

SCOPING OPINION

Proposed Western Rail Link to Heathrow



June 2015

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EXECUTIVE SUMMARY

This is the Scoping Opinion (the Opinion) provided by the Secretary of State in respect of the content of the Environmental Statement for the proposed Western Rail Link to Heathrow.

This report sets out the Secretary of State's Opinion on the basis of the information provided in Network Rail Infrastructure Limited's ('the applicant') report entitled Environmental Impact Assessment - Scoping Report Western Rail Link to Heathrow (April 2015) (Ref: 129088-JAC-REP-EMF-000001 Rev: A02) ('the Scoping Report') prepared by Jacobs U.K. Limited on behalf of the applicant. The Opinion can only reflect the proposals as currently described by the applicant.

The Secretary of State has consulted on the Scoping Report and the responses received have been taken into account in adopting this Opinion. The Secretary of State is satisfied that the topic areas identified in the Scoping Report encompass those matters identified in Schedule 4, Part 1, paragraph 19 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended).

The Secretary of State draws attention both to the general points and those made in respect of each of the specialist topic areas in this Opinion. The main potential issues identified are:

- Description of development, in particular the description of construction
- Impacts on features of cultural heritage importance, including archaeological priority zones
- Noise and vibration effects from construction activity and train operations
- Flood risk, including development within the floodplain
- Groundwater management and contaminated land issues
- Waste and materials including storage and disposal of excavated material
- Traffic and transportation issues, including construction haulage and the proposed permanent closure of Hollow Hill Lane.

Matters are not scoped out unless specifically addressed and justified by the applicant, and confirmed as being scoped out by the Secretary of State.

The Secretary of State notes the potential need to carry out an assessment under the Habitats Regulations¹.

¹ The Conservation of Habitats and Species Regulations 2010 (as amended)

1 INTRODUCTION

Background

- 1.1 On 24 April 2015, the Secretary of State received the Scoping Report submitted by Network Rail Infrastructure Limited (Network Rail) under Regulation 8 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (SI 2263) (as amended) (the EIA Regulations) in order to request a Scoping Opinion for the proposed Western Rail Link to Heathrow ('the proposed development'). This Opinion is made in response to this request and should be read in conjunction with the applicant's Scoping Report.
- 1.2 The applicant has formally provided notification under Regulation 6(1)(b) of the EIA Regulations in its letter dated 24 April 2015 that it proposes to provide an ES in respect of the proposed development. Therefore, in accordance with Regulation 4(2)(a) of the EIA Regulations, the proposed development is determined to be EIA development.
- 1.3 The EIA Regulations enable an applicant, before making an application for an order granting development consent, to ask the Secretary of State to state in writing their formal opinion (a 'Scoping Opinion') on the information to be provided in the environmental statement (ES).
- 1.4 Before adopting a Scoping Opinion the Secretary of State must take into account:
 - (a) the specific characteristics of the particular development;
 - (b) the specific characteristics of the development of the type concerned; and
 - (c) environmental features likely to be affected by the development'.
(EIA Regulation 8 (9))
- 1.5 This Opinion sets out what information the Secretary of State considers should be included in the ES for the proposed development. The Opinion has taken account of:
 - the EIA Regulations
 - the nature and scale of the proposed development
 - the nature of the receiving environment, and
 - current best practice in the preparation of environmental statements.
- 1.6 The Secretary of State has also taken account of the responses received from the statutory consultees (see Appendix 2 of this Opinion). The matters addressed by the applicant have been

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carefully considered and use has been made of professional judgement and experience in order to adopt this Opinion. It should be noted that when it comes to consider the ES, the Secretary of State will take account of relevant legislation and guidelines (as appropriate). The Secretary of State will not be precluded from requiring additional information if it is considered necessary in connection with the ES submitted with that application when considering the application for a development consent order (DCO).

- 1.7 This Opinion should not be construed as implying that the Secretary of State agrees with the information or comments provided by the applicant in their request for an opinion from the Secretary of State. In particular, comments from the Secretary of State in this Opinion are without prejudice to any decision taken by the Secretary of State (on submission of the application) that any development identified by the applicant is necessarily to be treated as part of a nationally significant infrastructure project (NSIP), or associated development, or development that does not require development consent.
- 1.8 Regulation 8(3) of the EIA Regulations states that a request for a Scoping Opinion must include:
- (a) 'a plan sufficient to identify the land;
 - (b) a brief description of the nature and purpose of the development and of its possible effects on the environment; and
 - (c) such other information or representations as the person making the request may wish to provide or make'.
- (EIA Regulation 8 (3))
- 1.9 The Secretary of State considers that this has been provided in the applicant's Scoping Report.

The Secretary of State's Consultation

- 1.10 The Secretary of State has a duty under Regulation 8(6) of the EIA Regulations to consult widely before adopting a Scoping Opinion. A full list of the consultation bodies is provided at Appendix 1. A list has also been compiled by the Secretary of State under their duty to notify the consultation bodies in accordance with Regulation 9(1)(a). The applicant should note that whilst the Secretary of State's list can inform their consultation, it should not be relied upon for that purpose.
- 1.11 The list of respondents who replied within the statutory timeframe and whose comments have been taken into account in the preparation of this Opinion is provided at Appendix 2 along with

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copies of their comments, to which the applicant should refer in undertaking the EIA.

- 1.12 The ES submitted by the applicant should demonstrate consideration of the points raised by the consultation bodies. It is recommended that a table is provided in the ES summarising the scoping responses from the consultation bodies and how they are, or are not, addressed in the ES.
- 1.13 Any consultation responses received after the statutory deadline for receipt of comments will not be taken into account within this Opinion. Late responses will be forwarded to the applicant and will be made available on the Planning Inspectorate's website. The applicant should also give due consideration to those comments in carrying out the EIA.

Structure of the Document

- 1.14 This Opinion is structured as follows:
- | | |
|-----------|------------------------------|
| Section 1 | Introduction |
| Section 2 | The proposed development |
| Section 3 | EIA approach and topic areas |
| Section 4 | Other information. |
- 1.15 This Opinion is accompanied by the following Appendices:
- | | |
|------------|---------------------------------------------------|
| Appendix 1 | List of consultees |
| Appendix 2 | Respondents to consultation and copies of replies |
| Appendix 3 | Presentation of the environmental statement. |

2 THE PROPOSED DEVELOPMENT

Introduction

- 2.1 The following is a summary of the information on the proposed development and its site and surroundings prepared by the applicant and included in their Scoping Report. The information has not been verified and it has been assumed that the information provided reflects the existing knowledge of the proposed development and the potential receptors/resources.

The Applicant's Information

Overview of the proposed development

- 2.2 The proposed development would provide a new rail connection from the Great Western Main Line (GWML) to Heathrow Airport Terminal 5. The link would allow direct services from Reading to Heathrow as well as travel between Reading railway station and Paddington via Heathrow (using the Heathrow Express line for onward travel). For passengers accessing Heathrow Airport from the west, existing rail options consist of travelling into central London (Paddington) and back out to Heathrow Airport. The proposed development would provide a more direct rail route for passengers travelling to Heathrow from Reading, Oxford, South Wales, Bristol and Birmingham and beyond. An additional rail connection will also provide commuting opportunities for local stations including Maidenhead, Twyford and Slough, for those who work at Heathrow Airport.
- 2.3 It is proposed that trains to Heathrow would use the existing railway lines between Reading and Langley, before transferring to a new rail link east of Langley. Sections of the proposed new rail link would be constructed both above and below ground.

Description of the site and surrounding area

The Application Site

- 2.4 The proposed development would be located between Langley (east of Slough) and Terminal 5 of Heathrow Airport, west London. It would be situated within the valley of the River Colne and its floodplain, within a relatively flat and low-lying landscape.
- 2.5 A description of the site is provided in section 2.3 of the Scoping Report, with a site location plan having been provided as Figure 2.1 (Appendix A).

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- 2.6 From west to east, the route of the proposed development would cross the local authority boundaries of Slough Borough Council, South Bucks District Council and the London Borough of Hillingdon.
- 2.7 The landscape across the proposed rail route is heavily influenced by mineral extraction, evidenced by reservoirs and water bodies. The land use is mixed, consisting of industrial and commercial areas, large-scale transport infrastructure, low-density settlements, agricultural land and recreational open space.
- 2.8 The proposed rail route would cross, pass under or be adjacent to the following major infrastructure:
- Great Western Main Line (GWML);
 - The M4 and M25 Motorways;
 - A number of A and B roads;
 - Water pipes; and
 - Overhead pylon routes, a high pressure gas main and fuel pipeline.
- 2.9 The route of the proposed development would cross through the Metropolitan Green Belt, areas classified as Grade 1, 2 and 3 agricultural land and a number of historical and licensed landfills.
- 2.10 Preliminary ecological surveys have identified records of, or the potential for, various protected and notable species to be present on or around the application site, including bats, otter, great crested newt, reptiles, breeding and non-breeding birds, water vole and badger.
- 2.11 The route of the proposed development would cross a number of watercourses, including the River Colne, Wraysbury River and Colne Brook; and would be located immediately to the south of the Grand Union Canal (Slough Arm). The Horton Brook would run to the west of the proposed development. The proposed development is located within a Surface Water Nitrate Vulnerable Zone.

The Surrounding Area

- 2.12 The surrounding area is characterised by a discordant and fragmented landscape, heavily influenced by Heathrow Airport and Greater London in the east, Slough and Langley on the west, key infrastructure corridors (M25, M4 and GWML) and by the presence of overhead pylons.
- 2.13 There are a number of small and medium settlements close by including Richings Park, Poyle and Colnbrook.
- 2.14 The area features a range of community facilities and open spaces, including:

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- Frays Island and Mabey's Meadow nature reserve;
 - Harmondsworth Moor Country Park and Colne Valley park;
 - Publically accessible woodland to the south of Colnbrook;
 - The Heathrow Special Needs Farm;
 - Golf courses;
 - Parks, sports pitches and recreation grounds; and
 - The Grand Union Canal Walk, Colne Valley Trail and various other Public Rights of Way (PRoW).
- 2.15 Ecological sites identified in the Scoping Report include two European sites close to the application site:
- South West London Waterbodies Special Protection Area (SPA) and Ramsar site.
- 2.16 Other ecological features include:
- Sites of Special Scientific Interest (SSSIs);
 - Local Wildlife Sites (LWSs);
 - Biological Notifications Sites (BNSs);
 - Sites of Importance for Nature Conservation (SINCs);
 - Ancient Woodland (UK BAP Habitat); and
 - Biodiversity Opportunity Area (BOA).
- 2.17 Other designations identified in the Scoping Report are:
- Metropolitan Green Belt;
 - A Scheduled Monument, Grade II listed buildings, Conservation Areas and areas of archaeological interest;
 - Principal and Secondary A aquifers;
 - Flood Zones 2 & 3;
 - Areas of aggregate extraction and subsequent landfilling;
 - The southern part of the London Borough of Hillingdon is designated as an Air Quality Management Area for nitrogen dioxide (NO₂), with exceedences of the statutory limits particularly in the areas around the M4 and Heathrow Airport.
- 2.18 The invasive plant species Japanese Knotweed and Himalayan Balsam have been recorded in several locations in the vicinity of the proposed development site.
- 2.19 Bedrock geology in the area is comprised of London Clay Formation, Lambeth Group (secondary aquifer) and Upper Chalk (principal aquifer).

Alternatives

- 2.20 Chapter 3 of the Scoping Report lists the six options considered in a prefeasibility study. Of these, four were considered viable:
- Option 1 Colnbrook Branch

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- Option 2 Langley Branch
- Option 3 extension to the Piccadilly line via the Windsor lines (Datchet Branch) and
- Option 4 Airport Junction Western Connection (referred to as the re-engineered Airport Junction)

2.21 Of these initial options, a feasibility study concluded that direct western access via a freight branch line at Colnbrook ('Option 1') and direct western access via Langley ('Option 2') were the only viable options for progression. The following sub-options were also identified:

- Option 1a: A tunnel portal and connection to the existing Colnbrook freight line south of the M4/M25 interchange;
- Option 1b: A tunnel portal and connection to the existing Colnbrook freight line north of the M4/M25 interchange; and
- Five sub-options for 'Option 2', with variations in the tunnel routes and ancillary development (as illustrated on Figures 3.1 and 3.2 (Appendix A)). These are referred to as the red, green, blue, purple and orange sub-options.

2.22 Option 2 - green sub-option was selected to be taken forward, having the best journey time from Reading to Heathrow, the shortest construction time and low construction costs.

Description of the proposed development

2.23 Trains will use the existing GWML between Reading and Langley. At Langley there are two fast lines to the south and two relief lines to the north as well as freight lines and sidings. The two relief lines would be diverted further north to create space for the new airport lines which would run between the fast and relief lines for a short distance before crossing beneath the fast lines in the vicinity of Hollow Lane. The new lines would then travel south east for approximately 6km in tunnel to Heathrow Terminal 5 (see Figure 2.1 in Appendix A of the Scoping Report), connecting into existing stub tunnels, which extend westwards from the Terminal 5 building to a position approximately in line with the airport perimeter road.

2.24 The key components of the proposed development are listed in section 2.2.1 of the Scoping Report and include:

- Diversion of the existing 'Up Relief' and 'Up Goods' lines between Langley and Iver²;
- Provision of a new 25kV AC electrified rail connection between Heathrow and the existing GWML at Langley;

² For the purposes of this document, 'Up lines' are lines that carry trains in a London direction.

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- Construction of a new rail intersection bridge to carry the new airport lines under the existing GWML;
 - Construction of a 5 km long rail tunnel, with 6.5m diameter twin-bores between Richings Park and Bedfont Court at Heathrow Terminal 5, including new cut and cover tunnels at each end of the twin-bore tunnels;
 - Construction of intervention shafts with headhouse buildings and secure compounds at Richings Park and Bedfont Court;
 - Construction of ventilation/intervention shafts with headhouse buildings and secure compounds at Old Wood (south of M4) and Poyle; and
 - Connection into existing stub tunnels on the western side of Terminal 5, Heathrow Airport.
- 2.25 Limited dimension information has been provided for project components, e.g. approximate footprint of vent shaft buildings (30m x 40m) and compounds (50m x 50m); height of overhead line equipment (OLE) above ground (7m). Other dimensions such as bridge heights have not been provided in the Scoping Report.
- 2.26 Various ancillary elements, including services, tunnel and track drainage, signalling and communication infrastructure and lighting are also proposed as part of the proposed development. These are listed in section 2.2.3 of the Scoping Report.
- 2.27 Haul roads, construction compounds and storage areas for materials and machinery would be required during the construction phase of the proposed development. The main construction compound would be located at the western end of the site boundary, between the GWML and North Park and accessed via Parlaunt Road³. Approximate sizes of the proposed construction compounds have not been indicated in the Scoping Report.

Proposed access

- 2.28 Vehicular access to the construction compound sites would be via public roads and private land. Precise details have not been provided in the Scoping Report although indicative details have been provided suggesting access to the main construction compound site near Langley off Parlaunt Road, at or close to the junction with Market Lane; and access to the Old Wood ventilation and intervention shaft via the existing Old Slade Lane Sewage Works access.

³ NB: In section 2.2.4 of the Scoping Report, this appears to be incorrectly referenced as the 'eastern end of the proposed development, between the GWML and North Park' and 'via Parnault Road'. It has been assumed 'Parnault Road' is a formatting error. All references to 'Parnault Road' have been replaced with 'Parlaunt Road' in this Scoping Opinion.

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- 2.29 The applicant envisages utilising the existing rail network for track laying, including the transport of materials, equipment and plant.
- 2.30 The new railway line would connect to existing tunnels extending westwards from Heathrow, which currently end underneath the Western Perimeter Road.
- 2.31 Hollow Hill Lane, a current access route for local traffic travelling north from Langley, would be permanently closed to accommodate the new lines.

Construction

- 2.32 Construction of the proposed development is anticipated to take up to four years, with an additional year anticipated for testing and commissioning prior to the railway becoming operational (see Scoping Report section 2.2.4). The construction phase is currently anticipated to begin in 2018, with the proposed development being fully operational by 2023.
- 2.33 Construction activities are described in section 2.2.4 of the Scoping Report and would include:
- Ground investigation surveys;
 - Construction of new embankments from compacted imported fill or, where possible, from excavated (site-won) material;
 - Construction of new bridges and culverts;
 - Excavation for new cuttings and tunnels and disposal of excavated material;
 - Reconstruction of platforms at Langley station;
 - Construction of headshaft buildings;
 - Installation of new track, overhead line equipment, masts and wires;
 - Piling for foundations;
 - Highway and drainage construction, including access roads; and
 - Fencing and security works.
- 2.34 An indicative list of the plant and equipment anticipated to be required for construction has been provided as Table 2.1 in the Scoping Report.
- 2.35 High level construction sequencing details are provided in section 2.2.4 of the Scoping Report.
- 2.36 Section 2.2.4 of the Scoping Report confirms that a Construction Environmental Management Plan (CEMP) would be the principal means of regulating environmental impacts during construction. Table 5.1 of the Scoping Report indicates that this will be submitted with the ES as part of the DCO application.

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- 2.37 Construction of the tunnels and cuttings is anticipated to generate a large volume of waste material. Whilst some of this material could be incorporated into the proposed development (e.g. for construction of embankments), the remainder would be exported from the site for disposal. The applicant identifies in Chapter 14 that some of the material may be suitable for sale. It is envisaged that waste material would be transported via rail - although should this not be possible, Heavy Goods Vehicles (HGVs) would be used to transport the waste material via road.
- 2.38 The prevalence of existing and historic landfill sites in the area and on the proposed route alignment means that some contaminated waste is likely to be encountered during construction. It is proposed that this would be removed via road to approved sites. No information is provided at this stage as to where the material would be deposited.
- 2.39 The anticipated number of construction workers, construction vehicles and staff vehicles required during construction has not been specified in the Scoping Report. Anticipated construction working hours have also not been specified.

Operation and maintenance

- 2.40 Network Rail anticipates that a minimum of four trains per hour (in each direction) would operate between Reading and Heathrow Terminal 5 at the highest speed possible. The Scoping Report states that this could be a new direct service, or an extension of the existing and/or planned services operating into Heathrow.
- 2.41 All maintenance would be undertaken by Network Rail in accordance with their existing maintenance procedures. On-going maintenance activities would include vegetation clearance, weed control, road maintenance/upgrades, drain clearance and maintenance of rail infrastructure.
- 2.42 Details of the full/part time jobs anticipated to be generated by the operation and maintenance of the proposed development are not included within the Scoping Report.

Decommissioning

- 2.43 There are currently no plans to decommission the proposed development. Therefore decommissioning was not considered in the Scoping Report.

The Secretary of State's Comments

Description of the application site and surrounding area

- 2.44 The ES should include a clear description of the application site which is to be the subject of the DCO, including detailed land levels, hard surfaces and existing vegetation species.
- 2.45 The Secretary of State welcomes the use of figures in the Scoping Report to support the description of the application site and surrounding area. A plan has been provided to illustrate the site location, the route of the proposed development and the construction boundary (Figure 2.1). For the avoidance of doubt, the following approach is recommended:
- A single red line plan should be provided to illustrate all land affected by the proposed works, including the rail route and all temporary works, such as construction compounds, access roads and storage areas;
 - All figures should be provided at a high resolution and be clear and legible, including the base map. Given the linear nature of the proposed development, the applicant may wish to provide a number of smaller scale high resolution plans showing sections of the proposed rail route;
 - All features on figures should be clearly labelled, identifying not only the location of certain designations, but also the specific name (e.g. 'South West London Waterbodies SPA').
- 2.46 The study area for the applicant's ES should extend to consideration of likely transport routes and disposal sites, once this information becomes available. Specific comments in relation to study areas are highlighted within the Secretary of State's comments on topic areas below.
- 2.47 Paragraph numbering should be used throughout the ES for ease of cross referencing. Figure numbers should also be simplified for ease of cross referencing.

Description of the proposed development

- 2.48 The applicant should ensure that the description of the proposed development that is being applied for is as accurate and firm as possible as this will form the basis of the environmental impact assessment. It is understood that at this stage in the evolution of the proposed development the description of the proposals and even the location of the site may not be confirmed. The applicant should be aware however, that the description of the development in the ES must be sufficiently certain to meet the requirements of paragraph 17 of Schedule 4 Part 1 of the EIA Regulations and

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there should be more certainty by the time the ES is submitted with the application.

- 2.49 If a draft DCO is to be submitted, the applicant should clearly define what elements of the proposed development are integral to the NSIP and which are 'associated development' under the Planning Act 2008 (PA 2008) or is an ancillary matter. Associated development is defined in the Planning Act as development which is associated with the principal development. Guidance on associated development can be found in the DCLG publication 'Planning Act 2008: Guidance on associated development applications for major infrastructure projects'.
- 2.50 Any proposed works and/or infrastructure required as associated development, or as an ancillary matter, (whether on or off-site) should be assessed as part of an integrated approach to environmental assessment.
- 2.51 The Secretary of State recommends that the ES should include a clear description of all aspects of the proposed development at the construction and operation stages, as well as:
- Land use requirements, quantified where possible (e.g. for construction compounds);
 - Site preparation;
 - Construction processes and methods;
 - Diversion of existing utilities infrastructure;
 - Transport routes;
 - Dimensions of the key project components, such as bridge/embankment heights, overhead line equipment height and depths of cuttings/tunnels;
 - Operational requirements including waste arisings and their disposal;
 - Maintenance activities including any potential environmental impacts;
 - Hours of operation and the proposed operational timetable;
 - The types of trains that would operate on the line and their associated emissions (e.g. noise, vibration, air pollution);
 - General emissions - including water, air and soil pollution, noise, vibration, light, heat, radiation – quantified where relevant; and
 - Drainage.
- 2.52 The environmental effects of all wastes to be processed and removed from the site should be addressed throughout the lifetime of the proposed development. The ES will need to identify and describe the control processes and mitigation procedures for storing and transporting waste (including any contaminated waste) off site. All waste types should be quantified and classified.

- 2.53 The Scoping Report states that due to the very long and open-ended operation period there are currently no plans to decommission the proposed development. Therefore the EIA will not consider decommissioning of the proposed development.

Flexibility

- 2.54 The Secretary of State notes that details of various elements of the proposed development have not yet been finalised. Where the details of the proposed development cannot be precisely defined, the applicant's attention is drawn to Advice Note 9 'Using the 'Rochdale Envelope' which is available on the Planning Inspectorate's website and to the 'Flexibility' section in Appendix 3 of this Opinion which provides additional details on the recommended approach. The applicant should also be aware of the case law with regard to the use of a 'Rochdale Envelope' approach under the Town and Country Planning Act 1990.
- 2.55 The applicant should make every attempt to narrow the range of options and explain clearly in the ES which elements of the proposed development have yet to be finalised and provide the reasons. At the time of application, any proposed parameters should not be so wide ranging as to represent an effectively different proposed development. The proposed development parameters will need to be clearly defined in the draft DCO and therefore in the accompanying ES. It is a matter for the applicant, in preparing an ES, to consider whether it is possible to robustly assess a range of impacts resulting from a large number of undecided parameters. The description of the proposed development in the ES must not be so wide that it is insufficiently certain to comply with the requirements of paragraph 17 of Schedule 4 Part 1 of the EIA Regulations.
- 2.56 It should be noted that if the proposed development changes substantially during the EIA process, prior to application submission, the applicant may wish to consider the need to request a new Scoping Opinion.

Proposed access

- 2.57 All access points under consideration for construction, operational and maintenance phases of the proposed development should be detailed in the ES. The ES should detail the environmental impacts of each option considered, including a worse-case scenario. The ES should also describe the anticipated type, nature and extent of any other works necessary to construct the accesses (e.g. demolition works, road widening, footpath/pipeline diversions and vegetation clearance). Given that permanent works will be situated within the flood plain, the ES and associated flood risk assessment (FRA) should demonstrate how the sites (particularly intervention shafts)

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will remain accessible during periods of flooding in the event of an emergency.

- 2.58 Table 1-A of the Scoping Report confirms that Hollow Hill Lane would be permanently closed as a result of the proposed development. The ES should consider fully the impacts associated with the loss of this route as well as any opportunities to maintain an enhanced, diverted access. The applicant's attention is drawn to South Bucks and Buckinghamshire County Council's (BCC) comments in this respect.
- 2.59 The applicant should continue to engage with Highways England and the local highways authorities regarding the effects of potential construction haulage and access routes. South Bucks comments regarding closure of the M4 motorway bridge at Old Slade lane should be noted as should Royal Borough of Windsor and Maidenhead (RBWM) comments regarding weight restrictions through Datchet, Horton and Wraybury.

Alternatives

- 2.60 The Secretary of State notes and welcomes the reviews of alternative options included in Chapter 3 of the Scoping Report. This information should also be included in the ES, given that the EIA Regulations require that the applicant provides: 'An outline of the main alternatives studied by the applicant and an indication of the main reasons for the applicant's choice, taking into account the environmental effects' (See Appendix 3). The alternatives discussion should include a robust discussion of alternative options to excavation in areas of historic landfill and for the management of excavated material.

Construction

- 2.61 The number of full time equivalent construction jobs expected to be generated by the proposed development is not included in the Scoping Report. The Secretary of State requests that this figure, along with an explanation of how it has been calculated, is provided in the ES. Details of construction working hours, including any unsocial hours of working anticipated, should also be provided.
- 2.62 The size and precise details of construction compounds and material/plant storage areas are not clarified in the Scoping Report. Whilst it is appreciated that this information may not be available at this stage in the evolution of the proposed development, applicants are reminded that this information will be required and should be included within the ES.

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- 2.63 The Secretary of State considers that information on construction including: phasing of programme; construction methods and activities associated with each phase; measures taken with respect to National Grid pipelines, underground and overground high voltage cabling (where relevant); construction noise mitigation; waste storage and disposal arrangements; siting of construction compounds (including on and off site); lighting equipment/requirements; and number, movements and parking of construction vehicles (both HGVs and staff) should be clearly indicated in the ES.
- 2.64 In light of the extensive quantity of excavated material to be generated during construction, the applicant should set out what measures have been taken to reuse excavated materials within the proposed development design.

Operation and maintenance

- 2.65 Information on the operation and maintenance of the proposed development should be included in the ES and should cover but not be limited to such matters as: the number of full/part-time jobs; the operational hours and if appropriate, shift patterns; the number and types of vehicle movements generated during the operational stage. The applicant should confirm whether the line is proposed to be used by operational rail freight and assess this accordingly.
- 2.66 The applicant's assessment should outline the measures considered to ensure ease of disassembly and reuse/recycling of materials during future maintenance works.

Decommissioning

- 2.67 The Secretary of State notes there are no proposals to decommission the proposed development at this time. The applicant should be aware though of the need to assess the main effects on the environment during operation.

3 EIA APPROACH AND TOPIC AREAS

Introduction

- 3.1 This section contains the Secretary of State's specific comments on the approach to the ES and topic areas as set out in the Scoping Report. General advice on the presentation of an ES is provided at Appendix 3 of this Opinion and should be read in conjunction with this Section.
- 3.2 Applicants are advised that the scope of the DCO application should be clearly addressed and assessed consistently within the ES.

National Policy Statements (NPSs)

- 3.3 Sector specific NPSs are produced by the relevant Government Departments and set out national policy for nationally significant infrastructure projects (NSIPs). They provide the framework within which the Examining Authority will make their recommendations to the Secretary of State and include the Government's objectives for the development of NSIPs.
- 3.4 The National Networks NPS (NN NPS) sets out assessment principles that should be considered in the EIA for the proposed development. When undertaking the EIA, the applicant must have regard to the NN NPS and identify how principles these have been assessed in the ES.
- 3.5 The Secretary of State must have regard to any matter that the Secretary of State thinks is important and relevant to the Secretary of State's decision.

Preliminary Environmental Information

- 3.6 Consultation forms a crucial aspect of EIA. As part of their pre-application consultation duties, applicants are required to prepare a Statement of Community Consultation (SoCC). This sets out how the local community will be consulted about the proposed development. The SoCC must state whether the proposed development is EIA development and if it is, how the applicant intends to publicise and consult on preliminary environmental information (PEI). Attention is drawn to Advice Note 7: Environmental Impact Assessment: Screening, Scoping and Preliminary Environmental Information (version 5) and the content and role of PEI.

Environmental Statement (ES) - approach

- 3.7 The ES should not be a series of separate reports collated into one document, but rather a comprehensive assessment drawing together the environmental impacts of the proposed development. This is particularly important when considering impacts in terms of any permutations or parameters to the proposed development.
- 3.8 The information provided in the Scoping Report sets out the proposed approach to the preparation of the ES. Whilst early engagement on the scope of the ES is to be welcomed, the Secretary of State notes that the level of information provided at this stage is not always sufficient to allow for detailed comments from either the Secretary of State or the consultees.
- 3.9 The Secretary of State would suggest that the applicant ensures that appropriate consultation is undertaken with the relevant consultees in order to agree wherever possible the timing and relevance of survey work as well as the methodologies to be used. The Secretary of State notes and welcomes the intention to finalise the scope of investigations in conjunction with ongoing stakeholder liaison and consultation with the relevant regulatory authorities and their advisors. The Secretary of State recommends that the physical scope of the study areas should be identified under all the environmental topics and should be sufficiently robust in order to undertake the assessment. The extent of the study areas should be on the basis of recognised professional guidance, whenever such guidance is available. The study areas should also be agreed with the relevant consultees and, where this is not possible, this should be stated clearly in the ES and a reasoned justification given. The scope should also cover the breadth of the topic area and the temporal scope, and these aspects should be described and justified as set out in section 4.5 of the Scoping Report and in sections x.1.3 of topic chapters. Specific comments on study areas are set out in the 'Topic Areas' section below.
- 3.10 The Secretary of State welcomes the proposed submission of Chapter 20: Environmental Mitigation and Commitments Schedule to assist the decision making process. The applicant may wish to consider inclusion of the following items within tables:
- (a) to identify and collate the residual impacts after mitigation on the basis of specialist topics, inter-relationships and cumulative impacts;
 - (b) to demonstrate how the assessment has taken account of this Opinion and other responses to consultation;
 - (c) to set out the mitigation measures proposed, as well as assisting the reader, the Secretary of State considers that this would also enable the applicant to cross refer mitigation

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to specific provisions proposed to be included within the draft Development Consent Order; and

- (d) to cross reference where details in the HRA (where one is provided) such as descriptions of sites and their locations, together with any mitigation or compensation measures, are to be found in the ES

- 3.11 The Secretary of State notes that in the Scoping Report a heading is used - 'Value of Receptors' - but in a number of the chapters (for example see section 13.2.2, there are others) the terms 'value' and 'sensitivity' appear to be used interchangeably. It is recommended that the terminology is standardised and where necessary the assessment should clearly distinguish between the sensitivity of a feature/receptor and its value.
- 3.12 The Secretary of State notes that EU Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with EU Directive 2014/52/EU by 16 May 2017. Whilst transitional provisions will apply to such new regulations, the applicant may wish to consider the effect of the implementation of the revised Directive in terms of the production and content of the ES.

Matters proposed to be scoped out by the applicant

- 3.13 The applicant has identified the matters proposed to be 'scoped out' in Summary Table 19.1 of the Scoping Report; in subsection 5 of each topic chapter in the Scoping Report; and within the Scoping Report chapter text. The Secretary of State has noted that the chapter text and subsection 5 are not always consistent. The list below is the list of matters that the Secretary of State has identified from the Scoping Report that the applicant wishes to be scoped out:
- Effects on Black Park SSSI, Kingcup Meadows and Oakhouse Wood SSSI, ancient woodland, Grand Union Canal Slough Branch BNS, River Cole Stanwell Moor SNCI
 - Effects on the protected species dormice, reptiles and badgers
 - Consideration of effects on tranquil areas
 - Airborne noise on GWML
 - Operational emissions from vent shaft and intervention shaft buildings
 - Operational rail emissions
 - Effects on Iver Golf Course licenced groundwater abstraction
 - Effects on Old Slade Lake Local Wildlife Site, Old Slade Lake, Orlitts Lake and Colnbrook West
 - Effects on a Source Protection Zone (SPZ) 2 in the north-west corner of the study area near Langley Station

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- Operational waste and materials effects
- Construction transport effects relating to bus routes; Grand Union Canal; Heathrow Terminals; and PRoW
- Operational transport effects relating to GWML non-Heathrow services; bus routes; Grand Union Canal; Heathrow Terminals; and PRoW

Matters agreed to be scoped out by the Secretary of State

- 3.14 Matters are not scoped out unless specifically addressed and justified by the applicant, and confirmed as being scoped out by the Secretary of State.
- 3.15 Table 7.4 of the Scoping Report identifies that there are no likely pathways for effect on Black Park SSSI and Kingcup Meadows and Oakhouse Wood SSSI. The Secretary of State agrees that ecological effects on these sites can be scoped out, subject to agreement with the relevant Statutory Nature Conservation Bodies.
- 3.16 Section 2.2.2 of the Scoping Report indicates that ventilation equipment will be electrical and therefore will not generate emissions. The Secretary of State considers that normal operational emissions from ventilation and intervention shafts can be scoped out subject to demonstrating that there are no other emissions sources from the facility in the applicant's description of development. However, the applicant should assess the potential emissions under abnormal operational conditions (e.g. an emergency underground).
- 3.17 Section 10.3.2 of the Scoping Report states that the operational phase of the proposed development is "likely to include the use of electric rolling stock for the proposed new rail line" and uses this as the basis for scoping out operational air quality assessment of rolling stock. Subject to confirmation that no other rolling stock is proposed to be used on the line, except in exceptional circumstances, the Secretary of State considers that it is appropriate to scope out air quality assessment of rolling stock. In the event that alternative rolling stock is proposed, the worst case assessment in noise and air quality terms should be considered.
- 3.18 The Secretary of State agrees that operational materials and waste can be scoped out from assessment, however the description of development should include an estimate of operational passenger waste based on Network Rail's standard waste generation rates.
- 3.19 Section 14.1.1 of the Scoping Report proposes that the environmental effects associated with the extraction and

transportation of primary raw materials and manufacture of products outside the UK will be scoped out of the assessment as these processes are already likely to have been subject to environmental assessment. The Secretary of State agrees that extraction of raw materials and manufacture of products outside the UK may be scoped out of the assessment. However the Secretary of State considers that the extraction of materials and the transport of materials and manufactured products within the UK both to and from the proposed development must be assessed.

- 3.20 The Secretary of State agrees that operational transport effects on GWML non-Heathrow services may be scoped out from further assessment, subject to confirmation in the ES of the statement made in section 2.2.5 of the Scoping Report that there will be no change to the existing service between Reading and Paddington.

Matters not agreed to be scoped out by the Secretary of State

- 3.21 The Secretary of State considers that there is insufficient evidence to scope out effects on ancient woodland, given that figure 2.2 indicates that the route alignment passes beneath ancient woodland to the north of the M4. The applicant should demonstrate that there will be no adverse effects arising from tunnelling beneath the woodland (e.g. due to changes in groundwater).
- 3.22 In the absence of final construction details, groundwater and surface water assessments, the Secretary of State does not consider that effects on Grand Union Canal Slough Branch BNS or River Colne Stanwell Moor SNCI can be scoped out.
- 3.23 In the absence of final construction details, the Secretary of State does not consider that reptiles and badger may be scoped out from further assessment. Survey effort should cover all areas likely to be disrupted by construction activities, as well as the immediate footprint of the proposed development.
- 3.24 The Secretary of State has noted that Table 7.3 does not set out the importance of dormice within the proposed development's zone of influence and dormice are not discussed in Appendix G Preliminary Ecological Appraisal Report. Consequently the Secretary of State considers that insufficient information has been provided to scope out dormice from further consideration. The assessment methodology should be agreed with Natural England and local authority biodiversity officers. This does not prevent the applicant from providing subsequent information to scope out this matter, if appropriate.

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- 3.25 The Secretary of State appreciates that the existence of known infrastructure (e.g. GWML) will impact on tranquillity of the local area, however insufficient information has been provided to allow certainty that effects on tranquillity may not arise (e.g. for recreational receptors on Grand Union Canal). This matter is not scoped out unless the applicant can fully demonstrate that impacts will not arise and that this position has been agreed with the local authority.
- 3.26 The applicant proposes to scope out air borne noise and vibration impacts for properties alongside the GWML up and down the line from the proposed development (Scoping Report Table 9.3). The Secretary of State considers that in light of the increase in rail services on GWML, the increase in train services on GWML should be assessed, in accordance with relevant industry standard methodology e.g. such as the approach set out in the Calculation of Railway Noise 1995.
- 3.27 In the absence of detailed groundwater and contamination risk assessments, the Secretary of State does not agree that effects on Ivor Golf Course licenced groundwater abstraction can be scoped out at this time.
- 3.28 Table 11.2 of the Scoping Report scopes out assessment of water quality effects on Old Slade Lake, Orlitts Lake and Colnbrook West giving the reason 'no water quality information, artificial lake'. This scope out is not referenced within the scope out summary in Table 11.5 of the Scoping Report. Absence of information must not be used as the basis for scoping out impacts – a clear absence of impact pathway must be demonstrated. In addition, attributes of artificial lakes are not limited to water quality and may include e.g. recreational use and ecological value that contribute to importance. Furthermore, section 12.2.1 of the Scoping Report identifies that a potential groundwater linkage may exist between Old Slade Lake and River Terrace Gravels emphasising the need for further assessment. Consequently the Secretary of State does not consider that these matters can be scoped out at this time.
- 3.29 Whilst acknowledging the potential status change of the abstraction, the Secretary of State considers that, unless otherwise agreed with the Environment Agency, effects on the SPZ 2⁴ identified near the proposed Old Wood ventilation and intervention shaft cannot be scoped out until the risk of contamination draw down from landfill sources during proposed development dewatering has been assessed.

⁴ Table 12.5 and figure 2.2 of the Scoping Report identify this feature as an SPZ2, whereas section 12.2.1 of the Scoping Report identifies this as an SPZ3. A consistent description should be included.

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- 3.30 The Secretary of State does not agree that construction and operational transport impacts on bus services may be ruled out from assessment. The ES should consider the socio-economic and transport impacts on bus routes currently using Hollow Hill Lane or that provide a current link to Heathrow from other local stations (e.g. the First Group 7 Series bus services). The worst case transport assessment should be considered in respect of the likely impact on services (for example, assuming no rail haulage of excavated materials and waste).
- 3.31 The Secretary of State does not agree that the Grand Union Canal may be scoped out of construction and operational transport assessment, since section 14.1.3 of the Scoping Report suggests that it may be used for export/import of construction materials and waste.
- 3.32 The Secretary of State considers that PRow may not be scoped out of the assessment of transport impacts during construction and operation, since the applicant's proposed significance criteria for diversion of regional routes such as YT Colnbrook with Poyle (including Colne Valley Trail) include distance of diversion as part of the magnitude of impact criteria (Scoping Report Table 17.3). PRow impacts should also be considered in terms of landscape and visual, socio-economic and transportation impacts.
- 3.33 The Secretary of State recommends that the ES should include a description of any potential electromagnetic field effects associated with the proposed overhead line electrification and any measures to mitigate these effects.
- 3.34 Whilst the Secretary of State has not agreed to scope out certain topics or matters within the Opinion on the basis of the information available at the time, this does not prevent the applicant from subsequently agreeing with the relevant consultees to scope matters out of the ES, where further evidence has been provided to justify this approach. This approach should be explained fully in the ES.
- 3.35 In order to demonstrate that topics have not simply been overlooked, where topics are scoped out prior to submission of the DCO application, the ES should still explain the reasoning and justify the approach taken.

Environmental Statement - Structure

- 3.36 Section 19.2 of the Scoping Report sets out the proposed contents structure of the ES as:
- Introduction

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- Description of the proposed scheme, the site and surroundings
 - EIA methodology
 - Alternatives
 - Consultation
 - Cultural Heritage
 - Ecology
 - Landscape and Visual
 - Noise and Vibration
 - Air Quality
 - Surface Water and Flood Risk
 - Hydrogeology
 - Geology, Soils and Contaminated Land
 - Materials and Waste
 - Socio-economic and Land Use
 - Communities and Human Health
 - Traffic and Transport
 - Cumulative Effects
 - Conclusions and Recommendations
 - Environmental Mitigation and Commitments Schedule
- 3.37 The Secretary of State welcomes the proposed inclusion of Chapter 20: Environmental Mitigation and Commitments Schedule and recommends that this clearly cross references to the draft DCO to illustrate how such measures would be secured.

Topic Areas

Cultural Heritage (see Scoping Report Chapter 6)

- 3.38 The Scoping Report identifies that the proposed development passes through a landscape with rich archaeological potential and therefore has potential for direct and indirect effects on cultural heritage resources. This includes archaeological sites (including archaeological notification areas and Heathrow Archaeological Priority Zone) as well as historic buildings, conservation areas (in particular Colnbrook and Longford) and historic landscapes.
- 3.39 The Secretary of State considers that the proposed 300m desk study area in section 6.1.3 of the Scoping Report should be extended to 1km to ensure a clear understanding of the wider archaeological potential within the area. The applicant's attention is drawn to BCC's comments in this respect. The study area for effects on the settings of heritage assets should be based on the Zone of Theoretical Visibility (ZTV) defined in the landscape and visual assessment rather than a standard 500m radius.
- 3.40 The desk study should identify and map those areas subject to previous archaeological evaluation and those areas likely to have been sterilised by previous mineral extraction. Particular

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consideration should be given to the potential to impact on in-situ Mesolithic sites and associated palaeo-environmental remains in the Colne Valley and the possible need for a geo-archaeological deposit model as outlined by English Heritage in Scoping Report Table 5.1.

- 3.41 Where the detailed desk study identifies the requirement for site based archaeological evaluation, the scope of the evaluation and any subsequent mitigation measures should be agreed with the relevant local authority heritage/conservation officer(s) and the Greater London Archaeological Advisory Service (GLAAS) as appropriate. Where the assessment identifies the need for detailed evaluations prior to, or during construction, a draft Written Scheme of Investigation should be submitted with the ES.
- 3.42 Section 6.2.2 of the Scoping Report identifies that crop marks are of low sensitivity. The valuation of sensitivity should be confirmed following the desk study of the extended study area. The applicant's attention is drawn to BCC's comments in this respect.
- 3.43 The applicant should also have regard to Historic England's revised technical guidance notes, which supersede earlier documents referenced within the Scoping Report:
- Historic Environment Good Practice Advice in Planning Note 1: The Historic Environment in Local Plans;
 - Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment; and
 - Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets.

Ecology (see Scoping Report Chapter 7)

- 3.44 The Scoping Report provides a Phase 1 Habitat Survey and other survey data as part of Appendix G Preliminary Ecological Appraisal Report, to inform the scope of ecological assessment. Phase 1 Surveys were conducted in spring-summer 2014. The Scoping Report identifies the potential for the proposed development to impact on designated European and national sites, invertebrate habitats, badgers, bat roosts and foraging, reptiles, great crested newts, breeding and wintering birds and riparian mammals. Reference is made in Section 4.2.5 of Appendix G of the Scoping Report to a separate bird survey report, which is not provided in the Scoping Report and should be included within the applicant's ES.
- 3.45 The Secretary of State recommends that surveys should be thorough, up to date at the time of submission and take account of other development proposed in the vicinity. The ecological survey

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figures illustrated within Appendix D, G, I, J and L of Appendix G to the Scoping Report do not use the same redline boundary as presented in figure 2.2 of the Scoping Report, which for example extends to a larger area around Richings Park. The applicant should ensure that the surveys and figures submitted with the ES provide coverage and detailed species surveys, where relevant, of all impacted areas, including those impacted by temporary construction activity.

- 3.46 Survey standards should follow guidelines set out in Planning and Development Guidance <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals> unless otherwise indicated by standard methodologies. This includes survey of suitable ponds for Great Crested Newt, within 500m of the proposed development, rather than the 100m study area proposed in Table 7.4 of the Scoping Report. The applicant's attention is drawn to BCCs comments in this respect.
- 3.47 The Secretary of State considers that a River Corridor Survey and any resultant detailed surveys should be submitted as part of the ES in relation to water crossings. The applicant's attention is drawn to the Environment Agency's comments in this respect. The ES should consider the potential for Grand Union Canal to provide otter and water vole habitat and consider the effect on these species.
- 3.48 Bat roost assessments should be undertaken in accordance with the relevant Bat Conservation Trust Guidelines at locations currently highlighted as not surveyed e.g. section 7.2.1 identifies unsurveyed trees around the Old Wood shaft south of the M4 and the Poyle Shaft. The bat survey work should take into account the implications of any spring 2015 changes to the adopted survey methodologies as referenced in the applicant's footnotes to Table 7.4.
- 3.49 The Secretary of State recommends that the assessment should cover habitats, connectivity, species and processes within the sites and surroundings and may also take the opportunity to identify any biodiversity enhancement opportunities or 'net gains' associated with embankments and screen planting in accordance with the requirements of the National Planning Policy Framework.
- 3.50 The Secretary of State notes the possible need for an Appropriate Assessment in view of the development site's location in relation to the SW London Waterbodies SPA and Ramsar site (see section 4 of this Opinion). The applicant is referred to Natural England's comments in respect of the body of information required to support Habitats Regulations Assessment.

- 3.51 The assessment should take account of impacts relating to landscape, severance, hydrogeology, hydrology, noise, vibration, lighting and air quality (including dust), and cross reference should be made to these specialist reports.
- 3.52 Opportunities for species and habitats mitigation and enhancement should be considered for above ground components of the works, including the diverted relief lines near Langley Station and any compensatory storage areas.

Landscape and Visual (see Scoping Report Chapter 8)

- 3.53 The Scoping Report refers to use of the Zone of Theoretical Visibility (ZTV) to establish the study area. The Secretary of State advises that the ES should describe the model used, provide information on the area covered and the timing of any survey work and the methodology used. The Secretary of State recommends that all potential sensitive receptors are considered and that the location of viewpoints is agreed with the relevant local authorities.
- 3.54 The landscape of the area is influenced by large scale industrial and commercial areas, presence of overhead power lines and linear road and rail infrastructure and previous aggregate extraction and landfilling. The Scoping Report does not identify any national landscape designations or views of recognised importance within the study area.
- 3.55 The proposals will include overhead line equipment in open fields and large ventilation and intervention shaft buildings/compounds. The Secretary of State requests that careful consideration should be given to the form, height, boundary treatment, lighting and use of materials, planting and colours in terms of minimising the adverse visual impact of these structures, where possible. External finishes should be agreed with the relevant local authority.
- 3.56 The applicant should consider opportunities to mitigate visual impacts on recreational and residential receptors, in particular on the Grand Union Canal, on Market Lane and at Mansion Caravan site through the use of screen planting. The applicant should consider the efficacy in timing of any proposed mitigation planting.
- 3.57 The landscape proposals and mitigation should be developed closely with any ecological mitigation and the assessment should ensure that suitable cross referencing is provided between these topics. Landscape proposals should take account of relevant local

policy, including the Buckinghamshire Green Infrastructure Strategy (2009) and Green Infrastructure Delivery Plan (2013)⁵.

Noise and Vibration (see Scoping Report Chapter 9)

- 3.58 The proposed development would pass through urban areas and open countryside. The applicant states that the existing noise environment is dominated by traffic noise, including aircraft noise from Heathrow Airport; road noise from the A4, M4, M25 and local roads; as well as existing rail noise from GWML.
- 3.59 The Secretary of State recommends that the methodology and choice of noise receptors should be discussed and agreed with the Environmental Health Departments of the relevant local authorities. The applicant should clearly outline the method adopted to assess the impact of construction vehicle noise within the ES. The Secretary of State recommends that specific proposals for noise and vibration control are set out within the applicant's draft CEMP and agreed with the relevant local Environmental Health Officers.
- 3.60 Airborne noise effects should be considered within a standard 300m distance of any construction activities. Section 9.4.2 of the Scoping Report states that a worst case scenario will be assessed based on likely plant and equipment. The applicant's ES should clearly state the assumptions underpinning the worst case. The Secretary of State welcomes the proposed assessment of noise and vibration arising from traffic movements along access routes during the construction phase.
- 3.61 Noise impacts on people should be assessed, particularly any potential noise disturbance at night and other unsocial hours such as weekends and public holidays. Consideration should be given to the use of temporary and permanent landscaped noise bunds to mitigate noise impacts on the communities surrounding the portal construction site to the south of the GWML.
- 3.62 The applicant should consider construction and operational noise and vibration effects on residential caravans at Mansion Caravan site and residential moorings on Grand Union Canal and the canal should be treated as a noise sensitive receptor for recreational and ecological receptors. The applicant's attention is drawn to the Canal & River Trust's comments in this respect.
- 3.63 Consideration should be given to monitoring noise complaints during construction and when the development is operational.

⁵ <http://www.buckscc.gov.uk/environment/green-infrastructure/>

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- 3.64 Section 9.4.2 of the Scoping Report sets out construction vibration criteria, including a 1.0 mm/s within property vibration level threshold of significance. The Secretary of State requires that the applicant provides a separate night time vibration threshold of significance, to ensure that the effects of 24 hour tunnelling operations are fully assessed.
- 3.65 Section 9.2.2 of the Scoping Report states that industrial developments located to the north, south and west have been identified and are 'not considered to be sensitive to noise'. The basis for this assumption should be stated within the ES, including details of current industrial uses to demonstrate whether or not further assessment is necessary. Where the evaluation of the industrial receptors identifies noise and vibration sensitive uses, significance criteria for assessing construction and operational ground borne noise on non-residential receptors should be set out within the ES.
- 3.66 The applicant's attention is drawn to comments by BCC regarding the potential for operational noise effects to arise at the tunnel portal.
- 3.67 For the purposes of the operational noise assessment the applicant has assumed that trains would be of the Heathrow Express Electrical Multiple Unit (EMU) type and would only run between 05:00 and midnight. The Secretary of State reminds the applicant that a worst case assessment should be provided for operational noise (including any maintenance trains). This should include peak noise produced by wheel squeal.

Air Quality (see Scoping Report Chapter 10)

- 3.68 The southern half of the London Borough of Hillingdon is designated as an Air Quality Management Area (AQMA). The assessment should also consider potential effects on the wider area including Bray AQMA, Slough and Maidenhead due to modal shift. Where HGVs are routed through the Brands Hill area, the requirement for air quality modelling should be agreed in consultation with Slough Borough Council. The Secretary of State considers that adverse changes to air quality should be assessed in relation to compliance with European air quality limit values and AQMAs.
- 3.69 The air quality study area set out by the applicant in section 10.1.3 of the Scoping Report is 200m from all construction activities and for construction and 200m from diversion routes for Hollow Lane during operation. This is inconsistent with section 10.4.2 of the methodology that discusses a 350m study area for

dust based on the Institute of Air Quality Management's (IAQM) guidance⁶. The Secretary of State advises that the report is carefully checked to ensure consistency and that trackout of dust should also be assessed in accordance with the study areas set out in the IAQM guidelines.

- 3.70 The applicant should consider the potential for odour issues to arise from excavated contaminated materials and assess these in accordance with industry standard methodologies, where applicable.
- 3.71 Section 10.4.2 of the Scoping Report states that the assessment of significance for both construction and operational air quality effects will be based on professional judgement informed by criteria in the Design Manual for Roads and Bridges (DMRB) and IAQM. In accordance with the IAQM guidelines any judgements made should be fully documented.
- 3.72 Air quality and dust levels should be considered not only on site but also off site, including along access roads, local footpaths, PRoW and other sensitive receptors.
- 3.73 Consideration should be given to appropriate mitigation measures and to monitoring dust complaints and these should be outlined in the draft CEMP to be submitted with the applicant's ES.

Surface Water and Flood Risk (see Scoping Report Chapter 11)

- 3.74 Chapter 11 of the Scoping Report identifies a number of surface water features in the study area that may be impacted by the proposed development, including Horton Brook, River Colne and Grand Union Canal. A number of artificial lakes and unnamed watercourses are also identified. Section 11.2.1 states that the proposed development is partially located within designated flood plain including flood zones 2 and 3, which are highlighted in figure 2.2 of the Scoping Report.
- 3.75 Tables 11.3 and 11.4 of the Scoping Report appear to be derived from DMRB volume 11 section 3 part 10. It is unclear why the applicant has not referred to the use of this approach or similar established methods such as WebTag, instead preferring to rely on the use of professional judgment to assess effects on the water environment. Any assessment based on professional judgement must clearly articulate how decisions regarding significance of effect have been made.

⁶ Guidance on the assessment of dust from demolition and construction. IAQM. 2014.

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- 3.76 Section 11.2.2 of the Scoping Report is titled 'value of receptors' however, the text describes the 'sensitivity' of receptors, setting out receptor sensitivity in Table 11.2: Sensitivities of surface waters. Table 11.3 then sets out importance criteria (combining value and sensitivity). The Secretary of State recommends that the applicant sets out tabulated assessments for each feature, clearly stating their assessed sensitivity, value, importance, magnitude and any predicted likely significant effect to show how these judgements have been derived.
- 3.77 The Secretary of State welcomes the proposed submission of a flood risk assessment (FRA), including sequential and exception tests. Given the potential for artesian waters to be present (identified in Chapter 12 of the Scoping Report) the potential for the proposed development to give rise to groundwater flooding should be addressed. The applicant is advised to agree the scope of assessment and modelling with the Environment Agency and Lead Local Flood Authorities (LLFA) and in accordance with any local flood risk management strategies. The applicant should continue to engage with the Environment Agency regarding discrepancies between published flood zone maps for the River Colne and the modelled flood extent.
- 3.78 The FRA should form an appendix to the ES alongside the proposed assessments for the Water Framework Directive (WFD).
- 3.79 Where the flood risk assessment identifies the need for flood mitigation or compensation, the applicant should identify and assess such measures within the ES. These should be agreed with the Environment Agency and LLFA. The applicant may wish to consider working with the Environment Agency and LLFA regarding the potential to achieve a strategic solution for flood mitigation. Wherever possible, biodiversity enhancement opportunities should be considered as part of any flood prevention works.
- 3.80 The Scoping Report indicates that certain elements such as river/water body crossings have not yet been designed. This information should be included and assessed within the applicant's ES. Designs for all elements of the proposed development should demonstrate that due consideration has been given to resilience, including for access during emergency conditions. Climate change effects on flood risk should be evaluated. The extent of temporary and permanent works within the floodplain should be minimised.
- 3.81 Section 11.4.1 of the Scoping Report states that water quality sampling is not considered necessary as part of the geomorphological assessment. No explanation is provided for this. The need for sampling should be confirmed through consultation with the Environment Agency.

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- 3.82 Groundwater is a potential pathway for discharge of liquids to surface waters. The Secretary of State considers that the applicant should demonstrate a clear linkage between groundwater and surface water assessments to ensure that potential significant effects are identified and mitigated.
- 3.83 The applicant should consider the potential for effects on private surface water abstractions.
- 3.84 The Secretary of State welcomes the proposed inclusion of mitigation measures within the draft CEMP to be submitted with the ES. The need for any on-going monitoring should also be addressed and agreed with the relevant authorities to ensure that any mitigation measures are effective.

Hydrogeology (see Scoping Report Chapter 12)

- 3.85 Section 12.2.1 of the Scoping Report identifies that there are Principal and Secondary A aquifers present in drift within the area and Principal to non-productive strata within the bedrock. An approximately 30m thick layer of impermeable London Clay Formation is situated between the drift and bedrock, which provides protection to the bedrock aquifers and causes artesian water pressures. The thickness of the layer is reduced or even absent in some areas due to glacial erosion and may be replaced with porous drift material infilling scour hollows. Extensive aggregate extraction has taken place in the area, with historic backfilling with landfill, creating a significant contamination risk.
- 3.86 Section 12.3.2 of the Scoping Report identifies that dewatering will be required during tunnel construction and potentially during operation. Section 12.3.1 identifies that abstracted water may be contaminated when discharged, however the potential to draw contaminated water towards abstraction points, spreading the extent of pollution has not been considered and should be assessed within the applicant's ES. Where possible, the vertical alignment of the proposed development should be selected to minimise dewatering and effects on groundwater. Ongoing consultation should be carried out with the Environment Agency and local environmental health officers. As part of this consultation, the number of monitoring boreholes should be agreed.
- 3.87 Similar to chapter 11 of the Scoping Report, chapter 12 includes tables apparently derived from DMRB volume 11 section 3 part 10 but only makes reference to section 3 part 3 of that methodology.
- 3.88 Chapter 12 uses the term 'negative' rather than 'adverse', which is used in chapter 11. The applicant should ensure the use of

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consistent terminology to describe effects in order to assist understanding of the text.

- 3.89 Licensed groundwater abstractions are identified in the Scoping Report. The Secretary of State welcomes the proposed consultation with local authorities to identify private abstractions that may be affected. The changing status of the Thames Water SPZ 2 is noted.

Geology, Soils and Contaminated Land (see Scoping Report Chapter 13)

- 3.90 Chapter 13 of the Scoping Report highlights the history of aggregate extraction and landfilling within the area and on the route of the proposed development. This includes potentially unlined landfills, with unknown content, such as Iver landfill to the north of GWML. The Secretary of State welcomes the applicant's proposal to discuss and approve the assessments with the Environment Agency and local authority.
- 3.91 Section 13.4.2 of the Scoping Report states that UK Drinking Water Standards will be used to assess water quality 'where necessary', the application of such standards should be agreed as part of the consultation process.
- 3.92 In light of the potential for contamination issues to arise through excavation in contaminated ground, the provision of specific measures to control impacts within a CEMP is welcomed. The draft CEMP should set out the process for identifying and managing any contaminated materials arising from tunnel excavations, in order to avoid cross contamination during handling, storage and onward transportation. The ES mitigation measures should clearly link to provisions within the DCO and should also be agreed with the EA and local authorities.
- 3.93 The baseline for the ES should explain in detail the extent of the study area and justify the reasons for this.
- 3.94 The applicant clearly acknowledges the link between Chapters 11 Surface water and flood risk, 12 Hydrogeology and 16 Communities and human health. Groundwater and human health issues are identified within the potential scope of assessment in Table 13.5. The applicant should seek to avoid duplication of assessment within the chapters, wherever possible.
- 3.95 In light of the potential to impact on agricultural land, the findings of the soils assessment should inform and clearly cross reference to Chapter 15 Socioeconomic and land use. It is noted that agricultural land of grades 1-3 are present within the proposed development area. Soil sensitivity is valued as 'medium' in section

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13.2.2 of the Scoping Report, whereas section 15.4 considers grades 1-3 agricultural land as being of prime quality and high sensitivity. The applicant should ensure that the document is internally consistent in its description of features.

- 3.96 The applicant's attention is drawn to National Grid and the HSE's comments in relation to high, medium and low pressure pipelines located within the area proposed for tunnelling and to comments regarding underground high voltage cabling within the proposed development area (Appendix 2).
- 3.97 The Secretary of State considers that care needs to be exercised in identifying the beneficial impact criteria in Table 13.4 of the Scoping Report. Whilst re-use of site-won materials is welcomed, the main benefit actually derives from offsetting adverse impacts by reducing the import of materials.

Materials and Waste (see Scoping Report Chapter 14)

- 3.98 The applicant identifies that the proposed development will result in the production of large volumes of surplus excavated material. At present the applicant is unclear whether this material would be removed from site by road or rail or the ultimate destination of the material (e.g. whether for disposal or re-sale). The Secretary of State considers it essential to assess the volume and types of materials to be removed from the site and to identify where potential traffic movements would be routed. Where possible the applicant should seek to minimise adverse transport impacts.
- 3.99 The Secretary of State notes that there is potential for the proposed development to give rise to significant effects on available waste management capacity for local authorities within the area. The applicant's ES should clearly demonstrate the likely disposal options, measures considered to avoid landfill of surplus materials and provide commentary on secondary economic effects arising from uptake of landfill capacity.
- 3.100 The proposed development is partially located within BCC's administrative boundary. In addition to referencing saved policies in the Minerals and Waste Local Plan, the applicant should also reference BCC's adopted Minerals and Waste Core Strategy 2012, drawing out relevant minerals, waste and safeguarding policies and identify any emerging policy. Relevant policies are highlighted in BCC's scoping response, however particular attention should be given to policy CS1 and policy CS14 that apply to land north and south of the existing GWML. Land north of GWML is within an area identified for 'rail transfer facilities' under policy CS14. Land south of GWML is within a Mineral Safeguarding Area under policy CS1, with known potential. The Secretary of State considers that the impact of the proposed development on mineral resources and the

potential for sterilisation of resources must be assessed as part of the applicant's ES.

- 3.101 Landfill void space estimates included in Table 14.2 of the Scoping Report do not currently include available void space within Buckinghamshire and should be amended to include this information.
- 3.102 Section 14.4.2 of the Scoping Report states that professional judgement will be used to evaluate significance. The applicant should consider use of established waste criteria used on previous major rail infrastructure projects, for example for HS2.

Socioeconomic and Land Use (see Scoping Report Chapter 15)

- 3.103 Chapter 15 of the Scoping Report identifies relevant local plan documents of relevance to this assessment and areas of development land designated within local plans. The applicant should confirm development allocations with the relevant local planning authorities, including consideration of emerging policy. The Secretary of State welcomes the proposed consultation with local authorities and landowners.
- 3.104 The Secretary of State agrees with a 500m land use study area. This should include areas within 500m of the construction compound boundaries when known.
- 3.105 The socio-economic assessment of the potential opening up of the labour market at Heathrow should not be limited to the three council areas identified in section 15.1.3 of the Scoping Report and should reflect the potential increase in catchment for commuting Heathrow workers, where relevant. The applicant's attention is drawn to Transport for London's (TfL) comments in this respect.
- 3.106 The definition of community land should be expanded to include land used for health, education, religious purposes, entertainment, shops and services. The applicant should clarify the difference between low sensitivity 'locally used community land' and high sensitivity 'property or land used by the community'.
- 3.107 The Secretary of State recommends that the applicant's proposed magnitude of impact criteria should be quantified. Terms such as 'high degree of severance' and 'loss of large proportion' are vague.
- 3.108 The Secretary of State recommends that details are provided of receptor sensitivity and value assessments to provide clarity regarding the assessment of effects. In all cases the applicant should state where and how professional judgement has been applied to assessments.

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- 3.109 Section 15.3.1 of the Scoping Report suggests that there will not be a significant effect on access to employment during construction. The assessment should consider the effect of closure of Hollow Hill Lane in this respect.
- 3.110 Section 15.4.2 of the Scoping Report states that 'a high level assessment of impacts on tourism and recreation will be undertaken'. The applicant should describe the assessment methodology in detail within their ES. The assessment should include reference to potential beneficial effects, for example on Legoland and Windsor Castle visitor attractions through improved rail connectivity, as highlighted in RBWM comments.
- 3.111 The assessment of recreation and tourism effects should consider construction impacts on recreational use e.g. the Slough Arm of the Grand Union Canal.

Communities and Human Health (see Scoping Report Chapter 16)

- 3.112 The Secretary of State welcomes the inclusion of a communities and human health chapter within the proposed ES scope. Section 16.2 of the Scoping Report references data considered within the chapter 15. The applicant should avoid duplication within the two assessments, through the use of appropriate cross referencing.
- 3.113 The assessment should include consideration of severance effects, cross referencing to the transport assessment as appropriate. The applicant should take into account mitigation measures for acute risks.
- 3.114 The study area should capture wider effects due to modal shift that will be addressed as part of the transport and air quality assessments e.g. effects on air quality within Maidenhead.
- 3.115 The Secretary of State advises that the applicant engages with Public Health England as well as relevant health representatives of local authorities during the development of the communities and health assessment.
- 3.116 The applicant should have regard to the responses received from the relevant consultees regarding health, and in particular to the comments from the Health and Safety Executive in relation to the presence of major accident hazard pipelines in the study area and electrical safety issues (see Appendix 2).

Traffic and Transport (see Scoping Report Chapter 17)

- 3.117 The proposed development has potential to generate significant traffic during construction and to create operational traffic impacts

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relating to the proposed closure of Hollow Hill Lane and modal shift at other stations on the rail network (e.g. Maidenhead).

- 3.118 The Secretary of State recommends that a stand-alone transport assessment of the proposed development is prepared to assess these issues and to support the ES. The assessment methodology should be developed in consultation with the relevant highways and transport planning authority(s). The Secretary of State would expect on-going discussions and agreement of the assessment methodology, modelling requirements to a recognised standard and mitigation measures with such bodies. The study area should be agreed with these bodies. Assumptions such as 'no traffic impacts extending beyond motorway junctions' should be reviewed for robustness as construction traffic routes and site accesses are finalised. The assessment should also accord with the principles set out in Planning Practice Guidance.
- 3.119 The Secretary of State considers that closure of Hollow Lane is a main issue for consideration in the ES both in terms of alternative solutions to closure but also to the impact of construction and operational traffic and extended journey times in the event of closure. Where alternative solutions are proposed, the solutions should consider all road user groups and the potential for enhanced pedestrian and cyclist access in this location. It is expected that the applicant will engage closely with BCC and South Bucks in developing a solution for this location.
- 3.120 The transport assessment should also consider modal shift from road to rail, including assessment of pricing and availability of parking at stations and impact on bus services and bus routes during construction and operation. The applicant's attention is drawn to comments from BCC, RBWM and South Bucks Council in this respect.
- 3.121 As set out in the Secretary of State's comments regarding matters to be scoped out, impacts on buses should be assessed. The applicant's attention is drawn to RBWM and BCC's comments in relation to transport assessment and effects on buses.
- 3.122 The proposed significance criteria should include all of the relevant thresholds set out in the Guidelines for the Environmental Assessment of Road Traffic⁷ including the 30% increase in HGV threshold and 10% increase in traffic flows in sensitive areas.
- 3.123 Transport of the waste stored temporarily on site should be assessed in terms of the form of transport and the possible routing.

⁷ Guidelines for the Environmental Assessment of Road Traffic. 1993. Institute of Environmental Assessment

- 3.124 Mitigation measures, such as a construction traffic management plan, travel plan and a materials sourcing strategy to minimise transport impacts, should be included. The applicant is referred to BCCs comments regarding potential mitigation measures. Section 17.3.2 of the Scoping Report makes reference to opportunities for environmental enhancements including contributions to alternative routes/junctions to cater for the impact of displaced traffic. The Secretary of State considers this is impact mitigation and should be provided by the applicant as necessary. Mitigation measures should be agreed with the relevant highways authorities.
- 3.125 The Secretary of State recommends that the ES should take account of the location of footpaths, cycle paths and PRow including bridleways and byways. The ES should clearly set out impacts on them indicating how closures or diversions will be handled, so as to minimise their duration and length. Opportunities to enhance existing routes should also be considered where appropriate. A key access in this respect is the Colne Valley Trail and its access via Old Slade Lane Bridge over the M4. The applicant's attention is drawn to South Bucks comments in this respect. Any diversionary routes should be agreed with the relevant local authority.

Cumulative Effects (see Scoping Report Chapter 18)

- 3.126 The use of a matrix as presented in Table 18.1 of the Scoping Report is considered to be helpful in assisting understanding of the assessment process. The applicant should ensure that the scope of issues covered within the checklist matrix is representative of the full scope of issues assessed within the EIA.
- 3.127 The applicant should not rely on strategic environmental assessment of land allocations undertaken by the local authority for the purposes of plan preparation and should assess the relevant local planning allocations to the level of detail available at the time of ES submission.
- 3.128 The Secretary of State welcomes the provision of Table 18.2 in the Scoping Report, which sets out projects potentially giving rise to cumulative effects. The list should consider relevant emerging policies and plans from emerging local plans. The list should not be considered definitive and should be reviewed throughout the assessment process to ensure that it is comprehensive and that any revision of the status of projects is considered in terms of progression to the applicant's proposed Stage 2 assessment.
- 3.129 Table 18.2 should include the effect on- and from- the mineral extraction and landfilling proposal at the former Langley Airfield site (south of GWML) submitted to BCC by CEMEX and the resultant Scoping Opinion SCOP/01/15.

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- 3.130 With respect to Table 18.2, the applicant should note that the Airports Commission will confirm a recommendation in its report rather than make a decision with respect to Heathrow expansion.
- 3.131 The assessment methodology for Stage 2 should state how judgments regarding magnitude, sensitivity and significance of effect will be made. The Secretary of State draws the applicant's attention to Appendix 3 of this Scoping Opinion, which references cumulative impact assessment.
- 3.132 The assessment of reasonably foreseeable projects should extend to non-transport projects due to be implemented in a reasonable timeframe but assessed at the level of detail available at that time.
- 3.133 With reference to the proposed stage 3 cumulative effects assessment in section 18.3.2(iii), the Secretary of State considers that the applicant should seek to mitigate significant effects arising from the proposed development.

4 OTHER INFORMATION

- 4.1 This section does not form part of the Secretary of State's Opinion as to the information to be provided in the environmental statement. However, it does respond to other issues that the Secretary of State has identified which may help to inform the preparation of the application for the DCO.

Pre-application Prospectus

- 4.2 The Planning Inspectorate offers a service for applicants at the pre-application stage of the nationally significant infrastructure planning process. Details are set out in the prospectus 'Pre-application service for NSIPs'. The prospectus explains what the Planning Inspectorate can offer during the pre-application phase and what is expected in return. The Planning Inspectorate can provide advice about the merits of a proposed development in respect of national policy; can review certain draft documents; as well as advice about procedural and other planning matters. Where necessary a facilitation role can be provided. The service is optional and free of charge.
- 4.3 The prospectus is available on the planning portal website: http://infrastructure.planningportal.gov.uk/wp-content/uploads/2014/05/NSIP-prospectus_May2014.pdf
- 4.4 The level of pre-application support provided by the Planning Inspectorate will be agreed between an applicant and the Inspectorate at the beginning of the pre-application stage and will be kept under review.

Habitats Regulations Assessment (HRA)

- 4.5 The Secretary of State notes that European sites may be located close to the proposed development (e.g. section 7.4.2 of the Scoping Report). It is the applicant's responsibility to provide sufficient information to the Competent Authority (CA) to enable them to carry out a HRA if required. The applicant should note that the CA is the Secretary of State.
- 4.6 The applicant's attention is drawn to The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended) (The APFP Regulations) and the need to include information identifying European sites to which the Habitats Regulations applies or any Ramsar site or potential SPA which may be affected by a proposal. The submitted information should be sufficient for the competent authority to make an appropriate assessment (AA) of the implications for the site if required by Regulation 61(1) of the Habitats Regulations.

- 4.7 The report to be submitted under Regulation 5(2)(g) of the APFP Regulations with the application must deal with two issues: the first is to enable a formal assessment by the CA of whether there is a likely significant effect; and the second, should it be required, is to enable the carrying out of an AA by the CA.
- 4.8 When considering aspects of the environment likely to be affected by the proposed development; including flora, fauna, soil, water, air and the inter-relationship between these, consideration should be given to the designated sites in the vicinity of the proposed development.
- 4.9 The Secretary of State welcomes the proposed submission of Stage 1 screening reports to Natural England.
- 4.10 Further information with regard to the HRA process is contained within Planning Inspectorate's Advice Note 10 available on the National Infrastructure pages on the Planning Portal website.

Evidence Plans

- 4.11 An evidence plan is a formal mechanism to agree upfront what information the applicant needs to supply to the Planning Inspectorate as part of a DCO application. An evidence plan will help to ensure compliance with the Habitats Regulations. The evidence plan process may be extended to cover matters such as EIA and Water Framework Directive assessment. It will be particularly relevant to NSIPs where impacts may be complex, large amounts of evidence may be needed or there are a number of uncertainties. It will also help applicants meet the requirement to provide sufficient information (as explained in Advice Note 10) in their application, so the Examining Authority can recommend to the Secretary of State whether or not to accept the application for examination and whether an appropriate assessment is required.
- 4.12 Any applicant of a proposed NSIP in England, or England and Wales, can request an evidence plan. A request for an evidence plan should be made to Natural England.

Sites of Special Scientific Interest (SSSIs)

- 4.13 The Secretary of State notes that there are two SSSIs within 2km of the proposed development (Wraysbury Reservoir SSSI and Staines Moor SSSI) and a further four SSSIs located within 5km of the proposed development (Wraysbury and Hythe End Gravel Pits SSSI, Wraysbury No 1 Gravel Pit SSSI, Black Park SSSI and King Cup Meadows and Oakhouse Wood SSSI). Where there may be potential impacts on the SSSIs, the Secretary of State has duties under sections 28(G) and 28(I) of the Wildlife and Countryside Act

1981 (as amended) (the W&C Act). These are set out below for information.

- 4.14 Under s28(G), the Secretary of State has a general duty ‘... to take reasonable steps, consistent with the proper exercise of the authority’s functions, to further the conservation and enhancement of the flora, fauna or geological or physiographical features by reason of which the site is of special scientific interest’.
- 4.15 Under s28(I), the Secretary of State must notify the relevant nature conservation body (NCB), NE in this case, before authorising the carrying out of operations likely to damage the special interest features of a SSSI. Under these circumstances 28 days must elapse before deciding whether to grant consent, and the Secretary of State must take account of any advice received from the NCB, including advice on attaching conditions to the consent. The NCB will be notified during the examination period.
- 4.16 If applicants consider it likely that notification may be necessary under s28(I), they are advised to resolve any issues with the NCB before the DCO application is submitted to the Secretary of State. If, following assessment by applicants, it is considered that operations affecting the SSSI will not lead to damage of the special interest features, applicants should make this clear in the ES. The application documents submitted in accordance with Regulation 5(2)(I) could also provide this information. Applicants should seek to agree with the NCB the DCO requirements which will provide protection for the SSSI before the DCO application is submitted.

European Protected Species (EPS)

- 4.17 Applicants should be aware that the decision maker under the Planning Act 2008 (PA 2008) has, as the CA, a duty to engage with the Habitats Directive. Where a potential risk to an EPS is identified, and before making a decision to grant development consent, the CA must, amongst other things, address the derogation tests⁸ in Regulation 53 of the Habitats Regulations. Therefore the applicant may wish to provide information which will assist the decision maker to meet this duty.
- 4.18 If an applicant has concluded that an EPS licence is required the ExA will need to understand whether there is any impediment to the licence being granted. The decision to apply for a licence or not will rest with the applicant as the person responsible for

⁸ Key case law re need to consider Article 16 of the Habitats Directive: Woolley vs East Cheshire County Council 2009 and Morge v Hampshire County Council 2010.

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commissioning the proposed activity by taking into account the advice of their consultant ecologist.

- 4.19 Applicants are encouraged to consult with NE and, where required, to agree appropriate requirements to secure necessary mitigation. It would assist the examination if applicants could provide, with the application documents, confirmation from NE whether any issues have been identified which would prevent the EPS licence being granted.
- 4.20 Generally, NE are unable to grant an EPS licence in respect of any development until all the necessary consents required have been secured in order to proceed. For NSIPs, NE will assess a draft licence application in order to ensure that all the relevant issues have been addressed. Within 30 working days of receipt, NE will either issue 'a letter of no impediment' stating that it is satisfied, insofar as it can make a judgement, that the proposals presented comply with the regulations or will issue a letter outlining why NE consider the proposals do not meet licensing requirements and what further information is required before a 'letter of no impediment' can be issued. The applicant is responsible for ensure draft licence applications are satisfactory for the purposes of informing formal pre-application assessment by NE.
- 4.21 Ecological conditions on the site may change over time. It will be the applicant's responsibility to ensure information is satisfactory for the purposes of informing the assessment of no detriment to the maintenance of favourable conservation status (FCS) of the population of EPS affected by the proposals⁹. Applicants are advised that current conservation status of populations may or may not be favourable. Demonstration of no detriment to favourable populations may require further survey and/or submission of revised short or long term mitigation or compensation proposals. In England the focus concerns the provision of up to date survey information which is then made available to NE (along with any resulting amendments to the draft licence application). This approach will help to ensure no delay in issuing the licence should the DCO application be successful. Applicants with projects in England or English waters can find further information on Natural England's protected species licensing procedures by clicking on the following link:

<https://www.gov.uk/government/publications/european-protected-species-apply-for-a-mitigation-licence>

⁹ Key case law in respect of the application of the FCS test at a site level: Hafod Quarry Land Tribunal (Mersey Waste (Holdings) Limited v Wrexham County Borough Council) 2012, and Court of Appeal 2012.

- 4.22 In England or English Waters, assistance may be obtained from the Consents Service Unit (please see section 4.23 below for more information on the work of the Unit).

Consents Service Unit

- 4.23 The Unit works with applicants on a number of key non-planning consents associated with nationally significant infrastructure projects in England and English Waters. The Unit's remit includes 12 non-planning consents, including European Protected Species (EPS) licences, environmental permits and flood defence consents. The consents covered are set out in Annex 1 of the Unit's 'Prospectus for Developers' available on the web. The service is free of charge and entirely voluntary. Further information is available from the following link:

<http://infrastructure.planningportal.gov.uk/legislation-and-advice/consents-service-unit/>

Other regulatory regimes

- 4.24 The Secretary of State recommends that the applicant should state clearly what regulatory areas are addressed in the ES and that the applicant should ensure that all relevant authorisations, licences, permits and consents that are necessary to enable operations to proceed are described in the ES. Also it should be clear that any likely significant effects of the proposed development which may be regulated by other statutory regimes have been properly taken into account in the ES.

- 4.25 It will not necessarily follow that the granting of consent under one regime will ensure consent under another regime. For those consents not capable of being included in an application for consent under the PA 2008, the Secretary of State will require a level of assurance or comfort from the relevant regulatory authorities that the proposal is acceptable and likely to be approved, before they make a recommendation or decision on an application. The applicant is encouraged to make early contact with other regulators. Information from the applicant about progress in obtaining other permits, licences or consents, including any confirmation that there is no obvious reason why these will not subsequently be granted, will be helpful in supporting an application for development consent to the Secretary of State.

The Environmental Permit

- 4.26 The Environmental Permitting Regulations 2010 (EPR 10) require operators of certain facilities, which could harm the environment or human health, to obtain permits from the Environment Agency. Environmental permits can combine several activities into one

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permit. There are standard permits supported by 'rules' for straightforward situations and bespoke permits for complex situations. For further information, please see: <https://www.gov.uk/environmental-permit-check-if-you-need-one>

- 4.27 The Environment Agency's environmental permits cover:
- industry regulation
 - waste management (waste treatment, recovery or disposal operations)
 - discharges to surface water
 - groundwater activities, and
 - radioactive substances activities.
- 4.28 Characteristics of environmental permits include:
- they are granted to operators (not to land)
 - they can be revoked or varied by the Environment Agency
 - operators are subject to tests of competence
 - operators may apply to transfer environmental permits to another operator subject to a test of competence
 - conditions may be attached.
- 4.29 It is the responsibility of applicants to identify whether an environmental permit is required before an NSIP can be constructed or operated. Failure to obtain an environmental permit is an offence. The Consents Service Unit was established to aid applicants with this.
- <http://infrastructure.planningportal.gov.uk/legislation-and-advice/consents-service-unit/>
- 4.30 The Environment Agency allocates a limited amount of permitting pre-application advice free of charge. Further advice can be provided, but this will be subject to cost recovery.
- The Environment Agency encourages applicants to engage with them early in relation to the requirements of the Environmental Permitting process. Where a project is complex or novel, or requires a Habitats Risk Assessment, applicants are encouraged to "parallel track" their environmental permit applications to the Environment Agency with their DCO applications to the Planning Inspectorate.
- <http://infrastructure.planningportal.gov.uk/wp-content/uploads/2013/04/Advice-note-11-Annex-D-EA.pdf>
- 4.31 When considering the timetable to submit their environmental permit application, applicants should bear in mind that the Environment Agency will not be in a position to provide a detailed view on the permit application until it issues its draft decision for

public consultation (for sites of high public interest) or its final decision. Therefore the applicant should ideally submit its environmental permit application sufficiently early so that the Environment Agency is at this point in the determination by the time the Development Consent Order reaches examination.

- 4.32 It is also in the interests of an applicant to ensure that any specific requirements arising from permitting are capable of being carried out under the works permitted by the DCO. Otherwise there is a risk that requirements under permitting could conflict with the works which have been authorised by the DCO and render the DCO impossible to implement.

Transboundary Impacts

- 4.33 The Secretary of State has noted that the applicant has indicated in Table 1.1 of the Scoping Report that the proposed development is unlikely to have significant impacts on another European Economic Area (EEA) State. Appendix Table B1 of Appendix B to the Scoping Report suggests that "the only potential transboundary environmental impact which is considered likely is from greenhouse gas emissions". The applicant in Table B1 considers that "the likely magnitude of change to greenhouse gas emissions would be negligible". On this basis, the Secretary of State is of the view that no significant transboundary effects are likely to arise from the proposed development.

APPENDIX 1

LIST OF CONSULTEES

APPENDIX 1

LIST OF BODIES FORMALLY CONSULTED DURING THE SCOPING EXERCISE

CONSULTEE	ORGANISATION
SCHEDULE 1	
The Health and Safety Executive	Health and Safety Executive
The National Health Service Commissioning Board	NHS England
The relevant Clinical Commissioning Group	Chiltern Clinical Commissioning Group Slough Clinical Commissioning Group Hillingdon Clinical Commissioning Group
Natural England	Natural England
The Historic Buildings and Monuments Commission for England	Historic England
The Relevant Fire and Rescue Authority	Buckinghamshire Fire and Rescue Service Royal Berkshire Fire and Rescue Service London Fire Brigade
The Relevant Police and Crime Commissioner	Thames Valley Police and Crime Commissioner The Mayor's Office for Policing and Crime
The Relevant Parish Council(s) or Relevant Community Council	Iver Parish Council Colnbrook with Poyle Parish Council
The Environment Agency	The Environment Agency
The Civil Aviation Authority	Civil Aviation Authority
The Highways Agency	Highways England
The Relevant Highways Authority	Transport for Buckinghamshire London Borough of Hillingdon - Highways Department Slough Borough Council - Highways Department
Transport for London	Transport for London
The Canal and River Trust	The Canal & River Trust
Public Health England, an executive agency to the Department of Health	Public Health England
The Crown Estate Commissioners	The Crown Estate
RELEVANT STATUTORY UNDERTAKERS	
Health Bodies (s.16 of the Acquisition of Land Act (ALA) 1981)	
The National Health Service Commissioning Board	NHS England

The relevant Clinical Commissioning Group	Chiltern Clinical Commissioning Group Slough Clinical Commissioning Group Hillingdon Clinical Commissioning Group
Local Area Team	Thames Valley Area Team London Area Team
Ambulance Trusts	South Central Ambulance Service NHS Foundation Trust London Ambulance Service NHS Trust
Relevant Statutory Undertakers (s.8 ALA 1981)	
Railways	Network Rail Infrastructure Ltd Highways England Historical Railways Estate
Road Transport	Transport for London
Water Transport	The Canal and River Trust
Civil Aviation Authority	Civil Aviation Authority
Licence Holder (Chapter 1 Of Part 1 Of Transport Act 2000)	NATS En-Route Safeguarding
Universal Service Provider	Royal Mail Group
Relevant Homes and Communities Agency	Homes and Communities Agency
Relevant Environment Agency	Environment Agency
Water and Sewage Undertakers	Affinity Water Thames Water
Public Gas Transporter	Energetics Gas Limited ES Pipelines Ltd ESP Connections Ltd ESP Networks Ltd ESP Pipelines Ltd Fulcrum Pipelines Limited GTC Pipelines Limited Independent Pipelines Limited LNG Portable Pipeline Services Limited National Grid Gas Plc National Grid Plc Quadrant Pipelines Limited SSE Pipelines Ltd Scotland Gas Networks Plc Southern Gas Networks Plc Wales and West Utilities Ltd
Electricity Distributors With CPO Powers	Energetics Electricity Limited ESP Electricity Limited Independent Power Networks Limited The Electricity Network Company Limited Utility Assets Limited Scottish Hydro Electric Power Distribution Plc Southern Electric Power Distribution Plc

	UK Power Networks Limited National Grid Electricity Transmission Plc National Grid Plc
LOCAL AUTHORITIES (SECTION 43)	
Local Authority	London Borough of Hillingdon South Bucks District Council Slough Borough Council Buckinghamshire County Council Hertfordshire County Council Northamptonshire County Council Oxfordshire County Council Surrey County Council Milton Keynes Council Central Bedfordshire Council Wokingham Borough Council Three Rivers District Council Harrow Council Ealing Council London Borough of Hounslow Spelthorne Borough Council The Royal Borough of Windsor and Maidenhead
Greater London Authority	Greater London Authority

APPENDIX 2

RESPONDENTS TO CONSULTATION AND COPIES OF REPLIES

APPENDIX 2

LIST OF BODIES WHO REPLIED BY THE STATUTORY DEADLINE

Buckinghamshire County Council
The Canal & River Trust
Environment Agency
Health and Safety Executive
Highways England
London Borough of Harrow
National Grid Electricity Transmission Plc
National Grid Gas Plc
Natural England
Oxfordshire County Council
Quadrant Pipelines Limited
Independent Pipelines Limited
The Electricity Network Company Limited
Independent Power Networks Limited
GTC Pipelines Limited
The Royal Borough of Windsor and Maidenhead
Slough Borough Council
South Bucks District Council
Spelthorne Borough Council
Transport for London

Transport ÿ Economy ÿ Environment

Stephen Walford
Director Growth & Strategy

**Buckinghamshire County
Council**

County Hall, Walton Street
Aylesbury, Buckinghamshire HP20 1UA

Telephone 0845 3708090

www.buckscc.gov.uk

Submitted by email:
environmentalservices@infrastructure.gsi.gov.uk

Date: 22nd May 2015
Ref: 150427_TR040009_3145977

Dear Mr Hunt

Re: Application by Network Rail for an Order Granting Development Consent for a proposed Western Rail Link to Heathrow – Scoping consultation

Thank you for consulting Buckinghamshire County Council (BCC) on the above. Buckinghamshire County Council welcomes the opportunity to respond to Network Rail's scoping consultation for an Order Granting Development Consent for a proposed Western Rail Link to Heathrow. Please find our comments below regarding matters of noise and vibration, minerals and waste, transport strategy, highways and passenger transport, public rights of way, flood management, archaeology, ecology and green infrastructure, to inform the progression of the Environmental Statement.

Noise and vibration

BCC welcomes the scoping report's approach for the mitigation of noise and vibration impacts associated with the construction and operation of the Proposed Scheme. We will not be providing any further comment at this stage; however, as stated in the summary, paragraph 9.5, BCC will need to be involved in discussions regarding adoption of the noise and vibration assessment criteria. Noise and vibration impacts could be a significant issue for Buckinghamshire, particularly where the Proposed Scheme enters and exits the tunnel. We would welcome the opportunity for further input where noise or vibration assessments prove there could be potentially severe impacts to the county, not necessarily highlighted in the scoping consultation.

Minerals and Waste

There is no reference in the Scoping report to BCC's minerals and waste policy or BCC as the Highways Authority and Transport Planning Authority. The site lies partly within Buckinghamshire's County boundary which is not acknowledged and should be included in paragraph 2.1. Somewhere within the application for a Development consent Order there will need to be discussion of the planning policies which apply to the land, County and District, and any implications of the proposed development.

Paragraph 6.1.2 makes no reference to the National Planning Policy for Waste, which is to be read in conjunction with the National Planning Policy Framework (referred to in page 145). Page 145 only refers to Buckinghamshire's Minerals and Waste Local Plan 2006. The scoping report should make reference to BCC's adopted Minerals and Waste Core Strategy 2012. Our relevant local authority planning policies include our 'Saved' Minerals and Waste Local Plan



policies, and the Minerals and Waste Core Strategy adopted in 2012. These form part of the statutory development plan.

For instance, the land adjacent to the western end of the industrial estate has been quarried for sand and gravel and backfilled with inert wastes from the 1960s. The site is identified in policy CS14 of the Buckinghamshire Minerals and Waste Core Strategy as 'having potential for rail transfer facilities'. While there are no immediate intentions by BCC to develop this site, it remains as a potential site to handle other business sector waste streams, which arise in significant quantities. The existing employment land immediately to the east of 'Iver landfill' includes an existing waste use. Both the land at Richings Park and the waste use adjacent to it, within the industrial estate are safeguarded under policy CS14. Even if the former quarry and landfill site at Richings Park is not developed for a waste rail/road/water transfer, it still has the potential to be developed for a waste recovery use and would form a natural extension to the existing industrial estate. BCC are presently preparing a new Minerals and Waste Local Plan with the intention of identifying sites for new waste recovery facilities.

Iver landfill: This former sand and gravel extraction site has been backfilled with waste. Given that this filling took place in the 1960s and pre-dates modern controls over waste management then it is impossible to know what kind of wastes went into there. As a result of this, there is scope for contamination.

Land south of the existing rail line is within a Mineral Safeguarding Area under policy CS1. Part of this area has a known resource. Section 13 does not discuss mineral resources, which are known to be significant on the land south of the existing rail line within BCC. It is appropriate to consider the prior extraction of mineral resources before a surface development, in order to avoid 'needless sterilisation' (NPPF para 144).

Page 147, Table 14.2 refers to landfill capacity in other Waste Planning Areas, but not Buckinghamshire, and paragraph 14.2.1 refers very briefly to gravel may be extracted from the tunnel portal, but this part of the route is within our Mineral Safeguarding Area and is believed to contain several million tonnes of sand/gravel.

Traffic and transport

Overarching points:

1) BCC has been working with Network Rail (NR) on a number of aspects of the project including the provision of a new route to replace Hollow Hill Lane. When NR shifted the proposed location of the tunnel portal south of the mainline (from the position to its north suggested in earlier discussions) the construction road to the north of the mainline which we had previously discussed with NR was no longer required. This road would have performed a number of functions:

- a) a means of construction traffic accessing the site from the north
- b) a potentially more appropriate option for all traffic in the longer term, which needs to be tested.

As a result, NR in a recent meeting agreed to consider options for providing a route of this type in its work. It appears that that this discussed may have overlapped with the production of the Environmental Impact Assessment – Scoping Report, and as a result this option is not included in the Scoping Report. This option would have an important impact on the location and type of impacts arising from the scheme and it is important that it is included wherever appropriate in the EIA. In particular:

- A number of sections refer to new routes required purely for construction access (to the shafts etc.) as the only new routes being constructed. The alternative to Hollow Hill Lane (in whatever form) will have important construction impacts which will need to be

considered. (e.g. Elements of the scheme section of Executive Summary, Table 1-A and in other sections detailed below)

- As well as the construction of this new route, it will have operational impacts on traffic flows which will need to be reflected in the report (especially the introduction to Chapter 7 and in other sections detailed below).

2) The sufficiency of the Transport Assessment work proposed. In previous discussions with NR, BCC have recommended the use of the Countywide Transport Model (appropriately enhanced with their new data) as an appropriate method. BCC are keen to specify this in the EIA, as the text currently suggests a very light-touch approach to forecasting (which wouldn't seem to have sufficient modelling insight). Whatever approach is agreed needs to be reflected throughout (including in Sections 17.4.1 and 17.2.1)

Detailed points:

17.1.13: – Study area: should also include the alternative route options for replacing Hollow Hill Lane (i.e. a route to the north of the rail line connecting to Thorney Lane South).

17.1.13: – It is assumed that Highways England's view has been sought to ensure it is happy that its network is not impacted more widely.

17.3.1: - Should also include the alternative route options for replacing Hollow Hill Lane (as noted above). Increased journey times also have impacts beyond increased stress: environmental, economic and social (e.g. severance) costs will also be important. Also, with regard to the final set of bullet points on Page 187 of the PDF, the mitigation measures required could well include more traffic management than simply the identification of routes (with most projects of this scale requiring relatively sophisticated traffic management plans).

Hollow Hill Lane – whilst there are no footpaths on parts of Hollow Hill Lane, it is important that surveys carried out contain all road users and not just vehicles. Before any decisions can be made on alternative routes, it is vital that there is full data available to understand all of the potential impacts (including pedestrians, cyclists and equestrians) so that the most appropriate solutions can be established. This applies to any other relevant surveys.

Table 17.1: Should also include the alternative route options for replacing Hollow Hill Lane (as noted above).

17.3.2: Again, this should also include the alternative route options for replacing Hollow Hill Lane. The bullet points setting out potential impacts should include altered traffic routing and construction impacts, as well as increased trip lengths. It would also seem appropriate for these issues to be identified in the text listing more uncertain impacts, as the outcomes of the traffic assessment work required are difficult to predict.

Third bullet point from the bottom of Page 189 of the PDF: It might be helpful to clarify the term 'contributions'. Clearly any mitigation measures will contribute to the bigger picture of improvements to the road network that benefit all road users; however, there will clearly be mitigation measures which the project will be responsible for delivering itself and in full. The current wording could raise concerns that this responsibility is not recognised by NR (which it has been in other discussions).

Whilst noted, it is important that pedestrian and cycle routes remain open or suitable diversions in place and that the construction impacts do not affect safety. I.e. the Colne Valley Trail is well used, with a key access over the M4 using the Old Slade Lane Bridge.

Table 17.2: The road network considered needs to include the new routes provided (to access shafts etc, and as an alternative to Hollow Hill Lane). It would also seem appropriate to

consider whether any of the local bus routes are affected by increased traffic flows. As these flows have not yet been forecast and could have a significant impact on bus services these should be scoped in (also applies to Table 17.4).

Table 17.3: The inclusion of the alternative route options for replacing Hollow Hill Lane would suggest that assessment criteria should be added to cover these new routes too. Also, it would be helpful to understand how the thresholds proposed fit with those typically used by Transport DM.

Highways development management

The proposed scheme will result in a number of traffic and transport impacts during both the operational and construction phase. Both phases have been scoped in the EIA.

Study Area:

As the route of the proposed scheme is not yet finalised, the location of the various new haul routes, compounds and ventilation and intervention shafts are not known at this stage. The scoping report states that the EIA will incorporate all of the ground works and consider the impacts at the junctions with the adjacent transport network as far as the M25 and M4. The study area will not extend beyond these junctions as the scoping report considers that the changes in traffic levels will be insignificant beyond the motorway junctions.

Whilst this may be appropriate the final study area and junctions that will need to be subject to assessment within Buckinghamshire will need to be agreed once this information is known. More information should therefore be submitted to allow this matter to be considered further as soon as possible.

Construction Impacts and Mitigation Measures

The proposal will result in an increase in vehicle movements in the area of the new compounds, ventilation and intervention shafts through the transport of staff, plant and excavated materials. Whilst some materials may be transported by rail, a significant proportion will be transported by road. New access roads will be constructed and there will be road and footway closures and diversions.

Potential mitigation measures that will need to be considered include but are not limited to include timing of deliveries, signage, keeping roads open as far as possible, providing alternative routes during the construction phase and notifying users of disruption. Ultimately the mitigation package proposed needs to address the impact of the construction phase, which is currently unknown.

Potential Operational Impacts and Mitigation Measures

During the operational phase there may be a modal shift from road to rail affecting both local and strategic routes. However there will be wider impacts including additional congestion around connecting stages.

The closure of Hollow Hill Lane, near Iver and any additional road and footway closures that are not confirmed at this stage, will have a detrimental impact on the operation of the local highway network. The EIA should quantify the changes in traffic on the network as a result of the closure of Hollow Hill Lane and include any capacity assessments where flows change by 5% or more on any arm of a junction during the peak hours.

A number of measures are being considered to mitigate the impact including the provision of additional footways, improving access at local stations, traffic calming and safety improvements. It is not clear at this stage where these enhancements may be introduced and will need clarification. Ultimately the mitigation package proposed needs to address the impacts of the

Scope of Assessment:

The document states that traffic and transport will be included within the scope of the EIA. This will include traffic surveys in the vicinity of Hollow Hill Lane, a number plate survey to determine Origin and Destination of trips on Hollow Hill Lane and pedestrian and cycle counts.

Whilst this appears to be reasonable to determine the impact of the closure of Hollow Hill Lane, additional count data may be required at other locations where there is likely to be a highway impact. There is likely to be a highway impact in the vicinity of Langley station during the construction phases and it may be necessary to obtain count data to determine the level of the impact of the scheme. The location and need for count data cannot be determined until the route alignment and the location of the various compounds and ventilation shafts is known.

Similarly until the alignment of the route is determined it is not possible to determine the area over which a review of road safety is necessary.

It is proposed to consider vehicle movements as a percentage increase against existing road traffic and incorporate changes in travel patterns associated with the closure of Hollow Hill Lane. Whilst this may be appropriate, a more detailed analysis may be required at locations that are already congested.

The magnitude criteria which is proposed for determining the level of impact of the scheme suggests that a change in traffic volume of 30% with an increased journey time of up to 5 minutes constitutes a 'minor change', while a change of greater than 90% constitutes a 'major change'. In many cases an increase in traffic of 30% could be considered to be significant and the magnitude descriptors could therefore be deceptive.

Assessments of junction capacity should be taken capacity should be undertaken where flows in the network peak hour change by as little as 5% on any arm of a junction, where congested, and 10% at all other locations. Whilst the 30% figure is an EIA guide; different percentages of materiality apply based on other highway guidance and these figures are used by the Authority.

The traffic and transport assessment will be based on the assessment of vehicle movements and should include staff travel as well as the transport of waste and materials. Justification should be supplied as to how vehicle movements are derived. Specifically the County Council has concerns on how evacuated material is transported and the impact of construction/staff traffic on the wider highway network.

The operational assessments will include the impact of the change in travel patterns as a result of closing Hollow Hill Lane but should also consider the change in travel patterns around local stations and any other locations where there may be a detrimental impact.

Passenger Transport:

The impact of the scheme on local bus routes has been 'scoped out' of the EIA, however there are a significant number of bus routes in the area of the scheme:

- First Berkshire routes 7/58 between Slough, Iver/Iver Heath and Uxbridge which carried over 600,000 passengers in 2014/15 with over 50,000 boarding in Buckinghamshire.
- Transport for Buckinghamshire contracted service 583 between Slough, Richlings Park, Iver and Uxbridge largely catering for more vulnerable elderly users. This carried around 8,000 passengers in 2014/15.

The inevitable delays on the network are going to affect reliability and require either additional vehicle/driver resources or revisions to timetables in order to maintain the punctuality standards expected by the Traffic Commissioner. This will also require TfB to update roadside stop information, printed service publicity and web based information for travelling public. This needs

to be recognised in the consultation and consideration made for the additional costs to TfB and the bus operators.

Committed Development

Major developments within 3km of the proposed scheme are to be considered. At this stage the following have been identified in the county

- M4 Smart Motorway – the proposed works will directly affect Marsh Lane, Lake End Road and Old Slade Lane. Also the location of the compounds will need to be taken into consideration.
- Cross rail

HS2 has been 'scoped out' of the EIA. Considering the proximity of the lines, HS2 construction routes should be reviewed. If construction routes for these projects overlap, the cumulative impact on the highway network will need to be considered.

Public Rights of Way

The county council has responsibility for the maintenance of public rights of way, including footpaths, bridleways, restricted byways and byways. These routes are legally recorded on the definitive map and statement, and the council has a statutory duty to review and keep it up-to-date. The county council are strategically guided by the Buckinghamshire Rights of Way Improvement Plan 2008-18 and The Buckinghamshire Local Access Forum.

Rights of Way form an important part of the strategic sustainable transport network by allowing public access for walking and cycling between communities and for travelling to work as an alternative to the private car. They are part of an integrated transport network, linking transport modes such as railway stations, bus and cycle routes. Much of the National Cycle Network follow rights of way.

It is therefore suggested that rights of way need to be addressed in the Environmental Impact Assessment, under impacts relating to socio-economic, transportation or landscape and visual impact.

Impacts on the severance of footpaths and bridleways needs to be made and convenient alternative routes provided. More ambitious walking and cycling routes, separated from roads, should also be addressed as mitigation for the local communities affected by the new railway link. One example where cross-boundary improvements could be made include the Grand Union Canal, sections of the Colne Valley Trail and Thames Path (National Trail) corridor from Maidenhead to Windsor.

The rights of way network also provides recreational opportunities for people seeking fresh air and exercise. Local, regional and nationally promoted routes need to be identified in the EIA, as well as locally popular routes. Open access land, common land, village greens and other recreational open spaces should be assessed. Impacts should be recognised and measures proposed to mitigate any restricted access to green spaces and open countryside as a result of the scheme. If rights of way need to be formally closed during construction, suitable alternatives should be available.

Information on rights of way in the Buckinghamshire should be sourced using spatial GIS electronic data from the county council, which is free of charge and part of an open data license.

The only route directly affected appears to be Iver Footpath 15. This was rendered a dead-end following the removal of Dog Kennel Bridge to make way for the Crossrail project, and may be

further affected by mineral extraction following a recent scoping opinion to Buckinghamshire county council:

SCOP/01/15 | Request for Scoping Opinion for Mineral Extraction, erection of processing plant, site entrance and related infrastructure, infilling with inert waste and restoration to agriculture, diversion of public footpath | Former Langley Airfield, North Park Road, Langley

The footpath currently has limited local or strategic importance and the WRATH project provides the opportunity for improvements. Firstly the path could be upgraded to bridleway and the alignment changed to run alongside North Park road. This will provide a sustainable transport link between Langley and Richings Park. Additionally, the scheme could provide a sustainable transport link over the west coast main line to provide connections to an improved canal tow path. These will provide a level of mitigation for the negative aspects the scheme will have, particularly for the communities of Langley and Richings Park.

Flood Management

The Flood Management team will be commenting on issues concerned with Surface Water, ordinary watercourses and Groundwater Flooding these being their area of responsibility under the Flood and Water Management Act 2010.

Specific comments:

Section 11.1.2 – Legislative and planning context – the EIA needs to take into account the Local Flood Risk Management Strategy of the LLFAs. Within Buckinghamshire County Council this can be found here: <http://www.buckscc.gov.uk/environment/flooding/strategic-flood-management/flood-management-strategy/>

Section 11.1.4 – Limitations and Assumptions – It should be noted that Horton Brook is an ordinary watercourse so any modelling work or discussions around this watercourse need to be held with the Lead Local Flood Authority (LLFA) in addition to the Environment Agency (EA)

Section 11.2.1 – Baseline conditions

The preferred route is across a source protection zone 2 so discussion on the impact of this need to be held with the LAs and EA.

The route crosses a number of landfill sites which need to be clearly identified and the impacts assessed.

Baseline conditions for surface water assessed well.

Baseline conditions for Groundwater – more boreholes should be sunk and monitored (shared with EA and LAs) to assess current baseline conditions on groundwater.

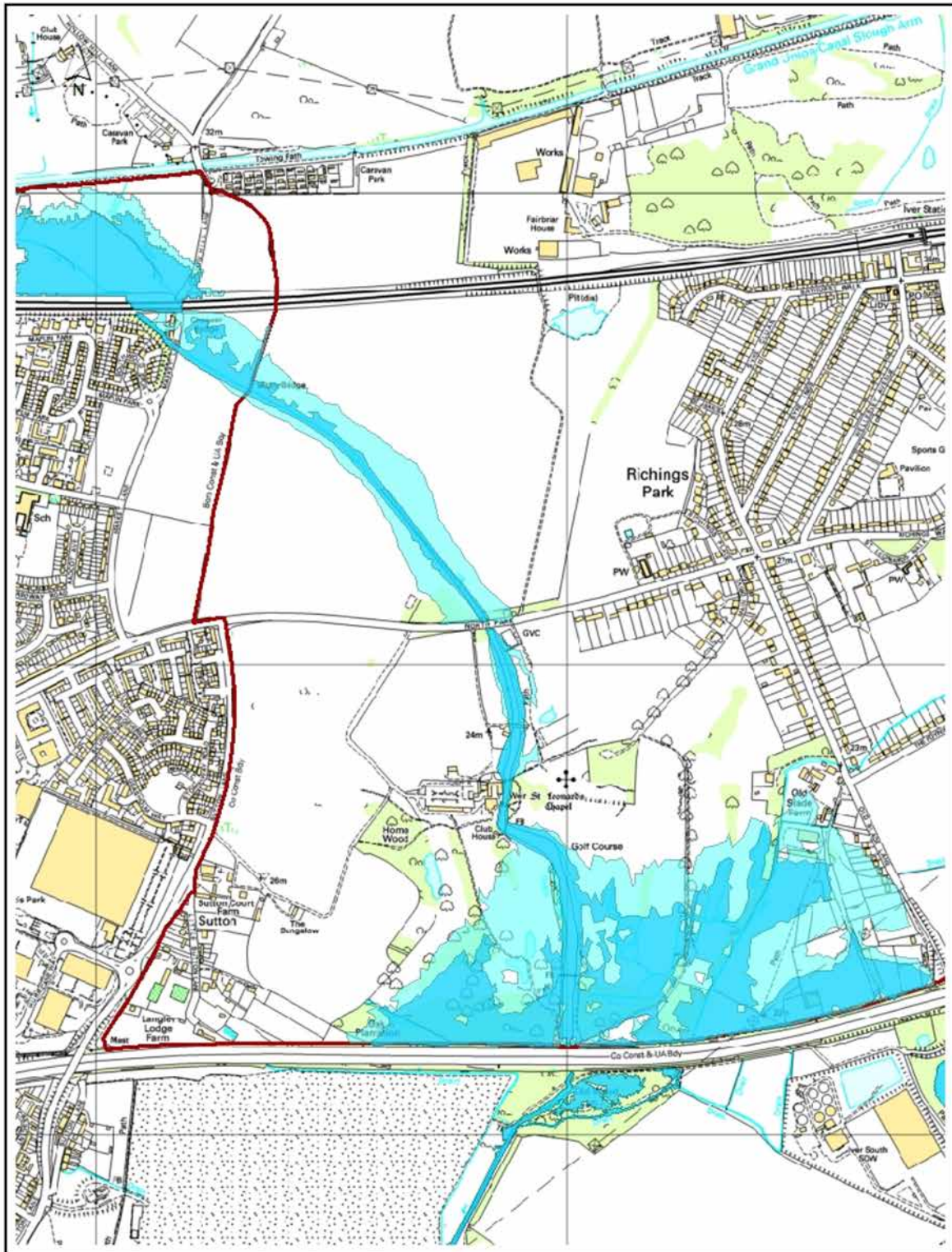
Section 11.3.2 – Potential operational impacts and mitigation measures

Any impacts of flooding considered should look at the combined surface water and fluvial impacts with climate change. Flood management measures and any betterment for flooding to be discussed with EA and LLFA's. Principles for geomorphology are good and need to be applied to crossing points especially of proposed Horton Brook diversion under route near Langley.

Section 11.4.2 – Proposed Assessment Methodology

The outputs from the flood modelling need to be assessed by EA and LLFAs as Horton Brook is an ordinary watercourse.

Hydraulic modelling should be a combined fluvial/surface water model to capture both risks. Extent of fluvial and surface water flooding in Buckinghamshire County Council are attached below.



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1:10,000

Legend

main_rivers_10k



Winter 13/14 flooding

Defences



Areas Benefiting from Flood Defences



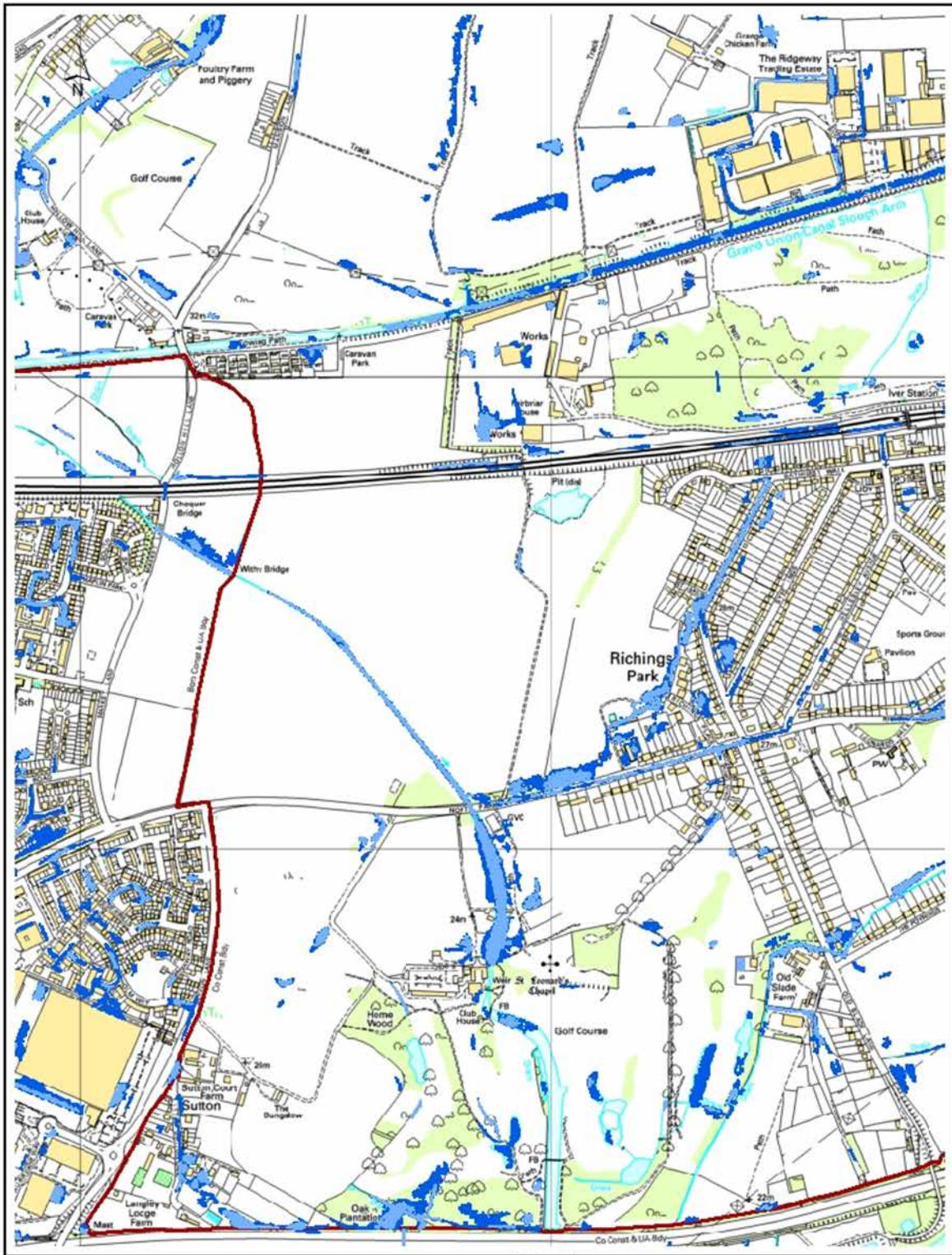
Flood Zone 3



Flood Zone 2

Buckinghamshire County Map
Produced by Flood Management Team, Sept 2011





Legend

- 1 in 30 yr Surface Water Flood Event
- 1 in 100 yr Surface Water Flood Event
- main_rivers_10k

1:10,000

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Image by © GeoPerspectives.com

Buckinghamshire County Map
Produced by Flood Management Team, Sept 2011 Winter 13/14 flooding

Archaeology



Buckinghamshire County Archaeological Service maintains maintain the local Historic Environment Record and provide expert advice on archaeology and related matters. As you will be aware, Paragraph 128 of the National Planning Policy Framework (NPPF) states that information held in the relevant historic environment record should be consulted and expert advice obtained where necessary. The NPPF recognises that the effect of an application on the significance of a heritage asset (including its setting) is a material planning consideration.

We welcome the cultural heritage scope of assessment which states: *The proposed scheme will potentially result in direct and indirect impacts on buried archaeology and listed buildings and the setting of heritage assets. The scope of the assessment will include a desk based assessment including consultation with heritage advisors, and an archaeological evaluation including a walk over survey and field observations.*

We, however, have concerns over section **6.1.3 Study Area** which states that, *the study area that has been used for the current desk based data collection is defined by the route alignment of the proposed scheme, and an area extending 300m in all directions, sufficient to capture any features likely to be directly affected by the proposed scheme and taking into account any future minor design/route changes. A second study area of 500m in all directions of the route alignment has been considered to establish potential impacts on the setting of designated heritage assets.*

We would normally expect a minimum of a 1km study area extending from the proposed route. While the closer tied area may indicate known sites the extended area should enable Jacobs' archaeologists to better determine the archaeological potential for currently unknown buried archaeological assets. For risk management purposes we would recommend as full a picture of the surrounding historic environment as possible. To assess the setting of designated heritage assets we would recommend that Jacobs consult Historic England over their requirements for this. We would expect these to be greater than 1km.

Section 6.2.2 Value of Receptors includes crop mark sites under low sensitivity. Without investigation this may be premature as the buried archaeological assets may prove to have a greater significance, if impacted upon.

We welcome section **6.3.3 Mitigation measures** but we would expect to be consulted on and agree project specifications/ written schemes of investigation for the mitigation measures.

Section 6.4.1 Proposed Scope the County archaeological advisors should be included as consultees in the first paragraph as they are included in bullet point 8.

Ecology

BCC's Ecology Team has specifically looked only at those areas of the proposed route impacting upon Buckinghamshire. References have been made to the information detailed in the Environmental Impact Assessment – Scoping Report (Jacobs, April 2015), Preliminary Ecological Appraisal Report (Jacobs, August 2014) and the information held by the Buckinghamshire and Milton Keynes Environmental Records Centre (BMERC). In so doing we have referred to designated sites (statutory and non-statutory) and protected species. Also considered are habitats and species listed under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006 as being of principal importance for the purpose of conserving biodiversity (formerly UK Biodiversity Action Plan).

The Ecological Impact Assessment (EclA) should be undertaken by a suitably qualified and resourced ecologist and adhere to best practice guidance such as the Chartered Institute for

Assessment in the United Kingdom'. and the Biodiversity – Code of Practice for Planning and Development British Standard 2013 (BS42020).

Ancient Woodland

The scoping report (Jacobs, 2014) states that the Ancient Woodland located immediately north of the M4 should be scoped out as it is separated from the nearest construction area by the M4 and therefore there will be no likely impacts. Figure 2.2 in the same document shows that the route will go under the ancient woodland and the effect that this may have on this habitat does not seem to have been taken into account, or clear justification given for it to be opted out. It is therefore recommended that justification is provided.

Detailed Tunnel Maps

It is not entirely clear from Figure 2.2 which sections of the construction boundary relate to surface and sub-surface works, for example construction compounds. Clearly surface works have greater ecological implications. Detailed maps are required in order to assess which sections of the route are underground and which will be underground in order to assess the effects this will have on biodiversity.

It is also unclear where the material extracted will be deposited or removed to. If it is to be deposited the EclA should consider the implications of these depositions upon ecology.

Bats

All species of bat and their roosts are protected under The Conservation of Habitats and Species Regulations 2010 which make it an offence to undertake activities that may kill, injure or disturb an individual or damage or destroy a breeding site or resting place of that individual.

Further surveys are required in order to inspect trees within 100m of the route for roosting bats. Following these surveys dusk and dawn emergence surveys should be carried out on category 1*, 1 and 2 trees in accordance with best practice¹. Transects activity surveys should also be carried out to inform an assessment of the effect of the construction and operation of the railway upon known flight paths. This baseline information will inform how the lighting scheme will be implemented in order to minimise their effect on bats. For more information on lighting impacts refer to: http://www.bats.org.uk/pages/bats_and_lighting.html

Great Crested Newts

Great crested newt and their breeding sites or resting places are protected under Schedule 2 of the Conservation of Habitats and Species Regulations 2010 and Schedule 5 of the Wildlife and Countryside Act 1981.

Some of the ponds within 500m of the proposed route have been identified as having high potential to support great crested newts. Therefore further surveys will be required to assess the presence / absence and population of newts in these ponds.

Breeding and Wintering Birds

All species of wild birds, their nests and eggs are protected under Section 1 of The Wildlife and Countryside Act 1981 (as amended) which makes it an offence to undertake activities that may kill, injure, capture or disturb an individual or damage or destroy any eggs, a breeding site or resting place of that individual.

Surveys are required to establish the effect of the proposed route on breeding and wintering birds.

Terrestrial and Aquatic Invertebrates

A number of terrestrial and aquatic invertebrates receive protection, in particular under Section 41 of the NERC Act (2006). The invertebrate habitat assessment (Jacobs, 2014) highlighted that there are suitable habitats which may contain rare / notable species. Therefore further standardised surveys should be carried out by a qualified by a qualified ecologist in order to determine the terrestrial invertebrate value of the site and therefore inform mitigation measures.

Fish

Electric fishing should be carried out in Holton Brook to determine how fish will be affected by the proposals.

Invasive Plant Species

A number of invasive plant species have been identified during preliminary survey works. There is a legal responsibility to ensure that invasive species listed under Schedule 9 of the Wildlife and Countryside Act 1981 are controlled and are not allowed to spread onto adjacent properties. Therefore how this work will be carried out should be detailed in the EclA. For further information see: <https://www.gov.uk/prevent-the-spread-of-harmful-invasive-and-non-native-plants>.

Timing of Surveys

Paragraph 165 of the NPPF (2012) states that 'planning policies and decisions should be based on up-to-date information about the natural environment and other characteristics of the area'. Therefore, it should be ensured that surveys remain up to date. As a guide, surveys should not be more than two years old in order to remain contemporary and depending upon the species concerned and their known numbers this may be shortened to one year for a proposal of this magnitude.

Biodiversity Net Gains

The conservation and enhancement of biodiversity is a material planning consideration for which national policy is expressed in National Planning Policy Framework (2012), which sets out that 'The planning system should contribute to and enhance the natural and local environment by: minimising impacts on biodiversity and providing net gains in biodiversity where possible' and 'opportunities to incorporate biodiversity in and around developments should be encouraged.

The Ecological Impact Assessment (EclA) should detail how net gains will be achieved from this proposal including any mitigation measures following the above surveys. These details should include:

- Planting schemes including details on the species and planting locations
- Details of what will happen to the spoil created during construction
- Details of the effect and mitigation measured needed around the ventilation shafts
- Details of how the Lawton principles will be implemented in order to ensure habitat connectivity
- Details of how the cut and cover tunnels will be recovered in order to provide biodiversity net gains

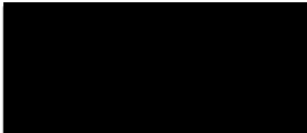
Green Infrastructure

The County Council would expect suitable consideration to be given to the protection, improvement and creation of Green Infrastructure across Buckinghamshire and welcomes the

reports mitigation measures to increase green infrastructure and ecological connectivity in the local area. The priorities and aspirations set out in both the Buckinghamshire Green Infrastructure Strategy (2009) and the Green Infrastructure Delivery Plan (2013) should be reflected in the scoping report and supported in development proposals. Commitment to these priorities and aspirations will enhance the strategic Green Infrastructure network across the County, boosting sustainable route connectivity throughout Buckinghamshire and into neighbouring areas and increasing opportunities for recreational activity and environmental protection across this highly valued resource.

Thank you for providing this opportunity to comment, we look forward to further opportunities to engage with you.

Yours sincerely,



Miss Sally Sharp
Strategic Planning Policy Officer
01296 387434
sasharp@buckscc.gov.uk



Canal &
River Trust

Keeping people, nature & history connected

21 May 2014

Richard Hunt
Senior EIA Advisor
Major Applications and Plans
The Planning Inspectorate
Temple Quay House
Temple Quay
Bristol
BS1 6PN

Our Ref RB
Your Ref TR040009

Dear Dr. Hunt

**The Infrastructure Planning (EIA) Regulations 2009
Application for a Scoping Opinions under Regulation 8 (1)
Proposal: Western Rail Link to Heathrow
Waterway: Grand Union (Slough Arm)**

Thank you for your consultation dated 24 April 2015 in respect of the above.

The Canal & River Trust is a company limited by guarantee and registered as a charity. It is separate from government but still the recipient of a significant amount of government funding. The Trust is a statutory consultee for the purposes of Section 42 of the Planning Act 2008.

The Trust has a range of charitable objects including:

- To hold in trust or own and to operate and manage inland waterways for public benefit, use and enjoyment;
- To protect and conserve objects and buildings of heritage interest;
- To further the conservation, protection and improvement of the natural environment of inland waterways; and
- To promote sustainable development in the vicinity of any inland waterways for the benefit of the public.

After due consideration of the details provided in the EIA Scoping Report, the Canal & River Trust has the following **comments** to make:

The Canal & River Trust is owner and operator of the Slough Arm of the Grand Union Canal which is located approximately 100m north of the northern most section of the proposed western rail connection to Heathrow.

Canal & River Trust Peel's Wharf Lichfield Street Fazeley Tamworth Staffordshire B78 3QZ
T 0303 040 4040 E customer.services@canalrivertrust.org.uk www.canalrivertrust.org.uk

Patron: H.R.H. The Prince of Wales. Canal & River Trust is a company limited by guarantee registered in England & Wales under number 7807276; and a charity registered with the Charity Commission under number 1146792.

Within this location the Slough Arm of the Grand Union Canal serves a range of functions, including 900m of linear residential moorings between Langley Park Road and Hollow Hill Lane, recreational use by boaters, anglers and users of the towpath and an ecological function including as habitat for protected species. All of these functions make this stretch of the canal a sensitive receptor to the proposed development.

In addition to the matters already contained within the Scoping Report, the Canal & River Trust requests that the Environmental Impact Assessment address the following matters:

- The impact of the proposal upon the use of the canal as habitat for otters and water vole, as canals are often used as routes of travel between other habitats within their range;
- The impact of the proposal, including construction and operational phases, upon the canal as both an ecological receptor and a place of quiet recreation;
- The impact of the proposal upon the line of residential moorings located between Langley Park Road and Hollow Hill Lane;
- The visual and noise impact upon the canal during the construction and operational phases. The canal should be classified as a sensitive noise receptor to ensure that existing ambient noise levels are recorded and not exceeded at any stage and to ensure that the peaceful enjoyment of the canal is not adversely affected;
- Consideration for the use of trees as a mitigation, screening and noise attenuation measure for the canal, including consideration to undertaking planting prior to the commencement of construction works to ensure that the mitigation measure is most effective.

The Trust would be happy to enter into further discussion at any stage during the application process should you require. Please direct all correspondence to me, preferably via the email details below, in the first instance.

Should you have any queries please contact me at this office.

Yours sincerely

Russell Butchers
Area Planner (London)
Telephone: 0203 204 4409
E-Mail: russell.butchers@canalrivertrust.org.uk

Mr Richard Hunt - Senior EIA Adviser
The Planning Inspectorate
Temple Quay House (2 The Square)
Temple Quay
Bristol
Avon
BS1 6PN

Our ref: WA/2015/120435/01-L01
Your ref: TR040009
Date: 20 May 2015

Dear Mr Hunt

Re: WESTERN RAIL LINK TO HEATHROW – EIA SCOPING NOTIFICATION AND CONSULTATION

Thank you for consulting us on the Environmental Impact Assessment Scoping Report (Jacobs Ref:129088-JAC-REP-EMF-000001 Revision: A02 April 2015). This consultation was received on 27 April 2015.

Our comments as set out below relate to the Scoping report and those topics within our remit. For clarity I have set out our response into the following sections:

- Flood Risk
- Surface Water Drainage
- Groundwater Protection and Land Contamination
- Biodiversity
- Water Framework Directive
- Waste Management
- Cumulative Impacts

Flood Risk

Generally speaking the report outlines a good scope for further assessment and references the appropriate policy documents. The report identifies the main flood risk issues in the area including the area to the north of the existing railway embankment which is known to be prone to flooding.

The report makes a good assessment of the requirements around floodplain compensation and also outlines an appropriate level of modelling to be undertaken.

In section 11.1.4 Jacobs highlight concerns in relation to the Colne modelling and a potential discrepancy between the modelled floodplain extent and the published flood zone 3. This has since been confirmed and we have provided Jacobs with guidance as to how they should address this going forward.

Cont/d..



Although the report appears to acknowledge the appropriate risks it does not consider the potential opportunities this proposal could provide. The proposed route crosses a number of key flood risk areas and any opportunities to reduce flood risk in these areas should be identified and considered.

The report acknowledges that due to the stage of the project certain details (such as river crossings and potential river realignment) are not available. This is acceptable but once this detail is confirmed the chance to consider any opportunities to reduce flood risk should again be considered.

Surface Water Drainage

From 15 April, we are no longer statutory consultees for surface water for sites over one hectare. Responsibility for assessing surface water drainage proposals for major applications is passed to the relevant Lead Local Flood Authority (LLFA) from this date.

Groundwater Protection and Land Contamination

In section 12.3.2 the report mentions that dewatering may be required both for tunnel construction and perhaps for the longer term operational phase. Section 12.3.1 identifies that this water could be contaminated when considering how this water will be discharged. However, the report does not consider that dewatering has the potential to draw contaminated water particularly in the vicinity of historic landfills towards the abstraction point and therefore spread the extent of the pollution. The EIA will need to assess this particularly if dewatering is likely to be in close proximity to potentially contaminated land sites.

The report also notes that the vertical alignment has not been finalised. This will also have a significant bearing on the extent of dewatering required and the potential to spread pollution.

Otherwise the report appears to cover most of the specific issues that could have an impact on groundwater quality.

Biodiversity

We note from Table 7.3 that for fish and aquatic invertebrates that the '*Provisional ecological importance of receptor and supporting habitat within zone of Scheme's influence*' will be determined through further surveys. We agree that further information would be required particularly when detailed drawings are provided with regard to any river crossings/bridges. We recommend that these are accompanied by a river corridor survey and protected species survey as a minimum.

In section 7.3.1 Jacobs state that in the absence of mitigation (during the construction phase) there could be potentially be significant impacts and for that reason construction impacts have been scoped into the EIA. We are pleased to see that this is the case.

Water Framework Directive

We are pleased to see in section 11.4.2 that a '*hydromorphological screening assessment, followed by further detailed geomorphological assessments of the key water bodies, will be undertaken to meet the WFD requirements*'. We understand that this will be in consultation with ourselves and welcome the opportunity to be involved in this at an early stage.

Waste Management

We note from Table A and Table 14.4 in the chapter on Materials and Waste that you

have scoped the operational effects on waste and materials out of the EIA. We would have no concerns with this as the operational phase is unlikely to have a significant effect.

We are pleased to see that waste has been scoped into the EIA in table 14.4 for the construction phase as there would be the potential for significant effects.

Cumulative Impacts

We are aware of a proposed mineral extraction and landfilling at a site on the former Langley Airfield as we have recently been consulted on a scoping opinion from Bucks County Council (Their Ref: SCOP/01/15). We would recommend that this is also considered in Table 18.2 as our understanding is that it will be located along the route of the proposed rail link. The potential landfill could have a significant effect on the proposed rail link, as well as the rail link potentially impacting on the landfill.

Further Information

If you would like any further information or clarification on any point then please do not hesitate to contact me.

Yours sincerely

Mrs Marie Martin
Planning Specialist - Major Projects

Direct dial 01252 729627

Direct e-mail marie.martin@environment-agency.gov.uk

HID Policy - Land Use Planning
NSIP Consultations
Building 5.S.2, Redgrave Court
Merton Road, Bootle
Merseyside, L20 7HS

Your ref: TR040009
Our ref: 4.2.1.4588

HSE email: NSIP.applications@hse.gsi.gov.uk

FAO Richard Hunt
The Planning Inspectorate
3/18 Eagle Wing,
Temple Quay House
2 The Square, Bristol
BS1 6PN

Dear Mr Hunt,

12th May 2015

**PROPOSED WESTERN RAIL LINK TO HEATHROW (the project)
PROPOSAL BY NATIONAL RAIL (the applicant)
INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2009 (as amended) – Regulations 8 and 9**

Thank you for your letter on 27th April 2015 regarding the information to be provided in an environmental statement relating to the above project.

HSE does not comment on EIA Scoping Reports but the following information is likely to be useful to the applicant.

HSE's land use planning advice

Will the proposed development fall within any of HSE's consultation distances?

There are two high pressure major accident hazard pipelines in the area where the proposed rail link will run.

The project team should ensure that they are aware of the pipeline routes and ensure that any tunnelling activities do not have an adverse effect on the integrity of the pipelines. Details of the pipeline routes should be obtained from National Grid Gas.

The pipelines are the 610mm diameter Fulmer to Southall and the 762mm diameter Fulmer/Staines Bypass.

Explosives sites

As there are no licensed explosive sites in the vicinity of the above scoping request, we have no comment to make in this regard.

Electrical Safety

The project involves connections to electrical power distribution systems and has an impact on the existing generation, transmission and distribution assets on the UK mainland. In the light of that, HSE offers the following comments:

As well as satisfying general health and safety legislation (ie the Health and Safety at Work etc Act 1974 and supporting regulations), the proposed design and future operations must comply with the Electricity at Work Regulations 1989 and the Electricity, Safety, Continuity and Quality Regulations 2002 as amended. Generators, distributors, their contractors and others have defined duties in order to protect members of the public from the dangers posed by the electrical equipment used. HSE enforces the safety aspects of these regulations. If you have any doubts about the particular application of these regulations in terms of either the operation or construction of generators, substations, overhead lines or underground cables please contact Mr J C Steed, Principle Specialist Electrical Inspector, either at john.steed@hse.gsi.gov.uk or Rose Court GSW, 2 Southwark Bridge Road, London, SE1 9HS.

Please send any further electronic communication on this project directly to the HSE's designated e-mail account for NSIP applications. Alternatively any hard copy correspondence should be sent to:

Mr Dave Adams (MHPD)
NSIP Consultations
2.2 Redgrave Court
Merton Road
Bootle, Merseyside
L20 7HS

Yours sincerely,



Dave Adams
HID Policy - Land Use Planning

Cottam, Emma

From: FERRIS, TONY <Tony.Ferris@highwaysengland.co.uk>
Sent: 14 May 2015 11:45
To: Environmental Services
Cc: M25 Planning; Hall, Stephen
Subject: TR040009 - Western Rail Link to Heathrow - EIA Scoping Notification and Consultation

For the Attention of: Richard Hunt

Site: TR040009 - Western Rail Link to Heathrow

Consultation: Environmental Impact Assessment - Scoping Notification and Consultation

Reference No: 150427_TRO40009_3145977

Dear Richard,

Thank you for your email dated 27 April 2015, advising Highways England of the above consultation.

Highways England has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the strategic road network (SRN). The SRN is a critical national asset and as such Highways England works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

Highways England will be concerned with proposals that have the potential to impact on the safe and efficient operation of the Strategic Road Network (SRN).

Having reviewed the consultation document, Highways England have concluded that they have no comments, however the technical construction details will be reviewed as the project develops to ensure the project road is not compromised in any way.

[Sent on behalf of Stephen Hall at the Highways England](#)

Regards



Tony Ferris
Technical Director, Highways & Bridges
CEng, MICE

Westbrook Mills, Godalming, Surrey, GU7 2AZ
Tel: 01483 528502
Mob: 07770 646815
Fax: 01483 528989

From: Nikolas.Smith@harrow.gov.uk
To: [Environmental Services](#)
Cc: Beverley.Kuchar@harrow.gov.uk; Nikolas.Smith@harrow.gov.uk
Subject: 150427_TR040009_3145977 - Proposed Western Rail Link to Heathrow - Scoping Consultation
Date: 20 May 2015 12:08:41
Attachments: [image001.gif](#)

FAO Richard Hunt

Dear Mr Hunt,

Thank you for consulting London Borough of Harrow on behalf of the Secretary of State in connection with the request for a Scoping Opinion by Network Rail relating to the proposed Western Rail Link to Heathrow.

London Borough of Harrow confirms that it does not have comments to make, but would like to be kept informed of advancements given the strategic significance of the proposed development.

With thanks,

Nik Smith

Development Management
Environment & Enterprise
London Borough of Harrow
PO Box 37 | Civic Centre | Station Road
Harrow | Middlesex | HA1 2UY

t: 0208 736 6145
e: nikolas.smith@harrow.gov.uk

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3/18 Eagle Wing
Temple Quay House
2 The Square
Bristol
BS1 6PN

Land and Business Support
Erinn Sapsford
Graduate Engineer
Network Engineering
erinn.sapsford@nationalgrid.com
Direct tel: +44 (0)1926 655255

www.nationalgrid.com

SUBMITTED VIA EMAIL TO:
environmentalservices@infrastructure.gsi.gov.uk

07 May 2015

Dear Sir/Madam,

Application by Network Rail for an Order Granting Development Consent for a proposed Western Rail Link to Heathrow.

This is a joint response by National Grid Electricity Transmission plc (NGET) and National Grid Gas plc (NGG)

I refer to your letter dated 27th April 2015 regarding the above proposed application. Having reviewed the consultation documents, I would like to make the following comments:

National Grid Infrastructure within or in close proximity to the Proposed Order Limits

National Grid Electricity Transmission

National Grid Electricity Transmission has a number of high voltage electricity overhead transmission lines which lie within or in close proximity to the proposed order limits. These lines form an essential part of the electricity transmission network in England and Wales and include the following:

- VW 275kV overhead line route – Iver – Laleham
Iver – West Weybridge

The following underground electricity transmission cable is also located within or in close proximity to the proposed order limits:

- 275kV underground electricity cable – Iver – North Hyde 2

I enclose plans showing the routes of our overhead lines and the location of our substation within the area shown in the consultation documents.

The following points should be taken into consideration:

- National Grid's Overhead Line/s is protected by a Deed of Easement/Wayleave Agreement which provides full right of access to retain, maintain, repair and inspect our asset
- Statutory electrical safety clearances must be maintained at all times. Any proposed buildings must not be closer than 5.3m to the lowest conductor. National Grid recommends that no permanent structures are built directly beneath overhead lines. These distances are set out in EN 43 – 8 Technical Specification for “overhead line clearances Issue 3 (2004) available at:
http://www.nationalgrid.com/uk/LandandDevelopment/DDC/devnearohl_final/appendixIII/applII-part2
- If any changes in ground levels are proposed either beneath or in close proximity to our existing overhead lines then this would serve to reduce the safety clearances for such overhead lines. Safe clearances for existing overhead lines must be maintained in all circumstances.
- Further guidance on development near electricity transmission overhead lines is available here: <http://www.nationalgrid.com/NR/rdonlyres/1E990EE5-D068-4DD6-8C9A-4D0B06A1BA79/31436/Developmentnearoverheadlines1.pdf>
- The relevant guidance in relation to working safely near to existing overhead lines is contained within the Health and Safety Executive's (www.hse.gov.uk) Guidance Note GS 6 “Avoidance of Danger from Overhead Electric Lines” and all relevant site staff should make sure that they are both aware of and understand this guidance.
- Plant, machinery, equipment, buildings or scaffolding should not encroach within 5.3 metres of any of our high voltage conductors when those conductors are under their worse conditions of maximum “sag” and “swing” and overhead line profile (maximum “sag” and “swing”) drawings should be obtained using the contact details above.
- If a landscaping scheme is proposed as part of the proposal, we request that only slow and low growing species of trees and shrubs are planted beneath and adjacent to the existing overhead line to reduce the risk of growth to a height which compromises statutory safety clearances.
- Drilling or excavation works should not be undertaken if they have the potential to disturb or adversely affect the foundations or “pillars of support” of any existing tower. These foundations always extend beyond the base area of the existing tower and foundation (“pillar of support”) drawings can be obtained using the contact details above

National Grid Gas Transmission

There are no National Grid Gas Transmission assets located within the proposed order limits.

National Grid Gas Distribution

In addition, National Grid has the following high pressure gas distribution assets located within or in close proximity to the proposed order limits:

- High or Intermediate pressure (above 2 bar) Gas Pipelines and associated equipment
- Medium pressure
- Low pressure
(Interface coordinates approximately 504620, 175812 & 503087, 177778 & 502391, 179413 & 502881, 178737 – please contact plantprotection@nationalgrid.com for more information)

Specific Comments – Gas Infrastructure

The following points should be taken into consideration:

- National Grid has a Deed of Grant of Easement for each pipeline, which prevents the erection of permanent / temporary buildings, or structures, change to existing ground levels, storage of materials etc.

Pipeline Crossings:

- Where existing roads cannot be used, construction traffic should ONLY cross the pipeline at previously agreed locations.
- The pipeline shall be protected, at the crossing points, by temporary rafts constructed at ground level. The third party shall review ground conditions, vehicle types and crossing frequencies to determine the type and construction of the raft required.
- The type of raft shall be agreed with National Grid prior to installation.
- No protective measures including the installation of concrete slab protection shall be installed over or near to the National Grid pipeline without the prior permission of National Grid.
- National Grid will need to agree the material, the dimensions and method of installation of the proposed protective measure.
- The method of installation shall be confirmed through the submission of a formal written method statement from the contractor to National Grid.
- Please be aware that written permission is required before any works commence within the National Grid easement strip.
- A National Grid representative shall monitor any works within close proximity to the pipeline to comply with National Grid specification T/SP/SSW22.
- A Deed of Consent is required for any crossing of the easement

Cables Crossing:

- Cables may cross the pipeline at perpendicular angle to the pipeline i.e. 90 degrees.
- A National Grid representative shall supervise any cable crossing of a pipeline.

- Clearance must be at least 600mm above or below the pipeline.
- Impact protection slab should be laid between the cable and pipeline if cable crossing is above the pipeline.
- A Deed of Consent is required for any cable crossing the easement.
- Where a new service is to cross over the pipeline a clearance distance of 0.6 metres between the crown of the pipeline and underside of the service should be maintained. If this cannot be achieved the service shall cross below the pipeline with a clearance distance of 0.6 metres.

General Notes on Pipeline Safety:

- You should be aware of the Health and Safety Executives guidance document HS(G) 47 "Avoiding Danger from Underground Services", and National Grid's specification for Safe Working in the Vicinity of National Grid High Pressure gas pipelines and associated installations - requirements for third parties T/SP/SSW22.
- National Grid will also need to ensure that our pipelines access is maintained during and after construction.
- Our pipelines are normally buried to a depth cover of 1.1 metres however; actual depth and position must be confirmed on site by trial hole investigation under the supervision of a National Grid representative. Ground cover above our pipelines should not be reduced or increased.
- If any excavations are planned within 3 metres of National Grid High Pressure Pipeline or, within 10 metres of an AGI (Above Ground Installation), or if any embankment or dredging works are proposed then the actual position and depth of the pipeline must be established on site in the presence of a National Grid representative. A safe working method agreed prior to any work taking place in order to minimise the risk of damage and ensure the final depth of cover does not affect the integrity of the pipeline.
- Excavation works may take place unsupervised no closer than 3 metres from the pipeline once the actual depth and position has been confirmed on site under the supervision of a National Grid representative. Similarly, excavation with hand held power tools is not permitted within 1.5 metres from our apparatus and the work is undertaken with NG supervision and guidance.

To view the SSW22 Document, please use the link below:

<http://www2.nationalgrid.com/uk/Safety/library/>

To download a copy of the HSE Guidance HS(G)47, please use the following link:

<http://www.hse.gov.uk/pubns/books/hsg47.htm>

Further information in relation to National Grid's gas transmission pipelines can be accessed via the following internet link:

<http://www.nationalgrid.com/uk/LandandDevelopment/DDC/gastransmission/gaspipes/>

Further Advice

We would request that the potential impact of the proposed scheme on National Grid's existing assets as set out above and including any proposed diversions is considered in any subsequent reports, including in the Environmental Statement, and as part of any subsequent application.

Where any diversion of apparatus may be required to facilitate a scheme, National Grid is unable to give any certainty with the regard to the feasibility of any proposed diversions until such time as adequate conceptual design studies have been undertaken by National Grid. It is essential that such conceptual design studies are completed in advance of the DCO application being submitted. The powers and land interest/rights for the diversion of National Grid's apparatus must be included within the DCO application. Further information relating to this can be obtained by contacting the email address below.

Where the promoter intends to acquire land, extinguish rights, or interfere with any of National Grid apparatus, whether resulting in extinguishment or diversion and/or within public highway or third party land, protective provisions will be required in a form acceptable to it to be included within the DCO.

National Grid requests to be consulted at the earliest stages to ensure that the most appropriate protective provisions are included within the DCO application to safeguard the integrity or re-provision of our apparatus and to remove the requirement for objection. All consultations should be sent to the following: box.landandacquisitions@nationalgrid.com as well as by post to the following address:

The Company Secretary

1-3 The Strand

London

WC2N 5EH

In order to respond at the earliest opportunity National Grid will require the following:

- Draft DCO including the Book of Reference and relevant Land Plans
- Shape Files or CAD Files for the order limits

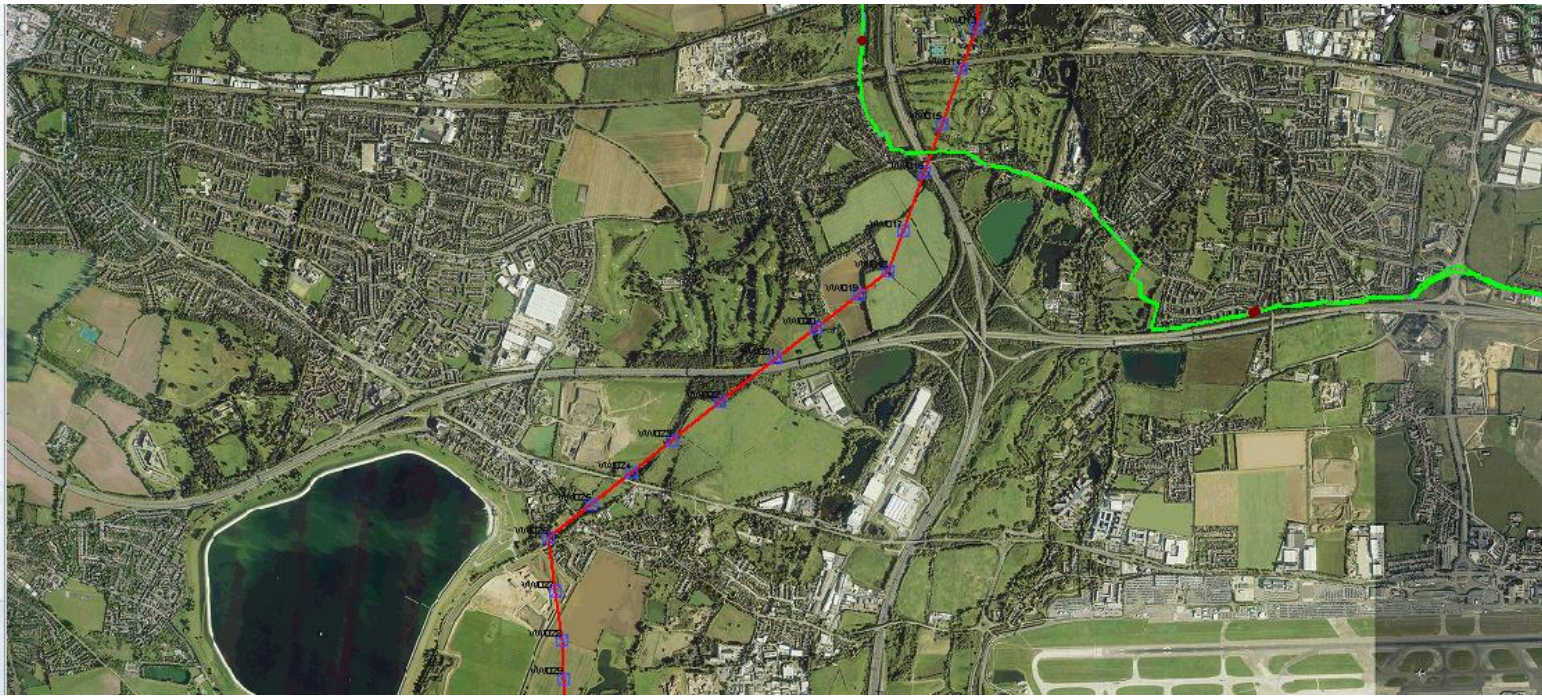
I hope the above information is useful. If you require any further information please do not hesitate to contact me.

The information in this letter is provided notwithstanding any discussions taking place in relation to connections with electricity or gas customer services.

Yours sincerely



Erinn Sapsford



Red line = VW 275kV Overhead Line Iver – Laleham
Iver – West Weybridge

Green Line = 275kV Underground Cable – Iver – North Hyde 2

Date: 22 May 2015
Our ref: 8672/152556
Your ref: TR040009



Mr Richard Hunt
Senior EIA Advisor
Major Applications and Plans
The Planning Inspectorate
Temple Quay House
Temple Quay
Bristol
BS1 6PN

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

Sent by E Mail only to: EnvironmentalServices@infrastructure.gsi.gov.uk

Dear Mr Hunt

Environmental Impact Assessment Scoping consultation (Regulation 15 (3) (i) of the EIA Regulations 2011): Western Rail Link to Heathrow

Regulation 9 Notification

Thank you for seeking our advice on the scope of the Environmental Statement (ES) in your consultation dated 27 April 2015 which we received on 27 April 2015.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Thank you for consulting Natural England on the Scoping Options for the Western Rail Link to Heathrow. Natural England has not expressed a view on the evidence for need for the Western Rail Link to Heathrow, this matter lies outside our remit, rather Natural England offers advice as to the environmental merits, impacts and opportunities of each proposal.

We offer our views on this consultation on the basis of the information available to us at this time.

The approach and methodology used in the Scoping Report is in line with advice that would be offered by Natural England, and under Chapter 5: Consultation (Table 5.1 refers), makes reference to previous comments from Natural England. Similarly the issues and topics to be considered and screened in are those that Natural England would wish to see considered by this application.

Reference to functional land is welcomed and its inclusion is to be commended and encouraged, together with the intention to carry out further species surveys.

Under Chapter 7 of the report the requirement for Habitats Regulation Assessment, Appropriate Assessment is acknowledged and supported, as are the issues to be considered. The scheme will need to consider the hierarchy of avoid, mitigate and compensate, in that order, and that compensatory habitat, if proposed, needs to be established and viable before loss of existing habitat.

Case law¹ and guidance² has stressed the need for a full set of environmental information to be available for consideration prior to a decision being taken on whether or not to grant planning permission. Appendix A to this letter provides Natural England's general advice on the scope of the Environmental Impact Assessment (EIA) for this development.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us. For any queries relating to the specific advice in this letter only please contact David Hammond on 0300 060 1373. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours sincerely

David Hammond
Lead Advisor
Sustainable Development and Regulation
Thames Valley Team

¹ Harrison, J in *R. v. Cornwall County Council ex parte Hardy* (2001)

² *Note on Environmental Impact Assessment Directive for Local Planning Authorities* Office of the Deputy Prime Minister (April 2004) available from <http://webarchive.nationalarchives.gov.uk/http://www.communities.gov.uk/planningandbuilding/planning/sustainability/environmental/environmentalimpactassessment/noteenvironmental/>

Annex A – Advice related to EIA Scoping Requirements

1. General Principles

Schedule 4 of the Town & Country Planning (Environmental Impact Assessment) Regulations 2011, sets out the necessary information to assess impacts on the natural environment to be included in an Environmental Statement (ES), specifically:

- A description of the development – including physical characteristics and the full land use requirements of the site during construction and operational phases.
- Expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation, etc.) resulting from the operation of the proposed development.
- An assessment of alternatives and clear reasoning as to why the preferred option has been chosen.
- A description of the aspects of the environment likely to be significantly affected by the development, including, in particular, population, fauna, flora, soil, water, air, climatic factors, material assets, including the architectural and archaeological heritage, landscape and the interrelationship between the above factors.
- A description of the likely significant effects of the development on the environment – this should cover direct effects but also any indirect, secondary, cumulative, short, medium and long term, permanent and temporary, positive and negative effects. Effects should relate to the existence of the development, the use of natural resources and the emissions from pollutants. This should also include a description of the forecasting methods to predict the likely effects on the environment.
- A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment.
- A non-technical summary of the information.
- An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the applicant in compiling the required information.

It will be important for any assessment to consider the potential cumulative effects of this proposal, including all supporting infrastructure, with other similar proposals and a thorough assessment of the 'in combination' effects of the proposed development with any existing developments and current applications. A full consideration of the implications of the whole scheme should be included in the ES. All supporting infrastructure should be included within the assessment.

2. Biodiversity and Geology

2.1 Ecological Aspects of an Environmental Statement

Natural England advises that the potential impact of the proposal upon features of nature conservation interest and opportunities for habitat creation/enhancement should be included within this assessment in accordance with appropriate guidance on such matters. Guidelines for Ecological Impact Assessment (EclA) have been developed by the Institute of Ecology and Environmental Management (IEEM) and are available on their website.

EclA is the process of identifying, quantifying and evaluating the potential impacts of defined actions on ecosystems or their components. EclA may be carried out as part of the EIA process or to support other forms of environmental assessment or appraisal.

The National Planning Policy Framework sets out guidance in S.118 on how to take account of biodiversity interests in planning decisions and the framework that local authorities should provide to assist developers.

2.2 Internationally and Nationally Designated Sites

The ES should thoroughly assess the potential for the proposal to affect designated sites. European sites (e.g. designated Special Areas of Conservation and Special Protection Areas) fall within the scope of the Conservation of Habitats and Species Regulations 2010. In addition paragraph 118 of the National Planning Policy Framework requires that potential Special Protection Areas, possible Special Areas of Conservation, listed or proposed Ramsar sites, and any site identified as being necessary to compensate for adverse impacts on classified, potential or possible SPAs, SACs and Ramsar sites be treated in the same way as classified sites.

Under Regulation 61 of the Conservation of Habitats and Species Regulations 2010 an appropriate assessment needs to be undertaken in respect of any plan or project which is (a) likely to have a significant effect on a European site (either alone or in combination with other plans or projects) and (b) not directly connected with or necessary to the management of the site.

Should a Likely Significant Effect on a European/Internationally designated site be identified or be uncertain, the competent authority (in this case the Local Planning Authority) may need to prepare an Appropriate Assessment, in addition to consideration of impacts through the EIA process.

Sites of Special Scientific Interest (SSSIs) and sites of European or international importance (Special Areas of Conservation, Special Protection Areas and Ramsar sites)

The development site is adjacent to the following designated nature conservation site(s):

- South West London Waterbodies Special Protection Area;
- South West London Waterbodies Ramsar
- Wraysbury Reservoir Site of Special Scientific Interest
- Further information on the SSSI and its special interest features can be found at www.natureonthemap.naturalengland.org.uk. The Environmental Statement should include a full assessment of the direct and indirect effects of the development on the features of special interest within these and should identify such mitigation measures as may be required in order to avoid, minimise or reduce any adverse significant effects.
- Natura 2000 network site conservation objectives are available on our internet site [here](#).

In this case the proposal is not directly connected with, or necessary to, the management of a European site. In our view it is likely that it will have a significant effect on internationally designated sites and therefore will require assessment under the Habitats Regulations. We recommend that there should be a separate section of the Environmental Statement to address impacts upon European and Ramsar sites entitled 'Information for Habitats Regulations Assessment'.

- Land take and fragmentation;
- Noise, dust and light pollution – construction and operation;
- Water receptor pathways;
- To consider designated sites and functional land where this contributes to the designated land;

2.3 Regionally and Locally Important Sites

The EIA will need to consider any impacts upon local wildlife and geological sites. Local Sites are identified by the local wildlife trust, geo-conservation group or a local forum established for the purposes of identifying and selecting local sites. They are of county importance for wildlife or geodiversity. The Environmental Statement should therefore include an assessment of the likely impacts on the wildlife and geodiversity interests of such sites. The assessment should include proposals for mitigation of any impacts and if appropriate, compensation measures. Contact the

local wildlife trust, geo-conservation group or local sites body in this area for further information.

2.4 Protected Species - Species protected by the Wildlife and Countryside Act 1981 (as amended) and by the Conservation of Habitats and Species Regulations 2010

The ES should assess the impact of all phases of the proposal on protected species (including, for example, great crested newts, reptiles, birds, water voles, badgers and bats). Natural England does not hold comprehensive information regarding the locations of species protected by law, but advises on the procedures and legislation relevant to such species. Records of protected species should be sought from appropriate local biological record centres, nature conservation organisations, groups and individuals; and consideration should be given to the wider context of the site for example in terms of habitat linkages and protected species populations in the wider area, to assist in the impact assessment.

The conservation of species protected by law is explained in Part IV and Annex A of Government Circular 06/2005 *Biodiversity and Geological Conservation: Statutory Obligations and their Impact within the Planning System*. The area likely to be affected by the proposal should be thoroughly surveyed by competent ecologists at appropriate times of year for relevant species and the survey results, impact assessments and appropriate accompanying mitigation strategies included as part of the ES.

In order to provide this information there may be a requirement for a survey at a particular time of year. Surveys should always be carried out in optimal survey time periods and to current guidance by suitably qualified and where necessary, licensed, consultants. Natural England has adopted [standing advice](#) for protected species which includes links to guidance on survey and mitigation.

2.5 Habitats and Species of Principal Importance

The ES should thoroughly assess the impact of the proposals on habitats and/or species listed as 'Habitats and Species of Principal Importance' within the England Biodiversity List, published under the requirements of S41 of the Natural Environment and Rural Communities (NERC) Act 2006. Section 40 of the NERC Act 2006 places a general duty on all public authorities, including local planning authorities, to conserve and enhance biodiversity. Further information on this duty is available in the Defra publication '[Guidance for Local Authorities on Implementing the Biodiversity Duty](#)'.

Government Circular 06/2005 states that Biodiversity Action Plan (BAP) species and habitats 'are capable of being a material consideration...in the making of planning decisions'. Natural England therefore advises that survey, impact assessment and mitigation proposals for Habitats and Species of Principal Importance should be included in the ES. Consideration should also be given to those species and habitats included in the relevant Local BAP.

Natural England advises that a habitat survey (equivalent to Phase 2) is carried out on the site, in order to identify any important habitats present. In addition, ornithological, botanical and invertebrate surveys should be carried out at appropriate times in the year, to establish whether any scarce or priority species are present. The Environmental Statement should include details of:

- Any historical data for the site affected by the proposal (e.g. from previous surveys);
- Additional surveys carried out as part of this proposal;
- The habitats and species present;
- The status of these habitats and species (e.g. whether priority species or habitat);
- The direct and indirect effects of the development upon those habitats and species;
- Full details of any mitigation or compensation that might be required.

The development should seek if possible to avoid adverse impact on sensitive areas for wildlife within the site, and if possible provide opportunities for overall wildlife gain.

The record centre for the relevant Local Authorities should be able to provide the relevant information on the location and type of priority habitat for the area under consideration.

2.6 Contacts for Local Records

Natural England does not hold local information on local sites, local landscape character and local or national biodiversity priority habitats and species. We recommend that you seek further information from the appropriate bodies (which may include the local records centre, the local wildlife trust, local geo-conservation group or other recording society and a local landscape characterisation document).

3. Landscape Character

Landscape and visual impacts

Natural England would wish to see details of local landscape character areas mapped at a scale appropriate to the development site as well as any relevant management plans or strategies pertaining to the area. The EIA should include assessments of visual effects on the surrounding area and landscape together with any physical effects of the development, such as changes in topography. The European Landscape Convention places a duty on Local Planning Authorities to consider the impacts of landscape when exercising their functions.

The EIA should include a full assessment of the potential impacts of the development on local landscape character using landscape assessment methodologies. We encourage the use of Landscape Character Assessment (LCA), based on the good practice guidelines produced jointly by the Landscape Institute and Institute of Environmental Assessment in 2013. LCA provides a sound basis for guiding, informing and understanding the ability of any location to accommodate change and to make positive proposals for conserving, enhancing or regenerating character, as detailed proposals are developed.

Natural England supports the publication *Guidelines for Landscape and Visual Impact Assessment*, produced by the Landscape Institute and the Institute of Environmental Assessment and Management in 2013 (3rd edition). The methodology set out is almost universally used for landscape and visual impact assessment.

In order to foster high quality development that respects, maintains, or enhances, local landscape character and distinctiveness, Natural England encourages all new development to consider the character and distinctiveness of the area, with the siting and design of the proposed development reflecting local design characteristics and, wherever possible, using local materials. The Environmental Impact Assessment process should detail the measures to be taken to ensure the building design will be of a high standard, as well as detail of layout alternatives together with justification of the selected option in terms of landscape impact and benefit.

The assessment should also include the cumulative effect of the development with other relevant existing or proposed developments in the area. In this context Natural England advises that the cumulative impact assessment should include other proposals currently at Scoping stage. Due to the overlapping timescale of their progress through the planning system, cumulative impact of the proposed development with those proposals currently at Scoping stage would be likely to be a material consideration at the time of determination of the planning application.

The assessment should refer to the relevant [National Character Areas](#) which can be found on our website. Links for Landscape Character Assessment at a local level are also available on the same page.

Heritage Landscapes

You should consider whether there is land in the area affected by the development which qualifies for conditional exemption from capital taxes on the grounds of outstanding scenic, scientific or

historic interest. An up-to-date list may be obtained at www.hmrc.gov.uk/heritage/lbsearch.htm and further information can be found on Natural England's landscape pages [here](#).

4. Access and Recreation

Natural England encourages any proposal to incorporate measures to help encourage people to access the countryside for quiet enjoyment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways are to be encouraged. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be incorporated where appropriate.

Rights of Way, Access land, Coastal access and National Trails

The EIA should consider potential impacts on access land, public open land, rights of way and coastal access routes in the vicinity of the development. Consideration should also be given to the potential impacts on the adjacent/nearby. We also recommend reference to the relevant Right of Way Improvement Plans (ROWIP) to identify public rights of way within or adjacent to the proposed site that should be maintained or enhanced.

5. Soil and Agricultural Land Quality

Impacts from the development should be considered in light of the Government's policy for the protection of the best and most versatile (BMV) agricultural land as set out in paragraph 112 of the NPPF. We also recommend that soils should be considered under a more general heading of sustainable use of land and the ecosystem services they provide as a natural resource in line with paragraph 109 of the NPPF.

[http://neintranettechnical/content/technical/docs/docs_12/Non-Minerals_EIA_Scoping - Land Quality and Soil Resource Protection v1.2.docx](http://neintranettechnical/content/technical/docs/docs_12/Non-Minerals_EIA_Scoping_-_Land_Quality_and_Soil_Resource_Protection_v1.2.docx)

As identified in the NPPF new sites or extensions to new sites for peat extraction should not be granted permission by Local Planning Authorities or proposed in development plans.

6. Air Quality

Air quality in the UK has improved over recent decades but air pollution remains a significant issue; for example over 97% of sensitive habitat area in England is predicted to exceed the critical loads for ecosystem protection from atmospheric nitrogen deposition ([England Biodiversity Strategy](#), Defra 2011). A priority action in the England Biodiversity Strategy is to reduce air pollution impacts on biodiversity. The planning system plays a key role in determining the location of developments which may give rise to pollution, either directly or from traffic generation, and hence planning decisions can have a significant impact on the quality of air, water and land. The assessment should take account of the risks of air pollution and how these can be managed or reduced. Further information on air pollution impacts and the sensitivity of different habitats/designated sites can be found on the Air Pollution Information System (www.apis.ac.uk). Further information on air pollution modelling and assessment can be found on the Environment Agency website.

7. Climate Change Adaptation

The [England Biodiversity Strategy](#) published by Defra establishes principles for the consideration of biodiversity and the effects of climate change. The ES should reflect these principles and identify how the development's effects on the natural environment will be influenced by climate change, and how ecological networks will be maintained. The NPPF requires that the planning system should contribute to the enhancement of the natural environment 'by establishing coherent ecological networks that are more resilient to current and future pressures' ([NPPF](#) Para 109), which should be demonstrated through the ES.

8. Cumulative and in-combination effects

A full consideration of the implications of the whole scheme should be included in the ES. All supporting infrastructure should be included within the assessment.

The ES should include an impact assessment to identify, describe and evaluate the effects that are likely to result from the project in combination with other projects and activities that are being, have been or will be carried out. The following types of projects should be included in such an assessment, (subject to available information):

- a. existing completed projects;
- b. approved but uncompleted projects;
- c. ongoing activities;
- d. plans or projects for which an application has been made and which are under consideration by the consenting authorities; and
- e. plans and projects which are reasonably foreseeable, i.e. projects for which an application has not yet been submitted, but which are likely to progress before completion of the development and for which sufficient information is available to assess the likelihood of cumulative and in-combination effects.

Bat surveys should conform to our current guidance [TIN051 - Bats and onshore wind turbines \(interim guidance\)](#). Reference should also be made to the Bat Conservation Trust 'Bat Surveys – Good Practice Guidelines' 2nd Edition Chapter 10 Surveying proposed onshore wind turbine developments.

The ES will need to consider the impact of the proposals on bird populations including the potential impact of the proposals on bird flight lines, breeding and wintering populations and high tide roosts. Bird surveys should conform to Natural England guidance [TIN069 Assessing the effects of onshore wind farms on birds](#).

The ES should also have regard to any wind capacity studies for the area and Natural England considers that this development is likely to affect landscape character in this locality – see section 2 in this scoping letter for details of the assessment required.

Ancient Woodland – addition to the S41 NERC Act paragraph

The S41 list includes six priority woodland habitats, which will often be ancient woodland, with all ancient semi-natural woodland in the South East falling into one or more of the six types.

Information about ancient woodland can be found in Natural England's standing advice http://www.naturalengland.org.uk/Images/standing-advice-ancient-woodland_tcm6-32633.pdf.

Ancient woodland is an irreplaceable resource of great importance for its wildlife, its history and the contribution it makes to our diverse landscapes. Local authorities have a vital role in ensuring its conservation, in particular through the planning system. The ES should have regard to the requirements under the NPPF (Para. 118)² which states:

'Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.'

Cottam, Emma

From: Saunders, Adrian - Environment & Economy
<Adrian.Saunders@Oxfordshire.gov.uk>
Sent: 06 May 2015 12:38
To: Environmental Services
Subject: For the attention of Richard Hunt

Categories: Green Category

**Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended) - Regulations 8 and 9
Application by Network Rail for an Order Granting Development Consent for a proposed Western Rail Link to Heathrow**

Scoping consultation and notification of the applicant's contact details and duty to make available information to the applicant if requested.

Dear Mr Hunt,

Thank you for your letter of 27 April 2015 (Your Ref: 150427_TRO40009_3145977).

In response to the consultation, I can confirm that Oxfordshire County Council does not have any comments to make on the information to be provided in the environmental statement.

Yours sincerely

Adrian Saunders
Principal Rail Development Officer

Planning, Environment and Transport Policy | Strategy and Infrastructure Planning | Environment & Economy |
Oxfordshire County Council | Speedwell House | Speedwell Street | Oxford OX1 1NE
Telephone: 01865 815700 | DDI 01865 815080 | Mobile 07768 335950

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From: Margaret.Ketteridge@gtc-uk.co.uk
To: [Environmental Services](#)
Subject: 150427_TRO40009_3145977
Date: 01 May 2015 15:09:17

Dear Sirs

With reference to the above I can confirm that the following have no comments to make at this moment in time.

Quadrant Pipelines Limited
Independent Pipelines Limited
The Electricity Network Company Limited
Independent Power Networks Limited
GTC Pipelines Limited

Kind Regards

Maggie

Maggie Ketteridge
Engineering Support Officer
GTC
Energy House
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This E-Mail originates from GTC, Energy House, Woolpit Business Park, Woolpit, Bury St Edmunds, Suffolk, IP30 9UP

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From: [Gordon Oliver](#)
To: [Environmental Services](#)
Subject: Western Rail Link to Heathrow - Comments on Environmental Impact Assessment Scoping Report
Date: 22 May 2015 16:16:23
Attachments: [Response to Western Rail Link EIA Scoping Report Consultation.docx](#)

FAO: Richard Hunt:

Dear Mr Hunt,

Thank you for consulting the Royal Borough of Windsor and Maidenhead on the above report.

Although the proposed scheme does not pass directly through the Royal Borough of Windsor and Maidenhead (RBWM), it is in close proximity to the north-eastern borough boundary, and there are likely to be some environmental impacts associated with construction of the scheme that will have an impact beyond the immediate environs of the site.

Also, once operational, the wider scheme is likely to have a significant impact on usage of the Great Western Main Line and the M4 motorway, both of which pass through the Royal Borough. Taking these factors into account, the Council wishes to make the a number of comments in relation to the published Environmental Impact Assessment Scoping Report. These have been attached to this email for your consideration

If you have any questions about our response, then please do not hesitate to contact me.

Yours sincerely,

Gordon Oliver

Principal Transport Policy Officer

Royal Borough of Windsor & Maidenhead
Town Hall
St Ives Road
Maidenhead
SL6 1RF

Tel: 01628 796097

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Royal Borough of Windsor and Maidenhead Comments on the EIA Scoping Report for the Western Rail Link to Heathrow

Chapter 2: Scheme Description

The report does not mention that rail passengers travelling to Heathrow currently have the option of changing trains at Hayes and Harlington.

It should be noted that First Group operate the 7-Series of bus services from Maidenhead, Slough and Windsor, which currently caters for passenger and employee commuting trips to the airport.

The assessment should consider impacts in the context of other planned projects such as the M4 Smart Motorway project, which is scheduled to be on-site at the same time and may affect capacity on the M4 corridor.

The report states that there will be no impact on existing rail services between Reading and Paddington. However, electrification, the replacement of the HST fleet and the introduction of Crossrail will all come into effect between now and the opening of the Western Rail Link to Heathrow. The impact should therefore be assessed in terms of impact on the rail network at time of opening.

Chapter 4: General Approach to Environmental Assessment

The Council recognises that at this early stage of the project, there is a high level of uncertainty over construction areas and access routes. However, it should be noted that there is an established environmental weight restriction through Datchet, Horton and Wraysbury, which would make these roads unsuitable as haul routes or diversion routes.

Chapter 6: Cultural Heritage

Given that the proposed scheme involves extensive tunnelling operations, the Council wishes to stress that local archaeological heritage is of paramount importance.

Chapter 10: Air Quality

The Royal Borough has declared several AQMAs due to elevated levels of Nitrous Oxides. These include areas in Maidenhead, Windsor, Bray and Wraysbury¹.

The AQMAs at Bray and Wraysbury are partly attributable to emissions from traffic on the M4 motorway. It is recognised that any adverse impact associated with construction traffic will be minimal. However, there potentially may be a positive impact on the Bray AQMA if a significant shift from road to rail is achieved when the Western Rail Link becomes operational.

The Council also wishes to highlight that there may be a negative impact on Air Quality in Maidenhead if significant additional trips are generated from Maidenhead Station. Consideration should be given to these impacts within the EIA.

Chapters 11 & 12: Surface Water and Flood Risk / Hydrogeology

While the proposed scheme is located outside of RBWM, it does involve works in the flood plains of a number of watercourses that are known to be vulnerable to flooding and also may affect surface water flows. This could affect flows into a number of watercourses that enter RBWM.

¹ http://www.rbwm.gov.uk/web/eh_air_quality.htm

The proposed scheme may also modify groundwater flow paths, in an area where groundwater flow paths have already been heavily modified by large water supply reservoirs and historic landfill sites. Again, this could again affect flows in a number of watercourses that enter RBWM.

The scheme could therefore affect flood risk during its construction and operation phases. The Environmental Impact Assessment scoping report does identify these issues and indicates that a Flood Risk Assessment report will be prepared. The potential impacts of the scheme would need to be considered in detail at this stage.

Chapter 14: Materials and Waste

The Council is concerned over the absence of detail within the consultation material of how the displacement of existing uses will be managed. In the absence of such information the Council is unable to understand the impacts which result and whether these are acceptable or not.

The Council supports the reference in the consultation material to waste material which is produced on site to be managed in line with the waste hierarchy.

The Council would support the utilisation of the aggregates (namely sand and gravels, clays, shales, limestone and fireclay) excavated as part of the process to be appropriately sold to the open market to ensure that these aggregates are utilised for appropriate end uses, as suggested to be explored within the consultation material. This will ensure that these limited resources are not wasted and their value to the economy is realised. The Council are very supportive of the use of secondary and recycled aggregates as a replacement for the use of primary aggregates which in turn aid to extend the life of these limited primary aggregate resources.

The Council is concerned over the re-opening and transferral of historic landfill wastes as the waste records for these sites are known to be more 'uncertain' or 'less detailed' than current landfill operation records and as such there is a greater risk to the environment as a result of this. The Council acknowledges that the extraction of these waste may be necessary to get the overall gradient and terrain necessary for the railway and to ensure that the land is 'appropriately stable', although the Council would wish to see robust documentation of alternatives which have been considered and reasons why these are deemed inappropriate prior to proposing the removal and transferral of the current landfilled wastes.

The Council would wish to see any additional waste tonnages generated by this development to be managed to avoid unacceptable impacts on the market and infrastructure i.e. impacts to the highway network from transportation of these wastes (if not proximate to the source). There is also concern over the current 'available waste management capacity' either for disposal, reuse, recycling or recovery of the wastes within Berkshire.

The consultation material acknowledges that the majority of this development is located in Buckinghamshire with a much smaller element being located in Berkshire (to allow for the connection to Heathrow) and also implies that there is an anticipated 1.32 million cubic meters of mainly clay and inert waste material to be generated by the development (table 14.2). The consultation material then refers to how this figure is similar to that reported as 'remaining capacity' in Berkshire at 2012 by waste operators.

The Council is concerned that this implies that the waste may be transported from predominately Buckinghamshire to Berkshire, when in fact Buckinghamshire has a number of waste facilities, which are permitted to take such wastes which do not appear to have been considered as part of this scoping report. Equally such landfill facilities are limited in terms of their longevity and as a

Berkshire authority we would wish to see our current waste capacity utilised in the most effective manner.

The Council would therefore be concerned over any potential loss of existing or permitted capacity (especially landfill) if other methods of recycling, reuse or recovery is not in the first instance considered. The Council would also be concerned over the resultant impacts this development may then have on these current permitted facilities against any existing demand or anticipated future growth demands which may occur in Berkshire in the future.

The Council acknowledges the consultation material suggests that there will be stockpiling and reuse of soils, which the Council believe is an important aspect which requires careful management to ensure that the land can be returned to an effective agricultural use.

The Council would like to be informed of any future consultations for this development, as the detailed quantities of excavated materials and the classification of wastes i.e. whether they are contaminated or inert could have impacts upon the Borough, as surges in demand could result in operators requiring additional landfill capacities in the area or increases in HGV movements as wastes need to be transported further (and potentially through the Borough) to the nearest available facilities. The resultant impacts from the production, movement, transport, processing and disposal of arisings from the site would also be of concern to the Council, due to the potential impacts (both direct and in-direct) on the Borough.

Chapter 15: Socioeconomic and Land Use

The Council wishes to highlight that many people living within Maidenhead and Windsor currently work at Heathrow Airport and its ancillary organisations, and may potentially benefit from improved rail links to the airport. As such, there could be significant socio-economic benefits in these areas.

It should be noted that RBWM attracts over 7 million visitors each year and is host to two of the country's top 20 visitor attractions, namely LEGOLAND® and Windsor Castle. Improving western rail links to Heathrow will facilitate access to the Royal Borough, making it a more attractive destination for visitors. This should be reflected in the assessment.

Chapter 16: Communities and Human Health

The catchment for construction and operational jobs is likely to be wider than just the three authorities directly affected by the scheme and will include the Royal Borough. There is therefore likely to be significant numbers of additional trips to and from rail stations along the route due to commuter and passenger travel, which may in turn impact on air quality, particularly in relation to Maidenhead. Any further deterioration in air quality is likely to have an impact in terms of human health (e.g. respiratory illnesses), and should therefore be taken into consideration.

Chapter 17: Traffic and Transport

The report notes that there are likely to be positive effects on traffic and transport when the scheme becomes operational as a result of the modal shift from road to rail. However, the Council is concerned that there may be significant additional vehicular trips to key stations along the route, including Maidenhead. As mentioned above, this may have a detrimental impact on congestion and associated air quality, particularly within the Maidenhead AQMA. Conversely, a significant shift from road to rail would have the impact of reducing traffic on the M4 corridor, which would have a beneficial impact on air quality within the Bray AQMA. The Council would like to get a better understanding of these impacts in order to identify any mitigation measures that may be required.

The Council welcomes proposals to remove the excavated material by rail and would encourage this to be utilised as far as possible. However, if road haulage is to be used, then appropriate routes should be considered utilising the strategic road network, with minimal routing through local communities. As mentioned previously, there are established environmental weight restrictions through Datchet, Horton and Wraysbury, which would make roads in these areas unsuited to haul or diversion routes.

22nd May 2015

Department: Development Management
Contact Name: Ian Hann
Contact No: 01753 875856
Fax: 01753 875869
Email: lan.hann@slough.gov.uk
Our Ref:
Your Ref: 150427_TR040009_3145977

The Planning Inspectorate
3/18 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol, BS1 6PN.

Dear Mr Hunt

**Re: Planning Act 2008 (as amended) and The Infrastructure Planning
(Environmental Impact Assessment) Regulations 2009 (as amended)–
Regulations 8 and 9**

**Application by Network Rail for an Order Granting Development Consent
for a proposed Western Rail Link to Heathrow**

Scoping consultation

I write further to the above matter and your letter dated 27th April 2014 regarding the scoping opinion submitted by the above applicants.

The submitted scoping report has been considered by the authority's Environmental Quality Officers who have confirmed that the authority propose to raise no specific comments on the scoping believing the scoping has taken most impacts into consideration and the approaches are acceptable. However it is also considered that there will also be a need for ADMS modelling of air quality impacts in Brands Hill Area. Concern that the noise impact assessment will not adequately consider peak/screeching noise associated with wheel to track friction should also be addressed.

Furthermore the Local Authority anticipate the muck spoil removal by rail to be feasible as this will significantly reduce road transport movements and potential noise and air quality impacts. There will also be a need for ADMS modelling of air quality impacts in Brands Hill Area. There is concern expressed that the noise impact assessment will not adequately consider peak/screeching noise associated with wheel to track friction.

Should you require any further details please contact Ian Hann on 01753 875839.

Yours sincerely



for Wesley McCarthy
Planning Manager

From: [Jane Griffin](#)
To: [Environmental Services](#)
Subject: TR040009 – Western Rail Link to Heathrow – EIA Scoping Notification and Consultation [OFFICIAL]
Date: 22 May 2015 14:24:40

I note that your deadline is Monday – a Bank Holiday.

My comments on the scoping report are as follows.

Traffic and Transport

Modal Shift I understand that the objective is to support modal shift from road to rail but I have yet to see any figures to substantiate this. Issues such as pricing and availability of parking at stations will be key to achieving this objective.

Haul roads SBDC has been long concerned about HGV traffic in the Iver area and we have a policy in our Core Strategy to seek to reduce the numbers and their impact. Until details are supplied with regard to the method of removal of spoil from the tunnel and other construction traffic we remain to be convinced. In addition there will be cumulative impacts from other infrastructure projects in the locality including M4 widening (junctions 3-12) and the Heathrow Express Sidings proposal immediately adjacent to this development between Langley and Iver stations. A haul route for HGV's is therefore a necessity.

Closure of Bridge over M4 motorway accessed from Old Slade lane. The M4 widening scheme is proposing closing this bridge for 12 months. This bridge currently carries footpaths and cycleways known as the Colne Valley Trail connecting Iver and Colnbrook where it picks up National Route 61. This route is a possible haul route connecting the ventilation shaft on the south side of the M4 with the main construction site. Network Rail and Highways Agency need to work together to keep this route open by constructing a new off line bridge.

Hollow Hill Lane. Network Rail are proposing closing this road at the railway bridge. It is recognised that this bridge has height limitations and together with the bridge over the grand Union canal to the north make this lane unsuitable for HGV traffic. A replacement route over the railway line should ensure that its is capable of carrying HGV traffic as well as a safe cycle and pedestrian route.

Other concerns

Communities and health

There will be significant impacts from the construction on the community of Richings Park which will need to take account of noise and vibration, lighting and the impact of 24 hour working including over holiday periods like Christmas when rail services are suspended to allow works to take place. It is suggested that landscaped bunds are constructed to protect residents from the worst of these impacts. A 24 hour complaints helpline should be available. There will also be an impact on the Mansion Lane Gypsy and Travellers site to the north of the railway line and other nearby residents as well as businesses on the Thorney Business Park. After construction it will be important that landscape and visual impacts are minimised.

Contamination

Much of the construction site to the north of the railway line is a former landfill. Consultation with the landowners and the Council's environmental health team with regard to pollution risks particularly taking account of the high water table in this area.

Emerging Local Plan

The Council is embarking on a new Local Plan. Early work is being carried out to build up the evidence base which includes a green belt assessment; a SHMA and a HELAA. A recent call for sites has identified a number of development opportunities in the local area.

Kind regards

Jane Griffin

Jane Griffin

Principal Planning Officer Policy

South Bucks District Council

janegriffin@southbucks.gov.uk

01895 837315

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The Planning Inspectorate
3/18 Eagle Wing
Temple Quay House
2 The Square
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BS1 6PN

Please contact: Mr P. Tomson
Please telephone: 01784 446353
Fax Number: 01784 446362
Email Address: p.tomson@spelthorne.gov.uk
Our Ref:
Your Ref: 150427_TR040009_3145977
Date: 18 May 2015

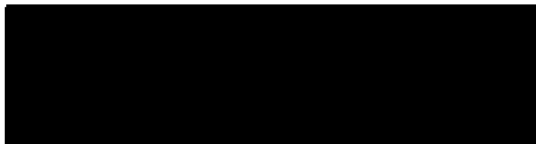
Dear Sir/Madam

RE: SCOPING CONSULTATION AND NOTIFICATION OF THE APPLICANT'S CONTACT DETAILS – APPLICATION BY NETWORK RAIL FOR AN ORDER GRANTING DEVELOPMENT CONSENT FOR A PROPOSED WESTERN RAIL LINK TO HEATHROW AIRPORT

I write further to your letter dated 27 April 2015 regarding the above matter.

I inform you that Spelthorne Borough Council does not have any comments to the scoping consultation as set out in Jacobs Environmental Impact Assessment – Scoping Report dated April 2015.

Yours sincerely



Paul Tomson
Principal Planning Officer
BSc (Hons) Dip TP MRTPI



Richard Hunt,
Senior EIA Advisor,
The Planning Inspectorate,
3/18 Eagle Wing,
Temple Quay House,
2 The Square,
Bristol,
BS1 6PN.

Transport for London
Rail & Underground

5th Floor
Palestra
197 Blackfriars Road
London
SE1 8NJ

Phone 0203 054 8206
tfl.gov.uk

22nd May 2015

Dear Richard,

Environmental Statement for Western Rail Access to Heathrow

This letter provides Transport for London's (TfL's) response to the Planning Inspectorate's consultation on the content of the Environmental Statement for Western Rail Access to Heathrow (WRAtH).

TfL considers that it would be worth reviewing the scope of the Environmental Statement to check that the impact on communities is properly covered and that the presentation of consolidated and clear results on the impact on the community is not lost between the chapters addressing socio economic and health matters. Some key areas that should be covered are detailed below:

- The impact on community resources and receptors (not just those for used for recreation);
- The impact on receptors of haul routes;
- The impact of severance (temporary and permanent).

The impact of increased accessibility to stations on the route concerned and onward journeys needs to be addressed. The link will increase the potential catchment of the Heathrow area giving more persons the opportunity to work there. The impact of this improved accessibility should be included within any modelling undertaken and reported in the chapter detailing socioeconomic effects.

TfL appreciates that the design and construction methodology for WRAtH requires considerable further development. TfL considers that future changes to

the scheme that result in alterations to the scope of the Environment Statement should be consulted on with relevant consultees, including TfL.

Please also note TfL's further detailed comments that have been provided below, grouped by the chapters of greatest interest to TfL within the report.

Chapter 15: Socioeconomic and Land Use

The "general study area" referred to on page 154 requires further clarification so it is clear what is being referred to.

The definition of Community Land on page 155 incorporates land used by the community for recreation and social purposes. The definition should be broadened to include land used for health, education, religious purposes, entertainment, shops and services.

Section 15.2.2 states that community facilities are of high value, however these are not defined as sensitive receptors and they should be.

Section 15.2.2 also states that all commercial buildings are of high value. However, other projects like HS2 only assign high value to 'unique' resources that cannot be easily relocated like an artisan studio. The Environmental Statement for WRAth should follow HS2's approach.

Section 15.2.2 states that "the value of development land is considered on an individual basis based on the proposal and the land use planned." Planning applications and approvals should be considered as part of this, alongside land use designations.

Section 15.3 mixes potential impacts and assessment methods; these should be set out with greater clarity. It also grades some impacts in terms of significance which may not be practicable or justifiable at this stage.

Section 15.3.1 covers construction impacts. This should focus on and clearly explain the jobs generated through construction employment (in terms of Full Time Equivalents), induced employment through local spending, local sourcing of materials and also the potential for local take up of construction employment opportunities through skills matching, specific measures within the contracting process and working with the LPAs.

Section 15.3.1 also covers land use. Currently it appears that the land lost is either agricultural or used as a car park. Other factors require consideration, including haul routes and severance. Severance affecting community facilities and homes requires particular attention. The section mentions settlement; consideration needs to be given to the sensitive receptors that might be affected. Vibration during construction works also needs to be considered.

Section 15.3.2 covers operational impacts. Opening up the labour market at Heathrow represents a major issue and should be explored in more detail,

particularly the regeneration effects. TfL would like to clarify whether or not a Regeneration Report will be produced in relation to these proposals. New jobs generated by the operation of the new infrastructure and associated services should be discussed. Further detail is required regarding the increase in tourism and recreational use discussed, particularly in terms of whether this refers to airport users or other local uses. The increased development potential should be discussed. This may arise as a result of the improved accessibility delivered by the link.

Section 15.4.2i should discuss the benefits to residents in terms of access to jobs, including skills matching and take up.

Chapter 16: Communities and Human Health

The following factors could also be considered:

- Consultation with health stakeholders on the vulnerable groups, key health issues and current health inequalities;
- Identification of the vulnerable groups;
- The identification of clear health pathways and also the impact on vulnerable groups and health inequalities for each assessment topic.

The following might also be worth considering (it is not clear whether they are included within the existing sections):

- Travel stress;
- Access to healthcare services and other social infrastructure;
- Access to open space and nature;
- Accessibility and active travel (increase in physical activity, provision of high quality urban walking routes, perceived safety, access to facilities etc);
- Crime reduction and safety;
- Social cohesion and lifetime neighbourhoods: community severance, isolation, construction workforce using local community facilities, etc;
- Climate change.

Chapter 17: Traffic and transport

TfL considers that there should be more evidence to justify the scoping process with regard to certain potential impacts. Statements such as “changes to the local road network and bus routes are not likely to be significant” need to be justified with more evidence if the issue is to be excluded from the scope of the Statement. Likewise, when referring to diversions of footpaths (IVE/15/1 and YT Colnbrook with Poyle) during construction more data is required with regard to usage of those footpaths together with the length and duration of the

diversions to substantiate the decision to exclude them from the scope of the Statement.

The methodology used should include an assessment of journeys made by construction workers, and the impact of this on the local transport network.

TfL considers that there is insufficient information on the methodology to be confident that the potential benefits to stations such as Paddington (through crowding relief) can be robustly assessed.

Chapter 18: Cumulative effects

When referring to the Heathrow expansion options, the table needs to reflect that the Airports Commission will only be confirming a recommendation in July, not actually making the decision.

Yours sincerely

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APPENDIX 3

PRESENTATION OF THE ENVIRONMENTAL STATEMENT

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PRESENTATION OF THE ENVIRONMENTAL STATEMENT

The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (SI 2264) (as amended) sets out the information which must be provided for an application for a development consent order (DCO) for nationally significant infrastructure under the Planning Act 2008. Where required, this includes an environmental statement. Applicants may also provide any other documents considered necessary to support the application. Information which is not environmental information need not be replicated or included in the ES.

An environmental statement (ES) is described under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (SI 2263) (as amended) (the EIA Regulations) as a statement:

- (a) 'that includes such of the information referred to in Part 1 of Schedule 4 as is reasonably required to assess the environmental effects of the development and of any associated development and which the applicant can, having regard in particular to current knowledge and methods of assessment, reasonably be required to compile; but
- (b) that includes at least the information required in Part 2 of Schedule 4'.

(EIA Regulations Regulation 2)

The purpose of an ES is to ensure that the environmental effects of a proposed development are fully considered, together with the economic or social benefits of the development, before the development consent application under the Planning Act 2008 is determined. The ES should be an aid to decision making.

The Secretary of State advises that the ES should be laid out clearly with a minimum amount of technical terms and should provide a clear objective and realistic description of the likely significant impacts of the proposed development. The information should be presented so as to be comprehensible to the specialist and non-specialist alike. The Secretary of State recommends that the ES be concise with technical information placed in appendices.

ES Indicative Contents

The Secretary of State emphasises that the ES should be a 'stand alone' document in line with best practice and case law. The EIA Regulations Schedule 4, Parts 1 and 2, set out the information for inclusion in environmental statements.

Schedule 4 Part 1 of the EIA Regulations states this information includes:

- ‘17. *Description of the development, including in particular—*
- (a) a description of the physical characteristics of the whole development and the land-use requirements during the construction and operational phases;*
 - (b) a description of the main characteristics of the production processes, for instance, nature and quantity of the materials used;*
 - (c) an estimate, by type and quantity, of expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation, etc) resulting from the operation of the proposed development.*
18. *An outline of the main alternatives studied by the applicant and an indication of the main reasons for the applicant's choice, taking into account the environmental effects.*
19. *A description of the aspects of the environment likely to be significantly affected by the development, including, in particular, population, fauna, flora, soil, water, air, climatic factors, material assets, including the architectural and archaeological heritage, landscape and the interrelationship between the above factors.*
20. *A description of the likely significant effects of the development on the environment, which should cover the direct effects and any indirect, secondary, cumulative, short, medium and long-term, permanent and temporary, positive and negative effects of the development, resulting from:*
- (a) the existence of the development;*
 - (b) the use of natural resources;*
 - (c) the emission of pollutants, the creation of nuisances and the elimination of waste,*
- and the description by the applicant of the forecasting methods used to assess the effects on the environment.*
21. *A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment.*
22. *A non-technical summary of the information provided under paragraphs 1 to 5 of this Part.*
23. *An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the applicant in compiling the required information’.*

EIA Regulations Schedule 4 Part 1

The content of the ES must include as a minimum those matters set out in Schedule 4 Part 2 of the EIA Regulations. This includes the consideration of 'the main alternatives studied by the applicant' which the Secretary of State recommends could be addressed as a separate chapter in the ES. Part 2 is included below for reference:

Schedule 4 Part 2

- A description of the development comprising information on the site, design and size of the development
- A description of the measures envisaged in order to avoid, reduce and, if possible, remedy significant adverse effects
- The data required to identify and assess the main effects which the development is likely to have on the environment
- An outline of the main alternatives studied by the applicant and an indication of the main reasons for the applicant's choice, taking into account the environmental effects, and
- A non-technical summary of the information provided [under the four paragraphs above].

Traffic and transport is not specified as a topic for assessment under Schedule 4; although in line with good practice the Secretary of State considers it is an important consideration per se, as well as being the source of further impacts in terms of air quality and noise and vibration.

Balance

The Secretary of State recommends that the ES should be balanced, with matters which give rise to a greater number or more significant impacts being given greater prominence. Where few or no impacts are identified, the technical section may be much shorter, with greater use of information in appendices as appropriate.

The Secretary of State considers that the ES should not be a series of disparate reports and stresses the importance of considering inter-relationships between factors and cumulative impacts.

Development Proposals

The proposed development parameters will need to be clearly defined in the draft DCO and therefore in the accompanying ES which should support the application as described. The Secretary of State is not able to entertain material changes to a proposed development once an application is submitted. The Secretary of State draws the attention of the applicant to the DCLG and the Planning Inspectorate's published advice on the preparation of a draft DCO and accompanying application documents.

Flexibility

The Secretary of State acknowledges that the EIA process is iterative, and therefore the proposals may change and evolve. For example, there may be changes to the proposed development design in response to consultation. Such changes should be addressed in the ES. However, at the time of the application for a DCO, any proposed development parameters should not be so wide ranging as to represent effectively different proposed developments.

It is a matter for the applicant, in preparing an ES, to consider whether it is possible to assess robustly a range of impacts resulting from a large number of undecided parameters. The description of the proposed development in the ES must not be so wide that it is insufficiently certain to comply with requirements of paragraph 17 of Schedule 4 Part 1 of the EIA Regulations.

The Rochdale Envelope principle (see *R v Rochdale MBC ex parte Tew* (1999) and *R v Rochdale MBC ex parte Milne* (2000)) is an accepted way of dealing with uncertainty in preparing development applications. The applicant's attention is drawn to the Planning Inspectorate's Advice Note 9 'Rochdale Envelope' which is available on the Advice Note's page of the National Infrastructure Planning website.

The applicant should make every attempt to narrow the range of options and explain clearly in the ES which elements of the proposed development have yet to be finalised and provide the reasons. Where some flexibility is sought and the precise details are not known, the applicant should assess the maximum potential adverse impacts the proposed development could have to ensure that the proposed development as it may be constructed has been properly assessed.

The ES should be able to confirm that any changes to the development within any proposed parameters would not result in significant impacts not previously identified and assessed. The maximum and other dimensions of the proposed development should be clearly described in the ES, with appropriate justification. It will also be important to consider choice of materials, colour and the form of the structures and of any buildings. Lighting proposals should also be described.

Scope

The Secretary of State recommends that the physical scope of the study areas should be identified under all the environmental topics and should be sufficiently robust in order to undertake the assessment. The extent of the study areas should be on the basis of recognised professional guidance, whenever such guidance is available. The study areas should also be agreed with the relevant

consultees and local authorities and, where this is not possible, this should be stated clearly in the ES and a reasoned justification given. The scope should also cover the breadth of the topic area and the temporal scope, and these aspects should be described and justified.

Physical Scope

In general the Secretary of State recommends that the physical scope for the EIA should be determined in the light of:

- the nature of the proposal being considered
- the relevance in terms of the specialist topic
- the breadth of the topic
- the physical extent of any surveys or the study area, and
- the potential significant impacts.

The Secretary of State recommends that the physical scope of the study areas should be identified for each of the environmental topics and should be sufficiently robust in order to undertake the assessment. This should include at least the whole of the application site, and include all offsite works. For certain topics, such as landscape and transport, the study area will need to be wider. The extent of the study areas should be on the basis of recognised professional guidance and best practice, whenever this is available, and determined by establishing the physical extent of the likely impacts. The study areas should also be agreed with the relevant consultees and, where this is not possible, this should be stated clearly in the ES and a reasoned justification given.

Breadth of the Topic Area

The ES should explain the range of matters to be considered under each topic and this may respond partly to the type of proposed development being considered. If the range considered is drawn narrowly then a justification for the approach should be provided.

Temporal Scope

The assessment should consider:

- environmental impacts during construction works
- environmental impacts on completion/operation of the proposed development
- where appropriate, environmental impacts a suitable number of years after completion of the proposed development (for example, in order to allow for traffic growth or maturing of any landscape proposals), and
- environmental impacts during decommissioning.

In terms of decommissioning, the Secretary of State acknowledges that the further into the future any assessment is made, the less reliance may be placed on the outcome. However, the purpose of

such a long term assessment, as well as to enable the decommissioning of the works to be taken into account, is to encourage early consideration as to how structures can be taken down. The purpose of this is to seek to minimise disruption, to re-use materials and to restore the site or put it to a suitable new use. The Secretary of State encourages consideration of such matters in the ES.

The Secretary of State recommends that these matters should be set out clearly in the ES and that the suitable time period for the assessment should be agreed with the relevant statutory consultees.

The Secretary of State recommends that throughout the ES a standard terminology for time periods should be defined, such that for example, 'short term' always refers to the same period of time.

Baseline

The Secretary of State recommends that the baseline should describe the position from which the impacts of the proposed development are measured. The baseline should be chosen carefully and, whenever possible, be consistent between topics. The identification of a single baseline is to be welcomed in terms of the approach to the assessment, although it is recognised that this may not always be possible.

The Secretary of State recommends that the baseline environment should be clearly explained in the ES, including any dates of surveys, and care should be taken to ensure that all the baseline data remains relevant and up to date.

For each of the environmental topics, the data source(s) for the baseline should be set out together with any survey work undertaken with the dates. The timing and scope of all surveys should be agreed with the relevant statutory bodies and appropriate consultees, wherever possible.

The baseline situation and the proposed development should be described within the context of the site and any other proposals in the vicinity.

Identification of Impacts and Method Statement

Legislation and Guidelines

In terms of the EIA methodology, the Secretary of State recommends that reference should be made to best practice and any standards, guidelines and legislation that have been used to inform the assessment. This should include guidelines prepared by relevant professional bodies.

In terms of other regulatory regimes, the Secretary of State recommends that relevant legislation and all permit and licences required should be listed in the ES where relevant to each topic. This information should also be submitted with the application in accordance with the APFP Regulations.

In terms of assessing the impacts, the ES should approach all relevant planning and environmental policy – local, regional and national (and where appropriate international) – in a consistent manner.

Assessment of Effects and Impact Significance

The EIA Regulations require the identification of the ‘likely significant effects of the development on the environment’ (Schedule 4 Part 1 paragraph 20).

As a matter of principle, the Secretary of State applies the precautionary approach to follow the Court’s¹⁰ reasoning in judging ‘significant effects’. In other words ‘likely to affect’ will be taken as meaning that there is a probability or risk that the proposed development will have an effect, and not that a development will definitely have an effect.

The Secretary of State considers it is imperative for the ES to define the meaning of ‘significant’ in the context of each of the specialist topics and for significant impacts to be clearly identified. The Secretary of State recommends that the criteria should be set out fully and that the ES should set out clearly the interpretation of ‘significant’ in terms of each of the EIA topics. Quantitative criteria should be used where available. The Secretary of State considers that this should also apply to the consideration of cumulative impacts and impact inter-relationships.

The Secretary of State recognises that the way in which each element of the environment may be affected by the proposed development can be approached in a number of ways. However it considers that it would be helpful, in terms of ease of understanding and in terms of clarity of presentation, to consider the impact assessment in a similar manner for each of the specialist topic areas. The Secretary of State recommends that a common format should be applied where possible.

¹⁰ See Landelijke Vereniging tot Behoud van de Waddenzee and Nederlandse Vereniging tot Bescherming van Vogels v Staatssecretaris van Landbouw (Waddenzee Case No C 127/02/2004)

Inter-relationships between environmental factors

The inter-relationship between aspects of the environments likely to be significantly affected is a requirement of the EIA Regulations (see Schedule 4 Part 1 of the EIA Regulations). These occur where a number of separate impacts, e.g. noise and air quality, affect a single receptor such as fauna.

The Secretary of State considers that the inter-relationships between factors must be assessed in order to address the environmental impacts of the proposal as a whole. This will help to ensure that the ES is not a series of separate reports collated into one document, but rather a comprehensive assessment drawing together the environmental impacts of the proposed development. This is particularly important when considering impacts in terms of any permutations or parameters to the proposed development.

Cumulative Impacts

The potential cumulative impacts with other major developments will need to be identified, as required by the Directive. The significance of such impacts should be shown to have been assessed against the baseline position (which would include built and operational development). In assessing cumulative impacts, other major development should be identified through consultation with the local planning authorities and other relevant authorities on the basis of those that are:

- projects that are under construction
- permitted application(s) not yet implemented
- submitted application(s) not yet determined
- all refusals subject to appeal procedures not yet determined
- projects on the National Infrastructure's programme of projects, and
- projects identified in the relevant development plan (and emerging development plans - with appropriate weight being given as they move closer to adoption) recognising that much information on any relevant proposals will be limited.

Details should be provided in the ES, including the types of development, location and key aspects that may affect the EIA and how these have been taken into account as part of the assessment will be crucial in this regard.

The Secretary of State recommends that offshore wind farms should also take account of any offshore licensed and consented activities in the area, for the purposes of assessing cumulative effects, through consultation with the relevant licensing/consenting bodies.

For the purposes of identifying any cumulative effects with other developments in the area, applicants should also consult

consenting bodies in other EU states to assist in identifying those developments (see commentary on Transboundary Effects below).

Related Development

The ES should give equal prominence to any development which is related with the proposed development to ensure that all the impacts of the proposal are assessed.

The Secretary of State recommends that the applicant should distinguish between the proposed development for which development consent will be sought and any other development. This distinction should be clear in the ES.

Alternatives

The ES must set out an outline of the main alternatives studied by the applicant and provide an indication of the main reasons for the applicant's choice, taking account of the environmental effect (Schedule 4 Part 1 paragraph 18).

Matters should be included, such as inter alia alternative design options and alternative mitigation measures. The justification for the final choice and evolution of the proposed development should be made clear. Where other sites have been considered, the reasons for the final choice should be addressed.

The Secretary of State advises that the ES should give sufficient attention to the alternative forms and locations for the off-site proposals, where appropriate, and justify the needs and choices made in terms of the form of the development proposed and the sites chosen.

Mitigation Measures

Mitigation measures may fall into certain categories namely: avoid; reduce; compensate or enhance (see Schedule 4 Part 1 paragraph 21); and should be identified as such in the specialist topics. Mitigation measures should not be developed in isolation as they may relate to more than one topic area. For each topic, the ES should set out any mitigation measures required to prevent, reduce and where possible offset any significant adverse effects, and to identify any residual effects with mitigation in place. Any proposed mitigation should be discussed and agreed with the relevant consultees.

The effectiveness of mitigation should be apparent. Only mitigation measures which are a firm commitment and can be shown to be deliverable should be taken into account as part of the assessment.

It would be helpful if the mitigation measures proposed could be cross referred to specific provisions and/or requirements proposed

within the draft development consent order. This could be achieved by means of describing the mitigation measures proposed either in each of the specialist reports or collating these within a summary section on mitigation.

The Secretary of State advises that it is considered best practice to outline in the ES, the structure of the environmental management and monitoring plan and safety procedures which will be adopted during construction and operation and may be adopted during decommissioning.

Cross References and Interactions

The Secretary of State recommends that all the specialist topics in the ES should cross reference their text to other relevant disciplines. Interactions between the specialist topics is essential to the production of a robust assessment, as the ES should not be a collection of separate specialist topics, but a comprehensive assessment of the environmental impacts of the proposal and how these impacts can be mitigated.

As set out in EIA Regulations Schedule 4 Part 1 paragraph 23, the ES should include an indication of any technical difficulties (technical deficiencies or lack of know-how) encountered by the applicant in compiling the required information.

Consultation

The Secretary of State recommends that any changes to the proposed development design in response to consultation should be addressed in the ES.

It is recommended that the applicant provides preliminary environmental information (PEI) (this term is defined in the EIA Regulations under regulation 2 'Interpretation') to the local authorities.

Consultation with the local community should be carried out in accordance with the SoCC which will state how the applicant intends to consult on the preliminary environmental information (PEI). This PEI could include results of detailed surveys and recommended mitigation actions. Where effective consultation is carried out in accordance with Section 47 of the Planning Act, this could usefully assist the applicant in the EIA process – for example the local community may be able to identify possible mitigation measures to address the impacts identified in the PEI. Attention is drawn to the duty upon applicants under Section 50 of the Planning Act to have regard to the guidance on pre-application consultation.

Transboundary Effects

The Secretary of State recommends that consideration should be given in the ES to any likely significant effects on the environment of another Member State of the European Economic Area. In particular, the Secretary of State recommends consideration should be given to discharges to the air and water and to potential impacts on migratory species.

The Applicant's attention is also drawn to the Planning Inspectorate's Advice Note 12 'Development with significant transboundary impacts consultation' which is available on the Advice Notes Page of the National Infrastructure Planning website

Summary Tables

The Secretary of State recommends that in order to assist the decision making process, the applicant may wish to consider the use of tables:

Table X to identify and collate the residual impacts after mitigation on the basis of specialist topics, inter-relationships and cumulative impacts.

Table XX to demonstrate how the assessment has taken account of this Opinion and other responses to consultation.

Table XXX to set out the mitigation measures proposed, as well as assisting the reader, the Secretary of State considers that this would also enable the applicant to cross refer mitigation to specific provisions proposed to be included within the draft Development Consent Order.

Table XXXX to cross reference where details in the HRA (where one is provided) such as descriptions of sites and their locations, together with any mitigation or compensation measures, are to be found in the ES.

Terminology and Glossary of Technical Terms

The Secretary of State recommends that a common terminology should be adopted. This will help to ensure consistency and ease of understanding for the decision making process. For example, 'the site' should be defined and used only in terms of this definition so as to avoid confusion with, for example, the wider site area or the surrounding site.

A glossary of technical terms should be included in the ES.

Presentation

The ES should have all of its paragraphs numbered, as this makes referencing easier as well as accurate.

Appendices must be clearly referenced, again with all paragraphs numbered.

All figures and drawings, photographs and photomontages should be clearly referenced. Figures should clearly show the proposed site application boundary.

Confidential Information

In some circumstances it will be appropriate for information to be kept confidential. In particular, this may relate to information about the presence and locations of rare or sensitive species such as badgers, rare birds and plants where disturbance, damage, persecution or commercial exploitation may result from publication of the information. Where documents are intended to remain confidential the applicant should provide these as separate paper and electronic documents with their confidential nature clearly indicated in the title, and watermarked as such on each page. The information should not be incorporated within other documents that are intended for publication or which the Planning Inspectorate would be required to disclose under the Environmental Information Regulations 2014.

Bibliography

A bibliography should be included in the ES. The author, date and publication title should be included for all references. All publications referred to within the technical reports should be included.

Non Technical Summary

The EIA Regulations require a Non Technical Summary (EIA Regulations Schedule 4 Part 1 paragraph 22). This should be a summary of the assessment in simple language. It should be supported by appropriate figures, photographs and photomontages.

