



## **OFFICER REPORT TO COMMITTEE SPELTHORNE**

### **HEATHROW AIRTRACK OBJECTIONS TO THE TRANSPORT AND WORKS ACT ORDER 1992**

**11 OCTOBER 2010**

#### **KEY ISSUE**

To comment upon a package of measures proposed by BAA to address the County Council's objections to the Airtrack scheme.

#### **SUMMARY**

Heathrow Airtrack is a proposal to provide a new rail link to Heathrow Airport Terminal 5 via Staines. To build and operate any new railway line, the scheme promoters need to secure powers under the Transport and Works Act 1992. In July 2009, Heathrow Airport Ltd, a part of BAA, submitted a draft order under this Act to the Secretary of State for Transport.

The County Council has traditionally supported the concept of this scheme, but are concerned about the localised impacts that the scheme may have. In Spelthorne, this includes concerns about parking, the impact of the scheme on the natural and built environment and traffic impacts. Accordingly the County Council submitted a formal objection to the scheme, citing 20 separate grounds. A Public Inquiry into the scheme is expected to take place in early 2011.

The County Council has been working with the scheme promoters to evaluate the objections, identify and evaluate possible mitigation. This has resulted in a package of mitigation measures being developed to include a number of identified measures designed to mitigate the localised impacts and address the objections to the scheme. The County Council now needs to decide if the measures proposed, if finally offered, will be sufficient to allow the objections to be withdrawn, or if the objections should be maintained at the Public Inquiry.

## OFFICER RECOMMENDATIONS

The Committee is asked to:

- (i) give its comments to Cabinet and Council on whether the package being offered by BAA should be accepted. These views will form the basis of the report to Cabinet in November and Council in December.
- (ii) review the comments previously agreed by this Committee in relation to the Heathrow Airtrack scheme following consideration of the updated information contained in this report.
- (iii) give its views to Cabinet and Council in relation to specific aspects of the Heathrow Airtrack scheme as set out in the report and Annex A.

## 1 INTRODUCTION

- 1.1 Heathrow Airtrack is a proposal to provide a new rail link to Heathrow Airport Terminal 5 via Staines. The County Council has traditionally supported the concept of this scheme, although it has raised a number of concerns about the effect that the scheme may have. Accordingly, the County Council submitted a formal objection to the scheme, citing 20 separate grounds. A Public Inquiry into the scheme is expected to take place in Spring 2011.
- 1.2 Officers and senior Members have been in discussion with the scheme's promoters - BAA/Heathrow Airports Ltd - to see if the County Council's concerns could be addressed by changes to the scheme design or by compensatory measures. Legal advice is that if a package is not agreed the promoters and the County Council will likely commit considerable resources to an evidence base that is not convergent and contend for different levels of mitigation - such an approach will increase the uncertainty that an acceptable level of mitigation will be secured in response to these objections.
- 1.3 Officers now believe that they have negotiated in principle the elements of an acceptable package subject to finalising the approach to the agreed evidence base, recording appropriate common ground and finalising an appropriate agreement. On this basis the Council could consider withdrawing its objections to this scheme, once the proper safeguards are in place in terms of the appropriate legal agreement. The County Council would then need to decide if sufficient progress has been made to allow the objections to be withdrawn, or if the objections should be maintained at the Public Inquiry. The Transport and Works Order Act stipulates that Council must make this decision and as such the affected Local Committees are being consulted for their views to inform this decision.

## 2 PUBLIC INQUIRY AND NEGOTIATION PROGRESS

- 2.1 A date for the Public Inquiry has yet to be set by the Department of Transport, but Spring 2011 is currently most likely, as it has been delayed until the outcome of the Comprehensive Spending Review to be known in October 2010. A dual approach is being taken with ongoing negotiations with BAA to resolve the objections whilst appointing legal representation (Counsel) to guide the case and prepare evidence for a Public Inquiry. This report sets out progress made to date under item (i)
- 2.2 The Transport and Works Order Act process allows for, and encourages, negotiations to continue with the different parties to resolve the objections prior to a Public Inquiry. County Council Officers have been in constant dialogue with BAA and their advisors about the County Council's concerns. A technical officer group was established to coordinate discussions about the different elements and impacts of the scheme. This group included representatives from borough and district councils (including Spelthorne Borough Council and Runnymede District Councils), rail operators, the Highways Agency and other relevant stakeholders. In addition, officers have held meetings with BAA and their advisors.
- 2.3 During the discussions with BAA and their advisors a package of measures have been developed to try to overcome the County's objections. It is considered that if the package was provided (or funded by sponsors, Government or other third parties), the County Council would be in a position to review its formal position on this matter.
- 2.4 To assess the traffic implications of the Airtrack scheme, the County Council has used both the Strategic Traffic Model for Surrey and a microsimulation model for Staines Town Centre, with detailed information provided for the Staines and Egham area and level crossing downtime information prepared by Network Rail and provided by BAA. This data has been used in the traffic models to assess the existing situation and that with the Airtrack scheme in place, taking into account a number of scenarios. For example an assessment has been of the Thorpe Level Crossing and impacts on Staines Bridge and Staines Town centre. This work has been used to define the package.
- 2.5 As a result of the dialogue with BAA to date, a package of transport improvements has been developed with an estimated value of £11.4 million. Both Spelthorne Borough and Runnymede District Councils have been consulted on those measures they would like to see included in the proposed package.
- 2.6 Following a productive meeting with the Deputy Leader, the Cabinet Member for Transport and senior BAA officials, BAA/HAL have offered to fund this package of measures to address some of the County's objections. BAA has also provided further information and reassurance about the County Council's other points of objection.

- 2.7 As a result the remaining objections fall into 3 categories; those that are unlikely to be sustained at a Public Inquiry, those that are best pursued by other organisations and those that can be addressed by planning conditions or planning obligations. These are outlined in more detail in section 5 of this report.
- 2.8 Officers now believe that we have negotiated in principle the elements of an acceptable package subject to finalising the approach to the agreed evidence base, recording appropriate common ground and finalising an appropriate agreement. Instead of accepting this offer, the County Council could continue to pursue its objections to the Public Inquiry.
- 2.9 Legal advice is that by having regard to the likely benefits of the package it is considered that it is less likely and more uncertain that proceeding to inquiry, based on a divergent evidence base and interpretations of such evidence, will give rise to a better outcome for Surrey than working co-operatively with the promoter and seeking to justify the elements of the agreed package.
- 2.10 A view on the mitigation required has been based upon the technical evidence and analysis undertaken to date and further information provided by BAA in respect of the County's objections. Further elaboration on these aspects are included in sections 3 and 4 of this report.
- 2.11 A report is planned to be taken to Cabinet (on 30 November 2010) recommending to Council that either the proposed mitigation package of measures being negotiated with BAA is accepted and all our objections are withdrawn (on completion of an appropriate legal agreement) or that the County's objections are maintained and that officers represent the County Council at the Public Inquiry should the need arise. This report will take account of the consultation and views of the Spelthorne Local Committee (and other Local Committees in the west of the County affected by Airtrack) and the Transportation and Environment & Economy Select Committees.
- 2.12 The purpose of this report is to outline the scope of the package being discussed and to seek the Spelthorne Local Committees views on the acceptability of this package, taking into account the objections not covered by the package and the reasons why these are not included.

### **3 OBJECTIONS AND PACKAGE OF WORKS**

- 3.1 This section of the report sets out the broad details of the proposed mitigation package and the objections addressed. Section 5 of this report then sets out those objections not covered by the package. A response to the comments previously made by the Spelthorne Local Committee is shown in Annex A.

3.2 The County Council's objections are listed below:

- (i) Timetable
- (ii) Regulation 19 / Rule 17
- (iii) Air quality
- (iv) Bridleway, Spelthorne
- (v) Rights of Way, Spelthorne
- (vi) Cycle routes, Spelthorne
- (vii) Ecology, Spelthorne
- (viii) Landscaping, Spelthorne
- (ix) Waste management, Spelthorne
- (x) Staines Station, Spelthorne
- (xi) Cycle parking, Spelthorne
- (xii) Parking, Spelthorne
- (xiii) Traffic impacts, Spelthorne
- (xiv) Car Park Impacts, Spelthorne (combined with objection xiii above)
- (xv) Overhead rail line, Spelthorne
- (xvi) Air quality, Spelthorne
- (xvii) Runnymede level crossings
- (xviii) Station stopping service (Ascot)
- (xix) Station stopping service (Virginia Water)
- (xx) Hithermoor Landfill Site Issue

3.3 The mitigation package being investigated at the time of submitting the County Council's objection included the potential for an underpass at the Vicarage Road level crossing (subject to the feasibility of such an option being confirmed). This was to overcome the County's concerns that the scheme as proposed would cause unacceptable traffic problems at a number of level crossings, with increased down times, that could impact on Staines and Egham. This could lead to traffic congestion and delays, poor bus reliability and access problems for the emergency services in the area.

3.4 To assess this issue the County's officers have carried out extensive work (both engineering feasibility and traffic modelling) to try and show that an underpass at Vicarage Road would be possible. The engineering feasibility showed that an alignment may be feasible but to a reduced design standard and hence require a speed restriction and associated traffic calming.

3.5 The results of the traffic analysis show that the provision of an underpass with associated traffic calming does not offer a material benefit to local traffic movements during peak periods. This is because the underpass would not attract trips away from the adjacent Thorpe Road and Station Road level crossings. Therefore the cost of travelling via the underpass would be greater than travelling the most direct route via the remaining level crossings. In addition, any attempt to increase capacity elsewhere to reduce journey time on Vicarage Road has the effect of diverting longer distance traffic from the main road system onto Vicarage Road.

- 3.6 Consequently from this assessment, and the high monetary costs that would be involved in constructing an underpass at Vicarage Road level crossing, a single underpass situated here is not the appropriate solution to the problem, in terms of vehicle impact and would not improve traffic flow for Staines Town Centre.
- 3.7 As such the conclusion therefore is that an underpass at Vicarage Road would not materially improve traffic conditions for local traffic within Staines and Egham, and could make local traffic conditions worse than they currently are. In short, an underpass, although technically possible in terms of alignment will not mitigate the impacts of Airtrack. Importantly the view is that an underpass scheme at Vicarage Road could not be sustained at Public Inquiry.
- 3.8 The negotiated package therefore includes alternative measures that could help to relieve congestion created by the increased delays caused by longer level crossing downtimes.
- 3.9 The proposed package is listed below. The details will be developed in conjunction with BAA/HAL and need to demonstrate that the mitigation is agreed to be technically justified.
- (a) Controlled Parking Zone around Staines and Chertsey Stations (if required).
  - (b) Carbon Reduction and Environmental (SSSI and Rights of Way) Measures
  - (c) Cycle parking at all Surrey Airtrack Stations
  - (d) Improve Runnymede Roundabout
  - (e) Improve the Avenue/High Street/Vicarage Road junction
  - (f) Develop and implement bus priority measures in the Staines and Egham areas.
  - (g) Safety improvements adjacent to the Rusham level crossing
  - (h) Develop and implement bus priority measures near to Addlestone level crossing
- 3.10 Details of the package and the objections addressed as outlined in the following paragraphs.

**(a) Controlled Parking around Staines and Chertsey Stations.**

This element of the package is to fund the implementation of controlled parking zones around Staines and Chertsey Stations. Airtrack will increase patronage at all of these stations. Whilst this is welcomed, there will be a propensity for these additional rail users to park on adjacent roads where there is not controlled parking. This could affect the amenity of Staines residents and could result in road safety issues. If the controlled parking zone in Staines town centre is provided this mitigation could address satisfactorily the issue of Airtrack related traffic.

As a result this element of the mitigation has been included to address this situation should the problem arise following the implementation of Airtrack. If a problem does arise the funding will allow a consultation to be undertaken with Staines residents and the funding will be available to implement measures arising from this consultation.

***Addresses Objection(s)***

Parking, Spelthorne (objection ref xii)  
Air quality, Spelthorne (objection ref xvi)

**(b) Carbon Reduction and Environmental Measures**

This element of this package includes walking and cycling improvements (including potentially footbridges) in the vicinity of the level crossings and travel planning measures. 60% of journeys across the level crossings are less than 5 km and improvements for pedestrians and cyclists could provide alternatives to some car journeys. The measures would consider desire lines and barriers to movement and areas where there are safety concerns. An example would be to improve pedestrian and cycle links across the level crossings potentially via footbridges to key facilities such as the Hythe School. These improvements seek to address traffic congestion by reducing certain car journeys and provide capacity for journeys that have to be made by car in the Staines and Egham area to mitigate the impact of Airtrack.

**Site of Special Scientific Interest and Ecology within Staines Moor**

This package addresses the issues with the SSSI within Staines Moor, this would be achieved either by purchasing additional compensation land (a number of sites have been identified) or by improving Staines Moor through more intensive management. This will mitigate the negative impact on the SSSI created by the construction of the Airtrack railway through Staines Moor.

**Rights of Way**

This package also deals with the rights of way in the area by stopping up the redundant stub ends of rights of way stopped up by the Transport and Works Order Act that cross the new railway line.

***Addresses Objection(s)***

Ecology, Spelthorne (objection ref vii)  
Rights of Way, Spelthorne (objection ref v)  
Runnymede level crossings (objection ref xvii)

**(c) Improve cycle parking at all Surrey Airtrack Stations.**

Airtrack will increase patronage at all of these stations, including Staines station. Whilst this is welcomed, there will be a propensity for these additional rail users to park and ride or be dropped off by car. Increased cycle parking has been shown in other parts of Surrey to encourage cycle use thus leading to a reduction in car journeys to rail stations. This will benefit all rail passengers not only those using the Airtrack service.

***Addresses Objection(s)***

Cycle parking, Spelthorne (objection ref xi)

**(d) Improve Runnymede Roundabout**

There is significant congestion at this location that affects traffic movements in the area including traffic accessing/egressing Staines Town centre. This element of the package includes improvements to increase capacity, improve road safety and provide better pedestrian and cyclist facilities. 40% of all traffic using the level crossings use Runnymede roundabout in the same journey.

Reducing delay could compensate for the increased delay across the area at the level crossings once Airtrack is operating. Improvements at this junction would mitigate the potential delays to traffic passing through this junction with an origin/destination in Staines.

***Addresses Objection(s)***

Runnymede level crossings (objection ref xvii)

**(e) Improve the Avenue/High Street/Vicarage Road**

This junction is close to the Runnymede Roundabout and the Vicarage Road level crossing and when the crossing opens queuing traffic from the level crossing is released (known as platooning) often causes congestion, which restricts traffic movements at other junctions in the area. Airtrack will increase the downtime and therefore will increase the amount of platooning traffic exacerbating the problem. Improving and regulating traffic movements by measures such as traffic signals would reduce this problem.

***Addresses Objection(s)***

Runnymede level crossings (objection ref xvii)

**(f) Bus Priority Measures – Staines and Egham**

Bus priority improvements would mitigate the potential delays to bus routes with an origin/destination in Staines. The improvements would include measures to provide priority for buses at traffic signals and addressing pinch points in the road network in order to compensate for potential delays to bus services using the level crossings.

There are a number of bus services that have to cross two level crossings which serve an area of social deprivation to the south of the Staines and Egham. Without such bus priority measures being included in the mitigation package the bus companies consider that these services may need to be re-routed with the level of delay created by the increased downtimes with the effect that the bus services will no longer serve the areas south of the level crossings.

***Addresses Objection(s)***

Runnymede level crossings (objection ref xvii)



### **(g) Rusham level crossing – safety improvements on approaches**

The existing level crossing barrier at this location is an automated half barrier with a corresponding minimum downtime when compared to the manual operation at the other three level crossings. Any significant increased traffic movements over this crossing may result in the method of operation being changed to manual control which is likely to result in significant increased downtimes at the other crossings. This would be due to human factors in controlling an additional crossing, which is some distance away from the other three crossings.

As such the package includes safety improvements along approach roads to this level crossing. The approach roads are narrow and not designed to cater for additional traffic movements and there are already personal injury accidents on the approach roads.

#### ***Addresses Objection(s)***

Runnymede level crossings (objection ref xvii)

### **(h) Bus Priority Measures - Addlestone level crossing.**

There are bus services that have to cross this level crossing. The improvements would include measures to provide priority for buses at traffic signals and addressing pinch points in the road network in order to compensate for potential delays to bus services using the Addlestone level crossing.

#### ***Addresses Objection(s)***

Runnymede level crossings (objection ref xvii)

## **4 REMAINING OBJECTIONS NOT COVERED BY THE PACKAGE**

- 4.1 The following objections are considered at this stage not to be covered by the proposed package of works. The objections have been set out under the following categories:
- 1 Objections that are unlikely to be sustained at a Public Inquiry
  - 2 Objections that are best pursued by other organisations
  - 3 Objections that can be addressed by planning conditions or planning obligations
- 4.2 The objection related to **Regulation 19 / Rule 17** (objection ref ii) is considered to fall outside the above three categories. The County Council's objection relates to a request that the Secretary of State issue a formal Regulation 19 request for the additional information prior to determining the Transport and Works Order Act application. Irrespective of this objection Surrey County Council have the powers to send a letter to Secretary of State if considered by officers to be necessary prior to the public inquiry, to request that the Secretary of State direct the applicant to supply additional information that is required to be provided within the Environmental Statement.

### **4.3 Objections that are unlikely to be sustained at a Public Inquiry**

#### **4.3.1 *Timetable (objection ref i)***

The County Council's objection is related to seeking 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. This issue relates to the final resolution of the new timetable and additional platform capacity, for example at Waterloo.

These matters cannot satisfactorily be addressed by the Transport and Works Order Act objected to and are outside its scope, although levels of assurance may be sought from the Promoters of the scheme. It is also outside the County's statutory remit to pursue this objection. As such it is unlikely that this objection could be sustained at a Public Inquiry.

#### **4.3.2 *Bridleway, Spelthorne (objection ref iv) and Cycle routes, Spelthorne (objection ref vi)***

This is related to establishing a mutually acceptable solution to Bridleway 50 and Cycle Route T5, which has minimal impact on Staines Moor ahead of any Public Inquiry. In discussions with BAA an alternative route has been identified, which might be more attractive for horse riders and cyclists. However, BAA does not want to pursue this option as it is not part of the Transport and Works Order Act and no consultation has been undertaken on the alternative route. As such BAA have stated they would be prepared to defend their proposed route at Inquiry. Their view, backed up by survey evidence, is that the route is lightly used.

It is considered that there is little chance of this objection being successful at Inquiry. Accordingly, the objection could be withdrawn.

#### **4.3.3 *Air quality (objection ref iii)***

It is recommended that this general objection should be withdrawn on the basis that it would be difficult to justify an objection relating to air quality impacts across Surrey. Localised air quality concerns at Staines are included in a separate objection (xvi) and are dealt with separately.

#### **4.3.4 *Staines Station, Spelthorne (objection ref x)***

BAA have confirmed that the number of people that would use the proposed station would not justify the cost and there is not a business case for a new station. In addition BAA ran a consultation exercise on the scheme as a whole and did not receive support on the High Street Station. The Council can continue to object but as the station is not proposed as part of the Transport and Works Order Act the advice officers have to date is that this objection is unlikely to be upheld at the

Public Inquiry.

#### **4.4 Objections that are best pursued by other organisations**

##### **4.4.1 Hithermoor Landfill Site Issue (ref xx)**

On the current evidence the County's statutory remit to pursue this objection is somewhat tenuous. The reason for this is that Surrey County Council in its capacity as highway authority do not have a "locus standii" (or sufficient interest in the matter to which the application relates) to maintain this objection.

On the basis of the information contained in the Environmental Statement the County Council cannot maintain an objection. Spelthorne Borough Council are, however, objecting in relation to Hithermoor.

#### **4.5 Objections that can be covered by Planning or Other conditions**

##### **4.5.1 *Waste management, Spelthorne (objection ref ix)***

It is recommended that this objection be withdrawn as the Environment Agency has confirmed that a condition should be applied to any permission granted that meets their requirements for site waste management.

The scheme will give rise to a substantial quantity of waste material and the County Council is therefore concerned to ensure that there is reasonable control through the application of a planning condition such that any waste produced is dealt with to the satisfaction of the Environment Agency through the prior production and approval of a Site Waste Management Plan.

The Environment Agency has confirmed that they have been in discussion with the applicants and that this issue may be dealt with by the submission of further details.

The Environment Agency is the primary regulatory authority responsible for waste management activities, including the transport, treatment, and disposal of waste.

A Site Waste Management Plan should: describe each type of waste expected to be produced in the course of the project; estimate the quantity of each different waste type to be produced and identify the waste management action for each different waste type including re using, recycling, recovery and disposal. All waste must otherwise be dealt with in accordance with the Environmental Protection Act 1990 and the Environmental Protection (Duty of Care Regulations) 1991.

#### **4.5.2 Traffic impacts, Spelthorne (objection ref xiii) and Car Park Impacts, Spelthorne (objection ref xiv)**

These objections relate to very similar concerns and it is recommended that they are incorporated into one objection that better represents the Council's concerns.

The traffic modelling undertaken (as outlined in paragraphs 2.4) has shown that there are no significant traffic issues post construction.

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 Councils and show 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 the Elmsleigh is closed.

BAA have provided further information to verify the input and output data, which is being verified at the time of writing this report. If verified the Thames Street junction should be able to accommodate the additional car park flows, during the reconfiguration of the ramp, without having a significant impact on the operation of the adjacent highway network.

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.

#### **4.5.3 Landscaping, Spelthorne (objection ref viii)**

This objection related to a concern that insufficient landscaping proposals have been submitted in the Transport and Works Act Environmental Statements to address the issue of the Civil Aviation Authority's Safeguarding of Airports in preventing bird strike to aeroplanes.

Following a meeting with BAA in March, the County Council have been assured that the landscaping and ecological proposals could be achieved without conflict with the Safeguarding Policy. The landscaping proposals will be subject to a condition that will be discharged Spelthorne Borough Council.

#### **4.5.4 Air quality, Spelthorne (objection ref xvi)**

Air quality in this objection is related to the potential traffic issues during construction. The contractor for the works would have

conditions within the construction contract to ameliorate these effects, which are usually monitored by the local Environmental Health officers during construction. In addition the construction of the scheme would be undertaken in phases under a construction management plan.

#### **4.5.5 Overhead rail line, Spelthorne (objection ref xv)**

This objection was to ensure that BAA should fully demonstrate that the shortest possible and practical length of overhead electric lines on Stanwell Moor be agreed subject to BAA providing full technical information of the change over process.

BAA have been advised by Network Rail as to the appropriate transition length for the changeover from third rail to overhead electrification and do not wish to incur the cost of constructing an unnecessarily long transition. Consequently the transition length will be as short as reasonably practicable and the recommendation will be to withdraw the objection.

#### **4.5.6 Station stopping service - Ascot (objection ref xviii) Station stopping service - Virginia Water (objection ref xix)**

The Transport and Works Act process does not specify which stations will be served or which timetable will operate. Accordingly, there is no basis for maintaining an objection about Ascot or Virginia Water stations. Officers will continue to work with BAA and the rail operators concerning the timetable as a whole.

## **5 OPTIONS**

- 5.1 In respect of recommendation (i) of this report (*“give its comments to Cabinet and Council on whether the package being offered by BAA should be accepted. These views will form the basis of the report to Cabinet in November and Council in December”*) The following options are open to the Committee:
- (i) Confirm support for the process of agreeing or finalising the package as set out in the report,
  - (ii) Provide comments or additional suggestions for the package as set out in the report for consideration by Cabinet at its meeting on 30 November.
- 5.2 The Local Committee may alternatively wish to consider giving its views to cabinet and council on whether it considers that sufficient progress has been made for the County’s objections to be withdrawn and the proposed package to be agreed to. If the Cabinet and Council decided not to agree to the proposed package and maintained the County’s objections, the County’s objections may be pursued to public inquiry.

- 5.3 The Spelthorne Local Committee are also asked for their views on the comments previously agreed by this Committee in relation to the Heathrow Airtrack scheme following consideration of the updated information in Annex A of this report.

## **6 CONSULTATIONS**

- 6.1 Reports on the Airtrack scheme have previously been taken to the Spelthorne Local Committee, including at its meetings on 9 September 2009, 4 and February 2009.
- 6.2 The Local Committees in the west of the County and the Transportation and Environment and Economy Select Committees are being consulted on the proposed mitigation package in order that comments can be reported to the Cabinet at its meeting on 30 November and Council on 14 December 2010

## **7 FINANCIAL AND VALUE FOR MONEY IMPLICATIONS**

- 7.1 The scheme could bring economic benefits to Surrey as set out in the reports to Cabinet (29 September 2009) and County Council (15 December 2009). The scheme could offer an improved service to airport employees to travel to work sustainably. It may also promote Surrey as a location for businesses by providing direct rail access to Heathrow.
- 7.2 An offer has been received from BAA, which in broad terms offers funding in excess of £11 million, to develop and to deliver the package. The details of the exact terms will be the subject of a detailed legal agreement, (yet to be finalised) but will provide for flexibility in delivery of the package elements.
- 7.3 Legal advice recommends that officers evaluate the technical evidence and on the basis of this record technical agreement thereafter in a Statement of Common Ground leading to an enforceable agreement.
- 7.4 The value of the package is based on current estimates. The package would be developed and delivered on a phased basis to ensure that the cost of the works do not exceed the funding provided by BAA as the County Council will not be funding the package.

## **8 EQUALITIES AND DIVERSITY IMPLICATIONS**

- 8.1 In general terms, improving rail services has positive equalities and diversity implications because it improves mobility for people without access to a car and in addition would improve leisure and work opportunities.

## **9 CRIME AND DISORDER IMPLICATIONS**

- 9.1 None identified to date.

## **10 CONCLUSION AND REASONS FOR RECOMMENDATIONS**

- 10.1 The submission of the Transport and Works Order Act application and subsequent addendums has enabled the County Council to make a formal response based on the information provided.
- 10.2 The County Council has traditionally supported the concept of this scheme, but are concerned about the effect that the scheme may have, particularly on level crossings in the area. Accordingly, the County Council submitted a formal objection to the scheme, citing 20 separate grounds. A Public Inquiry into the scheme is expected to take place in Spring 2011.
- 10.3 The County Council have been working intensively with the scheme promoters to understand fully the impact of the Scheme and to develop a package of mitigation measures, which might address these concerns. The County Council now needs to decide if sufficient progress has been made to allow the objections to be withdrawn, or if the objections should be maintained at the Public Inquiry.

## **11 WHAT HAPPENS NEXT**

- 11.1 Spelthorne Local Committee's comments will be reported to Cabinet at its meeting on 30 November 2010 and Council on 14 December 2010. In light of the comments received Cabinet and Council will consider the acceptability of the proposed package.
- 11.2 If the mitigation package is considered acceptable the package will be developed with the aim to reaching agreement with the promoters of Airtrack. The County's objections will then be withdrawn.
- 11.3 If the mitigation package is not considered acceptable officers will continue to negotiate with the promoters of the scheme. If the objections are not withdrawn the County Council will prepare for the Public Inquiry.

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**BACKGROUND  
PAPERS:**

Heathrow Airtrack Transport and Works Act Cabinet  
Report 29 September 2009,  
Council Report 15 December 2009