

# Network Rail East West Rail TWA Order

My name is Anne Jordan & since 1993 I have lived at Bletchley, approximately 30m from the mothballed track in what I believe is designated as route section 2B.

The purpose for this statement is to ask for the consultation to be reopened due to the lack of consultation and comprehensible information as to the impact and remedies to those who are likely to be adversely affected by an East West Rail.

It would appear that few people, if any, have had sufficient information to make properly reasoned objections or a full assessment of their implications.

The consultation procedure has been wholly inadequate in that it failed properly to explain the various proposals or to give the public an adequate opportunity for discussion.

As a result Network Rail have failed to adequately meet the requirements of a fair consultation process, highlighted in *Regina V Brent London Borough Council, ex parte Gunning & others 1985*

Namely;

## **1. That consultation must be at a time when proposals are still at a formative stage**

*Public bodies need to have an open mind during a consultation and not already made the decision, but have some ideas about the proposals.*

What appears to have been presented is a proposal to reopen the rail line as quickly and as cheaply as possible, with an emphasis on promoting the positive benefits and no consideration as to the negative impacts and how they can be satisfactorily addressed. The term railroading springs to mind. The only proposals still in their formative stage are those that involve mitigation of the adverse impacts and there is no proposal at all as to what they might be, which contravenes the requirement to have some idea about the proposals....

## **2. The proposer must give sufficient reasons for proposals to permit 'intelligent consideration' and response**

*People involved in the consultation need to have enough information to make an intelligent choice and input in the process.*

The information made available was several volumes available in hard copy for viewing only at the public reference library, which closed at 5pm.

The pdf documents on the consultation website would not open or print. The only documents that would open related the positive impacts of the proposal and therefore cannot be said to provide a balanced view much less permit intelligent consideration..

I did not receive a reply to my request to Network Rail for them to rectify this problem or to email me the documents so that I could view them at home.

I work full time and by the time I was aware that the consultation was in progress there was no time for me to spend a day looking through the documents to identify those parts relevant to me. Indeed, I should not have needed to. I would have thought that as part of an adequate consultation, and as I and others are in an area identified in para 15.7.100 as being adversely affected during both construction and operation, it would be common sense to contact the occupiers and owners directly to inform us of the likely impact and proposals to reduce any adverse impact, as well as to inform us of any public meetings at which we could seek clarification. This did not happen.

From the information I did see, I have some particular concerns;

2.1 I originally was led to believe that the line would be used for a passenger train every half hour each way and only operate between 7am to 11pm, which would mean a train would pass my home every 15 mins (64 per 24 hours). Having looked at the documentation detail (table 2.15, Summary of current & proposed services), it now seems that the proposal is for 4 passenger services per hour in each direction (148 per 24 hours) & 2 freight per 24 hours, increasing to 5 passenger (180 per 24 hours) & 20 freight per 24 hours in 2035. The freight proposal has no details just a general expectation that it will be met with universal joy and (at para 2.6.3) that freight may operate throughout the day or night. Meanwhile it has been assumed that passenger services will operate between 5am and 2am. This is a terrifying prospect and will have a severe impact on people who live close to the rail line. Vibration & noise will make our homes virtually uninhabitable, while spending time outside in our gardens will be a headache inducing nightmare. It is bound to have a negative impact on people's health and will obviously severely reduce the property value making it practically impossible to move.

2.2 The shelving of the previous electrification proposal and the proposal to use diesel locomotives with harmful NOx / NO2 emissions.

There is no information provided as to whether alternatives have been considered to protect the environment, reduce emissions, reduce nuisance such as vibration & noise. For example; has any consideration been given to using battery powered or hydrogen trains & rail line construction dampening measures, such as slab track? While I understand that cost is a fundamental issue and a lack of any sound & vibration measures will, cost less in terms of construction, there is no indication that comparative costs, including long term costs as well as non-construction or operating related costs, have been considered.

2.3 Para 8.3.69 mentions construction pollution and dust as well as NOx emissions from moving diesel locomotives with a potentially significant impact. I have a lung condition that is likely to be significantly affected by increased pollution with long term consequences.

2.4 The proposals totally gloss over the vital issue of noise, vibration and mitigation. After acknowledging that there will be a significant adverse effect both during construction and from the trains themselves to 122 properties in route sections 2A and 2B, there is only an airy declaration that mitigation measures will take care of it .... apart from some adverse effects from ground borne noise and vibration.

It also states unhelpfully at 15.7.100 that "*it is **assumed** that the developer will apply sufficient controls on construction noise generation*". I would have assumed that the contract would specify rather than assume that controls be put in place.

The paragraph goes on to say "*the residential properties within RFFP AV6 are partially within the contours for significant operational noise to be experienced from the operational railway; however the sequence of developments mean that it will be the developers responsibility to assess the potential impacts of the Project on the RFFP AV6 site and design and/or mitigate accordingly*"

None of this is reassuring and appears to be a blatant disregard for the wellbeing of people in this area as well as an abdication of responsibility. There are no proposals as to how this will be agreed, monitored or enforced. Therefore as it stands, I am deeply concerned that if approval is given mitigation measures will be non-existent, minimal & ineffective or unacceptably obtrusive.

2.5 Compensation for the inevitable reduction in property value for homes not subject to a compulsory purchase order is not mentioned.

### **3. Adequate time must be given for consideration and response**

*Timing is crucial – is it an appropriate time and environment, was enough time given for people to make an informed decision and then provide that feedback, and is there enough time to analyse those results and make the final decision?*

The period for objection to the proposals was for 5 weeks and fell entirely over the summer school holiday period. As the proposals have an impact on level crossings and access to schools this should have been taken into account & was therefore ill timed.

In addition given the huge amount of paperwork that was produced & lack of any publicity, summaries or direction, the time allowed of 5 weeks was inadequate.

The environment in which the documents could be viewed was also unsuitable as they could not be viewed electronically & due to the limited opening times of access to the physical documents the task was impossible in the time allowed.

### **4. The product of consultation must be conscientiously taken into account**

It is difficult to see how, given the inadequacy of the consultation that anyone could make a reasoned argument that could be conscientiously taken into account.

A number of public bodies across the UK have been taken to Judicial Review and deemed to have acted unlawfully in their Public Sector Duty – usually linked to the four Gunning Principles.

I therefore believe that one of the outcomes of this investigation should be as recommendation that;

A the consultation be reopened

- B carried out over a period of 12 weeks, and
- C Information is provided in a format that enables those people who live close to the proposed route & are therefore are likely to be adversely affected, to assess the implications and make reasoned representations to reduce any adverse impact should the mitigation proposals be inadequate.