

TRANSPORT AND WORKS ACT 1992

Proof of Evidence

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**The Network Rail (Suffolk Level Crossing Reduction Order)
Site at Elmswell – Development by Taylor Wimpey**

Department for Transport ref: TWA/47/APP/04/OBJ/53

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1. **Introduction**

- 1.1 My name is Andrew Wright. I am the Design and Planning Manager for Taylor Wimpey East Anglia ('TW'), which is part of Taylor Wimpey Plc, one of the United Kingdom's largest housebuilders. I have worked for TW for over ten years. As part of my role I lead a team of eight people, four of whom form the planning team (making TW's planning applications) and four of whom provide construction drawings from which TW houses are built.
- 1.2 I have a background in architecture, having previously worked for Pick Everard in Bury St Edmunds, and I am familiar with both the planning and building regulations regimes under which new homes are constructed.

2. **Elmswell – the Taylor Wimpey development**

- 2.1 TW are currently delivering new homes in Elmswell at the former Grampian Harris site, which is located immediately north of the Hawk End Lane level crossing that the draft order seeks to close (see sheet 13 of the draft order). TW acquired this site in October 2015. The development is known as Kingsbrook Place and is being delivered under planning permission ref: 0846/13, being development as follows:

Demolition of all buildings on site (comprising redundant factory buildings) in Use Class B2, settlement tanks and 6 derelict residential properties) and erection of up to 190 residential dwellings and pumping station. Construction of a new access road to Station Road.

A copy of the planning permission is at Appendix 1.

- 2.2 A plan of the planning layout of the TW development is at Appendix 2.
- 2.3 Of the 190 houses being built, 169 will be private homes and 21 will be affordable homes.
- 2.4 There is a section 106 agreement associated with the development (Appendix 3). The total contributions under the agreement amount to approximately £1.5 million, and are released to the community as key milestones are met during the building out of Kingsbrook Place. Full details of the contributions are in Parts 1 and 2 of Schedule 2 of the section 106 agreement.

3. **The draft order**

- 3.1 TW received no formal notification of the Network Rail (Suffolk Level Crossing Reduction Order) ('the draft order') as it was not properly served. TW only became aware of the draft order due to notification from the sellers of the Grampian Harris site, Harrow Estates plc, which still retains adjacent land. Nevertheless, TW was able to register an objection to the draft order on 4 May 2017.
- 3.2 The draft order affects areas of land numbered 11, 12 and 13 ('the Order Areas') on sheet 13 (S29) of the draft order. In each of these Order Areas TW has the freehold interest. Sheet 13 can be seen at Appendix 4. In Order Areas 11 and 12 the draft Order seeks to acquire a

temporary worksite and in Order Area 13 it seeks the creation of a public right of way and rights of access for removal of the level crossing.

4. **The effect of the draft order on the TW development**

- 4.1 As can be seen if one compares sheet 13 (Appendix 4) with the planning layout (Appendix 2), the Order Areas run directly through the proposed TW homes. I attach at Appendix 5 a further plan showing the extent of the Order Areas and the TW residential plots affected, which number 51 out of the overall 190. TW's build programme begins from the north-east part of the development, and then runs in a southerly direction along the red line boundary of the planning permission to the level crossing area. The effect of the Order Areas being included in the draft order means that TW is now unable to sell those 51 residential plots as they are subject to the rights that the draft order seeks to acquire. TW has been contacted by conveyancers querying the effect of the draft order, who are understandably concerned about the right of access over their client's potential plot. While TW can seek to assure potential purchasers that it is trying to resolve matters, this inevitably puts purchasers off.
- 4.2 Furthermore, difficulty selling residential plots affects the triggers in the section 106 agreement, which in turn prevents development from coming forward. For example, financial contributions in the schedules to the agreement are triggered by specified numbers of homes being occupied, with development not being allowed beyond that point unless the financial contribution is made. The difficulty selling residential plots due to the draft order's inclusion of the Order Areas therefore prevents those trigger points from being reached, and the development's viability and ability to pay the financial contributions is impaired by the difficulty in selling residential plots.
- 4.3 In addition, 21 of the 51 homes within the Order Areas area are the affordable homes, as required by the section 106 agreement. Those affordable homes are marked with a blue square on the plan at Appendix 5, with the private homes marked with a red circle. The inclusion of the Order Areas in the draft order is therefore having an adverse impact of TW's ability to enter into contracts for disposal of those affordable homes to a registered provider of affordable housing. Without a registered provider it will not be possible to complete the development, as TW may not occupy more than 70% of the private dwellings until the affordable houses are transferred to the registered provider (see paragraph 4.9 of Part 1 of Schedule 2 of the section 106 agreement).

5. **No need for the draft order**

- 5.1 TW's objection to the draft order is that the inclusion of the Order Areas is unnecessary. Network Rail ('NR') does not require the rights it seeks compulsorily because they can be achieved through voluntary negotiation with TW. In this way, the rights are capable of being accommodated while TW delivers Kingsbrook Place without any adverse effect on TW's delivery timetable or ability to sell residential plots.

- 5.2 It is open to TW and NR to reach agreement as to access to the Hawk End Lane level crossing as that land is within TW's control. With regard to Order Areas 11 and 12, TW would instead be able to provide a suitable worksite with the Kingsbrook Place development without the need for these areas to be acquired compulsorily, and without any impact on the build programme.
- 5.3 With regard to Order Area 13, TW have already successfully applied to stop up Footpath 012, which affected the TW residential plots by running along the western/southern boundaries of the development. A copy of the relevant stopping up order is at Appendix 6. The stopping up order provides for a diversion of the footpath which will run along the new highway network layout for Kingsbrook Place (as shown on the plan at Appendix 2), and which leads to the Hawk End Lane level crossing. Until the diverted footpath is delivered, temporary traffic regulation orders are in force on a rolling basis to ensure Footpath 012 remains closed. Once the highway layout is in place and the footpath diverted, NR will then have the access to Hawk End Level crossing that it needs without the draft Order being necessary (although see my further comments in paragraph 5.4 below). However, TW first needs to be able to deliver its development to allow that to happen, and that delivery is currently being affected by the draft Order.
- 5.4 It is worth pointing out that I believe NR will need to negotiate access over land in TW's ownership in any event, as Order Area 13 appears to fall short of the extent of rights it actually needs to reach Station Road, which is the main access to the Kingswood Place development. At its northern most point, Order Area 13 ends approximately in the small area of square open space seen on the plan at Appendix 2, adjacent to the centre point of northern edge of the planning permission red line boundary. For ease of locating this open space on the plan at Appendix 2, it is immediately north-west of the area marked 'open space and play area', on the other side of the road. Given that Order Area 13 ends approximately there, it appears that, at least until the new highway in the development is laid out and dedicated as highway, NR will need to seek further rights from TW to cross the remainder of TW's land to reach Station Road. Without TW's agreement to that, NR would still be unable to access the level crossing even if the draft order were confirmed in the form applied for.
6. **Summary and conclusion**
- 6.1 TW does not object to the removal of the level crossing, but this must be achieved through negotiation with TW. There is no compelling case in the public interest to confirm the draft order in respect of the Order Areas shown on sheet 13 of the draft order, as the inclusion of the Order Areas is preventing 51 of the 190 residential plots from coming forward at a time when there is a pressing housing need in Suffolk and the United Kingdom as a whole. That in turn impacts on the overall delivery of the 190 homes given the triggers for obligations in the section 106 agreement. When weighing up the public interest in the Kingsbrook Place homes being delivered, and the level crossing being closed, the public interest clearly

favours the delivery of 190 homes and therefore the draft order should not be confirmed in respect of the Order Areas. NR should therefore seek any rights it requires by negotiation with TW.

- 6.2 Furthermore, in the form applied for the draft Order does not provide sufficient rights for NR to access the level crossing from Station Road, meaning it will have to negotiate with TW in any event.
- 6.3 For these reasons, TW requests that the draft Order is not confirmed.

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15 January 2018

APPENDIX 1
Planning Permission (Ref. 0846/13)

APPENDIX 2

Planning Layout

APPENDIX 3
Section 106 Agreement

APPENDIX 4
Draft Order Plan – Sheet 13

APPENDIX 5
Order area overlay on residential plots

APPENDIX 6
Footpath 12 Order