

## RE: EAST-WEST RAIL 2 INQUIRY

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### OPENING SUBMISSIONS ON BEHALF OF NETWORK RAIL (INCORPORATING ORAL SUBMISSIONS)

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#### Introduction

1. The purpose of the draft Order before this Inquiry is to provide Network Rail and its EWR Alliance partners with the powers they require in order to deliver the second phase of the East West Rail programme. In technical terms, Network Rail has applied for: (a) the Network Rail (East West Rail Bicester to Bedford Improvements) Order (the “Order”);<sup>1</sup> (b) deemed planning permission for EWR2 to be authorised by the Order;<sup>2</sup> and, (c) Listed Building Consent for works to Quainton Road Station, Ridgmont Railway Station and Woburn Sands Railway Station.
2. This second phase of East West Rail, known as EWR2, will complete development of the western section of East West Rail by 2024. From 2023, fast passenger services will run twice hourly from Oxford to Milton Keynes and hourly from Oxford to Bedford. From 2024, fast passenger services will run hourly from Aylesbury to Milton Keynes. The railway will also provide capacity for freight services.
3. EWR2 passenger services will serve stations at Oxford, Oxford Parkway, Bicester Village, Milton Keynes, Bedford and Aylesbury; a new station at Winslow; and upgraded stations at Bletchley, Woburn Sands, Ridgmont and Aylesbury Parkway. Passenger services will operate at speeds of up to 100mph between Bicester and Bletchley, up to 90mph between Aylesbury Vale Parkway and Claydon, and up to 60mph between Bletchley and Bedford.

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<sup>1</sup> Pursuant to ss1 and 5 of the Transport and Works Act 1992.

<sup>2</sup> Pursuant to s90(2A) of the Town and Country Planning Act 1990.

4. Construction of EWR2 will begin with the reinstatement and upgrade to modern standards of the existing railway corridor between Bicester and Bletchley, programmed to begin in late 2019 and to be completed by the end of 2023. A programme of more limited improvements and associated highway works to the existing, operational railway between Bletchley and Bedford will take place within that four year period. The works needed to upgrade the existing railway corridor between Claydon Curve and Aylesbury will be carried out between mid-2021 and the end of 2024. Construction of a section of the EWR2 railway at Calvert in Buckinghamshire has already been authorised by the High Speed Rail (London-West Midlands) Act 2017. That part of the works is known as the HS2 Interface Area. Works within the HS2 Interface Area will also have been completed in time to enable EWR2 services to begin operation from 2023 and 2024.
5. For ease of assessment, EWR2 has been divided into six sections, known as Route Sections 2A to 2E and the HS2 Interface Area. These route sections are shown schematically on Figure 1.2 in volume 4 of the Environmental Statement (ES). The Project and Scheme Boundaries are shown on the series of plans at Figure 1.1.
6. There are two detailed map books which will be of assistance in understanding the detail of the project –
  - (1) The Scheme Drawings – these show the scheme in detail broken down into 134 map sheets which correspond to the route sections and the off route temporary highway works.
  - (2) The Environmental Design Drawings – these show the environment elements of the scheme design broken down into 98 map sheets; and correspond to the Environmental Mitigation Schedule in appendix 2.3 in volume 3 of the ES.

## The Case for EWR2

7. EWR2 follows the successful completion in 2016 of Phase 1 of the Western Section of East West Rail between Oxford and Bicester. On 28 January 2019, East West Rail Company Limited, established by the Government to accelerate delivery of the East West Rail programme, opened a public consultation on 5 route options for the central section of the railway, development of which will provide a fast passenger rail link between Oxford and Cambridge from the mid 2020s. Unlike EWR2, the central section requires the construction of a new railway line and is therefore likely to be promoted through a Development Consent Order.
8. There is remarkable unanimity of support at all levels of government for EWR2.
9. In 2017, the Government responded to the National Infrastructure Commission's report 'Partnering for Prosperity: A new deal for the Cambridge-Milton Keynes-Oxford Arc' by endorsing the principle of accelerating delivery of EWR2 to see the first passenger services operating in 2023. In his Budget Speech in November 2017, the Chancellor confirmed the Government's backing for the Commission's vision and commitment to completing the rail and road infrastructure needed to fulfil it. The Government has committed full funding to EWR2, as confirmed in Department for Transport's letter of 9 February 2018, to enable the first passenger services to run by 2023 and the project to be complete by 2024.
10. Support for East West Rail from local authorities through which the railway runs has been firm and consistent for many years. The Consortium has strongly argued the case for the reinstatement of rail services between Oxford, Cambridge and beyond since it was established in 1995. Confirmation of the Order before this inquiry will bring the Consortium's vision a major step closer to being fulfilled. As Buckinghamshire County Council put it in their current Local Transport Plan, we need to support the earliest possible delivery of East West Rail services.

11. In short, EWR2 will play a key role in transforming the Oxford-Milton Keynes-Cambridge Arc. It has widespread support at all levels of government and within the wider community. The message is clear and straightforward. Get on with it.

### **Aims and Objectives**

12. EWR2's aims and objectives are clear and compelling:

- a. First, to improve east-west rail connections.

EWR2 deals with the current issue of difficult, slow and unreliable trips across the east-west corridor of England. Commuting between key hubs in this east-west corridor is currently almost non-existent. This key area of economic activity does not function as a single labour market. EWR2 will alleviate these problems by improving east-west public transport connectivity through rail links between Oxford, Bicester, Bletchley and Bedford, and between Aylesbury, Bletchley and Milton Keynes. Current journey times by train and by car will be very substantially reduced.

- b. Second, to meet initial forecast passenger demand through new and reliable train services.

EWR2 will provide fast and frequent passenger services between Oxford, Milton Keynes, Bedford and Aylesbury.

- c. Third, to stimulate growth across the Oxford-Cambridge arc.

This corridor has been earmarked by the National Infrastructure Commission as a national priority due to its world-class research, innovation and technology. The Oxford-Cambridge arc can compete on the global stage as a single, knowledge-intensive cluster. EWR2 will have a significant role in its transformation by stimulating economic growth, housing and employment.

The Oxford-Cambridge corridor has undergone comparatively high population growth in the last 30 years. Yet notwithstanding higher than

average house-building rates, there is a severe undersupply of housing. This has led to prospective workers being priced out of local markets, restricting employers' access to labour. EWR2 will play a key role in unlocking the constraints that result in this under-supply of housing by enabling the local infrastructure needed to release land for new housing to be served by fast and efficient new train services. The Government's ambition is for one million homes to be built in the area by 2050. Transformational housing growth has the support of the local authorities. The Consortium supports EWR2 as a key driver to its delivery.

- d. Fourth, EWR2 will contribute to improved inter-regional passenger connectivity and journey times.

EWR2 will facilitate interchange between the Great Western network at Oxford, the Chiltern Mainline at Bicester, the London to Aylesbury line at Aylesbury, the West Coast Main Line at Bletchley and the Midland Mainline at Bedford. This will avoid the need for time-consuming interchanges via London and other remote parts of the network.

- e. Fifth, as well as maintaining current capacity for rail freight, EWR2 makes possible new freight flows between Oxford (Great Western Mainline), Milton Keynes (West Coast Mainline) and Bedford (Midland Mainline).

This has the potential to remove a number of lorries that would otherwise take up space on congested local and national roads.

- f. Sixth, EWR2 makes appropriate provision for future demand and economic growth.

An appropriate balance is struck between the initial capital costs of EWR2 and planning for future development of the network, such as ensuring that new overbridges installed as part of EWR2 are built to a sufficient specification to allow for future electrification.

A key theme of the current proceedings are the opportunities presented by EWR2 for Network Rail and developers along the line of route to work together, enabling developers to plan and deliver the infrastructure needed to unlock their development sites in a timely manner. In this way, the opportunities created by public investment in the railway may be realised in the public interest. Network Rail will continue to work together with landowners and developers to reach appropriate agreements to enable developers to realise and build on such opportunities.

It is, nevertheless, essential that the Order continues to make the necessary provision to enable Network Rail to construct and deliver EWR2 in a timely way. Where, therefore, Network Rail, landowners and developers are able to reach agreement to take forward opportunities of the kind we have summarised above, it is plainly necessary that the Order should continue to enable Network Rail to complete its construction, in the event that matters do not develop as envisaged by the parties to such agreements.

- g. Seventh, EWR2 will provide a sustainable transport solution to support economic growth.

EWR2 will positively contribute to tackling climate change by minimising the potential adverse impacts of growth through a more sustainable means of travel than other alternatives.

### **Environmental Statement and Further Information**

13. EWR2 is essentially a railway reinstatement project, along an existing railway corridor. This means that Network Rail has been able to limit the number of demolitions to 3 private properties only – Swanbourne Old Station, Chuffa Cottage, Lidlington and South View, Kempston Hardwick. This is the overall context in

which the environmental impacts of constructing and operating the railway should be considered.

14. The ES, published on 27 July 2018, comprehensively covers the environmental impacts of EWR2. It assesses the likely significant environmental effects of EWR2 on land use and agriculture; cultural heritage; air quality; ecology; noise and vibration; geology, soils and land contamination; landscape and visual impact; water quality and flood risk; and traffic and transport. The ES considers intra-scheme and inter-scheme cumulative impacts, the latter on the basis of Reasonably Foreseeable Future Projects.
15. Ecological surveys have continued throughout 2018 leading to a report on Further Environmental Information published in November 2018.
16. The main reports of the ES comprise both a project wide assessment report (Volume 2i) and assessment reports for each of the route sections (Volume 2). Also of particular interest are the draft Code of Construction Practice (Volume 3 appendix 2.1), the Framework Construction Traffic Management Plan (Volume 3 appendix 2.2), the Transport Assessment (Volume 3 appendix 14.1) and the Environmental Design Schedule (Volume 3 appendix 2.3).

### **Biodiversity net gain and ecology**

17. Because EWR2 involves the reinstatement of sections of rural railway corridor that have been wholly or largely out of active use of many years, the need to address the impact of constructing and operating EWR2 upon nature conservation interests has been at the heart of the environmental design of the project. Early works to mitigate and compensate for impacts have already begun under existing powers and consents. A design hierarchy of avoidance, minimising impacts, mitigation and where necessary compensatory habitat provision underpins the design of the project.
18. Since the main work designing the project was completed, the Government has published the new National Planning Policy Framework (NPPF – July 2018), which places increased emphasis on the objective of achieving biodiversity net gain

through major development. In December 2018, Network Rail was instructed by Government to take steps to achieve a biodiversity net gain outcome for EWR2. Network Rail has now responded positively with its proposals to give practical effect to that instruction. We shall place both documents in the Inquiry Library.

19. Network Rail is continuing to discuss with Natural England its remaining points of concern. In order to make further progress, Network Rail is preparing draft licence applications, to be submitted to Natural England during February and early March 2019.

### **Flood-risk and management**

20. The need to control and manage flood risk and the potential impacts of EWR2 on water resources has also been at the heart of the environmental design of the project. Measures include Compensatory Flood Storage Areas (“CFSA”) to compensate for EWR2 encroaching on existing floodplains. They comprise scrapes or excavations that have been designed to following the existing topography where possible. This will enable the natural floodplain to be extended by restoring the necessary flood storage capacity.
21. The CFSAs will be outside the existing floodplains but as close to the loss of floodplain as feasible. They will be refined during detailed design, following topographical survey and further hydrological and hydraulic monitoring. Where practicable, this will allow Network Rail to reduce the area and depth of land required.
22. Whilst the land required for the CFSAs will be acquired permanently, following completion of construction of a CFSA it is intended that the land will be returned to the previous owner subject to agreement of an appropriate maintenance regime.
23. Network Rail has been liaising closely with the Environment Agency and is making good progress towards resolving remaining points of concern.

### **Noise mitigation**

24. EWR2 provides for noise and vibration mitigation measures to mitigate the impact of those sections of the project where new track is being constructed or the existing track is being moved close to sensitive receptors.
25. Where significant adverse effects are predicted at groups of properties, acoustic barriers will be provided. In total, Network Rail is providing approximately 2.9km of acoustic barriers.
26. Where significant adverse effects are predicted but barriers are not considered appropriate, noise insulation will be provided. This is the case for 15 individual properties. Noise insulation will be provided at a further 5 properties where major or moderate adverse impacts are predicted.
27. In terms of potentially significant ground-borne noise and vibration, the feasibility of mitigation measures will be identified as part of the detailed design. This is being investigated with respect to 2 properties in Section 2A and 11 properties in Section 2B.

### **Traffic and Transport**

28. Network Rail remains in discussion with Bucks CC as highway authority with regard to its outstanding concerns. Good progress has been made with other highway authorities. We shall keep the inquiry updated when Mr Holland and Mr Colles give their evidence.

### **Areas of shared concern**

29. Objections remain in relation to a number of locations along the EWR2 route. However, we briefly mention only two locations in opening, where in light of the scale of community concern Network Rail has been in dialogue with the various objectors with a view to addressing their concerns as far as possible.

- (a) Lidlington

30. Network Rail is proposing to close the School crossing and the Pilling Farm South footpath crossing on safety grounds. These will be diverted via the main public highway crossing on Station Road.
31. Network Rail has consulted extensively in the local area. The responses did not determine a clear preferred option to closure and diversion. Consequently, Network Rail considers that the CCTV-controlled barrier crossing on Station Road in the middle of the village is the most appropriate option. Further, Network Rail is developing a package of enhancement measures that will improve the diverted walking route for users. These proposed enhancements will be subject to further discussions.
32. Network Rail also proposes to incorporate refinements into the detailed design of the Marston Road Bridge to address objectors' concerns.

(b) Woburn Sands

33. As part of the Order, Network Rail is proposing to close the School crossing at Woburn Sands on safety grounds. This will be diverted to the nearby CCTV-controlled barrier crossing at Station Road, which will receive appropriate enhancements.
34. The option of a stepped footbridge has not been pursued by Network Rail as this was not considered to be a properly accessible solution. Nevertheless, this possible option remains under review and we shall update the inquiry.

**Remaining objections**

35. There are three broad areas of concern for remaining objectors:
  - a. Those questioning the adequacy/appropriateness of environmental mitigation on their land. This relates to a number of Ecological Compensation Sites and Compensatory Flood Storage Areas along the route as well as landscaping and screening. The general theme of these

objectors is whether there is a compelling case in the public interest for acquisition of those lands. The relevant questions are:

- i. Whether there is a demonstrable requirement for facility – is it needed;
  - ii. If needed, is there an alternative solution that avoids the need to acquire the land for that purpose;
- b. Those questioning the adequacy/appropriateness of accommodation works to accommodate existing activities on the land. The relevant questions are:
- i. Whether the crossing closures are justified; and,
  - ii. Whether the replacement proposals are satisfactory to accommodate the objectors’ existing activities; and,
- c. Those questioning the adequacy or appropriateness of accommodation works to proposed activities and development on land. The issue here is whether the proposed crossing needs to be substituted by alternative arrangements in order to better serve the future development. Timely delivery of the substitute is important. EWR2 cannot be held up while planning permission is obtained for a substitute. There is also the issue of who will bear the costs of providing the alternative arrangement. Where an asset is to be disposed of by Network Rail to a developer, this will need to be reflected in a commercial agreement.

Tim Mould QC  
Yaaser Vanderman

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Landmark Chambers

180 Fleet Street  
London EC4A 2HG