

## **The Network Rail (Cambridgeshire Level Crossing Reduction) Order**

### **Statement of Case on behalf of Mr John Sinclair Martin, Mr Joseph James Martin, Mr Brian Harold Sanders, Mr Alan Kenneth Shipp, Aquila Investments Limited, RLW Estates Limited and Brian Sanders (trading as H Sanders and Sons)**

1. Mr John Sinclair Martin, Mr Joseph James Martin, Mr Brian Harold Sanders, Mr Alan Kenneth Shipp and Aquila Investments Limited, as members of a consortium, all have a shared interest in RLW Estates Limited. RLW Estates Limited is a development company set up to promote and implement the construction of a new settlement to the north of Waterbeach (Waterbeach New Settlement).
2. Waterbeach New Settlement is the subject of Policy SS/5 of the draft South Cambridgeshire District Local Plan which is currently subject to an Examination in Public jointly with the Cambridge City Local Plan. The Local Plan is intended to cover development in the district up to 2031. The Inspector overseeing the Examination in Public is expected to report on the draft Local Plan towards the end of 2017 and, if found sound, the Local Plan will provide the formal basis for development of a new settlement to the west of the West Anglia railway line in the vicinity of C35 Ballast Pit crossing. The draft Local Plan and the proceedings of the Examination in Public are publicly available documents.
3. In the meantime the land to the west of the railway line continues to be in agricultural use. As there remains the possibility that this could continue to be the designated use of the land in the future, this statement considers two scenarios; either the land's meantime use for agriculture which could continue or, alternatively, its incorporation as part of the new settlement. It is considered that a single solution would cater for either scenario.
4. In respect of the proposed arrangements for C35 Ballast Pit crossing the alternative access would introduce a new vehicular route across fields currently largely inaccessible other than via the existing level crossing.
5. With regard to the meantime use, the issue which is concerning the parties represented and which does not appear to have been taken into account in preparing the alternative access arrangements is that of agricultural security, i.e., the risk that the alternative routes will facilitate access to parts of farmholdings for which the railway and the present level crossings are an effective means of securing the isolation of fields thereby preventing anti-social activities such as fly-tipping or crop damage.
6. Whilst it is proposed that the new vehicular route will only have a private right of access along it to serve the fishing lakes alongside the western side of the railway, the effect of the Proposed Order will be to provide an open 290m long track from Bannold Drove, a public right of way which is Byway Open to All Traffic, in an isolated location over which there is no natural surveillance to the adjoining fields. It can therefore be anticipated that despite there only being a private right of way to the owner of the fishing lake, the existence of the track may mean that others seek to make use of the track for other purposes at certain times when awareness of such use is unlikely.

7. In order to resolve the issue of security for the fields to the west of the railway and east of Bannold Drove it appears that there are two potential solutions which it is urged should be considered before making the Proposed Order.
8. Firstly, the scheme for the alternative route could include appropriate fencing and a gate which can be secured in the vicinity of the proposed junction between the proposed track and Bannold Drove. Use of the gate would be restricted to keyholders, namely the parties on behalf of whom this representation is made together with the owner of the fishing lakes. The security of the fields would however depend upon the gate remaining secured and keys remaining in the possession of those above. Because the fishing lakes could be used by a variety of people at various times there is the prospect of the security offered by a gate in this location being compromised. Accordingly it is considered that this solution does not offer sufficient safeguards.
9. As an alternative to the inclusion of a gate, the need for the private rights of access from Bannold Drove to the fishing lakes and construction of the associated track could be avoided. This could be achieved by Network Rail Infrastructure Limited (NRIL) firstly offering to purchase the fishing lakes from their present owner based on the amount of compensation that would be due as a result of the level crossing closure together with an assessment of the fishing lakes as a going concern and secondly agreeing to sell the fishing lakes to RLW Estates Limited on the same or similar commercial terms. In so doing RLW Estates Limited would waive its rights to an alternative means of access and private rights over that access such that NRIL would avoid the cost of forming the alternative access and of making the Proposed Order in respect of C35 Ballast Pit crossing other than for its closure.
10. Furthermore, in avoiding the creation of a private means of access the masterplanning of the new settlement would not be compromised. It should be noted that the preparation of a masterplan by RLW Estates Limited is ongoing and, once completed, a copy will be made available to the inquiry and the applicants. It may also be noted that a Supplementary Planning Document is being prepared on behalf of South Cambridgeshire District Council regarding the future development of the new settlement and this document is expected to be referred to in due course. As soon as this document is made public it will be made available to the inquiry and the applicant.
11. In summary in respect of the means of dealing with the closure of C35 Ballast Pit crossing, the alternative approach outlined above would benefit the applicant and at the same time would enable both the security of the fields to the west of the railway to be maintained and, in due course, good planning of the new settlement to proceed.

4<sup>th</sup> July 2017

Simon Clewlow  
Director, Clewlow Consulting Limited

List of Documents for Statement of Case on behalf of Mr John Sinclair Martin et al

- SC - A. South Cambridgeshire District Local Plan – copy publicly available (extract attached stating Policy SS/5 [July 2013] together with Proposed Modification [March 2016])
- SC - B. Waterbeach New Settlement Masterplan (RLW Estates Limited) – in preparation (to be provided as soon as available)
- SC - C. Waterbeach New Settlement Supplementary Planning Document (South Cambridgeshire District Council) - in preparation (to be provided as soon as available)

## **New Settlements**

### ***Waterbeach New Town***

#### **Policy SS/5: Waterbeach New Town**

1. A new town of 8,000 to 9,000 dwellings and associated uses is proposed on the former Waterbeach Barracks and land to the east and north as shown on the Policies Map. The final number of dwellings will be determined in an Area Action Plan (AAP) having regard to:
  - a. The location and distribution of development in the town; and
  - b. The land outside the town necessary to maintain an appropriate setting for Denny Abbey listed building and scheduled monument.
2. The new town will be developed to high standards of design and layout which draw on its Fen edge location. The new town will be kept separate from Waterbeach village by an extension to the Cambridge Green Belt.
3. It will be developed to maintain the identity of Waterbeach as a village close to but separate from the new town. Appropriate integration to be secured by the provision of suitable links to enable the residents of Waterbeach village to have convenient access to the services and facilities in the new town without providing opportunities for direct road access from the wider new town to Waterbeach other than by public transport, cycle and foot.
4. It will deliver an example of excellence in sustainable development and healthier living, which will make a significant contribution to the long term development needs of the Cambridge area. It will deliver high quality public transport links to Cambridge, including a new railway station, to enable a high modal share of travel by means other than the car.
5. No more than 1,400 dwellings will be completed by 2031, except as may be agreed by the Local Planning Authority to be necessary to maintain a 5 year supply of deliverable housing sites.
6. An AAP will be prepared for the area shown on the Policies Map. The AAP will establish a policy framework for the site, and will address issues and requirements including:

(continued)



*The Site:*

- c. Establish the built area of the settlement within the Major Development Site, and the location of major land uses, having particular regard to ensuring an appropriate relationship with Denny Abbey listed building and scheduled monument;
- d. Consider the relationship and interaction with Waterbeach village, and the Cambridge Research Park;
- e. The provision of all built development and formal open space uses within the Major Development area shown on the Policies Map.

*The Phasing and Delivery of a Mix of Land Uses:*

- f. Residential development of a mix of dwelling sizes and types, including affordable housing, to achieve a balanced and inclusive community;
- g. Employment provision to meet the needs of the town and provide access to local jobs, and support the continued development of the economy of the Cambridge area;
- h. Shops, services, leisure and other town centre uses<sup>1</sup> of an appropriate scale for a town whilst avoiding significant impacts on vitality and viability of surrounding centres, and not competing with Cambridge as the sub regional centre;
- i. A town centre supported by local centres, to ensure services and facilities are easily accessible to residents;
- j. Community services and facilities, including health and both primary and secondary school education;
- k. Open space, sports and leisure facilities;
- l. Appropriate provision and design of waste / recycling management facilities.

*Measures to Address Landscape, Townscape and Setting of Heritage Assets in the Surrounding Area, and Deliver a High Quality New Development:*

- m. Design principles to deliver a high quality development responding to local character, but also with its own identity;

(continued)

<sup>1</sup> **Main town centre uses defined in the NPPF:** Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment facilities the more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, night clubs, casinos, health and fitness centres, indoor bowling centres, and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).



- n. Strategic landscaping within the Major Development Site to deliver high quality environs and:
  - i. provide an appropriate screening of the town in views from Denny Abbey in order to protect the historic significance of the Abbey, and
  - ii. maintain the village character of Waterbeach;
- o. Measures to conserve and enhance the significance of Denny Abbey Grade I listed building and scheduled monument, including the contribution made by its setting, the extent and nature of separation from built development and formal open spaces, and protection of key views including to and from the Abbey;
- p. Assessment, conservation and enhancement of other heritage assets as appropriate to their significance, including non-designated assets such as Car Dyke and the Soldiers Hill Earthworks.
- q. Identification and mitigation to sensitive receptor boundaries, with regard to noise, including the A10, proposed railway station and recreational activities, to ensure no significant adverse impact on quality of life / amenity and health using separation distances or acoustic earth bunding rather than physical barriers if appropriate and where practicable;
- r. Ensure there is no significant adverse impact on local air quality and or mitigate as necessary with a Low Emissions Scheme.

*Delivery of a Significant Network of Green Infrastructure:*

- s. Provide a high degree of connectivity to existing corridors and networks;
- t. Include areas accessible to the public as well as areas with more restricted access with the aim of enhancing biodiversity;
- u. Provision and retention of woods, hedges, and water features which would contribute to the character and amenity of the town and help preserve and enhance the setting of Denny Abbey, managed to enhance their ecological value;
- v. Consider the multifunctional value of spaces, e.g. amenity, landscape, biodiversity, recreation and drainage;
- w. Requirement for a full programme of ecological survey and monitoring, to guide a Biodiversity management plan to provide appropriate mitigation and enhancement.

*Significant Improvements in Public Transport:*

- x. A relocated Waterbeach station to serve the village and the new town;

(continued)



- y. A Park and Ride site on the A10 to intercept traffic from the north of Waterbeach, served by a new segregated Busway link to Cambridge;

*Measures to Promote Cycling and Walking:*

- z. A network of attractive, direct, safe and convenient walking and cycling routes linking homes to public transport and the main areas of activity such as the town centre, schools and employment areas;
- aa. Direct, segregated high quality pedestrian and cycle links to north Cambridge, surrounding villages and nearby existing facilities such as the Cambridge Research Park;
- bb. A Smarter Choices package including residential, school and workplace travel planning.

*Highway Improvements:*

- cc. Primary road access to the A10;
- dd. Additional capacity to meet the forecast road traffic generation of the new town, particularly on the A10 and at the junction with the A14;
- ee. Measures to mitigate the traffic impact of the new town on surrounding villages including Waterbeach, Landbeach, Horningseas, Fen Ditton and Milton;
- ff. Review the access arrangements to Denny Abbey.

*Sustainability:*

- gg. Sustainable design and construction measures. The AAP will identify opportunities to exceed standards established by the Local Plan. These measures could include combined heat and power provided from the adjacent Waterbeach Waste Management Park.

*Infrastructure Requirements:*

- hh. Requirements for delivery of improvement to any existing infrastructure which will be relied upon by the new town as well as the provision, management and maintenance of new infrastructure, services and facilities to meet the needs of the town.

*Arrangements for Foul Drainage and Sewage Disposal:*

- ii. Provision, management and on-going maintenance of sustainable surface water drainage measures to control the risk of flooding on site and which will reduce the risk of flooding to areas downstream or upstream of the development.

(continued)



*Community Development:*

- jj. Measures to assist the development of a new community, such as community development workers.

*Site Preparation:*

- kk. Site wide investigation and assessment of land contamination and other issues resulting from former land uses, including military use, to ensure the land is suitable for the proposed end use and is not presenting a risk to the environment;
- ll. To ensure that all ordnance is removed from the site in ways that ensure the development can take place without unacceptable risk to workers and neighbours including major disruption to the wider public off site.

*Delivery:*

- mm. The process for achieving delivery, including the requirements on developers;
- nn. Requirements for engagement and consultation with local people and stakeholders.

- 3.34 Land north of Waterbeach is allocated for the creation of a sustainable new town. It provides the opportunity to reuse an extensive area of previously developed land to meet the housing and employment needs of the Cambridge area. It will aim to be an exemplar in sustainability and high quality design, building on the knowledge gained from other new settlements being delivered in the district.
- 3.35 This is a long term development opportunity. Development will take place towards the end of the plan period, and much of it beyond the plan period. In order to create a comprehensive policy framework, and to allow the nature of the town to be established with the local communities and stakeholders, an Area Action Plan (AAP) will be prepared by the Council in close cooperation with stakeholder which will cover the area shown on the Policies Map. This will form part of the development plan, and have the status of a Development Plan Document. The policy establishes principles that will need to be addressed in the AAP, and subsequently by developers. A full range of detailed assessments will be required, initially at a level appropriate to inform the AAP, and ultimately as part of any planning application.
- 3.36 The Policies Map also identifies the Major Development Site, which will accommodate the built development of the new town. This does not mean the whole of the area will be developed. Large parts of it will remain undeveloped and green after the settlement is complete to provide open spaces within the new town and a substantial green setting for the new town, Denny Abbey and Waterbeach village. Areas to the north of the town within the area to be



covered by the AAP will ensure that it will remain physically separate from Denny Abbey. Assessment of the setting of Denny Abbey using English Heritage's guidance on Setting of Heritage Assets will be required in view of the importance of conserving and where possible enhancing the remote rural and historic setting of Denny Abbey, a nationally important heritage asset, will be a key element of the plan, including having regard to key views and landscape character.

- 3.37 Delivery of large areas of green infrastructure will also enable the enhancement of biodiversity within the town, whilst providing a network of open spaces for new and existing communities. Maintaining separation with Waterbeach village is also necessary to avoid coalescence and the Green Belt has been extended in the vicinity of Bannold Road to ensure this. The nature of the remainder of the transition between Waterbeach village and the new town will be addressed through the AAP.
- 3.38 A new town will require a significant amount of new infrastructure, including schools, shops, services and facilities to meet the needs of the town. It is important that the services, facilities, landscape and infrastructure needed by this development are not only provided to a high quality, but that they are properly and effectively implemented, managed and maintained if they are to meet the needs of the community as they arise and in the long term.
- 3.39 A fundamental requirement for this site is that it will be highly accessible and permeable to all its residents on foot, by cycle and public transport, to support sustainable transport, recreation and health. The site offers particular opportunities to deliver public transport improvements, including the relocation of Waterbeach railway station to a location where it will also be convenient for people living in Waterbeach village making rail travel highly attractive. Segregated provision for buses both within the town and to link the new town to the public transport network in Cambridge will be required and similarly for cycle use. This will provide for quicker journeys, encourage maximum use by residents of the new town and improve safety. The existing A10 is at capacity and road improvements will be required, including measures to address capacity at the Milton junction with the A14.



**SS15**



## **Policy for Waterbeach New Town**

12. The proposed modification to change from an AAP to an SPD to provide further planning guidance results in the need for some further modifications to Policy SS/5. These include the inclusion of the word 'approximately' ahead of the dwelling range of '8,000 to 9,000' in order to provide flexibility for the SPD (or an application) to determine the most appropriate quantum through more detailed evidence and an impact assessment process. Both site promoters have put forward representations that the new town could comprise around 10,000 homes. The Local Planning Authority is not in a position to reach a conclusion on the capacity at this stage and further wording changes are proposed to ensure that the final number is the result of a design-led approach to ensure the delivery of a sustainable new settlement.
13. Other changes to the policy include:
  - Amendments to part 2 to clarify the vision for the new town,
  - Revised text concerning the connections between Waterbeach village and the new town,
  - Removal of references to separation from the village by Green Belt to reflect recent appeal decisions, but continuing to include need for the new settlement to be designed to maintain village identity,
  - An amendment to the village separation policy wording at part 3 and paragraph 3.37,
  - Reference to types of open space that could be included in Green Infrastructure within the strategic site boundary,
  - Additional requirement for the production of an Economic Development Strategy to be produced for the town,
  - Amendments to ensure both noise and odour issues are appropriately addressed,
  - Additional requirement to deliver a comprehensive movement network for the whole town which encourages sustainable modes of travel,
  - Additional requirements regarding phasing, and the delivery of services to serve individual phases as well as the town as a whole,
  - A statement of the key matters to be included in the proposed SPD.

## **Policy for Bourn Airfield New Village**

14. The proposed modification to change from an AAP to an SPD to provide further planning guidance results in the need for some further modifications to Policy SS/6 similar to those for policy SS/5 Waterbeach. The most significant change concerns the boundary of the Major Development Site, which is considered below, other changes include:
  - Reference to the types of open space that could be included in Green Infrastructure within the strategic site boundary,
  - Clarification regarding site access. The submitted policy states at paragraph 6z that access would be to the north east and north-west of the site. The modification clarifies that the north-west access would involve the northern