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23 January 2019

Dear Sir

Transport and Works Act 1992: East West Rail - Milton Keynes Council Proofs of Evidence

On 7th September 2018 I wrote to you outlining a number of objections raised by Milton Keynes Council in response to the Transport and Works Act 1992: Application for the Proposed Network Rail (East West Rail Bicester to Bedford Improvements) Order. These objections were ratified as required under section 239 of the Local Government Act 1972 at a meeting of the Full Council on November 28th 2018. Milton Keynes Council remains a strong supporter and advocate of the scheme, however there remain a few points of detail that the Council believes require ongoing attention in order that the scheme is delivered to achieve its full potential.

I am pleased to advise that through ongoing positive dialogue with Network Rail over recent months the Council is now in a position to remove the majority of our objections. There are however a number of remaining issues outstanding, further details of which are provided below.

Traffic Mitigation (Construction)

The Council is content that matters relating to traffic impacts during construction have been considered and has received an undertaking from Network Rail to progress more detailed dialogue with the Council ahead of construction commencing.

Ecological Impact

Milton Keynes Council remains to be satisfied that all of the objections relating to ecological impact have been addressed adequately and therefore is not yet in a position to withdraw these objections.

The DfT confirms that they have an aspiration to provide positive net gains for biodiversity and wish to align themselves with NPPF and the government's 25 year environment plan. Network Rail have not yet demonstrated that this aspiration will be realised, partially due to the lack of proposed compensatory habitats and compensatory sites in perpetuity. Sites lost to this type development are likely to be lost forever and

should therefore be replaced forever, or at the very least for the time that the railway constructed on the lost habitat continues to operate. However Network Rail consider perpetuity to be a period of 25-30 years, after which there is a risk that the compensatory site may stop being managed or may be used for an alternative purpose such as development or intensive agriculture.

The scheme as it stands does not fully compensate for habitats lost to the development, and the biodiversity accounting metric undertaken and presented in Technical Appendix shows that the project will result in a significant net loss to biodiversity. Local and National Policies already expect a net gain for biodiversity and the government is currently consulting about a mandatory net gain from all developments.

However, the Council is content that these matters and the specific habitats of concern have been presented before the Inspector in detail for consideration and therefore do not intend to be represented at the Inquiry relating to these matters.

Rights of Way

Woburn Sands Footpath 003. The Council has received an undertaking from Network Rail that, subject to planning permission, the at-grade crossing over the railway line will be replaced with a footbridge. Whilst this will not provide ramped access, the Council is satisfied that proposed improvements for pedestrians at the nearby vehicular crossing will provide a safe alternative for those unable to use a stepped footbridge and reduce the visual impact of the proposed bridge. Whilst this has been agreed in principle, the objection is maintained subject to formal written agreement from Network Rail that the footbridge will be provided, subject to planning. The Council is content that this matter is before the Inspector for consideration and given the advanced stage of dialogue the Council does not intend to be represented at the Inquiry in relation to this matter.

Woodley's Farm Overbridge. This section of the Proof of Evidence relates to Milton Keynes Council's objection (reference OBJ 233) to Scheme BBM/6AA and Mitigation ID 2D0023/5.2/FH as shown on drawing 133735_2D-EWR-BBMXXXXXX-DR-T-004007 and DR-L-004007 of the ES Volume 4, commonly referred to as 'Woodley's Farm bridge'. Since lodging its objection to the above proposal, Milton Keynes Council has held further discussions with Network Rail and the main parties involved in the master planning of the draft Local Plan allocation for 3,000 homes to the south east of Milton Keynes (Policy SD13 of the Proposed Submission Plan:MK, October 2017). These discussions have focussed on the matter of Network Rail's Shared Value policy for development that bridges the railway and on the matter of designing and delivering a full highway bridge as an alternative to Network Rail's proposed agricultural accommodation bridge commonly referred to as 'Woodley's Farm bridge' (Scheme BBM/6AA).

Milton Keynes Council welcomes those further discussions and a number of actions have followed in an effort to resolve the objection on this matter. The parties are working to clarify the position on whether Shared Value does apply in relation to the

proposed alternative highway bridge, and if it does how this may be calculated. The parties are also working up a joint Statement of Common Ground or Memorandum of Understanding which will set out the principles and objectives for delivering the alternative highway bridge in lieu of the agricultural accommodation bridge, to provide clarity on the consenting process for the alternative highway bridge, funding arrangements, design standards and the approach to delivering it. Progress on these two matters is expected to be made in January, but at present these matters remain unresolved and therefore Milton Keynes Council maintains its objection to Scheme BBM/6AA and associated mitigation schemes. The relevant objections are reiterated below, updated in light of progress made since September 2018 on the Examination in Public of Plan:MK.

Scheme BBM/6AA (Woodley's Farm Overbridge) coupled with Mitigation SD0023/5.2/FH (compensatory flood storage) will have a significant influence upon a key strategic housing allocation for 3,000 homes with MKC's emerging Local Plan, Plan:MK (Policy SD13). The strategic allocation in question has been included in the emerging Plan:MK since March 2017 when MKC consulted on its Draft Plan:MK (Regulation 18) document. MKC subsequently consulted on its Proposed Submission Plan:MK (Regulation 19) in November 2017. Plan:MK was submitted to the Secretary of State in March 2018 and has recently undergone a series of hearings as part of the Examination in Public. The hearings have now come to a close. Consultation on Main Modifications to Policy SD13 and Plan:MK recently closed on 12 December 2018 and it is expected that MKC will receive the Inspector's final report in January 2019 enabling adoption of Plan:MK in March 2019. No fundamental changes have been made to Policy SD13 allocating the site for housing. It is anticipated at this stage, that planning permission would be granted for development of the strategic allocation by Autumn 2020 at the very latest, however it is possible that permissions would be granted sooner than this depending upon how the assessment and choice of the Oxford to Cambridge Expressway route proceeds in the intervening period, and potentially to enable a highway bridge as an alternative to the currently proposed agricultural accommodation bridge known as Woodley's Farm bridge. It is projected the housing completions will begin in 2023/24, at the time when construction of EWR western section phase 2 project is expected to be moving towards completion with additional train services running thereafter.

Alongside formal consultation on the emerging Plan:MK, officers of MKC have sought and held discussions with Network Rail during 2017 and 2018 relating to this allocation and the prospect of delivering a highway bridge over the railway in the vicinity of the proposed Woodley's Farm overbridge. MKC understands that the private landowners for this area, who are also promoters of the strategic allocation, have also sought discussions with Network Rail on this matter for some time.

As noted, Network Rail has recently been engaging constructively with MKC to pursue a bridge solution that would help deliver cross-railway connectivity objectives for both East West Rail and the proposed housing allocation, in order to maximise the benefits which the East West Rail project brings to the area and vice versa. MKC welcomes this,

and strongly urges Network Rail to continue discussions with MKC and the site promoters to achieve an outcome that can be a 'win-win' for all parties concerned, with infrastructure and housing being planned and delivered in a joined up fashion. With regard to Woodley's farm bridge, achieving this would be consistent with the stated aim of the project to stimulate economic growth, housing and employment through new and reliable train services" by supporting the creation of new homes and communities along the line of route.

However, in the immediate short term, MKC requests that Network Rail takes steps via the TWAO submission that enables the parties time to explore a range of options associated with the Woodley's Farm bridge and adjacent rights of way across the railway, particularly Fisherman's Crossing and crossings for school children within Woburn Sands. These solutions may include an alternative position of the bridge designed to the adoptable highway standard that is delivered as part of the current EWR project, and/or reserving the funds currently allocated for the overbridge to help fund a bridge designed to adoptable highway standard that would be delivered as part of the housing development. Other solutions may present themselves through the course of collaborative working in the coming weeks and months. However, it is critical that the TWAO process provides enough scope to avoid the provision of a bridge that would quickly become redundant and of little use by future residents of the new community. MKC would encourage Network Rail to ensure the TWAO submission and process does not curtail future options before discussions between the parties have run their course. Therefore Milton Keynes Council maintains its objection in relation to this matter, however the Council does not intend to be represented at the Inquiry, subject to the anticipated resolution of this matter before it is considered by the Inspector.

Bow Brickhill Bridleway 014 Crossing. Milton Keynes Council also maintains its objection to the proposed works at the Bow Brickhill Bridleway 014 at-grade crossing. The proposed improvements do not take account of the allocated housing site south of the crossing for around 3000 homes and associated social infrastructure, including a secondary school and primary schools. The allocation is within the emerging Local Plan (Plan:MK) which is set to be adopted by MKC on 19 March 2019 once the final report from the Inspector has been received. At this stage, the allocation is due to carry through to the adopted plan in its current state. Housing completions on this site are projected to beginning in 2023/24. Therefore, by the time the western section of the EWR project is open and running, new communities will already be forming south of the railway adjacent to the crossing, which will lead to significantly more pedestrians and cyclists attempting to cross at Bow Brickhill Bridleway 014 in order to travel north into Milton Keynes, worsening the safety risk at this crossing. Further, significantly more pedestrians and cyclists will almost certainly attempt to cross from north of the railway in order to access new services and amenities within the new community, particularly a new secondary school which is highly likely to be in close proximity to the crossing. The proposed works at Bow Brickhill Bridleway 014 do not take these emerging housing proposals into account in any way, contrary to a key aim of the project "To stimulate economic growth, housing and employment through new and reliable train services" by supporting the creation of new homes and communities along the line of route, failing to

reflect the statement that Network Rail will work in conjunction with local authorities and developers to plan for the provision of new housing along the route as part of this project. The Council is satisfied that this matter will be considered by the Inspector and therefore does not intend to be represented at the Inquiry.

All other objections relating to Rights of Way have been satisfactorily addressed.

In summary, Milton Keynes Council maintains objections on the following grounds:

- Ecological Impact
- Proposals for Woodley's Farm crossing (Scheme BBM/6AA and Mitigation ID 2D0023/5.2/FH), pending agreed Statement of Common Ground with Network Rail
- Proposals for Woburn Sands footpath 003, pending agreed Statement of Common Ground with Network Rail
- Proposals for Bow Brickhill Bridleway 014 crossing

I will of course keep you advised if this position changes on the lead up to, or during, the Inquiry.

Yours sincerely,

A handwritten signature in blue ink that reads "Steve D Hayes". The signature is written in a cursive style and is underlined with a long, sweeping horizontal line.

Steve Hayes
Head of Transport
Milton Keynes Council