



OFFICER REPORT TO SURREY HEATH LOCAL COMMITTEE

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| <p style="text-align: center;">HEATHROW AIRTRACK OBJECTIONS TO THE TRANSPORT and WORKS ACT ORDER 1992 18 February 2010</p> |
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KEY ISSUE

To note and comment upon the current status of the County Council's objections based on the information available to date and the negotiations with the promoters of the Heathrow Airtrack scheme, and note and comment upon the objections that the County Council should continue to pursue at the Public Inquiry.

To note the agreement being sought from Cabinet to delegate authority to the Head of Transport for Surrey, in discussion with the Cabinet Member for Transport, Deputy Leader and Leader of the Council to negotiate with the scheme promoters and to represent the County Council at the Public Inquiry should the objections not be resolved, taking into account the resource implications involved.

OFFICER RECOMMENDATIONS

The Local Committee is asked to:

- (i) give its views on the general approach and principles of the report, which will form the basis of the report to Cabinet in March
- (ii) give its views on the specific recommendations, regarding objections to the Heathrow Airtrack scheme, to be made to Cabinet as set out in the report.

SUMMARY

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 we are concerned about the effect that the scheme may have, particularly on level crossings in the Egham area.

A Public Inquiry into the scheme is expected to take place in May/June 2010.

In 2009, the County Council formally objected to the scheme on 19 separate grounds. Officers have been working intensively with the scheme promoters 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The County Council now needs to decide if sufficient progress has been made to allow the objections to be withdrawn, or if the objections should be maintained at the Public Inquiry.

1. OBJECTION PROCESS AND TIMETABLE

- 1.1 Heathrow Airtrack is a proposal to provide a new rail link to Heathrow Airport Terminal 5 via Staines. Services would run along the lines from London Waterloo, Reading and Woking/ Guildford. Surrey County Council has been closely involved in the development of the scheme for several years. The County Council chairs the Airtrack Forum, a partnership of local authorities and other organisations who support the building of the Airtrack scheme.
- 1.2 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 Airtrack Ltd, a part of BAA, submitted an order under this Act to the Secretary of State for Transport.
- 1.3 Whilst the County Council supports the overall aim of the scheme, there were a number of details of concern in the proposal. Accordingly, the County Council submitted a formal objection to the scheme, citing 19 separate grounds; the objections made are discussed later in this report. The County Council's stance was informed by detailed and helpful discussions with six affected Local Committees, the Transport Select Committee and the Environment and Economy Select Committee. Comments made at these committees were appended to the Cabinet report and amendments made to the report where needed.
- 1.4 The Transport and Works 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, rail operators, the Highways Agency and other relevant stakeholders. In addition, officers have held meetings with BAA and their advisors. Discussions are continuing with these organisations to seek wherever possible to achieve consistency to the objections being made and suitable mitigation measures. Throughout, the relationship has been amicable and professional.
- 1.5 BAA and their advisors have now responded to the County Council's points of objection. In some cases, they have provided additional information or indicated that additional information will be provided. In some instances, they have agreed to provide mitigation measures or funding for such measures. In a small number of cases, they have defended their position and declined to take further action. At the time of writing a number of issues remain unresolved and are currently under discussion. Verbal updates will be provided on these if there are developments after this report was written.

- 1.6 For each point of objection, the County Council now needs to decide if it can accept BAA's explanation or proposed mitigation package. In such cases, the Council should withdraw that part of its objection. If all other objectors do the same, this would mean that the Public Inquiry may not need to consider that issue. The final decision on the issues to be considered would rest with the Inspector appointed by the Secretary of State.
- 1.7 If the County Council considers that the objection has not been satisfactorily addressed, then it should maintain its objection and press for it to be considered as part of the Public Inquiry. This entails a degree of risk. The Inspector could decide in favour of the scheme promoters, resulting in no mitigation measures. Alternatively the Inspector could decide that the mitigation was insufficient and decide that it should be increased.
- 1.8 Strictly speaking, the Transport and Works Act is limited in its remit, it is, however, also seeking deemed Planning Consent and could cover additional impacts. The County Council need to be mindful that the Inspector could decide that some issues were not relevant to the Act and so should not be considered. It is therefore very much in the County Council's interest to try to reach a negotiated settlement with the scheme promoters where possible, and not to rely on taking issues to the Public Inquiry.
- 1.9 This can be a fast-moving process with negotiations taking place up to and during the Public Inquiry. It is not unusual for the Inspector to suspend the Inquiry to allow for quick negotiations to happen. The report that is to be taken to Cabinet on 2 March 2010 will therefore recommend a scheme of delegation to allow the County Council's position to be amended should this be required. The report will recommend that delegation be approved for 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 with BAA the resolution of objections. In this case a report of the outcome of these negotiations would be taken to Cabinet for information.
- 1.10 Where possible, this paper proposes a firm position on each objection to limit the situations in which this delegation would be needed. Given the scale of funding required, this is particularly important for the Runnymede mitigation package.

2. OBJECTION PROCESS AND TIMETABLE

2.1 A date for the Public Inquiry has yet to be set by the Department of Transport, but May or June 2010 currently seems most likely. There is substantial work involved in the preparation and representation at a Public Inquiry. As such a dual approach is being taken as follows:

- (i) ongoing negotiations with BAA to resolve the objections whilst
- (ii) appointing legal representation (Counsel) to guide the case and prepare evidence for a Public Inquiry. These actions are not fully abortive in terms of cost if the objections are resolved before a Public Inquiry as the evidence and advice provided by Counsel will provide the basis to seek resolution of objections as part of the negotiations.

2.2 The provisional timescales (as currently known) are set out below. It should be noted that these are minimum timescales and could be subject to change:

| <u>Date</u> | <u>Activity</u> |
|---------------------------|--|
| Dec 2009-Jan 2010 | Appoint and meet Legal Counsel to discuss case |
| Dec 2009-May 2010 | Continue negotiations and information exchange |
| Mid Jan 2010 | Commence preparation of Statement of Case |
| Feb - Mar 2010 Council | Local, Select Committees, Cabinet and Full |
| Early Mar 2010 | Deadline for submission of Statement of Case |
| April 2010 | Pre-Inquiry meeting |
| May/June 2010 | Public Inquiry |
| Late 2010 - early 2011 | Outcome of Public Inquiry confirmed |
| 2011-2014 | Construction period if scheme approved |

3. CURRENT COUNTY COUNCIL POSITION

3.1 This section of the report sets out the County Council's objections, with references, agreed by the Cabinet (on 29 September 2009) and Full Council (on 15 December 2009).

3.2 Following each of the objections is the response received from CJA (acting on behalf of BAA) along with a statement that sets out the information or mitigation measure required by the County Council to decide whether to withdraw, amend or sustain the objection through to Public Inquiry. This report is seeking approval of these statements.

3.3 The objections are listed overleaf (with the reference as listed in the previous Cabinet and Full Council reports):

- (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) Overhead rail line, Spelthorne
- (xv) Air quality, Spelthorne
- (xvi) Runnymede level crossings
- (xvii) Station stopping service (Ascot)
- (xviii) Station stopping service (Virginia Water)

3.4 Timetable objection ref (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 Committee requests BAA to provide the reasons why the Staines High Street station does not have a sound business case - (see comments under objection ref (x) about this point)

BAA response

BAA are working with Network Rail to provide an indicative rail timetable by mid January 2010. There can be no guarantee that this will be the timetable that will be adopted, since this will depend on decisions made by whichever rail operator eventually runs the service. But it will demonstrate that a reasonable timetable is possible.

Objection, options and risks

To minimise risk the County Council is appointing a consultant to verify the timetable. If the timetable does not cause unacceptable reductions in existing services then the objection can be withdrawn or amended. If the timetable is not received or is unacceptable then the objection will stand and progress to Public Inquiry.

Regardless of this indicative timetable, officers will work closely with BAA and any subsequent rail operator on the development of the actual timetable. This work is likely to take place after the Inquiry (assuming that the scheme is granted Transport and Works Act powers).

Recommendation: Maintain objection until a satisfactory timetable has been produced.

3.5 Regulation 19 / Rule 17 objection ref (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.

Clarification note on Regulation 19 and Rule 17

Regulation 19 is part of the Environmental Impact Assessment Regulations related to the Town and Country Planning Act. As the Transport and Works Act is not an application under this Act, this power is not relevant. Instead, any request to the Secretary of State should be made under Rule 17 of Statutory Instrument 1466 The Transport and Works (Applications and Objections Procedure) (England And Wales) Rules 2006. Under this Rule the Secretary of State can direct an applicant to supply additional information “concerning any matter which is required to be, or may be dealt with in the environmental statement.” This power is used where it is considered that an environmental statement falls short on specific matters.

BAA response – No comment made at this stage

Objection, options and risks

In order for this request to be successful, the County Council would need to demonstrate that the environmental statement was deficient in some way when measured against the scope and requirements of the European EIA Directive as applied in The Transport and Works (Applications and Objections Procedure) Rules 2006. That would require a substantial amount of specific evidence. Accordingly, we do not recommend that a general objection be made under this power. Instead, we should pursue this issue initially through negotiation with BAA and, if necessary, at the Public Inquiry. It would then be for the Secretary of State to decide if more information was needed.

Recommendation: Withdraw objection.

3.6 Air quality objection ref (iii)

Request BAA provide a detailed study on the potential impacts of the Transport and Works Act on air quality across Surrey.

BAA response – the County Council are to advise what specific issues are to be raised in respect of air quality.

Objection, options and risks

We recommend that this objection should be maintained, pending further discussions with BAA. Concerns about air quality are closely related to traffic movements, where we are seeking further information in objections (xiii), (xiv) and (xvii).

Recommendation: Maintain objection, which should be associated with objections xiii, xiv and xvii, until satisfactory information has been received about traffic movements.

3.7 Bridleway, Spelthorne objection ref (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 Committee recommends that BAA 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.

BAA response

Any temporary or permanent diversions had to be within the powers contained in the Draft Order and as such an alternative route has not been consulted upon or land made available. The County Council are asked to advise whether this matter is to be pursued further and whether there are any safety issues to be raised.

Objection, options and risks

In discussions with BAA we have identified an alternative route, which we believe would be more attractive for horse riders and cyclists. However, BAA do not want to adopt this route as it is not part of the draft order and there has been no consultation on it. Instead, 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 and safe.

In our opinion, there is little chance of this objection being successful at Inquiry. Although not ideal, it is not unusual for bridleways to be closed to roads and/or railway lines. Accordingly, we recommend that the objection be withdrawn. Once the scheme is built, we and Spelthorne Borough Council will monitor the usage of the Bridleway to see if amendments are needed.

Recommendation: Withdraw objection

3.8 Rights of Way, Spelthorne objection ref (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 and Spelthorne Borough Council to define an appropriate network of Rights of Way.

BAA response

BAA has only sought powers over land directly required for the purpose of the scheme. In so far as the County Council may wish to make further alterations to existing Rights of Way then the County Council could do so using its own powers once the scheme has been built.

Objection, options and risks

The rights of way amendments proposed for the scheme need to be amended. In some cases, the proposed amendments are incorrect, and do not reflect the changes that were consulted upon prior to the making of the order; in other cases, the draft Transport and Works Act order would create routes that are not sensible, including routes that terminate in a dead end at a railway fence.

One way to amend the routes is for BAA to change the Transport and Works Act Order. They do not wish to do this because there could be a need to consult again on the revisions, which could add a delay to the scheme. Whilst they broadly accept that the County Council's proposed revisions are sensible, they would rather that we made the amendments once the scheme had been built.

As the proposals are incorrect, we recommend that the County Council should continue to object. If we were to withdraw our objection, it would give implicit approval to the proposed rights of ways amendments. Our preference remains for the amendments to be made on the face of the Transport and Works Act order. In particular, BAA should process any Orders relating to Public Footpath 17 Staines, which, due to a drafting error in the TWA order, crosses the proposed railway.

If this is not possible, BAA should be asked to make the any additional order(s), or at least fund it, as a separate process shortly after the Transport and Works Act inquiry. Of particular importance would be any order relating to Public Footpath 17, as an order would need to be made and confirmed before works could commence on this part of the scheme. Whilst this was being processed it would be sensible to amend other rights of way to avoid excess costs and delay.

Recommendation: Maintain objection.

3.9 Cycle routes, Spelthorne objection ref (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 Committee recommends that BAA 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.

BAA response

Any temporary or permanent diversions had to be within the powers contained in the Draft Order and as such an alternative route has not been consulted upon or land made available. The County Council are asked to advise whether this matter is to be pursued further and whether there are any safety issues to be raised.

Objection, options and risks

As with objection ref (iv) we believe that there is little chance of this objection being successful at Inquiry. We recommend that the objection is withdrawn.

Recommendation: Withdraw objection

3.10 Ecology, Spelthorne objection ref (vii)

The SSSI and Ecology treatment proposals submitted in the Transport and Works Act Environmental Statements due to insufficient compensatory land proposed for the loss of nationally important SSSI. The Committee 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 BAA.

BAA response

BAA are currently in the process of clarifying the proposed mitigation measures with Natural England, the Environment Agency, Spelthorne Borough Council and the County Council. BAA consider that the exchange land is adequate for its purpose. The necessary measures will be taken in order to ensure that this land is of a satisfactory standard for its intended purpose.

Objection, options and risks

The objection should be retained until BAA have clarified the proposed mitigation measures to the satisfaction of the County Council and the other key objectors. At the time of this report a meeting has been arranged between BAA, Environment Agency, Natural England, Spelthorne Borough Council and Surrey County Council to discuss this issue.

Recommendation: Maintain objection pending the outcome of the dialogue between BAA and the objectors. It may be possible to withdraw the objection before the Transport and Works Act Public Inquiry.

3.11 Landscaping, Spelthorne objection ref (viii)

Insufficient landscaping proposals have been submitted in the Transport and Works Act Environmental Statements. A Landscaping Plan would need to be submitted that is acceptable to the County Council to remove the objection.

BAA response

The landscaping proposals will be the subject of a planning condition and will have to be approved by Spelthorne Borough Council as the planning authority in due course. The County Council are asked to confirm that it does not wish to pursue this issue further.

Objection, options and risks

The concerns of the County Council remain. There is no information as to how any proposed landscaping would be achievable under CAA's Safeguarding of airports in preventing bird strike to aeroplanes. Therefore it may not be possible to achieve any landscaping put forward in the application, which would mitigate the visual impact of the scheme. The Transport and Works Act is also seeking deemed Planning Consent and the Transport and Works Act documents submitted include draft planning conditions. This issue is not included in the draft conditions and we understand that the mechanism to include additional conditions is through the Public Inquiry process. As such we recommend that the County Council maintain their objection on this issue so that the condition be included as part of the deemed planning consent unless BAA can confirm an alternative method of including this planning condition.

Recommendation: Maintain objection to ensure planning condition is included in the Transport and Works Act.

3.12 Waste management, Spelthorne objection ref (ix)

The proposals submitted in the Transport and Works Act Environmental Statements for waste management are insufficient. BAA should submit a Waste Management Plan to allow Surrey County Council to form a judgement on this point.

BAA response

BAA will in due course prepare a Waste Management Plan as set out in the Code of Construction Practice and submit it for approval to the appropriate Authority. The County Council are asked to confirm that it does not wish to pursue this issue further.

Objection, options and risks

The County Council have requested a Waste Management Plan, prior to any development proceeding as a planning condition. One reason for this is that the scheme, including the excavation works for the tunnel, will give rise to a substantial quantity of waste material and whilst the environmental statement covers the issue of waste production and disposal there is no clear indication of the alternatives available for waste management or assessment of the environmental implications of those alternatives. As with objection (viii), the Transport and Works Act is also seeking deemed Planning Consent and the Transport and Works Act documents submitted include draft planning conditions. This issue is not included in the draft conditions and we understand that the mechanism to include additional conditions is through the Public Inquiry process unless BAA can confirm an alternative method of including this planning condition.

Recommendation: Maintain objection to ensure planning condition is included in the Transport and Works Act.

3.13 Staines Station, Spelthorne objection ref (x)

The originally planned High Street (Staines) station should be reinstated to provide a direct rail service between Staines, Woking and Guildford.

BAA response

BAA considered the case for including a new station at Staines High Street and decided not to proceed with the station for the following key reasons:

- a. As the station would be located so close to the existing Staines Station, there would be a negligible increase in passenger demand (approximately 200 additional passengers per day) for a station at this location.
- b. Accordingly there is no transport business case for such a station.
- c. The proposed station being approximately 500m from the existing station is unsatisfactory in terms of railway operations.

Concerns were expressed during course of the public consultation and if a station was to be built at this location some land and property would have to be compulsorily acquired.

Objection, options and risks

We have asked BAA for further information on the economic case for this additional station.

Recommendation: Maintain objection pending more detailed information from BAA. It may be possible to withdraw the objection before the Transport and Works Act Public Inquiry

3.14 Cycle parking, Spelthorne objection ref (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.

BAA response

The precise extent of cycle parking at Staines Station will be determined during the course of the detailed design of the station after consultation with Network Rail and South West Trains. Details of the forecourt layout are reserved in a draft planning condition.

Objection, options and risks

In order to withdraw or amend this objection the County Council have asked BAA to consider and confirm that replacement/suitable cycle parking can be provided. The County Council considers that a minimum of 200 covered cycle spaces should be provided split equally between both sides of the station, ideally covered by CCTV surveillance. Subject to BAA confirming that this provision will be provided then the detailed layout can be reserved through the appropriate wording of a planning condition.

Recommendation: Maintain objection pending confirmation of the facilities to be provided has been received from BAA. It may be possible to withdraw the objection before the Transport and Works Act Public Inquiry.

3.15 Parking, Spelthorne objection ref (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.

BAA response

BAA have stated that in the normal course of events the promoter of a railway scheme would not be expected to contribute towards the implementation of a controlled parking zone near a station and as such the County Council are to write to BAA setting out the justification for treating Staines Station as a special case.

Objection, options and risks

The County Council has disagreed with BAA's response and consider that the implications on Staines town centre car parking availability / accessibility are significant. As construction is proposed to last in excess of 24 months with reduced town centre car parking and increased walk distances between long-stay and short-stay car parks, there will be a significant increased demand for on-street car parking in areas currently not subject to parking controls.

The overspill parking from both existing visitors/commuters to Staines as well as contractor traffic requires the production of an acceptable parking management plan during construction and implementation of a controlled parking zone (CPZ) to protect residents and commercial interests.

The County Council view is that implementation of Airtrack will increase the pressure on overspill on-street parking and the Airtrack Transport Assessment (Section 7.2.7) relies on the implementation of controlled parking in the vicinity of rail stations to limit the increase in car travel.

Recommendation: Maintain objection, pending further discussion with BAA about mitigation measures to tackle parking problems caused by the scheme.

3.16 Traffic impacts, Spelthorne objection ref (xiii)

The impact of traffic in Staines town centre. This is of concern whilst the construction of the planned railway is being undertaken. The Transport and Works Act 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.

BAA response

BAA understand the County Council have concerns about the impact of construction traffic during the course of the construction of the scheme in Staines and this will be discussed in future meetings.

Objection, options and risks

The County Council has a concern about the impact of traffic during construction and it has provided traffic modelling outputs to BAA's traffic consultants. It was expected that these outputs would be analysed in detail and presented in the Transport and Works Act application. This was not the case and only a brief reference was made to the modelling without sufficient analysis. Consequently, the County Council are unable to assess whether the impact during construction is a problem. Detailed analysis including model network wide and local junction impacts is required in order to make a decision. BAA are to respond on these issues and confirm the construction phasing details and timing of works.

The County Council would then be in a position to review its formal position on this matter if the modelling shows that the impact is acceptable or that suitable temporary mitigation can be identified.

The issue of the longer-term impacts post construction affecting the highway network in the town centre was discussed at a meeting with BAA, Spelthorne Borough Council and Surrey County Council on 14 December 2009. As a result BAA are to give this issue further consideration.

Recommendation: The objection should be maintained pending further information from BAA about traffic impacts.

3.17 Car park impacts, Spelthorne objection ref (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 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.

BAA response

BAA are to clarify proposals for the phasing of the works for the construction of the chord and alterations to the ramp for the multi-storey car park.

Objection, options and risks

This issue relates to whether traffic modelling undertaken on the construction impact is a 'worst case' scenario. Without further clarification of the phasing of the construction it is not clear whether the situation modelled is indeed the worst case. If this information is provided the County Council would be in a position to review its formal position on this matter.

Recommendation: Maintain objection pending the traffic information and discussions with BAA's consultants.

3.18 Overhead rail line, Spelthorne objection ref (xv)

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 response

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

Objection, options and risks

BAA have nothing to gain from having a lengthy section of overhead electrification as it is more expensive than third rail electrification.

Recommendation: The objection can be withdrawn, but the County Council will continue its dialogue with BAA over the implementation of the scheme.

3.19 Air quality, Spelthorne objection ref (xvi)

The potential impacts of the Transport and Works Act on air quality especially in relation Spelthorne as an Air Quality Management Area (AQMA).

BAA response

BAA requested the County Council advise what specific issues, if any, are to be raised in respect of air quality.

Objection, options and risks

We recommend that this objection should be maintained, pending further discussions with BAA. Concerns about air quality are closely related to traffic movements, where we are seeking further information in objections (xiii), (xiv) and (xvii).

Recommendation: Maintain objection, which should be associated with objections xiii, xiv and xvii, until satisfactory information has been received about traffic movements.

3.20 Runnymede level crossings Objection ref (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.

Clarification of Objection

The approved recommendation above states that only the scheme promoter would fund the mitigation package, when in fact it is expected that a range of stakeholders (government, third parties etc) could fund the package. The above recommendation should be altered to reflect this wider view.

BAA response

BAA require additional information, or substantiation on the mitigation package sought by the County Council. BAA's Statement of Case has to be submitted to the DfT no later than 1 March 2010 and need a clear position on this matter to prepare a Statement of Case and further engage with objectors in January 2010.

Objection, options and risks

BAA are still to provide sufficiently detailed information to enable the County Council as the Transport Authority to assess the implications of Airtrack on the operation of the level crossing and the adjacent highway network in terms of queuing/traffic/severance/road safety/risk/bus operation. The County Council has requested BAA submit a quantitative Transport Assessment of the existing and future Airtrack situation and a Level Crossing Risk Assessment. These are required to demonstrate that the implications for safety of highway users at the level crossings have been assessed and addressed where necessary.

The County Council has produced an initial mitigation package to address issues related to the level crossing downtimes in the Runnymede area and car parking issues. The mitigation package includes the potential for; an underpass at the Vicarage Road level crossing (the feasibility of which is currently being investigated), junction improvements and a controlled parking zone near Chertsey Station. We are undertaking assessment of this potential package and are in discussion with BAA and its advisers to reach agreement on this mitigation package. If this mitigation package is 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.

Recommendation: Maintain objection until agreement has been reached about the proposed mitigation package.

3.21 Station stopping service objections ref (xviii) & (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 must be considered, especially in relation to car parking.
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.

BAA response

BAA confirmed that whether the Airtrack service will stop at Ascot and Virginia Water stations will be determined in accordance with the normal rail industry processes. The Transport and Works Act Order does not seek any powers in respect of the manner in which the Airtrack service will be operated.

Objection, options and risks

The Transport and Works Act process does not specify which stations will be served or which timetable will operate. Accordingly, there is little to be gained from 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 (which is a separate objection Timetable objection ref i).

Recommendation: Withdraw objection as the timetable is the subject of a separate objection (Timetable objection ref i).

4. HITHERMOOR LANDFILL SITE ISSUE

- 4.1 Following the previous Committee process to consider and approve the objections to the Transport and works Act a new issue has been identified.
- 4.2 The concern is that there is a risk that the works could involve disturbance to the Hithermoor landfill site, which comprises a non-inert waste disposal site contained by a bentonite wall and clay cap and that, if disturbed, there could be potential significant impacts on the Staines Moor SSSI in the event of any disturbance to the engineered containment for the landfill such that leachate of polluted ground or surface water could be released or generated and adversely affect the nearby SSSI.
- 4.3 The potential impact of contamination of the SSSI has not been assessed in BAA's Environmental Statement and it is not known if there are any possible or feasible mitigation measures. This needs to be resolved prior to the application being permitted as the significant potential impacts on a highly sensitive SSSI cannot, in our opinion, be addressed by imposing a condition. A legal view is currently being sought regarding this issue at the time of drafting this report.
- 4.4 **BAA Response** – this issue has recently come to light and as such will be made known to BAA. At the time of this report meetings are being held between BAA, Environment Agency, Natural England, Spelthorne Borough Council and Surrey County Council where this issue will be discussed.

4.5 Objection, options and risks

The Environment Agency has statutory duties regarding potential contamination of groundwater and has objected to the Transport and Works Act. This objection is quite broad and seeks to address potential contamination rather than the more narrow issue of protecting the SSSI as an environmentally sensitive location.

The County Council has statutory duties under the Countryside and Rights of Way Act 2000 for the conservation of flora, fauna or geological or physiographical features of a SSSI. Recent legal cases have found that the normal approach should be for the Environmental Impact Assessment supporting the initial development consent application need to take into account all of the potential environmental effects likely to arise. As such the County Council should not rely on the Environment Agency's objection to provide protection of the SSSI in this case.

Officers have contacted the Department for Transport and Works Act office and it is possible to submit an additional objection where unforeseen issues occur. The Transport and Works Act Office would be notified of this by letter ahead of this additional objection being ratified by Full Council. It is therefore recommended that the County Council submit a new objection on this issue.

4.6 *Recommendation: the County Council raise an additional objection that insufficient information has been submitted in the Transport and Works Act Environmental Statements to assess the risk of ground water contamination due to construction works disturbing the contained Hithermoor landfill site that could result in significant impacts on the Staines Moor SSSI. This objection could be withdrawn if BAA provides sufficient information to assess the potential impacts of contamination of on the SSSI and the mitigation measures.*

5. SUMMARY OF RECOMMENDATIONS

5.1 The Committee is asked to give its views on the specific recommendations, regarding objections to the Heathrow Airtrack scheme, to be made to Cabinet as set out in the report and summarised below.

- (i) Timetable objection ref (i)**
BAA Maintain objection until a satisfactory timetable has been produced.
- (ii) Regulation 19 / Rule 17 objection ref (ii)**
Withdraw objection.
- (iii) Air quality objection ref (iii)**
Maintain objection, which should be associated with objections xiii, xiv and xvii, until satisfactory information has been received about traffic movements.

- (iv) Bridleway, Spelthorne objection ref (iv)**
Withdraw Objection.
- (v) Rights of Way, Spelthorne objection ref (v)**
Maintain objection.
- (vi) Cycle routes, Spelthorne objection ref (vi)**
Withdraw Objection.
- (vii) Ecology, Spelthorne objection ref (vii)**
Maintain objection pending the outcome of the dialogue between BAA and the objectors. It may be possible to withdraw the objection before the Transport and Works Act Public Inquiry.
- (viii) Landscaping, Spelthorne objection ref (viii)**
Maintain objection to ensure planning condition is included in the Transport and Works Act.
- (ix) Waste management, Spelthorne objection ref (ix)**
Maintain objection to ensure planning condition is included in the Transport and Works Act.
- (x) Staines Station, Spelthorne objection ref (x)**
Maintain objection pending more detailed information from BAA. It may be possible to withdraw the objection before the Transport and Works Act Public Inquiry
- (xi) Cycle Parking, Spelthorne objection ref (xi)**
Maintain objection pending confirmation of the facilities to be provided has been received from BAA. It may be possible to withdraw the objection before the Transport and Works Act Public Inquiry.
- (xii) Parking, Spelthorne objection ref (xii)**
Maintain objection, pending further discussion with BAA about mitigation measures to tackle parking problems caused by the scheme.
- (xiii) Traffic Impacts, Spelthorne objection ref (xiii)**
Maintain objection pending further information from BAA about traffic impacts.
- (xiv) Car Park Impacts, Spelthorne objection ref (xiv)**
Maintain objection pending the traffic information and discussions with BAA's consultants.
- (xv) Overhead rail line, Spelthorne objection ref (xv)**
Withdraw objection.

- (xvi) **Air quality, Spelthorne objection ref (xvi)**
Maintain objection, which should be associated with objections xiii, xiv and xvii, until satisfactory information has been received about traffic movements.
- (xvii) **Runnymede level crossings objection ref (xvii)**
Maintain objection until agreement has been reached about the proposed mitigation package.

In addition the objection to be amended to state “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 **sponsors, Government or other third parties** and subject to Cabinet approval. The capacity and funding of stations within Runnymede Borough be considered especially in relation to car parking.

- (xviii) **Ascot Station stopping service objection ref (xviii)**
Withdraw objection, as the timetable is the subject of a separate objection (Timetable objection ref i).
- (xix) **Virginia Water Station stopping service objection ref (xix)**
Withdraw objection, as the timetable is the subject of a separate objection (Timetable objection ref i).
- (xx) **Hithermoor Landfill Site new objection**
The County Council raise an additional objection that insufficient information has been submitted in the Transport and Works Act Environmental Statements to assess the risk of ground water contamination due to construction works disturbing the contained Hithermoor landfill site that could result in significant impacts on the Staines Moor SSSI. This objection could be withdrawn if BAA provides sufficient information to assess the potential impacts of contamination of on the SSSI and the mitigation measures.
- (xxi) The Committee are also asked to note that the Cabinet is to be asked 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 meeting on 23 March 2010. In this case a report of the outcome of these negotiations would be taken to Cabinet for information.
- (xxii) The Cabinet will also 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.

6. OPTIONS

6.1 The following options are open to the Committee:

- (i) Agree with specific objections as recommended
- (ii) Provide comments on specific objections as recommended
- (iii) Request that Cabinet not agree with specific objections as recommended

6.2 It should be noted that the recommendations against each objection are based on an assessment of the potential for the County Council to present and sustain an objection at the Public Inquiry. Where it is recommended that an objection be withdrawn this has been based upon minimising abortive costs in providing evidence for an objection that is unlikely to be sustained. In addition there is the concern that the County Council is in a position to provide a credible position overall at the Airtrack Public Inquiry.

6.3 The Committee may wish to consider the details outlined in paragraph 5.2 in the event of considering to seek to sustain rather than withdrawing an objection stated in the recommendations.

7. CONSULTATIONS

7.1 During the Transport and Works Act consultation period Spelthorne, Runnymede, Surrey Heath, Woking, Waverley and Guildford Local Committees and the Transport Select Committee and the Environment and Economy Select Committee were consulted to inform the County Councils response. This reporting process is being repeated for this stage of the Airtrack project and a summary of the comments made by these Committees will be included in the report to Cabinet.

7.2 Delegated powers are sought for the Head of Transport for Surrey in discussion with the Cabinet Member for Transport, Deputy Leader and Leader of the Council. The Cabinet Member for Transport has been consulted on this proposed delegation and is supportive of this process.

8. FINANCIAL AND VALUE FOR MONEY IMPLICATIONS

8.1 The scheme could bring economic benefits to Surrey as set out in the reports to Cabinet (29 September 2009) and Full Council (15 December 2009).

8.2 There are revenue cost implications for the County Council, which are currently being estimated (current likely costs in the region of £75,000 to £100,000). The following areas have been identified to date:

- Responding to the Transport and Works Act and preparing/developing a mitigation package
- Preparing for/attendance at a Public Inquiry including Legal costs

9. EQUALITIES AND DIVERSITY IMPLICATIONS

- 9.1 In general terms, improving rail services has positive equalities and diversity implications because it improves mobility for people without access to a car. Any new trains required for this service are likely to be more accessible than existing trains.

10. CRIME AND DISORDER IMPLICATIONS

- 10.1 None identified to date.

11. CONCLUSION AND REASONS FOR RECOMMENDATIONS

- 11.1 The submission of the Transport and Works Act enabled the County Council to make a formal response based on the information provided. The County Council's position is that whilst it supports the principles and objectives of the scheme, it cannot support the proposal as currently defined as elements of the scheme would cause undue adverse impacts to some parts of Surrey. The County Council therefore lodged a number of objections subject to mitigation actions taken with changes to the proposal and/or funding from the scheme promoters.
- 11.2 The recommendations seek comments of the current position about each objection being made based on the information available to date, sets out a process of delegation to be considered by Cabinet in relation to these objections and ask the Committee to note the recommendation to Cabinet that the County Council prepare and present at the Public Inquiry should the objections not be resolved.

12. WHAT HAPPENS NEXT

- 12.1 Officers will continue to negotiate and agree resolution to objections to the Heathrow Airtrack scheme within the approved delegation and prepare for a Public Inquiry should that be required. If the objections are not resolved the County Council will present at the Public Inquiry, which is anticipated to take place during 2010.

LEAD OFFICER: Iain Reeve, Head of Transport for Surrey

TELEPHONE NUMBER: 020 8541 9375

E-MAIL: iain.reeve@surreycc.gov.uk

CONTACT OFFICER: Iain Reeve, Head of Transport for Surrey

TELEPHONE NUMBER: 020 8541 9375

E-MAIL: iain.reeve@surreycc.gov.uk

BACKGROUND PAPERS: Heathrow Airtrack Transport and Works Act
Cabinet Report 29 September 2009, Heathrow
Airtrack Full Council Report 15 December 2010