Summary

Section 1. Introduction

1.1.1 My name is Kevin Leather. My role on the Scheme is that of general environmental specialist responsible for production of the Environmental Statement (ES). My Proof of Evidence is not intended as a means to deal with all technical environmental aspects, but provides a summary of the legal processes and environmental assessments specifically relating to the areas of land subject to the TWAO inquiry. Where appropriate, I record and rely upon the evidence of experts in their respective fields. In my Proof of Evidence I deal with the environmental aspects in the following sections

a. Statement of Matters in Section 2;

b. EIA in Section 3;

c. Objections and representations in Section 4;

d. Planning Conditions in Section 5; and

e. Summary and conclusions in Section 6.

Section 2. Statement of Matters

1.1.2 In my Proof of Evidence I have addressed the identified items in the Statement of Matters 5, as outlined in Section 2, the likely impact on residents, businesses and the environment of the Scheme, during construction and after opening to the public. These environmental topic items have been assessed as part of the EIA process for the Scheme. I have also examined the measures proposed by the Promoters for mitigating any identified adverse environmental effects of the Scheme, as described in the ES. This is further described in Section 3 on Environmental Impact Assessment and covers mitigation measures and any significant residual environmental effects that may remain after mitigation measures have been applied. This covers the likely impact on residents, businesses and the environment of the scheme, during construction and after opening to the public, including noise, air, townscapes, light, water resources, biodiversity and viability of businesses.

1.1.3 A Schedule of Site Specific Construction Mitigation Measures has been produced for the Scheme for the basis of consultation on the generic mitigation measures for the Scheme. This document is often referred to on other schemes, and in the Statement of Matters as a Code of Construction Practice or COCP. The incorporation of the Schedule of Site Specific Construction Mitigation Measures produced for the TWAO application, into the EMP to be produced by the appointed construction contractor, and other documents to be produced as part of Network Rail’s CR-E documentation will form the basis of an environmental management system which is capable of delivering best construction practice for the Scheme. This addresses Statement of Matters 7a).

1.1.4 I confirm the adequacy of the ES submitted with the TWAO application having regard to the requirements of the Application Rules and that statutory procedural requirements have been complied with. This addresses Statement of Matters 8 in relation to the adequacy of the ES.

1.1.5 I have reviewed the Request for Direction and the Draft Planning Conditions and consider these to be appropriate for the Scheme, for those which have a bearing on environmental issues. As set out in the Statement of Matters 9, I consider that
these proposed planning conditions have been drafted to meet the tests of DoE Circular 11/95 of being necessary, relevant, enforceable, precise and reasonable.

Section 3. Environmental Impact Assessment

1.1.6 In Section 3, I consider EIA, describing the process and conformity with the Transport and Works Applications and Objections Procedure (England and Wales) Rules 2006, outlining the key environmental mitigation measures required to avoid, reduce or remedy any adverse environmental effects of the Scheme. This section also includes a clear outline of any environmental significant residual effects identified as part of the EIA process and reported in the ES.

1.1.7 The EIA covered assessment of effects and mitigation measures and residual environmental effects for air quality, ecology, geology and soils, historic environment, noise and vibration, socio-economics, townscape and visual amenity, traffic and access and water resources.

1.1.8 The significant residual environmental effects which remain, after mitigation has been applied, have been identified in my Proof of Evidence under Section 3 for each environmental topic covered in the ES. Where significant residual environmental effects have been identified, the Promoters are committed to ongoing improvements during the detailed design stage.

1.1.9 During the environmental assessment process, environmental policies were reviewed by the specialists for each environmental topic. This was reported in the ES in section 6 on policy and in all cases the Scheme was judged by the specialists to be supportive of relevant environmental policies, as described in the ES Volume 2, Technical Appendices.

1.1.10 The ES submitted with the TWAO application includes a description of the appraisal process that was adopted by the Promoters to examine the alternatives. A summary of this is contained in Section 4 of the Main Statement of the ES.

1.1.11 I am confident that the ES meets in full all necessary requirements for such documents. The documentation submitted with the ES follows Government guidance and exceeds the minimum requirements for the Application Rules. The ES has been prepared in accordance with best practice by an experienced team of specialists.

1.1.12 I have highlighted where environmental issues can be further resolved during the detailed design phase and through the appropriate implementation of mitigation measures by the appointed construction contractor. As I have stated in my Proof of Evidence these are considered appropriate and reasonable.

Section 4 Objections and Representations

1.1.13 I discuss the objections and representations received from the statutory bodies, stakeholders and residents in Section 4 of my Proof of Evidence. This section also provides my response to these objections, including more information of the preliminary responses given in the Statement of Case, where appropriate.

1.1.14 Upon submission of the TWAO application, objections and representations have been received from the following statutory bodies and these are discussed in detail in my Proof of Evidence:

a. Environment Agency (OBJ/29)

b. Canal and River Trust (then British Waterways) (OBJ/24)

c. English Heritage (REP/2)
1.1.15 An overview of the key environmental issues raised in the objections and representations received from stakeholders and residents is also presented in this section covering the following:
   a. Noise, vibration and dust during (SOC clause 12.23);
   b. Socio-economic effects during construction (SOC Table 11.1);
   c. Loss of visual and residential amenity once the scheme is operational (SOC clause 12.8);
   d. Loss of light (SOC clause 12.12);
   e. Noise resulting from the operation of the scheme (SOC 12.19); and
   f. Obtrusive Light (SOC clause 12.61)

1.1.16 Many of these objections are considered in relation to the assessments made and presented in the Environmental Statement and the mitigation measures applied. Mitigation has been applied through the design of the structure, generic mitigation measures as part of the EMP, and specific mitigation measures presented in the ES, as well as items to be considered further in the detailed design phase. These mitigation measures and residual environmental effects are discussed in more detail my Proof of Evidence.

1.1.17 I have addressed objections, representations and letters of support from statutory bodies, stakeholders and residents which relate to my area of expertise.

Section 5 Planning Conditions

1.1.18 In Section 5, I present evidence on the request for planning direction and the draft planning conditions.

1.1.19 As outlined above in Section 2 of this summary, referring to the Statement of Matters I have reviewed the Request for Direction and the Draft Planning Conditions and consider these to be appropriate for the Scheme. As set out in the statement of matters, Clause 9, I consider that the proposed planning conditions have been drafted to meet the tests of DoE Circular 11/95 of being necessary, relevant, enforceable, precise and reasonable.

1.1.20 I have discussed the intention to include three additional Planning Conditions to cover flood risk which I consider to be appropriate for the protection of flood risk for the Scheme and these have been agreed in principle with the Environment Agency. This has been based on evidence provided by experts within this proof and my discussions with the experts.

1.1.21 I would therefore ask the Secretary of State to grant the deemed planning permission necessary for the Scheme, set out in the amended Request for Direction incorporating any revised draft Planning Conditions that will be introduced at the start of the Inquiry.

Section 6 Summary and Conclusions

1.1.22 Finally, I summarise and conclude this Proof of Evidence in Section 6.