

# Special Meeting of Council

Thursday 10 April 2014

Members of Cherwell District Council,

A special meeting of Council will be held at Bodicote House, Bodicote, Banbury, OX15 4AA on Thursday 10 April 2014 at 6.30 pm, and you are hereby summoned to attend.



**Sue Smith**  
Chief Executive

Wednesday 2 April  
2014

## AGENDA

**1 Apologies for Absence**

**2 Declarations of Interest**

Members are asked to declare any interest and the nature of that interest which they may have in any of the items under consideration at this meeting.

**3 Communications**

To receive communications from the Chairman and/or the Leader of the Council.

#### **4 Petitions and Requests to Address the Meeting**

The Chairman to report on any requests to submit petitions or to address the meeting.

#### **5 Urgent Business**

The Chairman to advise whether they have agreed to any item of urgent business being admitted to the agenda.

### **Council Business Reports**

#### **6 Petitioning and Opposing the Hybrid Bill on High Speed 2 (HS2) (Pages 1 - 26)**

Report of Head of Strategic Planning and the Economy

##### **Purpose of Report**

To adopt a resolution opposing the Hybrid Bill on High Speed 2 (HS2).

##### **Recommendations**

The meeting is recommended:

- 1.1 To discuss and agree potential petitioning matters as recommended by Executive and listed in 3.11 below.
- 1.2 To resolve to oppose the Hybrid Bill on HS2 pursuant to section 239 of the Local Government Act 1972 as a necessary pre-requisite to formal petitioning

#### **7 Ratification of Appointment of Deputy Electoral Registration Officer (Pages 27 - 30)**

Report of Electoral Registration Officer

##### **Purpose of report**

To ratify the appointment of Deputy Electoral Registration Officer

##### **Recommendations**

The meeting is recommended:

- 1.1 To ratify the appointment of James Doble as Deputy Electoral Registration Officer.

**Councillors are requested to collect any post from their pigeon hole in the Members Room at the end of the meeting.**

## **Information about this Agenda**

### **Apologies for Absence**

Apologies for absence should be notified to [democracy@cherwellandsouthnorthants.gov.uk](mailto:democracy@cherwellandsouthnorthants.gov.uk) or 01295 221589 prior to the start of the meeting.

### **Declarations of Interest**

Members are asked to declare interests at item 2 on the agenda or if arriving after the start of the meeting, at the start of the relevant agenda item.

### **Local Government and Finance Act 1992 – Budget Setting, Contracts & Supplementary Estimates**

Members are reminded that any member who is two months in arrears with Council Tax must declare the fact and may speak but not vote on any decision which involves budget setting, extending or agreeing contracts or incurring expenditure not provided for in the agreed budget for a given year and could affect calculations on the level of Council Tax.

### **Evacuation Procedure**

When the continuous alarm sounds you must evacuate the building by the nearest available fire exit. Members and visitors should proceed to the car park as directed by Democratic Services staff and await further instructions.

### **Access to Meetings**

If you have any special requirements (such as a large print version of these papers or special access facilities) please contact the officer named below, giving as much notice as possible before the meeting.

### **Mobile Phones**

Please ensure that any device is switched to silent operation or switched off.

### **Queries Regarding this Agenda**

Please contact Natasha Clark, Democratic and Elections  
[natasha.clark@cherwellandsouthnorthants.gov.uk](mailto:natasha.clark@cherwellandsouthnorthants.gov.uk), 01295 221589

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## Cherwell District Council

### Council

10 April 2014

<p><b>Petitioning and Opposing the Hybrid Bill on High Speed 2 (HS2)</b></p>
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### Report of Head of Strategic Planning and the Economy

This report is public

#### **Purpose of report**

To adopt a resolution opposing the Hybrid Bill on HS2.

#### **1.0 Recommendations**

The meeting is recommended:

- 1.1 To discuss and agree potential petitioning matters as recommended by Executive and listed in 3.11 below.
- 1.2 To resolve to oppose the Hybrid Bill on HS2 pursuant to section 239 of the Local Government Act 1972 as a necessary pre-requisite to formal petitioning

#### **2.0 Introduction**

##### **2.1 Why is Hybrid Bill used?**

The government wishes to obtain powers to build the railway in order to buy/lease land and obtain (deemed) planning permission. The government is also seeking permission to make road and waterway diversions (temporarily or permanently). Finally, there is a need to modify statutory undertakers' equipment (divert a water main or a sewer for example). A public or private bill can only be used to seek some of these powers, hence a 'hybrid' is required.

## 2.2 Public and Private Bills

A public bill can create or amend public legislation (i.e. legislation that applies to everybody). An individual can make representations to MPs, but committees have no right to be heard.

A Private Bill is usually promoted by organisations such as local authorities or companies and only affects only certain individuals. Those same individuals affected have the right to petition and be heard

## 2.3 Hybrid Bills

Hence, a Hybrid Bill has characteristics of public and private Bills. The **principle** of the proposal is debated in Parliament and the details are **scrutinised** by a Select Committee. Individuals affected by the proposal have a **right** to petition and be heard by the Committee. A principal council can only oppose a public or a private bill by passing a resolution of Full Council in accordance with section 239 of the Local Government Act 1972 – see 7.2. below.

## 3.0 Report Details

### 3.1 When is a Hybrid Bill used?

A Hybrid Bill is use for large infrastructure projects of national significance, such as the Channel Tunnel (1987), the Severn Bridges (1992), the Channel Tunnel Rail Link (1996) and the Crossrail project in 2008.

### 3.2 Hybrid Bill documents

The Bill itself includes a number of key items such as Schedules to the Bill, plans and sections, Estimate of Expense, the Book/s of Reference and supporting documentation such as the Environmental Statement (incl. Code of Construction Practice).

### 3.3 Hybrid Bill process

The Environmental Statement is the key document upon which the public (and local authorities) can comment. The public consultation on the ES commenced on 25<sup>th</sup> November 2013. It ends on 27<sup>th</sup> February 2013. A draft response is in preparation.

### 3.4 Who can petition and how?

The process is defined by Parliament rather than HS2 Ltd. Anyone 'directly and specially affected' by the Bill can petition in writing, following prescribed format <http://www.parliament.uk/documents/upload/commonspetitioningkit.pdf> (page 4).

But, a petition must be made in person (by the Petitioner or Agent acting on their behalf) to the Private Bill Office. A petition will not be considered by the Committee unless they or their agent appears (i.e. turns up to allotted session).

### 3.5 **Committee powers**

The committee has similar but different to departmental Select Committees and it operates more like a court.

Their initial remit is to decide 'locus standi' (i.e. does the petitioner have the status to petition?). It then hears petitions against the Bill, scrutinises all the proposals and reports to House. The committee can amend but cannot reject the Bill.

### 3.6 **Committee members**

The Select Committee cannot include any MP's with an 'interest', i.e. along the line of route or linked to the construction or railway industries. Membership is drawn from proportional make-up of the House (i.e. Coalition Government majority).

### 3.7 **Rights of parties**

Promoter and petitioner have a right to appear before Committee to make their cases. Petitioners can be heard either in person or by their agent/counsel

### 3.8 **Order of proceedings**

The first stage of the process is for the Petitioner to set out how they are affected by the Bill (it is usual to allow petitioner the first and last word). The Petitioner can call witnesses.

The second stage involves the witnesses being cross-examined by promoter, then re-examined by petitioner. Once petitioner's case is made, Counsel for the promoter can call witnesses and witnesses can be cross-examined by petitioner etc.

Finally, the Petitioner has the right of reply.

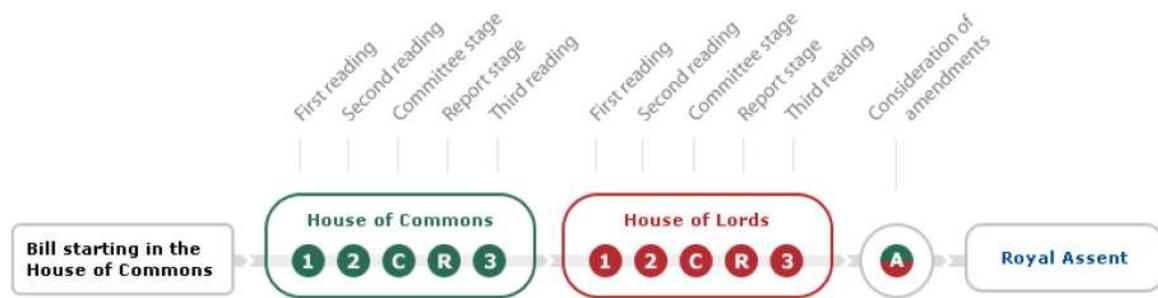
### 3.9 **Potential changes**

The Select Committee has powers to suggest changes to the Bill. If Parliament agrees they can instruct the promoter to change the Bill.

Additional powers can subsequently be sought by another consents process through a planning application, the Transport and Works Act (TWA) or a Development Consent Order (DCO).

### 3.10 **Estimated timetable for passage of the Hybrid Bill**

See next page



Stage	Estimated date*	Comments
<b>House of Commons</b>		
<b>1<sup>st</sup> reading</b>	End of November hybrid Bill deposited <i>(Source: Commons Private Bill Standing Orders 27 and 27A)</i>	<ul style="list-style-type: none"> <li>• Bill is deposited + supporting documentation (including Formal ES)</li> <li>• Formality - authorises Printing of Bill (though will be electronic).</li> <li>• Checks compliance with the House's rules (Standing Orders) before the second reading can take place.</li> </ul>
<b>Public consultation on Formal ES</b>	Possibly end January 2014	<ul style="list-style-type: none"> <li>• Will be for a minimum of 56 days once Bill deposited <i>(Source: Paving Bill Motion).</i></li> </ul>
<b>ES Examiners Report published</b>	Possibly end February/early March 2014	<ul style="list-style-type: none"> <li>• Examiners Report must be submitted to the House within a period determined by the independent assessor in consultation with the relevant Minister (no earlier than 28 days after close of consultation period).</li> <li>• A period of 14 days must then elapse before 2<sup>nd</sup> reading.</li> </ul>
<b>2<sup>nd</sup> reading</b>	Earliest date would be mid March 2014	<ul style="list-style-type: none"> <li>• Establishes general principles of HS2 and the key features.</li> <li>• Once stage finished there will be no other opportunity to argue about the principle (business case etc).</li> <li>• Launches petitioning period.</li> </ul>
<b>Petitioning period</b>	Period of time to submit petitions defined at second reading	<ul style="list-style-type: none"> <li>• Petitions can be submitted from anyone who is affected by the Bill and can be made personally or through Parliamentary agents.</li> <li>• Set out detailed matters of concern together &amp; request for a specific response or remedy. For example – petitioners may question elements of the proposed route/ effect on particular properties.</li> </ul>
<b>Select Committee**</b>	Starting in April/May/June 2014 onwards. (Total length	<ul style="list-style-type: none"> <li>• Made up of MP's who are not directly affected by the route.</li> <li>• Opportunity to present the case to Select Committee if not able to reach an agreed position with DfT officials</li> </ul>

	dependent on number of petitions)	and HS2 Ltd. <ul style="list-style-type: none"> <li>• Can take months/ over a year (Crossrail sat from Jan 2006 to Nov 2007) Committee decides issues raised in petitions.</li> </ul>
<b>Standing Committee</b>	Date unknown	<ul style="list-style-type: none"> <li>• MPs may table amendments after hearing the petitioners.</li> </ul>
<i>Potential Public Consultation on any further environmental information</i>	<i>Date unknown – could also occur prior to second reading</i>	<ul style="list-style-type: none"> <li>• <i>If further environmental information is needed to make the ES compliant with the EU directive there will be a minimum of 42 days for comments to be submitted. Again comments will have to be published and a summary from the independent assessor.</i></li> </ul>
<i>Potential report on further environmental information</i>	<i>Note above</i>	<ul style="list-style-type: none"> <li>• <i>14 days must elapse before the third reading (unless environmental information is issued before second reading in which case it will need to be 14 days before the second reading).</i></li> </ul>
<b>Report and Third Reading</b>	Date unknown	<ul style="list-style-type: none"> <li>• House considers Bill and may amend or reverse standing committee changes.</li> <li>• This concludes the Commons stage and the Bill is then sent to the House of Lords.</li> </ul>
<b>House of Lords</b>		
<b>1<sup>st</sup> reading &amp; petitioning period</b>	Date unknown	<ul style="list-style-type: none"> <li>• The same process is then repeated in the Lords.</li> <li>• Petitioners can petition the House of Lords which presents further opportunity for objectors to petition and to appear before a select committee.</li> </ul>
<b>2<sup>nd</sup> Reading</b>	Date unknown	
<b>Select Committee**</b>	Date unknown	<ul style="list-style-type: none"> <li>• Crossrail Select Committee was appointed on Feb 2008 &amp; dissolved May 2008.</li> </ul>
<b>Report &amp; 3rd reading</b>	Date unknown	
<b>Commons Consideration of Lords' amendments</b>	Date unknown	<ul style="list-style-type: none"> <li>• Further amendments can be made.</li> </ul>
<b>Royal Assent</b>	2015	<ul style="list-style-type: none"> <li>• General election is in May 2015***</li> </ul>

### 3.11 What matters could Cherwell District Council petition on?

Cherwell Council has 'Locus Standi' as it represents all of those affected within the district.

By way of protecting both resident and taxpayers within the district, the key consideration is to only petition on matters where it might be seen to be 'reasonable' to expect the promoters to change the bill.

As the principal purpose of the bill is to 'seek permission' to build the railway, the scheme design only needs to be of 'sufficient' detail to enable the passage of the Bill. Hence requests for micro changes to specific sections of the route are inherently unlikely to be successful.

It is therefore suggested that CDC focuses on a number of matters of principle relevant to a rural district and considers areas where changes to methodology or design characteristics will have a net benefit to specific locations in the district. The five principle areas suggested for advancement to petition are:

1. **Noise Standards:** the current guidance is that noise mitigation is NOT considered necessary where average Decibel levels are below 50dBA. In short, an urban area will receive mitigation where noise levels are anticipated to rise from, for example 45dBA to 51dBA, whereas a rural area, such as South Northamptonshire could see levels rise from 25dBA to 49dBA without any mitigation. Further, that suggested night-time max decibel levels (dB Max) are at that which may provoke sleep disruption. Hence, petitioning to achieve a drop in one or more of these levels is suggested.

These are matters of relevance to the impact of the line through Cherwell.

2. **Visual Impact and Intrusion:** the current scheme proposes the use of consistent and largely 'urban' design cues for infrastructure such as roads (off-road access and on-road re-alignments), viaducts and culverts. It is suggested that CDC petitions on the use of designs more appropriate to a rural setting.

These are matters of relevance to specific sites in Cherwell District which CDC is identifying through its mitigation assessment.

3. **Local Design Standards:** as above, the current scheme proposes the use of consistent and largely 'urban' design cues with no specific requirement to 'integrate' the design into the natural setting. To support a more generic 'rural' design principle, it is recommended that CDC petitions on the specific use of locally occurring and present existing design cues to complement our local built and natural heritage and respect our designated conservation areas.

These are matters of relevance to the impact of the line through Cherwell District.

4. **Construction Issues:** the current guidance is generally vague with regards to both construction traffic routes and site access. Petitioning on this issue could seek commitments on which roads would and would not be used and the specific times at which compounds and construction sites would be accessed. With respect to construction traffic, any potential petition would need to seek advice from (and be aligned with) Oxfordshire County Council as the designated highways authority.

These are matters of relevance to the impact of the line through Cherwell District.

5. **Height of Line:** the current proposals restrict horizontal deflections of the line (i.e. changes to the exact route with respect to East or West). However, vertical deflection (i.e. changes to the height of the line) is effectively unrestricted. Petitioning on this matter would seek to restrict the variation to a set number of metres above or below the current proposal.

These are matters of relevance to specific sites in Cherwell which CDC is identifying through its mitigation assessment. All were endorsed as appropriate petitioning matters when Executive received a similar report to this on 3 March 2014.

### 3.12 Response from HS2 Ltd

A meeting was held between officers from South Northamptonshire and HS2 Ltd Petition Manager (Area South) on 30 January 2014 which are relevant to the issues being considered in this report. The five 'potential' petitioning areas were discussed in broad terms and the following comments were made on behalf of HS2 Ltd in relation to them:

1. **Noise Standards:** these have been agreed through the consultation on the scope and methodology at the time of the Draft Environmental Statement (July 2013). Different noise standards would necessitate a new Environmental Statement
2. **Visual Impact and Intrusion:** the final detailed design of the scheme will take place in 2015/16. Qualifying local authorities (i.e. those that agree to sign the planning memorandum in Spring 2014) will be consulted on and have influence over the final design. The Environmental Statement (including published photomontages) is intended to represent the 'worst case scenario' and some of the more detailed mitigation is not shown.
3. **Local Design Standards:** there is a drive towards reducing on-site costs, hence the design is likely to be uniform along the length of line, with for example, bridges built off-site in modular units and transported to construction sites.
4. **Construction Issues:** HS2 is not able to confirm exact details of which routes will be used and when until the final design stage in 2015/16. The details will be included in the Local Environmental Management Plans (LEMPS) that South Northants Council will be consulted on.
5. **Height of Line:** the published standards permit the line to be lowered without any restriction, but not raised by more than 3 metres. However, any change in elevation is limited by the land that has been safeguarded. For example, constructing a deeper cutting or moving bunds further away from the line (to negate the sound impact of a raised bridge) would only be possible within the safeguarded area (this includes land identified for construction or mitigation that may then be returned to its previous use such as agricultural). In short, this effectively limits the amount of vertical deviation from the proposed route.

### 3.13 Next Steps on HS2

The CDC Response to the Environmental Statement (Appendix 1) submitted to the Department for Transport in February 2014 forms the basis for the preparation of the Parliamentary Petition. It will be supplemented by a full section-by-section analysis of the issues raised through the parish consultation process.

If the resolution is adopted by Full Council the petition will be prepared jointly with South Northants Council, who are undertaking a similar piece of work, with submission to Parliament in May/June 2014. The contents of the Petition will also be coordinated with Oxfordshire County Council given the issues relating to highways disruption and other transport matters.

Whilst the exact timing of 'petition hearing' is unknown, past hearings on rail infrastructure projects have progress geographically. Hence, whether the process begins by considering issues at London (Euston) or Birmingham (Curzon Street), it is 'likely' that local issues will be considered in the Autumn/Winter of 2014.

This is the point at which Cherwell District Council 'may' be required to appear in parliament before the Hybrid Bill panel.

## **4.0 Conclusion and Reasons for Recommendations**

- 4.1 The impact upon the district and its residents of proposed mitigation measures is anticipated to be very high. Officers do not feel that the published material provides sufficient reassurance that adequate mitigation will be implemented.

## **5.0 Consultation**

This report has been informed by continuing discussions at meetings attended by local District Councillors, the local Member of Parliament, Parish Councils affected by the routes and representatives of the local action group. A similar report was taken to Executive on 3 March 2014 and it was resolved to petition the Bill and to recommend to Council that the necessary resolution opposing the Bill be passed.

## **6.0 Alternative Options and Reasons for Rejection**

- 6.1 The alternative is not to petition and oppose. This option is not recommended as the impact upon the district and its residents of proposed mitigation measures is anticipated to be high.

## **7.0 Implications**

### **Financial and Resource Implications**

- 7.1 There is a financial implication to petitioning. It is difficult to be definitive on the costs associated, but it is intended to petition in collaboration with South Northamptonshire Council to secure economies of scale.

There is an existing HS2 reserve, which currently stands at £14,000 and which will be utilised to fund this task and will set a cap on the cost of the Petitioning process.

Comments checked by:

Tim Madden - Interim Head of Finance and Procurement, 0300 003 0106

[Tim.madden@cherwellandsouthnorthants.gov.uk](mailto:Tim.madden@cherwellandsouthnorthants.gov.uk)

## Legal Implications

- 7.2 If the Council is to petition it will be necessary to appoint external parliamentary agents to act on its behalf. It is intended to petition in collaboration with South Northamptonshire Council.

Section 239 of the Local Government Act 1972 enables a local authority to oppose a public or private bill where it is satisfied that it is expedient to do so, but only in accordance with the procedure set down by the Act. There must be a resolution to oppose passed by a majority of the whole number of the members of the Council whether present and voting or not (i.e. at least 26 members) and there must be an advertisement published at least 10 clear days before the meeting in one or more newspapers circulating in the Council's area giving notice of the meeting and its purpose.

Comments checked by:

Kevin Lane, Head of Law and Governance, 0300 003 0107

[Kevin.lane@cherwellandsouthnorthants.gov.uk](mailto:Kevin.lane@cherwellandsouthnorthants.gov.uk)

## 8.0 Decision Information

### Wards Affected

Fringford

### Links to Corporate Plan and Policy Framework

A Cleaner, Greener Cherwell

### Lead Councillor

Councillor Michael Gibbard - Lead Member for Planning

### Document Information

Appendix No	Title
One	CDC Response to the Environmental Statement
Background Papers	
None	
Report Author	Adrian Colwell – Head of Strategic Planning and the Economy
Contact Information	03000030110 adrian.colwell@cherwellandsouthnorthants.gov.uk

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## **Response to HS2 Environmental Statement from Cherwell District Council**

### **Executive Summary:**

*“Cherwell Council is concerned that many of the issues raised during the Community Forum process and the consultation on the Draft Environmental Statement have not been fully addressed. Despite the sheer volume of new material published, many assumptions have been made, detail has been omitted and a number of assets in our district with identified impacts have been assigned a low value, or assessed as being only low or moderately impacted by HS2. We challenge these assumptions.”*

### **Background & Context:**

Cherwell District is a rural, unspoilt and tranquil place; an unspoilt ancient landscape with deep history and tranquillity which the Council have always sought to protect.

The Council is committed to protecting the villages and countryside from inappropriate development and developments of scale. It remains very unclear how local character will be maintained. We are surprised that so little work has been undertaken of what will be lost as a result of this project.

This response to this published Environmental Statement is driven by a desire to minimise the impact on individuals, communities and fundamental character of the District. We wish to ensure that the final proposal and the ongoing debates on mitigation and compensation minimise impact from the scheme.

We do not believe that rural areas are just blank spaces on the map to be filled with development, but something unique, something to be treasured. We have a duty to ‘Preserve what is special’ and try to pass it on intact to future generations. The proposed route will cut across a high quality environment which needs to be recognised, both the implications for communities, businesses and individuals now and the loss to communities of the future.

A scheme of national significance therefore demands the very highest environmental standards to achieve the very lowest impact possible. As what is the price to put on tranquillity, or the heritage and biodiversity that will be adversely affected or lost?

In the Cherwell District the revised ‘preferred route option’ that is the subject of the Hybrid Bill will have a direct impact on the ward of Fringford:

We believe that it is critical that the wider impact of development on all of the heritage and environmental assets in Cherwell is considered in more depth than has been the case to date. The impact on the setting of Scheduled Monuments and Listed Buildings should be considered when assessing the impact of a development. Similarly the biodiversity sites all have a wider context and cannot survive if isolated from their surroundings.

### **High-level commentary on the Environmental Statement**

CDC makes the following high-level comments in relation to the Environmental Statement:

- Stakeholder engagement has been poor and the effective ‘winding down’ of the Community Forums between the Draft and Final Environmental Statements has created a significant gap in communications at a critical time in the process.
- Significant impacts have been dismissed, e.g. the separation of parts of the village of Newton Purcell from the rest of the village.
- Assumptions have been made in relation to, for example, ecology where 2008 surveys have been taken to still be correct.
- The built and cultural heritage of Cherwell is not highly valued.
- Temporary has been used loosely. Specifically temporary impacts being ‘up to 10 years’ in stark contrast to the ‘18 months to 3 years’ implied during the Community Forum process.

### **Q1: CDC Comments on the Non-Technical Summary**

Cherwell Council welcomes the additional detail supplied in the Environmental Statement (ES), compared with the draft ES. However, we feel that the consultation period (25 November 2013 and 24 January 2014) was totally inadequate for us to consider the level of detail supplied, and in turn to ensure that Parliament is made aware of any shortcomings in the assessment. The last-minute extension came at the point at which many had completed their responses or were in the final stages of approval. This has done little to assist in the digesting of masses of poorly cross-referenced material.

We would also like to highlight that, during the preparation of the additional detail, there was very limited engagement by HS2. The Community Forums and Planning Forums were effectively ‘wound down’ at the time of the Draft Environmental Statement and, combined with the parliamentary summer recess, the brief opportunities afforded by the September/October rounds of meetings appear to have had scant influence on the development of this later document.

### **Q2: CDC Comments on Volume 1 – Introduction to the proposed scheme and the environmental statement**

In summary:

- Inadequate surveys
- Misquoting of the Lawton principle
- Double-counting amongst biodiversity figures
- Emphasis on Bechstein bats but there are other species that require attention
- Barn owls will be wiped out along the line; long term it is their habitat loss that is the problem, which is not adequately addressed by landowners putting up extra nesting boxes.
- Incidental killing of bats - when does this become fundamental?

Ecology Methodology:

- The ES still does not adequately ensure that the timescale of impacts is accurate e.g. that impacts that are described as ‘temporary’ truly are temporary. New

habitats such as woodland will take a long time to reach maturity. It is misleading to refer to the loss of woodland and creation of replacement habitat such as this as only having a temporary impact on species that it supports.

- Vol. 1 Para 7.7.2 states that the baseline is robust. However, it explains that not all land could be accessed for ecological surveys.

Sources of information are incomplete: e.g. the list for the Environmental Features Maps does not include TVERC (Thames Valley Environmental Records Centre). Information from TVERC should be included. Woodland is from OS maps – this is a very unusual approach. UK Biodiversity Action Plan Priority Habitats should be included based on information from TVERC, then verified through HS2's ecological surveys. At present the maps do not show UK Biodiversity Action Plan habitat – this is inadequate. Local Wildlife Sites should include Proposed Local Wildlife Sites. In the Community Forum Chapters the assessment of UK BAP Priority Habitats should include Scrub-dense continuous.

The documents refer to mitigation measures for Great Crested Newt and other protected species, but these are not detailed. These need to be clearly stated.

The route comprises large areas of arable farmland, as well as more valuable areas for wildlife including and protected sites, stream corridors and areas of ridge and furrow grassland. There is therefore a good opportunity for enhancing the wildlife value of this area through mitigation and compensation works.

There will be direct impacts from HS2 on already identified protected sites and habitats and also a loss of connectivity in the landscape, particularly impacting butterflies and mammals.

While there are no international designated sites affected in Cherwell District, there will be an impact on nationally designated sites (e.g. SSSI's) and regional / local designated sites.

There is a potential for major loss of ancient woodland and historic hedgerows and the Council are in the process of mapping these sites given the incomplete nature of the BAP coverage in the District.

Cherwell DC is concerned at the serious potential for impact on protected species and areas with abundant wildlife.

There will also be an impact on productive farmland in Cherwell District. It is unclear whether there will be restrictions on farming with farm access broken. There is a continuing need for livestock and crop access and new bridges to a width to accommodate farm machinery. The current mapping undertaken by HS2 does not take into account the nature of land ownership and the impact on farm businesses of the route.

The Council is concerned to ensure that the correct surveys & assessments are undertaken. An appropriate assessment is required for the project to comply with the provisions of Council Directive 92/43/EEC on the conservation of natural habitats and of wild flora and fauna (Habitats Directive).

An independent assessment of the environment and biodiversity of the area affected is critical to ensure this is properly considered if the scheme is proceeded with. In addition, HS2 must ensure appropriate surveys are undertaken to identify the potential opportunity for habitat creation and extension in appropriate locations.

### **What percentage of land on or close to the route has been surveyed?**

Further information is needed to qualify this statement and to justify whether the baseline is based on sufficient data to ensure it is robust

- The ES states that they will be “...guided by the methodology advocated by IEEM...”.

### **Why “guided by” and not “adhere to”? IEEM methodology is the recognised standard in the UK.**

- Whilst cumulative impacts are now assessed these, and route-wide impacts, are only assessed at regional level or above. There is no assessment of local cumulative impacts, which could be very significant.
- Unfortunately, the definition of the “precautionary approach” is still unclear in the final ES. Clarification is needed on what is proposed.

### **Is it that HS2 will follow the normal precautionary principle or not?**

Habitat and species fragmentation:

- There appear to be very few green tunnels/bridges being provided and the few that are proposed often seem to have another use, with wildlife corridor being a secondary, and often incompatible, use. If these are used for a road, then animals using these routes may be killed/injured and populations fragmented. Without frequent and suitably designed green tunnels and green bridges to allow ground moving and low-flying species to safely cross, the HS2 route will act as a harmful barrier to species movement across the country. This is entirely contrary to the Government’s White Paper: Making Space for Nature, which emphasises the importance of joined-up habitats. HS2 could act as a barrier to genetic dispersal, potentially resulting in harm to populations through loss of genetic diversity resulting in populations vulnerable to weakness and disease. It would fragment habitats and prevent movement that species may need in order to adapt to climate change.
- Where green tunnels/bridges are being proposed it is not clear how these would be designed to ensure that they would allow species movement. If the soil spread on the bridge is not deep enough or does not have the right properties it would not enable trees to grow so some woodland species would not be able to use it as a dispersal route. If the soils dry out too frequently or an appropriate management regime is not designed in, then it may just become amenity grassland with low biodiversity value. The sonic boom (pulse wave) from the trains and resulting barotrauma might also prevent species being able to use the green tunnels/bridges if this impact cannot be designed out.

## Assessment of Impacts:

- The ES acknowledges that Barn Owls would be severely impacted. It states that all breeding populations within 1.5km of the route would be likely to be lost due to deaths by train-strike. However, it states that bats and other bird species would not be adversely impacted after mitigation. The ES does not appear to explain whether other species that have similar behaviour to Barn Owls would be killed/injured and populations lost for the same reasons as Barn Owls. The impact of barotrauma and collision on populations of bats and other birds that hunt/fly low over grassland or hedges has not been fully explained in the ES and robust scientific evidence is needed to justify the statements made in the ES.
- Different species of birds and bats will have different behaviours. Therefore, it needs to be made clear what species the ES is assessing the impacts on. The ES should explain what scientific evidence has been used to justify conclusions in the ES and which species the research is based on.

## **What evidence is there that bats and the insects they feed on would not be affected by the electromagnetic fields?**

- Para. 7.5.19 states that there would be no significant effects on bats using the disused railway sections. The ES considers that the bats would use alternative habitat. However, it seems likely that bats will be killed and injured by the trains and impacted by habitat loss. The impacts of the loss of the habitat corridor that currently exists along the route of the old railway do not appear to have been fully assessed.

## Mitigation/compensation of impacts:

- There is no commitment to secure alternative sites suitable for Barn Owls at a safe distance to maintain populations away from the route. The report only states that they would “explore opportunities to provide barn owl nesting boxes with landowners”.
- Where habitats are being lost and compensatory habitat provided, it is not clear what ratio of existing to replacement is being proposed. Normally a substantially larger amount of replacement habitat than existing would be provided, because the new habitat would take time to establish and there is a risk that it would not successfully reach the quality or serve the ecological functions of the existing habitat. For example, the ES explains that replacement blackthorn (essential for the Black Hairstreak Butterfly) would be planted to replace that lost, but does not give an indication of the ratio of replacement habitat to existing.
- There is discussion about translocation of habitats in Vol. 1 para 6.4.8 but what evidence is available to demonstrate the success rates of these methods?
- The ES explains that long-term ecological monitoring will be carried out. However, there is no commitment to when the monitoring would start and for how long. Nor is there a commitment to carry out further mitigation if negative impacts are recorded.

- There is an emphasis on the multifunctional use of landscape planting in Vol. 1, para. 5.13.3. Whilst landscaped areas may provide suitable habitats for some species, these areas may be useless for others due to the noise and the loss of populations/individuals to death/injury. Mitigation specifically for the habitats and species impacted by the route and associated works and indirect impacts must also be provided.

### **Protected Species in Cherwell:**

There are sites where the HS2 route will result in the direct loss and fragmentation of valuable wildlife habitat and impact on many important species of flora and fauna.

We have the following records of species and areas of ecological/ biodiversity interest within 500m either side of the proposed line within Cherwell District:

#### **Protected Species:**

- Water vole (protected under Wildlife and Countryside Act 1981 as amended)
- Badger (Protected under Protection of Badgers Act 1992)
- Grass snake (protected under Wildlife and Countryside Act 1981 against killing and injury)
- Common Lizard (protected under Wildlife and Countryside Act 1981 against killing and injury)
- Biodiversity Action Plan (BAP) Priority/ Section 41 Species and notable species:
- Water flax beetle – Nationally Notable invertebrate
- Small Heath - BAP/ Section 41 NERC Act species
- Cinnabar - BAP/ Section 41 NERC Act species
- Wall - BAP/ Section 41 NERC Act species
- Shaded Broad-bar - BAP/ Section 41 NERC Act species
- Basil Thyme - BAP/ Section 41 NERC Act species
- Wood White - BAP/ Section 41 NERC Act species
- Dingy Skipper - BAP/ Section 41 NERC Act species
- Grizzled Skipper - BAP/ Section 41 NERC Act species
- Small Blue - BAP/ Section 41 NERC Act species
- Four-spotted - BAP/ Section 41 NERC Act species
- Figure of eight - BAP/ Section 41 NERC Act species
- Cuckoo - BAP/ Section 41 NERC Act species
- *Lebia chlorocephala* (ground beetle) – Nationally notable
- *Stenus butrintensis* – Nationally notable
- *Psallus albicinctus* – Nationally notable B
- Kingfisher – amber list bird

The route passes within close proximity to a number of large ponds and lagoons (close to Finmere and Godington). There may therefore be issues with amphibians, most notably Great Crested Newts to be addressed, which could be using areas to be affected as terrestrial habitat. The lagoons may also be important for water birds which could be impacted by disturbance.

The route also appears to pass through or directly adjacent to a couple of plantation and woodland areas near Fimere. There may be important nesting birds or roosting bats in these areas which would need to be surveyed for.

**Bats:**

- The ES states that the corridor of the River Great Ouse on the County boundary (Northamptonshire/Oxfordshire/Buckinghamshire) has the potential to support a large number and range of species of bats. Further information is needed on how impacts would be mitigated and the proposals for crossing the river.
- Bats are likely to be foraging along the watercourses and hedgerows throughout the area as well as the old LNER railway as this forms a major vegetated corridor across the wider landscape and therefore could be important for commuting and foraging bats, which may be difficult to mitigate for.

**Great Crested Newts (GCN):**

- The explanation of the importance of GCN in the report is not very clear. For example, the populations are described as of “County” and “District/Borough” importance respectively. However, the numbers found are both would be classified as “medium populations” under the Great Crested Newt Mitigation Guidelines (Natural England, 2001), which are the standard guidelines used for licencing. The ES is correct that GCN are a “species of principal importance”, but they are also a European Protected Species or European conservation importance.

**Otter:**

- The large number of viaduct and water-course modifications along the route in Cherwell could impact on otters, fish and invertebrates. Careful methods of working would be needed. HS2 should commit to carrying out post-construction mitigation to remedy any negative impacts that are identified via the long-term monitoring of the area.
- The report states that otters use the River Great Ouse and its tributaries but that no otter holts were found at the proposed crossing point. Whilst the crossing point would be just outside the County, impacts could affect species’ movement along the river corridor and water quality. It is extremely difficult to find holts and therefore it should not be assumed that holts are absent.
- The ES states that Water Vole may also be present. Cherwell District Council has records of water vole throughout the district and it is likely they are present on some of the other watercourses to be affected.

For all these species the principal impacts both during construction and in the long-term when trains are running will be

- direct destruction and loss of habitat
- direct and indirect disturbance due to noise, lighting and habitat
- fragmentation and loss of connectivity of habitats
- isolation of populations

- potentially direct injury and killing of individuals both during construction and when trains are running

There is only one specifically highlighted habitat in our records namely a District Wildlife Site – the Old LNER railway LN2/3. This was previously of Local Wildlife Site value but has been downgraded due to loss of ecological interest. It still contains Lowland Calcareous grassland of BAP priority habitat quality and is important for butterflies and likely to be important for other invertebrates. There would be direct land loss of this area.

The proposed route would necessitate the loss of a number of hedgerow sections which are also likely to be BAP priority habitat and similarly a number of woodland areas which may qualify under lowland deciduous woodland.

The closest local wildlife site is Spilsmere wood 850m to the West. It is not foreseen that there would be any impacts on this, however there may be disturbance from noise.

The proposals for mitigation/compensation for protected species and priority habitats and species in Cherwell remain unclear and further information is needed to be able to assess whether the mitigation/compensation is adequate.

Additional information is also needed to see whether the surveys that have been carried out are sufficient to assess the likely impacts on which to base the mitigation/compensation proposals.

### **Waste and material resources**

There seems to be no information on the construction materials (including in particular aggregates) that would be required for the project, in terms of types and quantities of material required for different parts of the route and the expected sources of these materials and the modes and routes of delivery.

This would seem to be a significant omission from the information needed to assess fully the impact of the project. It is therefore not known whether and to what extent the HS2 project would impact on existing permitted reserves and other resources of minerals, or on road and rail movement in Oxfordshire.

### **Q3: CDC Comments on Volume 2 – Community Forum Areas 14 and 15**

Cherwell Council is concerned about the likely indirect impact on the Chiltern and St Pancras lines as it is anticipated that users of the Northampton to Euston line may transfer to classic lines unaffected by the construction of HS2. This is a matter not specifically considered in the Environmental Statement.

The impact of the new railway upon residential amenity is greater than the imposition of noise nuisance at whatever level it is experienced. It is also the affect upon the tranquility of a rural location, or the interruption of a rural landscape by modern transportation infrastructure. This impact affects communities/properties such as:

- Godington – A remote village accessed off of a dead end lane. The village which contains 15-20 properties, is tranquil and unaffected by road noise. It will in the future, if this proposal goes ahead, have significant train noise albeit that the trains will not be visible.
- Newton Purcell – A small village astride the A4421 the noise/disturbance and division by a road carrying relatively high volumes of HGV and other traffic transiting from the A34/M40 to Milton Keynes and the M1. The imposition of frequent train noise is an unreasonable extra burden.
- Warren Farm/The Oaks Farm – A secluded group of former farm buildings and working farm north of the A421. The proposed line charges between them in low cutting. The noise, visibility of the overhead lines/tops of trains and the accommodation works to ensure that the private access road is maintained will have a significant affect upon the whole group, especially The Oaks Farm which will be very close to the line.
- Mixbury – A Conservation Area, which is predominately an old estate village. Despite the relatively close proximity of the A43 and A421 roads the village is relatively tranquil. The train noise which will be apparent will detract from this heritage asset and the residential amenity of villages.
- Fulwell – A remote hamlet in a secluded and tranquil location. Concern is expressed that sudden noise events will result from the proposed track configuration near Mixbury, and longer noise occurrences from the River Great Ouse viaducts which are both up-wind of the hamlet.

Community Integrity – This is an issue where a community is sub-divided by transport infrastructure. It is considered that this is a significant concern in two locations. Firstly, at Newton Purcell -the few properties to the north of the proposed railway line will be segregated from the remainder of the village if the existing route under the Great Central Railway is to be blocked and a long and circuitous journey by foot or vehicle is necessary to get from these properties to the Church, public house, or other houses. This is unfortunate and at the very least consideration should be given to providing a footpath connection under the line.

The second location of concern is at Warren Farm/The Oaks Farm north of the A421. These isolated properties form a small integrated grouping. The railway will split them apart, and unless the accommodation works for the access is well done they will feel dislocated from one another, and the Warren Farm set of properties will be further removed from the main road

#### **Traffic and transport - CFA Report 14 – Newton Purcell to Brackley**

No indication of pedestrian access is given in the plans accompanying the ES.

As with all the proposed highway diversions and over bridges, the design must be approved by the local highways authority (Oxfordshire County Council).

#### **Cultural Heritage – comments apply to CFA's 14 and 15**

The environmental statement provides a thorough outline of the archaeological potential of the development area and highlights the potential impacts of the development on any surviving heritage assets. The cultural heritage section also concludes that there is the potential for the development to impact upon currently unknown archaeological deposits. We would recommend that any heritage assets affected by this development should be dealt with appropriately in line with the National Planning Policy Framework (2012) and in line with the nationally agreed written schemes of investigation as stated in the cultural heritage section of the EIA.

Any undesignated heritage assets encountered that are of demonstrably equal significance to a designated site will need to be considered in line with the guidance for designated assets as stated in para 139 of the NPPF.

The areas of concern are:

- Mixbury Conservation Area should have been recognised as a heritage asset.
- Mixbury also has a Grade II\* listed building and the Beaumont Castle Scheduled Monument. It is assumed that English Heritage have been asked for their comments upon the setting of the Scheduled Ancient Monument.
- There are two Grade II listed building in Godington, 8 in Newton Purcell and 4 in Mixbury which should be taken into account.

**There are a number of issues not yet addressed in the Environmental Statement or other documents produced. CDC seeks further information on these**

Further consideration should be given to how issues of noise will be addressed in historic buildings – double glazing is rarely acceptable in historic buildings, particularly listed buildings. In addition this Council in preparing its Conservation Area Appraisals and Management Plans have indicated that where appropriate Article 4 Direction may be issued where there is an opportunity to preserve or enhance the character or appearance of the conservation area. Again where mitigation is required then this should also be identified within the Limits of Land to be Acquired or used. Alternatively if not included within the LLAU a separate classification of land / buildings affected and requiring additional mitigation should be identified.

Proposals for mitigation as shown seem to largely revolve around reducing the impact of noise and visual intrusion of HS2. Where the setting of heritage assets and the character of landscape are important it should be recognised that the effects of some mitigation may actually be more harmful than HS2 itself, i.e. where the setting of a listed building is its isolation on a plateau, which following construction this open setting will be decimated by a bund and planting. Equally an open valley landscape could be harmed more by substantial earthworks than leaving the valley open and legible.

The ES is essentially a statement of fact and impacts. The standard format and terminology of an ES whilst considering importance of assets and impact on those does not directly correlate to the current methodology for considering heritage assets whereby the significance of the assets should be established and the impact of the proposal on the significance of the assets should be assessed, where harm is proposed the various tests then need to be applied. CDC has particular concerned that certain types of mitigation

used to screen HS2 from some heritage assets may cause almost as much harm as the HS2 itself.

#### **Q4: CDC Comments on Volume 3 – Route wide effects assessment**

A relatively large amount (159,000 tonnes) of spoil will require disposal from the Newton Purcell to Brackley section. There does not seem to be any information on the source and nature of this waste, but this may be from excavation of the old landfill within the Finmere (or Widmore) railway cutting in Oxfordshire, which it is understood would be re-excavated to create a cutting.

Volume 3: Section 14 states that the inert waste element of the waste requiring disposal totals 3.8 million tonnes; and that this will be disposed at off-site landfills in Hertfordshire, Surrey and Northamptonshire.

#### **Q5: CDC Comments on Volume 4 – Off-route effects assessment**

No comment.

#### **Q6 CDC Comments on Volume 5 – appendices and map books**

##### **Comments on Noise:**

Any mitigation measures should be innovative and designed to achieve the maximum reduction in noise levels as recommended in the National Planning Policy Framework, Noise Policy for England and the Government Sustainable Development Strategy. Information on the solutions proposed should include a cost benefit analysis to demonstrate that they are sustainable and not just the cheapest option.

It is noted that reference is made to the new trains being quieter including a reduction of aerodynamic noise from pantographs. This will need to be conditioned in some way to ensure that they meet the source specification, or quieter, used in the ES. There would also need to be post operation monitoring to ensure this was met.

Assurances will be required with regard to track maintenance to ensure operational noise continues to meet the source specification, or quieter, used in the ES.

In particular:

1. Environmental Baseline - Needs to be defined with measurement data having regard to comments on the SMR.
2. Construction Impacts - Further work is required to confirm significant construction noise and vibration effects, including any temporary effects from construction traffic, and mitigation measures that may be needed.

3. Operational Impacts - The basis for the operational train noise assessment criteria needs to be explained:

The potential for significant noise effects is dependent on the baseline data and the change in sound level brought about by the Proposed Scheme. However, with the limited information provided with regard to baseline data it is not possible to determine the likely impacts at receptors in terms of the criteria specified in the SMR.

An explanation/information needs to be provided as to how the criteria used in assessing whether an effect is potentially significant in accordance with the criteria specified in the SMR.

In particular CDC has a concern over the way the definition of significant noise and vibration impacts is applied particularly where it relates to single dwellings or small groups of dwellings. Isolated properties have been identified as being subjected to observable adverse noise effects yet the effects on these properties is effectively dismissed on the basis that they are small in number, spatially remote or subject to relatively smaller changes in noise levels. Of particular concern are properties that are affected by an increase in night time noise that exceeds 4 dB.

The bench mark for criteria for assessing night time noise is particular contentious and any revision of this criteria downwards, from 80/85 dB LA max to say 65 dB LAmax would clearly increase the number of properties significantly affected.

It is noted that the night time period for train operations is being assessed over the 8 Hour period yet high speed trains will only operate for 3 of these 8 hours. By assessing night time noise in this way would tend to under express the effect of the rail traffic within those three hours.

The criteria being used to determine significant noise effects and lowest observable adverse affect levels are still matters that are under debate with the planning sub group. It could therefore be considered premature to pass judgement on these criteria as used in the ES.

It is a concern that the operation noise levels are based on notional rail traffic noise rather than real data. There are questions as to whether HS2 will be able to commission rolling stock and design and secure type approval for track that would meet these predictive standards.

The noise produced by maintenance activities does not appear to have been effectively quantified. Regular night time maintenance will required which will include the very noisy activity of rail grinding.

### **Transport Assessments – CFAs 14 & 15**

Local transport models have not been used so will not reflect local development sites cumulative effects and take no account of locally known network constraints.

A number of strategic highways and local roads will need to be bridged. Sites that are split will require new road access to the road network. Of particular importance will be the crossing over the A4421 near Newton Purcell (and the disruption during construction).

We also wish to ensure that the design of any bridges is to a higher standard than that delivered on the HS1 project, to be of a less visually intrusive design than were provided for HS1. Landscape sensitivity is a major issue for the District. CDC is encouraged that Engineers have confirmed that coloured concrete infrastructure is being considered.

Careful blending of tones and use of locally sourced facings could significantly reduce the blight caused by standard white concrete architecture which, as the local planning authority, we will not accept under any circumstances.

Whilst it is clear that the trunk and major roads network, in particular the A43, A421, and A4421 and access to the M40 will be impacted by the project, the lack of transport assessments or clarity about how spoil is removed and ballast is imported to the construction sites is unclear and in turn unhelpful, and does not allow a proper assessment of the impacts of development during the construction phase.

While there is no specific section relating to PRow issues we are pleased to note that in CFA Report 14 – Newton Purcell to Brackley] the impacts of the scheme are considered in relation to a number of key areas: construction, community, noise, sound and vibration, visual assessment and traffic & transport. There is also a table outlining the length of the proposed diversions [2.3.26 pg.22 – Chapter 13] and statements regarding the use of temporary diversions during construction under 12.5.2 pg. 85 [Chapter 13]. Mitigation and reducing the impact during and post construction is considered alongside more 'major' issues e.g. road closures and as a consequence is fully integrated in the scheme plan, rather than an 'add on' which can then impact on other aspects of the scheme delivery or ignored altogether.

Progressing from south to north the following highway crossings are affected by the proposals:

- a) Bridlepath north of Godington – currently passes under Great Central line by underbridge – would need to be accommodated under the new viaduct.
- b) A4421 Newton Purcell Road currently passes under Great Central line with redundant bridges still in place. New overbridge with lengthy approach embankments and diversion of line of A4421 to west proposed. Without further construction details it is not possible to fully gauge the impact of this part of the proposals.
- c) Bridlepath from Home Farm Shelswell to Finmere crosses line of old railway. No accommodation works shown. Bridge would be required.
- d) Bridlepath from Widmore Farm to Finmere crosses line of old railway. No accommodation works shown. Bridge would be required.
- e) A421 near Warren Farm. Relatively recent diversion of road south of old bridge point on embankment. Old bridge works remain. New bridge proposed still further south. Unclear what happens to old bridge works.
- f) Footpath from Tibbetts Farm to Warren Farm alongside (north) of former railway line. Will need accommodation works associated with (g) below.

g) Roadway from Mixbury Lodge to Fulwell. Current overbridge over dismantled railway will need to be replaced.

h) Bridlepaths north from Beaumont Lodge and north east from Mixbury Lodge meet and continue to Westbury. The meeting point will be at a deep cutting point on new line. Will need overbridge.

It is considered important to ensure that all existing footpaths and bridlepaths are properly accommodated during the construction of, and after the opening of, any new railway line. The Council recalls that during the M40 construction (another government promoted scheme) a large number of footpaths were truncated or had significant diversions made to them. These were never replaced satisfactorily. Objections are raised if assurances are not forthcoming that this will not be repeated as a function of this scheme

Of particular concern are the proposals relating to the routing of the A4421 across the proposed railway at Newton Purcell. Rather than take the road under the railway as currently the proposal is to divert the road over the line further to the west. No explanation has been given as to why it is not possible to continue with an underbridge. Because of the height of the line relative to surrounding land levels the proposed bridge has to be approached via lengthy and high embankments. These would be harmful to the character and appearance of the landscape. The embankments will also have a significant impact upon the amenity of the two houses on the western side of the A4421 at this point. Indeed it must be questioned whether these will be viable houses after this construction, particularly that one to the south of the railway line, Station House, which will be dominated by the new railway and road infrastructure and suffer high noise levels. The raising of the road will also have the effect of raising the road noise source and may have an effect upon the amenity of the houses in the vicinity. The plans available do not make it plain whether the existing roadway under the railway will remain open.

The amenity of rural footpaths and bridleways will be fundamentally affected by the proposal. The footpath north of Godington has a particularly remote and tranquil feel to it. This will be lost completely. Similarly the two footpaths/bridleways north and east of Mixbury, which form part of a well used dog-walking loop, will have an entirely different character once the railway is constructed. They will no longer be a source of tranquil remote recreation, but will instead be subjected to the frequent passage of trains travelling at maximum speed. Again similar expressions of concern should be expressed about the footpaths which cross or are close to the line between Mixbury and Newton Purcell.

### **Code of Construction Practice**

At 14.2.2 a list of items that may be included in discussions with appropriate authorities. We would insist that many of these must be discussed with and approved by both Cherwell Council (as the local planning authority) and Oxfordshire County Council (as local transport authority). In particular this needs to include (but note this list is not exhaustive):

- Measures to ensure the maintenance and condition of public roads do not deteriorate due to construction traffic – note that a baseline dilapidation survey must be carried out and agreed with OCC.
- Appropriate PRow diversion signage
- Consenting for work over highways
- Construction access routes

- Construction traffic management plan – including agreement on construction delivery time restrictions

Our concerns centre on:

- The potential size of noise panels and intrusive concrete screening to baffle noise and not delivering the noise reduction sought.
- The overhead cabling generating additional noise..
- The use of cuttings to reduce noise, which in an area such as Cherwell District with a geological structure that is primarily clay will lead to shallow sided cuttings and a greater noise effect than occurs with steep sided cuttings where the noise is funnelled upwards.
- The impact of vibration from the route. (We are aware that vibration has been an issue for residential properties at Bluebell Hill on the HS1 route in Kent, where the line sits in a deep tunnel in chalk)

The experience of the HS1 route through Kent illustrates that the nature of noise attenuation matters both for how noise is reduced and for how intrusive the scheme is visually.

Other noise issues concern a) Construction noise & vibration and b) Operational noise & vibration.

The impacts include:

- Noise from fixed installations
- Line Maintenance
- Reradiated noise from tunnels

We expect mitigation to consider:

- Route alignments
- Location of planned tunnels and additional ones
- Location, depth and cut of cuttings
- Location of barriers and sound insulation
- Potential for relocation during construction

The lack of detail of mitigation means that the long-term impact of the scheme upon individual residents and community groups is difficult if not impossible to quantify. This is unacceptable at this stage. Parliament cannot form a proper judgement about the acceptability of the scheme.

CDC wish to ensure that the impact during construction is minimised and that contractors do not introduce changes we have not agreed to.

CDC will play close attention to the breadth of 'permissive provisions' and deemed consents to ensure all impacts are anticipated and planned for. CDC notes the high standards of design and construction impact minimisation achieved during the construction of the London Cross Rail scheme and expect a similar sensitive approach to be taken were the HS2 scheme to be approved.

If the final parliamentary decision is taken to proceed with HS2, Cherwell District Council will expect any impacts on the District to take account of all the above elements as an absolute minimum requirement.

### **Code of Construction Practice/compliance**

Self-regulation by the statutory undertaker is concerning; the overuse of the term 'reasonably practicable' does not give confidence. What happens when things go wrong?

### **Conclusion:**

Cherwell Council raises a number of specific points and asks a number of questions throughout this response (**in bold green**). We ask for a written response on each of these issues within one calendar month of the close of this consultation.

In short, we do not feel that this consultation was sufficiently long enough, and that the extension was made at the point at which most local authorities had already reached the approval stage for formal responses. Cherwell Council also feels that not all impacts were identified or fully assessed, and that mitigation measures are not sufficiently detailed to provide any reassurance in relation to impacts.

Cherwell Council is currently considering its next steps in relation to achieving a significantly higher level of impact identification, assessment and mitigation.

### **Contacts**

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26<sup>th</sup> February 2014

## Cherwell District Council

### Council

10 April 2014

<p><b>Ratification of Appointment of Deputy Electoral Registration Officer</b></p>
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### Report of Electoral Registration Officer

This report is public

#### Purpose of report

To ratify the appointment of Deputy Electoral Registration Officer

#### 1.0 Recommendations

The meeting is recommended:

- 1.1 To ratify the appointment of James Doble as Deputy Electoral Registration Officer.

#### 2.0 Background

- 2.1 The appointment of the Returning Officer (RO) and Electoral Registration Officer (ERO) is a decision made by Full Council. In the case of the appointment of Deputy Returning Officers, the law is clear that this is a matter for the Returning Officer alone to decide.
- 2.2 In the case of Electoral Registration Officer whilst the appointment of a Deputy is the responsibility of the Electoral Registration Officer, James Doble has held the position of Deputy Returning Officer and Deputy Electoral Registration Officer since 2009, having been appointed by the RO/ERO at that time and specifically appointed by the current RO/ERO following her arrival in 2011. The law is less clear on whether such an appointment requires the ratification of Council in order for a deputy to carry out electoral registration review hearings.
- 2.3 Historically formal electoral registration reviews with hearings have seldom been carried out (there has not been one since at least 2008), however with the implementation of Individual Electoral Registration they are now likely to be required frequently, as the procedure for removing electors from the electoral register has been restricted. As the Electoral Registration Officer or a properly appointed Deputy is required to be present at each hearing it is advisable to ensure that not only the

Electoral Registration Officer has been appointed by Council but that the appointment of the Deputy Electoral Registration Officer has been ratified so that they can officiate at reviews with documentary evidence of their appointment available in case of legal challenge.

### **3.0 Conclusion and Reasons for Recommendations**

- 3.1 It is the view of the Electoral Registration Officer that it is in the best interests of the Council and the successful delivery of Individual Electoral Registration to ratify her decision.

### **4.0 Consultation**

None

### **5.0 Alternative Options and Reasons for Rejection**

- 5.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: To ratify the Electoral Registration Officer's appointment

Option 2: Not to ratify the Electoral Registration Officer's appointment

### **6.0 Implications**

#### **Financial and Resource Implications**

There is no remuneration for this appointment, therefore there are no financial implications arising from this report.

Comments checked by:

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#### **Legal Implications**

The ratification by Council of the appointment of Deputy Electoral Registration Officer is a prudent measure to ensure that the electoral registration review process is not subject to legal challenge.

Comments checked by:

Kevin Lane, Head of Law and Governance, 0300 0030107,

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**Wards Affected**

All

**Links to Corporate Plan and Policy Framework**

Not applicable

**Lead Councillor**

Not applicable

**Document Information**

<b>Appendix No</b>	<b>Title</b>
None	-
<b>Background Papers</b>	
None	
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