

Transport and Works Act 1992: Proposed Network Rail (East West Rail Bicester to Bedford Improvements Order)

Summary Proof of Evidence of Heather Pugh in
Relation to Planning Matters

156/2/3

1. My name is Heather Pugh. I am a chartered town planner with a Masters' Degree in Town and Country Planning (1993) from the University of Nottingham and I have been a full Member of the Royal Town Planning Institute since 1995. I am a Partner at David Lock Associates (DLA), consultants in Town Planning and Urban Design, with a particular specialism in strategic planning and the promotion, design and delivery of large scale new settlements and sustainable urban extensions.
2. David Lock Associates is a Member of the Institute of Environmental Management and Assessment (IEMA). This is an organisation established to promote best practice in environmental management, auditing and assessment. IEMA has awarded DLA its EIA Quality Mark in recognition of DLA's commitment to excellence in its EIA activities and its undertaking to have those activities reviewed annually by IEMA.
3. The evidence which set out in my full Proof of Evidence and within this Summary Proof of Evidence has prepared and is given in accordance with the guidance of my professional institution. I confirm that the opinions expressed are my true and professional opinions.
4. The scope of my evidence is in relation to the planning issues arising as a result of the Transport and Works Act Order proposals for the East West Rail Bicester to Bedford improvements (the Order).
5. This proof of evidence is submitted on behalf of O&H Q6 Limited and O&H Q7 Limited (the Representor) in support of its objections against the Order.
6. In respect of the TWAO proposals, O&H has three principal areas of interest:
 - i. Land to the immediate south of the East West Rail line **west of Bletchley**; a brownfield site which has a partially implemented permission for a change of use for open storage, erection of four modular buildings for ancillary officer use, ground re-contouring, boundary treatment and landscape (13/O2052/APP) approved on 12 December 2013.
 - ii. Land to the north and south of the East West Rail line **west of Woburn Sands** station, part of a draft allocation for 3,000 new homes (known as SE MK) in the Submission Version of Plan:MK (the local plan for Milton Keynes to 2031) which was subject to Examination in summer 2018; and
 - iii. Land to the immediate northwest of the East West Rail line in the **Marston Vale** between Ridgmont and Millbrook Stations, subject of an outline planning application validated by Central Bedfordshire Council in May 2018 for up to 5,000 new homes, up to 30ha of employment land, social, retail and leisure uses, education provision, ecology areas and supporting infrastructure.

7. My evidence addresses matters relating to the scope, approach and assessment process of Network Rail's Environmental Impact Assessment (EIA); and the impact of the Network Rail's scheme proposals on the design and effective delivery of planned, allocated and consented development projects along or adjacent to the route of EWR.
8. My proof of evidence demonstrates that Network Rail's EIA:
- i. has not been prepared in accordance with Regulation 14(2) (Schedule 4) of the Infrastructure Planning (EIA) Regulations 2017;
 - ii. has not proactively assessed local conditions;
- and on this basis, cannot be considered robust.
9. My proof of evidence concludes that there is not a compelling case for the proposed compulsory purchase because:
- i. Network Rail has not appropriately assessed the environmental conditions of the local area and as such has not fully considered the potential for significant environmental effects of the proposals; and
 - ii. In respect of strategic landholdings and development allocations, Network Rail's scheme proposals as currently designed and drafted, risk prejudicing the effective delivery of planned, allocated and consented development projects.
10. As such, it is requested that the Transport and Works Act Order as it is currently drafted be refused.
11. My evidence in relation to the above points can be summarised as follows.

Consideration of Alternatives – General Commentary

12. Part 11 of the *Schedule 1 to the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006* requires that an Environmental Statement must include "an outline of the main alternatives studied by the applicant and an indication of the main reasons for the applicant's choice, taking into account the environmental effects".
13. Chapter 3 of the Environmental Statement indicates that Network Rail has given consideration to the following topics in relation to its assessment of alternatives to the Proposed Development:
- the 'do nothing' alternative – a consideration of the effects if the Project is not delivered;
 - high level strategic alternatives to the Project – a consideration of the non-rail options to transport improvement in the region;
 - strategic rail alternatives – aspects of the Project where more discrete alternatives were considered, the main choices, and reasons why these have or have not been selected in relation to environmental considerations; and

- sustainable design process – the process to identify design alternatives to avoid or reduce impacts upon the environment and communities.

14. O&H retains concerns in relation to the extent of Network Rail's consideration of reasonable alternatives to the use of its land holdings for a range of purposes and the approach to reporting this consideration as part of the EIA. O&H has consistently raised such issues at various stages of consultation. The extent to which these representations have been considered by Network Rail in its selection of the design of the Proposed Development is not clear.

15. Given that Network Rail has made no move to amend the submitted scheme to respond to these concerns and that such a consideration is not reported in the Environmental Statement, it is my view that Network Rail has not given full consideration to available reasonable alternatives to avoid the identified effects on O&H's land and its future development proposals. My evidence describes the inadequacy of the assessment of reasonable alternatives undertaken by Network Rail in relation to O&H's land interests at Bletchley Brickworks, Woburn and the Marston Vale.

Inadequacy of the EIA Cumulative Assessment

16. I do not consider that the cumulative assessment undertaken by Network Rail as reported in the EIA is robust, in that it fails to consider the cumulative impact of a number of proposed development sites, including the allocation of the O&H Woburn Estate for strategic development in Plan:MK (policy SD13) and the allocation of O&H's land at Marston Valley for strategic development in the Central Bedfordshire Local Plan.

17. The Woburn Estate forms part of a site allocated for strategic development of approximately 3,000 dwellings which was allocated in the proposed submission Plan:MK dated October 2017, a significant period in advance of Network Rail fixing the Reasonably Foreseeable Future Projects (RFFP) short-list. It is unclear why the Woburn Estate is not included on Network Rail's RFFP short-list given that it is a Development Plan project scheduled for development prior to 2024 and sits within 500m of the line.

18. Any impact of the scheme's design and mitigation on the SEMK strategic development project has therefore not been assessed by Network Rail or reported in the environmental assessment (Appendix 15.2 or corresponding Figure 15.2 of the ES Vol 3 does not include any entry for the SEMK site).

19. Its exclusion from the cumulative effects assessment further demonstrates an inconsistent application of Network Rail's own EIA methodology and calls into question the validity of the EIA process. It is my view that the omission of SEMK from the cumulative effects of the EIA is a significant oversight by Network Rail to proactively assess local conditions, given that there is a reasonably foreseeable prospect of the development coming forward and the land acquisition and mitigation proposed by Network Rail have a significant adverse impact on the site.

20. Similarly, I do not consider that the cumulative assessment undertaken by Network Rail in the EIA is robust in that it fails to consider the cumulative impact of the allocation of the O&H's Marston Valley landholding for strategic development in the Central Bedfordshire Local Plan.
21. In my view, the Marston Valley allocation should have been considered as a Development Plan project scheduled for development prior to 2024 within 500m of the line and included as a RFFP in Network Rail's cumulative effects assessment.
22. Network Rail fixed the RFFP shortlist in March 2018 which was prior to the submission of the outline application at Marston Valley but does not pre-date the Development Plan allocation of the site in January 2018. Notwithstanding this, Network Rail has been engaged in formal discussions regarding the development of the site for several years and as such were well aware of the development prospect of Marston Valley; indeed, Marston Valley is specifically referenced elsewhere in Network Rail's evidence in respect of relevant planning policies.
23. Marston Valley should have been included as a RFFP according to the methodology approach used by Network Rail and therefore considered in the context of cumulative effects. We note that Central Bedfordshire Council makes the same point in its Proof of Evidence (para 4).
24. The exclusion of the Marston Valley proposals from the cumulative effects assessment demonstrates an inconsistent application of Network Rail's own EIA methodology, an inconsistent approach to the selection of reasonably foreseeable future projects and it follows that an inconsistent assessment of the cumulative effects of the East West Rail proposals has taken place.
25. I therefore conclude that the EIA does not fully consider the potential for significant environmental effects of all of the projects where such effects are likely, as required by *Regulation 14(2) (Schedule 4) of the Infrastructure Planning (EIA) Regulations 2017*. On this basis, the conclusions of the EIA both in relation to the environmental effects assessed and mitigation identified, are not considered a robust or sound basis upon which to judge the environmental impact of the scheme on the surrounding area.

Prejudicing the Delivery of Strategic Development Proposals

26. It is my opinion that elements of the TWAO proposals will prejudice the effective delivery of development allocations and development projects already in the pipeline. On the basis of the summarised evidence provided above and as set out more fully in my Proof of Evidence, I conclude that Network Rail has failed to respond positively to the representations of O&H and others in respect of negotiating alternative or adjusted mitigation proposals which would not prejudice committed or emerging development proposals, thereby removing objections to many aspects of the proposed scheme design.
27. In failing to do so, the proposed TWAO works as they stand run counter to the strategic objectives of the EWR project set by the NIC and government in respect of delivering

infrastructure “aligned to the development of major new and expanded settlements” and “future proofed to ensure it can support continued transformational levels of growth across the arc into the longer term”. As a result, it has not been established that there is a compelling case in the public interest to justify the compulsory purchase of O&H’s land.