

Land to the West Side of Newport Road, Woburn Sands, Milton Keynes

**Proof of Evidence of James Dewey MRICS of
Gateley Hamer
1 Paternoster Square
London
EC4M 7DX**

**On behalf of
Swan Hill Homes Limited
Coln Park
Claydon Pike
Lechdale
GL7 3DT**

APPENDIX

APPENDIX 1
Statement of Case

Gateley•Hamer

The Secretary of State for Transport
Transport and Works Act Orders Unit
Department for Transport
Zone 1/14
Great Minster House
33 Horseferry Road
London
SW1P 4DR

Date 19 October 2018

Our ref: ENQ 2394 (120791.854)

Your ref: TWA/18/APP/04/OBJ/144

Direct tel: 0207 653 1696

E-mail: james.dewey@gateleyhamer.com

c/o Winckworth Sherwood LLP
Minerva House
5 Montague Close
London
SE1 9BB

For the attention of The Secretary of State for Transport

By Royal Mail Next Day Special Delivery and by e-mail to
transportandworksact@dft.gov.uk

RE: Statement of Case and Objection to the 'Proposed Network Rail (East West Rail Bicester to Bedford Improvements) Order' in response to letter dated 13 September 2018 Reference TWA/18/APP/04/OBJ/144

We act on behalf of Swan Hill Homes Limited of Coln Park, Claydon Pike, Lechlade, GL7 3DT (the Client) who own the freehold title in the land known as Land on the West side of Newport Road, Woburn Sands, Milton Keynes title number BM371170 (the Site). Part of the Site has been identified under plot 1128 in the 'Network Rail (East West Rail Bicester to Bedford Improvements) Order' (the Order) as subject to compulsory acquisition for the temporary use of the land.

JS/JS/039495.00059/3037643v3

Gateley Hamer Limited is a limited company incorporated in England and Wales.
Registered Number: 03948065. Registered Office: One Eleven, Edmund Street, Birmingham, B3 2HJ.
Regulated by the Royal Institution of Chartered Surveyors.

One Eleven
Edmund Street
Birmingham
B3 2HJ

DX: 13033 Birmingham 1

t: +44 (0) 121 234 0000

f: +44 (0) 121 234 0001

www.gateleyhamer.com

An Objection letter (the Objection) was submitted to the Secretary of State on 6th September 2018. Subsequently we have been in dialogue with Network Rail Infrastructure Limited (NRIL) in relation to the proposed an alternative route of access across the Site. NRIL have viewed the proposals positively and have verbally indicated they would accept the revised route.

Whilst progress has been made, at the date of writing this statement, no written agreement has been provided and there are a number of unresolved issues. Please consider this letter as the current Statement of Case and formal objection to the above proposals on behalf of the Client on the grounds set out below.

At the date of submitting the Objection to the order the Client was in advanced negotiations with Linden Homes with regard to the residential development of the Site. Since the submission of the Objection was submitted Linden Homes have agreed an option to acquire the land. The Order, as it is currently proposed, has a detrimental impact on the development of this Site which directly contradicts government policy to promote the building of new homes across the country. The temporary acquisition, as currently proposed, will have a wider impact on the social, economic and environmental well being of the wider area going against the benefits the proposed Network Rail scheme will deliver.

Objection Grounds

- i) The current route proposed by Network Rail numbered 1128 on the plans attached to the original notice is not the route of least impact across the land. The current route proposed will sterilise areas of the development site leading to a reduction in the housing provided.

We consider that there is a less detrimental, alternative route, across the Site as shown coloured purple on the attached plan. This can achieve the aims of Network Rail whilst limiting the impact on the delivery of housing on the Site and avoiding the requirement to use powers of compulsory acquisition.

Whilst nothing has been confirmed in writing the Stakeholder Manager at Network Rail responsible for this project has at present verbally accepted that this proposed alternative route is acceptable and the order could be altered to accommodate the alternative route across the site. Until this has been formally agreed in writing we must however keep our objection to the initial route as proposed in place.

- ii) If the route as proposed is adopted without alteration it will lead to a greater loss of residential development than the alternative route leading to an increased compensation claim. This is not an appropriate use of public funds particularly where a viable, less costly option is available.
- iii) We have been in contact with Network Rail and its agent and we are hopeful that this positive engagement will continue and facilitate the withdrawal of our objection upon formal agreement being reached which avoids the need for the use of compulsory purchase powers but recognises the impact of the

current alignment on the development of the Site and the viable alternative provided.

- iv) Whilst Network Rail have indicated that the land will only be required for 9 months and the anticipated use is for access only, the Order should not be confirmed until Network Rail provide written certainty as to the temporary possession period, the anticipated date possession is required and details of the use of the land.


For the reasons set out above, the Order should not be confirmed as currently it is proposed and we would request the Secretary of State to instead consider an Order on the basis of the alternative route proposed above. Our client would hope to enter in to an agreement with the applicant to meet its concerns prior to any public inquiry held into the application for the Order. However, pending a formal written agreement our client would wish to have reserve the opportunity to appear at any public inquiry held into this application.

It should be noted that my Client does not object to the wider principles of the scheme and it is my Client's hope that Network Rail will continue to engage with my Client to amicably resolve these issues.

We reserve our client's right to add to, alter and amend our grounds of objections as required.

Any correspondence relating to the above should be sent to Gateley Hamer, 1 Paternoster Square, London, EC4M 7DX (marked for the attention of James Dewey), with a copy to Swan Hill Homes Limited, Coln Park Claydon Pike Lechlade Gloucestershire GL7 3DT (marked for the attention of Giles Rabbetts).

Yours faithfully



James Dewey MRICS
Director, Head of Compulsory Purchase and Compensation
Gateley Hamer Limited

APPENDIX 2
Network Rail Letter



FAO James Dewey
Gateley Hamer
1 Paternoster Square
London
EC4M 7DX

Sophie Moeng
Consultation Manager
Network Rail
Fourth Floor
One Victoria Square
Birmingham
B1 1BD

By e-mail

21 December 2018

Ref: OBJ/144

Dear Mr Dewey,

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

I write in response to your client, Swan Hill Homes Limited's objection (ref: OBJ/144) sent to the Department for Transport on 6 September 2018 with respect to the Network Rail (East West Rail Bicester to Bedford Improvements) Order.

Following Network Rail's review of the details of your client's objection and further to ongoing discussions with Charles Hurst, Network Rail will be in touch in the New Year with regards to a revised drawing in line with the sketch you have received.

Charles Hurst will be in touch with you to discuss the matter further.

Should you have any further questions, please do not hesitate to contact Charles directly.

Regards

A handwritten signature in black ink, appearing to read "S Moeng". The signature is fluid and cursive, with the first letter 'S' being particularly large and stylized.

Sophie Moeng
Consultation Manager
PP for Charles Hurst on behalf of Network Rail

CC: FAO Giles Rabbetts, Swan Hill Homes Limited, Coln Park Claydon Pike Lechlade,
Gloucestershire, GL7 3DT