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Our ref: TP/LNE/2017-049



Dear Sir/Madam,

Environmental Impact Assessment Screening Request in Connection with Railway Upgrade, London to Corby - Works in Kettering Borough

You may recall Network Rail submitted a screening opinion with respect to electrification of the Midland Main Line back in 2013 (18th April) regarding a screening opinion for the Midland Main Line electrification through Kettering, and your reply of 13th June 2013. The conclusion reached was that the electrification of the line would not constitute development requiring an Environmental Impact Assessment. Since that opinion given in 2013 the scope of the project has changed to a certain extent so that the original screening opinion cannot be considered to still apply.

Accordingly, this letter constitutes a formal request for a Screening Opinion under section 5.1 of the Environmental Assessment Regulations 2011 in relation to Network Rail's proposals to improve the railway through Kettering Borough as part of the London to Corby railway upgrade project. A plan identifying the route is enclosed.

The London to Corby line upgrade comprises a package of related measures including:

- Upgrade of Overhead Line Equipment (OHLE) for higher line speed running between London and Bedford *
- Re-instatement of fourth track between Bedford and Kettering *
- Re-instatement of second track between Kettering North Junction and Corby *¹
- Electrification of railway between Bedford and Corby including raising of bridge parapets or re-construction of bridges

Lengthening of station platforms to accommodate 240 metre length trains at Wellingborough and Kettering and on a smaller scale at Bedford and Corby
 Establishment of stabling sidings at Kettering station*
 Buildings for the stabling sidings
 Provision of additional power supply units along the route.

*Items marked * are exempt from screening on the basis that they are permitted under Part 18 (without the need for prior approval) – see below*

**1 Work on this section has now been completed*

These proposals form part of the broader Midland Main Line upgrade, including electrification, which involves a commitment to electrify the line between Bedford and Sheffield, including the routes to Corby and Nottingham. Selective linespeed and capacity improvements are also planned, including the line speed improvement at Market Harborough and re-modelling of Derby station. The line between London and Corby has specific funding committed to allow implementation by December 2019, and is the subject of this screening request. The screening does not include the stretch of line between Kettering North Junction and the District boundary with Market Harborough near Braybrooke.

The electrification works are an important part of the DfT's Carbon Strategy and the push towards increasingly sustainable travel options. The benefits of electrification are set out below. Capacity improvements are an integral part of utilising the line in a more efficient and sustainable manner, with platform extensions allowing for the introduction of longer trains (with more seating capacity) thus making the railway a more attractive and sustainable form of travel.

Benefits of electrified rolling stock are:

- More capacity for passengers: more seats than diesel trains of the same length.
- Faster than diesel trains: superior braking and acceleration make journey times shorter.
- Quieter than diesel trains.
- Better for the environment: an electric train's carbon emissions are 20 to 35 per cent lower than those from diesel trains, and there are no emissions at the point of use, improving air quality in pollution hot spots, such as city centres.
- Lighter: reduced maintenance is needed because electric trains cause less wear to the track.
- Good for the economy: faster trains with more seats and better connections with previously hard-to-reach areas improve access to jobs and services, and open up new business opportunities.

The London to Corby upgrade will also specifically allow for the introduction of six new passenger and three freight train paths per hour each way between Bedford and Kettering, 90 mph linespeed on the new sections of railway, more reliable overhead line infrastructure, the ability for longer trains to stop at the stations and provide enhanced freight gauge clearance between Bedford and Corby.

In order to facilitate the electrification, the alteration and/or demolition and reconstruction of a number of structures along the route, and some alteration of track heights beneath existing structures, will be required. The proposed structural works may involve works to bridge parapets to ensure they meet the required standard, as stipulated by Office for Rail Regulation, or full bridge reconstructions. However works on the Corby route have already been carried out (being the subject of the original screening opinion back in 2013) and no further bridgeworks are required within the Kettering administrative area under this scheme.

Other works associated with the scheme will include enabling works such as vegetation clearance, the installation of shallow and piled foundations, erection of steel gantries (approximately every 50m) to support the OHLE and associated infrastructure to support overhead lines, installation of wiring and finally testing and commissioning. A typical OHLE installation is shown below.



Ancillary works, such as the construction of electricity feeder sub-stations and temporary site compounds, may also be required. At least one such feeder station is planned for the Kettering area, with a site identified at Kettering North (SPC3 74 miles 937 yards, NGR 485471/281850). The typical feeder station comprises a transformer housed in a temporary building 12m x 3m x 2m with external ancillary wiring as appropriate, protected with secure palisade fencing (see photo below of a typical installation).



Platform extensions

In order to accommodate the introduction of longer passenger trains it is proposed to extend the platforms at Kettering by between 50 and 58 metres, to the south of the existing station footbridge.

Kettering Electric Stabling Sidings

In order to provide a stabling facility for electric rolling stock which needs to be available for timetable operation between St Pancras and Corby by December 2019, four electrified sidings of 240m in length are required. The sidings area would also include a small mess room (typically single storey building of around 125 square metres in area) with suitable accommodation for 8 members of staff at any time, shower, toilet and cooking facilities and parking (8 vehicles max.).

The facility will provide domestic servicing of upto four trains, involving principally cleaning, train toilet discharge and re-watering, usually overnight (although the cleaning activity would only cover a small timeframe during the night period). It will require an independent electricity shore supply to the trains, but will be electrically independent of the main line so it can still function when the main line supply is cut off for maintenance or other reasons. This includes a small electrical substation building of 20 square metres in size. The location for the sidings is on part of the former goods yard south of the station and existing car park, currently used as a railway maintenance yard.

For the purposes of the remainder of this letter the "Works" refers to platform extensions at Kettering, the new substation at Kettering North, the installation of OHLE, and the provision of the sidings at Kettering station.

Network Rail benefit from the use of permitted development rights through Part 18 Class A of the Town and Country Planning (General Permitted Development) Order 2015 (GPDO). Part 18 grants consent for work that is authorised by a Private Act or Order: this includes work authorised by the original railway authorising Act. In this instance, the original construction was authorised by the *Midland Railway (Leicester & Hitchin) Act 1853*, incorporating the Railway Clauses Consolidation Act 1845. This Act stipulates powers for the then railway companies and their successors in title (now Network Rail) to undertake future works. The decision of the Court Of Appeal in Emsley v North Eastern Railway Company (1896) 1 Ch 418 confirmed that these powers are not restricted to the period of construction but can be invoked from "time to time" and are not limited to the construction of the railway.

The proposed Works would fall within the scope of the permitted development rights enshrined in Part 18 Class A of the Town and Country Planning (General Permitted Development) Order 2015. The proposed structural works, enabling works and the electric lines, supports and foundations fall within the limits of deviation of the authorising Act and are therefore permitted development under Part 18. Notwithstanding this, the proposed platform extensions first requires the 'prior approval' of the Local Planning Authority in

relation only to the siting and design of the Works. The GPDO states that prior approval must not be unreasonably refused, nor conditions imposed, unless the authority considers that alterations to that design are required to mitigate its impact. Please note that the proposed overhead power lines and bases are permitted development under Part 18 (A) of the GPDO, and do not require prior approval. Your Authority is already familiar with the Prior Approval process, having been requested to give such approval at Braybrooke for a bridleway bridge (reference KET/2012/0640).

The primary legislation relating to whether an Environmental Impact Assessment (EIA) is required for a particular development is The Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

These regulations replace the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. Circular 2/99 provided guidance to the interpretation of the 1999 regulations. Paragraphs 151-156 of Circular 2/99 confirm that, under the 1999 regulations, works authorised as permitted development under Part 18 of the Town and Country Planning (General Permitted Development) Order 1995 are exempt from the EIA regulations. Circular 2/99 reiterates the thrust of Article 1.5 of the EU EIA Directive 97/11/EC, which states *This Directive shall not apply to projects the details of which are adopted by a specific act of national legislation, since the objectives of this Directive, including that of supplying information, are achieved through the legislative process.* Therefore, work that constitutes Permitted Development under Part 18 of the GPDO is still exempt from the need for statutory EIA, and this has not changed as a result of the introduction of the 2011 EIA Regulations.

However, the Town & Country Planning (Environmental Impact Assessment) (Amendment) (England) Regulations 2008 introduced alterations to the requirements for EIA submission to ensure that where there is a 'multi stage development consent' an Environmental Statement (ES) could be required. A 'subsequent application' is defined by The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (Part 1, para. 2[1]) as:

'An application for approval of a matter where the approval

- a) is required by a condition to which a planning permission is subject; and*
- b) must be obtained before all or part of the development permitted by the planning permission may be begun'.*

The implication of this is that development permitted under Part 18, subject to the granting of prior approval, is *potentially* subject to the requirement for consideration to be given as to whether the Works constitute EIA development. However, it should be borne in mind that the EIA regulations are only triggered if there is an associated 'subsequent application' (i.e. a request for Prior Approval). As noted above, the only elements of the London to Corby scheme requiring prior approval are the bridge modification/reconstruction works and the platform extensions at Kettering station (since they constitute a material alteration to the station's appearance). All other elements of the scheme, for example the overhead line equipment and associated masts/bases, and re-instatement of track, involves the installation of equipment or machinery and, therefore, based on the provisions of Part 18 Class A, are not subject to the requirement to obtain prior approval. Therefore, the only trigger for EIA screening is the proposed bridge/platform extension work.

Part 18 prior approvals do usually fall within the scope of item 13 of schedule 2 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011, in that they constitute changes or extensions to Schedule 1 or 2 projects already authorised. As such, there is a requirement for the LPA to give consideration to whether the proposed Works as a whole would trigger the requirements for an ES.

It should be noted that the original screening letter mentioned a number of further environmental considerations to be taken into account, and the mitigation which we propose in relation to the overall scheme. However the previous screening opinion issued by the Authority concentrated on the bridge works alone whereas the totality of the scheme should be considered as part of the deliberations in the screening opinion.

The selection criteria in Schedule 3 of the EIA regulations recommends that consideration be given to the characteristics of development, the location of development and the characteristics of potential impact, which are considered in turn below:

Characteristics of development

It should be noted that the railway line to be electrified is already in situ and other than the possible connection to the electricity grid from the Kettering North substation and electric sidings, all works will be within the boundary of the existing operational railway. No cumulative impacts are anticipated and the electrification, platform extensions or sidings will not result in a significant increase in the use of natural resources. Furthermore, given the characteristics of an electrified railway, it is considered that the proposal has the potential to lessen pollution and nuisances emanating from the railway.

Location of development

Within Kettering the existing railway passes through both an urban and pastoral rural landscape. On entering the borough boundary the line skirts the village of Burton Latimer before passing through the major urban area of Kettering. The line to Corby splits from the main line at Kettering North Junction, turning north east and passing through the rural parishes of Rushton and Newton.

Characteristics of potential impact

Although the scheme does form part of a larger project to increase the proportion of electrified rail lines nationally, the works within Kettering are relatively small in scale and scope and will be of no more than local importance. The impact of the proposal will be limited to the existing railway line and associated land within Network Rail ownership. The works will result in modifications to the appearance of a number of bridges, the installation of gantries/OLE, extensions to the platforms at Kettering station and provision of four sidings south of the station.

Structural work to bridges is now complete so there is no further anticipated need for temporary traffic control and/or road closures and diversions. In terms of works to the platforms themselves, it is anticipated to extend at the southern end of the station by between 50 and 58m only, with associated signage, lighting and platform furniture. These visual impacts are very localised and the planning authority has a degree of control over siting and design of the alterations through the Prior Approval process mentioned previously. Additional design control will be given to the Authority as listed building consent will be required for the extensions. The proposed sidings do not require Prior Approval.

The Corby line does pass adjacent to one SSSI, the River Ise and Meadows in Rushton parish (adjacent to the A6003). However, given the characteristics of the development, and its containment within the railway boundary elevated above the level of the river, it is considered that there is a negligible risk of impact on the SSSI designation and these risks will be limited to the construction phase. These risks will be readily mitigated through appropriately implemented pollution control measures. The SSSI lower down the river at Barton Seagrave Parish (Southfield Farm Marsh) is over 50 metres from the railway boundary and should not be directly affected by the works.

Additional Environmental Considerations

Soils & Land Use

The Midland Mainline within Kettering is operational railway and on the whole works to deliver the electrification and platform extensions/sidings will be limited to the existing operational railway. Therefore, there will be no impact on soils from the delivery of the programme. To construct this project Network Rail will require temporary access points and compounds where necessary. Where practicable existing Network Rail land will be utilised; however there may be requirements for additional temporary land. This will be assessed when the construction methodology is known and appropriate environment assessments will be undertaken as outlined below, including assessment of the soils. Measures will be put in place to protect and retain soils through an Environment Management Plan detailing how top soil will be stored and re-used as well as through agreements with landowners.

The predominant land use throughout is existing operational railway and the only possible elements outwith this are additional electricity feeder station sites, although they will be in locations adjacent to the railway and either be in open countryside or a suitable industrial area away from residential dwellings. However the site at Kettering North identified lies on NR's operational land.

Ecology and Habitats

The Midland Mainline is characterised by a diverse range of habitats which in general are common to England and the railway environment. These habitats contain both designated and non-designated sites. The key designated habitats within the Kettering area affected by the overall Works are:

Rushden Parish River Ise and adjacent meadows SSSI
Burton Seagrave Parish River Ise and adjacent meadows SSSI

Network Rail, and its contractors, will be implementing a Biodiversity Net Positive initiative on this programme of works where the biodiversity units that are lost will be calculated using industry best practice and effectively replaced as close to the site of loss as possible. Contact with locally receptive land-owners has already been made to ensure that this initiative is viable therefore the overall effect on biodiversity in Kettering should be positive.

As highlighted the Electrification work is primarily limited to the existing operational railway including structural clearance works. The platform extensions at Kettering and the proposed sidings do not impact on any designated or local nature conservation interest. However, to manage the impact to ecology appropriate surveys will be undertaken; this will include:

- Phase One habitat Assessments for the platform extensions, sidings & feeder stations
- Where required by the Phase One assessment, Phase Two Assessment(s) for protected species including but not limited to:
 - Bats
 - Great Crested Newts
 - Badgers
 - Breeding birds

Where these surveys highlight the presence of protected species then appropriate mitigation will be put in place this will include the following where required:

- Application for European Protected Species Licences from Natural England
- Exclusion and translocation of protected species from the work sites
- Timing of works to be undertaken outside of hibernation and breeding seasons
- Protection measures in relation to the operation of the new overhead line system to prevent bird strikes

The assessment and mitigation detailed above is required by existing legislation and therefore an Environmental Impact Assessment would not realise any additional benefit or protection as there is already appropriate legal protection in place.

A preliminary ecological constraints survey has been carried out for the Bedford to Kettering section of route (March 2015), based on a desk study and also a walkover survey. There are no designated sites within Kettering borough between the southern administrative boundary of the authority at Burton Latimer and the station. On-going and constructive consultation with Natural England has confirmed that there is no long term impact in terms of vegetation clearance required for the installation of OHLE. The usual measures for protected species surveys are already in place, with (for example) newt and bat surveys having already been carried out, and steps are in place to obtain a scheme-wide mitigation license (i.e. for the whole route from Bedford to Kettering) for great crested newts and badgers so that any unexpected discoveries would not disrupt the overall programme.

Protected Sites

Where there are potential impacts on European or International designated habitats for examples Special Areas of Conservation then a Habitats Screening will be undertaken under Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (the Habitats Regulations). This approach has been undertaken on our North West Electrification project and accepted by Natural England.

Vegetation

In order to facilitate construction of the Works, a significant amount of vegetation removal will need to be undertaken. In order to ensure a safe clearance from the OHLE, once it is installed, up to 7m (from the edge of the running line) of vegetation may need to be removed. Further vegetation removal will be required around structures to facilitate their construction. Network Rail recognises this could result in a locally adverse impact. To mitigate this impact, assessments will be undertaken of the vegetation through Kettering District to assess the extent and nature of vegetation which requires removal. This assessment will include the presence of Tree Protection Orders and Conservation Areas, though we note no such areas or Orders are identified on the route under consideration (Kettering to Corby). It is also planned that vegetation clearance will only be taken to 150mm above ground level, minimising the impact on ground fauna and protected species such as great crested newts and reptiles.

All vegetation clearance will in itself include consultation and communication with the local community which will be undertaken prior to any vegetation removal. All vegetation removal will take account of any ecology constraints as detailed in the ecology section of this screening letter.

Archaeology & Cultural Heritage

Overall

The Authority should be aware that a report – “Midland Main Line – Statement of Heritage Significance” was published in 2013. This gives an overall and comprehensive assessment of the heritage aspects of the railway and associated structures, identifying those of major significance and those which are of lesser importance. The document was produced in collaboration with English Heritage and the relevant local authority conservation officers. The document assists in assessing any subsequent listed building applications that we make in respect of interventions on listed structures. It was also fundamental in helping English Heritage (now Historic England) in re-assessing the whole MML route with a view to reviewing existing listings and adding new listed structures to the route in advance of the Works. It should be noted that no new listed structures were added to the railway in Kettering as a result of this exercise. The existing listing for Kettering station was itself revised to exclude the modern footbridge and lifts.

Archaeology

In terms of archaeology the implementation of the railway works will not require significant excavation or ground disturbance and since it is confined almost exclusively to the railway corridor we do not anticipate any significant impacts on archaeology sensitive areas.

Conservation Areas

The railway (Kettering-Corby section only) does not pass through any conservation area.

Listed Buildings

One grade two listed building will be affected by the works (*Kettering Station*). Some alterations may be required to the profile of the station canopy. This is to give the necessary clearance for the overhead wires and stanchions. It is also proposed to re-glaze the canopy, which will be of considerable aesthetic benefit. The extent of the works will be controlled through the necessary Listed Building Consent.

There are a number of other listed buildings near to the railway corridor, but there will be no direct or indirect impact on their historic fabric, character, appearance or setting.

Landscape & Visual Impact

The line the subject of this screening (Kettering to Corby) does not pass through an area subject to a landscape designation. The visual effects of the construction operations will be temporary. The construction of overhead line equipment, bridge alterations, access points and additional feeder stations will be permanent. However they are localised to the railway corridor; although it is accepted some longer distance views will be moderately affected in that the overhead stanchions will define the railway corridor, this is a consequence of electrification where the benefits (in terms of delivering a more sustainable form of transport) outweigh the visual impacts, although it is recognised that the wider impacts of the installation of OHLE need to be considered as part of your deliberations. Again, careful positioning of stanchions and remedial planting can help to off-set the impacts of installation of OHLE in the most sensitive landscapes, though again it should be noted there are no significant landscapes or important views in the Borough.

As such it is considered that there will not be a significant visual impact, either individually or cumulatively, associated with the electrification.

Temporary Local Disturbance

Temporary local disturbance is in relation to the construction aspects of the scheme in Kettering and would include a consideration of the following aspects that would normally be managed under the implementation of Network Rails Contract Requirements –

Environment, as in the case on all Network Rail Construction schemes requiring planning consent or otherwise.

Traffic & Transportation

Traffic will be generated during construction but this will temporary. Under compliance with Network Rails Contract Requirements – Environment (CR-E) the contractor must produce a Traffic Management Plan (TMP) that will consider the careful planning of haul routes to avoid small, local road where possible and to favour the use of rail transportation for construction material. At this stage of the programme a detailed construction methodology is not available; however as this is developed traffic and transport will be assessed and mitigated through the provision of TMPs which will include:

- The management of nuisance associated with construction vehicles movements
- Access to site
- Wheel washes and / or use of roadsweepers
- Compulsory sheeting of all Heavy Goods Vehicles

The contractor is required by Network Rail in compliance with CR-E to liaise with the local authority in advance of any physical works to agree the protective provisions in the TMP.

Noise & Vibration during construction

The proposed Works in the Kettering area have the potential to produce temporary impacts on sensitive receptors. At this stage of the project the proposed construction methodology has not been detailed but to deliver the project and the benefits works will be undertaken outside normal working hours. The reason for this is the only time possession of the railway can be taken i.e. when trains are not running.

It is standard practice and a requirement of CR-E that the contractor liaises with the Local Authority concerning the potential impact of Noise & Vibration (N&V) Construction activities.

If any significant issues are identified, mitigation will be identified to minimise these to acceptable levels. Network Rails prefers the contractor to enter into Section 61 agreements with the Council under the Control of Pollution Act 1974 as stated in CR-E unless the Local Authority has good reason not to want this specific protection. At a minimum the contractor would be required to develop a best practice management document management to manage the potential nuisance from N&V.

An external communications plan would also be detailed in the relevant N&V Management plan, detailing the Network Rail 24hour helpline, how and when residents will be informed of works and how complaints will be processed.

Air Quality

The construction work should not lead to any significant impact in relation to air quality. However CR-E requires the contractor to consider the potential impacts of the works on any sensitive receptors and implement Best Practicable Means to eliminate, reduce or mitigate emissions to air including from plant and vehicle emissions.

Construction dust can also be a nuisance to sensitive receptors and CR-E requires the contractor control construction activities to stop the migration of construction dust from activities such as demolition and material placement. This includes the dust suppressant activities using water to damp down works and provisions already identified for a TMP.

Considering the scope of works, this is not considered a significant issue for this project and Network Rail would still require best practice to manage the impacts on local residents.

Permanent Effects

The visual impact of the OHLE resulting from electrification has already been noted. The other elements of the Works, principally the substation and platform extensions, will have no significant effect in terms of noise, vibration, air quality or traffic generation. Noise impacts from the sidings will be negligible as the site will provide overnight stabling for electric trains which will have a maximum speed of 5 mph in the sidings themselves. The train cleaning operations planned for the site will not generate any significant noise.

Noise & Air Quality post completion

In accord with best practice and the Noise Insulation Regulations base information assessments will be taken of the most vulnerable receptors. These are principally the rear gardens of properties on Kensington Gardens and Ostlers Gardens nearest to the proposed sidings. It should be remembered that the railway is already in situ and thus the only physical change is to bring the sidings closer to the end of the gardens by a maximum of 40 metres. However because the gardens lie above the level of the railway it is not considered that there would be a significant impact on noise and vibration.

Summary of potential environmental effects

The majority of the adverse impacts will be temporary and localised during construction. Implementation of the mitigation measures identified above, all of which are widely applied as good practice in construction, will ensure that the residual adverse environmental effects of the construction and operation of the enhanced railway will in each case be minor or negligible in nature.

In addition the proposed works along the Midland Mainline will give rise to significant benefits including:

- Improved air quality from the change of traction power from diesel to electrical rolling stock

- Reduction in noise electrical trains are quieter than diesel rolling stock
- Reduction in carbon emissions from the conversion to electrified railway
- More efficient and sustainable railway
- Environmental and economic benefits through additional seating capacity through longer trains and the potential for additional train services through increased track capacity

Overall there is a net positive environment benefit from the implementation of this scheme as well as social and economic benefits to the local communities along the Midland Mainline route.

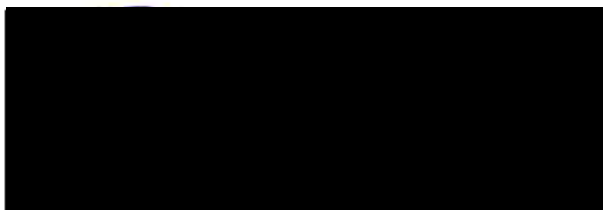
Conclusion and summary

The London to Corby railway upgrade constitutes an increase in capacity through the re-instatement of the fourth track between Bedford and Kettering and the second track between Kettering North Junction and Corby (which in themselves do not fall within the prescribed Regulations and do not require screening), electrification of the route between Bedford and Corby, platform lengthening at Kettering and Wellingborough stations, the provision of additional power supply units and the establishment of electric stabling sidings at Kettering. It remains the fact that the railway line through the Borough is already in place, and electrification and capacity improvements planned are merely a means of using the existing railway in a more efficient manner, with the principal environmental effect being visual, both through the OHLE and clearance of vegetation as previously identified.

In light of the above, and on the basis of this assessment, I would appreciate if you would confirm that the LPA shares our opinion that the development detailed above would not constitute EIA development.

If you wish to discuss the proposal or have any queries or require any further information please do not hesitate to contact me. I look forward to hearing from you in due course.

Yours Faithfully,



Tony Rivero
Town Planning Manager EM & LNE

