

COUNCIL – 11 DECEMBER 2018

EAST WEST RAIL – WESTERN SECTION PHASE 2

Report by Director for Planning and Place

Introduction

1. East West Rail, linking Oxford to Cambridge and beyond, has been supported by Oxfordshire over the course of its development since 1995. The Council is a Stakeholder and agreed financial contributor to the project.
2. Strategically, the case and need for East West Rail has never been more important, as it is an essential infrastructure element of the Oxford-Milton Keynes-Cambridge corridor as well as supporting the wider growth and connectivity agenda in Oxfordshire and across England's Economic Heartland.
3. The prospect of East West Rail services operating over phase 2 of the Western section, between Oxford and Bedford/Milton Keynes, by 2023 is within reach – services have already been operating between Oxford and Bicester (phase 1) since 2016. However, this requires approval of the Transport & Works Act Order for phase 2 by the Secretary of State, following a Public Inquiry into the scheme due to be held in February/March 2019.
4. Whilst the County Council is a strategic supporter of the project and the benefits it would bring, there are significant concerns about some aspects of the proposals as set out in the Transport & Works Act submission, and it is proposed that the Council objects to these aspects of the scheme at the Public Inquiry. Objection at a Transport & Works Act Inquiry by the Council, as a Statutory Body, requires approval by Full Council under the terms of Section 239 of the Local Government Act 1972. The purpose of this report is to seek that approval.

Current Situation

5. The Transport and Works Act 1992: Application for the Proposed Network Rail (East West Rail Bicester to Bedford Improvements) Order was published in July 2018, following a significant period of development and three rounds of public and stakeholder consultation. It provides for reinstatement / upgrade of the railway between Bicester and Bedford, with a link down to Aylesbury, with connections into the existing network to allow services to operate to/from Oxford, Milton Keynes and Bedford, with an initial two trains per hour operating to / from Oxford in each direction.
6. Whilst not included in this Order, proposals are also being developed for the central section between Bedford and Cambridge, with route options due to be

consulted upon in early 2019 and an aspiration for services to operate in 2027.

7. Following the publication of the Order, which had a six-week consultation response period, a joint letter of strategic support for the project was submitted by Oxfordshire and Cherwell District Council, which is also a Shareholder in the project. This is attached as Annex 1. Whilst detaining the support, the letter also referenced *“...a number of comments and concerns, some of which remain unresolved. These cover a variety of areas including Highways & Transport, Ecology and Cultural Heritage, with the specific points documented in the attached annex to this letter. These are to be considered as part of our formal response to the publication of the Transport & Works Act Order, and we need to be clear that our strategic support for East West Rail as set out in this letter is dependent on the detailed issues raised being resolved”*.
8. At the same time therefore, the County Council submitted a detailed response to the Order, as referenced in the support letter, setting out its specific concerns. This is attached as Annex 2. As the extract from page 1 of this submission (below) shows, there are two areas where the Council referenced that it would potentially be objecting to the project:
 - (i) ***Highways & Transport, including Public Rights of Way***

*There are a number of concerns which must be addressed prior to TWAO approval, mainly in relation to the Framework Construction Management Plan (particularly construction routes, the levels of HGVs expected in relation to the duration of the works and the proposed use of some unsuitable roads). Within the submitted documents there are also locations where the scheme will significantly impact on public rights of way and the proposed mitigation needs further consideration. Because of the extent of our concerns in this area, we have provided detailed comments in Table 1 below. **On this basis, OCC must respond with a holding objection unless these matters can be resolved prior to approval***
 - (ii) ***Ecology***

*The submitted documentation does not contain any references towards achieving a net gain for biodiversity that we would expect from a development of this scale, and which has been promoted by EWR since the project's inception. More detailed comments on this area are provided in Table 2 below. **On this basis, and in the context of strengthened NPPF requirements in this area, OCC objects to the scheme as we believe this is an important environmental benefit.***
9. Despite working closely with the East West Rail Alliance, led by Network Rail which is promoting the scheme and the Order, it has not yet been possible to demonstrate that these concerns can be overcome, and it is therefore proposed that the Council's 'holding objection' becomes a formal objection on both Highways/Transport and Ecology grounds.

10. The East West Rail Alliance is working to overcome objections to the project before the Public Inquiry takes place and discussions are continuing, on both areas of proposed objection. Further information is being provided by the Alliance, which may result in objections in either or both areas being able to be withdrawn.
11. In particular, on the transport side, officers are exploring with Network Rail what commitments and undertakings they are prepared to give on each area, in order to provide sufficient confidence that concerns will be addressed, allowing proposed objections to be withdrawn. Council will be advised of any further developments accordingly.

Financial and Staff Implications

12. There are no direct financial implications arising from the report. There would be potentially significant staffing implications from having to sustain objections through the Inquiry process, including the requirement to submit detailed proofs of evidence and appearing at the Inquiry, which would have to be met largely from existing resources.

RECOMMENDATIONS

13. **COUNCIL is RECOMMENDED to:**
 - (a) **confirm its position as objecting to the Transport and Works Act Order on Highways / Transport and Ecology Grounds, on the basis of the points set out in Annex 2 to this report; and**
 - (b) **with agreement from the Cabinet Member for the Environment, authorise officers to withdraw either or both areas of objection on the basis of satisfactory further information or updated proposals submitted by the East West Rail Alliance in response to these objections and to conclude such legal agreement(s) with Network Rail as they consider necessary to protect the County Council's interests.**

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Director for Planning and Place

Background papers: None

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