



OFFICER REPORT TO COUNCIL

TRANSPORT AND WORKS ACT 1992 THE HEATHROW AIRTRACK ORDER

KEY ISSUE/DECISION:

1. At its meeting on 29 September 2009 the Cabinet considered how it should respond to an application by Heathrow Airport Limited (HAL, a subsidiary of BAA Limited) for Transport and Works Act 1992 powers to build the Heathrow Airtrack rail scheme. Section 239 of the Local Government Act 1972, as applied by Section 20 of the Transport and Works Act (TWA), requires that a resolution of a local authority to promote or oppose a TWA Order be passed by a majority of the whole number of the members of the authority at a meeting of the authority held after the requisite notice of the meeting and of its purpose has been given by advertisement in one or more local newspapers circulating in the area of the authority, such notice being given in addition to the ordinary notice required to be given for the convening of a meeting of the authority.
2. The Cabinet's response has been submitted to the Department for Transport as a holding objection. However, in accordance with the requirements of Section 239 of the Local Government Act 1972, the Council must agree the formal response at a meeting following the statutory notification period. It is recommended, therefore, that the Council endorses the Cabinet's response to the Transport & Works Act 1992 – the Heathrow Airtrack Order.
3. There was however an administrative error in the report of the Environment and Economy Select Committee to Cabinet whereby the Committee recommended that an additional objection should be raised relating to Runnymede Borough:

'xiv – Virginia Water station should be included in the schedule of stations that the Airtrack service (Reading to T5) will call at. The capacity and funding of Virginia Water station be considered especially in relation to car parking';

which was then included in the decisions taken by Cabinet on 29 September 2009.

This should be amended to (amended text in bold): 'Relating to Runnymede Borough, Virginia Water station should be included in the schedule of stations that the Airtrack service (**Guildford/Woking to T5**) will call at. The capacity and funding of the Virginia Water station be considered especially in relation to car parking'.

BACKGROUND:

4. On 29 September 2009 the Cabinet considered how it should respond to an application by Heathrow Airport Limited (HAL, a subsidiary of BAA Limited) for Transport and Works Act 1992 powers to build the Heathrow Airtrack rail scheme. Heathrow Airtrack is a proposal to provide a new rail link to Heathrow Airport Terminal 5 from various stations across the rail network currently covered by South West Trains services, via Staines, a new 'chord' and a new rail line across Stanwell Moor.
5. BAA/HAL, as scheme promoters, have now submitted their Transport and Works Act (TWA) 1992 Order to the Secretary of State for Transport seeking powers to construct the new rail lines and provide the Airtrack services. Interested parties have a limited period in which to register objections to the proposals.
6. The proposed Heathrow Airtrack scheme links London (Waterloo) to Heathrow T5, Guildford/Woking to Heathrow T5 and Reading to T5 passing through the districts of Guildford, Woking, Runnymede (on existing rail lines) and Spelthorne (both on existing and new rail lines).
7. The proposed Heathrow Airtrack scheme would provide a new rail link to Heathrow Airport Terminal 5 via Staines. It would complement the existing Heathrow Express service from Paddington to Terminal 5 by providing direct services to and from London Waterloo, Reading and Woking/ Guildford. In addition BAA/HAL propose to extend the Heathrow Express to Staines.
8. BAA/HAL submitted their TWA application for this scheme on 24 July 2009, and now requires the County Council's formal response to the proposals. If the Government approves the scheme, construction could start towards the end of 2010 and be operational in 2014. The scheme could not realistically be operational in time for the 2012 Olympic games.
9. In spring 2008, BAA/HAL carried out a first round of consultation. This focused on the new rail infrastructure required by the scheme, including the line across Stanwell Moor, a new rail chord in Staines and a proposal for a new station at Staines High Street. A further 'round' of consultation was undertaken during the autumn of 2008 and comments

provided by the County Council were presented to BAA prior to the submission of the TWA. During and since these consultations, the County Council has held frequent meetings with interested parties under the auspices of the Transport for Surrey Partnership.

10. Guildford, Runnymede, Spelthorne, Surrey Heath, Waverley and Woking Local Committees and the Transportation Select Committee and the Environment and Economy Select Committee have been consulted. The Committees' comments, along with the views from Woking Borough Council, Surrey Heath Borough Council, Tandridge District Council, Surrey Fire and Rescue, Surrey Police and Surrey Ambulance Service, were considered by the Cabinet at its meeting on 29 September.
11. The County Council has previously supported the principle of the Heathrow Airtrack scheme for the benefits that it will bring to Surrey in general and Spelthorne Borough in particular.
12. There remain several major issues of detail where the County Council wants to be reassured about the impact of the scheme on residents and businesses. This includes the impact of the new services on level crossings, local traffic, car parking, waste, landscaping, rights of way and station access and cycle facilities.
13. BAA/HAL have sent copies of their TWA Order and associated material to a wide circulation list and the public can view these documents at local libraries and Borough Council offices within Spelthorne and Runnymede and on-line (www.heathrowairport.com).
14. Members of the County Council have received copies of the Non-technical Summary of the Environmental Statement relating to the TWA 1992, Heathrow Airtrack Order 2009.
15. BAA/HAL's timetable for TWA Order allows for a formal response from the County Council on 18 September 2009 (42 day period). However, the County Council has requested an extension to this period until 14 October, due to the 'summer recess' to its committee process. Following the County Council's formal response, it is likely that a public inquiry will be held during the spring of 2010.
16. The Cabinet agreed a response to the Transport & Works Act 1992 – the Heathrow Airtrack Order which has been submitted to the Department for Transport as a holding objection (as detailed in the recommendation below).
17. It is confirmed that the notice of this meeting of the Council and of its purpose, as required by Section 239 of the Local Government Act 1972, has been given and therefore, the Council is able to agree formally any objections to the Heathrow Airtrack Order. In accordance with the requirements of Section 239 of the Local Government Act

1972, the Council's endorsement of the Cabinet's response (amended as set out in paragraph 3 above) is now sought.

RECOMMENDATIONS:

It is recommended that the following response to the Transport & Works Act 1992 – the Heathrow Airtrack Order be approved:

'That Surrey County Council respond formally to the Transport and Works Act (TWA) order in the following terms. The County Council will lodge objections, as set out in the submitted report to Cabinet, to the elements of the scheme, which would cause undue adverse impacts to some parts of Surrey and it is essential that suitable mitigation measures are sought with changes to the proposal and/or funding from the scheme promoters. Whilst the County Council supports the principles and objectives of the scheme, it cannot support the proposal as currently defined unless these mitigation actions are taken.

The points on which the County Council should **OBJECT** are:

- i. the business case for the scheme assumes that the new rail services can be added without detriment to existing rail services. However the scheme promoters have yet to provide a complete draft rail timetable for the scheme. The County Council needs assurance that the new airport services can be accommodated on the existing network without reducing existing services or the capacity of the rail network to allow for future growth in rail travel. In addition the Council requests HAL to provide the reasons why the High Street station does not have a sound business case.
- ii That officers be asked to explore whether Surrey County Council should request that the Secretary of State issue a formal Regulation 19 request for the additional information prior to determining this application and to delegate to the Cabinet Member for Transport the decision on the request, if officers advise that it is appropriate.
- iii Request HAL provide a detailed study on the potential impacts of the TWA on air quality across Surrey.

Relating to Spelthorne Borough

- iv the proposed Bridleway 50 located between the planned railway and the M25 is unsuitable because it would be an unattractive route for horse riders and cyclists. The Council recommends that HAL should be required to enter into further negotiations with the County Council and Spelthorne Borough Council to find a mutually acceptable and safe solution to Bridleway 50 and Cycle

Route T5, which has minimal impact on Staines Moor ahead of any public inquiry.

- v the proposed Rights of Way amendments should be amended, both to correct errors in the application and to create more sensible routes. The County Council should continue its dialogue with BAA/HAL and Spelthorne Borough Council to define an appropriate network of Rights of Way.
- vi the proposed Staines – Stanwell Moor – T5 Cycle Route is not suitable because it does not meet Core Design Values for cycling, in safety, directness, attractiveness and comfort where an improvement could be made. A T5 cycle route must be retained and the Council recommends that HAL should be required to enter into further negotiations with the County Council and Spelthorne Borough Council to find a mutually acceptable and safe solution to Cycle Route T5, which has minimal impact on Staines Moor ahead of any public inquiry.
- vii the SSSI and Ecology treatment proposals submitted in the TWA Environmental Statements due to insufficient compensatory land proposed for the loss of nationally important SSSI. The Council wishes to register serious concerns regarding the likelihood of successfully translocating biologically important plants to new habitats and the uncertainty in relation to the implementation of the scheme if all the proposed compensation land identified is not all acquired by HAL.
- viii insufficient landscaping proposals have been submitted in the TWA Environmental Statements. A Landscaping Plan would need to be submitted that is acceptable to the County Council to remove the objection.
- ix the proposals submitted in the TWA Environmental Statements for waste management are insufficient. BAA/HAL should submit a Waste Management Plan to allow Surrey County Council to form a judgement on this point.
- x the originally planned High Street (Staines) station should be reinstated to provide a direct rail service between Staines, Woking and Guildford. If not the Council requests HAL to provide the evidence why the High Street station does not have a sound business case.
- xi the proposal should be amended to provide additional cycle parking facilities on the north side of the planned new Staines station. The precise details of these facilities should be agreed between the County Council, scheme promoters and South West Trains.

- xii the lack of mitigation measures. The County Council is not satisfied that sufficient mitigation measures have been planned to alleviate on-street parking in the area of Staines station and elsewhere in Surrey and therefore requires funding towards consultation and implementation of a Controlled Parking Zone.
- xiii the impact of traffic in Staines town centre. This is of concern whilst the construction of the planned railway is being undertaken. The TWA application modelling has not been presented adequately to enable a judgement to be made. This modelling should show the longer term impacts arising from increased delays from the additional junction in South Street for the multi-storey car park and the impact of queuing at the Thorpe Road level crossing on the A308/A320 roundabout and Staines Bridge.
- xiv the proposals for the Staines Chord in relation to the combined car parks onto the Thames Street junction on grounds of congestion. The County Council would wish to work with BAA/HAL to resolve this issue and address concerns relating to the phasing of the works to complete the ramp for the multi storey car park, prior to the rest of the Elmsleigh surface car park being taken to build the scheme.
- xv that HAL should fully demonstrate that the shortest possible and practical length of overhead electric lines on Stanwell Moor be agreed subject to HAL providing full technical information of the change over process.
- xvi the potential impacts of the TWA on air quality especially in relation Spelthorne as an Air Quality Management Area (AQMA).

Relating to Runnymede Borough

- xvii the scheme as proposed will cause unacceptable traffic problems at a number of level crossings, with increased down times. This will lead to traffic congestion and delays, poor bus reliability and access problems for the emergency services, especially the Thorpe Road, Vicarage Road and Station Road areas. A mitigation package of measures currently being identified could overcome these concerns, subject to funding of the identified measures by the scheme promoters and subject to Cabinet approval. The capacity and funding of stations within Runnymede Borough be considered especially in relation to car parking.
- xviii Virginia Water station should be included in the schedule of stations that the Airtrack service (Guildford/Woking to T5) will

call at. The capacity and funding of Virginia Water station be considered especially in relation to car parking.

Relating to Surrey Heath Borough

- xix Ascot station should be included in the schedule of stations that the Airtrack service (Reading to T5) will call at. The capacity and funding of the station be considered especially in relation to car parking.

In addition, there are a number of issues which are of concern but which may not be suitable for an objection to the TWA order. In particular, the scheme promoters should continue to work closely with the County Council, borough/district councils and other interested parties to mitigate the impact of the construction of the scheme.

If the scheme is successful in its application for TWA powers, a steering group of the Transport for Surrey Partnership should be established to oversee the construction process and any other issues, which arise during implementation of the scheme.

Comments on the proposed responses to the TWA order to assist in informing the County Council's formal response have been received from the Guildford, Runnymede, Spelthorne, Surrey Heath, Waverley and Woking Local Committees. Also written responses have been received from individual Districts/Boroughs.'

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Sources/background papers:

Local Government Act 1972
Report to Cabinet and minutes - 29 September 2009
