

**DEPARTMENT FOR TRANSPORT**

**3 January 2019**

**TRANSPORT AND WORKS ACT 1992**

**TRANSPORT AND WORKS (APPLICATIONS AND OBJECTIONS PROCEDURE)  
(ENGLAND AND WALES) RULES 2006**

**THE NETWORK RAIL (LONDON TO CORBY) (LAND ACQUISITION, LEVEL  
CROSSINGS AND BRIDGE WORKS) ORDER**

---

**PROOF OF EVIDENCE  
of  
ANTHONY RIVERO**

---

**DOCUMENT REFERENCE: NR72**

## **INDEX**

1. INTRODUCTION
2. SCOPE OF EVIDENCE
3. STRUCTURE OF THE PROOF OF EVIDENCE
4. DESCRIPTION OF THE WORKS FOR WHICH PLANNING PERMISSION IS SOUGHT
5. NATIONAL PLANNING AND TRANSPORT POLICY CONTEXT
6. LOCAL PLANNING POLICY
7. LOCAL TRANSPORT POLICY
8. SCHEME POLICY APPRAISAL
9. OBJECTIONS AND REPRESENTATIONS – GENERAL
10. BROMHAM ROAD BRIDGE
11. IRTHLINGBOROUGH ROAD, WELLINGBOROUGH
12. PLANNING CONDITIONS
13. CONCLUSIONS
14. STATEMENT OF DECLARATION

**Glossary and List of Abbreviations**

BBC- Bedford Borough Council  
CP5- Control Period 5  
DPP - Request for Deemed Planning Permission  
HLOS- High-Level Output Statement  
L2C project- London to Corby Electrification and Capacity Upgrade  
MML- Midland Main Line  
MMLP- Midland Main Line programme  
Network Rail- Network Rail Infrastructure Limited  
NPS- National Policy Statement for National Networks  
NPPF- National Planning Policy Framework  
NSIPs- nationally significant infrastructure projects  
NTP- Northamptonshire Transportation Plan March 2012  
Order – Network Rail (London to Corby) (Land Acquisition, Level Crossing and Bridge Works) Order  
ORR- Office of Rail and Road  
Order Scheme- the powers being sought under the Order  
the Route- London North Eastern & East Midlands routes  
Secretary of State- Secretary of State for Transport  
SPC2/40- Bromham Road Railway Bridge  
TWA0- Transport & Works Act Order  
W12 – a defined loading gauge to enable the transport of large (9'6") box containers on trains  
WBC- Wellingborough Borough Council

## 1. INTRODUCTION

- 1.1 My name is Anthony Rivero. I am employed by Network Rail Infrastructure Limited (Network Rail) as Town Planning Manager for the London North Eastern & East Midlands routes ("the Route"). I have been in my current position since 2010 and I have been employed as a town planner in various capacities within Network Rail since 1998. Prior to this I have worked in a number of local authorities as a town planner. I have 34 years' experience of which 19 have been in railway projects. I hold a BSc (Honours) in Town & Regional Planning from Dundee University and have been a Member of the Royal Town Planning Institute since 1987.
- 1.2 My role involves managing a small team that advises on town planning matters pertaining to the Routes including new infrastructure and stations, major redevelopment projects, routine maintenance and renewals and works to Network Rail's heritage estate. Recent projects include the preparation of application documents for the Tinsley Chord (Sheffield) Transport & Works Act Order (TWAo), giving evidence at the Werrington Grade Separation TWAo Inquiry and securing other approvals for the Bedford to Corby electrification programme.
- 1.3 In respect of Network Rail's application for the Order to authorise the Order Scheme, my role has been to advise on all town planning matters.

## 2. SCOPE OF EVIDENCE

- 2.1 This evidence concerns the planning policy context and overall planning balance for the Order works and specific Request for Deemed Planning Permission (DPP) (**NR09**). It also addresses matters in relation to the use of draft conditions as set out in Schedule 1 to the DPP.
- 2.2 The Secretary of State for Transport (The Secretary of State), in the Statement of Matters issued in November 2018, has set out three specific planning issues of which he wishes to be informed. These include (Issue 3) the extent to which the proposals in the Order are consistent with the National Planning Policy Framework (NPPF) (**NR 32**), national transport policy, local transport, environmental and local planning policies; the effect of the Order powers on planned developments; the effects of the Bromham Road development (Issue 5); and (Issue 9) the proposed set of conditions to be attached to the deemed planning permission as set out in Schedule 1 of the DPP (**NR 09**).
- 2.3 It should be noted that in the post-submission phase of the Order only two definitive areas of objection on planning issues were made. The first relates to several representations pertaining to matters on Bromham Road and the DPP (**NR 09**). The second relates to Irthlingborough Road and the effect of land take on the existing planning permission for Stanton Cross. These are addressed in section 9 of my Proof of Evidence.
- 2.4 The request for DPP (**NR 09**) is to be determined by the Secretary of State for Transport having regard to the development plan and any other material considerations.

### **3. STRUCTURE OF THE PROOF OF EVIDENCE**

- 3.1 This proof of evidence includes, in section 4, a description of the Order works for which planning consent is sought. Sections 5 to 7 set out the national and local planning and transport policies relevant to the Order Scheme. Section 8 set out an appraisal of the Order Scheme when judged by those policies. Section 9 considers the planning issues arising from the representations and objections, including the acquisition of land at Irthlingborough Road in relation to the development of the Wellingborough East developments by Bovis Homes Limited (OBJ/7) and the design of the re-constructed bridge at Bromham Road, Bedford.

#### 4. DESCRIPTION OF THE WORKS FOR WHICH PLANNING PERMISSION IS SOUGHT

4.1 In making an application for the Order, Network Rail is seeking the necessary powers to acquire land to enable works in connection with the electrification of the railway line between Bedford and Corby. The Order application additionally seeks a direction from the Secretary of State under section 90(2A) of the Town and Country Planning Act 1990 (**NR 21**) that planning permission shall be deemed to be granted for the re-construction of Bromham Road Railway Bridge (SPC2/40), subject to conditions, as set out in Schedule 1 of the DPP (**NR 09**).

4.2 The Order Scheme is located within the administrative boundaries of Bedford Borough Council (BBC) and Wellingborough Borough Council (WBC).

4.3 Section 1.2.3 of the Statement of Case (**NR 13**) gives a detailed description of the works to be implemented throughout the route between London and Corby, with works and land acquisition the subject of the Order specifically listed in section 2. Only the works authorised by the Order at Bromham Road are the subject of the deemed planning permission. However, it should be noted that there are extensive elements of the London to Corby Electrification & Capacity Upgrade (L2C) project which can be carried out under Network Rail's permitted development rights as enshrined in Parts 8 and 18a to Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015 (**NR 19**). These include the re-instatement of the fourth track between Bedford and Kettering and the associated trackwork, switches and crossings; the provision of stabling sidings at Kettering; the extension of platforms at Kettering, Wellingborough and Corby; as well as the overhead line catenary, signals and associated track drainage.

4.4 The Order Scheme is set in a wide context in terms of national planning and transport policies. It forms part of a significant package of capacity improvements along the MML. These include:

- London to Corby Electrification & Capacity Upgrade (L2C)
- Derby North Journey Time Improvement
- Derby Station Re-Modelling
- Leicester Line Speed Improvement
- Market Harborough Line Speed Improvement
- Kettering to Corby Capacity

The L2C element (the subject of this Order) includes the electrification to Corby and capacity enhancements. The strategic importance of the L2C project is explained in section 4.11 of Mr Edward Akers' Proof Of Evidence (**NR 70**), as are the improvements provided by the L2C project in terms of enhanced capacity and provision for predicted growth in rail traffic.

4.5 Network Rail has sought and obtained screening opinions from the relevant planning authorities and, in relation to Bromham Road Bridge reconstruction authorised by the Order, from the Secretary of State confirming that no significant environmental effects are likely to arise from the L2C project and therefore an Environmental Impact Assessment would not be required (**NR 08**).

## 5. NATIONAL PLANNING POLICY CONTEXT

### 5.1 National Planning Policy Framework (NR26)

5.1.1 The National Planning Policy Framework (NPPF) (**NR 26**) was published by the Department for Communities and Local Government in March 2012. It was revised for the first time in July 2018. The NPPF replaces (and cancels) the vast majority of Planning Policy Statements, Guidance Notes and some circulars, to form a single consolidated policy document.

5.1.2 Paragraph 11 of the NPPF states that, at its heart, there is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision taking. For decision taking this means:

*c) approving development proposals that accord with an up-to-date development plan without delay; or*

*d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

*i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*

*ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

5.1.3 The following sections within the NPPF are particularly relevant to the Order Scheme:

Chapter 6 (Building a strong, competitive economy) Chapter 8 (Promoting healthy and safe communities) Chapter 9 (Promoting sustainable transport) and Chapter 12 (Achieving well designed places).

5.1.4 Chapter 6 (Building a strong, competitive economy) outlines the Government's commitment to ensuring that the planning system does everything it can to support sustainable economic growth. It states that planning should operate to encourage and not act as an impediment to sustainable growth. Building a strong, competitive economy is a key component of the NPPF, where it states at paragraph 80:

*'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.'*

- 5.1.5 Chapter 8 (Promoting healthy and safe communities) seeks to use the planning system in an important role in facilitating social interaction and creating "healthy, inclusive and safe places" (paragraph 91). Paragraph 96 states that "access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities". Additionally, paragraph 98 states that 'planning policies and decisions should protect and enhance public rights of way and access'.
- 5.1.6 Chapter 9 (Promoting sustainable transport) states that transport policies have an important role to play in facilitating sustainable development and that the transport system needs to be balanced in favour of sustainable transport, giving people a real choice about how they travel. Paragraph 102 highlights the need to realise the opportunities from existing or proposed transport infrastructure, for example in relation to the scale, location or density of development that can be accommodated. This clearly relates to the MML improvements and the wider objectives to enhance connectivity and economic growth along the East Midlands and Yorkshire. At paragraph 103, the Government establishes the aim to ensure the transport system is balanced in favour of sustainable modes and recognises that different approaches to transport will be required in different communities, with solutions varying from urban to rural areas. Paragraph 104 encourages local authorities to work with transport providers and neighbouring authorities to develop strategies for the provision of viable infrastructure, which relates to the Scheme's objective to facilitate the release of additional rail capacity on the London to Corby route and the wider MML.
- 5.1.7 Chapter 12 (Achieving well designed places) demonstrates how Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Paragraph 127 states:

*Planning policies and decisions should ensure that developments:*

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*



*d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*  
*e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*  
*f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users<sup>46</sup>; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

5.1.8 The NPPF also sets out how local authorities should prepare their development plan documents and the key considerations for determining planning applications. Paragraph 26 encourages effective cooperation by planning authorities, stating that joint working should help to determine where additional infrastructure is necessary in order to support the objective of sustainable development, and whether development needs that cannot be met wholly within a particular plan area could be met elsewhere, as is the case with L2C which spans a number of local plan areas.

5.1.9 Paragraph 54 states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Paragraph 55 goes on to state that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

## **NATIONAL TRANSPORT POLICY**

### **5.2 National Policy Statement for National Networks (NR33)**

5.2.1 The National Policy Statement for National Networks (NPS) which was designated on 14 January 2015 (**NR 33**), sets out the need for, and Government's policies to deliver, development of nationally significant infrastructure projects (NSIPs) on the national road and rail networks in England. However, the Order Scheme falls below the threshold set out in The Highway and Railway (Nationally Significant Infrastructure Project) Order 2013 (**NR 34**).

Section 1.4 of the NPS states that:

*"In England, this NPS may also be a material consideration in decision making on applications that fall under the Town and Country Planning Act 1990 or any successor legislation. Whether, and to what extent, this NPS is a material consideration, will be judged on a case by case basis."*

5.2.2 It is therefore asserted that while the primary purpose of the NPS is to guide and inform NSIP applications, it does have some degree of material weight in relation to the Order Scheme as the rationale supporting the proposed works is for improvements to be delivered to parts of the national rail network and should therefore be appraised accordingly. It is also important to understand

the context of the Government's policy stance on rail infrastructure given the limited detail within the NPPF.

- 5.2.3 Section 2 of the NPS sets out the need for development of the national networks and the Government's vision and strategic objectives:

*"The Government will deliver national networks that meet the country's long-term needs; supporting a prosperous and competitive economy and improving overall quality of life, as part of a wider transport system. This means:*

- Networks with the capacity and connectivity and resilience to support national and local economic activity and facilitate growth and create jobs.*
- Networks which support and improve journey quality, reliability and safety.*
- Networks which support the delivery of environmental goals and the move to a low carbon economy.*
- Networks which join up our communities and link effectively to each other."*

- 5.2.4 Paragraph 2.2 states that:

*"there is a critical need to improve the national networks to address road congestion and crowding on the railways to provide safe, expeditious and resilient networks that better support social and economic activity; and to provide a transport network that is capable of stimulating and supporting economic growth. Improvements may also be required to address the impact of the national networks on quality of life and environmental factors."*

- 5.2.5 Paragraph 2.6 states that improved transport links can help to rebalance the economy.

- 5.2.6 At paragraph 2.10 the NPS sets out an overarching statement that the Government concludes at a strategic level that there is a compelling need for the development of national networks, and as a result:

*"The Examining Authority and the Secretary of State should therefore start their assessment of applications for infrastructure covered by this NPS on that basis."*

- 5.2.7 The need for development of the national rail network is set out from paragraphs 2.28 to 2.41 which focus on the economic and social benefits of a sustainable transport system, the growing demand for rail travel and projected future growth, which together support the compelling need for developing the country's rail network.

- 5.2.8 The importance of rail freight to the national economy is set out at paragraph 2.34, which states:

*"Rail freight is therefore of strategic importance, is already playing an increasingly significant role in logistics and, is an increasingly important driver of economic growth, particularly as it increases its market share of container traffic. The industry estimates that it contributes £1.5 billion per year to the UK's economy"*

- 5.2.9 In the short to medium term, paragraph 2.37 highlights the need to improve capacity, capability, reliability and resilience of the network which reflect the core principles of the Order Scheme. It further states that:

*“Relatively modest infrastructure interventions can often deliver significant capacity benefits by removing pinch points and blockages.”*

- 5.2.10 The environmental benefits of rail improvements are discussed at paragraph 2.40, stating:

*“Modal shift from road and aviation to rail can help reduce transport’s carbon emissions, as well as providing wider transport and economic benefits. For these reasons, the Government seeks to accommodate an increase in rail travel and rail freight where it is practical and affordable by providing for extra capacity.”*

### 5.3 DELIVERING A SUSTAINABLE TRANSPORT SYSTEM

- 5.3.1 Delivering a Sustainable Transport System (**NR 49**), published by the DfT in 2008, explains the Government’s strategy for tackling both immediate problems and shaping the transport system to meet longer-term transport challenges which are critical for future prosperity and way of life

- 5.3.2 The document provides five goals which are aimed at helping guide decision-makers in their roles. The DfT wants the transport system to:

- To support national economic competitiveness and growth, by delivering reliable and efficient transport networks;
- To reduce transports emissions of carbon dioxide and other greenhouse gases, with the desired outcome of tackling climate change;
- To contribute to better safety security and health and longer life expectancy by reducing the risk of death, injury or illness arising from transport and by promoting travel modes that are beneficial to health;
- To promote greater equality of opportunity for all citizens, with the desired outcome of achieving a fairer society; and
- To improve quality of life for transport users and non-transport users, and to promote a healthy natural environment.
- 

### 5.4 REFORMING OUR RAILWAYS COMMAND PAPER, MARCH 2012

- 5.4.1 The Government’s ‘Reforming the Railways’ Command Paper released in March 2012 (**NR 50**) sets out how passenger and freight railways are part of the overall vision for a transport system that supports economic growth, is more environmentally sustainable and improves quality of life within our communities. This is to be achieved by relieving congestion on the road network; providing a greener transport option than road or aviation; and facilitating business, commuting and leisure journeys

- 5.4.2 The Command Paper states that reform must deliver against four objectives:

- Securing value for the passenger, addressing concerns about rail fares and the impact they have on hard pressed families- by ending inflation-busting

increases in average regulated fares at the earliest opportunity and introducing new ticketing technology;

- Dealing with the fiscal deficit, putting public finances on a healthier and more sustainable footing for the long term by aggressively searching out savings and sharing these savings with the taxpayer;
- Supporting economic growth through continued taxpayer investment for passengers and freight, to enhance capacity, connectivity and service quality where this is affordable and provides value for money, and by providing industry with the opportunity to invest in improving our railways; and
- Delivering the Government's environmental goals by reducing carbon emissions from trains and station and by encouraging passengers to use the train rather than their car.

## **5.5 HIGH LEVEL OUTPUT SPECIFICATION, 2012 (NR18)**

5.5.1 The High-Level Output Specification (HLOS) sets out information for the Office of Rail and Road (ORR) and for the rail industry about what the Secretary of State wants to be achieved by railway activities during railway Control Period 5 (CP5) April 2014 to March 2019. This included the Midland Main Line programme (MMLP) which originally envisaged a series of improvements at several locations along the MML, including full electrification between Bedford and Sheffield. This was paused during the review of investment priorities carried out by Sir Peter Hendy though subsequently the Secretary of State announced funding for the completion of the London to Corby electrification, although the electrification of the entire route to Sheffield was subsequently cancelled.

5.5.2 As stated in the HLOS the Secretary of State recognises the importance of the MML in linking Sheffield, the East Midlands and London and seeks further improvements in capacity and reduction in journey times and believes there are good business cases for both.

5.5.3 The L2C project forms a principal element of the overall MML improvement programme, in contributing to the following:

1. Reduced journey times for passenger and freight trains
2. Increased capacity of the infrastructure leading to more train paths being available
3. Greater capacity on trains to cater for the projected increase in passenger numbers travelling on the route
4. Greater capability on the route to handle longer passenger trains
5. Improved gauge capability for large box container trains (W12)
6. Reduced railway industry costs
7. Reduced carbon emissions through the creation of an electrified route from London St Pancras to Corby

## **5.6 CONNECTING PEOPLE: A STRATEGIC VISION FOR RAIL 2017 (NR 75)**

5.6.1 In November 2017 the Government published a document outlining its vision for the future of rail. This focused on three principal themes; a more reliable railway; an expanded network, and a better deal for passengers. Although not

specifically mentioned by name the L2C project improvements are a clear manifestation of the Government's commitment "*to deliver a more reliable railway and an expanded network*".

## 6. LOCAL PLANNING POLICY

6.1 There are three planning authorities covered by the proposed Order; these are BBC (unitary authority); Wellingborough Borough Council; and Northamptonshire County Council.

### 6.2 **Bedford Borough Council**

#### Bedford Local Plan 2002 (NR 51)

6.2.1 The Bedford Local Plan 2002 includes the "saved" policy T9 (rail services): **(NR 84)**

*The Borough Council will encourage improved rail services to and from Bedford, the improvement of the Marston Vale line including improved parking provision, and the electrification of the route north of Bedford.*

#### Bedford Core Strategy & Rural Issues Plan (2008) (NR 52)

6.2.2 Although work is under way on a new Local Plan (see 6.2.7) the current adopted land use documents include the Bedford Core Strategy & Rural Issues Plan (2008), taking development in the Borough up to 2021. As a strategic document the 2008 Core Strategy makes no specific mention of potential electrification beyond Bedford; however, a key objective of the Plan is given as:

*8. Support the delivery of coordinated transport improvements with the emphasis on non-car modes, improving east-west communications and achieving greater transport interchange. (page 14, Plan Objectives)*

6.2.3 Additionally Policy CP28 (page 43) provides the spatial linkage to the Bedford Local Transport Plan **(NR 35)**:

*The Council supports the objectives, strategy and programme of the Local Transport Plan (LTP2) and expects that the following projects will be incorporated in the programme and implemented at the earliest opportunity:*

*Bedford Western By-Pass*

*Park & Ride sites and services*

*Bedford Town Centre Improvements*

*The Council will also support the following developer led initiatives:*

*A6 re-alignment in association with Wixams development*

*Wixams railway station*

*The re-provision of Bedford station.*

The relevance of this policy is somewhat diminished given the publication of Local Plan 3 (**NR 35**) (below) but the spirit of the policy remains extant pending the new Local Plan.

Bedford Town Centre Area Action Plan 2008 (**NR 61**)

- 6.2.4 The Bedford Town Centre Action Plan includes a policy for the Station Quarter area (page 41) and envisages the longer-term re-development of the station. Whilst this does not directly impinge on Bromham Road some of the enabling works will encroach onto the station car park.

*Policy TC13 - Station Quarter - Bedford Station*

*Key principles of development, to be secured by condition and/or legal agreement, will include:*

- i) the creation of a new office quarter and transport interchange with some residential (180 units) elements including affordable housing;*
- ii) relocation of the station concourse and ticket office adjacent to the Ford End Road bridge;*
- iii) provision of revised access arrangements via Ashburnham Road with appropriate provision for bus, taxi/private hire vehicles, cycle and pedestrian access and drop-off/pick-up points;*
- iv) provision of a new forecourt to the railway station;*
- v) provision of on and off-site highway improvements including park & ride bus drop-off point*  
*accessed from Ford End Road and pedestrian overbridge;*
- vi) re-provision of car and cycle parking;*
- vii) incorporation of sustainable forms of construction, energy conservation measures and renewable energy.*

Allocations & Designations Local Plan 2013 (**NR 53**)

- 6.2.5 The Allocations & Designations Local Plan 2013 (chapter 11, pages 81-82) does not revoke the “saved” Bedford Local Plan 2002 policy T9, although it does revoke several other transport policies. It also makes reference to the new LTP3 (**NR 35**) (see paragraph 7.1 below) but has no specific policy on public transport in addition to Core Strategy policy 28.

- 6.2.6 Policy AD39 (page 88) on Cycling is noted as it has some relevance to the objections at Bromham Road:

*Policy AD39 Cycling*

*The Council will require the protection, enhancement and promotion of cycle routes and facilities including those shown on the Policies Map, and seek the provision of new routes and facilities for cyclists which are safe, convenient and attractive, particularly in association with major development and transportation proposals. River and rail crossings will include provision for cyclists where appropriate.*

It is noted on the proposals map that the section of Bromham Road over the bridge is designated as a “cycle route requiring improvement”.



**Bedford Local Plan 2030 (NR 54)**

- 6.2.7 The Council have published the Bedford Local Plan 2030 “Planning For The Future” for consultation prior to the submission to the Secretary of State for consideration. Consultation closed at the end of October 2018.

The overall objectives of the Plan (section 4, page 27) include the following:

*Improve the borough’s transport infrastructure in order to support growth in the local economy and to make the borough more attractive as a place to live and do business. Reduce congestion in the borough, particularly into and around the town centre and by making journeys by public transport, walking and cycling more attractive to encourage an increase in more sustainable and healthy modes of transport.*

- 6.2.8 Policy 94S (page 165) of the 2030 Plan covers transport infrastructure and network improvements, including the re-development of Bedford Railway Station and additional car parking, but makes no reference to electrification north of the town.
- 6.2.9 It should be noted that Network Rail have made representations to the Local Plan consultation indicating that the Plan should be clear in its support for electrification north of Bedford as is currently espoused in “Saved” policy T9 of the Bedford Local Plan 2002.

**Bedford Central Town Masterplan Report (June 2018) (NR 55)**

- 6.2.10 For the purposes of Matter 5d raised by the Secretary of State the relevant supplementary planning document is the Bedford Central Town Masterplan Report (June 2018). This Masterplan was commissioned by BBC to look at specific development opportunities within the southern and western parts of the town centre concentrating on the railway station and riverbank. Although it looks at the possibility of the longer-term development of the station car park area north of the station for a multi- storey car park there are no specific proposals which include the Bromham Road Bridge and its immediate environs.

**6.3 *Wellingborough***

**The North Northamptonshire Joint Core Strategy - July 2016 (NR 76)**

- 6.3.1 The relevant local policies for determining the proposals within Wellingborough are contained within the North Northamptonshire Joint Core Strategy (July 2016) covering Wellingborough, Kettering, Corby and East Northamptonshire local planning authorities):

*Policy 16 (page 99) – Connecting the Network of Settlements:  
Connections between the towns in the Northamptonshire Arc will be strengthened and links between the Market Towns and the train stations improved. This will be achieved through managing development and investment to:*

- a) Prioritise enhanced public transport provision, including the Northamptonshire Arc Transit Network and its phased implementation for the introduction of rapid transit links between the town centres, major employment sites and Sustainable Urban Extensions where feasible;*

*Policy 17 (page 102) – North Northamptonshire’s Strategic Connections:*

*North Northamptonshire’s strategic connections with surrounding areas will be strengthened and enhanced by managing development and investment to ensure that they are to the standard necessary to fulfil the role expected of them. New development that would prejudice their role will not be permitted.*

*The priorities for further work and investment within North Northamptonshire in the period to 2031 are:*

- a) Rail (Midland Main Line) Upgrading of the rail infrastructure to increase capacity for passengers and rail freight, including:*
- i. Electrification and line speed improvements northbound, including from Corby, and southbound from all stations to London St Pancras International and Europe;*
  - ii. Station improvements, the provision of additional capacity and improved frequency of services calling at Corby, Kettering and Wellingborough;*
  - iii. Ensuring continuation of through services to Leicester, Derby and Nottingham and connecting with HS2 for onwards northbound travel; and*
  - iv. Investigation of the longer-term potential for railway stations at Irchester (to serve Irchester, Higham Ferrers and Rushden) and Desborough (to serve Desborough and Rothwell).*

- 6.3.2 Reference should also be made here to the policies in the Joint Core Strategy which are of later relevance to the objection relating to Irthlingborough Road Bridge and the development of the sustainable urban extension of East of Wellingborough (Stanton Cross). The policy framework for this major urban extension (amongst others) is in Section 5.9 (page 73) and Policy 11 (page 78) of the Joint Core Strategy.

North Northamptonshire Infrastructure Delivery Plan (September 2017) (NR 56)

- 6.3.3 The Delivery Plan identifies the electrification of the route as a key investment in strategic connections by sustainable transport (paragraph 7.15, page 25). However specific rail improvements in the IDP are focused on the re-development of the Wellingborough station area as part of the wider Stanton Cross development (paragraph 7.16, page 26).

Plan for the Borough of Wellingborough (2018) (NR 57)

- 6.3.4 The Plan for the Borough of Wellingborough was published in January 2018. It seeks to replace the policies in the Town Centre Area Action Plan (adopted in 2009) and the saved policies from The Borough of Wellingborough Local Plan which derive from 1999 or 2004. These documents were prepared before the National Planning Policy Framework (NPPF) was issued by government and they



need to be updated. However, the Plan does not contain any specific policies concerning transport matters but refers instead to the Borough of Wellingborough Infrastructure Delivery Plan. The relevance of the Plan's policies as they refer to the Wellingborough East sustainable urban extension (Stanton Cross) Policy Site 1, section 10.1.1, are discussed in section 9.

Borough of Wellingborough Infrastructure Delivery Plan (September 2017) (NR 58)

- 6.3.5 The Infrastructure Delivery Plan recognises the improvements that electrification will bring to the Borough but again specific rail improvements in the Plan are solely related to works at Wellingborough station, funded through the Stanton Cross development. (Appendix Table A, reference T13, page 32).

## **7. LOCAL TRANSPORT POLICY**

Bedford Borough Local Transport Plan LTP3 (2011-2021) (NR 35)

- 7.1 BBC's current Local Transport Plan, LTP3, is the first to cover the unitary authority area. It sets out the borough's long-term transport strategy and is reviewed on a regular basis to ensure that it continues to reflect the Council's transport priorities.

- 7.2 Two key objectives of the Plan cited (page 7) are:

*To deliver improvements that encourage a reduction in transport emissions and greenhouse gases, in order to tackle climate change and develop a low carbon community capable of adapting to the impacts of climate change; and*

*To encourage and support a sustainable transport system that contributes to a healthy natural and urban environment*

- 7.3 Within LTP3 lie eight supporting strategies. These cover active travel; freight; network management; parking; passenger transport; road safety; sustainable modes of travel to school and transport asset management.

- 7.4 In the LTP 3 Implementation Plan (Appendix 1), passenger transport strategy action number 14 identifies the need to "*Engage with the rail industry to support improvements to line speeds and capacity on the Midland Main Line*".

Northamptonshire Transportation Plan (NTP) March 2012 (NR 59)

- 7.5 The Northamptonshire Transportation Plan March 2012 (NTP) was prepared in 2012 to enable the delivery of the key transport projects contained in the County's Joint Core Strategies. Priority 1 as laid out in the report (page 22) is to 'enhance strategic connections' and to 'address congestion on the road network'. Point 14 of the Strategy's Key Infrastructure (page 29) focusses on improvements to be made to the county's railways, addressing 'journey time, passenger service and capacity improvements on the West Coast Main Line and Midland Main Line, together with

electrification of the Midland Main Line'. Relevant policies within the NTP are given below:

*Strategic Policy 18 (page 68) is to 'to improve the highway infrastructure and transport network in the county to provide better access to jobs and training for the people living and working in Northamptonshire'.*

*Strategic Policy 19 (page 68) is 'to improve journey times and reliability on the highway and rail networks in order to increase the efficiency of freight movements and facilitate the local economy to grow'.*

*Strategic Policy 21 (page 70) relates to the reduction of transport-related carbon emissions and includes the aim to increase the efficiency of the rail network.*

## **8. SCHEME POLICY APPRAISAL**

### **8.1 Overview**

- 8.1.1 It is my contention that there is clear policy support for the Order Scheme at both national and local level, as detailed in sections 6 and 7 above. It is consistent with the NPPF and Government economic and transport policy objectives. The following paragraphs summarise the Network Rail response in relation to these policies.

#### *Sustainability, economic growth and transportation*

- 8.1.2 The Order Scheme is a key component of a series of improvements to the MML. The Order Scheme provides, in combination with other schemes, additional capacity on the MML thereby strengthening and reinforcing the opportunity for rail to be a viable alternative to road-based traffic, with its commensurate benefits on climate change and sustainability. It also improves connectivity along the MML, which in turn acts as an enabler for economic improvements. This is clearly in accord with the Government's desire for the planning system to facilitate the building of a strong and competitive economy as set out in Chapter 6 of the NPPF. There is a clear link between the Order Scheme and the Government's aims for the planning system to pro-actively drive and support sustainable economic development to deliver the infrastructure needed by the country.
- 8.1.3 Railways are generally recognised as being a more sustainable transport system than the private car. To achieve a modal shift from the private car to trains, the railway system needs to be made more attractive to users in terms of its reliability and capacity. The Order Scheme therefore supports and fulfils the core land use planning principles of the NPPF by contributing to low-carbon economic growth and promoting sustainable travel in the region. Conversely if the Order Scheme is delayed significantly or cancelled completely these benefits are lost.

### **8.2 Effect on the Environment**

- 8.2.1 The environmental benefits of rail improvements are discussed at paragraph 2.40 of the National Policy Statement for National Networks (NPS) (**NR 33**), stating:

□ *“Modal shift from road and aviation to rail can help reduce transport’s carbon emissions, as well as providing wider transport and economic benefits. For these reasons, the Government seeks to accommodate an increase in rail travel and rail freight where it is practical and affordable by providing for extra capacity.”*

- 8.2.2 The Order Scheme will assist with the realisation of the Government’s vision to reduce carbon emissions through the delivery on the Route of capacity and connectivity enhancements plus journey quality and reliability improvements.

- 8.2.3 The limited scale of works sought under the Order and specifically the conditions to be applied to the Bromham Road scheme will ensure that it will not give rise to any significant detrimental impacts upon the environment.

### 8.3 Local Plan Policies

- 8.3.1 In terms of local plan policy, the Order Scheme can first be assessed against the extant Bedford Local Plan 2002 (**NR51**) and Core Strategy & Rural Issues Plan 2008 (**NR58**) for Bedford and the North Northamptonshire Joint Core Strategy 2016 (**NR 76**) objectives as listed in Section 6 above:

Bedford Local Plan 2002 *saved policy T9* – the policy openly advocates support for electrification of the route north of Bedford which implies local authority support for the Order Scheme.

North Northamptonshire Joint Core Strategy 2016 (**NR 76**) *Policy 16 Connecting the network of settlements-*

The electrification between the northern towns of Corby, Kettering, Wellingborough and Bedford will bring a more reliable, efficient and robust train service, improving connectivity between the settlements and beyond, in full accord with the core strategy policy. This in turn yields better reliability and attractiveness of the service, contributing to the wider objective of providing a more sustainable form of transport helping to reduce reliance on the private car.

*Core Strategy Policy 17 North Northamptonshire’s strategic connections*

The policy supports the investment in the rail network planned by Network Rail and our partners in the rail industry as demonstrated by the Order Scheme.

- 8.3.2 The extant Bedford Core Strategy & Rural Issues Plan 2008 (**NR 52**) has no specific policy or allocation covering the re-construction of Bromham Road. It therefore has to be judged by the relevant policies that could be applicable. The bridge re-construction will be in accord with the overall plan objective no.8, as being part of the co-ordinated transport improvements advocated in the 2008 Core Strategy & Rural Issues Plan, and also being totally in accord

with saved policy T9 of the 2013 Allocations & Designations Local Plan.  
**(NR53)**

- 8.3.3 On a local scale the bridge re-construction will only have temporary consequences for traffic flow within the town; the bridge itself is not within a designated area nor is it of particular architectural or historic interest. The re-constructed bridge will comprise a new reinforced concrete and steel filler beam deck, with high containment parapets and steeple copings. This is designed not only to enable future electrification of the rail route but also to improve the camber of the road over the bridge, thereby improving road traffic visibility. The issue of separate cycle provision is dealt with in section 9. Additionally, the design of bridge will not impinge on the five London Plane trees on the north-east side of the bridge, the subject of a recent Tree Preservation Order **(NR 82)**.
- 8.3.4 Policy CP28 of the 2008 Bedford Core Strategy & Rural Issues Plan links spatial planning to the LTP and thus forms the basis for a policy justification for the Order Scheme although, as stated previously, the electrification of the MML had not been announced at the time of preparation. However, the Core Strategy & Rural Issues Plan was prepared in the knowledge that Policy T9 of the 2002 Bedford Local Plan, which does support the electrification of the line north of Bedford, remains relevant given it is a saved policy.
- 8.3.5 In relation to Matter 5d (the impact of the Order Scheme on Bedford station), the Bedford Town Centre Action Area Plan 2008 **(NR 77)** and the Bedford Central Town Masterplan Report 2018 **(NR 55)** do envisage the long-term re-development of the station area but given Bromham Road Bridge lies at the very extremity of the station (and itself is outwith the Bedford Town Centre Action Area Plan area) the works will not prejudice the policies and proposals of either document.

#### **8.4 Local Transport Policy**

- 8.4.1 In terms of local transport policy the Order Scheme contributes positively to the Bedford LTP3 in that it provides improvements to the MML as being in line with BBC's twin objectives of reducing transport emissions and greenhouse gases through infrastructure improvements, as well as supporting a sustainable system that contributes to a healthier environment. The Northamptonshire Transportation Plan **(NR 59)** similarly seeks improvements to the transport network to pursue its sustainable growth agenda, recognising the local benefits to be gained from improved connectivity with towns along the MML corridor. It is entirely consistent with the strategic policies 18 19 & 21 of the Northamptonshire Transportation Plan.

### **9. OBJECTIONS AND REPRESENTATIONS – GENERAL**

- 9.1 There have been no specific objections made in relation to planning policy or principles in terms of the acceptability of the overall Order Scheme through the representation process. However, there are two points that do need to be addressed in the context of planning: the objection of Bovis Homes Limited (OBJ/7) in relation to the specific land requirements of SPC2/83, and the various

representations and objections made in respect of the design of Bromham Road Bridge in Bedford.

#### Bedford Borough Council Representations to the Order

9.2 It should be noted that the representations raised by BBC comprise a holding objection relating to the successful conclusion of heads of terms in relation to the works at Bromham Road Bridge and in particular to the detailed traffic management proposals for the town during the temporary closure of Bromham Road. No specific planning related issue was raised. Subsequent to the submission of the Order a written agreement was entered into on the 13th August 2018 with BBC allowing for the withdrawal of their objection to the Order subject to Network Rail co-operating in the feasibility of providing a stand-alone cycle bridge alongside the re-built structure and making a financial contribution towards the design of the separate bridge.

#### Wellingborough Borough Council Representations to The Order

9.3 It should be noted that WBC, in formally responding to the Order, have no overall objection to the proposals as confirmed in their representation dated 23<sup>rd</sup> July 2018.

#### Other objections raising planning issues

9.4 In terms of the other representations, no specific Planning policy issues were raised; however, several objectors raised the issue of the design of the new Bromham Road Bridge

### **10. BROMHAM ROAD BRIDGE**

10.1 In relation to the bridge, the first point to make is that Network Rail, in facilitating electrification through the re-construction of the bridge, is only required to replace it on a like for like basis, albeit at the higher soffit level to accommodate the electric overhead wires beneath. Utilising the existing brick abutments, it is possible to widen the bridge slightly by 600mm. By retaining and reusing the existing brick piers and foundations of the bridge, we can minimise construction time whilst on site, and this in turn limits disruption to both rail and road users. This is consistent with stakeholder feedback requesting that Network Rail minimises its construction time whilst on site and keeps disruption to both rail and road users to the minimum.

10.2 To widen the bridge to accommodate a suggested 3m-wide cycleway would require full demolition of the bridge abutments to ground level, as they are not big enough to accommodate a wider bridge span, and further possible changes to the foundations, both of which are likely to impact on existing railway infrastructure. This is likely to include additional land take, alteration to overhead line structures, loss of station car parking and possible impact on signal sighting. It would also require amendments to the alignment of the existing approach road to cater for a wider road profile, which in turn would require more temporary and permanent land to be acquired, to construct the larger structure. In addition to the necessary compulsory

acquisition of further third-party land. Such works would result in a longer construction period, increasing disruption to local residents. It is also likely that such works may have potentially greater impact on the protected plane trees to the east of the current bridge than the current proposals. Further detail is given in Mr Butterworth's proof **(NR 73)**.

10.3 As stated, the provision of a new dedicated cycleway and segregated pedestrian footway sits outside the current scope and funding for this scheme, and it is estimated it would add possibly £3-5 million to the original cost of the structure. The proposed design is not considered to be detrimental to the amenity of the surrounding area and is vital in allowing completion of the electrification of the line to Corby to the prescribed timescales laid down by Government.

10.4 However, whilst enhanced cycling provision is not part of the existing scope for reconstructing Bromham Road Bridge, since the application for the Order was made BBC has entered into an agreement with Network Rail to explore options for the future provision of a separate bridge for pedestrians and cyclists at this location (see 9.3). It is therefore possible there may be future scope for improving provision for cyclists and pedestrians in this area; this activity is being led by BBC but Network Rail has supported it by the provision of funding. This would also be consistent with the spirit of Policy AD39 of the Bedford Allocations & Designations Local Plan 2013 **(NR53)** in seeking enhanced cycling provision whilst working within the financial and design constraints of the project.

## **11. IRTHLINGBOROUGH ROAD WELLINGBOROUGH**

11.1 In relation to the objection by Bovis Homes Limited (OBJ/7) I note the substance of its objection is in relation to the compulsory purchase of areas of land in the vicinity of bridge SPC2/83 which would preclude the satisfactory implementation of their extant planning consent.

11.2 The re-construction of SPC2/83 was granted Prior Approval under Part 18a to Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015 **(NR 20)**. Permission was given in October 2017. The approved layout drawings and Decision Notice is shown in document **(NR 43 to 46 & 48)**.

11.3 Planning permission for the development of the "Weast" (Wellingborough Eastern Strategic Urban Extension), known also as Stanton Cross, was granted in 2008 (reference WP/2004/0600). This includes a mixed-use development including over 3,000 residential units, industrial development, new public transport, walking and cycling linkages, a country park, neighbourhood centre, two secondary local centres and all associated access routes. This was consistent with the policy framework of the Wellingborough Local Plan and emerging North Northamptonshire Core Strategy as mentioned in 6.3.2 above.

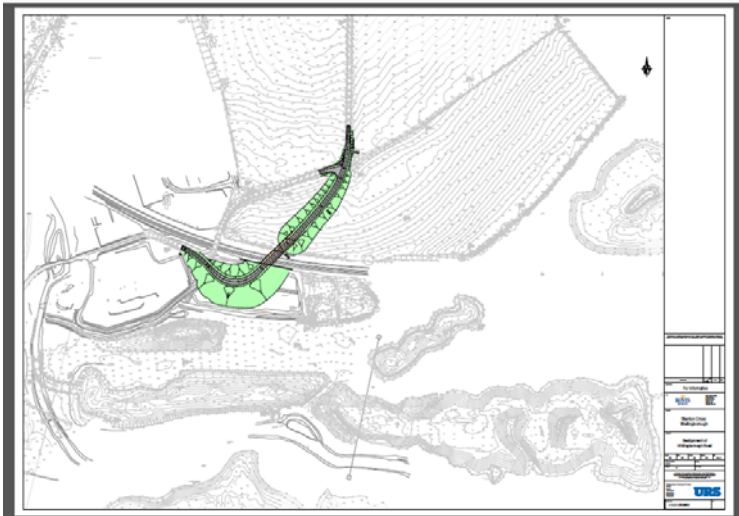
11.4 The permission was issued subject to a S106 Agreement to ensure delivery of relevant infrastructure. This Agreement included provision of "Route 2", a link from the A45 to the land immediately north and east of the present Irthlingborough Road



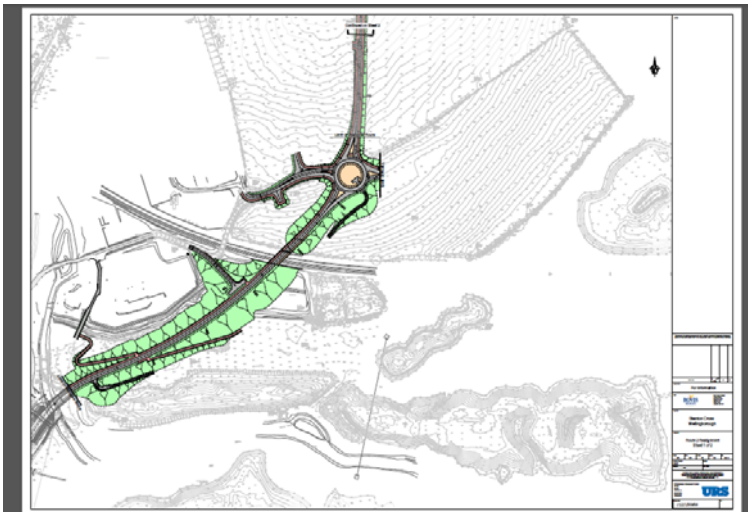
Bridge but providing an alternative means of crossing the MML some 95 metres east of the current bridge (see **NR 83**).

- 11.5 The alignment of Route 2 was subsequently changed by a reserved matters approval in September 2014 (WP/14/00475/REM), pushing it to the west of the approved 2008 alignment (see maps below). Implementation would be in two phases; the first would be to utilise the existing Irthlingborough Road south of the railway; the second phase would provide a direct link to the south but without direct access onto the original Irthlingborough Road.

Route 2 revised alignment stage 1



Route 2 revised alignment stage 2

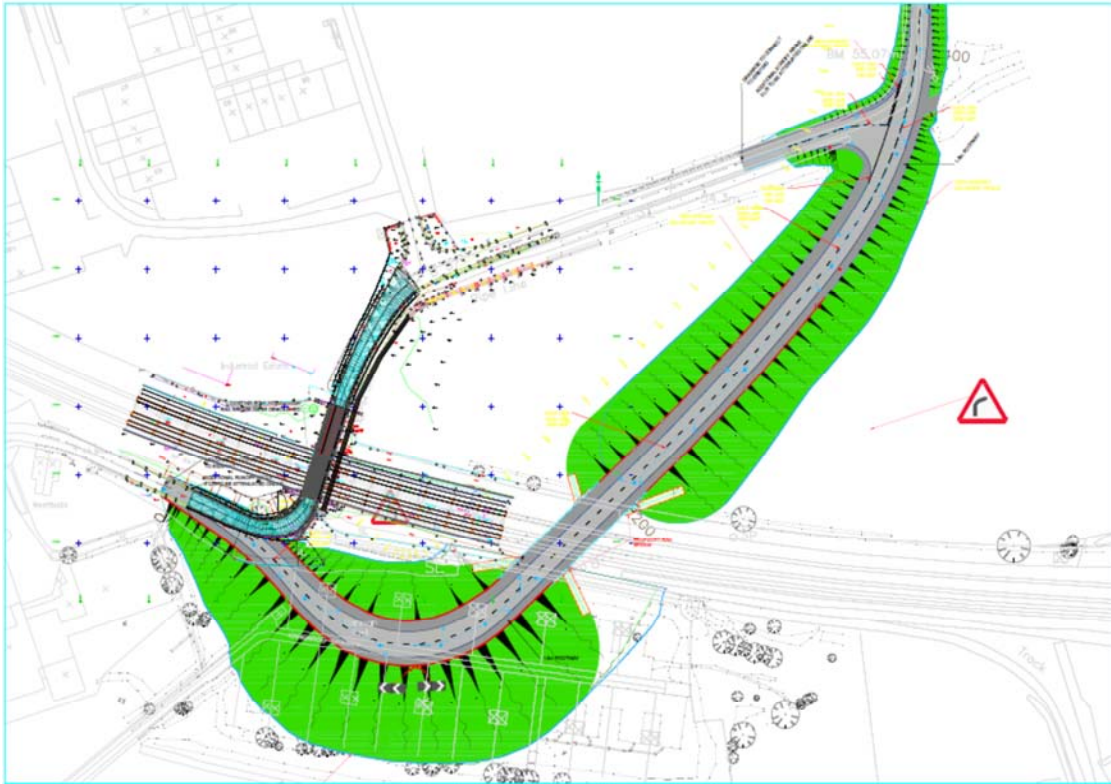


- 11.6 A subsequent application for a s.73 permission sought to remove or vary some of the original 2008 conditions (WP/15/00605) and was granted in

February 2017. The 2017 s73 permission repeated the requirement and new alignment for the revised Route 2 as enshrined in a 2016 masterplan known as the Stanton Cross, Wellingborough Masterplan (**NR 81**). Furthermore Route 2 had to be implemented before the occupation of the 724<sup>th</sup> house.

- 11.7 Acquisition of Order plots 605, 629, 630 and 631 would, according to the objector, preclude the implementation of Route 2. This would have subsequent consequences for the housing land supply in the Borough. Similarly, it is argued that the compulsory acquisition of Order plots 621 and 624 to the north of the bridge would reduce the development potential of the site.
- 11.8 It should be noted that both parties agree that the preferred solution for access to the Stanton Cross development is via the new Route 2 and new bridge over the railway, thus allowing for the complete closure of SPC2/83. If the highway over SPC2/83 is stopped up, the re-construction of Irthlingborough Road Bridge would not be necessary, and provision could then be made to bring the implementation of Route 2 forward.
- 11.9 Alternatively, if the bridge is re-constructed the plan below shows that the re-constructed bridge impacts only marginally on the footprint of the Phase 1 section of Route 2 in touching plots 605,629 & 630 as can be seen from the overlay. This equates to around 40 metres of the consented phase 1 of Route 2 on the south side of the railway. The proof of David Butterworth (**NR 73**) goes into detail as to how re-construction of the bridge and approach roads would only marginally affect Route 2.





11.10 Network Rail considers that there is scope to provide a re-designed western end of Route 2 which can consider the existing road, downgraded to bridleway/cycleway status. Network Rail can confirm that it would cover the costs of a planning application for the amendment of extant consent WP/14/00475/REM to cover the amended design if that is required. Such a limited amendment, if required, could be progressed under a s.73 application or a 96a application (under the Town and Country Planning Act 1990) as a minor amendment, and in my opinion the changes to Route 2 at its Western end would be non-material, and I can see no planning objection to the grant of such a consent.

11.11 The objections to the use of Order plots to the north of the railway, for temporary purposes, is on the basis that no firm timescales have been given. However, as it has been publicly stated that the electrified rail service to Corby will commence in December 2020, an indicative timescale can be given. As this land will only be taken if the stopping up order is not granted and the development of route 2 does not progress as expected a conflict is not likely to arise and therefore the timescale of 2020 is not considered to be unduly onerous.

11.12 It should be further noted that the existence of Anglian Water sewers alongside the road to the north of the bridge and its cordon sanitaire effectively sterilise the area of plots 621 and 624 (closest to the footprint of the new bridge) from built development in any event so the loss of some 600

square metres to accommodate the new bridge would at best mean a marginal loss of structural landscaping or parking space given the land in the masterplan is allocated for industrial use. We do not accept that the loss of these plots would reduce the development potential or capacity of the overall site.

- 11.13 As such I do not consider that the implementation of the Order Scheme would have any significant impact on the delivery of the Stanton Cross development and in particular the provision of Route 2. In planning policy terms the grant of the Order will not prejudice the planning objectives of the Plan for the Borough of Wellingborough 2018 nor the Stanton Cross masterplan (2016).

## 12. PLANNING CONDITIONS

- 12.1 Proposed planning conditions are attached to the DPP (**NR 11**). Discharge of these conditions is subject to the approval of BBC as required. The planning conditions proposed are consistent with the tests set out in the NPPF (**NR 26**) paragraph 55 as being necessary, relevant, enforceable, precise and reasonable.

- 12.2 In reviewing planning matters in preparing this proof, I have identified two additional conditions which Network Rail propose in relation to the detail of the temporary footbridge and in particular how this will affect the existing protected trees on Spencer Close and the amenity of residents on Granite Close. A suggested wording is given below:

*Prior to the commencement of the works to construct the temporary footbridge hereby approved, details of all proposed pruning to trees within TPO no. .... to facilitate the placement of the footbridge shall be submitted to and approved in writing by the Local Planning Authority. The approved tree pruning works shall be carried out in accordance with BS3998:2010 or BS5837:2012 (or other BS standard the council consider appropriate). The development thereafter shall be implemented in strict accordance with the approved details.*

*Reason: Required prior to commencement of development to avoid damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.*

*Prior to the installation of the temporary footbridge detailed elevations of the structure including measures to protect the amenity of the adjacent residential properties shall be submitted to and approved in writing by the LPA. The development thereafter shall be implemented in strict accordance with the approved details.*

*Reason: To protect the amenity of the adjacent residential properties and the visual amenity of the area during the construction phase of the development in accordance with policies NE4 Trees & hedges & BE30 Material Considerations In The Control Of New Development (both policies are "saved" from the 2002 Bedford Local Plan).*

I have formally written to BBC seeking their views on the revised conditions and seeking confirmation that they are comfortable with the conditions as provided in the original Order Scheme. BBC had not responded by the time of the submission of this proof.

### **13. CONCLUSIONS**

- 13.1 In conclusion it is clear that the Order Scheme will contribute to economic, environmental and societal benefits associated with improvements to one of the country's key transport arteries. There is clear strong policy support for the Order Scheme in respect of economic, planning and transportation matters. Importantly the Order Scheme will be in clear accord with the Government's stated aim to improve the MML through the HLOS.
- 13.2 Delivering new heavy rail infrastructure investment requires a balanced approach. It should be clear from all the evidence presented that the Order Scheme will not have any unacceptable adverse impact on accessibility, will be of an appropriate design and will not give rise to any unacceptable environmental effects.
- 13.3 It is my view that the need for the Order Scheme and the development option chosen shows the planning balance is in favour of approving the Order. The Order Scheme is in accordance with the development plan and the provisions of the NPPF. The inspector is therefore respectfully requested to recommend that the Order be made, and that planning permission be deemed to be granted.

### **14. STATEMENT OF DECLARATION**

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 that opinion;
- II. I believe the facts I have stated in this Proof of Evidence are true and that the opinions expressed are correct; and
- III. I understand my duty to the inquiry is to help it with matters within my expertise and I have complied with that duty.