

# Central Bedfordshire Council

Executive

4 December 2018

## East West Rail Western Section (Phase 2)- Central Bedfordshire Council Formal Objection

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**Report of:** Cllr Nigel Young, Executive Member for Regeneration  
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**This report relates to a decision that is Key**

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### Purpose of this report

1. The purpose of this report is for Executive to ratify the recently submitted 'Statement of Case' made to the Department for Transport by CBC relating to Phase 2 of the Western Section of East West Rail (Bicester to Bedford and Aylesbury to Milton Keynes). This Statement of Case outlines the CBC 'holding' objection to the proposals, through which concerns of further severance issues in Lidlington caused by closures of footpath crossings across the Bedford- Bletchley line are highlighted; along with further clarifications needed on timescales for detailed design, HGV and construction traffic routes. The omission of submitted Local Plan strategic allocations in the area which have not been factored into the assessment of impact has also been raised. This report also outlines the legal requirement for this Statement of Case to be ratified by Full Council should CBC wish to uphold their objection and reserve the right to verbally present it at the Public Inquiry in Spring 2019.

### RECOMMENDATIONS

The Executive is asked to:

1. **ratify the content of the CBC Statement of Case (Appendix A) to allow CBC to present evidence verbally at the Public Inquiry, should current issues remain unresolved;**

2. **recommend to full Council to pass a resolution to oppose the proposed 'Network Rail (East West Rail Bicester to Bedford Improvements) Order' to the extent as set out in this report to allow the Council to present evidence verbally at the Public Inquiry, should current issues remain unresolved.**
3. **ratify the Council's Statement of Case at Appendix A.**

## **Background**

2. The upgrade of the Oxford to Bicester line was the first phase of works on the Western Section of the East West Rail scheme. Works included a new one kilometre section of railway to connect the former Bicester Town station (now Bicester Village station) to Oxford line to the Chiltern main line, building the new Oxford Parkway station at Water Eaton, upgrading Bicester Town and Islip stations and installing a new signalling system. Construction work was completed between Oxford Parkway and Bicester Village in September 2015 and new services from Oxford Parkway to London Marylebone commenced in October 2015. The line between Oxford and Oxford Parkway is now complete and train services started operating from Oxford city centre to London Marylebone in December 2016.
3. This subject of this report is the application and related Public Inquiry for The Network Rail (East West Rail Bicester to Bedford Improvements) Order, which was submitted to the Secretary of State on 27 July 2018. If granted, it will give Network Rail the necessary powers to construct, operate and maintain a railway between Bicester and Bedford, Milton Keynes and Aylesbury and to facilitate the operation of new passenger services between Oxford, Milton Keynes, Aylesbury and Bedford. It will also authorise the reinstatement of the partially disused Bicester- Bletchley - Bedford and Aylesbury-Claydon Junction routes, together with the construction of a new station at Winslow, platforms at Bletchley and Aylesbury Vale Parkway; platform extensions at Woburn Sands and Ridgmont Stations; and other ancillary development.
4. For Central Bedfordshire, the construction works will consist of a construction compound at M1 junction 13 for vehicle storage, platform extensions at Ridgmont and a new overbridge on Marston Rd, Lidlington, along with various diversions and closures of footpaths, some of which currently cross the existing railway. If the scheme is approved, the works in the Central Bedfordshire area are due to commence in 2021 with a duration of 18 months. Diversion and HGV routes are under discussion and it is proposed that there will be a EWR liaison and communications officer who will keep all stakeholders updated. On opening, this phase of the scheme will result in an extra train each hour in each direction between Oxford and Bedford.

5. The objection period for the Transport and Works Act Order closed on the 7<sup>th</sup> September 2018, which resulted in 235 objections, 11 representations and 409 letters of support. CBC submitted a letter of support jointly with other members of the EWR Consortium and also a 'holding' objection, predominately raising serious concerns around the further severance of Lidlington due to the planned footway level crossing closures.

### **Past Consultation Responses**

6. This phase of works has been subject to three public consultations, all of which CBC has fed into. CBC is also part of the EWR Consortium through which we have early and detailed involvement in all aspects of the development of the scheme. Whilst Network Rail have taken on board our concerns about closures of level crossings in the Lidlington area, the issue has not been resolved to the Council's satisfaction at any opportunity, either via formal consultation processes or through our negotiations via the EWR Consortium and so CBC has submitted a 'holding' objection in response to the draft Order. A summary of the issues raised is listed below, and the Statement of Case is available at Appendix A:
  - Concern over the exclusion of submitted Local Plan strategic allocations in impact assessments, particularly SA2 (new villages at Marston Vale) and SE2 (M1 Junction 13 – Marston Gate Expansion)
  - No offer of mitigation to deal with severance issues at Lidlington
  - The requirement for localised traffic impacts is to be mitigated to CBC's satisfaction, to be agreed through a Construction Traffic Management Plan and considerate HGV and diversionary routing
  - Confirmation is required that the new Marston Road overbridge facility is suitable for the shared use of pedestrians, cyclists and horse riders.

### **Pre-Inquiry Meetings**

7. The EWR Alliance are holding a series of meetings and workshops during November to seek to resolve some of issues raised in various representations and objections. The Alliance are due to meet with CBC to discuss their objections on 7<sup>th</sup> November 2018.

### **Benefits**

8. The East West Rail scheme offers a number of local benefits including:
  - Encouragement to new businesses to move into the area and the opportunity to help existing businesses to grow, supporting plans for job creation
  - Creating local jobs during its construction phase
  - Encouraging more people to travel by rail, thus protecting the environment and reducing the impacts of car travel on our local existing and potential new communities

- Providing higher quality infrastructure and better transport services which will improve local connectivity to destinations such as Bedford, Milton Keynes, Bicester and Oxford

Supporting the Western Section will also demonstrate to Government that the Council is willing to play an active role in collaborating with other local authorities and partners to deliver a significant infrastructure project of economic benefit across the Oxford- Cambridge corridor.

## Options for consideration

9. The options for CBC's representation at the Public Inquiry are as follows:

- **Maintain objection with option to verbally present:** If CBC wish to reserve the right to verbally present a formal, valid objection to the Inquiry, the Statement of Case at Appendix A will need to be ratified by Executive and also by Full Council in January 2019
- **Written correspondence:** The correspondence already provided at Appendix A will automatically be considered by the Inspector as part of the Inquiry process, along with the other written representations submitted. If CBC decide that we no longer wish to present in person, this information can be supplemented with other written evidence in the run up to the Inquiry.
- **Withdrawal of objection:** If matters are resolved to CBC's satisfaction we are able to withdraw our objection at any time

## Reason/s for decision

10. In view of the fact that CBC has not had any formal confirmation that the points of objection can be resolved, it will be necessary to pursue this at Public Inquiry. It is a legal requirement under section 239 of the Local Government Act 1972 for this to be ratified by Full Council before it can be considered as a formal objection at a Public Inquiry.

## Council Priorities

11. **Enhancing Central Bedfordshire-** East West Rail is a railway connecting East Anglia with Central, Southern and Western England. The complete East West Rail scheme (of which the subject of this report is a key phase), comprises a rail route that will link East Anglia to Oxford via Cambridge, Bedford and stations in Central Bedfordshire. As such, the scheme will greatly improve connectivity by rail in Central Bedfordshire by providing an east-west route to these destinations. Ensuring CBC achieves the highest possible value from this scheme by participating fully in the Public Inquiry process is a corporate priority.

## **Corporate Implications**

### **Legal Implications**

12. Section 239 of the Local Government Act 1972 ('the Act') provides the Council with the power to oppose local or personal Bills. Where a local authority, are satisfied that it is expedient to oppose, any local or personal Bill in Parliament, the local authority may, but only in accordance with the procedure set out in section 239, oppose the Bill accordingly, and may defray the expenses incurred in relation thereto. Section 239 of the Act, although originally concerned only with local authorities promoting or opposing a Bill in Parliament, has been applied by section 20 of the Transport and Works Act 1992 to local authorities applying for, or objecting to, a Transport and Works Act proposed Order. This means that, for a local authority to make a valid objection, it has to have been endorsed by a majority of the authority's members present at a meeting of the authority, held after the requisite notice of that meeting has been given.
13. Prior to the full Council meeting that makes the decision, the requisite notice of the meeting and of its purpose must have been advertised in one or more local newspapers circulating in the area of the authority, such notice being given in addition to the ordinary notice required to be given for the convening of a meeting of the authority. The requisite notice is ten clear days' notice.
14. If full Council does not pass a resolution to oppose the proposed Order, the Council will be unable to present evidence verbally at the Public Inquiry and instead its written Statement of Case will be considered with all other evidence by the Inspector.

### **Financial and Risk Implications**

15. Government funding for the Western Section of the route is conditional on a local financial contribution towards the scheme. Local transport authorities situated along the Western Section route (Central Bedfordshire Council, Bedford Borough Council, Milton Keynes Council, Buckinghamshire County Council, and Oxfordshire County Council) plus some districts have committed to provide up to £50m (at 2012 prices) as a local contribution.
16. The full cost of the scheme is likely to be £1.08bn.
17. Central Bedfordshire Council have agreed (Executive of 13/08/2013) to contribute £4.2m at 2012 prices. This is likely to be in the region of £5.2m when it is due. It is unknown when the first payment of this is likely to be requested, but it is expected it will be upon completion of the scheme in 2024.
18. The risk for the construction and delivery of the project is being borne by Network Rail. A risk assessment has been carried out and appropriate action will be taken to mitigate the identified risks. For the Council, failure to contribute towards the delivery of the scheme poses the following risks:
  - The potential failure to deliver the East West Rail project, of which the Western Section forms a critical part of the business case

- The potential for Government to view the Council's action as noncooperative, when judged against the 'Duty to Cooperate' on strategic planning matters, as set out in the Localism Act 2011.

19. Regarding the local contribution, risks identified include:

- Failure of the Council to secure adequate financing for its local contribution, undermining the deliverability of the scheme;
- Failure of other local authorities to secure adequate financing for their local contribution, undermining the deliverability of the scheme.

## **Equalities Implications**

20. Central Bedfordshire Council has a statutory duty to promote equality of opportunity, eliminate unlawful discrimination, harassment and victimisation and foster good relations in respect of nine protected characteristics; age disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Many disadvantaged groups in Central Bedfordshire have reduced access to a car. Improvements to the rail service should help improve access to jobs and services for those groups. In terms of improvements to services and physical infrastructure such as stations and crossings, new services and infrastructure will need to be delivered to the most up-to-date accessibility and equalities standards as required by law. The Council will work with Network Rail in the run up to the Inquiry and post approval to identify any equality issues associated with new services and infrastructure and ensure that the new facilities and services are accessible by all.

## **Conclusion and next Steps**

21. If it is agreed to ratify the Statement of Case with a view to verbal presentation at Public Inquiry, a report will be presented to Full Council, which will allow for this approach should our concerns not be resolved by that time. CBC are free to withdraw their objection at any time in the run up to the Inquiry.
22. The next step in the process includes meeting with the EWR Alliance on 07/11/2018 to discuss highways issues in detail. Network Rail will also be offering the opportunity for further negotiation on areas yet to be agreed, such as ecology, landscaping and cultural heritage.
23. The EWR Consortium are proposing that all members of the group work towards signing a Statement of Common Ground to assist with the Inquiry, which CBC will be requested to sign.
24. If CBC uphold their objection and ratify their evidence for verbal presentation, a Statement of Matters will be issued to us along with confirmation of the location of the Inquiry. Further Proofs of Evidence (a prepared statement to read from at the Inquiry) will need to be submitted in advance of the Inquiry.

## **Appendices**

Appendix A: CBC Statement of Case

## **Background Papers**

None

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