

ANNEX A – RESPONSES FROM SPELTHORNE LOCAL COMMITTEE FOLLOWING OBJECTION TO THE AIRTRACK TRANSPORT AND WORKS ORDER ACT

SPELTHORNE LOCAL COMMITTEE (4 February 2010)

The table below sets out the comments previously made by the Committee with an officer response:

Comments	Officer Comment
(i) Timetable objection	
<ul style="list-style-type: none"> Stanwell is already affected by aircraft noise, therefore train hours should be no longer than aeroplane hours because of the additional disturbance to residents. 	<p>The weekday operating hours are likely to be between 5am and midnight. Heathrow has a night period that operates from 2300-0700 hours during which period the noisiest types of aircraft may not be scheduled to land or take-off. There is a night quota period from 2330-0600, where aircraft movements are restricted. The two operating times are very similar.</p>
<ul style="list-style-type: none"> There is a danger of focusing on filling up capacity on the rail network with Heathrow trains leaving capacity issues on other busy routes. 	<p>This is a regulatory issue that will have to be dealt with by the Office of Rail Regulation when an application is submitted for the Airtrack train paths. This is outside the scope of the TWA.</p>
<ul style="list-style-type: none"> The network is already congested and trains often late as a result, suggesting that there is little capacity available for new trains to Heathrow. 	<p>This is a regulatory issue that will have to be dealt with by the Office of Rail Regulation when an application is submitted for the Airtrack train paths. This is outside the scope of the TWA.</p>
<ul style="list-style-type: none"> Need to see the business case for the selected routes concerning the viability of the Airtrack scheme based on the projected passenger numbers, this is particularly relevant to routes using the new Staines chord, as this is an expensive aspect of the proposed scheme. 	<p>The Airtrack scheme as a whole has a positive business case and this was necessary to promote the orders and secure government funding. A funding statement was required by the Department for Transport to show that the scheme on the evidence presented was viable. A business case for individual elements of the scheme are not usual as the net benefits of some elements may balance others to give an overall position.</p>
<p>The committee agreed with the recommendation to maintain this objection until a satisfactory timetable has been produced.</p>	<p>The issue is that these matters cannot satisfactorily be addressed by the Transport and Works Order Act objected to and are largely outside its scope, although levels of assurance may be sought from the Promoters of the scheme. It is also outside of the County's statutory remit to pursue this objection as such it is unlikely that this objection could be sustained at a Public</p>

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	Inquiry.
(ii) Regulation 19/Rule 17 objection	
<ul style="list-style-type: none"> Some members felt strongly that the County Council should request that the Secretary of State direct BAA to supply additional information 'concerning any matter which is required to be, or may be dealt with, in the environmental statement' under Rule 17 because there are serious deficiencies in the EIA at this stage. 	<p>Rule 17 can be applied anytime up to and including the Inquiry itself. At this point in time the County Council is negotiating with BAA to resolve our objections. It is expected BAA will provide suitable mitigation or will be required to proceed in a certain way by planning condition that is acceptable.</p>
<ul style="list-style-type: none"> Concern that additional information is required from BAA on several environmental aspects of the scheme including traffic, air quality and activities on the moor. 	<p>See comments above.</p>
<ul style="list-style-type: none"> Concerned that by not making a rule 17 request the County Council is stating that the environmental concerns raised are insignificant. 	<p>This is not the case the County has made objections, which the BAA needs to address. They are looking to do this through the mitigation offered. If the proposed mitigation package offered is not acceptable then the County will present at the Public Inquiry on those issues on which it has both a legally and technically sound case that can be sustained at the Inquiry.</p>
<ul style="list-style-type: none"> That the approach to the Regulation 19/Rule 17 objection needs to be carefully considered within the broader picture of the County Councils whole approach to the Air Track Public Inquiry. 	<p>Rule 17 can be applied anytime up to and including the Inquiry itself. At this point in time the County Council is negotiating with BAA to resolve our objections. It is expected BAA will provide suitable mitigation or will be required to proceed in a certain way by planning condition that is acceptable.</p>
<ul style="list-style-type: none"> Members would like the chance to reconsider taking this option if BAA fails to resolve the environmental issues satisfactorily ahead of the inquiry. 	<p>Members can still use this option at anytime if appropriate.</p>
<p>The committee agreed to support the recommendation to withdraw the objection at this stage, but requested that an update be brought back in the summer in order to reassess the situation. The summer Committee item was deferred (at the 12 July Spelthorne Local Committee) to allow the County Council and BAA to enter into detailed negotiations over a number of key outstanding objections</p>	<p>The proposed mitigation package is detailed in the current committee papers and Cabinet report on the 28 September 2010.</p>

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with the express aim of agreeing suitable mitigation for the scheme impacts. When the paper is brought back in the Autumn it should be possible to set out clearly the basis for any agreement reached with BAA.	
(iii) Air quality objection	
The committee agreed with the recommendation to maintain the objection until satisfactory information has been received about traffic movements.	Subject to the traffic model being validated and demonstrating that the traffic impacts can be accommodated. The issues with respect to Air Quality fall away as they are related to the traffic. In the post construction situation there are no issues.
(iv) Bridleway, Spelthorne objection	
The committee agreed with the recommendation to withdraw the objection.	Noted.
(v) Rights of Way, Spelthorne objection	
<ul style="list-style-type: none"> Members felt this was important to pursue as BAA had made a mess of the rights of way and failing to rectify their errors at this stage would result in problems later on. 	BAA will rectify the issues themselves or provide the County Council with the funding as part of the proposed mitigation package to undertake this work .
<ul style="list-style-type: none"> That BA should bear the cost of rectifying this issue. 	BAA intend to do so through the proposed mitigation package or by changes already agreed.
The committee agreed with the recommendation to maintain the objection.	Noted but now covered by the proposed mitigation package. This item is very unlikely to be sustained at a Public Inquiry and therefore we would not look to pursue this. BAA have offered an alternative as part of the scheme.
(vi) Cycle routes, Spelthorne objection	
The committee agreed with the recommendation to withdraw the objection.	Noted.
(vii) Ecology, Spelthorne objection	
The committee agreed with the recommendation to maintain the objection pending the outcome of the dialogue between BAA and the objectors.	Dialogue with BAA on various issues relating to Ecology have been positive and sufficient safeguards will be put in place within the proposed mitigation package to enable the County to withdraw its objections.

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(viii) Landscaping, Spelthorne objection	
The committee agreed with the recommendation to maintain the objection.	This item can be dealt with to our satisfaction by planning condition.
(ix) Waste management, Spelthorne objection	
The committee agreed with the recommendation to maintain the objection	This item can be dealt with to our satisfaction by planning condition.
(x) Staines Station, Spelthorne objection	
<ul style="list-style-type: none"> This was the only benefit of the scheme for Spelthorne through increased accessibility and this has been removed. Even if only 200 people used the station, this would represent 200 fewer cars on the road. 	<p>BAA have confirmed that the number of people that would use the proposed station would not justify the cost.</p> <p>The Council can continue to object but as the station is not proposed as part of the Transport and Works Order Act the advice is that this objection is unlikely to be upheld at the Public Inquiry.</p>
<ul style="list-style-type: none"> Need further information about how BAA made their estimations regarding usage of the new station. 	<p>BAA used a rail industry standard modelling package to forecast passenger demand. As the station is not proposed as part of the Transport and Works Order Act the advice is that this objection is unlikely to be upheld at the Public Inquiry</p>
<ul style="list-style-type: none"> However, the disruption to Staines town centre during construction would be huge. If low estimates of usage are accurate then the scheme should be dropped. 	<p>The scheme has a positive benefit overall across the rail network and this has justified promoting this project. As with all major construction projects the contractor will be required to have a robust traffic management plan to mitigate any impacts during construction.</p>
<ul style="list-style-type: none"> BAA have claimed that when the High Street Station was initially proposed, many people objected to it. They have been unable to provide any evidence of this. 	<p>BAA ran a consultation exercise on the scheme as a whole and did not receive support on the High Street Station.</p>
<ul style="list-style-type: none"> It is interesting that BAA have provided a business case for the High Street Station, which they decided not to take forward, but have never provided a business case for the chord. 	<p>The chord is taken account of in the business case for the scheme as a whole as this is fundamental to the scheme. The new station is a standalone element, which has a business case of its own and could be implemented separately.</p>
<ul style="list-style-type: none"> Dismissing the station on the basis of cost does not hold when considered against the cost of a new runway or terminal 6. 	<p>There has to be a positive cost benefit ratio for the station to be economically justified. This is in relation to the Airtrack scheme as a whole. Direct comparisons with other major projects are not relevant in this respect.</p>

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<ul style="list-style-type: none"> The cost and disruption of building a new station could be reduced by building a very small, basic station. 	See comments above.
<p>The committee agreed with the recommendation to maintain the objection pending more detailed information from BAA, <i>but requested that an update be brought back in the summer in order to reassess the situation –see item (ii) above.</i></p>	<p>The new station is not within the current TWA. To include it would require a fundamental change to the scheme and new TWA orders to be promoted. See also comments above regarding the justification for the station.</p>
<p>(xi) Cycle parking, Spelthorne objection</p>	
<p>The committee agreed with the recommendation to maintain the objection pending confirmation of the facilities to be provided has been received from BAA.</p>	<p>Cycle Parking is provided as part of the proposed mitigation package. On this basis our objection should be withdrawn.</p>
<p>(xii) Parking, Spelthorne objection</p>	
<ul style="list-style-type: none"> Residents have repeatedly objected to CPZs in the past because of the cost. 	<p>Current planning policy around stations indicates the need to implement CPZs.</p>
<ul style="list-style-type: none"> It was proposed that BAA should provide funding for residents' parking permits in any CPZ that is implemented as a direct result of Heathrow Airtrack. 	<p>BAA are required to fund the cost of the implementing the CPZ as part of the proposed mitigation and not parking permits for residents. As stated above planning guidance recommends that a CPZ should be implemented around stations.</p>
<p>The committee agreed with the recommendation to maintain the objection, pending further discussions with BAA about mitigation measures.</p>	<p>The proposed mitigation package includes funding for a CPZ and our objection should be removed.</p>
<p>(xiii) Traffic impacts, Spelthorne objection</p>	
<ul style="list-style-type: none"> This is considered an essential objection by some members to maintain as the combined impact of construction, the multi-storey car parks and the levels crossings will have a significant effect on traffic in the town centre. 	<p>BAA have undertaken traffic modelling to show that the traffic impacts can be accommodated. The County Council has received further information from BAA and is currently verifying this information.</p>
<ul style="list-style-type: none"> BAA response only refers to construction traffic and the wider impact of traffic through Staines need also to be acknowledged. 	<p>A microsimulation model has been produced to take account of traffic movements in Staines. The effects on Thorpe level crossing as a result of Airtrack services has been assessed and whilst the impact as a whole is not significant there may be occasions when there is congestion for</p>

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	<p>traffic leaving Staines. The proposed mitigation package will assess this issue in terms of assessing alternative signal timings and measures to address local trips to seek to reduce this occurrence.</p>
<ul style="list-style-type: none"> It is important to remember that Thorpe Road level crossing directly affects Staines traffic as well as Egham. 	<p>This has been assessed. Although Airtrack will have an impact on the operation of the Thorpe Road level crossing, this has either no or occasional impact on Staines traffic.</p> <p>Congestion levels are of the same magnitude as in a non Airtrack scenario but there will be occasions when there is some disruption.</p> <p>Measures in the proposed mitigation package, such as the carbon reduction measures, which aim to tackle local vehicle trips by improving non car modes, will contribute to reducing congestion levels.</p>
<p>The committee agreed with the recommendation to maintain the objection pending further information from BAA about traffic impacts.</p>	<p>Subject to the information being validated we would remove our objection.</p>
<p>(xiv) Car Park impacts, Spelthorne objection</p>	
<ul style="list-style-type: none"> BAA response refers to alterations to the ramp, this is not the only impact which needs to be addressed as there is also the issue of all traffic using one car park entrance where they would have used two and the problematic traffic flows inside Tothill car park whilst it also acts as an entrance to the Elmsleigh car park, these issues must be taken into account. 	<p>The traffic modelling that has been undertaken has shown that there are no significant traffic issues post construction.</p> <p>There are, however, concerns over the impact of traffic in Staines town centre whilst the construction of the planned railway is being undertaken. BAA has modelled the effects of combining the traffic flows arising from The Elmsleigh car park linked to the Tothill car park with traffic accessing from Thames Street. The results have been presented to both the County and Borough Council's at a recent meeting and shows that the exit from the car park traffic signal controlled junction, which provides access to Tothill car park from Thames Street, may operate close to capacity during peak periods, but should be able to accommodate the additional flows when the ramp to Elmsleigh is closed.</p>

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	<p>BAA have further information so that the input and output data can be verified. Subject to the information being verified it would appear that during the reconfiguration of the ramp that the Thames Street junction should be able to accommodate the additional car park flows without having a significant impact on the operation of the adjacent highway network.</p> <p>Notwithstanding this the construction of the scheme would be undertaken in phases under a construction management plan provided as part of a planning condition. This would set out the timing of works and traffic management measures during construction.</p>
The committee agreed with the recommendation to maintain the objection pending the traffic information and discussions with BAA's consultants.	Noted.
(xv) Overhead rail line, Spelthorne objection	
<ul style="list-style-type: none"> Requested that written assurance is received from BAA that they will not extend the overhead lines beyond the minimum necessary for transition. 	BAA have already said this and it is not in their interests to do this as this will be an additional cost to the scheme.
<ul style="list-style-type: none"> Surrey County Council should continue to monitor this situation. It could be that future changes in technology allow transition to take place inside the tunnel. The opportunity to change if this becomes the case must not be lost. 	As the technology does not exist at the moment and it difficult to see when such technology may be available. Surrey would have to work with Network Rail in the years to come.
<ul style="list-style-type: none"> BAA's reasons for needing to use overhead lines at all are confusing and need to be clarified. 	T5 was not built to take third rail, but overhead lines instead to accommodate the existing Heathrow Express service, which operates on overhead line. This cannot be overcome at T5 now.
The committee agreed with the recommendation to withdraw the objection, <i>but requests that BAA</i>	BAA have already confirmed that overhead lines will be used for the shortest possible distance only.

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<i>provides a written guarantee that overhead lines will be used for the shortest possible distance only and that an update be brought back in the summer in order to reassess the situation-See item (ii) above.</i>	
(xvi) Air quality, Spelthorne	
The committee agreed with the recommendation to maintain the objection until satisfactory information has been received about traffic movements.	Once the traffic information has been validated it will be possible to remove this objection. This issue only prevails during construction, which is a temporary situation. The contractor for the works will have conditions within the construction contract to ameliorate these effects. The local Borough/District Environmental Health officers usually monitor these impacts during construction.
(xvii)Runnymede level crossings objection	
<ul style="list-style-type: none"> • BAA must take responsibility for funding the mitigation package of measures and not pass the buck back to the County Council. 	A proposed mitigation package as set out in the papers is provided.
<ul style="list-style-type: none"> • Need to link issue back to Staines and its impact on traffic flows. 	The proposed mitigation package is about reducing journey time along the route to compensate for the increased downtime attributed to Airtrack.
<ul style="list-style-type: none"> • Need more accurate information regarding downtimes at the level crossing as these keep changing. 	The down times are in the latest version of the environmental statement.
<ul style="list-style-type: none"> • Electronically controlled crossings would keep traffic moving better but neither Network Rail or BAA are prepared to pay for this upgrade. 	This technology is some years away. Both the County Council and BAA will continue to press Network Rail for these improvements. However if they do come they will be after the scheme has been implemented on the current timetable.
The committee agreed with the recommendation to maintain the objection until agreement has been reached about the proposed mitigation package.	The proposed mitigation package is within the committee report.

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(xviii) & (xix) Station stopping service objections	
<ul style="list-style-type: none"> • Important to pay attention to wider transport issues and strategic transport in the region. • Concerns expressed over whether the views of residents of Virginia Water had been sought. <p>The committee agreed with the recommendation to withdraw the objection. <i>Mr Beardsmore and Mrs Coleman abstained.</i></p>	<p>This is not an issue for the TWA and we could not sustain this at a Public Inquiry.</p>
(xx) Hithermoor Landfill site new objection	
<ul style="list-style-type: none"> • Need to ensure the Council is in a strong position in negotiations with BAA and not back down too soon. 	<p>On the current state of the evidence the County's statutory remit to pursue this objection is somewhat tenuous. The reason for this is that Surrey County Council do not have a "locus standi" (or sufficient interest in the matter to which the application relates) to maintain this objection. As such, on the basis of the information contained in the Environmental Statement is not an objection that the County can take forward and it is understood that Spelthorne Borough Council are objecting in relation to Hithermoor.</p>
<ul style="list-style-type: none"> • Need to identify what mitigation will be provided for residents of Stanwell Moor who will be affected by noise, dust etc. 	<p>The contractor for the works will have conditions within the construction contract to ameliorate these effects. The local Borough/District Environmental Health officers usually monitor these impacts during construction.</p>
<ul style="list-style-type: none"> • More information is required about where the contaminated material that is removed will go. It is not wanted in Spelthorne. 	<p>The Waste Management Plan would deal with this. This plan would be produced once the Secretary of State approved the scheme.</p>
<ul style="list-style-type: none"> • A statement of Human Health Impact should be incorporated. 	<p>There is no statutory legal requirement but under EIA Regulations BAA should look at impacts on human health. This falls under the remit of the Environment Agency to pursue who, it is understood, have been consulted by BAA and their consultants</p>
<ul style="list-style-type: none"> • If the service proves not to be commercially viable, is there a restoration plan? This has been an issue with minerals sites not being restored. 	<p>The investment in infrastructure and new rail services provided would not be planned unless they were commercially viable.</p>

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<ul style="list-style-type: none"> Air pollution from digging up this site should be raised as a concern. 	<p>The contractor for the works will have conditions within the construction contract to ameliorate these effects. The local Borough/District Environmental Health officers usually monitor these impacts during construction.</p>
<ul style="list-style-type: none"> Staines Moor does flood, has sufficient work on flood risk analysis been completed? 	<p>This falls within the remit of the Environment Agency who, it is understood, have been consulted by BAA and their consultants.</p>
<p>The committee agreed with the recommendation to raise an additional objection regarding the risk of ground water contamination from disturbance of the Hithermoor landfill site and the subsequent impact on Staines Moor SSSI.</p>	<p>On the current state of the evidence the County's statutory remit to pursue this objection is somewhat tenuous. The reason for this is that Surrey County Council do not have a "locus standi" (or sufficient interest in the matter to which the application relates) to maintain this objection. As such, on the basis of the information contained in the Environmental Statement is not an objection that the County can take forward and it is understood that Spelthorne Borough Council are objecting in relation to Hithermoor. On the basis of this information we are not in a position to sustain an objection.</p>
<p>(xxi) The committee agreed with the recommendation to agree that a delegation be made to the Head of Transport for Surrey in discussion with the Cabinet Member for Transport, Deputy Leader and Leader of the Council to negotiate and agree the resolution of objections in the event that these are not resolved by the Full Council.</p>	<p>The matter is now delegated to the Strategic Director in conjunction with the Members mentioned opposite.</p>
<p><i>In addition, it was requested that, where possible, the Head of Transport for Surrey will also consult the appropriate local committee Chairmen and relevant officers at the district/borough councils on the exercise of the delegated authority.</i></p>	<p>Noted.</p>
<ul style="list-style-type: none"> The committee agreed with the recommendation that Cabinet be asked to agree that the County Council prepare and present at the Public Inquiry should the objections not be resolved, taking into account the resource implications involved. 	<p>Noted.</p>