



Holding Objection to the East West Rail (Bletchley to Bedford Improvements) Order

Thursday 22 November 2018

Report from The Leader of the Council

Purpose of this Report

1. On Friday 7th September 2018, the Council provided a formal response to the East West Rail Transport and Works Order Application (TWAO). An application to the Secretary of State for Transport under this Order is the usual way of requesting permission to build and operate a new railway or tramway scheme in England and Wales, and is considered by the Secretary of State for Transport.
2. BCC responded as a statutory consultee and land owner. The application documents were reviewed and a Council response as a statutory consultee was advised, which was that of a 'holding objection'. This was due to significant officer concerns that were deemed critical to be addressed prior to TWAO approval.
3. This report asks the Council to formally endorse the 'holding objection' as submitted to the Secretary of State for Transport on 7th September 2018. This is necessary in order for our representation to be in accordance with section 239 of the Local Government Act 1972. Following the submission of the response, the Transport and Works Act unit advised of the legal requirement to be endorsed by full Council.
4. Section 239 of the Local Government Act 1972 is the legislation that sets out the process to be followed by Councils wishing to promote or oppose any local or personal bill in Parliament. Section 20 of the Transport and Works Act says that any Council with the power under Section 239 also has the power to apply for or object to an Order under the TWA 1992. Any use of that power is subject to any conditions that were imposed on the original power to apply/object. In the current case, the condition attached to Section 239 is that the Council's opposition is agreed by a majority of Members at a meeting of the Authority.
5. Buckinghamshire County Council's formal response submitted to the Secretary of State on 7th September 2018 forms Appendix 1 of this report.

Background

6. On 27th July 2018, Network Rail applied to the Secretary of State for Transport for a Transport and Works Act Order (TWAO), which would enable it to complete East West Rail's Western Section between Oxford and Bedford, and Aylesbury and Milton Keynes. There followed a statutory period in which any letters of support or objections could be made to the Secretary of State for Transport by 7th September 2018. Network Rail are currently in the process of reviewing these, and a public inquiry is expected to be held in February 2019.
7. With phase 1 between Oxford and Bicester already complete, phase 2 proposes major track and signalling upgrades between Bicester, Bedford, Aylesbury and Milton Keynes, including the reinstatement of a 'mothballed' section of railway between Bletchley and Claydon Junction.

Buckinghamshire County Council's response

8. Due to the time constraints resulting from the short consultation period for this application, Buckinghamshire County Council's response was approved by the Leader of the Council, and consequently submitted to the Secretary of State for Transport on 7th September 2018.
9. The response outlined that Buckinghamshire County Council are, in principle, supportive of the scheme and are keen to see the project progress. However, the Council has some significant concerns that must be addressed prior to TWAO approval. For this reason, the response was a holding objection to the scheme.
10. Work to review the submitted application documents was intensive for a number of officer teams within the Council, and the response included extensive detailed comments from various technical services. The response runs to 100 pages. In addition, new material was submitted by Network Rail during the consultation period, which put further time constraints on reviewing the documentation.
11. A number of issues were deemed unacceptable and require resolution prior to TWAO approval, and therefore these were included within the response as holding objections. These included:
 - **Traffic and Transport:** Significant concerns relating to proposed construction routes and HGV impacts, car parking and highways mitigation. The Highways Development Management team provided detailed comments that were included as an appendix to the response.
 - **Ecology:** There was no commitment to achieving a net gain for biodiversity, as the officers would expect from a development of this scale. This is a key environmental benefit for the area and East West Rail has been publically promoting this as a benefit of the scheme.
 - **Public Rights of Way:** The scheme will significantly impact on several Public Rights of Way and the current proposed mitigation is not acceptable to BCC.

- **Geology, Soils and land contamination:** An area of land to the south west of Bletchley, which is designated as a Local Wildlife Site, would be at risk from pollution / contamination arising from the works and the lines operation and this must be addressed.
12. In addition to the above holding objections, the Council's response included a number of proposed conditions to be attached to the TWAO consent, in order to mitigate impacts concerning Public Rights of Way and Cultural Heritage. The Council also raised a number of requests for amendments or clarifications; and these included Public Rights of Way, ecology, water quality and flood risk and the cumulative effects of developments in the area.
 13. Additional officer comments that did not fall into any of the above categories were marked as one or more of the following:
 - No objection – comment
 - No objection – to be resolved at a future stage
 - Support
 14. The response reiterated that BCC welcome further engagement with Network Rail and that the Council looks forward to our continuous engagement with the East West Rail Alliance to bring the scheme forward.
 15. Subsequently, on the 19th October 2018, BCC sent a separate response regarding the Council's position as a landowner. This was also a Holding Objection, and expressly stated BCC's intention to retain land that has been allocated by the Council for the construction and operation of a future car park at the proposed Winslow station site. This site had been included within the list of areas that Network Rail was seeking to acquire.
 16. The public inquiry for this scheme is scheduled for February 2019, after which the inspector will make a recommendation to the Secretary of State for his consideration. Officers have prepared a 'Statement of Case' with further evidence justifying the holding objections, which allows BCC the option of presenting oral evidence at the inquiry.

Recommendation

Council is asked to:

1. **Endorse Buckinghamshire County Council's two Holding Objections as a statutory consultee and as a landowner under section 20 of the Transport and Works Act 1992 and section 239 of the Local Government Act 1972 in response to the Transport and Works Act 1992: Application for the Proposed Network Rail (East West Rail Bicester to Bedford Improvements) Order."**

LEADER OF THE COUNCIL

Appendix 1: Buckinghamshire County Council's response to the Transport and Works Act 1992: Application for the Proposed Network Rail (East West Rail Bicester to Bedford Improvements) Order