 and 1.9 million people. In order to support and enable economic growth within the arc, the report recommends new infrastructure investments. Central to this, at Page 8 the report states:

National investment in the East West Rail project and the proposed Oxford-Cambridge Expressway present a once in a generation opportunity. These schemes will enhance connectivity across the arc, expanding the labour markets of key towns and cities, as well as improving connections with international gateways such as Heathrow.

3.4 The National Planning Policy Framework (NPPF) (2018)

- 3.4.1 The NPPF was published in 2012, setting out the Government's overarching aims of achieving sustainable development. The Order Scheme was prepared under the guidance and policy objectives of this version of the NPPF, albeit that a revised version of the NPPF was published on 24 July 2018, 4 days before the TWAO application was submitted.

- 3.4.2 A fundamental principle of the revised NPPF (paragraph 11) remains the presumption in favour of sustainable development, which states that development proposals should be approved that accord with an up-to-date development plan without delay. The NPPF sets out national policy on a number of areas, against which development proposals are to be considered. Those of relevance to the Scheme are summarised below.

- 3.4.3 Chapter 5 (Delivering a sufficient supply of homes) states at paragraph 59:

To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed...

- 3.4.4 Paragraph 72 recognises that the right infrastructure is required to support new homes:

The supply of large numbers of new homes can often be best achieved through planning for larger scale development, such as new settlements or significant extensions to existing villages and towns, provided they are well located and designed, and support by the necessary infrastructure and facilities.

- 3.4.5 Chapter 6 (Building a strong, competitive economy) states at paragraph 80 that:

Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.

3.4.6 Chapter 9 (Promoting sustainable transport) states at paragraph 102:

Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:

- a) *the potential impacts of development on transport networks can be addressed;*
- b) *opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;*
- c) *opportunities to promote walking, cycling and public transport use are identified and pursued;*
- d) *the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and*
- e) *patterns of movement, streets, parking and other transport considerations are integral to the design of schemes and contribute to making high quality places.*

3.4.7 Paragraph 104 requires local authorities to work with neighbouring authorities and transport providers to develop strategies for the provision of viable infrastructure necessary to support sustainable development, including a requirement to:

Provide for any large scale transport facilities that need to be located in the area examples of such facilities include public transport projects] and the infrastructure and wider development required to support their operation, expansion and contribution to the wider economy. In doing so they should take into account whether such development is likely to be a nationally significant infrastructure project and any relevant national policy statements.

3.4.8 Relevant to the proposed closure and diversion of existing level crossings on the Scheme route, paragraphs 108 and 109 detail the need to ensure that highway safety is taken into account, including the need to minimise any conflict between pedestrians, cyclists and vehicles (vehicles may be road or rail based).

3.4.9 Chapter 13 (Protecting Green Belt land) sets out the Government's aim of preventing urban sprawl and maintaining the openness of Green Belt land. Paragraph 146 sets out a number of key exceptions:

Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

- c) *local transport infrastructure which can demonstrate a requirement for a Green Belt location.*

3.4.10 Chapter 14 (Meeting the challenge of climate change, flooding and coastal change) sets out the Government's aims to ensure that the planning system supports the transition to a low carbon future, taking into account flood risk and coastal change. Paragraph 149 states:

Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures.

3.4.11 In terms of flood risk, paragraphs 155 and 163 state (respectively):

Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood risk assessment.

3.4.12 Chapter 15 (Conserving and enhancing the natural environment) sets out the Government's policies to ensure that planning policies and decisions contribute to and enhance the natural and local environment. Paragraph 170 states:

Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) *Protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
- b) *Recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*
- c) *Maintaining the character of the undeveloped coast, while improving public access to it where appropriate;*
- d) *Minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*
- e) *Preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and*
- f) *Remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.*

3.4.13 Paragraph 177 states that the presumption in favour of sustainable development does not apply where development requiring appropriate assessment because of its potential impact on a habitats site is being determined.

3.4.14 Government aims relating to Conserving and enhancing the historic environment are set out at Chapter 16. Paragraph 189 states:

In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where

necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

3.4.15 Paragraph 196 states that:

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimal viable use.

3.4.16 At paragraphs 54-55, the use of planning conditions is discussed:

Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.

Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision making.

4 National Transport Policy

4.1 National policy background

4.1.1 Britain's railway network plays an essential role in supporting and creating growth by enabling safe, fast and efficient movement of passengers and goods into and between major economic centres and international gateways, as well as connecting rural communities to jobs and services.

4.1.2 Consistent with the Government's transport strategy, the railway industry's ambition is to increase rail transport's already significant contribution to the country's economic, social and environmental welfare, linking people and communities in an environmentally sustainable way.

4.2 The National Policy Statement for National Networks (2014) (NPS)

4.2.1 The National Policy Statement for National Networks which was designated on 14 January 2015, sets out the need for, and Government's policy to, deliver development of nationally significant infrastructure projects (NSIPs) on the national road and rail networks in England. Whilst the EWR scheme falls under the threshold set out for railway NSIPs in section 25 of the Planning Act 2008, section 1.4 of the NPS states that:

In England, this NPS may also be a material consideration in decision making on applications that fall under the Town and Country Planning Act 1990 or any successor legislation. Whether, and to what extent, this NPS is a material consideration, will be judged on a case by case basis.

4.2.2 Whilst the NPS is primarily to guide and inform NSIP applications, it does have some degree of material weight in relation to this Scheme as the rationale supporting the proposed works is for improvements to be delivered to parts of the national rail network, and should therefore be appraised accordingly. It is also important to understand the context of the Government's policy stance on railway infrastructure given the limited detail within original NPPF under which this Scheme was developed.

4.2.3 Section 2 of the NPS sets out the need for development of the national networks and the Government's vision and strategic objectives:

The Government will deliver national networks that meet the country's long-term needs; supporting a prosperous and competitive economy and improving overall quality of life, as part of a wider transport system. This means:

- *Networks with the capacity and connectivity and resilience to support national and local economic activity and facilitate growth and create jobs*
- *Networks which support and improve journey quality, reliability and safety*
- *Networks which support the delivery of environmental goals and the move to a low carbon economy*
- *Networks which join up our communities and link effectively to each other.*

4.2.4 Paragraph 2.2 of the NPS states that:

There is a critical need to improve the national networks to address road congestion and crowding on the railways to provide safe, expeditious and resilient networks that better support social and economic activity; and to provide a transport network that is capable of stimulating and supporting economic growth.

Improvements may also be required to address the impact of the national networks on quality of life and environmental factors.

4.2.5 Paragraph 2.6 of the NPS states that improved transport links help to rebalance the economy.

4.2.6 At paragraph 2.10, the NPS sets out an overarching statement that the Government concludes at a strategic level that there is a compelling need for the development of national networks, and as a result:

The Examining Authority and the Secretary of State should therefore start their assessment of applications for infrastructure covered by this NPS on that basis.

4.2.7 The need for development of the national rail network is set out in paragraphs 2.28 – 2.41 of the NPS which focus on the economic and social benefits of a sustainable transport system, the growing demand for rail travel and projected future growth, which together support the compelling need for developing the country's rail network.

4.2.8 In terms of the environmental benefits of rail freight versus road freight, the NPS states at paragraph 2.35:

Tonne for tonne rail freight produces 70% less CO2 than road freight, and up to 15 times lower NOx emissions and nearly 90% lower PM10 emissions. It also has de-congestion benefits – depending on its load, each freight train can remove between 43 and 77 HGVs from the road.

4.2.9 Re-opened rail alignments are also recognised as a key requirement. Paragraph 2.38 of the NPS states:

Substantial investment in infrastructure capacity – particularly on inter-urban routes between our key cities, London and the South East routes and major city commuter routes – will be needed. The maintenance of a competitive and sustainable economy against a background of continued economic globalisation will mean that there is a need to support measures that deliver step change improvements in capacity and connectivity between key centres, by speeding up journey times and encouraging further modal shift to rail. The Government will therefore consider new or re-opened alignments to improve capacity, speed, connectivity and reliability. Rail is a safer, greener and faster mode of transport for large passenger volumes and for long distances, including inter-city journeys.

5 Local Transport Planning Policy Context

5.1 Local transport policy support

5.1.1 The table below summarises the local transport policy in support of the EWR2 Scheme.

Table 3

Document	Policy
Buckingham Thames Valley Strategic Economic Plan Refresh (2016-2031)	This plan forecasts Buckinghamshire's population will grow by 14.8% between 2013-2033 ranking the LEP area as the 12th fastest growing in the country and workplace-based employment will grow by an average annual rate of 1.1% a year. The plan recognises the importance of East West Rail and that it is 'delivered without unnecessary delay'.
Buckinghamshire County Council Local Transport Plan 4 - 2016	<p>The LTP highlights the economic benefits that EWR PHASE 2 will deliver. It states that the scheme will help to stimulate sustainable economic growth not only in Buckinghamshire but also in Oxfordshire and Bedfordshire. It highlights that the delivery of EWR PHASE 2 will support the England's Heartland alliance and the Buckinghamshire Thames Valley Local Economic Partnership's Strategic Economic Plan. It also states that the scheme could boost the regional economy by £72.7 million a year with a £33.2 million boost to UK tax receipts (based on the findings of an assessment of the economic impact of the western section undertaken by Arup).</p> <p>Policies 4 and 5 state that BCC will work in partnership with key stakeholders to develop a reliable rail transport network that: provides effective access within the county; links us to the rest of the country; and is integrated with other modes of transport, including airports.</p> <p>BCC will work to ensure that HS2 is built with minimal disruption to residents and that it brings benefits to Buckinghamshire: including a new East West Rail station in the north of the county and high-quality restoration of construction sites.</p> <p>The LTP states that BCC will continue to work as an active member of the East West Rail Consortium, supporting the earliest possible delivery of East West Rail services. East West Rail will support economic growth, new housing and jobs. It connects Aylesbury to Milton Keynes, provides a new station at Winslow, and improves service capacity between Aylesbury and Princes Risborough.</p>
Connecting Oxfordshire: Local Transport Plan 2015-2031	The LTP sets out strategic rail priorities, including support to the EWR consortium and Network Rail in the design and delivery of EWR PHASE 2. The LTP highlights that the scheme will improve connectivity between Oxfordshire and the east, in particular high-value growth areas around Milton Keynes and Cambridge and will improve opportunities for jobs and economic growth in the county.
Cherwell Local Plan 2011 – 2031 Part 1: adopted 2016	Policy SLE4: supports key transport proposals, including projects associated with East West Rail. Appendix 8 contains the Infrastructure Delivery Plan and identifies East West Rail Phase 2 as a necessary project to 'support economic growth and new homes with better access to the national rail network' ¹ .
Aylesbury Vale District Local Plan 2004 (Saved Policies)	Policy GP25 (Re-opening of rail routes) that states development will be resisted if it prejudices the use of the rail route running through the district between Bicester and Bletchley, as well as the northward link from Aylesbury.

¹ Item 3 of the Appendix 8:Infrastructure Delivery Plan of the Cherwell Local Plan 2011-2031 (adopted July 2015)

Document	Policy
Vale of Aylesbury Local Plan: Submission Draft	Policy S6 (Protected Transport Schemes) highlights EWR as a strategically important infrastructure scheme that directly impacts on the district; which identifies EWR as a Protected Transport Scheme. Development will not be granted if it would prejudice the implementation of EWR, including new stations.
Milton Keynes Core Strategy 2013	Policy CS11 (A Well-Connected Milton Keynes) seeks to implement a number of measures to improve public transportation to meet the demand of the borough; including 'to engage with Network Rail and relevant stakeholders along the EWR line to identify operational benefits which thereby provide additional support for a more sustainable transport strategy and/or economic growth of the city'.
Plan: MK Submission Version	Policy CT4 (Public Transport) seeks to develop the quality and capacity in public transport through a number of measures, including supporting the development of EWR PHASE 2.
A Transport Vision and Strategy for Milton Keynes: Local Transport Plan 3 (2011 to 2031)	The LTP emphasises that EWR PHASE 2 will: "support economic growth and investment in new jobs and homes; provide for faster journeys between towns and cities to the north and west of London, avoiding the need to travel via the capital; provide an alternative to travel by road, reducing congestion and carbon emissions; and create increased capacity elsewhere on the rail network in the longer term". The LTP also highlights that EWR PHASE 2 will link the knowledge economies of Cambridge and Oxford with Milton Keynes providing additional economic benefits. It also expresses support for the direct connectivity to Reading, Oxford and Bedford that will be achieved through the scheme.
Central Bedford Council Local Plan 2035 (Pre-Submission Version)	Section S.5.4 sets out the Council's Spatial Strategic Approach to identify and deliver spatial options and strategic opportunities that could provide for longer term economic and housing growth across the corridor including through a Partial Plan Review. This growth will support, and must be supported by, new strategic infrastructure particularly the Oxford – Cambridge Expressway, A1 improvements and new rail stations/transport interchanges along the East West Rail route.
Local Transport Plan 3: The Central Bedfordshire Council Transport Strategy	The LTP highlights the intention of Central Bedfordshire Council to continue to support the EWR Consortium in delivering EWR PHASE 2.
Bedford Borough Council Local Plan 2002 (Saved Policies Version)	Policy T9 sets out the Borough Council's aims to encourage improved rail services to and from Bedford, the improvement of the Marston Vale line including improved parking provision, and the electrification of the route north of Bedford.
Bedford Borough Council Core Strategy & Rural Issues Plan (2008)	Policy CP27 sets out the Council's strategic transport infrastructure, stating that they will support the early provision of the following strategic infrastructure proposals: <ul style="list-style-type: none"> • Great Barford Bypass (under construction) • A421 improvements west of Bedford including M1 junction 13 • Thameslink 2000 • East-West rail scheme (Oxford to Bedford) • National Cycle Network routes
Bedford Borough Local Plan 2030 (Plan for Submission)	Policy 94S (Transport Infrastructure and Network Improvements) states that the Council will work with its partners, agencies and developers to deliver reduced congestion around the town centre and key strategic routes while promoting sustainable transport modes, through the consideration and the early provision of a number of strategic

Document	Policy
	improvements, including the East West Rail Scheme.
Bedford Borough Local Transport Plan 2011-2021	The LTP highlights that the development of EWR PHASE 2 will deliver improvements to rail infrastructure within the Borough. A key strategy is to “support the work of the EWR Consortium for the reinstatement of rail services between Oxford / Milton Keynes / Bedford / Cambridge”.

5.2 Local Planning Policies

5.2.1 The table below provides a list of all the planning policies relevant to the Scheme in place within each Local Planning Authority area. These policies are summarised in more detail in the Planning Statement (NR10).

Table 4

Cherwell District Council	
Cherwell Local Plan 2011-2031 Part 1	PSD1 Presumption in favour of sustainable development SLE4 Improved transport and connections ESD1 Mitigating and adapting to climate change ESD3 Sustainable construction ESD6 Sustainable flood risk management ESD8 Water resources EDS10 Protection and enhancement of biodiversity and natural environment ESD13 Local landscape protection and enhancement EDS15 The character of the built and historic environment EDS17 Green infrastructure
Non-Statutory Cherwell Local Plan 2011	EN1 Protecting the natural and built environment EN3 Noise, vibration, smell, smoke, fumes and pollution EN12 Water quality EN13 Water courses EN14 Flood risk EN24 Nature Conservation EN25 Protected Species EN31 Development limits (Banbury and Bicester) EN34 Landscape character
Cherwell Local Plan 1996 (Saved Policies)	C1 Protection of sites of nature conservation value C2 Development affecting protected species C7 Landscape conservation C9 Scale of development compatible with a rural location C28 Layout, design and external appearance of new development

Aylesbury Vale District Council	
Aylesbury Vale District Local Plan 2004 (Saved Policies)	GP8 Protection of amenity of residents GP25 Re-opening of rail routes GP35 Design of new development proposals GP38 Landscaping GP39 Existing trees and hedgerows GP40 Retention of existing trees and hedgerows GP84 Public Rights of Way AY18 New rail stops RA8 Development within designated landscape areas
Vale of Aylesbury Local Plan (Submission Draft)	S1 Sustainable development proposals S6 Protected transport schemes T2 footpaths and cycleways BE1 Heritage assets NE1 Protected sites NE2 Biodiversity NE3 Landscape NE5 Pollution, air quality and contaminated land NE6 Tress and hedgerows C4 Protection of public rights of way I1 Green infrastructure I4 Flooding
Marsh Gibbon Neighbourhood Plan (2015)	MG19 Enhancing, protecting and provision of new natural environmental habitat, trees and hedgerows
Quainton Neighbourhood Plan (2016)	E2 Historic environment NE2 Natural environment
Winslow Neighbourhood Plan (2014)	1 Presumption in favour of sustainable development 6 Land south of Buckingham Road 8 Cycle routes 19 Local green space
Waddesden Neighbourhood Plan (emerging)	WD12 Traffic and car parking
Milton Keynes Council	
Milton Keynes Core Strategy 2013	CSA Presumption in favour of sustainable development CS11 A well connected Milton Keynes CS19 The historic and natural environment
Milton Keynes Local Plan 2005 (Saved Policies)	S1 General principles D1 Impact of development proposals on locality HE1 Protection of archaeological sites HE5 Development affecting the setting of a listed building HE6 Conservation areas NE1 Nature conservation sites NE2 Protected species T12 Major transport schemes

	T13 Transport reservations
Plan:MK (Submission Version)	MK1 Presumption in favour of sustainable development SD4 Central Milton Keynes connectivity ER7 Controlling the risk of pollution FR1 Managing flood risk FR2 Sustainable drainage systems and integrated flood risk management NE1 Nature conservation sites NE2 Protected species NE3 Biodiversity and geological enhancement NE5 Conserving and enhancing landscape character HE1 The conservation and enjoyment of the historic environment CT1 Sustainable transport networks CT4 Public transport
Milton Keynes Site Allocations (Submission Draft)	SAP2 Wellington Place, Bletchley SAP11 Builder's merchant, Fenny Stratford SAP13 Former MFI, Watling Street, Bletchley
Woburn Sands Neighbourhood Plan (2014)	WS2 Open spaces within the current built up area WS15 Rail services
Walton Neighbourhood Plan (2017)	WNP6 Caldecote Site C WNP17 Open space and leisure WNP16 Design principles
Central Bedfordshire Council	
Central Bedfordshire Core Strategy and Development Management Policies (North Area) 2009	CS4 Linking communities CS9 Providing jobs CS13 Climate change CS14 High quality development CS15 Heritage CS16 Landscape and woodland CS17 Green infrastructure CS18 Biodiversity and geological conservation DM3 High quality development DM14 Landscape and woodland DM15 Biodiversity
Site Allocations (North Area)	E1 Safeguard key employment sites
Central Bedfordshire Local Plan (Submission Version)	SO10 East-West and North-South public transport routes SA2 Marston Vale villages SE2 M1 Junction 13 Marston Gate T2 Highway safety and design EE1 Green infrastructure EE2 Enhancing biodiversity EE4 Trees, woodland and hedgerows EE5 Landscape character and value EE6 Tranquillity

	<p>EE9 Forest of Marston Vale EE12 Public rights of way CC1 Climate change and sustainability CC3 Flood risk management CC4 Development close to water courses CC5 Sustainable drainage HQ1 High quality design HE1 Archaeology and scheduled monuments BE3 Built heritage DC5 Agricultural land</p>
Bedford Borough Council	
Bedford Core Strategy and Rural Issues Plan 2008	<p>CP2 Sustainable development principles CP10 The creation of jobs CP13 The countryside and development within it CP21 Design in quality CP22 Green infrastructure CP23 Heritage CP24 Landscape protection and enhancement CP25 Biodiversity CP26 Climate change and pollution CP27 Strategic transport infrastructure CP28 Local transport plan</p>
Bedford Borough Local Plan 2002 (Saved Policies)	<p>NE3 Sites of local importance NE4 Trees and hedgerows NE6 Woodland NE12 Landscaping in association with development NE13 Landscape management and protection NE16 Flooding NE24 Protection and enhancement of water courses BE11 Setting of conservation areas BE21 Setting of listed buildings BE24 Archaeology B30 Material considerations in the control of new development B38 Landscaping T6 Public transport infrastructure T8 Rail network T9 Rail services</p>
Bedford Local Plan 2035 (Submission Draft)	<p>36C Green infrastructure 37S Forest of Marston Vale 38 Landscape character 40 Retention of trees 41 Hedgerows 42 Historic environment and heritage assets 43S Protecting biodiversity and geodiversity 44 Enhancing biodiversity 52S Transport infrastructure and network</p>

	improvements
	95 Access to the countryside
	96 Flood risk

6 Planning Policy Appraisal

6.1 National and Local planning policies

- 6.1.1 There is clear and convincing strategic policy support for the Scheme, at both a National and Local level, together with very specific recognition of the need for improvements in connectivity within the Oxford-Cambridge arc documented within transport and economic policy objectives. The project is in accordance with the strategic aims of the relevant adopted Development Plans as well as those emerging across each Local Authority area.
- 6.1.2 Sustainable transport is enshrined within the NPPF given its critical role in facilitating sustainable development. Additional policy support for rail development to supplement the NPPF's aims of building a strong, competitive economy is clearly demonstrated in the National Policy Statement for National Networks. The Scheme accords with the NPS.
- 6.1.3 Paragraph 11 of the NPPF states that development proposals that accord with the up to date development plan should be approved without delay. The Scheme requires alterations to three listed buildings, however these interventions are assessed as being of considerably less than substantial harm, and this is outweighed by the substantial public benefits derived from the overall Scheme (NPPF, Paragraph 196).
- 6.1.4 The revised NPPF contains a strengthened basis for promoting sustainable transport, with the Scheme in full accordance with Paragraph 104 (c) which requires planning policies to identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice and realise opportunities for large scale development. The route of EWR2 has been identified and protected in such a way within the relevant Local Transport Plans and Development Plans, and is critical in supporting the proposed development patterns envisaged at both a local and national level.
- 6.1.5 The Scheme makes a direct contribution to the goals of National and Local transport planning policy and one of the key aims of the National Infrastructure Delivery Plan. The Scheme will improve connectivity across the "knowledge arc" which will in turn act as an enabler for economic growth. This is clearly in accordance with the Government's desire for the planning system to facilitate the building of a strong, responsive and competitive economy, as set out in Chapter 2 of the NPPF. There is a clear linkage between the Scheme and the Government's stated aim for the planning system to proactively drive and support sustainable development.
- 6.1.6 The Scheme will provide an opportunity for rail to be a viable alternative to road-based traffic, providing access to jobs and improved business to business connectivity. By supporting these aims, the Scheme is in accordance with the objectives set out in the relevant Local Transport Plans.
- 6.1.7 It can be seen that the Scheme is supported at strategic level across all 5 Local Planning Authorities and the 2 County Councils, and forms the basis for sustainable growth allocations across the region. In particular, the Scheme is cited as one of the main determining factors for strategic and sustainable development site allocations within the relevant development plans through which the Scheme passes.

- 6.1.8 Policy SL4 of Cherwell District Local Plan Part 1, confirms EWR's role in supporting sustainable locations for employment and housing growth:

The Council will support the implementation of the proposals in the Movement Strategies and the Local Transport Plan to deliver key connections, to support modal shift and to support more sustainable locations for employment and housing growth. We will support key transport proposals including:

Transport Improvements at Banbury, Bicester and at the Former RAF Upper Heyford in accordance with the County Council's Local Transport Plan and Movement Strategies

Projects associated with East-West rail including new stations at Bicester Town and Water Eaton

Rail freight associated development at Graven Hill, Bicester

Improvements to M40 junctions.

- 6.1.9 The Spatial Vision at section 2.4 of the Vale of Aylesbury Local Plan sets out the Council's growth agenda, including the need for infrastructure to support new and existing communities:

- 6.1.10 *Growth will be accompanied by the delivery of infrastructure, services, and facilities in the right places at the right time, to bring maximum benefits to new and existing communities. This includes improving transport (to encourage sustainable transport choices), education, health, green and blue infrastructure, community facilities, leisure facilities, communications technology, water and air quality and flood management measures and policing and emergency services infrastructure. Improved links to London and the Thames Valley area, including Oxford and Milton Keynes, Bedford and Cambridge (via East West Rail) and the Oxford-Cambridge expressway, will help to ensure that local businesses continue to thrive and grow and attract new enterprise and inward investment. The environmental impact of infrastructure improvements, such as HS2, will have been suitably mitigated.*

- 6.1.11 Bedford Borough Council sets out the importance of rail infrastructure in delivering for growth within the Core Strategy and Rural Issues Plan (2008) at section 4.107 and Policy CP27:

Strategic transport infrastructure is critical to the implementation of the growth proposals in the borough. Bedford has suffered poor connectivity to the strategic network, congestion and reliance upon the car. This longstanding infrastructure deficit hampers accessibility, safety and convenience. It also suppresses investment to the disbenefit of the local economy and frustrates public transport improvements. The early implementation of strategic infrastructure projects is therefore critical to the growth agenda..... The borough council will support the early provision of the following strategic infrastructure proposals: East West Rail Scheme (Oxford – Bedford).

- 6.1.12 Central Bedfordshire's Strategic Objectives are contained within the North Core Strategy Development Management Policies (2009) within table one, which states that:

- 6.1.13 *E-W Rail improvements will have begun with enhanced accessibility through the Marston Vale Line to Milton Keynes and the West Coast Mainline. The Marston Vale Line will have become a key element in delivering sustainable growth in the area.*

- 6.1.14 Section 11.15 of the Milton Keynes Core Strategy states that:

Milton Keynes Council accepts that East-West Rail will contribute to the growth and development of Milton Keynes and provide an excellent opportunity for the Borough in both the local and regional context which will provide significant economic, environmental and social benefits.

- 6.1.15 The Development Timeline and Housing Trajectory set out within section 18.3 of the Milton Keynes Core Strategy envisages 9,140 new homes and 13,700 new jobs to be created between 2016-2021, showing the relationship between key housing and employment sites and infrastructure delivery, highlighting the importance of the EWR Scheme to the Council's growth agenda:

East West Rail services from Milton Keynes to Aylesbury and Oxford begin, allowing Milton Keynes to further maximise its location in the centre of the Oxford to Cambridge Arc.

6.2 Environmental Policies

- 6.2.1 Planning policy requires proper assessment and control over the environmental impact of the construction and operation of the Scheme, and that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise (NPPF, 47). LPAs may also give weight to relevant policies in emerging plans, particularly where they align more closely with the NPPF than adopted policies (NPPF, 48). The extent to which the Scheme is consistent with the relevant national and local environmental policies is set out below.

Landscape

- 6.2.2 The assessment of the Scheme's landscape impacts is set out within Andrew Shuttleworth's Proof of Evidence, with associated measures to mitigate landscape effects. Following the implementation of appropriate mitigation, to be secured through Planning Conditions 6 and 7, I am of the opinion that the Scheme will be in accordance with chapter 12 of the NPPF and relevant Development Plan policies, as listed in table 4.

Ecology

- 6.2.3 Consideration of the Scheme's ecological and biodiversity impacts are set out in Stephanie Wray's Proof of Evidence, which includes measures to mitigate ecological effects. Following the implementation of these measures, specifically an Ecological Management Plan secured through Planning Condition 11, I am of the opinion that the Scheme will be in accordance with chapter 15 of the NPPF and relevant Development Plan policies, as listed in table 4.
- 6.2.4 There is an obligation to mitigate all environmental impacts of the Scheme. Paragraph 170 of the NPPF states a number of policy objectives that government has for planning policy and decision making in relation to the natural environment. These objectives include seeking opportunities to realise net gains in biodiversity through planning policy making and decisions. However, the principles that planning authorities should apply when determining planning applications are stated in paragraph 175 of the NPPF. I note that those principles do not include any requirement that individual planning applications are currently required to deliver a net gain in biodiversity. Instead, the focus is upon the avoidance of significant harm to biodiversity resulting from the development. The evidence of Stephanie Wray

demonstrates that the Order scheme has been prepared with that principle well in mind. . Given that it is not possible to acquire land through powers of compulsory purchase for the sole purpose of achieving a net gain in biodiversity, the Scheme is not able acquire additional land that would allow the delivery of net gain in biodiversity units. Further information is set out within Paragraphs 10.9.5 – 10.9.9 of Network Rail’s Statement of Case.

Flood Risk and Water Quality

6.2.5 As detailed in Andrew Shuttleworth’s Proof of Evidence, there will be a negligible risk to the water environment associated with Scheme. Flood compensation areas are proposed where engineering works to widen or alter the railway are unavoidably within the flood plain, to ensure that there is no increased risk of flooding. There Scheme is therefore considered to be in accordance with chapter 14 of the NPPF and the relevant Development Plan policies set out at table 4.

Noise

6.2.6 An assessment of the technical aspects of noise matters is included within Andrew Shuttleworth’s Proof of Evidence, with commentary on construction noise protection measures that will be applied through the implementation of the Code of Construction Practice (CoCP), to be secured through Planning Condition 9. A new planning condition requiring noise barriers to be installed for the purpose of acoustic attenuation of operational railway noise in accordance with the ES is proposed to ensure that there is certainty around the location and delivery of such barriers. Noise pollution will be adequately controlled through the proper implementation of relevant planning conditions, as such the Scheme will accord with Chapter 15 of the NPPF and relevant local planning policies set out in Table 4.

Air Quality

6.2.7 Through the potential to promote modal shift, it is clear that the Scheme has the potential to give rise to wider air quality and environmental benefits, as discussed in Andrew Shuttleworth’s Proof of Evidence. Management of air quality during construction will be secured though the Code of Construction Practice (CoCP) via Planning Condition 9. The construction and operation of the Scheme is thus in accordance with Chapter 15 of the NPPF and the relevant Development Plan policies set out in table 4.

7 Planning Conditions

- 7.1.1 Draft planning conditions have been submitted with the Order application attached to the Request for Deemed Planning Permission (**NR08**). Four objections have been received in relation to the proposed conditions and a number of additional comments were received informally from the local planning authorities and County Councils.
- 7.1.2 The draft conditions have been revised in order to address the matters raised by objectors and in representations. However the revised drafting does not vary substantially from the submission draft, except where two new conditions have been proposed to cater for construction traffic management and noise attenuation. Proper implementation of the planning conditions will ensure that the Scheme can be constructed and operated in accordance with the NPPF and relevant development plan policies.
- 7.1.3 The proposed conditions are listed as follows:
1. Time for commencement

The development hereby permitted shall commence before the expiration of 5 years from the date on which the Order comes into force.

Reason: To ensure that the development is commenced within a reasonable period of time.
 2. Development stages

No development shall commence until a written scheme setting out the division of the development into Individual Stages has been submitted to and approved in writing by the local planning authorities. The scheme shall include details of all land to be occupied permanently or temporarily during the construction of each stage. Thereafter details pursuant to the conditions below shall be submitted to and approved in writing by the relevant local authority for each stage before development of that stage commences.

Reason: To identify Individual Stages for the purpose of these conditions.
 3. Approved drawings

The development shall be carried out in accordance with the planning drawings, as scheduled in the List of Planning Direction Drawings unless otherwise approved in writing by the relevant local planning authorities.

Reason: To ensure that the development complies with the approved drawings.
 4. Design, external appearance and materials
 - (a) The materials, colours and finishes of all highway overbridges, footbridges and other structures shall conform generally to those set out in the Design and Access Statement, July 2018.
 - (b) Prior to the commencement of construction of any building provided by way of mitigation for the accommodation of bats, drawings showing the layout and external appearance of the structure shall be submitted to the relevant authority for approval, and built in accordance with the approved drawings.

(c) The height of any GSM-R masts required in connection with the operation of the scheme will not exceed 20m above rail level.

Reason: To enable proper control to be exercised over the external appearance of structures.

5. Implementation and maintenance of railway fencing

The railway, including any construction sites, shall remain securely fenced at all times during construction and any temporary fencing shall be removed on completion.

No individual Stage of the development shall commence until details of the appearance, size and location of any proposed new permanent boundary fencing which abuts a highway, residential or commercial land or premises within that Stage of the development have been submitted to and approved in writing by the Local Planning Authority. All permanent boundary fencing shall be maintained so as to retain its approved appearance unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect the safety of residents, occupiers and highway users and to maintain the appearance of the railway.

6. Landscaping

No later than 6 months after the commencement of the Individual Stage of the development to which it relates, a landscaping scheme, covering the locations where landscaping will be undertaken mentioned in paragraph (f) of this condition shall be submitted to the Local Planning Authority for approval.

That scheme shall include the details of:

- (a) any structures, such as street furniture, fencing and lighting;
- (b) a plan of existing trees and tree features (such as groups of trees or woodland) to be retained and to be removed in accordance with BS5837(2012);
- (c) any trees or shrubs to be planted, including the location, number, species, size and planting density;
- (d) any earth screen bunds;
- (e) any areas of grass turfing or seeding and depth of topsoil to be provided.
- (f) The locations where landscaping schemes shall be submitted and approved by the Local Planning Authority are as follows:
 - i) Charbridge Lane (OXD/36AA)
 - ii) Station Road Launton (OXD/34A)
 - iii) Queen Catherine Road (OXD/26B)
 - iv) Verney Junction Overbridge (OXD/24C)
 - v) Newton Approach (OXD/9)
 - vi) Marston Road Overbridge (BBM/8A)

vii) Kempston Hardwick Station / Manor Road overbridge (BBM/9B)

Reason: To ensure appropriate landscaping of the development.

7. Implementation and maintenance of landscaping

All landscaping works shall be undertaken in accordance with the appropriate landscaping scheme, approved in writing by the Local Planning Authority under Condition 6. Unless otherwise agreed by the Local Planning Authority, planting shall take place no later than the first available planting season after the completion of the adjacent structures. Any tree or shrub planted as part of an approved landscaping scheme that, within 3 years of the date of planting, is removed, dies or becomes, in the opinion of the Local Planning Authority, seriously damaged or seriously diseased, shall be replaced in the first available planting season with a specimen of the same species and size as the original planted, unless otherwise agreed by the Local Planning Authority.

Reason: To ensure satisfactory implementation of the landscaping.

8. Archaeology

- a) The development shall not commence in respect of any Individual Stage until an Archaeology Fieldwork Strategy has been consulted on, submitted to and approved in writing by the Local Planning Authority. The Archaeology Fieldwork Strategy shall include a schedule of locations which require a Written Scheme of Investigation (“WSI”).
- b) Development shall not commence in respect to any individual location identified in the approved Archaeology Fieldwork Strategy as requiring a WSI, until that WSI has been approved by the relevant local authority. The WSI must identify areas where archaeological fieldwork is required. Any archaeological fieldworks must be undertaken in accordance with the approved WSI by a suitably qualified person, and in line with industry best practice and guidance.

Reason: To ensure adequate protection and recording of historic features and archaeological remains.

9. Code of Construction Practice

No stage of the development is to commence within the area of a Local Planning Authority until a Code of Construction Practice (“CoCP”), which incorporates the means to mitigate the construction impacts identified in the Environmental Statement, has been submitted to and approved by the Local Planning Authority in consultation with the Environment Agency.

The development must be implemented in accordance with the approved CoCP and the relevant plans or programmes.

Reason: To mitigate anticipated construction impacts arising from the development and to protect local and residential amenity.

10. Contaminated land

No development shall commence within the area of a Local Planning Authority until a contaminated land risk assessment to investigate the contamination of land, (including groundwater and gases) within the Order limits identified within the Environmental Statement which is likely to cause

significant harm to persons or pollution of controlled waters or the environment has been submitted to and approved by every Local Planning Authority with responsibility for the area within the Order limits.

The contaminated land risk assessment must include ground investigation, monitoring and identify the extent of any contamination that requires remedial measures (including remediation timeframes where applicable),

Any required remediation must be carried out in accordance with the approved remediation strategy and on completion of the development, the objectives, methods, results of the remediation works must be reported in a verification report which is to be submitted to and approved by every Local Planning Authority with responsibility for the area within the Order limits in consultation with the Environment Agency.

Reason: To mitigate anticipated construction impacts arising from the development and to ensure that the development does not adversely affect humans or the environment during and following construction.

11. Ecology

a) No stage of the development is to commence within the area of a Local Planning Authority until, for that Stage, a written ecological management plan outlining the management of the ecology compensation sites within that stage, reflecting the survey results and ecological mitigation measures included in the Environmental Statement has been submitted to and approved by the Local Planning Authority with responsibility for any area within the stage in consultation with the Environment Agency.

b) The ecological management plan must include an implementation timetable and must be carried out as approved.

Reason: To ensure that the development does not adversely affect the natural wildlife and ecology of the area.

12. Flood Risk Assessment

The development shall be undertaken in accordance with the EWR2 Flood Risk Assessment July 2018 with further information as outlined in the EWR2 Flood Risk Assessment to be submitted in a phased manner to inform each development stage (in consultation with the Environment Agency, Lead Local Flood Authorities and Internal Drainage Board).

Reason: To prevent the increased risk of flooding through an appropriate hierarchy of flood risk management.

13. Surface water drainage assessment

No construction of any of the following elements of development shall commence until an overarching drainage strategy and scheme for that element has been submitted to and approved in writing by the Local Planning Authority, in consultation with the relevant Lead Local Flood Authority:

i) Structures:

OXD/36AA Charbridge Lane, OXD/35B Manor Farm, OXD/34A Station Road Launton, OXD/33A Marsh Gibbon, OXD/26B Queen Catherine Road, OXD/25 Sandhill Road (Middle Claydon), OXD/24C Verney Junction, OXD/14A Moco Farm, OXD/10AA Salden, BBM/9B Manor Road, BBM/8A Marston Road, BBM/6AA Woodleys Farm, MCJ2/178A Lower Blackgrove No.1, and MCJ2/177 Fleet Marston.

ii) Stations:

Ridgmont Station Platform Extensions

Woburn Sands Station Platform Extensions

Aylesbury Vale Parkway Station Platform Extension

Winslow Station (new station)

Bletchley Station (2 new High Level Platforms)

Each scheme shall comply with the drainage strategy and shall demonstrate that surface water discharge rates and volumes from that element of the development will not increase flood risk, or taken together with other relevant works in the same catchment, can be maintained at or below the agreed limits, using sustainable drainage techniques where reasonably practicable.

Development shall be implemented in accordance with the approved drainage strategy and relevant scheme.

Reason: To improve and protect water quality and ensure the provision and maintenance of adequate surface water drainage systems.

14. Highways

No stage of development is to commence within the area of a Local Planning Authority until a Construction Traffic Management Plan has been submitted to and approved by the Local Planning Authority. The Construction Traffic Management Plan shall include:

- a) Details of the proposed new or amended vehicular access points, including visibility splays, fencing and gates,
- b) Detailed plans of any off-site highway works,
- c) Measures to prevent the carriage of mud or other extraneous material or surface water from the site into the highway,
- d) Parking, turning, loading and off-loading facilities,
- e) Construction vehicle routing plans,
- f) Site hoarding,
- g) Control of access/site security,
- h) Pre-condition survey of the existing highway network to be used for construction traffic, and
- i) Proposals for the reinstatement of PROW where used for construction traffic to the reasonable satisfaction of the highway authority.

New and amended access points and off-site highway works shall be constructed in accordance with the approved details before being brought into use.

15. Noise Attenuation

Noise barriers shall be constructed in accordance with the Network Rail (East West Rail Bicester to Bedford Improvements) Order Environmental Statement dated July 2018 and maintained for the duration of the operation of the railway.

Reason: To protect residential amenity.

7.1.4 Where amendments are not thought to be necessary, explanatory text has been provided in response to the LPAs. It is the intention of Network Rail to produce a Statement of Common Ground in conjunction with the relevant LPAs and County Councils setting out areas of agreement on planning conditions and any areas still to be resolved.

7.1.5 Point 12 of the Statement of Matters requires that the proposed conditions should satisfy the six tests referred to in Paragraph 206 of the NPPF. Under the revised NPPF, planning conditions are set out at Paragraph 55, albeit the text in relation to the six tests has not been amended:

Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

7.1.6 Paragraph 55 of the revised NPPF then expands to also state:

Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification.

7.1.7 The conditions have been drafted to be concise and consistent across the whole scheme, providing the relevant local planning authorities the ability to control the delivery of the Scheme in terms of the detailed design and construction methodology to ensure that it corresponds to the ES. In this respect the planning conditions are consistent with the tests set out in the NPPF.

7.1.8 In terms of the additional policy wording provided under paragraph 55 of the NPPF (above), Network Rail shared the draft conditions with each of the Local Planning Authorities in advance of the TWAO submission and has made amendments (including two new conditions) to satisfy objections and responses. The LPAs have appointed a single point of contact with whom Network Rail will take forward ongoing discussions until an agreed form of wording can be reached. It is important to note that one consolidated set of conditions is required across the Order scheme, rather than an individual set bespoke to each LPA. Individual circumstances will be reflected in the submitted material, which will allow for the LPAs to have control over the delivery of the scheme on a local level.

7.1.9 Given the extent of the Order scheme, and the need for local considerations to be taken into account, the majority of the conditions require the submission and approval of pre-commencement details. This is managed by a requirement to divide the linear scheme into individual stages (geographical areas) which

will allow submission of details to be provided in relation to a particular stage. Once the relevant conditions relating to a particular stage are discharged, works within that stage will be able to commence.

8 The effects of the Scheme on other planned development in the area

8.1 Other planned development

- 8.1.1 The Statement of Matters requests an appraisal of the impact of the Order scheme on other planned development in the area (5b). In doing so, it is important to highlight strategic policy allocations along the alignment of the route. Within Cherwell District, Bicester has been identified for the allocation of over 10,000 new homes during the plan period, with further growth at Kiddlington (2280 units), and growth of over 1000 new homes in the north Oxford area.
- 8.1.2 Aylesbury Vale District Council have allocated land for over 16,000 new homes as part of the Aylesbury Garden Town, and 1166 units at Winslow, which will benefit from the proposed new station. Significant growth is also envisaged to the south west of Milton Keynes (both within Milton Keynes Council area as well as Aylesbury Vale). 5000 new homes are envisaged within the Marston Vale villages proposal adjacent to the railway within Central Bedfordshire which will benefit from access to Ridgmont Station, Lidlington Station and Milbrook Station. Within Bedford Borough, there are proposals to redevelop the former Stewartby Brickwork site to provide 1000 new homes alongside the EWR2 route, with other significant growth proposed at Elstow Depot, Bedford West and Wixam.
- 8.1.3 Many of these allocated development sites sit adjacent to, or in close proximity to the EWR2 route which will provide new residents with improved access to sustainable public transport, in turn providing access to employment opportunities. Planning for patterns of growth in areas that are accessible via sustainable modes of transport is a key requirement of the NPPF, however this must be balanced to ensure that development sites are not compromised by the delivery of the Scheme.
- 8.1.4 There is inevitably a requirement to use land adjacent to the existing railway alignment for both temporary construction and permanent engineering purposes, discussed in greater detail within the evidence of Simon Croft. Land adjacent to the rail alignment is also required for flood compensation and ecological mitigation purposes; the detail of which is discussed within the evidence presented by Andrew Shuttleworth. The strong strategic policy basis for the scheme needs to be balanced against the impact of its delivery on neighbouring development. It is clear, however, that such land-take is not on a scale that will prejudice the delivery of planned or proposed development or prevent it from being brought forward.
- 8.1.5 In considering the delivery of infrastructure required to support planned development on land neighbouring or close to the Scheme, there is a clear policy basis for provision to be made by the developers bringing those sites forward. It is not Network Rail's role as promoter of the Order scheme to deliver additional infrastructure such as enhanced or widened roads required to access development sites. The national and local policy context for infrastructure delivery is set out below.

8.2 NPPF

- 8.2.1 The NPPF (paragraph 56) says that planning obligations should only be sought where they meet all of the following tests:

Necessary to make the development acceptable in planning terms;

Directly related to the development; and

Fairly and reasonably related in scale and kind to the development.

8.2.2 It is clear that the NPPF states that the provision of infrastructure must be directly related to the development. In this respect, infrastructure required to facilitate or open up access to neighbouring development sites is not a requirement of the Scheme.

8.3 Planned Development in Milton Keynes

8.3.1 Milton Keynes Core Strategy (2013), Policy CS21 Delivering Infrastructure states that:

New development that generates a demand for infrastructure will only be permitted if the necessary on and off-site infrastructure required to support and mitigate the impact of that development is either:

1. already in place, or

2. there is a reliable mechanism in place to ensure that it will be delivered in the right place at the right time, to the required minimum high standards demanded by this Council and its partners.

The Council will prepare a new Planning Obligations Supplementary Planning Document to cover infrastructure and service requirements, including site-specific infrastructure, to be through Section 106 agreements. When adopted locally, we will also operate a Community Infrastructure Levy charging schedule across the Borough to secure funding from new development for infrastructure provision, including strategic projects. The Milton Keynes Tariff will continue to operate on sites covered by the Framework Agreement that are permitted before 6 April 2014 or when CIL is introduced locally. Where appropriate, the Council will permit developers to provide the necessary infrastructure themselves as part of their development proposals, rather than making financial contributions.

8.3.2 It is clear from this policy that the LPA places the responsibility for delivering and/or funding of any necessary additional infrastructure required to make proposed development acceptable in planning terms, upon the developer.

8.3.3 Emerging policy set out in Plan: MK (Submission Version) at Policy INF1 Delivering Infrastructure states that:

New development that generates a demand for infrastructure, facilities and resources will only be permitted if the necessary on and off-site infrastructure required to support and mitigate the impact of that development is either:

i. Already in place; or,

ii. There is a reliable mechanism in place to ensure that infrastructure, facilities and resources will be delivered in the most appropriate places and at the earliest opportunity, to the required minimum high standards demanded by this Council and its partners. This might include improvements for highway

schemes such as bus and rail provisions and enhancement for walking and cycling facilities, or the provision of local health, shopping and recreational facilities.

The Council will prepare a new Planning Obligations Supplementary Planning Document to cover infrastructure and service requirements, including site-specific infrastructure to be delivered through Section 106 agreements. Where a developer delivers early infrastructure in advance of, or prior to development, then the 'abnormal' costs of this infrastructure provision will be credited against future planning obligations for the site.

Where appropriate, the Council will permit developers to provide the necessary infrastructure and facilities themselves as part of development proposals, rather than by making financial contributions, provided that these include funded proposals for long term management and maintenance.

If applicable, the Council will give consideration to the likely timing of infrastructure provision. As such, development may need to be phased either spatially or over a period of time to ensure the provision of infrastructure is delivered in a timely manner and to meet the Council's expectations. Therefore, conditions or a planning obligation may be used to secure this phasing arrangement. All infrastructure provision should ensure that it is provided to meet the needs of future growth and take into account external growth of the site.

In the case of a number of developments in close proximity, the Council will seek voluntary agreements from developers to contribute towards the costs of jointly required infrastructure, therefore improving the acceptability of the development, reducing the need for statutory S106 contributions and enhancing the attractiveness of the development to potential buyers.

The above policy should be read in conjunction with Policy SD12 which outlines the Council's requirements for providing infrastructure provision for strategic urban extensions.

8.3.4 Policy SD11 details the General Principles for Strategic Urban Extensions which states that:

Proposals for Strategic Urban Extensions, and the documents required under SD12 to guide their development, should be prepared in accordance with the principles set out below.

- 1. To provide an appropriate amount of employment and retail uses consistent with the role of the site within the wider strategy and relevant policies guiding those types of uses in the Borough.*
- 2. To provide the necessary social, grey and green infrastructure at the appropriate stage, rate and scale to support the proposed development, in accordance with an approved Infrastructure Delivery Plan. Strategic Urban Extensions will be expected to make a contribution proportionate to its scale and impact for the delivery of strategic infrastructure requirements identified in the Local Investment Plan.*
- 3. To be supported by or incorporate:*

Environmental impact and transport assessment.

An archaeological investigation (with reference to the Historic Environment Record and further assessment if required) and consideration of the Historic Landscape Characterisation to inform the layout of development.

Design, land use, transport routes and mobility measures that integrate the Strategic Urban Extension with the existing built up area and enable future expansion beyond the Strategic Urban Extension where appropriate.

Where national planning policy indicates that urban expansion beyond the Strategic Urban Extension would be inappropriate and should be restricted, then the Strategic Urban Extension should incorporate layout and design features that create a permanent long-term development boundary.

A landscape and open space strategy to improve biodiversity, provide advanced structural planting, extend the “forest city” concept, create green road and street scenes, and incorporate public art and leisure and recreation facilities.

A management and maintenance strategy for open space and landscaping, outlining details of the owner, the responsible maintenance body, and how long term maintenance will be funded.

Planning obligations relating to the phasing of development and the provision of on-site and off-site infrastructure and facilities, to include land, capital and initial running costs.

8.3.5 Policy SD12 sets out the Delivery of Strategic Urban Extensions:

1. To ensure that Strategic Urban Extensions are brought forward in a strategic and comprehensive manner, planning permission will only be granted for land within Strategic Urban Extensions, following the approval by the Council of a comprehensive development framework, incorporating any necessary design codes, or phasing of development and infrastructure delivery, for the Strategic Urban Extension as a whole.

2. Development frameworks will be produced by the Council in conjunction with and with the support of the developer(s). Development frameworks will also be prepared in partnership with landowners, adjoining local planning authorities, parish or town councils, infrastructure providers, regional and local agencies and services, statutory consultees, the Parks Trust and other stakeholders.

Development frameworks will be prepared in consultation with the local community. The Council will adopt development frameworks as supplementary planning documents to guide future planning applications.

8.3.6 Policy SD13 details the South East Milton Keynes Strategic Urban Extension:

Land is allocated at South East Milton Keynes – as shown on the Key Diagram and Policies Map – for a comprehensive residential-led mixed use development of approximately 3,000 dwellings to meet the needs of Milton Keynes up to 2031 and beyond. Planning permission for housing and associated uses will not be permitted until 2019/20, once the detailed alignment of the Cambridge-Milton Keynes-Oxford Expressway is known. A site to accommodate 7 pitches for Gypsies and Travellers shall be provided as part of this development.

Development will be well connected and integrated with the established MK grid squares to its north and west. The urban extension will respect and reinforce the distinct character of the surrounding settlements of Wavendon, Woburn Sands and Bow Brickhill through providing new or reinforced green buffers, thereby protecting existing settlement character.

A comprehensive development framework for the site will be prepared in accordance with policies SD1, SD11, SD12 and INF1 and approved by the Council prior to planning applications being submitted.

8.3.7 It is quite clear that the delivery of all necessary infrastructure required to bring forward the South East Milton Keynes Strategic Urban Extension (SUE) is the responsibility of the developer(s) of that site, evidenced by the fact that Policy SD13 states that the development framework will be prepared in accordance with policies SD1, SD11 and SD12 and INF1.

8.4 Planned Development in Central Bedfordshire

8.4.1 The Central Bedfordshire Local Plan (Submission Version) sets out proposals for new villages at Marston Vale comprising up to 5,000 new homes, community facilities and services, plus a minimum of 40ha of employment land on a vast swathe of land bounded by the Marston Valley railway line to the south and extending to the A421 in the north, centred around Lidlington. Strategic policy SA2 sets out a number of principles that will need to be met and delivered as part of the development, including the following requirements:

2. The development shall provide dedicated and safe pedestrian and cycle links between the new and existing villages, local centres, employment opportunities, schools, shops, public transport nodes and community facilities within the wider Marston Vale.

11. The development shall integrate and connect to existing public rights of way within and adjoining the site to provide routes to the wider countryside and neighbouring settlements, including a cycleway between Stewartby Lake and Ridgmont Railway Station which shall include appropriately designed crossings over the waterway.

12. The development will provide supporting transport infrastructure to mitigate the impact of traffic associated with the development, including commensurate financial contributions towards a deliverable scheme for improvements at J13 of the M1 and the Marsh Leys roundabout, to mitigate the impacts of development. The development shall deliver viable and efficient public transport routes through the development that link with key destinations including East West Rail at Ridgmont Train Station and employment areas.

13. The development shall provide commensurate contributions towards enhancing the infrastructure at Ridgmont Railway Station, including Public Transport interchange facilities and car parking;

8.4.2 Further, section 14.4.3 requires that developers will be expected to ensure that new schemes fully mitigate any adverse impact on the transport network, and Policy T2 (Highway Safety and Design) makes it clear that development proposals need to provide appropriate access to address any change in traffic levels arising from the new development. Funding and delivery of additional road capacity is therefore a requirement of those bringing forward new settlements; it is not therefore the role of the EWR Scheme to increase the capacity of road infrastructure required to facilitate growth. Policy T2 states:

Proposals for new development must not have a detrimental effect on highway safety and patterns of movement and must provide appropriate access in accordance with Council standards. Development will be permitted where:

- *The proposal is or will be well integrated with the existing transport network within and beyond the development itself; avoiding severance of communities as a result of measures to accommodate increased levels of traffic on the network;*

- *The proposal does not impede the free flow of traffic on the existing network or create hazards to that traffic and other road users;*
- *The proposal retains or enhances existing footpaths and cycleway links;*
- *The proposal promotes walking and cycling permeability and ensure that linkages and publicly-accessible through routes are created to successfully integrate the development into wider networks;*
- *The development provides safe and convenient access in accordance with appropriate standards, that promote accessibility for all users and all modes of transport and includes designs, where appropriate, that incorporate low speeds;*
- *The proposal must avoid locations where the cumulative impacts of congestion is likely to remain severe following mitigation;*
- *The proposal must make adequate provision for loading and unloading, circulation, servicing and vehicle turning; and*
- *The proposal fully funds where appropriate, or contributes towards the costs of any measures required to cost effectively mitigate the impacts arising from the development.*

8.4.3 In relation to Marston Vale Villages (Site SA2) there is a current outline planning application under consideration by Central Bedfordshire Council (Ref: CB/18/0969/OUT) which was registered on 25 May 2018, with a target determination date of 14 September 2018. At the time of writing no decision has yet been issued. The development put forward by applicant O&H Properties Ltd is as follows:

Development of up to 5000 new homes, specialist residential accommodation, up to 30 ha employment land, retail, community, open spaces, leisure and sport uses, hotel, four lower schools, two middle schools, one upper school, woodland planting , water bodies and waterway links, ecological areas, accesses, cycle and pedestrian routes, supporting infrastructure, ground remodelling, landscaping and demolition works.

8.5 Planned development in Aylesbury Vale District

8.5.1 Gladman Development Ltd objects to the inclusion of three parcels of land within strategic site WIN001 which is identified for residential development in the submission draft Vale of Aylesbury Local Plan (VALP). The three parcels of land relate to ecological mitigation site B10, the flood compensation site within land parcel 0681 and access to the Scheme (parcel 670). The need for these sites, and alternatives, is discussed within Andrew Shuttleworth's Proof of Evidence.

8.5.2 The planning policy rationale behind the designation of strategic site WIN001 sits within the submission draft VALP. The VALP sets out the spatial strategy for growth at Policy S2 which states:

Strategic growth and investment will be concentrated in sustainable locations, including:

d) Winslow will accommodate growth of 1166 new homes, linked with the development of East West Rail and the new railway station in Winslow.

8.5.3 The VALP then goes on to state at S.4.139 that a station is to be provided in Winslow as part of EWR, and therefore it is considered to be one of the most sustainable settlements within Aylesbury Vale.

8.5.4 Policy WIN001 sets out the site criteria for new development in the strategic growth sites in Winslow. It states that development should take a:

c) landscape-led approach to design, proposals must be informed by a LIVA

e) *existing trees, hedgerows and ponds should be retained* meaning that any ponds created by the EWR Scheme should also be retained

8.5.5 VALP transport policy T2 states that:

Planning permission will not be granted for development that would prejudice the implementation of existing or protected transport schemes including the implementation of the EWR project including new stations and twin tracking to the south of Aylesbury.

8.5.6 It is quite clear that the decision to allocate land for 1166 new homes in Winslow is because the new station and EWR Scheme will make it a sustainable settlement. It is also clear that any proposals that prejudice the delivery of the EWR scheme and the new station will be refused. It is demonstrated within the Evidence of Andrew Shuttleworth that the flood compensation and ecological mitigation is an absolute requirement of the delivery of the Scheme, and that it cannot be placed effectively elsewhere. Without the acquisition of this land, the delivery of the EWR Scheme would be compromised, and therefore the basis for the site allocations in Winslow - given that they are predicated on the successful delivery of EWR - would also be compromised.

8.5.7 Developers should be encouraged to prepare a LIVA that seeks to incorporate the EWR mitigation into their adjoining site(s) as part of the landscape-led approach required under the policies outlined above. It may be possible to achieve best use of the land in question by incorporating local green space requirements, as well as to act as a buffer between the new residential units and the railway.

8.5.8 Winslow Town Council object to the inclusion of land that has been identified as Local Green Space (Policy 19V) within the Winslow Neighbourhood Plan. The parcel of land in question is a linear strip running adjacent to the southern boundary of the railway, that has been identified (in part) for the provision of ecological mitigation required to off-set the impact of the Scheme. There is a need to widen the railway embankment in this location, however through detailed design it might be possible to reduce the amount of land taken, with the planted area handed back as part of the Local Green Space designation.

8.5.9 Under paragraph 101 of the NPPF Local Green Space is afforded the same level of protection as Green Belt land which states that policies for managing development within a Local Green Space should be consistent with those for Green Belts. Green Belt policy within the revised NPPF (paragraph 146) states that:

Certain other forms of development are also not inappropriate in the GB provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

c) local transport infrastructure which can demonstrate a requirement for a Green Belt location.

8.5.10 As the detailed design is developed, Andrew Shuttleworth's Proof of Evidence clearly demonstrates that i) the proposals preserve the openness of the land, and ii) the requirement for transport infrastructure in this location is justified and necessary, therefore the scheme complies with the policy.

8.6 Planned development in Bedford Borough

8.6.1 Bedford Borough Council Core Strategy and Rural Issues Plan (2008) envisages development adjacent to the East West Rail route at the former Stewartby Brickworks site, to provide approximately 610 residential units.

8.6.2 Policy CP30 sets out expectations for developer contributions:

Where implementation of a development would individually or cumulatively create a need to provide additional or improved infrastructure, amenities or facilities, or would exacerbate an existing deficiency in their provision, the developer will be expected to make or contribute towards such provision by means of planning condition or legal obligation.

8.6.3 Bedford Borough Local Plan 2030 (Submission Draft) continues to allocate the Former Stewartby Brickworks site under Policy 25:

Brownfield land at the former Stewartby Brickworks site will be comprehensively re-developed for a mix of residential, employment and community uses. As a result of its history this is a complex site and a development brief must be prepared to guide the detailed design and land budget before a planning application is submitted. This is because more work needs to be done before the development principles of a suitable scheme can be established.

Issues that the development brief should address include:

i. An appropriate and balanced mix of land uses given on and off site constraints and opportunities.

ii. The relationship of the allocated site to adjacent land uses including employment and waste processing facilities and how any adverse impact can be mitigated.

iii. Linking the new development on either side of the railway line and other issues associated with railway infrastructure including existing level crossings; the proximity of the existing station; its enhancement and accessibility.

iv. The need for enhancement of the existing railway station and access to it.

v. The protection, and where opportunities arise, enhancement of heritage assets and their settings (such as the kilns and chimneys) and opportunities to reflect the site's history within the development.

vi. Contamination. A contamination report will be needed and remediation proposals identified.

vii. Ground conditions and potential for ground heave and implications on building and foundation design.

viii. Noise. A noise report should guide the location and design of uses on the site and establish any required mitigation measures.

ix. The relationship between new development at the former brickworks site and the Stewartby village community.

x. The location of vehicular access into the site, access/movement within the site and traffic impact on the wider network.

- xi. Off-site mitigation measures to deal with traffic impact issues.*
- xii. Green infrastructure in its widest sense, including pedestrian and cycle access within and beyond the site including links to Stewartby village and wider foot and cycle networks.*
- xiii. A public transport strategy.*
- xiv. An appropriate location for a new primary school and pre-school to serve the site.*
- xv. The impact of proposed development on the wider landscape including the requirement to contribute to the objectives of the Forest of Marston Vale.*
- xvi. A building design approach reflecting the local and historic context of the site.*
- xvii. Provision of a comprehensive heritage interpretation scheme setting out, as a minimum, the history of the brickworks and technical aspects of the industry of particular interest. This should draw upon all available archive sources.*
- xviii. A site specific flood risk assessment will be required to determine the developable area of the site. New development will be steered towards areas at least risk of flooding. Development classified as 'more vulnerable' in government guidance will not be permitted in flood zone 3a. Development must be in accordance with Policy 96.*

This is not intended to be a comprehensive check- list. Other policies in this plan will also be relevant to any planning application and should be taken into consideration in the preparation of the development brief.

8.6.4 Policy 90S sets out the Council's expectations for delivering infrastructure:

New development will be required to provide, or contribute towards the provision of, measures to directly mitigate its impact on existing infrastructure, which will be normally be secured through the use of site specific planning obligations and/or Community Infrastructure Levy payments as permitted by regulations.

Development proposals will need to clearly demonstrate that the infrastructure needed in accordance with the Council's standards, included in this plan and in Supplementary Planning Guidance, can be provided and phased to support the requirements of the proposed development. The Council will work with developers to seek to ensure that the most appropriate and beneficial solution is achieved.

8.6.5 An Application for outline planning permission has been submitted by applicants Cloud Wing UK Ltd to Bedford Borough Council (Ref:18/03022/EIA) seeking:

Outline application with all matters reserved except access for a housing led mixed use redevelopment comprising up to 1,000 new homes, 1.31 hectares of employment land, a new primary school and pre-school, heritage centre, community facilities (including retail), open space, green infrastructure and associated works, on land at the Former Stewartby Brickworks Broadmead Road Stewartby Bedfordshire

8.6.6 The application was validated on 26 November 2018, with a target determination date of 18 March 2019. Network Rail is holding constructive discussions with the developer with regards to the location and nature of road over rail bridges, detailed in Martin Angus' Proof of Evidence. Notwithstanding this, the policy

context is clear that infrastructure required for new development should be planned and provided by the developer.

8.7 Planned development in Cherwell District

8.7.1 Cherwell Local Plan 2011-2031 contains 5 strategic development sites at Bicester in addition to the ongoing construction of an urban extension at South West Bicester, equating to a total of 10,129 residential units over the plan period in Bicester. The site closest to the EWR Scheme is strategic site Bicester 2 which promotes the redevelopment of the former MOD site at Graven Hill to provide 2100 dwellings, 2000 jobs and a potential rail freight interchange. The plan states at C.57:

The site benefits from excellent transport connections. There are rail tracks still on the site and rail linked distribution warehouses. There are also planned transport improvements for the town including East-West Rail (to improve links between Oxford, Bicester, Milton Keynes and Bedford), and M40 J9 improvements.

The site will also contribute to transport infrastructure improvements. Graven Hill could accommodate possible relief road as one possible option for highway improvements to the town through the eastern part of the development area. New road links on the site may be either site accesses only or form part of a strategic relief road.

8.7.2 Since the Local Plan was adopted, outline planning permission was approved in 2014 for the Graven Hill site redevelopment (Ref:11/01494/OUT), with the first phase of development underway. The outline consent envisages:

Redevelopment of former MOD sites including demolition of existing buildings, development of 1900 homes; local centre to include a 2 form entry primary school (class D1), a community hall of 660sqm, five local shops or facilities to include A1, A2, A3, A5 and D1 uses totalling up to 1358sqm, up to 1000sqm gross A1 uses, a pub/restaurant/hotel (class A4/A3/C1) up to 1000sqm and parking areas; employment floorspace comprising up to B1(a) 2160sqm, B1(b) 2400sqm, B1(c) and B2 20520sqm and B8 uses up to 66960sqm; creation of public open space and associated highway improvement works, sustainable urban drainage systems, biodiversity improvements, public transport improvements and services infrastructure. Erection of a 70400sqm fulfilment centre on 'C' site and associated on site access improvement works, hardstanding, parking and circulation areas on land at Site C Ploughley Road & Site D & E Ambrosden Road MOD Bicester Upper Arncott Oxfordshire

8.7.3 The importance of rail transport to the site is highlighted at www.gravenhill.co.uk, a website dedicated to marketing houses and self-build opportunities, stating that the East-West Rail project will open up connections through Cambridge, via Milton Keynes and Bedford, over the coming years. It is therefore clear that the delivery of the Scheme is both consistent with the strategic policies of the development plan and one of the main factors in the allocation of sustainable planned development on adjoining or neighbouring sites.

9 Conclusions

- 9.1.1 Railways are recognised as the most sustainable form of public transport, and the Scheme will enhance this role in providing much needed east – west connectivity within the Oxford – Cambridge arc. The pattern and scale of strategic housing allocations along the alignment of the route further underpin the level of weight given to the role of the railway network in facilitating development and supporting economic growth. This is underpinned within the Buckingham Thames Valley Strategic Economic Plan Refresh which states that the Scheme must go ahead without delay.
- 9.1.2 Looking to the local policy considerations relevant to the Scheme, the transport benefits are clearly aligned to the aims of the Local Transport Plans, which all state that delivery of EWR2 should be delivered as a priority to cater for the demand for new homes and to support access to new jobs created within the arc.
- 9.1.3 Each of the Local Planning Authority Areas of Cherwell, Aylesbury Vale, Milton Keynes, Central Bedfordshire and Bedford Borough through which the Scheme passes have allocated sites within their current development plans and included a significant amount of additional growth within emerging policy documents based on the delivery of key infrastructure, including the provision of the EWR Scheme. Without the Scheme the pattern and level of growth envisaged would be severely compromised and would fail to meet the objectives of sustainable development.
- 9.1.4 Delivering new heavy rail infrastructure within a rural environment requires a balanced approach. It should be clear from all the evidence in this case that Network Rail has given very great weight to the relevant local planning and environmental policies, and has put forward sufficient mitigation within the ES to off-set the environmental impact of the Scheme both during construction and operation. Control over the detailed delivery of the Scheme is afforded to the relevant Local Planning Authorities through the proposed planning conditions.
- 9.1.5 The design and delivery of the Scheme also recognises that many areas through which the railway passes are subject to significant growth and change over the coming years from predominantly agricultural land to residential-led development. Suitable mitigation has been included within the Scheme proposals to ensure that the construction and operational phases of the railway development will have limited adverse impacts, which are clearly outweighed by the very significant public benefits of the Scheme. EWR will have no impact on the deliverability of neighbouring development sites, many of which are allocated on the basis of the Scheme coming forward.
- 9.1.6 It is clear in my view that the need for the Scheme and very significant strategic policy support upon which the pattern and scale of new development is predicated, shows the planning balance is plainly in favour of approving the Order.
- 9.1.7 With this in mind, the Inspector is respectfully requested to recommend that the draft Order be made and that the Secretary of State should direct the grant of deemed planning permission and listed building consent, subject to the proposed conditions.

10 Declarations

10.1.1 I hereby declare as follows:

- (i) This proof of evidence includes all facts which I regard as being relevant to the opinions that I have expressed and that the Inquiry's attention has been drawn to any matter which would affect the validity of that opinion.
- (ii) I believe the facts that I have stated in this proof of evidence are true and that the opinions expressed are correct.
- (iii) I understand my duty to the Inquiry to help it with matters within my expertise and I have complied with that duty.