

OBJ/144

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Date 19 October 2018

Our ref: ENQ 2394 (120791.854)

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

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c/o 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

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 Keyens 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.

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An Objection letter (the Objection) was submitted to the Secretary of State on 6<sup>th</sup> 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