



The Planning Inspectorate

Report to the Secretary of State for Transport

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an Inspector appointed by the Secretary of State

Date: 14 May 2019

TRANSPORT AND WORKS ACT 1992

TOWN AND COUNTRY PLANNING ACT 1991

**THE NETWORK RAIL (LONDON TO CORBY) (LAND ACQUISITION AND
BRIDGE WORKS) ORDER 201[]**

Inquiry Held on 5, 6 and 7 February 2019

File Ref: DPI/C3105/18/23

<https://www.gov.uk/planning-inspectorate>

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List of abbreviations used in this report

| | |
|-----------------------|--|
| BCR Scores | Benefit Cost Ratio scores- which gives value for money rating |
| BC | Bedford Borough Council |
| CP5 | Control Period 5 (2014-2019)- NR receives funding in 5 year blocks known as control periods |
| CCNB | Cycling Campaign for North Bedfordshire |
| CS | Core Strategy |
| CoCP | Code of Construction Practice |
| DfT | Department for Transport |
| DMRB | Design Manual for Roads and Bridges |
| EIA | Environmental Impact Assessment |
| EPA | Environmental Protection Act |
| Framework | National Planning Policy Framework |
| GDPO | The Town and Country Planning (General Permitted Development) Order 1995 |
| GTR | Govia Thameslink Railway |
| HLOS | High Level Output Statement |
| IDP | Infrastructure Delivery Plan |
| L2C | London to Corby |
| LP | Local Plan |
| LPA | Local Planning Authority |
| LTP | Local Transport Plan |
| MML(P) | Midland Mainline (Programme) |
| km | kilometre |
| NTP | Northamptonshire Transport Plan |
| NE | Natural England |
| NR | Network Rail Infrastructure Limited |
| NPS | National Policy Statement for National Networks |
| NSIP | Nationally Important Infrastructure Project |
| OLE | Overhead Line Equipment |
| ORR | Office of Rail and Road |
| PiXC | Passengers in excess of Capacity |
| PRoW | Public right of way |
| PIM | Pre-Inquiry meeting |
| SFN | Strategic Freight Network |
| SPA | Special Protection Area |
| SPD | Supplementary Planning Document |
| the Scheme(L2C) | The Network Rail (London to Corby) (Land Acquisition and Bridge Works) scheme |
| the 1990 Act | Town and Country Planning Act 1990 |
| TRO | Traffic Regulation Order |
| TWA | Transport and Works Act 1992 |
| TWAO | Transport and Works Act Order 1992 |
| TWA Application Rules | Transport and Works (Applications and Objections Procedure) England and Wales) Rules 2006 S.I. 2006 No. 1466 |
| TWA Inquiry Rules | Transport and Works (Inquiries Procedure) Rules 2004 S.I. 2004 No.2018 |
| PSR | Permanent Speed Restriction |
| RA10 | Level of Route availability |
| W12 | A defined loading gauge to enable the transport of large box containers on trains |

Footnotes in the Report provide references to documents as well as points of information and clarification.

THE NETWORK RAIL (LONDON TO CORBY) (LAND ACQUISITION AND BRIDGE WORKS) ORDER 201[] and APPLICATION FOR DEEMED PLANNING PERMISSION

- The Order would be made under sections 1 and 5 of, and paragraphs 1 to 5, 7, 8, 10, 11, and 15 to 17 of Schedule 1 to, the Transport and Works Act 1992 (the TWA).
- The deemed planning permission would be granted by a Direction under section 90(2A) of the Town and Country Planning Act 1990 (the 1990 Act).
- The application for the Order and deemed planning permission was made on 22 June 2018 but was subsequently amended before the Inquiry.
- The Order and the deemed planning permission would authorise Network Rail Infrastructure Ltd (NR) to acquire compulsorily land and rights to land and the use of land temporarily in connection with the alteration of the Midland Mainline railway between London and Corby.
- There were 10 objections to the Order outstanding at the closure of the Inquiry.

Summary of Recommendation: That the Order be made and that deemed planning permission be granted subject to conditions.

1. INTRODUCTION AND PROCEDURAL MATTERS

- 1.1 The Applicant is Network Rail Infrastructure Limited (NR), which owns and operates the rail infrastructure of Great Britain. NR is primarily responsible for the maintenance, repair and renewal of track, stations, signalling and electrical control equipment. Their network licence requires them to secure the renewal and replacement of the network and the improvement, enhancement and development of the network¹.
- 1.2 The title of the Order has been changed by NR from The Network Rail (London to Corby) (Land Acquisition, Level Crossing and Bridge Works) Order 201[] to The Network Rail (London to Corby) (Land Acquisition and Bridge Works) Order 201[]. This is contained within changes to the draft Order made since the application date. A revised draft Order was submitted before the start of the Inquiry². Subsequently NR has also altered the explanatory memorandum to reflect the changes³. The revised title is used throughout this report.
- 1.3 The changes to the original Order are firstly the removal of certain plots from the Order. In two locations, at Odell Viaduct and Isham Station Road Bridge the need for land for bridge works has been addressed in negotiations with objectors since the Order was made. Secondly, there is no longer the provision for the closure and diversion of Souldrop level crossing. Powers to close the Souldrop Level Crossing have been obtained through other means resulting in the withdrawal of that part of the Order.

¹ NR13 p 13

² NR/PI.5 and PI.26

³ NR/PI.21

- 1.4 Amendments have also been made to the Book of Reference⁴ and the works and land and rights of way plans and sections⁵ to delete the plots which were no longer included in the Order. The Planning Statement of Case⁶ does however still refer to various locations which have been withdrawn from the Order. This report confines itself to considering and making recommendations only on those matters and land contained within the Revised Order.
- 1.5 The proposed Order works are intended to form part of a wider scheme for major rail electrification and capability enhancement. NR has already secured a range of different consents and agreements and so the Order only contains those key consents that remain necessary to deliver the London to Corby L2C project⁷.
- 1.6 The London to Corby Electrification and Capacity Upgrade project will provide equipment necessary to deliver an electrified railway north of Bedford South junction to Kettering and from Bedford South junction to Corby. Facilities will be provided to accommodate 240m length trains at the stations on the route, an electrified stabling facility at Kettering, additional track infrastructure to increase capacity on the route and a route cleared operational railway capable of accommodating train gauges between W6 to W12 gauge.
- 1.7 The Department for Transport (DfT) issued a statement of matters pursuant to rule 7(6) of the Transport and Works (Inquiries Procedure) Rules 2004⁸ in November 2018⁹. The statement sets out the matters about which the Secretary of State particularly wishes to be informed for the purposes of his consideration of the applications by NR for the Order and deemed planning permission. The matters are:
 - Matter 1- The aims and the need for the proposed Network Rail (London To Corby) (Land Acquisition and Bridge Works) Order 201[] (“the scheme”).
 - Matter 2 -The main alternative options considered by NR and the reasons for choosing the proposals comprised in the scheme.
 - Matter 3- The extent to which the proposals in the TWA Order are consistent with the National Planning Policy Framework, national transport policy and local planning, transport, and environmental policies.
 - Matter 4- The likely impact of the exercise of the powers in the proposed TWA Order on land owners, tenants and statutory undertakers, including any adverse impact on their ability to carry on their business and undertakings effectively and safely and to comply with any statutory obligations applying to their operations during construction and operation of the scheme. Consideration under this heading should include; a) the impacts from the proposed temporary and permanent road and rights of way closures relating to the scheme; b) the impact of the proposed works on the access and servicing arrangements to properties and changes to parking provision; c)

⁴ NR/PI.27

⁵ NR/PI.28

⁶ NR13

⁷ NR13 table 1 and appendix 2

⁸ NR15

⁹ GI01

- the impacts on land use including the effects on commercial property and the effects on other planned development; d) security and safety considerations.
- Matter 5- In relation to the reconstruction of the bridge carrying Bromham Road over the Midland Main-line: a) the possible provision of a dedicated cycleway and segregated pedestrian footway; b) adequacy of the design of the bridge for all users including wheelchair users and cyclists; c) impact on community garden facilities and mature trees; d) impacts on Bedford station and future rail development; e) impacts of construction work and temporary automotive route on nearby residents and users of the Bromham Road Bridge; f) environmental impacts including daylight to residential buildings, noise, vibration and dust.
 - Matter 6- The purpose and effect of any substantive changes proposed by NR and other interested parties to the draft TWA Order, and whether anyone whose interests are likely to be affected by such changes has been notified.
 - Matter 7- The measures proposed by NR to mitigate any adverse impacts of the scheme including any protective provisions proposed for inclusion in the draft TWA Order or other measures to safeguard the operations of utility providers or statutory undertakers.
 - Matter 8- Having regard to the criteria for justifying compulsory purchase powers in paragraphs 12 to 15 of the MHCLG Guidance on the “Compulsory purchase process and the Crichel Down Rules for the disposal of surplus land acquired by, or under threat of, compulsion” (published on 29 October 2015)¹⁰ a) whether there is a compelling case in the public interest for conferring on NR powers compulsorily to acquire and use land for the purposes of the scheme: and b) whether the land and rights in land, for which compulsory acquisition powers are sought, are required by NR in order to secure satisfactory implementation of the scheme.
 - Matter 9- The conditions proposed to be attached to the deemed planning permission for the scheme, if given, and in particular whether those conditions satisfy the six tests referred to in Paragraph 206 of the National Planning Policy Framework.
 - Matter 10- NR’s proposals for funding the scheme.
 - Matter 11- Whether the statutory procedural requirements have been complied with.
 - Matter 12- Any other matters which may be raised at the inquiry.
- 1.8 These matters were set before the amendment to the draft Order and the withdrawal of several of the objections. I shall refer to this again where relevant in this report. I have taken matter 9 as a reference to paragraph 55 of the National Planning Policy Framework which sets the tests for planning conditions. Paragraph 206 references an earlier version of the Framework with the same tests. Matter 8 refers to earlier Guidance. I shall consider the matter in the light of the updated Guidance.

¹⁰ This guidance was updated by Guidance on Compulsory Purchase Process and The Crichel Down Rules 2018, NR61

- 1.9 A pre-Inquiry meeting(PIM) was held on 11 December 2018 to confirm the purpose and scope of the Inquiry and to outline the procedure and programme at the Inquiry. There was no discussion of the merits of the applications or any cases for or against the proposals. A note of the meeting was circulated to all who attended and to all other parties who had made representations¹¹.
- 1.10 The Inquiry opened at 1000 hours on Tuesday 5 February 2019 at County Suite, Park Inn, 2 St Marys Street, Bedford MK42 0AR and sat for three days. The Inquiry was then kept open until 19 February 2019. This was to enable NR to submit a revised Explanatory Memorandum and other documents that reflected changes made to the Order. It also allowed time for comments to be made about late representations accepted from Bedford Borough Council (BC) in respect of conditions and to enable further negotiations to be undertaken with certain objectors.
- 1.11 The Inquiry was closed in writing on 19 February 2019. On the same day, the Government issued its revised updated National Planning Policy Framework (Framework). The changes that it contains mainly relate to housing matters that have no bearing on the merits of the case. The thrust of the content of relevant paragraphs has not changed, albeit that there are some changes to precise wording. I considered therefore that it was not necessary to carry out any consultation with the main parties or others.
- 1.12 An unaccompanied site visit took place on the afternoon of 6 February 2019. The visit included Bromham Road Bridge, Bromham Road towards Bromham, parts of Spenser Road, Granet Close, and Bromham Road towards the town centre and Bedford Train Station car park. I made two earlier unaccompanied visits to Bromham Road Bridge prior to the PIM and the Inquiry for familiarisation purposes. No request was made to visit other sites included in the Order, and no purpose would have been served in undertaking visits to other order land.
- 1.13 A total of 16 objections and 4 representations to the proposed Order were received by the DfT. Objection 4 from Northamptonshire County Council¹², Objection 7 from Bovis Homes¹³, and Objection 16 for Cadent Gas have all been withdrawn¹⁴.
- 1.14 Appendix 1 to this Report is the list of Appearances at the Inquiry. Hugh Richards represented Bovis Homes Ltd. He took part only in so far as providing updates on the negotiations taking place outside the Inquiry between Bovis Homes and NR. These resulted in their objection being withdrawn on 6 February 2019 and so their evidence was not presented to the Inquiry.
- 1.15 Although not formally withdrawn in writing, Objections 5, 6 and 10 relate to plots that are no longer within the Order land. The powers to which the objections relate are no longer proposed. As the objections were all site

¹¹ Available on the Inquiry website

¹² Withdrawn prior to the Inquiry

¹³ Obj/7.5

¹⁴ Obj 16/3

specific, I have therefore treated them as no longer outstanding at the close of the Inquiry.

- 1.16 NR still expect Objection 8 from the Guinness Partnership and Objection 12 from Govia to be withdrawn because there are drafted agreements that NR anticipate will be completed¹⁵. In that event, it is anticipated that the objectors will write to the Secretary of State to withdraw their objections. Nonetheless, these objections remained extant at the close of the Inquiry. Therefore, I will report on them, albeit that neither of these parties submitted statements of case or provided representations at the Inquiry. They are statutory objectors.
- 1.17 The other objectors that remain are objections 1, 2, 3, 9, 11, 13, 14, and 15. These are all non-statutory objections relating to Bromham Road Bridge.
- 1.18 Only Objector 15, the Cycling Campaign for North Bedfordshire (CCNB) was represented at the Inquiry to present evidence. Mr Peter Blakeman presented their evidence.
- 1.19 Representations 2 and 3 have been withdrawn. Representations 1 and 4 remain. These are from Vodafone (Rep/1) and Century Link (Rep/4).
- 1.20 Brenda Taplin, with the assistance of Joanna Vincent, of Persona Associates was appointed as independent Programme Officer for the Inquiry. Her role was to assist with the procedural and administrative aspects of the Inquiry, including the programme, under my direction. She helped greatly to ensure that the proceedings ran efficiently and effectively but has played no part in this Report, other than in collating the document lists. Most of the documents are available on the Inquiry website¹⁶. The withdrawn objections remain on the website.
- 1.21 This TWA Order report briefly describes the application site and surroundings and outlines the key provisions of the proposed Order. It then sets out the gist of the cases for the applicant and the objectors and the content of written representations. The main points of the rebuttal of NR are also included. My conclusions and recommendations follow. The statement of matters provides the framework for reporting the applicant's case and my conclusions.
- 1.22 Appendices comprise lists of Inquiry appearances and documents and a schedule of planning conditions in the event that the Secretary of State directs that deemed planning permission be granted.

2. THE SITE AND SURROUNDINGS

- 2.1 The Order relates to land within the Borough of Bedford in the county of Bedfordshire, and within the districts of Kettering and Corby in the county of Northamptonshire. The land is all adjacent to the Midland Mainline railway. The line forms part of the mainline route between London and Corby.
- 2.2 The Order would authorise works at Bromham Road Bridge and matters ancillary to those works; the acquisition of land and rights (including

¹⁵ NR/PI.1

¹⁶ <http://london-corby.persona-pi.com/>

temporary possession) relating to the reconstruction of bridge 83 carrying Irthlingborough Road over the railway; and the attachment of apparatus to three viaducts at Sharnbrook, Irchester and Harpers Brook. The locations of all these sites are indicated in figure 1 contained within the statement of case¹⁷.

- 2.3 The works for which planning permission is sought in Article 4 of the Order relate to the reconstruction of Bromham Road Bridge. This is a two span brick arch bridge that lies to the north of Bedford Midland Station and carries a two lane single carriageway over the Midland mainline. The bridge carries the A4280 Bromham Road in an east-west orientation. A temporary footbridge is proposed during construction works, expected to be to the north of Bromham Road Bridge works.
- 2.4 Although not defined on any plan, I understand from answers to my questions at the Inquiry that the community garden referred to in objections is the area of planted banking between Spenser Road/Chaucer Road and Bromham Road. There are three London plane trees adjacent to Spenser Road to the side of this planted bank.
- 2.5 At the Inquiry NR submitted a Tree Preservation Order ref 20 of 2018 dated 2 August 2018¹⁸ which identified the trees in Spenser Road/ Chaucer Road protected by a TPO¹⁹. The Order was confirmed on 24 January 2019 subject to modifications. The modifications specifically exclude the 3 plane trees between Spenser Road and Bromham Road. Nonetheless, an arboricultural report was submitted by NR that categorises the 3 excluded trees as being grade A²⁰.

3. OUTLINE OF THE ORDER SCHEME, THE ORDER and APPLICATION

- 3.1 The Order scheme comprises several main elements as described in 2.2 and 2.3 above.

The Order²¹

- 3.2 The key provisions of the draft Order are:
 - Article 4, providing the power to construct and maintain works, which encompass the proposed bridge carrying Bromham Road over the Midland Mainline railway.
 - Article 5, authorising the power to deviate from the submitted plans.
 - Article 6, providing the power to discharge water in connection with the construction operation or maintenance of the Order works.
 - Article 7, making provisions for the construction and maintenance of highways.

¹⁷ Figure 1 of NR13 also shows sites no longer included in the Order

¹⁸ NR82

¹⁹ Tree Preservation Order

²⁰ NR/PI.9

²¹ NR/PI.26

- Article 8, providing for the temporary stopping up of streets.
- Article 9, giving the power to execute street works in Bromham Road and Spenser Road in the Borough of Bedford.
- Article 10, allowing for access to works.
- Articles 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20 concerning the acquisition of land, including providing the powers to acquire land and new rights, the temporary use of land for construction and the extinction or suspension of private rights of way. Access and use of airspace for the oversailing of cranes used by NR in connection with the construction of the works is included.

Deemed application for planning permission

- 3.3 In connection with the application for the Order, a request is being made for a direction under section 90(2A) of the 1990 Act that planning permission, insofar as it is required, should be deemed to be granted for the development sought to be authorised by the Order²². This request was altered at the Inquiry and in later correspondence to reflect the change to the name of the Order and to include alterations to conditions. These were discussed at the Inquiry²³.
- 3.4 The application is accompanied by a Planning Direction drawing which shows the elevations and sections of the Bromham Road Bridge²⁴. The drawing relates to the land shown on sheet 1 (Bromham Road).
- 3.5 Whilst article 5 of the Order would allow for deviation from those plans within defined limits, any significant deviation is unlikely. A further section drawing was submitted at the Inquiry²⁵.
- 3.6 The footbridge would be authorised by Article 4(3)(e) of the Order, so far as it is required, and would benefit from deemed planning permission since it would form part of the works authorised by the Order. NR are still working up the precise scaffolding design to best address the relationship to properties in Granet Close and established trees on Spenser Road²⁶. The details of the temporary pedestrian bridge at Bromham Road Bridge to be provided for during construction works would be subject of a condition requiring details to be submitted to and approved by the LPA²⁷. The drawings in appendix D of Mr Butterworths proof of evidence for the scaffold bridge²⁸ as supplied at the Inquiry are not therefore for determination.
- 3.7 The application was accompanied by a screening opinion that an Environmental Impact Assessment was not required in respect of the reconstruction of Bromham Road Bridge.

²² NR09

²³ NR/PI.17 and 18

²⁴ NR10

²⁵ NR/PI.11

²⁶ NR/PI.25

²⁷ The final iteration of this condition was provided on 18 February 2019 NR/PI 29

²⁸ NR/W.4.1 appendices

4. THE CASE FOR NETWORK RAIL

Matter 1: The aims and need for the Order scheme²⁹

- **The aims and the need for the proposed Network Rail (London To Corby) (Land Acquisition and Bridge Works) Order 201[] (“the scheme”).**

4.1 The High-Level Output Specification (HLOS)³⁰ 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 L2C electrification, although the electrification of the entire route to Sheffield was subsequently cancelled.

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

- Reduced journey times for passenger and freight trains;
- Increased capacity of the infrastructure leading to more train paths being available;
- Greater capacity on trains to cater for the projected increase in passenger numbers travelling on the route;
- Greater capability on the route to handle longer passenger trains;
- Improved gauge capability for large box container trains (W12)³¹;
- Reduced railway industry costs; and
- Reduced carbon emissions through the creation of an electrified route from London St Pancras to Corby.

4.3 The proposed Order is necessary to ensure that NR by 2020 has operational infrastructure capable of delivering an electrified railway, capable of allowing 240m length, W6 to W12 gauge trains to operate over it. This will deliver capacity benefits, environmental benefits and an electrified stabling point to deliver the indicative service pattern. It is scheduled that the project will be completed in 2021.

4.4 The project includes the following proposals³²:

²⁹ Evidence mainly set out in NR04, NR13, NR14, NR/W1.1, NR/PI.1 and NR/PI.25

³⁰ NR14

³¹ A defined loading gauge

³² NR04 and NR/W1.1

- Installation of an additional slow line between Sharnbrook junction and the Kettering South Junction along with all associated signalling, telecoms, earthworks and structural works to provide a four track section to allow six passenger services and three freight services per hour in each direction rather than 5 passenger and 2 freight trains;
- Installation of Overhead Line Equipment (OLE) infrastructure between Bedford South Junction (fast lines) and Bedford station (slow lines) to Corby;
- Provision of connections to the national grid and other associated works (e.g. substation and distribution);
- Provision of W6A ,W7, W8, W9, W10, and W12 gauge clearance between Bedford South Junction to Corby;
- Provision of new infrastructure to a maximum line speed of 90 mph (noting existing infrastructure will remain at its published PSR³³);
- Provision of axle weight clearances between Sharnbrook junction and Kettering South Junction of RA10³⁴ at 60 mph and RA8 at 90 mph (up to permissible line speed) on the new slow line.
- Provide the means for 240 m trains to call at the following stations; Bedford, Wellingborough, Kettering and Corby;
- Provision of an electric stabling facility at Kettering capable of stabling four 240m trains; and
- The increase in capacity will also give more opportunity for freight to run on the Midland Main-line between Bedford and Kettering³⁵.

4.5 There will be additional commuter seating capacity when longer train rolling stock calls at stations between St Pancras International and Kettering/Corby. By electrifying the infrastructure, railway operators will be able to use more environmentally friendly electrified bi-modal train rolling stock. There will be lower carbon emissions. New trains would mean they would be less hard wearing on track in comparison to the existing diesel fleet. This will help to reduce the cost of maintaining and renewing track and associated infrastructure. The cost of maintaining the new stock units would be lower than existing diesel units.

4.6 New units with more seats will allow for more comfortable and efficient journeys from 2020 with less crowding. This will support the growth of regional economies, connecting people to more jobs, education and leisure opportunities³⁶.

4.7 Journey times between Nottingham and Sheffield and London will reduce by up to 20 minutes in the peak. The upgrade will enable passengers to benefit from a new dedicated service which would be fast and comfortable on longer

³³ Permanent Speed Restriction

³⁴ Route Availability

³⁵ NR/W.1 para 5.6

³⁶ NR04 section 4

trains which are quieter with more seats. There will be over 1,000 additional seats an hour in the peak into London from 2020³⁷.

- 4.8 In 2015, 10% of morning peak trains were in excess of capacity and 7% of evening trains. Further statistics from 2015 showed that during an average weekday in 2015, around 15% of intercity services using the Midland Main-line were crowded, with passengers standing as there was insufficient seating. About a third of all weekday services were found to have at least 80% of seated capacity in use³⁸. Figure 1.5 shows Passengers in Excess of Capacity (PiXC) statistics from Autumn 2017³⁹. This shows that PiXC is a worsening trend on East Midlands Trains long distance services compared to 2015 figures shown in 1.2⁴⁰.
- 4.9 The Midland Main-line has one of only two designated locations of 'congested infrastructure' on the entire rail network. This means there is no capacity for additional requests to run trains from passenger or freight operators. The location is the section between Cricklewood and Leicester via Market Harborough and Corby and was deemed congested in September 2014. Within this location, the constraint with the highest priority is identified as the section between Bedford and Kettering where enhancement was deemed necessary for the introduction of any additional passenger or freight services. The L2C project is therefore directed to one of the most constrained locations on the entire rail network.
- 4.10 Demand for intercity services on the Midland Main Line saw a 13% increase between 2008 and 2014, and is expected to keep growing. Total passenger demand growth on Midland Main Line services between 2016/17 and 2036/37 was forecast to be a 32% increase in demand.
- 4.11 There will be improved gauge capability for large box container trains.
- 4.12 To deliver these benefits there will be upgrades to track realignment, station re-modelling, platform construction and lengthening, capacity works, bridge reconstructions, signal works and wires south of Kettering and Corby to power modern electric and bi-mode trains. Most trains will be electric trains which are cheaper to run than diesel trains.⁴¹
- 4.13 The L2C scheme is one of a number of capacity improvements along the Midland mainline. There is also Derby North journey time improvement, Derby station remodelling, Leicester line speed improvement, Market Harborough line speed improvement and Kettering to Corby capacity improvements⁴².
- 4.14 There have been no challenges to the aims and need for the L2C scheme. The scheme would deliver a material increase in capacity on the Midland Mainline between London and Corby⁴³.

³⁷ NR04 section 4

³⁸ NR/W1.1 fig 1.4

³⁹ NR/W1.1 fig 1.5

⁴⁰ NR/W1.1 fig 1. 2

⁴¹ NR04

⁴² NR/W.3.1

⁴³ NR/PI.25

- 4.15 Much of the L2C project is being delivered without the need for the Order as much of it falls within railway land or is the subject of other consents. Appendix 2 NR-D1 summarises consent applications and various permitted development for the L2C project⁴⁴. Also, other consents such as temporary traffic regulation Orders (TROs) have been acquired.
- 4.16 The works in the Order are relatively modest but that does not detract from the importance of the delivery of the project as a whole and its substantial public benefits. The works to Bromham Road Bridge would allow for the accommodation of electrified lines.
- 4.17 NR has already demolished Irthlingborough Road Bridge. To re-instate that bridge on a raised realignment would require the land and rights from third parties.
- 4.18 At three locations the OLE apparatus needs to be installed on the outside of viaducts, potentially extending into airspace which is outside the promoter's control. For that reason, NR needs additional rights in these locations. The Order would authorise the acquisition of those rights for that purpose.
- 4.19 If the OLE cannot pass beneath Bromham Road immediately to the north of Bedford, the purpose of the L2C scheme to electrify the railway to the North of Bedford would be frustrated. Also, the OLE must be attached to the three viaducts in question in those locations to allow electrification to be delivered. At Irthlingborough Road the replacement bridge requires more land because its vertical alignment must change to pass over the OLE.
- 4.20 The delivery of the outcomes and associated benefits of the Midland Mainline Project (MMLP) depends largely on the eventual timetable that is implemented by the rail industry. This is reflected by the Economic Case, which produces a range of Benefit Cost Ratio (BCR) scores to reflect three possible differing timetable scenarios: - Scenario 1 - Uses the timetables developed during the final business case; Scenario 2 - Uses the timetables developed during the final business case, modified to include a version of East Midlands Trains earlier bid timetables; and Scenario 3 - Uses timetables developed during the strategic outline business case, whereby conflicts North of Wigston Junction can be resolved by re-timing other operators' services without any detriment.
- 4.21 If timetables in line with Scenarios 2 and 3 are implemented the MMLP represents 'Very High' value for money. Scenario 1, which is the most pessimistic scenario tested, would still provide 'Medium' value for money.
- 4.22 The Order scheme has a business case that is at worst 'medium' and at best 'very high' value for money. The evidence makes it clear that it will contribute economic, environmental and societal benefits to the UK, notably the East Midlands. This evidence demonstrates a clear needs case for the Order scheme.
- 4.23 The needs case has not been objected to, and there is clear support for the Order scheme from the Secretary of State for Transport and DfT⁴⁵.

⁴⁴ Appendix 2 of NR13

⁴⁵ NR/W1.1 12.1

4.24 The Order provides the compensation for compulsory acquisition of land or use of land. The rights of statutory undertakers to maintain their apparatus is not affected⁴⁶.

Matter 2: Main Alternative Options⁴⁷

- **The main alternative options considered by NR and the reasons for choosing the proposals comprised in the scheme.**

4.25 No alternatives to electrification of the Bedford to Kettering and Corby section were considered. This is because NR is remitted to deliver an electrification output by its client the DfT⁴⁸.

4.26 In 2015, as part of the MML electrification project, NR discussed with BC options for the reconstruction of Bromham Road Bridge. The structure falls within the ownership of BC. BC advised that there had been a previous scheme to deliver a cycle/road bridge in 2001. This option was never progressed, but the Council alerted NR to lobbying by the CCNB for cycle provision.

4.27 At this time NR produced a couple of high-level options for BC to consider which would have created a facility for cyclist usage. NR advised BC that creating a new cycleway on the bridge would be considered as enhancement and that it would sit with BC to fund its development.

4.28 In 2017 NR and BC jointly prepared a Design Services Agreement which would have enabled NR to undertake development of a design to create betterment to the cyclist community on behalf of BC. This agreement was not signed by BC and the works did not progress.

4.29 To provide a wider bridge incorporating a 3m cycleway would require full demolition of the bridge abutments to ground level as they are not big enough to accommodate a wider bridge span.

4.30 Changes to the foundations were also possibly required. This would be likely to impact on existing railway infrastructure as this would involve excavation in the track support zone, potential changes to cable routes, and relocation of signalling equipment cases.

4.31 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 required to construct the larger structure.

4.32 Such works would result in a longer construction period and would increase disruption to local residents. Such works may also adversely affect the plane trees

⁴⁶ NR/W2.1

⁴⁷ Evidence mainly in NR/W4.1, NR PI/1 and NR/PI.25

⁴⁸ NR/W1.1 para 8.1

- 4.33 Noting stakeholder feedback, NR in conjunction with the DfT, agreed to a change to the preferred option for Bromham Road. This enhanced option widens the deck structure to its maximum cantilevered width⁴⁹.
- 4.34 Prior to deciding on the Order scheme, the first option considered was to retain the existing bridge in its current state, squeezing the required electrification wire arrangement and aspired train gauging envelope through the existing available bridge arch space. This option was ruled out as there was insufficient room available to satisfy electrical and passing vehicle gauge clearances demanded by GL/RT1210⁵⁰, and gauging standard GI/RT7073⁵¹. Consequently, some form of physical alteration to the bridge site had to be explored⁵².
- 4.35 The second option was to lower the track by up to 1m to give the required future clearances. As the bridge is approximately 250m north of the platform ends of Bedford Station there would be insufficient horizontal distance within which to provide a satisfactory vertical track gradient for the 125mph current line running speed. There would also be insufficient distance to provide an acceptable electrification wire vertical gradient which would in turn lead to the future risk of periodic train pantograph de-wirement incidents.
- 4.36 Additionally, lowering the track would impact on the switch and crossings of a large series of track cross-overs north of Bedford Station, forming what is known as Bedford North Ladder Junction. This would entail the lifting out and relaying of the existing junction arrangements at a cost of several millions of pounds as a scheme in its own right.
- 4.37 This option would also necessitate works to the station platforms and station footbridge due to the change in track levels through the station. The amount of disruptive railway access required to implement this option would be several times that required to implement the bridge reconstruction. Track lowering would also require tangible alterations to the earthworks and track drainage system and gradients in the area and potentially impact on adjacent third-party lands including potential land acquisition. There would also be adverse impact on the 'run-out' termination of the north end of the existing St Pancras – Bedford electrification in the adjacent sidings area which would require additional works and therefore costs that are not required for the bridge reconstruction.
- 4.38 Even if the existing BC owned Bromham Road bridge could be retained with a lower track, it would still be necessary to raise and modify the existing parapets over the bridge to satisfy GL/RT1210 for electrical safety above an electrified railway.
- 4.39 Consequently, reconstruction of the bridge was considered. As the bridge reconstruction does not require changes to the track, the disadvantages of that option were not applicable. The bridge reconstruction was therefore

⁴⁹ NR/W4.1 para 3.2.2

⁵⁰ NR 41

⁵¹ NR37

⁵² NR/W4.1 3.24

deemed to be the appropriate design solution, and the design was developed using a risk-based approach to provide a twin span flat deck reconstruction of the existing twin brick arch bridge, maintaining the existing substructures and approach embankments. This was found to offer the most suitable, cost efficient, and buildable solution within the confines of the site as shown in Appendix D⁵³.

- 4.40 A twin span flat deck reconstruction solution considering the very smallest permissible electrical and vehicle gauge passing clearance headroom above the railway was considered in line with GL/RT1210⁵⁴, reducing the clearances to the minimum functional requirements but was eventually ruled out on the grounds of not providing an acceptable vertical gradient for the future electrification wire arrangements through the area and potentially restricting height available for future track maintenance and switch and crossing renewals on the adjacent 'Ladder Junction'⁵⁵.
- 4.41 Since the application for the Order was made NR and BC have entered into an agreement⁵⁶ to explore options for the future provision of a separate bridge for pedestrians and cyclists at this location, and for NR to contribute to the design costs for this bridge. This activity is being led by BC.
- 4.42 To provide a wider bridge incorporating a 3m 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 also possible changes to the foundations, which is likely to impact on existing railway infrastructure as it would involve excavation in the track support zone, potential changes to cable routes, and relocation of signalling equipment cases. 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.
- 4.43 Such works would result in a longer construction period and increasing disruption to local residents. It is also likely that such works could adversely affect the London plane trees in Spenser Road. There would also be increased cost and programme implications that would have increased impacts on the operational railway.⁵⁷ The NR bridge reconstruction authorised by the Order does not require reconstruction of the substructure.
- 4.44 The representations raised by BC comprised 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 13 August 2018 with BC allowing for the withdrawal of their objection to the Order subject to NR co-operating in the feasibility of providing a stand-alone cycle bridge alongside the re-built structure and making a financial contribution towards

⁵³ NR/W4.1

⁵⁴ NR41

⁵⁵ NR/W4.1

⁵⁶ Requested by Inspector but confidential and not provided to the Inquiry

⁵⁷ NR/PI.25

the design of the separate bridge⁵⁸. NR has also waived certain rights in respect of the new cross of the railway⁵⁹.

4.45 By retaining and reusing the existing brick piers and foundations of the bridge, NR can minimise construction time whilst on site, and this in turn would limit disruption to both rail and road users. This is consistent with stakeholder feedback requesting that NR minimise its construction time whilst on site and keep disruption to both rail and road users to the minimum⁶⁰. Furthermore, in answer to OBJ/3⁶¹ NR advised that pre-cast concrete pieces will be used during the construction of the bridge, including pre-cast concrete beams that form the deck and parapets and pre-cast reinforced concrete units that are mounted on the existing brick piers. The use of pre-fabricated elements contributes to a more efficient construction process. The use of the existing brick piers will be less disruptive than if new foundations were installed.

4.46 A temporary service bridge is required that can carry the services over the railway during the demolition and reconstruction of the new bridge. During the closure of Bromham Road the temporary bridge will also carry the temporary footpath diversion.

4.47 Rejecting the scheme would cause delay in providing the L2C project which must be weighed against the benefits that might be derived from pursuing a different design. NR is not responsible for the arrangement of Bedford's road network. Alternative proposals are not automatically relevant to the consideration of planning decisions⁶². There is no material harm that arises from the replacement bridge proposals. The alternatives put forward by CCNB are not relevant to the determination of this application. No alternative scheme incorporating a 3m cycleway has been costed or assessed.

Matter 3: Consistency with Policy⁶³

- **The extent to which the proposals in the TWA Order are consistent with the National Planning Policy Framework, national transport policy and local planning, transport, and environmental policies**

4.48 The National Planning Policy Framework paragraph 11 sets out the presumption in favour of sustainable development.

4.49 The following sections of the Framework are particularly relevant to the Order scheme: Chapter 6 (Building strong, competitive economy), chapter 8 (Promoting healthy and safe communities), Chapter 9 (promoting sustainable transport) and Chapter 12 (Achieving well designed places).

4.50 Building a strong, competitive economy is a key component of the Framework, where it states at paragraph 80: Significant weight should be placed on the need to support economic growth and productivity, considering both local business needs and wider opportunities for development. The

⁵⁸ NR/W3.1 9.2

⁵⁹ NR/PI.25

⁶⁰ NR/W3.1 10.1

⁶¹ Letter dated 19 September 2018

⁶² NR/PI.25

⁶³ Evidence mainly in NR/PI.1 and NR/PI.25 and NR/W3.1

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.'

- 4.51 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'.
- 4.52 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 line. 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 L2C route and the wider MML.
- 4.53 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; and where crime

and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

- 4.54 The National Planning Policy Framework 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.
- 4.55 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.
- 4.56 **The national policy statement for national networks 2014 (NPS)**⁶⁴ sets out the need for and the Government's policies to deliver development of nationally significant infrastructure projects on the national road and rail networks in England. The Order scheme falls below the threshold set out in the Highway and Railway (Nationally Significant Infrastructure Project) Order 2013.
- 4.57 Paragraph 1.4 of the NPS however states that in England it 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, the NPS is a material consideration, will be judged on a case-by-case basis. The NPS does have some degree of material weight in relation to the Order as it supports parts of the national rail network.
- 4.58 The NPS sets out that the Government will deliver national networks that meet the country's long-term needs. Paragraph 2.2 identifies 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.
- 4.59 Improvements may also be required to address the impact of the national networks on quality of life and environmental factors. 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 the 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. Rail freight is of strategic importance. Relatively modest infrastructure interventions can often deliver significant capacity benefits by removing pinch points and blockages.
- 4.60 A modal shift from road and aviation to rail can help reduce transport's carbon emissions as well as providing wider transport and economic benefits.

⁶⁴ NR33

The Government seeks to accommodate an increase in rail travel and rail freight where it is practical and affordable by providing for extra capacity.

4.61 **Delivering a sustainable transport system: The Logistics Perspective 2008**⁶⁵, 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. The document provides five goals which are aimed at helping guide decisionmakers in their roles. The DfT wants the transport system to: support national economic competitiveness and growth, by delivering reliable and efficient transport networks; reduce transport emissions of carbon dioxide and other greenhouse gases, with the desired outcome of tackling climate change; 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; promote greater equality of opportunity for all citizens, with the desired outcome of achieving a fairer society; and improve quality of life for transport users and non-transport users, and to promote a healthy natural environment.

4.62 **The Government's 'Reforming the Railways: Putting the Customer First' Command Paper** released in March 2012⁶⁶ 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. 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 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
- 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.

4.63 **Connecting people: a strategic vision for rail 2017**⁶⁷ sets out the Government's vision for the future of rail. It focuses on three principal themes; a more reliable railway; an expanded network, and a better deal for passengers. Although not specifically mentioned, the L2C project

⁶⁵ NR49

⁶⁶ NR50

⁶⁷ NR75

improvements are a clear manifestation of the Government's commitment "to deliver a more reliable railway and an expanded network".

- 4.64 The development plan for Bedford includes the Bedford Local Plan 2002 saved policies, Bedford Core Strategy and Rural Issues Plan 2008, Bedford Town Centre Area Action Plan 2008, and Bedford Allocations and Designations Local Plan 2013.
- 4.65 **Bedford Local Plan 2002**⁶⁸. The plan includes the "saved" policy T9 (rail services): 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.⁶⁹
- 4.66 **Bedford Core Strategy & Rural Issues Plan (2008)**⁷⁰. Although work is under way on a new Local Plan, the current adopted local plan includes 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 to support the delivery of coordinated transport improvements with the emphasis on non-car modes, improving east-west communications and achieving greater transport interchange⁷¹.
- 4.67 Additionally, Policy CP28⁷² provides the spatial linkage to the Bedford Local Transport Plan⁷³ : 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 and the re-provision of Bedford station. The relevance of this policy is somewhat diminished given the publication of LTP3⁷⁴ but the spirit of the policy remains extant pending the new Local Plan.
- 4.68 **Bedford Town Centre Area Action Plan 2008**⁷⁵ 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.
- 4.69 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 units 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

⁶⁸ NR51

⁶⁹ NR84

⁷⁰ NR52

⁷¹ Page 14- plan objectives

⁷² Page 43

⁷³ NR35

⁷⁴ NR35

⁷⁵ NR77

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.

- 4.70 **Allocations & Designations Local Plan 2013**⁷⁶ The plan (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 refers to the new LTP3 but has no specific policy on public transport. Policy AD39 (page 88) on Cycling is noted as it has some relevance to the objections at Bromham Road. Policy AD39 Cycling states that 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".
- 4.71 Whilst enhanced cycling provision is not part of the existing scope for reconstructing Bromham Road Bridge, since the application for the Order was made BC has entered into an agreement with NR to explore options for the future provision of a separate bridge for pedestrians and cyclists at this location⁷⁷. 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 BC but NR 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 in seeking enhanced cycling provision whilst working within the financial and design constraints of the project⁷⁸.
- 4.72 There is no specific planning policy support for a segregated cycleway over Bromham Road Bridge. Fig 20 of 2002 Local Plan (LP) appears to support a cycle route across the bridge without specifying its form but that fig supports policy T14 which has not been saved. A background paper to the 2013 allocations plan⁷⁹ is not part of the development plan. Bedford Town Masterplan is also not part of the development plan and is not an adopted Supplementary Planning Document (SPD). Moreover, the Masterplan does not show a cycle route over Bromham Road Bridge. Aspirations do not amount to planning policy. BC do not object to the proposed road layout and it would be inappropriate for NR to promote a layout different to that agreed with BC⁸⁰.
- 4.73 **Bedford Local Plan 2030**⁸¹. This document was published for consultation prior to the submission of the draft Order to the Secretary of State for

⁷⁶ NR53

⁷⁷ NR/W3.1 para.9.2

⁷⁸ NR/W3.1 10.4

⁷⁹ NR54

⁸⁰ NR/PI.25

⁸¹ NR54

consideration. Consultation closed at the end of October 2018. The overall objectives of the Plan⁸² 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.

- 4.74 Policy 94S of the 2030 Plan⁸³ 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. NR has 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.
- 4.75 **Bedford Central Town Masterplan Report (June 2018)**⁸⁴. It was established at the Inquiry that this document is not a supplementary planning document (SPD). Paragraph 1.1.7 makes clear that it has been designed to be able to be adopted as SPD once the new LP has been adopted.
- 4.76 The Masterplan was commissioned by BC 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.
- 4.77 **North Northamptonshire Joint Core Strategy 2011-2031 (2016)**⁸⁵ covers Wellingborough, Kettering, Corby and East Northamptonshire local planning authorities: - Policy 16⁸⁶- 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.
- 4.78 Policy 17⁸⁷- 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.

⁸² Section 4, page 27

⁸³ Page 165

⁸⁴ NR55

⁸⁵ NR76

⁸⁶ Page 99

⁸⁷ Page 102

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).

4.79 There are also policies in the Joint Core Strategy which are of relevance to the 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 5.9⁸⁸ and Policy 11⁸⁹ of the Joint Core Strategy.

4.80 **North Northamptonshire Joint Core Strategy Infrastructure Delivery Plan** (September 2017) (IDP)⁹⁰ identifies the electrification of the route as a key investment in strategic connections by sustainable transport⁹¹. However specific rail improvements in the IDP are focused on the redevelopment of the Wellingborough station area as part of the wider Stanton Cross development⁹².

4.81 **Plan for the Borough of Wellingborough** (2018)⁹³ was published in January 2018. The document needs to be updated in the light of later revisions to the Framework. 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 is that they refer to the Wellingborough East sustainable urban extension (Stanton Cross) Policy Site 1⁹⁴.

4.82 **Borough of Wellingborough Infrastructure Delivery Plan** (September 2017)⁹⁵. The Infrastructure Delivery Plan recognises the improvements that electrification will bring to the Borough but specific rail improvements in the Plan are solely related to works at Wellingborough station, funded through the Stanton Cross development⁹⁶.

4.83 **Bedford Borough Local Transport Plan LTP3** (2011-2021)⁹⁷ BC'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.

⁸⁸ Page 75

⁸⁹ Page 80

⁹⁰ NR56

⁹¹ paragraph 7.15, page 25

⁹² paragraph 7.16, page 26

⁹³ NR57

⁹⁴ Section 10.1.1

⁹⁵ NR58

⁹⁶ Appendix Table A, reference T13, page 32

⁹⁷ NR35

- 4.84 Two key objectives of the Plan⁹⁸ 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.
- 4.85 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.
- 4.86 In the LTP3 Implementation Plan⁹⁹, passenger transport strategy action number PT14 identifies the need to “Engage with the rail industry to support improvements to line speeds and capacity on the Midland Main-line”.
- 4.87 **Northamptonshire Transportation Plan** March 2012 (NTP)¹⁰⁰ was prepared in 2012 to enable the delivery of the key transport projects contained in the County’s Joint Core Strategies. Priority 1¹⁰¹ is to enhance strategic connections and to address congestion on the road network. Point 14 of the Strategy’s Key Infrastructure¹⁰² 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 18¹⁰³ is 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.
- 4.88 Strategic Policy 19¹⁰⁴ 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 21¹⁰⁵ relates to the reduction of transport-related carbon emissions and includes the aim to increase the efficiency of the rail network.

Matter 4: Impact on land owners, tenants and statutory undertakers¹⁰⁶

- **The likely impact of the exercise of the powers in the proposed TWA Order on land owners, tenants and statutory undertakers, including any adverse impact on their ability to carry on their business and undertakings effectively and safely and to comply with any statutory obligations applying to their operations during construction and operation of the scheme.**
- **Consideration under this heading should include;**

⁹⁸ Page 7

⁹⁹ Appendix 1

¹⁰⁰ NR59

¹⁰¹ Page 22

¹⁰² Page 29

¹⁰³ Page 68

¹⁰⁴ Page 68

¹⁰⁵ Page 70

¹⁰⁶ Evidence mainly in NR/W2.1 and NR/PI.1 and NR/PI.25

- **a) the impacts from the proposed temporary and permanent road and rights of way closures relating to the scheme;**
- **b) the impact of the proposed works on the access and servicing arrangements to properties and changes to parking provision;**
- **c) the impacts on land use including the effects on commercial property and the effects on other planned development;**
- **d) security and safety considerations.**

4.89 A) Traffic will be diverted during works to Bromham Road Bridge but there will be a temporary footbridge suitable for pedestrians, those in wheelchairs, and pushchairs. Cycles will need to be wheeled over the bridge. Agreement has been reached with BC.

4.90 Although there will be temporary road closures there are alternatives provided. NR is working closely with BC regarding a mutually acceptable start date for the works and a suitable road closure/diversion to Bromham Road, and these will be communicated to the public. NR will work closely with Utility providers to reduce the length of the closure as far as safe and practicable to do so¹⁰⁷.

4.91 Pedestrian access will be maintained at all times along Bromham Road, as will continued functionality for wheelchair, pram, and cycle traffic through the provision of the temporary scaffolding footbridge and its approach ramps. Powered road vehicle traffic and local bus services shall be diverted away from the bridge area over alternative local routes that have been agreed with BC. This will include routing via Ford End Road and also Bedford Western Bypass.

4.92 B) Existing access to the frontage and thresholds of the properties for tenants is not envisaged to be subject to any direct change or unresolvable disturbance during the course of the works.

4.93 NR will ensure that only the minimum amount of car parking land at Bedford Station is lost and for the shortest possible duration. NR has significantly reduced the potential impact on Bedford Station following the Stakeholder Consultation as per the TWA Order rules. Following the consultation, the proposed usage of Bedford Station car park has been amended to reduce the number of car parking spaces affected.

4.94 This has been accomplished using an alternative construction compound south of Bromham Road, adjacent to Ford End Road Bridge. Whilst the overall construction programme would last for 13 months, it is anticipated that the disruption in the car park will only last for around 3 months in total. Network Rail and Govia Thameslink Railway (GTR) have committed to developing and publishing a joint stakeholder and customer Communication Strategy. The strategy will explain exactly what the dates and times and the level of likely disruption and will point out the alternatives to customers. Under the National

¹⁰⁷ Letter to Obj/9 dated 19 September 2018

Station Access Conditions 2013¹⁰⁸ NR is obliged to agree reasonable compensation to cover GTR's reasonable losses.

- 4.95 C) Although the Bovis Homes objection is withdrawn, NR continues to work with the company to deliver route 2. If route 2 can be delivered in a timely fashion and Irthlingborough Road is permanently stopped up, then the Order powers would not be relied upon. Since that cannot currently be assured the Order makes prudent provisions. The re-building of Irthlingborough Bridge has Prior Approval and would not prejudice planned development. The development would have no effects on planned development or commercial property.
- 4.96 D) The land take would be to ensure safety when construction work is taking place regarding the oversailing of cranes. NR has been in discussions with the Guinness Partnership regarding preventing access to the underside of the temporary footbridge for security purposes.

Matter 5: Bromham Road Bridge

- **a) the possible provision of a dedicated cycleway and segregated pedestrian footway;**
 - **b) adequacy of the design of the bridge for all users including wheelchair users and cyclists;**
 - **c) impact on community garden facilities and mature trees;**
 - **d) impacts on Bedford station and future rail development;**
 - **e) impacts of construction work and temporary automotive route on nearby residents and users of the Bromham Road Bridge;**
 - **f) environmental impacts including daylight to residential buildings, noise, vibration and dust.**
- 4.97 a) The scheme is neither remitted nor funded to deliver an enhancement to Bromham Road Bridge. There is no cycleway at present over the bridge. BC as local highway authority has not taken the opportunity that was presented to fund an alternative designed bridge, or to suggest a re-arrangement of the road bed. BC do not object to the road layout. The Council has agreed the detailed proposals for the bridge. It is not possible within the confines of the existing substructure to provide a separate cycleway and pedestrian footway. All of the L2C scheme needs to be implemented to secure the benefits. More details relating to alternatives are provided under matter 2.
- 4.98 b) The southern footway will be widened improving it for pedestrians and wheelchair users.
- 4.99 NR has produced a Diversity Impact Assessment of the bridge in this location, which anticipates the likely effects of the work on the characteristics protected by the Equality Act 2010. It identifies suitable mitigation against any potential negative impacts where possible. This document has informed the proposed design of the new structure, which will comply with current

¹⁰⁸ NR74

highway standards¹⁰⁹. The gradient of the proposed bridge deck aligns with the requirements of the Equality Act 2010 and Highways England's current Design Manual for Roads and Bridges¹¹⁰. The bridge deck has been designed so that there is no need to significantly raise the highway above its present level, nor any need to steepen the highway approach gradients above their present maxima, or any need to widen existing bridge footprint or approach highway embankment beyond the limits of the present bridge related land ownership footprint¹¹¹. The gradient of the bridge will be adequate for pedestrians, wheel chair users and cyclists.

- 4.100 c) The permanent structure will be on the existing structure and will have no permanent effects on the community garden or mature trees. The temporary scaffolding structure will be located within the limits of the existing railway related land boundary to the north of the existing bridge. It is proposed that the boundary treatment will be replaced on a like-for-like basis. A planning condition reserving details of the temporary bridge will adequately protect the plane trees and community garden.
- 4.101 d) There will be no effects on Bedford station, and it will not impede future rail development.
- 4.102 e/f) The bridge span and length of approaches for up to 3m distant from the trackside access will be provided with 1.8m height plywood screening, which can be extended further to run the full length of the footpath approaches at the same height if there is confirmed to be a definite risk of the public being able to look down into adjacent dwellings and private properties in a more intrusive way than is possible from the present highway footpath approaches to the existing bridge. Various mitigation measures have been discussed with The Guinness Partnership with a view to reducing the visual impact of the temporary scaffold bridge on residents.
- 4.103 NR has also agreed to make privacy film available for windows on the south facing elevation of the Guinness Partnership's properties to provide further privacy. Opportunities for anti-social behaviour will be minimised by fencing off the area underneath the scaffold bridge so that it is not accessible to the public, and also through the provision of appropriate secluded area deterrent lighting along the temporary footway.
- 4.104 The conditions proposed in respect of the temporary footbridge and the Code of Construction Practice (CoCP) will adequately mitigate any harm to residents in properties in Granet Close. NR also seeks to enter into an agreement with the Guinness Partnership which would address the provision of screening film within properties, providing a suitable hoarding to the bridge and re-planting the bank between Granet Close and Bromham Road.
- 4.105 The safety of tenants should not be impacted as the works will be fenced off, and not accessible to residents or the public. The amount of space available for recreation will be reduced whilst the works are taking place. However, once the works are completed, the impact will be minor. NR will also look at an appropriate surface treatment (painting) of the outer face of the plywood

¹⁰⁹ Not provided to the Inquiry but not disputed by any party

¹¹⁰ NR28 and NR13 para 11.2.23

¹¹¹ NR/W4.1 para 3.2.11

screening such that it reflects light more readily whilst still providing the privacy required.

4.106 Regarding the control of dust during the works, it is an offence under the Environmental Protection Act 1990 (EPA) to cause nuisance to local neighbours by generating dust. The EPA requires that Best Practicable Means (BPM) must be taken to prevent dust causing a nuisance and it is the duty of the contractor to demonstrate that all reasonable remedial action has been implemented. Below are a list of measures and precautions for the management of dust on construction sites.

4.107 The site will be active for approximately 400 days but for the majority of this time the noise level will be comparable with that of a highway environment. The noise level will be greater between July and September in the lead up and follow on works to the main reconstruction weekend (circa 60 days). However, during the demolition and reconstruction planned to take place during a 54-hour block during August 2019 noise levels will not pose a risk to health and safety of workers or local residents. NR and its contractors will implement BPM to reduce noise pollution during construction, following guidance stated in BS5228 Part 1¹¹². The bridge works would be conducted during core working hours.

4.108 Additionally, NR will continue to work closely with the local authority to manage disruption to the local community and promote engagement through notification letters and the operation of a 24-hour helpline: 03457 11 41 41, for all complaints and enquiries¹¹³.

Matter 6: Changes to the Order and adequacy of notification

- **The purpose and effect of any substantive changes proposed by NR and other interested parties to the draft TWA Order, and whether anyone whose interests are likely to be affected by such changes has been notified.**

4.109 The changes to the Order reduce its scope and therefore there is no need for any notification of the changes. Those parties affected are aware through negotiation of the changes¹¹⁴.

Matter 7: Mitigation measures

- **The measures proposed by NR to mitigate any adverse impacts of the scheme including any protective provisions proposed for inclusion in the draft TWA Order or other measures to safeguard the operations of utility providers or statutory undertakers.**

4.110 It is clear from correspondence that NR are not proposing to move the telecommunications mast near Bromham Road Bridge, but the operation of a crane nearby may intermittently affect the signal. NR will contact Vodafone so that they can either boost the signal or look at alternative ways to divert signals when affected¹¹⁵.

¹¹² NR40

¹¹³ NR/W4.1

¹¹⁴ In answers to Inspector questions to NR at Inquiry

¹¹⁵ Email exchange in Status of objections and representations folder.

4.111 NR will notify Vodafone of any works that may interfere with their signal so that Vodafone can take the appropriate action. The impact will be temporary, and signals can be boosted from other masts.

4.112 Century Link are not affected by the proposals.

4.113 Cadent Gas has withdrawn its objection¹¹⁶.

Matter 8: Case for compulsory acquisition powers

- **Having regard to the criteria for justifying compulsory purchase powers in paragraphs 12 to 15 of the MHCLG Guidance on the “Compulsory purchase process and the Crichel Down Rules for the disposal of surplus land acquired by, or under threat of, compulsion” (published on 29 October 2015)¹¹⁷**
- **a) whether there is a compelling case in the public interest for conferring on NR powers compulsorily to acquire and use land for the purposes of the scheme: and**
- **b) whether the land and rights in land, for which compulsory acquisition powers are sought, are required by NR in order to secure satisfactory implementation of the scheme.**

4.114 The land required permanently or temporarily for the construction of the Order scheme is defined on the amended Works and Land and Rights of Way Plans and sections and Book of Reference.

4.115 Land and property to be acquired will be for:

- Temporary access over land;
- Temporary occupation of land and property;
- Temporary use of land contained within the Order limits for general maintenance works subject to provisions contained in Article 21 of the Order;
- Permanent acquisition of rights over land;
- Permanent acquisition of land and property; and
- Powers to oversail.

4.116 In all cases, land that is required on a temporary basis will be returned to the owner on completion of the Scheme, having been made good or, where otherwise appropriate, reinstated to a specification agreed with the owner or occupier.

4.117 NR also seeks powers within the Order to acquire rights over land. In the case of certain plots, NR has restricted its compulsory powers to acquire rights only for purposes which have been specified in Schedule 4 to the Order, i.e. rights of access for construction and maintenance, for the attachment of equipment to the railway viaduct and the diversion of utility apparatus.

¹¹⁶ Obj/16.3

¹¹⁷ These have been updated in 2018, as referred to earlier in this report

- 4.118 Despite seeking to minimise the land required for the Order scheme, the nature of it requires that land and rights outside the control of NR are required. Powers of compulsory acquisition are required in order to be able to secure the land interests needed for the Order scheme in a timely and efficient manner. These powers would guarantee that should the Order be made, all the land required for the Order scheme can be acquired in a realistic timescale and that no individual landowner can hold up the Order scheme through a refusal to sell or licence its interest.
- 4.119 It would also ensure that no adverse interests prevent the Order scheme being delivered. In practice, it would be impossible to assemble all the necessary land interests in a reasonable timescale without the use of, or possible recourse to such compulsory powers.
- 4.120 Although compulsory purchase powers are required to facilitate the Order scheme, all affected parties who own, lease or occupy land have been contacted by NR with a view to seeking a negotiated agreement for the acquisition, either on a temporary or permanent basis, of their land.
- 4.121 All areas of land and property rights which are sought in the draft Order are necessary for the proposed scheme. No land will be acquired unless essential for the construction, operation and maintenance of the Order scheme. NR seeks to acquire the necessary land and rights by negotiation with the owners and compulsory powers will be used only where it is not possible to reach agreement.
- 4.122 The compulsory acquisition of land for the railway purposes specified in the Order is authorised by, and subject to, the 1992 Act. By enacting the 1992 Act the Government has determined that, subject to procedural safeguards, it can be in the public interest that individuals be deprived of their land for railway purposes.
- 4.123 The procedural safeguards are provided by the 1992 Act and the Transport and Works (Inquiries Procedure) Rules 2004 which enable objections to be raised to compulsory acquisition and considered by an independent inspector. In addition, where land is authorised to be compulsorily purchased by the making of an Order under the 1992 Act, compensation will be payable under the compensation code as applied by that Order. Where disputes as to the amount of compensation arise, these may be referred for independent consideration by the Lands Chamber of the Upper Tribunal.
- 4.124 The Order is being pursued in the public interest, as is required by Article 1 of the First Protocol where compulsory acquisition of property is concerned. The public benefits associated with the Order are set out under matter 1.
- 4.125 The Guinness Partnership has raised concerns that there are no compelling grounds for the acquisition of land and rights in the Property. The Guinness Partnership has stated that there have been no efforts made by NR to explain the extent, timing and duration of the proposed Midland Mainline works. The Guinness Partnership has raised concerns that no efforts have been made to acquire the land and rights required by negotiation and that NR cannot state that the powers of the Order are required on the grounds that it is not possible to acquire by agreement.

4.126 NR has engaged with the Guinness Partnership in order to discuss land requirements to facilitate Bromham Road Bridge reconstruction works and acquiring land by negotiation. Agreement may well be reached.

Matter 9: Proposed Conditions

- **The conditions proposed to be attached to the deemed planning permission for the scheme, if given and in particular whether those conditions satisfy the six tests referred to in Paragraph 55 of the National Planning Policy Framework (the Framework).**
- 4.127 The statement of proposed planning conditions submitted in support of the application¹¹⁸ was subsequently updated following discussion at the Inquiry¹¹⁹. The conditions have been the subject of correspondence with BC who have made representations¹²⁰. NR subsequently made some further amendments taking into account those comments¹²¹.
- 4.128 Discharge of the conditions is subject to the approval of BC. The reasons for the conditions are given and demonstrate that they all comply with the six tests in the Framework.
- 4.129 The planning conditions proposed are consistent with the tests set out in the Framework¹²² paragraph 55 as being necessary, relevant, enforceable, precise and reasonable.
- 4.130 The conditions would impose a time limit to commence the development and require development to be in accordance with the approved plans and documents. Conditions to protect amenity during construction require an approved CoCP and impose controls on core working hours, noise, dust and lighting. Risks from land contamination are addressed.
- 4.131 Two additional conditions which NR propose in relation to the detail of the temporary footbridge and in particular how this will affect the existing protected trees on Spenser Road and the amenity of residents on Granet Close.

Matter 10: NR's proposals for funding the scheme¹²³

- 4.132 None of the objections relate to the funding of the Midland Mainline Programme. The DfT is the promoter and funder for the Midland Mainline Programme. The L2C project is a fully funded scheme with the endorsement of the Secretary of State for Transport at the DfT.
- 4.133 The wider L2C scheme works have an anticipated cost of £ 1,017Bn. The relevant part of the project is referenced in the Enhancements Delivery Plan September 2018 for CP5¹²⁴. It is part of the Electric Spine projects.

¹¹⁸ NR09

¹¹⁹ NR/PI.18

¹²⁰ NR PI.23 and letter dated 7 February 2019 on Inquiry web site

¹²¹ NR/PI.29

¹²² NR32

¹²³ Mainly in NR06, NR07 and NR14

¹²⁴ NR26

- 4.134 It was subject to re-evaluation by the Hendy Review in 2015¹²⁵ who advised the then Secretary of State that the capacity and journey time improvement schemes had not been paused and advised that the first step was to electrify the line north of Bedford to Kettering and Corby. The single Department Plan confirmed the DfT's intent to implement the MMLP¹²⁶. The Secretary of State for Transport approved the Full Business case for the project in September 2017 and NR Board has approved the final investment decision. The project is fully funded.
- 4.135 With authorised funds to cover capital costs and compensation and land acquisition, the costs associated with the Order scheme being a smaller sum of approximately £5,127,281 for the Bromham Road Bridge works within the total figure¹²⁷.
- 4.136 The project (capital cost inclusive of any compensation) will be fully funded.
- 4.137 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 Government¹²⁸.

Matter 11: Whether the Statutory procedural requirements have been complied with

- 4.138 Consultations on the scheme began in 2013 before the final scheme was drawn up¹²⁹.
- 4.139 NR confirmed that it had complied with all necessary statutory formalities in respect of the Order, as detailed in the statutory procedures folder submitted at the Inquiry¹³⁰. A separate report summarising the consultations undertaken was submitted under rule 10(2)(d)¹³¹. It is also detailed in evidence¹³².
- 4.140 Affected landowners and tenants, adjacent land owners along with utilities companies and relevant local Councils all received bespoke letters as necessary.
- 4.141 Furthermore, NR submitted at Inquiry details of the status of objections and correspondence with objectors¹³³. There was a response dated 19 September 2018 to Mr Nicholls (Obj/11) in respect of the level of consultation regarding Bromham Road Bridge. This detailed the following.

¹²⁵ NR27

¹²⁶ NR63

¹²⁷ NR07

¹²⁸ NR/W3.1 10.3

¹²⁹ NR/W1.1 section 10

¹³⁰ NR/PI.6

¹³¹ NR05

¹³² NR/W1.1 section 10

¹³³ NR/PI.16 and in a separate folder

- 4.142 A draft consultation strategy was shared with BC. Bedford Central Library confirmed receipt of the documentation and that it had been made available to the public. Locations and availability of documents had been publicised in locally circulating newspapers. Public living within a 2-mile radius of Bromham Road Bridge received flyers about a public event on 20 April 2018 at Bedford Corn Exchange. This was also publicised in local newspapers with a combined circulation of 136,000 people.
- 4.143 A second consultation event at the Park Inn was held on 24 May 2018. About 350 people attended the event and there were 399 responses in writing from members of the public. There were various ways to make comments including online and freepost cards and by telephone. The helpline ensures standardisation. Staff will be briefed on Bromham Road when necessary. It is not anticipated that complaints about lack of notification about piling activities will be replicated.
- 4.144 Negotiations continue with affected landowners as NR is seeking to reach agreement before using CPO powers.

Matter 12: Any other matters raised

- 4.145 As part of the withdrawn objection from Bovis Homes, reference is made to the Upper Nene Valley Site of Special Scientific Interest (SSSI), Special Protection Area (SPA) and Ramsar Site. For completeness, a letter from Natural England (NE) dated 8 October 2018 was supplied by NR at the Inquiry confirming NE assent to the works¹³⁴.

Conclusion

- 4.146 There is a compelling case for the Order to ensure the timely delivery of the very significant benefits of the L2C scheme.

5. CASE FOR THE OBJECTORS

The main points of the Objector appearing at the Inquiry

CCNB (OBJ/15)

- 5.1 CCNB has been promoting cycling and campaigning for cycle infrastructure in the Bedford area since 1992. CCNB comments focus on Matters 3 and 5.
- 5.2 CCNB has not been party to any alternative options considered but gave details of some interest in providing a dual use cycle/pedestrian path across the bridge and an underpass to the station car park in the late 1990s by the former Bedfordshire County Council. CCNB has had quarterly meetings with BC between 2014 and 2018 and it was not until just before the public consultation on 20 April 2018 that a plan for the Bromham Road Bridge was first seen.

Matter 3:

- 5.3 All the policies indicate that sustainable transport, cycling and walking, must be considered and incorporated in all new or modified transport schemes.

¹³⁴ NR/PI.7

- 5.4 At the heart of the Framework revised in July 2018 is a presumption in favour of sustainable development and one promising aspect of the document, is section (Section 9) on Promoting Sustainable Transport¹³⁵. The policy on assessing the transport impact of proposals now refers to highway safety as well as capacity and congestion in order to make it clear that designs are expected to prioritise pedestrian and cycle movements, followed by access to high quality public transport (so far as possible) as well as to reflect the importance of creating well-designed places.
- 5.5 Paragraph 102 states that transport issues should be considered from the earliest stages of plan making and development proposals, so that opportunities to promote walking, cycling and public transport use are identified and pursued. Paragraph 104 states that planning policies should provide for high quality walking and cycling networks and supporting facilities such as cycle parking, drawing on local cycling and walking infrastructure plans.
- 5.6 Paragraph 106 identifies that in town centres measures should be taken to promote accessibility for pedestrians and cyclists. Paragraph 110 says that applications for development should give priority first to pedestrian and cycle movements; address the needs of people with disabilities in relation to all modes of transport; and create places that are safe, secure and attractive- which minimise the scope for conflicts between pedestrians, cyclists and vehicles.
- 5.7 The NPS states the need to reduce congestion through the use of sustainable transport, buses, cycling and walking. The scheme falls outside the threshold of the NPS, but paragraph 2.16 states that traffic congestion constrains the economy and impacts negatively on quality of life. Para 2.21 states that across government policies are being implemented and considered which encourage sustainable transport, significant improvements to rail capacity and quality, cycling and walking. Paragraphs 3.2, 3.15, 3.16, and 3.17 expect applicants to make reasonable endeavours to address the needs of cyclists and pedestrians in the design of new schemes and to correct historic problems where it has been a barrier and retrofitting the latest solutions to make routes easier and safer for cyclists.
- 5.8 Cycling and Walking Investment Strategy, DfT 2017¹³⁶ outlined the Government's ambition to make cycling and walking a natural choice for shorter journeys, or part of a longer journey. Without safe cycling infrastructure across the bridge this will be harder to achieve.
- 5.9 Bedford Core Strategy- a key objective in paragraph 3.10 is to support the delivery of coordinated transport improvements with the emphasis on non-car modes, improving east-west communications and achieving greater transport interchange.
- 5.10 Bedford Allocations and Designations Local Plan- paragraph 12.1 the Council aims to achieve a comprehensive cycle network including radial routes into Bedford, routes across the urban area north-south and east-west in order to

¹³⁵ See paragraph 1.11 regarding revised Framework

¹³⁶ NR85

encourage a greater number of cycle trips. Policy AD39 promotes cycle routes including those shown on the policies map. Rail crossings will include provision for cyclists where appropriate. The background paper to the plan¹³⁷ identifies Bromham Road Railway bridge as a major barrier for children cycling from Brickhill to Biddenham Upper School. It also suggests possible links with Bedford Rail Station re-development, with a possible underpass from Spenser Road to the station and dropped kerb to Spenser Road. It specifies that a Toucan crossing was planned as part of Land North of Bromham Road development at Ashburnham/Shakespeare Road.

- 5.11 Bedford Town Centre Area Action Plan seeks in paragraph 3.2 improved facilities for pedestrians and cyclists. Where highway capacity can be increased, priority should be given to modes other than private cars.
- 5.12 Bedford Local Plan 2030 one of its objectives seeks to reduce congestion by making public transport, walking and cycling more attractive.
- 5.13 Bedford LTP sets a vision for Transport for Bedford where walking, cycling and public transport are the natural choices for travel for the majority of journeys.
- 5.14 There are plans for alterations to the junction of Shakespeare Road with Ashburnham Road. This would provide signalling to replace the double mini roundabout. To link the off road dual use cycle pedestrian path from Bromham to the road cycle lanes into the town centre would give a direct safe route to the railway station, potentially via a redeveloped station car park¹³⁸.
- 5.15 Getting people more active requires schemes to explicitly consider both pedestrians and cyclists first.

Matter 5

- 5.16 CCNB objects to the absence of a dual use cycle/ pedestrian path across the Bromham Road Bridge on the north side. CCNB has no objection to the rebuild of the bridge, only to the absence of a dual use cycle/pedestrian path across the bridge on the north side. The north footpath would be almost the same width as at present which is insufficient for a dual use cycle/pedestrian path.
- 5.17 Bedford has always been a town of cyclists. The town is still in the top quartile of cities and towns in the UK with more than 5.5m cycling trips a year. Bedford Railway station has seen an 89% increase in cycling between the summer of 2006 and summer 2018. Cyclists represent about 10% of all commuters to the station.
- 5.18 In answer to Inspector's question about quantifying the use of Bromham Road Bridge by cyclists, details of a survey from 2010 were provided showing the details of the use of Bromham Road Bridge by cyclists and pedestrians. This includes details of cycling on the footway which predominantly takes

¹³⁷ NR87

¹³⁸ Not provided, but not disputed by NR

place on the northern footway where it links to the shared pedestrian cycleway to the west¹³⁹.

5.19 The bridge is a gap on Bedford Cycle Network (BCN) No 4 from Stagsden to Bedford town centre via Bromham to Biddenham. This route is part of an extensive network of 27 radial routes focussed on the town centre and two orbital routes all based on safe off-road dual use paths, cycle tracks and quiet road/on road cycle lane routes. The lack of a cycle lane across Bromham Road Bridge acts as a divide for cyclists between growing residential areas to the west and the railway station and town centre to the east. It has several hundred cyclists every day including children to and from Biddenham Upper school and commuters to and from the railway station. Because it is narrow and there is an incline on both sides, and used by HGVs and buses using the carriageway, especially by young and inexperienced cyclists is hazardous. As a result, more than half of cyclists ride across illegally on the narrow pavement.

5.20 BC is to signal the double mini- roundabout at the Bromham Road/ Shakespeare Road/Ashburnham Road junction after the Bromham Road Bridge works are completed. It is expected that this will link the off -road dual use cycle pedestrian path from Bromham to the on-road cycle lanes into the town centre and in future to give a direct safe route to the railway station via a redeveloped station car park.

5.21 For a two-way dual use cycle/pedestrian path on the north side, Department for Transport Shared Use Routes for Pedestrians and Cyclists (LTN 1/12)¹⁴⁰ under paragraph 7.34 recommends a preferred minimum effective width of 3.0 metres where the route is not bounded by a vertical feature. As the parapet height of the proposed bridge is 1.85 metres minimum, under paragraph 7.46 of the same document 0.50 metres must be added to give a total minimum width of 3.5 metres. 3.5m is the required width for shared routes for pedestrians and cyclists where bounded by a vertical feature above 600mm¹⁴¹.

5.22 For the gradient, Department for Transport Cycle Infrastructure Design (LTN 2/08)¹⁴² under paragraph 8.7.2 recommends a maximum gradient of 3 per cent but this can rise to 5 per cent over a distance of up to 100 metres. A gradient of 5 per cent is usually taken as the standard for the design of footpaths for manual wheelchair users.

5.23 Three possibilities are:

- i) re-assignment of the proposed road bed from 2.0/7.2/2.0 metres to 1.5/6.3/3.5 metres with a 20mph speed limit and HGV ban except for access¹⁴³; This is possible since the road has been down-graded to the A4280 in December 2009 with the opening of the Bedford Western Bypass.
- ii) building a 1.0-metre-wide cantilever on the north side of each pier to give, for example, a road bed width of 2.0/6.7/3.5 metres;

¹³⁹ Obj 15.6

¹⁴⁰ OBJ/15.2c

¹⁴¹ NR86 para 7.46

¹⁴² OBJ/15.2d

¹⁴³ OBJ/15.2e

- iii) building a 0.50-0.75-metre-wide cantilever on both the north and south sides of each pier to give, for example, a road bed width of 2.0/6.7-7.2/3.5 metres.
- 5.24 The extra width in (ii) above is only required on the north side and would not affect the existing approach road alignment. Only a slight road alignment is required to give the extra width in (iii) above. Plans of the proposed bridge show there is adequate room for extra width on each side of the bridge.
- 5.25 CCNB believes a few days extra construction time on top of the expected construction time of 13 months (including 6 months bridge closure) is insignificant when building a 'fit for all users' bridge which would be expected to last at least 100 years. The construction of a wider bridge would have significantly less impact than the construction of a separate bridge on the community garden and plane trees. It would have no more impact on Bedford Station and future rail development than the NR scheme.
- 5.26 CCNB is grateful to the Mayor of Bedford for proposing to build a separate cycle/ pedestrian bridge on the north side at an estimated cost of £3 million, the scheme being added to the Borough's 2019/2020 Capital Programme¹⁴⁴. For this to be installed it will require a strip of land parallel to the existing bridge estimated by CCNB at around 5.5 metres wide (4.5 metres for the bridge to give a 4.0 metres minimum width for the cycleway with a 1 metre separation from the main bridge).
- 5.27 Extra permanent land would be required and the nearby presence of five protected London plane trees within a community garden may be a problem for planning approval. Also, there would be an adverse impact on residents in Granet Close due to overlooking and loss of daylight. A separate bridge would adversely affect the character and appearance of the area.
- 5.28 There have been two previous attempts over the last 19 years to build a separate cycle bridge but funding and, in one case, planning permission has not been available. This is why the proposed rebuild of the bridge is a 'once in a lifetime' opportunity to have a cycle path included for the reasons cited in this document.
- 5.29 There are concerns regarding the access of cyclists across the temporary bridge - will tricycles, tandems and bikes with child trailers, etc be able to cross? No details have been given apart from the fact that cyclists will have to walk across with their bicycles.
- 5.30 A dual use cycle/pedestrian path across the bridge would have no more impact on Bedford Railway station and future railway development than what is being proposed.
- 5.31 The design of the proposed bridge is unacceptable because it does not make adequate provision for cyclists.

Main points made in written objections

John Huckle (Obj/1)

¹⁴⁴ Details not provided, but not disputed by NR

5.32 He objects to the rebuilding of Bromham Road Bridge without the provision of a 3m or wider cycle pedestrian path on the north side of the bridge. It provides a main access to town for walking and cycling school pupils attending Biddenham School and residents of Biddenham, Bromham and new estates being built inside the new by-pass. A once in a lifetime opportunity would be missed.

Lloyd Wilson (Obj/2)

5.33 He objects to the rebuilding of Bromham Road Bridge without the provision of a 3m or wider cycle pedestrian path on the north side of the bridge. He frequently travels to Bedford, always by bicycle. There is cycle path provision up to the Bromham Road Bridge and the other side into town. A new bridge without provision will create a hazardous situation and make a mockery of the provision already in place.

Mark Spurgeon (Obj/3)

5.34 He objects because there is no provision of a 3m or wider cycle pedestrian path on the north side of the bridge. Also, he is concerned about the high level of disruption to residents of Bedford, with no timescales and the potential for 7 months of disruption. Craning a pre-built structure should be considered to minimise disruption.

Guinness Partnership (Obj/8)-Statutory objector

5.35 This objection relates to temporary use of land for plot 110; temporary use of airspace, plot no 112; and acquire land and rights in land compulsorily, to use land and to extinguish rights over land and to impose restrictive covenants for plots 113 to 115.

5.36 Guinness Partnership has raised concerns that there are no compelling grounds for the acquisition of land and rights in the property. They have stated that there have been no efforts made by NR to explain the extent, timing and duration of the proposed Midland Mainline works.

5.37 They raised concerns that no efforts have been made to acquire the land and rights required by negotiation and that NR cannot state that the powers of the Order are required on the grounds that it is not possible to acquire by agreement.

5.38 The Guinness Partnership have concerns that the proposed scaffolded bridge is likely to result in the retained land being overlooked by pedestrians and will also create a secluded area beneath the platform which may attract trespassers and anti-social behaviour unless it is concealed.

5.39 The Guinness Partnership has raised concerns that the full extent of any adverse impact on the property and its customers resulting from the acquisition of the property is currently unknown. They have stated that the level of daylight into the units will be reduced and may result in a requirement to re-house tenants who suffer from anxiety/mental health issues.

5.40 The Guinness Partnership raised concerns that there will be interference caused to their tenants by way of noise, dust, vibration and other matters.

The Guinness Partnership has stated that it is a registered provider of social housing and their website states that: "Customer Service at Guinness is all about treating customers with respect, showing that we value them, keeping them informed, keeping our promises and responding quickly when things go wrong." As such The Guinness Partnership have requested regular updates be provided by NR and advance notification of any notices or correspondence being served by NR on its tenants so that the tenants can be briefed on the implications in advance of the communication being released.

- 5.41 The Guinness Partnership have raised concerns that many of their tenants in Blocks 1 to 3 have between one and two children who use the communal area between the blocks for play and the children's ability to use the space for recreation during and after the works, as well as their safety, will be impacted.
- 5.42 The Guinness Partnership has stated that no information on proposed boundary treatments has been provided and that currently Plots 111 to 113 is shrubbed banked verge which acts as a divide between the public footpath and the communal area.
- 5.43 They have raised concerns that the noise levels from the A4280 Bromham Road will increase as a result of the works and tenant privacy will also be compromised. The Guinness Partnership have stated there will be traffic disruption during the works which will cause their tenants to suffer inconvenience during the morning and afternoon "rush-hour" traffic.
- 5.44 The Guinness Partnership has stated that NR has not demonstrated how vehicular access to the retained land will be affected during the works and that no proposals have been tabled to mitigate the impact of the Bromham Bridge works on their tenants.

N Ben Foley (Obj/9)

- 5.45 Work will cause excessive disruption, closing an A road with 7 months partial closure of the road and 6 months full closure. He considers that knocking the bridge down and completely rebuilding would cause less disruption.
- 5.46 Provision is not made to allow a cycleway and a footpath under the bridge to allow a safe and easy way to cross Bromham Road when high numbers of people have to cross to get to and from the station.
- 5.47 By doing only a partial re-build it would be getting in the way of long-term planning made by Railtrack 20 years ago to allow fast trains to use both sides, giving a new platform 5.
- 5.48 Commuters will be sent around the back roads whilst work is going on, including the Queens Park district and Ford End Bridge. There will be worse than usual traffic jams because of the diversions and loss of car parking spaces at the station.
- 5.49 There will be an increased height and gradient of the bridge. As a wheelchair user who already uses the bridge, he knows the effort required to cross it at present which is beyond all but the most fit users. The new bridge will be a barrier to users and create danger as speed declines near the summit.

5.50 The works will result in a worse rail service because trains between Bedford and Leicester/Nottingham will be completely or largely withdrawn. None of the consultation for such a large change has taken place.

5.51 A single span bridge would make future improvements to the railway easier.

Ian Nicholls (Obj/11)

5.52 NR failed to consult properly because plans were not in the Central library as advertised. No public notices were displayed to the north of Bromham Road or to the west of the railway. Papers are not delivered in many areas including Sidney Road. Residents were therefore reliant on leaflet drops. The helpline has proved frustrating and deliberately obstructive and cannot provide fast and accurate information. A specific dedicated helpline is suggested. The timing and location of public meetings and publicity for them was inadequate.

5.53 The limited width of the new bridge will not correct the problem of cyclists using the pavement. The new bridge will limit improvements to the station in terms of platform development and new types of railway stock that are being developed. The temporary footbridge does not include enough protection from pavement cyclists which are likely to increase during the road closure.

5.54 Spenser Court to Chaucer Road will be subject to temporary roadworks. This will limit urgent access. Mature trees must be protected from removal and accidental damage.

Govia Thameslink Railway (GTR)(Obj/12)- Statutory Objector

5.55 GTR have raised a concern about where the displaced customers' cars are going to park. GTR has concerns that customers will chose to park in the streets surrounding the railway station which is not in the centre of Bedford and is largely residential. Neighbouring stations do not have capacity to take the additional vehicles. GTR has raised a concern that there will be significantly insufficient space for current users of the car park which will create competition for spaces with many customers unable to secure one.

5.56 The significant timetable changes and East Midlands Trains announcement to stop calling in the peak at Bedford, has already caused the industry to upset a number of its customers. GTR has stated that they derive considerable income from the car park at Bedford Station and have estimated the cost as £2,000+ per parking bay loss per year. They have stated that no discussions have taken place before the Order was submitted.

Cllr Colleen Atkins (Obj/13)

5.57 Cllr Atkins is concerned about the community garden and wants to ensure that the 150-year-old plane trees are protected, and the community garden preserved as the area has no green space. The works will not give any great improvement for cyclists and pedestrians crossing the bridge. There will be disruption to Bedford with no benefit. Intercity trains have been lost that should be re-instated.

Steve Floyd (Obj/14)

5.58 Mr Floyd objects unless there is provision of a 3m or wider cycle pedestrian path on the north side of the bridge. Currently cyclists share the road space on a single carriageway which is on the brow of the incline and bend which will be worse if the slope of the bridge has to be increased to clear the overhead wires.

6. WRITTEN REPRESENTATIONS

Vodafone Ltd (REP/1)

6.1 There is a telecoms mast within the station car park for which diversionary works may be required.

Century Link (REP/4)

6.2 Century Link has installed fibre optic cables within the concrete trough running next to train lines throughout the UK. They do not object to the works but give advice as to requirements if work is proposed close to an asset or if an asset needs to be moved. They are not affected.

7. REBUTTALS BY NETWORK RAIL

7.1 A separate rebuttal has been produced in response to the statement of CCNB¹⁴⁵. The new superstructure has been designed to accommodate as much additional footprint as possible without going outside the existing footprint of the substructure. The likelihood is that even if complete demolition could be avoided to achieve a wider superstructure, extensive redesign of the highway infrastructure and substructure works would be required that would cause substantial additional work and costs and subsequent disruption.

7.2 NR has written to each objector to answer their objections. Their comments are reflected in the NR case previously given¹⁴⁶.

8. INSPECTOR'S CONCLUSIONS

References to earlier paragraphs in this Report are in square brackets []

8.1 The proposed TWA Order and the application for deemed planning permission are interlinked and therefore I will deal with them jointly in addressing the matters about which the Secretary of State particularly wishes to be informed.

8.2 There is little objection to the Order as revised generally and the Inquiry focussed mainly on the works at Bromham Road Bridge, comprising works to the bridge itself and the temporary footbridge.

The proposed Order and the application for deemed planning permission

Matter 1: the aims and need for the proposed Order scheme [4.1-4.24]

8.3 Consideration of the scheme has to be set within the context of the aims and need for the wider L2C scheme which has been thoroughly re-examined in the Hendy Report. The scheme has the support of the Government as set out in the HLOS for CP5.

¹⁴⁵ NR/W4.3

¹⁴⁶ Provided in a separate folder

- 8.4 NR has set out in detail within its evidence why the Order scheme is needed and so I shall not repeat much of that uncontested evidence. The scheme would deliver a material increase in capacity on the Midland Mainline between London and Corby, one of the most crowded parts of the network. There is significant public interest to the delivery of the scheme. The L2C project contributes to the overall MML improvement programme.
- 8.5 Much of the L2C project is being delivered without the need for the Order as much of it falls within railway land. That the works in the Order are relatively modest does not detract from the importance of the delivery of the project and its substantial public benefits.
- 8.6 The works to Bromham Road Bridge would allow for the accommodation of electrified lines, without which the electrification would not be possible.
- 8.7 NR has already demolished Irthlingborough Road Bridge. To re-instate that bridge on a raised realignment to allow for OLE would require the land and rights from third parties, including on a temporary basis. This work will only be required if the alternative bridge does not go ahead in a timely fashion.
- 8.8 OLE apparatus is also required to be attached to viaducts at Sharnbrook, Irchester and Harpers Brook.
- 8.9 The scheme will be achieved by enabling the works, including the main elements identified earlier in this report.
- 8.10 There have been no challenges to the aims and need for the L2C scheme and, in the interests of brevity, there is nothing within the evidence from NR or others which I have summarised earlier that causes reason for concern that the Order scheme is not justified. For all the reasons that NR has given there is a pressing need to upgrade and deliver the proposed additional capacity on the MML.
- 8.11 Overall, the need for the Order scheme has been demonstrated convincingly. The stated objectives are sound. The main elements of the proposed scheme would meet the objectives.

Matter 2: Main alternative options considered and the reasons for choosing the proposals comprised in the scheme [4.25-4.47]

- 8.12 In respect of Bromham Road Bridge, NR engaged with BC at an appropriate time. BC were given the opportunity to fund an alternative bridge with provision for a cycle path. NR cannot make that provision because it is not remitted or funded to provide such an improvement. BC was not represented at the Inquiry, but I have no reason to conclude that NR evidence in respect of the opportunity given to BC to fund a bridge with cycle/ pedestrian facilities is factually incorrect.
- 8.13 For whatever reason BC did not progress the Design Services Agreement that was jointly being prepared. That would have allowed NR to design an improved bridge for BC. The Council has now entered into an agreement with NR to explore options for a separate bridge for pedestrians and cyclists, and NR will help with design costs. This accords with the evidence given by CCNB that such an alternative scheme is being funded by BC.

- 8.14 BC as LPA and Highway authority has not objected to the design of the scheme without cycle path provision. Clear reasons have been given as to why the proposals comprised in the scheme have been chosen. There was insufficient space to accommodate the OLE without partly rebuilding the bridge. Lowering the track was ruled out for various reasons. A twin span flat deck reconstruction was also ruled out for design reasons. These reflect technical design and funding constraints.
- 8.15 The design of the temporary bridge at Bromham Road would be reserved for future approval. Details have yet to be finalised. As such it demonstrates that NR is active in considering alternatives to the design which will satisfy BC as both LPA and as Highway Authority.
- 8.16 Irthlingborough Road Bridge proposals will only be carried out if the alternative bridge is not implemented and a permanent closure agreed to the current route. Negotiations were continuing with Bovis and had Bovis not been satisfied, they would not have withdrawn their objection. The success of negotiations demonstrate that alternatives have not been ignored.
- 8.17 In respect of Bedford Road Station car parking, the amount of space required and the period that it would be needed for has been reduced significantly in the scheme. Again, this demonstrates that there has been flexibility by NR.
- 8.18 The applicant has considered alternatives in developing the design of the scheme.

Matter 3: The extent to which the proposals are consistent with policy [4.48-4.88, 5.3-5.15]

- 8.19 National and local policy is set out earlier by the main parties who appeared at the Inquiry and so I shall not repeat it. The Order scheme itself, considered as an integral element of the wider scheme, is fully supported by national transport policy, and the Framework that is directed at promoting the achievement of sustainable development and the delivery of necessary enabling infrastructure. It promotes sustainable transport. There is no doubt that the L2C scheme provides for sustainable transport.
- 8.20 Turning to the development plan, the electrification of the route north of Bedford and improved railway services are supported by Bedford Local Plan saved policy T9. The Core Strategy also supports transport improvements and linkages, with a connection in policy CP28 to Local Transport Plan LTP2. That has been superseded by Local Transport Plan LTP3 which supports improvements in line speeds and capacity on the Midland Mainline.
- 8.21 The desirability of promoting cycling and associated infrastructure including routes is not in question. This is also supported by the Government and development plan policies. In respect of Bromham Road Bridge, whilst both national and local planning policy and the relevant LTP promote cycling, including incorporating infrastructure, they also promote other forms of sustainable transport -walking and public transport, which includes rail travel.
- 8.22 It is recognised that the Bromham Road Bridge would not make provision for a dedicated cyclist/pedestrian lane to link to that to the west. That would be in conflict with Allocations and Designations Local Plan policy AD39 which,

amongst other matters indicates that rail crossings will include the provision for cyclists.

- 8.23 One obvious opportunity would be lost to improve the cycle connectivity from the shared pedestrian cycleway on the other side of Beverley Crescent, across the bridge on the northside and connecting to on-road cycle lanes to the east. That would, on the face of it, be inconsistent with policy AD39.
- 8.24 Nonetheless, this is specified as being, "where appropriate". NR has made reasonable endeavours to address the needs of cyclists and pedestrians in its actions in preparing the scheme and negotiations with BC.
- 8.25 Also, it is clear that this is not the only way that connectivity might be improved since BC is actively pursuing an alternative via a specific bridge. For that to have been put into the Council's capital budget, and I have no reason to question the evidence of CCNB, there must be some prospect of it being achieved. In the light of there being no objection from BC, I conclude that the conflict with AD39 is not fatal, because the scheme needs to be considered in the light of the development plan as a whole and material considerations which may indicate otherwise.
- 8.26 In respect of Irthlingborough Bridge on the basis of the withdrawal of the objection from Bovis, there is nothing to suggest that part of the scheme would not comply with national and local policy.
- 8.27 No other inconsistencies with policy are identified.

Matter 4: Impact on land owners, tenants and statutory undertakers [4.89-4.96]

- 8.28 The statement of matters was prepared before the Order was amended, which resulted in several of the objections falling away. This limits the need to go into great detail on this matter. The only business adversely affected now is Govia, who may well withdraw their objection. NR have negotiations in hand and will limit disruption and land take within Bedford Station car park as far as possible. There is no effect on other planned development alleged.
- 8.29 Temporary rights of way closures will result in traffic diversions to avoid Bromham Road Bridge, but these will be subject to agreement with BC. Pedestrians and cyclists will be catered for by the temporary bridge.
- 8.30 Access and servicing arrangements to properties and parking arrangements for property occupiers are not envisaged to be subject to direct change. Parking provision reduction at the station will be the minimum possible for the shortest time possible.
- 8.31 Bovis has withdrawn its objections in respect of Irthlingborough Bridge and there would be no adverse effect on their planned development.
- 8.32 Safety and security are fundamental to the need for the Order since some land is required for oversailing cranes. The design and location of the temporary Bromham Road Bridge would be subject to later approval and so security and safety matters relating to properties in Granet Close can be addressed at that stage.

Matter 5: Bromham Road Bridge [4.97-4.108, 5.1-5.2, 5.16-5.34, 5.45, 5.46, 5.48, 5.49, 5.53, 5.54, 5.57, 5.58, 7.1]

- 8.33 CCNB and other objectors would wish there to be a dedicated cycleway and pedestrian footway on the north side of the bridge. NR has considered and given adequate opportunity to BC to provide a dedicated cycleway and segregated pedestrian footway. The scheme within the Order does not make that provision because NR is not the appropriate body to make that provision. It appears that BC are intending to make alternative provision for cyclists.
- 8.34 The bridge as designed would not be worse for cyclists or wheelchair users. The gradient would not be unsuitable, and the bridge would not be unsatisfactory since it would meet adopted standards. Indeed, footway provision for pedestrians on the south side would be improved and so, whilst in no way condoning it, if unauthorised cycling took place by children or others, there would be less conflict with pedestrians and more space for wheelchair users. The roadway width would also be very slightly wider.
- 8.35 Any impact on planting in the community garden will be temporary. The London plane trees would not be affected by the permanent structure. The temporary bridge would be subject to subsequent approval which will control any works to the plane trees.
- 8.36 There are no impacts on Bedford Station and future rail development.
- 8.37 During construction work road traffic would be diverted and so residents in Bromham Road and streets near to the bridge would be relieved of that traffic noise, whilst those on the routes where traffic would be diverted would have greater noise and disturbance from traffic. NR is in discussion with BC, and as Highway Authority, will be aware of the best routes. These would be temporary effects.
- 8.38 NR has outlined the steps that would be taken to control environmental impacts to nearby residents, including those in Granet Close. The bridge works would be conducted during core working hours. Mitigation works, some agreed with landowners, control of details of the temporary footbridge, and the implementation of a CoCP controlled by a planning condition, and the control of other legislation regarding dust, would all serve to adequately control the environmental impacts of the scheme.

Matter 6: Changes to the Order and adequacy of notification [4.109]

- 8.39 The changes to the draft Order all reduce its scope. Consequently, there are no parties who would be affected by those changes.

Matter 7: Mitigation measures [4.110-4.113, 5.35-5.44]

- 8.40 NR has comprehensively detailed the mitigation measures under negotiation with the Guinness Partnership in respect of properties in Granet Close. Those will assist in controlling adverse impacts from the construction works dealt with under matter 5.
- 8.41 Adequate notice to Vodafone would enable the company to boost the signal or take other action to address any potential impact to the signal from a mast in the station car park.

8.42 Other utility providers and statutory undertakers would not be adversely affected.

Matter 8: Case for compulsory acquisition powers [4.114-4.126]

8.43 All areas of land and property rights which are sought in the draft Order are necessary for the proposed scheme. No land will be acquired unless essential for the construction, operation and maintenance of the Order scheme. NR seeks to acquire the necessary land and rights by negotiation with the owners and compulsory powers will be used only where it is not possible to reach agreement. Land required on a temporary basis will be returned to the owners after the works have taken place.

8.44 In conclusion, there is a compelling case in the public interest for the compulsory acquisition and use of land for the purposes of the Order scheme. The land and rights specified are required in order to secure satisfactory implementation of the scheme.

Matter 9: Proposed Conditions ¹⁴⁷[4.127-4.131]

8.45 The initial list of planning conditions was revised. They were then further amended in light of the discussion at the Inquiry.

8.46 The LPA were not represented at the Inquiry but sent a response to the earlier suggested conditions by letter dated 7 February 2019. As this was received just as the Inquiry was closing, I allowed NR the opportunity to submit comments in writing. Further revisions were suggested to the wording of condition 5. The final reasons for the conditions, linked to the relevant development plan policy are detailed in appendix 2.

8.47 In condition 1 the time period is the standard three-year period set by legislation. Although NR originally suggested 5 years, they are satisfied that 3 years will be sufficient in this instance given the limited scope of the Order and the pressing nature of the works.

8.48 Condition 2 controls the nature of the development satisfactorily. Approval of details of materials and finishes in condition 3 are required in the interests of the character and appearance of the area. I consider that the condition should include the words "in writing" in the interests of certainty.

8.49 BC were concerned that the CoCP would raise public expectations of what could realistically be achieved during construction. I understand that this condition has been applied in other cases. I am satisfied that the condition is reasonable and necessary given the scale and nature of the works at Bromham Road Bridge, the diversion of traffic and the close proximity of residential properties to the bridge. No details were given of specific powers that would be duplicated.

8.50 There are no details for approval of the temporary footbridge, but it is anticipated to be located close to residential properties in Granet Close. Also, there are three London plane trees between Bromham Road and Spenser Road/Chaucer Road. These would be in close proximity to the anticipated location of the footbridge. In order to protect living conditions and the health

¹⁴⁷ represents the final draft list as amended by letter dated 18 February 2019

and visual amenity of the trees, the condition is necessary. I consider that there is a reasonable prospect of a satisfactory design being formulated by NR.

8.51 I conclude that the conditions would be necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Therefore, they would accord with the six tests in paragraph 55 of the Framework and referred to in Planning Practice Guidance. The resulting planning conditions and the reasons for them are set out in Appendix 2.

Matter 10: Funding [4.132-4.137]

8.52 The expectation is that the applicant should be able to demonstrate that the proposals are capable of being financed in the way proposed.

8.53 The funding is secure, being promoted and funded by the DfT. On the basis of the information from NR the Order scheme as part of the Wider scheme is a priority and a key element in upgrading. I conclude that there is a high degree of certainty of funds being available to the project and that the test is met.

Matter 11: Statutory procedural requirements [4.138-4.144, 5.52, 7.2]

8.54 The available evidence indicates that NR has complied with all necessary statutory requirements.

Matter 10: Any additional matters [4.145]

8.55 NE assent to part of the works satisfies concerns in respect of the Upper Nene Valley SSSI, SPA and Ramsar Site.

Overall Conclusions

8.56 The Order scheme, as modified, is justified in order to achieve the electrification of this part of the MML, providing the benefits set out by NR. It is consistent with the thrust of Government policy, the relevant development plans, when considered as a whole, and national planning policy set out in the Framework. There is support from Bedford LTP3.

8.57 The Order scheme is justified on its merits and there is a compelling case in the public interest for making it. Temporary adverse effects would be adequately mitigated by measures agreed with landowners and by planning conditions.

8.58 Funding is available for the scheme, no impediments to its implementation have been identified and there is every likelihood of it going ahead without delay. Therefore, I conclude that the Order should be made.

8.59 For similar reasons, deemed planning permission should be granted for the development that would be authorised by the Order, subject to the conditions set out in Appendix 2.

9. RECOMMENDATIONS

9.1 I recommend that:

- a) The Network Rail (London to Corby) (Land Acquisition and Bridge Works) Order 201[], as modified, be made.

- b) A Direction be made granting deemed planning permission for the works authorised by the Order, subject to the planning conditions set out in Appendix 2.

Julia Gregory
Inspector

APPENDIX 1: APPEARANCES

FOR THE APPLICANT NETWORK RAIL

| | |
|------------------|--|
| Richard Turney | of Counsel, instructed by Winckworth Sherwood Solicitors |
| He called | |
| Edward Akers | Senior Sponsor, NR |
| Dave Butterworth | Project Delivery Engineering Manager, NR |
| Philip Glyn | Senior Surveyor (Projects), NR |
| Anthony Rivero | Town Planning Manager, NR |

FOR CYCLING CAMPAIGN FOR NORTH BEDFORDSHIRE

Peter Blakeman

FOR BOVIS HOMES LTD:

| | |
|---------------|--|
| Hugh Richards | Instructed by Jude Rodrigues of Davies and Partners Solicitors |
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APPENDIX 2: SUGGESTED CONDITIONS WITH REASONS FOR DEEMED PLANNING PERMISSION

In the following conditions

“the development” means the development authorised by the Order;

“the Order” means the proposed Network Rail (London to Corby) (Land Acquisition and Bridge Works) Order.

Time limit for commencement of development

1. The development shall commence before the expiration of three years from the date that the Order comes into force.

Reason: *To ensure that development is commenced within a reasonable period of time.*

In accordance with the planning direction drawings

2. The development shall be carried out in accordance with the drawing No.143058-JMS-DRG-ECV-140201 Revision A02.

Reason: *To ensure that the development is carried out in accordance with the consented design.*

Materials and finishes

3.
 - a) No development is to commence until details of the external materials and finishes of the proposed bridge have been submitted to and approved “*in writing*”¹⁴⁸ by the local planning authority.
 - b) The development must be carried out in accordance with the details approved under sub-paragraph (a).

Reason: To ensure that the development provides an acceptable quality of built environment and for consistency with Policy CP21 of the Bedford Core Strategy & Rural Issues Plan 2008.

Code of Construction Practice

4.
 - a) The development shall not commence until a Code of Construction Practice (CoCP), including the relevant plans and programmes referred to in (b) below has been submitted to and approved *in writing* by the local planning authority. The CoCP shall be in two parts; Part A shall provide a general overview and framework of environmental principles and management practice to be applied to the scheme along with proposed construction-led mitigation.
 - b) Part B of the CoCP shall include the following plans and programmes: -
 - i. An external communications programme;
 - ii. A pollution prevention and incident control plan;

¹⁴⁸ Words in inverted commas and italic inserted by the Planning Inspector

- iii. A waste management plan;
- iv. A materials management plan including a separate soils mitigation plan;
- v. A nuisance management plan concerning dust, wheel wash measures, air pollution and temporary lighting;
- vi. A noise and vibration management plan including a construction methodology assessment;
- vii. A road condition survey for all construction routes into and out of the project area, including a road condition survey of agreed sections of the following streets: Bromham Road & Ashburnham Road; and
- viii. A traffic management plan.

c) The CoCP shall be implemented in full throughout the period of the works.

Reason: To mitigate construction impacts arising from the development in accordance with Bedford Core Strategy & Rural Issues Plan 2008 Policy CP26 and Policy AD2 of the Bedford Allocations & Designation Local Plan 2013. This is a pre-commencement condition because the CoCP, due to its nature, must be implemented from the outset of the development.

5. The development shall not commence until details of the temporary footbridge have been submitted to and approved in writing by the local planning authority. The details shall include the following:

- i. Precise location of the footprint of the temporary bridge;
- ii. Elevations of the structure including measures put in place to protect the amenity of the adjacent residential properties including suitable security measures to prevent any access to void areas created by the installation of the temporary pedestrian footbridge bridge;
- iii. An Arboricultural Method Statement, including detail of the foundations of the scaffolding particularly in relation to the root systems of the three London plane trees between Spenser Road and Bromham Road;
- iv. Details of all proposed works to the aforesaid London Plane trees;
- v. A date for the removal of the temporary bridge upon completion of the works.

The approved tree works shall be carried out in accordance with BS3998:2010 or BS5837:2012 (or other BS standard the Council consider appropriate), and specifically in accordance with the submitted Arboricultural Method Statement. The development thereafter shall be implemented in strict accordance with the approved details.

Reason: Required prior to commencement of development to avoid damage to Important trees and 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).

APPENDIX 3: DOCUMENT LISTS

NETWORK RAIL (LONDON TO CORBY) (LAND ACQUISITION, LEVEL CROSSING AND BRIDGE WORKS) ORDER

INQUIRY DOCUMENT LIST

A: GENERAL INQUIRY DOCUMENTS

- GI01** Statement of Matters
- GI02** Inspector's Pre-Inquiry Meeting Note
- GI03** Letter to the Inspector (via Mr Anthony Rivero), Network Rail Infrastructure Limited, dated 7 February 2019, relating to planning conditions

B: CORE DOCUMENTS

Core Documents Submitted by Network Rail with Statement of Case Order Application Documents

- NR01** TWA Application to Secretary of State for Land Acquisition Order
- NR02** The Draft Order
- NR03** Explanatory Memorandum
- NR04** Statement of Aims
- NR05** Report Summarising Consultations Undertaken
- NR06** Funding Statement
- NR07** Estimate of Costs
- NR08** Screening Decision Letter
- NR09** Request for Planning Permission
- NR10** Planning Drawings
- NR11** Land, Works and Rights of Way Plans and Sections
- NR12** Book of Reference
- NR13** Statement of Case

Other Supporting Documents

- NR14** HLOS Statement CP5
- NR15** Transport and Works (Inquiries Procedure) Rules 2004
- NR16** Network Rail Licence
- NR17** S8 of the Railways Act 1993
- NR18** Railway and Other Guided Transport Systems (Safety) Regulations 2006 (ROGS)
- NR19** Part 8 of Schedule 2 -Town and Country Planning (General Permitted Development) Order 1995 (GPDO)
- NR20** Part 18 of Schedule 2 -Town and Country Planning (General Permitted Development) England Order 1995 (GPDO)
- NR21** Section 90(2A) of the Town and Country Planning Act 1990
- NR22** Level Crossing Safety Strategy 2015 to 2040
- NR23** Town and Country Planning (Environmental Impact Assessment) Regulations 2011
- NR24** Management of Health & Safety at Work Regulations 1999
- NR25** Strategy for Regulation of Health & Safety risks – Level Crossings

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| NR26 | CP5 Enhancement Delivery Plan (2014 to 2019) |
| NR27 | Hendy Report (November 2015) |
| NR28 | Design Manual for Roads and Bridges Vol 6 |
| NR29 | Network Rail Environment Policy |
| NR30 | Network Rail Health & Safety Management System Sep 2018 |
| NR31 | Network Rail East Midlands Route Utilisation Strategy |
| NR32 | National Planning Policy Framework (NPPF) July 2018 |
| NR33 | National Policy Statement for National Networks December 2014 |
| NR34 | Highway & Railway Nationally Significant Infrastructure Project) Order 2013 |
| NR35 | Bedford Local Transport Plan 2011-2021 |
| NR36 | Not Used |

Additional Core Documents Submitted by Network Rail

Folder 1

| | |
|-------------|--|
| NR37 | Railway Group Standard GI/RT7073 Requirements for the Position of Infrastructure and for Defining and Maintaining Clearances (June 2018) |
| NR38 | Borough Council of Wellingborough Planning Committee of 8 November 2017 |
| NR39 | NR/L2/CIV/003 Engineering Assurance of Building and Civil Engineering Works |
| NR40 | British Standards 5228 – 1:2009 Code of practice for noise and vibration control on construction and open sites |
| NR41 | Railway Group Standard GL/RT1210 AC Energy Subsystem and Interfaces to Rolling Stock Subsystem (December 2014) |
| NR42 | Not Used |
| NR43 | Irthlingborough Road SPC2-83 proposed GA approach embankments |
| NR44 | Irthlingborough Road SPC2-83 proposed GA |
| NR45 | Irthlingborough Road SPC2-83 proposed sections and details |
| NR46 | Irthlingborough Road SPC2-83 proposed sections and details 2 |
| NR47 | Department for Transport White Paper Delivering a sustainable railway (July 2007) |
| NR48 | Borough Council of Wellingborough Decision Notice WP/17/00564/STUN |
| NR49 | Department for Transport - Delivering a sustainable transport system DFT (December 2008) |
| NR50 | Department for Transport - Reforming our Railways: Putting the Customer First (March 2012) |
| NR51 | Bedford Local Plan 2002 |

Folder 2

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|-------------|--|
| NR52 | Bedford Borough Council - Core Strategy & Rural Issues Plan (April 2008) |
| NR53 | Bedford Borough Council - Allocations and designations Local Plan (July 2013) |
| NR54 | Bedford Local Plan 2030 –Draft Plan for Submission (September 2018) |
| NR55 | Bedford Central Town Masterplan June 2018 |
| NR56 | North Northamptonshire Joint Core Strategy - Infrastructure Delivery Plan (September 2017) |
| NR57 | Plan for the Borough of Wellingborough |

Folder 3

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| NR58 | Borough of Wellingborough Infrastructure Delivery Plan |
| NR59 | Northamptonshire Transportation Plan (March 2012) |
| NR60 | Borough Council of Wellingborough - Prior approval – WP/2004/0600/O |
| NR61 | Compulsory purchase process guidance (February 2018) |
| NR62 | The European Convention on Human Rights |
| NR63 | BIS single departmental plan 2015 to 2020 |
| NR64 | Railways Act 2005 Statement |
| NR65 | Network Rail letter (Peter Hendy) to Patrick Mcloughlin MP dated 29 September 2015 |
| NR66 | Strategic Business Plan: Definition of CP5 enhancements (January 2013) |
| NR67 | Rail update - Written statement HCWS85 – Secretary of State for Transport (20 July 2017) |
| NR68 | Rail Franchise Schedule (July 2017) |
| NR69 | Bedford Town Centre Area Action Plan 2008 |
| NR70 | Not Used |
| NR71 | Not Used |
| NR72 | Not Used |
| NR73 | Not Used |

Folder 4

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|-------------|--|
| NR74 | The National Station Access conditions 2013 (incorporating amendments with effect from 1 April 2014 & 19 January 2015) |
| NR75 | Connecting people a strategic vision for rail |
| NR76 | The North Northamptonshire Joint Core Strategy 2011 - 2031 |
| NR77 | Bedford Town Centre Action Area Plan (October 2008) |
| NR78 | Department for Transport Local Transport Note 2/08 Cycle Infrastructure Design (October 2008) |
| NR79 | Sustrans Design Manual - Handbook for cycle-friendly design (April 2014) |
| NR80 | NR/L2/CIV/003/F006:-Irthlingborough Road/Highway Authority Agreement to Bridgeworks |
| NR81 | Stanton Cross Masterplan dated July 2014 - 2016 approved |
| NR82 | Tree Preservation Order served 02.08.18 – Land at Spenser Road & Chaucer Road |
| NR83 | Access Route 2 Detailed Plan Layout Sheet 2 |
| NR84 | Bedford Saved Local Plan policies updated 17 July 2013 |

Additional Core Documents submitted by Objectors Cycling Campaign for North Bedfordshire

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|-------------|--|
| NR85 | Department for Transport - Cycling and Walking Investment Strategy April 2017 |
| NR86 | Department for Transport LTN 1/12 Shared Use Routes for Pedestrians and Cyclists September 2012 |
| NR87 | Bedford Borough Council – Allocations & Designations - Cycling Network Background Paper (March 2012) |
| NR88 | Chartered Institution of Highways & Transportation (CIHT) Buses in Urban Developments (January 2018) |

- NR89** Department for Transport - Manual for Streets
NR90 Chartered Institution of Highways & Transportation – Manual for Streets
2 dated September 2010

C: NETWORK RAIL DOCUMENTS PRESENTED AT INQUIRY

**WITNESS 1: Mr Edward Akers, Network Rail Infrastructure Limited
(Need)**

- NR/W1.1** Proof of Evidence
NR/W1.2 Summary Proof

**WITNESS 2: Mr Philip Glynn, Network Rail Infrastructure Limited
(Property)**

- NR/W2.1** Proof of Evidence
NR/W2.2 Summary Proof

**WITNESS 3: Mr Anthony Rivero, Network Rail Infrastructure Limited
(Planning)**

- NR/W3.1** Proof of Evidence
NR/W3.2 Summary Proof

**WITNESS 4: Mr Dave Butterworth, Network Rail Infrastructure
Limited (Engineering)**

- NR/W4.1** Proof of Evidence and Appendices A to D inclusive
NR/W4.1a Appendix A: Proposed General Arrangement Plan;
Proposed General Arrangement Approach Regrade
Proposed General Arrangement Land Plan
NR/W4.1b Appendix B: Temporary and Permanent Land Requirements
NR/W4.1c Appendix C: Superimposed Irthlingborough Road Bridge and Route 2
bridge
NR/W4.1d Appendix D: Bromham Road Bridge General Arrangement Drawing
Bromham Road Bridge Public Access Scaffold Bridge
Drawings 1 & 2
NR/W4.2 Summary Proof
NR/W4.3 Rebuttal Proof to the Cycling Campaign for North Bedfordshire (OBJ/15)

GENERAL

- NR/PI.1** Opening Statement
NR/PI.2 Letter to the Transport & Works Act Orders Unit dated 21 September
2018 withdrawing compulsory purchase proposals in relation to Odell
Viaduct
NR/PI.3 Letter to the Transport & Works Act Orders Unit dated 25 October
2018 withdrawing compulsory purchase proposals in relation to Isham
Bridge
NR/PI.4 Letter to the Transport & Works Act Orders Unit dated 12 December
2018 withdrawing compulsory purchase proposals in relation to
Souldrop Level Crossing
NR/PI.5 Draft revised Order with tracked change amendments - 19 December
2018
NR/PI.5A Updated draft revised Order with tracked change amendments – 11
February 2019

| | |
|-----------------|--|
| NR/PI.6 | Statutory Procedures Compliance Folder, 5 February 2019 |
| NR/PI.7 | Natural England letter of consent dated 8 October 2018 – Irchester Viaduct Electrification |
| NR/PI.8 | Confirmed Tree Preservation Order dated 2 August 2018 – Spenser Road and Chaucer Road, Bedford |
| NR/PI.9 | Pre-Development Arboricultural Survey dated October 2018 – Bromham Road |
| NR/PI.10 | Drawing: Route Clearance Project – Irthingborough Road, Highway Layout, Proposed Vertical Alignment |
| NR/PI.11 | Drawing: Route Clearance Project – Bromham Road, Highway Layout, Proposed GA Longitudinal Section |
| NR/PI.12 | Suggested new condition for temporary footbridge |
| NR/PI.13 | Google image of Chaucer Road in July 2015 |
| NR/PI.14 | Bedford Borough Council Parking Zone B |
| NR/PI.15 | Bedford Borough Council Parking Zone J |
| NR/PI.16 | Folder of current position with all objectors and those making representations |
| NR/PI.17 | Request for Planning Permission – proposed planning conditions showing tracked changes |
| NR/PI.18 | Request for Planning Permission – Rule 10(6) Request for Planning Permission |
| NR/PI.19 | Court of Appeal judgement: R (Langley Park School for Girls) v Bromley LBC |
| NR/PI.20 | Plan to assist Inspector during unaccompanied site visit |
| NR/PI.21 | Updated Explanatory Memorandum dated 11 February 2019 |
| NR/PI.22 | Bedford Borough Council letter to Network Rail dated 19 December 2018 concerning consultation on conditions |
| NR/PI.23 | Network Rail letter to Bedford Borough Council dated 14 December 2018 relating to planning conditions |
| NR/PI.24 | Extract plan from Network Rail Screening Option – drawing no: 143058-JMS-DRG-ECV-140501 |
| NR/PI.25 | Closing Statement dated 7 February 2019 |
| NR/PI.26 | Amended Filled Order dated 11 February 2019 |
| NR/PI.27 | Amended Book of Reference |
| NR/PI.28 | Amended Land Plans |
| NR/PI.29 | Network Rail letter of 18 February 2019 in response to Bedford Borough Council letter dated 7 February 2019 (G103) with Appendix of revised draft planning conditions (14-02-19) |

D: OBJECTORS DOCUMENTS PRESENTED AT THE INQUIRY

BOVIS HOMES LIMITED

(represented by Hugh Richards)

OBJ/7.5 Withdrawal of Objection emails dated 6 February 2019

CYCLING CAMPAIGN FOR NORTH BEDFORDSHIRE (CCNB)

(represented by Mr Peter Blakeman)

- OBJ/15** Objection dated 30 July 2018
- OBJ/15.1** Statement of Case dated 8 October 2018
- OBJ/15.2** Proof of Evidence (Witness Mr Peter Blakeman)
- OBJ/15.2a** Proof of Evidence Appendix a: Network Rail letter of 20 September 2018 regarding Order
- OBJ/15.2b** Proof of Evidence Appendix b: Email of 19 July 2018 from Mohammad Yasin MP
- OBJ/15.2c** Proof of Evidence Appendix c: Department for Transport Local Transport Note LTN 1/12 Shared Use Routes for Pedestrians and Cyclists - Extract (Pages 40 to 43)
- OBJ/15.2d** Proof of Evidence Appendix d: Department for Transport Local Transport Note LTN 2/08 Cycle Infrastructure Design October 2008 – Extract (Page 44)
- OBJ/15.2e** Proof of Evidence Appendix e: Chartered Institution of Highways & Transportation Buses in Urban Developments January 2018 – Extract (Pages 25 & 26)
- OBJ/15.2f** Proof of Evidence Appendix f: Six extracts from the Department for Transport - Manual for Streets (NR89)
- OBJ/15.2g** Proof of Evidence Appendix g: Six extracts from the Chartered Institution of Highways & Transportation Manual for Streets 2 (NR90)
- OBJ/15.3** Summary Proof
- OBJ/15.4** Opening Statement
- OBJ/15.5** Explanatory sketch of proposed modification to widen Bromham Road Railway Bridge
- OBJ/15.6** Extract from internal Bedford Council Report - Traffic & Pedestrian Counts
- OBJ/15.7** Closing Statement

E: OBJECTORS DOCUMENTS: WRITTEN PRESENTATION AT THE INQUIRY

- OBJ/1** **John Huckle** – email dated 12 July 2018
- OBJ/2** **Lloyd Wilson** – email dated 17 July 2018
- OBJ/3** **Mark Spurgeon** – email dated 22 July 2018
- OBJ/4** **Northamptonshire County Council** – email dated 24 July 2018
- OBJ/4.1** Withdrawal of Objection
- OBJ/5** **Unilever UK Central Resources Limited** – email dated 27 July 2018
- OBJ/6** **Weetabix Limited** – email dated 1 August 2018
- OBJ/6.1** Statement of Case
- OBJ/8** **Guinness Partnership** – email dated 2 August 2018
- OBJ/9** **Ben Foley** – email dated 2 August 2018
- OBJ/10** **Andrew Gray** – email dated 2 August 2018
- OBJ/11** **Ian Nicholls** – email dated 3 August 2018
- OBJ/12** **Govia Thameslink Railway** – email dated 3 August 2018
- OBJ/13** **Colleen Atkins** – email dated 4 August 2018
- OBJ/14** **Steve Floyd** – email dated 30 July 2018
- OBJ/16** **Cadent Gas Limited** – letter dated 27 July 2018
- OBJ/16.1** Statement of Case

- OBJ/16.2** Letter to the Secretary of State for Transport dated 16 January 2019 with Appendix
- OBJ/16.3** Letter to the Secretary of State for Transport dated 11 February 2019 withdrawing objection to the Order

F: REPRESENTATIONS: WRITTEN PRESENTION AT THE INQUIRY

- REP/1** **Vodafone** – email dated 4 July 2018
- REP/2** **Jane Redgwell** – email dated 23 July 2018
- REP/2.1** Withdrawal of Representation
- REP/3** **Bedford Borough Council** – email dated 3 August 2018
- REP/3.1** Withdrawal of Representation – email dated 5 September 2018
- REP/4** **Century Link** – email of 6 November 2018