



Phillips Planning Services Ltd.
Town Planning and Development Consultants

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**TRANSPORT AND WORKS ACT 1992: PROPOSED NETWORK RAIL
(EAST WEST RAIL BICESTER TO BEDFORD IMPROVEMENTS) ORDER**

**TOWN AND COUNTRY PLANNING ACT 1990: REQUEST FOR DEEMED
PLANNING PERMISSION**

**PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT
1990: APPLICATIONS FOR LISTED BUILDING CONSENT**

TRANSPORT AND WORKS (INQUIRIES PROCEDURE) RULES 2004

PROOF OF EVIDENCE

OF

PAUL WATSON

BA (HONS) DIPTP MTP MRTPI

PHILLIPS PLANNING SERVICES LTD

**On behalf of Cloud Wing UK Limited, Arnold White Estates Limited and Hanson
Packed Products Limited**

(January 2018)

Qualifications & Experience

My name is Paul Watson.

I hold a Bachelor of Arts Honours Degree, a Diploma and a Masters Degree in Town and Country Planning from the University of Newcastle.

I am and have been a Member of the Royal Town Planning Institute since 1997.

I initially gained experience working for a local planning authority as a planning policy officer and then within development control section prior to entering private practice in 1999.

I am a Director of Phillips Planning Services Limited of Kingsbrook House, 7 Kingsway, Bedford, and advise clients in both the public and private sectors on a wide range of planning and development matters throughout England and Wales.

I have visited the area south of Bedford between and around Stewartby and Kempston Hardwick on a number of occasions for the purpose of drafting of this proof of evidence.

The evidence which I have prepared and provide for this Inquiry in this proof of evidence is true and has been prepared and is given in accordance with the guidance of my professional institution and I confirm that the opinions expressed are my true and professional opinions.

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 those opinions.
- (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.

1.0 Introduction & Summary

- 1.1 My evidence at this inquiry considers the way in which the Network Rail (NR) proposals as set out in its application for an order under the Transport and Works Act 1992 (the TWAO Application) for the 'Bedford' section of east / west rail relate to the key project objectives set out in the 'Statement of Aims' document (NR4) (July 2018). I also consider the proposals in the context of the main 'Matters' upon which the Secretary of State for Transport wishes to be informed as set out in the 'Statement of Matters' (November 2018).
- 1.2 My evidence is provided primarily with reference to the proposed works in the area between Stewartby Railway Station and Kempston Hardwick Railway Station up to where the line crosses the A421 and passes into Bedford.
- 1.3 Directly relevant to my evidence are two major planning applications which I have submitted to Bedford Borough Council on behalf of Cloud Wing UK Limited (CWUKL). The first comprises land at Broadmead and the former Kempston Hardwick Brickworks. The line runs through and along the western boundary of this site. The second comprises the land and buildings at the Former Stewartby Brickworks through which the railway line runs. The proposals will deliver approximately 1,000 new homes and approximately 780,389 square metres of new business floorspace and envisages the construction of two new bridges across the railway line between Stewartby and Kempston Hardwick Railway Stations facilitating the closure of four level crossings.
- 1.4 The TWAO Application as submitted in July 2018 does not have regard to these applications and so ignores the significant benefits that could be realised through planning comprehensively in close co-operation with CWUKL in this area. The main concerns held are:
1. The proposals for the section of the line between Stewartby and Bedford are premature to the determination of the next section of the line from Bedford to Cambridge. More precisely, the decision on whether the line should be routed through and to the north of Bedford or to the south of Bedford should be taken before plans are finalised for the works in the Stewartby to Kempston Hardwick section as the routing decision could significantly alter the requirements in this area. Unless and until a final decision is made on the next section of the line from Bedford to Cambridge it is not possible to say now that there is a compelling case

in the public interest for the acquisition of land included in this proposed order. Consent should not therefore be granted for this part of the line as a compelling case in the public interest for the compulsory purchase of the land required to construct it has not been demonstrated.

2. The proposed new bridge at Manor Road prejudices the delivery of the CWUKL land at the former Kempston Hardwick Brickworks site as it does not provide for appropriate new vehicular access from Manor Road. In response to this concern NR has discussed with CWUKL the potential to include an access from the raised section of the proposed new Manor Road bridge into the CWUKL site. However this will sterilise a portion of the CWUKL development land due to the convoluted nature of delivering such an access down into the site from a raised section of the road bridge.
 3. The EIA cumulative assessment prepared in support of the TWAO Application does not have regard to the impact of the CWUKL proposals and so is deficient in this respect. I understand that it would be unlawful to grant consent without this matter being addressed (this is a matter of legal submission). It also fails to grasp the opportunities offered by the CWUKL proposals which would facilitate the potential closure of four level crossings between Stewartby and Kempston Hardwick and provide two new road bridges across the railway line which would in turn draw traffic away from existing residential roads.
 4. The NR proposals fail to have proper regard to the recommendations of the National Infrastructure Commission (NIC) report, Partnering for Prosperity (NR44) which directs that the east / west railway improvements should be designed to facilitate significant additional housing and employment development in the corridor between Oxford and Cambridge. The failure to take account of or co-ordinate with the CWUKL proposals which seek to deliver new homes and employment development in a location consistent with the aims of the NIC and emerging local policy is a material and detrimental omission.
- 1.5 CWUKL seek changes to the order to take account of its proposals based on the key concerns summarised above. At the time of writing, discussions are ongoing with NR regarding these matters. The discussions are referenced briefly in the Proofs of Evidence which have been submitted to the Inquiry on behalf of NR by Jill Stephenson 'Planning' (paragraph 8.6.6), Martyn Angus 'Need Case' (paragraph 10.4.2-10.4.8) and

Jonathan Smith 'Property' (paragraph 9.41.5). Unless or until a formal agreement is reached with NR to address the concerns the objections of CWUKL remain.

1.6 The following sections of this proof of evidence are set out as follows:

- 2.0 Description of the CWUKL Planning Applications
- 3.0 Planning Policy Context – The Basis of the Applications
- 4.0 Prematurity of the NR Proposals and Absence of a Compelling Case
- 5.0 Failure of the TWAO Application to meet its own 'Statement of Aims' (NR4) & its conflict with the Secretary of State's main matters and CWUKL's application proposals
- 6.0 Conclusions

2.0 Description of the of the CWUKL planning applications

Application 1 – Bedford Business Park

- 2.1 The application was lodged with Bedford Borough Council on 14 November 2018, made valid by the Council on 19 November 2018. It has been given the formal planning application reference 18/02940/EIA.
- 2.2 As an Environmental Impact Assessment ('EIA') application the determination period is sixteen weeks and so the target decision date is 11 March 2019.
- 2.3 The application seeks outline planning permission with all matters reserved other than access, to create a new Bedford Business Park comprising a mix of B1, B2 and B8 uses supported by ancillary 'A' class uses and associated infrastructure open space and Landscaping. The key aspects are:
- Business (B1) – 257,136sqm
 - Manufacturing (B2) – 233,360sqm
 - Storage & Distribution (B8) – 289,284sqm
 - Retail (A1), Restaurant/Café (A3), Pub (A4), Takeaway (A5) – 600sqm
 - New road infrastructure including a bridge crossing of the railway line
 - Open space, green infrastructure and landscaping.
- 2.4 The whole site runs to just over 221 hectares of mixed Brownfield and agricultural land as shown on the site location plan attached as Appendix 1. It is the northern portion of the site, north of Manor Road which is Brownfield in nature having previously been part of Kempston Hardwick Brickworks. The land south of Manor Road is relatively flat and in agricultural use. The site is dissected by Manor Road which cuts through it on a broadly east / west alignment. The Marston Vale railway line also crosses the southern part of the site running north-south and borders the northern portion of the site along its western edge.
- 2.7 The current vehicular access to the northern part of the site is taken from the main site entrance on the north side of Manor Road just to the east of Kempston Hardwick Rail Station. It is this access that would be compromised by the NR proposals for the Manor Road bridge (Work no. 38 in schedule 1 to the draft Order).

- 2.8 The application, although in outline has been accompanied by a detailed site master plan, Design Statement and parameter plans. The design seeks to deliver an innovative, sustainable Business Park which will be a place where people aspire to work due to its quality environment, integrated green infrastructure, associated facilities and ease of access by a range of transport modes.
- 2.9 The master plan (Appendix 2) shows how this would be achieved utilising character zones for different uses including a mixed zone and taking advantage of the natural site features such as the former clay pit.
- 2.10 Utilising a standard calculation for jobs generated based upon floorspace created it is estimated that the development would provide approximately 15,000 new jobs. Based upon the assumption that £35,000 is generated per industrial job created and £50,000 per office job, the approximate 'Gross Value Added' of this scheme could potentially be £600m. In terms of business rates, the scheme has the potential to create additional rateable income for the charging authority of around of £25m per annum.
- 2.11 This application proposes to deliver a new vehicular, pedestrian and cycle bridge crossing of the railway line south of NR's proposed Manor Road crossing and north of the Broadmead level crossing. The site layout is shown on the Plan at Appendix 2.

Application 2 – Residential Redevelopment at the Former Stewartby Brickworks

- 2.12 The application was lodged with Bedford Borough Council on 22 November 2018, made valid by the Council on 26 November 2018 and has been given the formal planning application reference 18/03022/EIA.
- 2.13 As an Environmental Impact Assessment (EIA) application the determination period is sixteen weeks and so the target decision date is 18 March 2019.
- 2.14 The application seeks outline planning permission, (with all matters reserved other than access), to enable a comprehensive housing led mixed use development of the former Stewartby Brickworks site including:
- Up to 1,000 new homes
 - 1.31 hectares of employment land
 - Primary School and Pre-school
 - Heritage interpretation centre

- Associated community facilities including a local retail centre
 - Formal and informal play, open public space and green infrastructure.
- 2.15 The site comprises just over 55 hectares of Brownfield land at the former Stewartby Brickworks. (Site plan attached as Appendix 3) There are currently four listed chimneys and kilns within the site. However, due to fears regarding the wind-firmness of the chimneys listed building consent has been granted for their demolition. This will take place in the Spring of 2019.
- 2.16 The railway line runs through the centre of the site and is crossed via an existing level crossing by a Public Right of Way (Footpath Stewartby 5).
- 2.17 An indicative Master Plan (Appendix 4) provides a guide as to the way in which the proposed site uses could be configured and relate to one another in an appropriate manner utilising appropriate height, density and massing parameters.
- 2.18 The proposal would result in the creation of a new community whilst providing good integration with the existing village of Stewartby. Future residents will be able to live and potentially work at the site and access leisure and recreation facilities including local shops within a short walk or cycle ride.
- 2.19 The application proposes to deliver a new vehicular, cycle and pedestrian bridge crossing of the railway line approximately in the position (just north of) the existing level crossing as shown on the Master Plan (Appendix 4).
- 2.20 The proposed new crossing would enable vehicles, cyclists and pedestrians to travel between the two sides of the site. The site design will facilitate access to Stewartby Station for future residents as well as existing residents of Stewartby in a more direct and safe way removing the need to utilise the level crossing on Green Lane.

3.0 Planning Policy Context – The Basis of the Applications

Application 1 – Bedford Business Park

- 3.1 The site is not allocated for a specific future use in the adopted Local Plan for Bedford. However, the current plan for the Borough is outdated being based upon historic economic growth requirements set in 2006 / 2007 with a time horizon to only 2021. The current adopted plan does not therefore plan for the future needs of the area.
- 3.2 This has been recognised in part by the Council in progressing a plan review to cover the period to 2030. Until a new plan is adopted, given the out of date nature of the current plan the presumption in favour of sustainable development as set out in paragraph 11 of the NPPF should in my view apply.
- 3.3 Paragraph 11 makes clear that where an adopted plan is silent on a particular issue or where policies are out of date, sustainable development should be permitted without delay unless the adverse effects of doing so would demonstrably outweigh the benefits. The development plan is outdated in its approach to employment provision in the Borough given the limited time horizon and the fact that due to its age it could not and does not take into account the growth corridor recommendations set down by the NIC or the Governments clear aspirations to see growth occur in the region.
- 3.4 The emerging strategy for employment development in the pre-submission draft of the Bedford Local Plan 2030 is not to specifically allocate land for employment development but rather to consider individual planning applications which come forward for strategic scale new employment proposals of the nature proposed by the application in the context of new Policy 75S.

Emerging Policy 75S

- 3.5 The application has therefore been prepared in the context of this emerging policy which supports strategic scale employment, subject to appropriate justification of the need for the development and of a lack of existing allocated sites to meet the identified demand. It states that planning permission for new “B” use class development on sites of 5 ha and above, (not previously allocated for such a use), will be supported subject to meeting six criteria.
- 3.6 In brief summary these criteria require:

1. That it is demonstrated that there is no availability of land on allocated sites to meet the identified needs of business.
 2. There is a demonstrable demand for new employment in the location proposed.
 3. The proposal would be high quality and deliver significant economic benefits.
 4. The proposal is located next to strategic road and rail infrastructure and accessible to existing and future residents.
 5. That the proposal would not result in an over-concentration of warehouse uses
 6. Appropriate mitigation of landscape impacts is achieved.
- 3.7 The justification required by policy 75S has been provided though a 'Market Assessment Report' prepared by Savills (Cambridge Office) which is submitted in support of the application. Savills has a detailed knowledge of the UK market but also through its local office, a strong understanding of this area and the opportunities presented by the recommendations of the National Infrastructure Commissions (NIC) regarding the Oxford to Cambridge growth corridor and government aspirations. I consider that the report provides a strong case in favour of the principle of the proposal.
- 3.8 In addition to this principle issue the application is supported by a full Environmental Impact Assessment (EIA). The 'Scoping' exercise to agree the necessary content of the Environmental Statement (ES) was undertaken during June – August 2018. Therefore, the ES submitted in support of the application follows the detailed scoping response that was provided in all respects.
- 3.9 The application is supported by a number of further technical reports and documents agreed as necessary in addition to the formal ES document as part of the pre-application process. This includes a comprehensive site master plan and Design Statement which provide indicative proposals to demonstrate how the site could be laid out having regard to existing neighbouring uses and linkages and to deliver new infrastructure to support the scale of development proposed.
- 3.10 These documents address all necessary local planning policies relating to matters of highway impacts, ecology, landscape, heritage, waste, green infrastructure, renewable energy etc.
- 3.11 I consider the application which has been prepared is comprehensive and would deliver significant benefits. When assessed by Bedford Borough Council as part of the necessary planning balance exercise it should in my view be supported.

Application 2 – Former Stewartby Brickworks

3.12 The site is not currently allocated for the residential development that is proposed by the application in the Adopted Bedford Borough Local Plan. Rather, the site is highlighted as an 'existing employment site'. Policy CP11 of the Core Strategy & Rural Issues DPD states that the development of an existing employment site will only be considered for alternative uses where its retention is unnecessary and specific community and environmental benefits can be demonstrated and achieved.

3.13 Notwithstanding the fact that the Council has determined that the site is no longer required for employment purposes and has allocated it for residential development in the emerging plan as I discuss further below, the application proposal does comply with the requirements of CP11 as follows:

Retention Unnecessary:

- The site although technically annotated as an existing employment site on the proposals map has not provided employment or been utilised productively since the closure of the Brickworks in 2008 i.e. a period of over 10 years.
- The Brickworks closed as a result of changes to UK Air Quality Emission Standards which meant that it was no longer possible to produce bricks at the site.
- This effectively put an end to the extraction of Oxford Clay in the Marston Vale for brickmaking purposes. Hanson relocated its brickmaking operations to Whittlesey near Peterborough. As a result, there is no need to retain the site for its former employment purpose.
- The lack of activity and interest from other potential users over the past 10 years confirms that its retention is unnecessary.

Community & Environmental Benefits:

- The site is currently inaccessible due to safety concerns resulting from the dereliction of the site buildings and structures and the ground heave resulting from the re-hydration of the desiccated clay soils which lie beneath. The development will remove the dangerous structures and reclaim the land rendering it fit for use and public access.
- Associated with this, new areas of planting and green infrastructure are proposed to link to existing footpaths and bridleways to the south and north. This would result in a significant advancement of the aims of the Marston Vale Community Forest.

- The proposal will deliver a new primary school for use by existing and proposed residents' children. This would be located on the west side of the site adjacent to the existing sixth form college.
- Linked to this a bridge crossing of the railway is proposed to improve access from the village to the existing and new proposed school and the local station.
- The application would also provide new community buildings and a small local centre for use by existing and proposed residents.

3.14 The new Bedford Local Plan (NR42) has now reached the Regulation 19 pre-submission stage. The plan preparation commenced in 2014 with an issues and options consultation followed by a call for sites exercises and two further main rounds of consultation in 2015 and then 2017 before the pre-submission stage was reached in 2018. The process has been underpinned by a significant volume of background evidence and assessment of development options in the Borough.

3.15 The result of this process has been the decision by the Council to allocate the site for development under emerging Policy 25. This states that

“Brownfield land at the former Stewartby Brickworks site will be comprehensively re-developed for a mix of residential, employment and community uses.”

3.16 A number of policy criteria are then set out against which applications for development at the site would be assessed and / or must address. These are:

- i. An appropriate and balanced mix of uses are provided.
- ii. The relationship of the site to adjacent employment and waste processing facilities is considered and appropriate mitigation provided.
- iii. Links across the railway line and other issues associated with the railway including the existing level crossings are properly considered.
- iv. The need or otherwise to enhance access to Stewartby station is considered.
- v. Heritage assets and their settings are protected and opportunities to reflect the site's history within the development is taken into account.
- vi. Appropriate ground remediation proposals are identified.
- vii. Ground conditions and potential for ground heave and implications on building and foundation design is considered.

- viii. Layout and design takes account of noise issues and any mitigation measures.
- ix. Appropriate integration with the existing Stewartby village community.
- x. Appropriate 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 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. Appropriate design reflecting the local and historic context of the site.
- xvii. Provision of a heritage interpretation scheme.
- xviii. A site specific flood risk assessment

3.17 The application as submitted has been designed to address these criteria i.e. to fully respond to emerging Policy 25.

3.18 As with Application 1, the application is supported by an Environmental Impact Assessment (EIA). The 'Scoping' exercise to agree the necessary content of the Environmental Statement (ES) was undertaken during June – August 2018. Therefore, the ES submitted in support of the application follows the detailed scoping response that was provided in all respects.

3.19 The application is also again supported by a number of technical reports and documents agreed as necessary in addition to the formal ES document as part of the pre-application process. This includes a comprehensive site master plan and Design Statement which provide indicative proposals to demonstrate how the site could be laid out having regard to existing neighbouring uses and linkages and to deliver new infrastructure to support the scale of development proposed.

- 3.20 These documents address all necessary local planning policies relating to matters of highway impacts, ecology, landscape, heritage, waste, green infrastructure, renewable energy etc.
- 3.21 I consider the application which has been prepared is comprehensive and would deliver significant benefits. When assessed by Bedford Borough Council as part of the necessary planning balance exercise it should in my view be supported.

4.0 Prematurity of the NR proposals and absence of a Compelling Case.

- 4.1 The need to deliver the East / West rail upgrade within a timely manner is fully acknowledged and I do not seek to argue for a significant delay in the process. However, it is understood from discussions with Bedford Borough Council and NR that the preferred route for the section of the line between Bedford and Cambridge is likely to be announced in the Spring / Summer of 2019 i.e. less than six months from the time of writing.
- 4.2 There has been significant debate regarding the likely route and importantly whether this will run through Bedford to the north before heading east or whether it will turn eastward south of Bedford. These options are set out in Appendix C of the Jacobs Options Study 2016 (Appendix 5).
- 4.3 If the route which is favoured is south of Bedford (and this is a reasonable possibility based upon the Jacobs options study), it has been suggested that a new Parkway station may be provided south of the A421 either close to the A421 / A6 junction or further south at Wixams new settlement where a new station on the Bedford to London line is already planned. In any event at this stage no decision has been made.
- 4.4 The decision as to whether the route is to be north or south of Bedford has implications for the upgrading works in the section between Stewartby and Bedford.
- 4.5 If a southern route is favoured it would clearly have been premature to fix the NR proposals south of Bedford now. The TWAO could include the route from Bletchley to Stewartby but leave decisions regarding necessary works between Stewartby and Bedford until after the central section routing is announced and so it is clear where any new bridges may be needed and which level crossings could be closed to offer the most significant benefits to the area. As a result, it cannot at present be said that there are compelling reasons in the public interest to include land in this order between Stewartby and Bedford for the purpose of compulsory acquisition.
- 4.6 The NR proposals are also premature to the consideration of the CWUKL applications as described in Section 2 and 3 of my evidence.

- 4.7 The CWUKL proposals offer major benefits in terms of the potential to facilitate the closure of four level crossings as opposed to just two if the NR scheme progresses unamended. (Although I understand that NR now propose to close only one level crossing having indicated that they will not now close the Stewartby crossing.) It is unlikely that the CWUKL applications will have been determined at the point at which the TWAO is considered at Inquiry but will be soon afterwards.
- 4.8 It is not however unrealistic to consider that the applications could be approved just before or around the same time that the route of the central section (Bedford to Cambridge) is announced.
- 4.9 Decisions regarding necessary works and opportunities to improve crossings and the provision of bridges could be more appropriately and properly taken at that point. This would not result in significant delay and any short delay would be confined to the final section of the route from Stewartby to Bedford only.
- 4.10 As I stated above I consider that NR is unable to prove a compelling case in the public interest to compulsorily purchase the CWUKL land at this time as the final decision on the route of the railway south of Bedford in the area around Kempston Hardwick is uncertain. Should one of the southern routes as assessed in the Jacobs study be adopted later this year this could lead to a different alignment and the development of a new parkway station or a link to the proposed Wixams Station. This could then have implications for the works around Kempston Hardwick Station and the level crossing and the extent of land within the CWUKL site that is required. However, if the Order is made in its current form, Network Rail will have compulsorily purchase powers over part of CWUKL's land, which would blight that land and neighbouring land and prevent development on it.

5.0 Failure of NR's proposals to meet the 'Statement of Aims' (NR4) & conflict with the Secretary of State's main matters and CWUKL's application proposals

5.1 The 'Statement of Aims' document (NR4) sets out seven aims which it is suggested the NR proposals seek to further as part of east / west rail. In summary these are.

1. To improve east / west public transport connectivity through rail links between Oxford & Cambridge
2. To meet expected passenger demand through new reliable rail services
3. To stimulate economic growth, housing and employment through new and reliable train services.
4. Contribute to improved inter-regional passenger connectivity and journey times
5. Maintain current capacity for rail freight and appropriate provision for anticipated future growth
6. Consider and plan for future demand and economic growth
7. Provide a sustainable transport solution to support economic growth in the area.

5.2 It is considered that the proposals materially fail to respond to the stated aims 3, 6 and 7 for the reasons I now set out below in this section of my evidence. I also note that Alex MacFarlane in his proof of evidence (NR56) summarises the strategic case for the project (NR109) which is predicated on the project "facilitating new employment and housing opportunities and supporting regeneration and development in the area." (paragraph 3.4 of Mr MacFarlane's proof). At paragraph 3.10, Mr MacFarlane notes that the Benefit Cost Ratio of the project depends on development coming forward if the project is to represent high value for money.

5.3 In addition to the aims, the matters on which the Secretary State has indicated he wishes to be informed on require (amongst other elements) that NR must demonstrate that alternatives have been considered but that its proposals are the most appropriate (matter 2), that the proposals are consistent with National Planning Policy (matter 4) and also consider the impact of the proposals on landowners (matter 5). Again, for the reasons I set out below it is considered that these matters are not appropriately addressed by the current TWAO proposals. The full wording of these 'matters' (2,4 and 5) is reproduced below:

"2. The main alternatives considered by NR and the reasons for choosing the proposals comprised in this project.

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.

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:

a) the impact on roads, including the Strategic Road Network, from increased traffic and construction vehicles;

b) the impacts on land use, including the effects on commercial property and the effect on other planned development in the area;

*c) the impact on Public Rights of Way and access to public amenities;
and*

d) the impact from the cumulative effects of HS2”

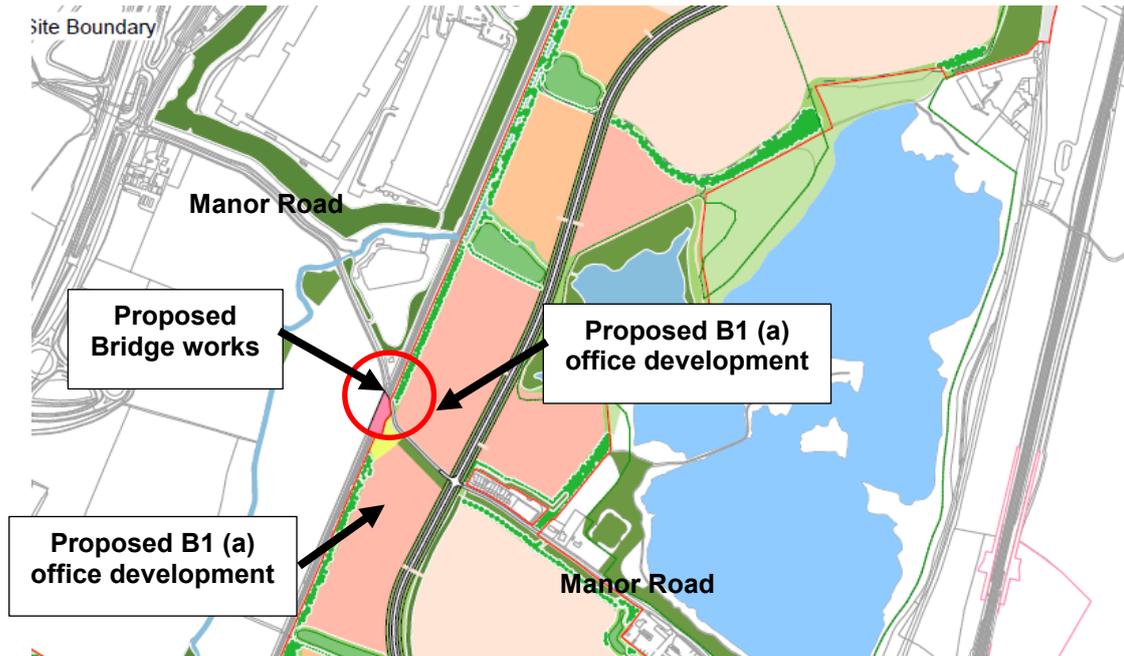
Proposed Manor Road Bridge:

5.4 The TWAO if made in its current form would provide NR with powers of compulsory purchase at Manor Road to enable its realignment and the construction of a bridge crossing of the railway line. The existing level crossing would be removed. As currently proposed these plans do not provide for access to CWUKL’s land north of Manor Road. This is because the Manor Road approach to the bridge crossing adjacent to the CWUKL land would be raised up above the level of the CWUKL site. The areas just north and south of Manor Road are proposed to be developed for B1(a) office uses as part of a wider Business Park development as shown on the Master Plan provided at Appendix 2.

5.5 In discussions with NR, I am advised that CWUKL has been presented with a possible option to facilitate access from the proposed new raised bridge structure into its land north of Manor Road. This proposal has not however been formally included as part of the TWAO Application or set out in any proposed agreement or undertaking by Network

Rail. No proposals are set out in the proofs of evidence submitted on behalf of Network Rail.

- 5.6 Even if it were included it would not be acceptable to CWUKL as it involves a convoluted slip road arrangement which sterilises a significant area of valuable development land. It is difficult to envisage how this problem could be suitably mitigated due to the levels difference between the raised bridge and the CWUKL land.



Extract from the Application 1 Master Plan (Appendix 2) showing access concern

- 5.7 In my opinion, a proposal which prevents, or subject to any mitigation proposals which NR may formally advance, sterilises part of the CWUKL site by reducing the amount and quality of employment development that is possible, could not reasonably be considered to be in accordance with stated aims 6 and 7. The NR proposal does not properly consider, plan for or support economic growth but rather if progressed as currently planned would hamper it in this case.

- 5.8 In this regard the NR proposal equally fails to respond positively to the main matters. It would adversely affect the landowner, CWUKL, (matter 5) but also very importantly it would not accord with relevant National Policy (Matter 4), in particular the National Planning Policy Framework and also the recommendations of the National Infrastructure Commission (NIC) which seek to promote economic growth.

- 5.9 The NPPF requires that:

*“80. 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.” [Emphasis added]*

5.10 In this context paragraph 82 states:

“Planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries; and for storage and distribution operations at a variety of scales and in suitably accessible locations.”

5.11 The NIC November 2017 report ‘Planning for Prosperity’ states that the east-west rail upgrade should:

*“.....play a key role in tackling the arc’s housing crisis, **unlocking major new development locations and enabling transformational growth** around existing towns and cities.” [Emphasis added]*

5.12 Specifically, the NIC recommends that opportunities should be grasped which:

*“.....enable new settlements and major urban extensions – for example, between Oxford and Milton Keynes, and between Bedford and Cambridge – some of which may have the potential to grow to city-scale;
..... unlocking growth in and around Bedford, **and focusing development on a small number of key nodes in the Marston Vale.**”
[Emphasis added]*

5.13 On page 36 the report comments that the key opportunities for growth over the next 30 years could include:

*“concentrated growth in the Marston Vale between Milton Keynes and Bedford, focused around a few key rail nodes in the area, and providing the critical mass to expand local services;
major development around Bedford, supported through the introduction of East West Rail services and the wider connections that exist via the Midland Mainline;” [Emphasis added]*

- 5.14 The NR proposals do not facilitate growth but for the reasons outlined would hamper it in one of the key growth areas identified by the NIC, i.e. Kempston Hardwick Brickworks within the Marston Vale south of Bedford.
- 5.15 Alongside these clear concerns regarding the likely adverse impact of the proposals on the CWUKL site and so economic development in this area I highlight the important associated issue that the provision of a bridge at Manor Road would fail to take full advantage of the CWUKL proposals which could facilitate the removal of four existing level crossings between Green Lane and Kempston Hardwick.
- 5.16 In this regard, I refer to the evidence of Mr Mike Axon of Vectos Transport Consultants, who has also provided a proof of evidence on behalf of CWUKL.
- 5.17 Mr Axon advises that with the proposed upgrade each of the level crossings between Stewartby and Kempston Hardwick will close up to four times an hour. This is for a relatively short period (2 minutes each time) so just 8 minutes every hour.
- 5.18 Local drivers will become aware of this i.e. that there is only a 13.3% chance that the crossings will be closed when they approach. Mr Axon therefore estimates that even if the Manor Road bridge is provided as per NR’s proposal, 90% of the traffic will continue to use the level crossings at Green Lane and Broadmead Road rather than re-route over the proposed Manor Road bridge. Mr Axon estimates that this means 4,000 – 5,000 vehicles per day continuing to use the remaining crossing at Green Lane / Broadmead Road.
- 5.19 Mr Axon also notes that as a result of the CWUKL proposals a further 2,000 vehicles per day will utilise the level crossings at Green Lane and Broadmead Road each day. In short, the Bridge would do very little in terms of facilitating the closure and / or discouraging the use of the existing level crossings in an area where large scale development is proposed.

- 5.20 In contrast, if NR's proposal to provide a Bridge at Manor Road did not progress and rather the CWUKL proposals were implemented instead (delivery of two new bridges, one within the Application 1 site and one within Application 2 site), this would facilitate the closure of the four existing level crossings.
- 5.21 Again therefore the current NR proposals do not respond sufficiently to stated aims or main matter 2 as it is clear that the CWUKL proposals offer a better alternative in the area south of Bedford between Stewartby and Kempston Hardwick both in terms of public safety and economic growth.

Impacts of the CWUKL proposals

- 5.22 As I note in the introduction and summary section to this Proof of Evidence, CWUKL is currently in discussions with NR regarding its application proposals at Stewartby Brickworks and Kempston Hardwick / Broadmead. The TWAO application as submitted by NR does not however take account of these proposals. Paragraphs 14.8.3 and 14.8.4 of Volume 2i of the EIA sets out that the list of projects that were considered and included in the cumulative assessment compiled in July 2017. The list of projects considered is then set out in Table 14.25 (The CWUKL applications were not lodged until November 2018, albeit EIA scoping submissions were made in July 2018 and discussions with NR commenced earlier in 2018).
- 5.23 It is not surprising that the CWUKL applications were not included in the cumulative assessment if the list of projects to include was determined in July 2017. They could not be included before they were known. However, as the applications are now live and are of a scale which would otherwise have been included, I consider it would be correct for NR to update the cumulative assessments provided in the EIA having regard to these applications and so consider the impacts from them and any implications for the TWAO. Although a matter of law I understand that the relevant date is the date when the decision is made (See e.g. *Delena Wells. v. Secretary of State for Transport, Local Government* [1990] ECRI-2433 167).

6.0 Conclusions

6.1 The NR proposals do not have regard to the CWUKL proposals and the potentially significant benefits that could be realised through planning comprehensively in this area and with an understanding of the likely next section of the east / west rail route between Bedford and Cambridge.

6.2 Specific concerns arising are:

1. The proposals for the section of the line between Stewartby and Bedford are premature to the determination of the next section of the line from Bedford to Cambridge. More precisely, the decision on whether the line should be routed through and to the north of Bedford or to the south of Bedford should be taken before plans are finalised for the works in the Stewartby to Bedford section as the routing decision could significantly alter the requirements in this area. Unless and until a final decision is made on the next section of the line from Bedford to Cambridge it is not possible to say that there is a compelling case in the public interest for the acquisition of land included in this proposed order. Consent should therefore not be granted for this part of the line as a compelling case in the public interest for the compulsory purchase of the land required to construct it has not been demonstrated.
2. The proposed new bridge at Manor Road prejudices the delivery of the CWUKL land at the former Kempston Hardwick Brickworks site as it removes the existing crossing and does not provide for appropriate new vehicular access from Manor Road. In response to this concern NR has discussed with CWUKL the potential to include an access from the raised section of the proposed new Manor Road bridge into the CWUKL site. However I am advised that this will sterilise a portion of the CWUKL development land due to the convoluted nature of delivering such an access down into the site from a raised section of the road bridge.
3. The EIA cumulative assessment prepared in support of the TWAO Application does not have regard to the impact of the CWUKL proposals and so is deficient in this respect and I understand that it would be unlawful to grant consent without this matter being addressed (this is a matter of legal submission) . It also fails to grasp the opportunities offered by the CWUKL proposals which would enable the closure of four level crossings between Stewartby and Kempston Hardwick and provide

two new road bridges across the railway line which would in turn draw traffic away from existing residential roads.

4. The NR proposals fail to have proper regard to the recommendations of the National Infrastructure Commission (NIC) report, Partnering for Prosperity (NR44) which directs that the east / west railway improvements should be designed to facilitate significant additional housing and employment development in the corridor between Oxford and Cambridge. The failure to take account of or co-ordinate with the CWUKL proposals which seek to deliver new homes and employment development in a location consistent with the aims of the NIC and emerging local policy is a material and detrimental omission.

5. As a result, the NR proposals fail to have proper regard to the recommendations of the National Infrastructure Commission (NIC) which champion the east / west railway improvements as a catalyst for significant additional housing and employment development. The failure to take account and co-ordinate with the CWUKL proposals is a material and detrimental omission in this context.