



Meeting note

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| File reference | TR040009 |
| Status | Final |
| Author | The Planning Inspectorate |
| Date | 18 October 2019 |
| Meeting with | Network Rail |
| Venue | Teleconference |
| Meeting objectives | Project and EIA update meeting |
| Circulation | All attendees |

Summary of key points discussed and advice given:

The Planning Inspectorate (the Inspectorate) advised that a note of the meeting would be taken and published on its website in accordance with section 51 of the Planning Act 2008 (the PA2008). Any advice given under section 51 would not constitute legal advice upon which applicants (or others) could rely.

The Applicant clarified a number of points relating to its approach to assessment to the Inspectorate.

Ancient woodlands – the Applicant stated that one area of ancient woodland was present in the area over the tunnel alignment but that in this location there was no groundwater interaction and therefore no impact on the ancient woodland itself. The Applicant stated that an Affinity Water tunnel crossed the proposed alignment in this location and that surface access rights over the length of the pipe would be required to enable monitoring of the pipe. The Inspectorate reminded the Applicant that the Environmental Statement (ES) would need to assess the worst case afforded by the powers sought in the DCO, e.g. should the powers permit ancient woodland to be felled, the ES would need to assess the likely worst case.

Grand Union Canal – the Applicant confirmed that delivery of materials would not be via the canal and therefore it would not assess deliveries via canal as part of its traffic and transportation assessment. The Inspectorate acknowledged that if material/waste transport was not via the canal, there would be no requirement for this to be assessed.

Operational air quality – the Applicant confirmed that only electric rolling stock would be used in operation of the Western Rail Link, therefore no operational air quality assessment would be undertaken. The Inspectorate queried whether any diesel engine trains would be able to use the line. The Applicant confirmed that occasional

maintenance vehicles might be diesel powered but these could only be used on the non-tunnelled sections close to the Great Western Main Line (GWML) and could not be used in the tunnels. The Applicant confirmed that the design of the new tunnel is such that it would only be possible for electric rolling stock to be used. The Inspectorate reminded the Applicant that during examination an ExA might seek reassurance that the type of rolling stock was secured by the draft Development Consent Order (dDCO) (e.g. through a dDCO requirement or a mechanism in the CEMP).

Effects on GWML – the Applicant outlined its approach to assessment of the additional 4 trains per hour, stating that this had been done on a localised area for the Langley Station and that this had demonstrated no likely significant effects, although the Applicant noted that minor noise effects exceeding SOAEL were possible.

Assessment of materials – the Applicant queried the Inspectorate's requirement for assessment of raw materials in paragraph 3.20 of the Scoping Opinion. The Inspectorate confirmed that an assessment of carbon impacts from materials would satisfy the requirement.

Modal shift – the Applicant outlined that although a million car journeys were predicted to be saved by the scheme in 2030, the high forecast traffic volumes on the strategic road network (i.e. the M4 and the M25) mean that beneficial effects would not be significant in EIA terms. The Applicant added that carbon impacts of modal shift would be addressed in its ES.

Traffic modelling – the Applicant discussed recent stakeholder engagement regarding transport modelling, noting differences of opinion between local authorities regarding the correct model to be used. The Applicant noted that a number of councils had issues and/or objections to the closure of Hollow Hill Lane and that it was actively engaged in discussions regarding potential mitigation measures.

Tranquillity – the Applicant stated that consideration of tranquil areas had been requested in the Scoping Opinion and that it had identified two locations that, although not designated as tranquil areas, could be perceived to be tranquil that would be considered in the ES.

Protected species – the Applicant stated although effects on ecological receptors may be significant in an ecological context at a local or district level, for the purposes of this EIA assessment, only effects at a County scale and above are considered significant in terms of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009. The Inspectorate queried this approach and how local/district level impacts would be considered. The Applicant confirmed that the ES includes information regarding all protected species and habitats identified within the study area and that NE is currently considering all badger/bat licencing requirements. The Applicant was reminded that the ES should provide robust justification for this approach based on information regarding the local context for species and habitats.

Offsite spoil disposal – the Applicant reiterated its two alternative approaches to the management of surplus clean excavated material within the ES: either to dispose of the majority of material offsite via a rail siding or to dispose of the majority of material on site as part of CEMEX's Langley Quarry restoration activity. The Applicant stated that ideally and preferably, all material would be disposed at CEMEX's site but there remained the potential need to dispose of material offsite and for this scenario a number of possible donor sites had been identified. The Applicant confirmed that it

was likely that hazardous material would be transported by road for disposal, although some treatment might be undertaken on site. The Inspectorate reminded the Applicant that waste streams and natural arisings should be managed in accordance with relevant industry standard guidelines (e.g. CLAIRE definition of waste code of practice).

The Applicant stated that placement of material at the CEMEX site had already been assessed by CEMEX and that it would not be necessary for the Applicant to duplicate this assessment as no new or additional effects would arise. The Inspectorate queried this approach and stated that it would need to give this matter further consideration. Subsequent to the meeting, the Inspectorate has considered the matter and makes the following observations. If the Applicant intends to rely on the outcome of a third party assessment, the DCO application should contain sufficient information relating to the third party assessment to enable a complete understanding of the impacts of the Proposed Development. The assessment should also explain in detail any potential for the proposed DCO development to amend the timing, duration, method or effects associated with the land restoration activity and/or on the conditions of the minerals planning consent.

Electricity connection – the Applicant highlighted that a new electrical connection for the Tunnel Boring Machines would require cable laying beside North Park Road and Sutton Lane. The Inspectorate stated that an assessment of this activity would be required where likely significant effects would arise. The Applicant stated that the proposed works were within its DCO order limits.

The Applicant stated that in the LVIA works commercial/ industrial viewpoints were assessed as having low sensitivity to impacts on views. The Inspectorate reminds the Applicant that such assumptions should be robustly justified.

Decommissioning – the Applicant stated that since decommissioning would require further consent at a later stage, it did not intend to assess decommissioning within its ES. The Inspectorate stated that this approach should be justified in its ES.

The Applicant confirmed that it would be submitting its ES under the transitional provisions of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (the 2009 EIA Regulations). The Applicant noted that the ES included elements of assessment work that also address the requirements of the 2017 EIA Regulations, such as climate change resilience and adaptation, carbon, major accidents and health.