



OFFICER REPORT TO LOCAL COMMITTEE (WAVERLEY)

**HEATHROW AIRTRACK:
OBJECTIONS TO THE
TRANSPORT AND WORKS ACT ORDER 1992
18th June 2010**

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.

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 late Autumn 2010.

In 2009/10, the County Council formally objected to the scheme on 19 separate grounds. Officers have been working intensively with the scheme promoters to understand fully the impact of the Scheme with a view 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The County Council now needs to decide if sufficient progress has been made to allow the objections to be withdrawn, or if the objections should be maintained at the Public Inquiry. Some of the objections are currently being discussed with the proposers and therefore verbal updates will be provided at the Committee.

OFFICER RECOMMENDATIONS

The 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 July.
- (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.

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 that 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 a draft 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 responded to the County Council's points of objection and a number of letters have been exchanged as well as meetings. 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 at Committee 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. If it can so accept, the Council should withdraw that part of its objection. If all other objectors do the same, this would mean that the Public Inquiry might 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, with no, or reduced, mitigation measures. Alternatively the Inspector could decide that the mitigation was insufficient and recommend that the Orders may not be confirmed.
- 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 13 July 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 late Autumn 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:

Date

Activity

Dec 2009 - Dec 2010	Appoint and meet Legal Counsel to discuss case
Dec 2009 - Aug 2010	Continue negotiations and information exchange
Mid Jan 2010	Commenced preparation of Statement of Case
June - July 2010	Local, Select Committees, Cabinet and Full Council
July - Aug 2010	Estimated forecast for submission of Statement of Case
Late Summer 2010	Pre-Inquiry meeting
Late Autumn 2010	Public Inquiry
Spring 2011	Outcome of Public Inquiry confirmed
2012-2016	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
 - (xv) Overhead rail line, Spelthorne
 - (xvi) Air quality, Spelthorne
 - (xvii) Runnymede level crossings
 - (xviii) Station stopping service (Ascot)
 - (xix) 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)

An Officer verbal update will be provided to the Committee on the recommended position regarding this objection.

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 regulation 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 within the environmental statement.” The Secretary of State uses this Power 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

Officers have considered the option of sending a letter to the Secretary of State requesting him to exercise his powers and consider that taking such a course of action at this stage would not be conducive to a cooperative working relationship with BAA, given that the County Council supports the scheme in principle. Accordingly, we consider that a letter should not be sent at this stage to the Secretary of State asking him to request BAA to provide further information, regarding environmental impacts under Rule 17. Instead, officers consider that this issue should initially be considered through negotiation with BAA. If necessary, following these negotiations, a letter can be sent to the Secretary of State in advance of the Public Inquiry setting out where we consider there is a deficiency. At this stage the Secretary of State can still decide to invoke his powers under Rule 17.

Recommendation: Withhold the action of sending a letter at this stage. However, Members are requested to agree to issue delegated powers to enable a letter from Surrey County Council to be sent 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.

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 removed on the basis that it would be difficult to prepare evidence at a Public Inquiry to justify this 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.

Recommendation: Withdraw objection.

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 does 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, Spelthorne Borough Council and we 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

We will amend the Order plans to show the correct routes for footpaths 16 and 17 so that they are in accordance with the definitive map. We will also add an extra piece to footpath 17 because we understand the landowner will not object to this proposal. Otherwise our position remains as set out in our letter of 3 December.

The letter dated 3 December advises:

We explained that HAL has only sought powers over land directly required for the purpose of the scheme. In so far as SCC may wish to make further alterations to existing rights of way then SCC would do so using its own powers once the scheme has been built.

Objection, options and risks

BAA has now amended the errors as set out above and has advertised these as part of the Addendum to the Environmental Statement. However, the works involve closing a number of pedestrian level crossings over the railway, which will result in a number of “truncated stubs” on FPs 13 & 18, which will terminate in a dead end at railway fences. BAA will not be removing these stubs as part of the Transport and Works Act order.

BAA is suggesting that Surrey County Council using its own powers could stop these footpaths up. However, there is a cost to Surrey County Council in doing this and a risk that if there are objections then the proposal to close these routes would be assessed at a Public Inquiry which would require Officers to prepare and present evidence. Officers are suggesting that BAA should indemnify Surrey County Council for the cost of undertaking these closures.

In response to this BAA have advised the following:

“We understand that the only outstanding issue relates to the stub-ends of the footpaths. We take the view that a TWA Order can only properly provide for the stopping up of footpaths where this is required as a result of construction and operation of the works in the Order or otherwise relates to the operation of a railway. In relation to the footpaths 13 and 18, the Order is providing for the removal and replacement of existing railway crossings which have been identified as hazardous. We do not see on what basis we could provide for the tidying up of the footpaths network by stopping up the stub-ends of these footpaths.”

If the Council considers that there is justification for making a public path extinguishment Order under section 118 of the Highways Act on the grounds that these stub-ends are unnecessary, it is open to it to do so following the extinguishment of the level crossings. HAL would be prepared to reimburse the reasonable costs of the Council in making and obtaining the confirmation of the Orders, but not extending to the costs of a hearing or public inquiry into objections to the Order. HAL’s support for the proposals would be on the basis that this was an uncontentious proposal and would not wish to support the imposition of the proposal against local objections.”

The above response is welcomed but does not indemnify the County Council of the cost of an Inquiry. It is the experience of Officers that national groups that serve the walking community generally object to most rights of way closures and therefore it may not be a local objection that the Council has to present evidence on.

Recommendation: Maintain objection until Surrey County Council has received a satisfactory obligation from BAA to fund the full cost of the closures of the stubs on footpaths 13 and 18.

It is also recommended that because the majority of original issues have been resolved that the objection is reworded to say:

“The truncated stubs on Footpath’s 13 and 18 should be stopped up either as part of the TWA or through BAA agreeing to provide funding to Surrey

County Council so that they can seek to undertake it using their highway powers”

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 be 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.

An Officer verbal update will be provided to the Committee on the recommended position regarding this objection.

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

We can confirm that the landscaping can be achieved in accordance with BAA’s safeguarding policy and will be subject to a planning condition to be discharged to the satisfaction of the relevant local planning authorities.

Objection, options and risks

Officers have attended meetings with BAA to discuss and understand the landscaping proposals and how they would be achievable under CAA’s Safeguarding of airports in preventing bird strike to aeroplanes. Officers are generally content that suitable landscaping proposals can be provided.

The Transport and Works Act application 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 the objection until Officers are satisfied that a suitable planning condition is included in the Transport and Works Act application.

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

You have indicated that SCC wishes to maintain its objection until the Environment Agency confirms that the drafting of the condition (or a suitably worded revised condition) meets their requirements. We confirm that the Waste Management Plan will be agreed in accordance with the terms of the Code of Construction Practice and compliance with the Code of Construction Practice is in itself subject to a planning condition.

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 the objection until the Environment Agency confirms that the drafting of the condition (or a suitably worded revised condition) meets their requirements.

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 were to be built at this location some land and property would have to be compulsorily acquired.

BAA were asked to provide more information regarding the business case for the Station and the following additional information was provided:

“We have forecasted that approximately 47,000 new passenger trips per year would be generated if a new High St station was built. The net impact on the railway therefore is the loss of 47,000 new passenger trips per year in 2016 which equates to approximately 200 trips per week day or 30 trips in a typical peak hour.

Further the capital cost of constructing the station is approximately £17.5 million, in 2008 prices, and the annual operating costs are estimated to be approximately £1 million per annum, in 2008 prices.

The location of a new High St station is approximately 500m from the existing Staines Station. This is very close and allows for very little acceleration and deceleration time between stations. We have been advised by Network Rail and the train operating company that the operation of two stations in such close proximity is not good industry practice.”

Objection, options and risks

We have asked BAA for further information on the economic case for this additional station, as the costs provided above appear to be unusually high. However, it is unlikely that BAA will provide any more detailed information. We are therefore in a position where the Council can continue to object but as the station is not proposed as part of the TWA, Officers advice is that this objection is unlikely to be upheld at the Public Inquiry.

Recommendation: Withdraw objection

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

HAL will only have powers to construct works on the north side of the station and there may also be space limitations. The detailed design of the station will have regard to the provision of all facilities, ie buses, taxis, parking as well as cycle parking, etc. You will appreciate that the precise number of cycle parking spaces will be determined during the course of the detailed design. The provision of cycle parking forms part of planning condition number 7 below.

“Details of the means of access to and around the station and alterations to Station Path shall be submitted to and approved in writing by the local planning authority before commencement of development at the site and thereafter implemented in accordance with the approved details. The details shall include bus interchange facilities, car parking, kiss and ride, and access for pedestrians and cyclists.”

Please can you confirm that this condition is satisfactory to SCC.

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. The County Council has written to BAA setting out justification for the 200 cycle parking spaces.

Officers have drafted a replacement planning condition to secure the provision of these spaces, which has been provided to BAA for inclusion in their Addendum to the Environmental Statement. However, BAA has not included this in the Addendum and are suggesting the wording above. In Officers’ opinion this wording does not cover cycle parking only cycle access and therefore BAA could argue once planning consent has been granted that they do not need to provide cycle parking. The above condition could be easily amended with the addition of ‘cycle parking’ within the wording which would remove the concern of Officers as the details for parking would then be a condition of reserved matters.

Recommendation: Maintain the objection until Officers are satisfied that a suitable planning condition is included in the Transport and Works Act application.

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

The Addendum No. 2 of the Environmental Statement published on 12 May 2010 states that there will be minimal increase in parking demand at Staines Station. The Kingston Road car park has the necessary capacity for any increase in demand. HAL is however prepared to consider contributing a fixed sum to implement a Controlled Parking Zone, should it be proven that the Airtrack scheme contributes to a material increase in demand for parking at Staines Station.

BAA has also confirmed that this consideration would also extend to Chertsey Station.

Objection, options and risks

The County Council view is that implementation of Airtrack will increase the pressure on overspill on-street parking at Staines and Chersey 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.

The County Council has suggested to BAA that they provide a planning obligation that they will fund a Controlled Parking Zone if it is demonstrated that there is a parking problem resulting from the increased Airtrack services. This will be monitored by before and after surveys with the methodology agreed with the County Council and funded by BAA. BAA would prefer to provide a fixed sum as set out above.

BAA has not provided any information on increased parking at any of the railway stations within the Waverley Borough boundary. Their report highlights that the largest impacts in percentage terms are at Woking and Guildford stations. However, their analysis is that the impact at these stations is a minor adverse effect.

Recommendation: Maintain the objection until Officers are satisfied that the fixed sum from BAA is sufficient to provide a suitable Controlled Parking Zone at the above stations.

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

Additional surveys and modelling have been undertaken. The results have been discussed with SCC and are reported in Addendum No. 2 of the Environmental Statement. The conclusions reached are that there is no significant effect on traffic in Staines during or after construction (so long as the traffic lights at one junction are re-phased). We also have provided you with the Transit model data on 17 May 2010 which you undertook to review. You advised that on the information provided to date and subject to reviewing the Transit model data, SCC was not satisfied that there were no significant effects on traffic during or after construction.

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. This showed that there was a problem with traffic exiting Tothill car park particularly during the weekday evening peak when the Elmsleigh car park ramp was closed during construction and the car park was linked to the Tothill car park. It was expected and BAA were advised that we considered that these outputs should 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. The Addendum to the Environmental Statement does not address this issue.

Consequently additional information is required from CJA in order to reassure us that the construction impacts will not be significant.

However, this objection and objection (xiv) below relate to very similar concerns and it is recommended that they are incorporated into one objection that better explains the Council's concerns:

Recommendation: Combine Objections (xiii) and (xiv) to a new objection with the following text "There is concern over the impact of traffic in Staines town centre whilst the construction of the planned railway is being undertaken. This is related to the construction of the Staines chord and combined car parks with access/egress onto the Thames Street junction. Modelling of this situation has not been presented in the TWA application."

Maintain objection until a review of further information from BAA overcomes Officers concerns 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

HAL has agreed with Spelthorne BC and Munroe K acting on behalf of the Elmsleigh Centre that construction of the replacement ramp will be undertaken at an appropriate time of year. As much parking would be maintained as reasonably possible during the construction of the ramp by phasing the construction of the chord, so that the majority of construction follows the bringing into service of the replacement ramp. Please note this matter is addressed in Addendum No 2 of the Environmental Statement. Please can you confirm that we have now satisfied SCC on this point.

Objection, options and risks

This issue relates to whether the traffic modelling undertaken on the construction impact was a 'worst case' scenario. Further work has been undertaken by BAA and this is included in the Addendum to the Environmental Statement. At the time of preparing this report, Officers are reviewing the additional analysis in the Addendum to determine whether the Airtrack scheme will impact on Thames Street on grounds of congestion.

An update will be made to the committee following a detailed review of the Addendum.

However, as set out above it is recommended that objection (xiii) and (xiv) are incorporated into one objection that better explains the Council's concerns:

Recommendation: Combine Objections (xiii) and (xiv) to a new objection with the following text "There is concern over the impact of traffic in Staines town centre whilst the construction of the planned railway is being undertaken. This is related to the construction of the Staines chord and combined car parks with access/egress onto the Thames Street junction. Modelling of this situation has not been presented in the TWA application."

Maintain the objection until a review of further information from BAA overcomes Officers concerns about traffic impacts.

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

However, the Consultants commissioned by the County Council to investigate the rail timetable have raised an issue about the reliability related to transferring from third rail to overhead lines and vice-versa. There are a number of locations around the UK where this happens but generally they are undertaken when the train is stationary. BAA is proposing that this is undertaken with the train moving. The Consultants consider that this could result in breakdowns and recommend that BAA provide proposals for this to be undertaken whilst the train is stationary. This could have implications for the timetable.

Recommendation: Withdraw the objection, 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 understands that the air quality issue is related to the traffic issues in Staines town centre and that should this issue be addressed Officers would recommend to Full Council to drop this issue.

Objection, options and risks

Air quality in this objection is related to the potential traffic issues both during construction and in the absence of a commitment to provide a controlled parking zone in Staines town centre if mitigation is required to remove Airtrack related traffic. If BAA demonstrate to Officer's satisfaction that there is no material traffic impact then it would be difficult to sustain the air quality concerns in objection (xvi).

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.

An Officer verbal update will be provided to the Committee on the recommended position regarding this objection.

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

An Officer verbal update will be provided to the Committee on the recommended position regarding this potential issue.

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)

An Officer verbal update will be provided to the Committee on the recommended position regarding this objection.

(ii) Regulation 19 / Rule 17 objection ref (ii)

Withhold the action of sending a letter at this stage. However, Members are requested to agree to issue delegated powers to enable a letter from Surrey County Council to be sent 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.

- (iii) Air quality objection ref (iii)**
Withdraw objection.
- (iv) Bridleway, Spelthorne objection ref (iv)**
Withdraw objection
- (v) Rights of Way, Spelthorne objection ref (v)**
Maintain objection until Surrey County Council has received a satisfactory obligation from BAA to fund the full cost of the closures of the stubs on footpaths 13 and 18. It is also recommended that because the majority of original issues have been resolved that the objection is reworded to say:
“The truncated stubs on Footpath’s 13 and 18 should be stopped up either as part of the TWA or through BAA agreeing to provide funding to Surrey County Council so that they can seek to undertake it using their highway powers”
- (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 and additional information contained within the Addendum to the Environmental Statement. It may be possible to withdraw the objection before the Transport and Works Act Public Inquiry.
- (viii) Landscaping, Spelthorne objection ref (viii)**
Maintain the objection until Officers are satisfied that a suitable planning condition is included in the Transport and Works Act application.
- (ix) Waste management, Spelthorne objection ref (ix)**
Maintain the objection until the Environment Agency confirms that the drafting of the condition (or a suitably worded revised condition) meets their requirements.
- (x) Staines Station, Spelthorne objection ref (x)**
Withdraw objection
- (xi) Cycle Parking, Spelthorne objection ref (xi)**
Maintain the objection until Officers are satisfied that a suitable planning condition is included in the Transport and Works Act application.
- (xii) Parking, Spelthorne objection ref (xii)**
Maintain the objection until Officers are satisfied that a suitable planning condition is included in the Transport and Works Act application.
- (xiii) Traffic Impacts, Spelthorne objection ref (xiii)**

Combine Objections (xiii) and (xiv) to a new objection with the following text "There is concern over the impact of traffic in Staines town centre whilst the construction of the planned railway is being undertaken. This is related to the construction of the Staines chord and combined car parks with access/egress onto the Thames Street junction. Modelling of this situation has not been presented in the TWA application."

Maintain the objection until a review of further information from BAA overcomes Officers concerns about traffic impacts.

(xiv) Car Park Impacts, Spelthorne objection ref (xiv)

Combine Objections (xiii) and (xiv) to a new objection with the following text "There is concern over the impact of traffic in Staines town centre whilst the construction of the planned railway is being undertaken. This is related to the construction of the Staines chord and combined car parks with access/egress onto the Thames Street junction. Modelling of this situation has not been presented in the TWA application."

Maintain the objection until a review of further information from BAA overcomes Officers concerns about traffic impacts.

(xv) Overhead rail line, Spelthorne objection ref (xv)

Withdraw the objection, but the County Council will continue its dialogue with BAA over the implementation of the scheme.

(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)

An Officer verbal update will be provided to the Committee on the recommended position regarding this objection.

(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 Issue

An Officer verbal update will be provided to the Committee on the recommended position regarding this objection.

(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 consultation 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 20 July 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 should be in a position to provide a credible position overall at the Airtrack Public Inquiry.

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 is revenue cost implications for the County Council, which are currently being estimated (current likely costs in the region of £300,000). 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 application 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 on 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.

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