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Our Ref: TWA 2/2/72
Your Ref: NJE/PHT/Y059072

13 August 2009

Dear Sirs,

**TRANSPORT AND WORKS ACT 1992
TRANSPORT AND WORKS (APPLICATIONS AND OBJECTIONS PROCEDURE)
(ENGLAND AND WALES) RULES 2006
LEEDS NEW GENERATION TRANSPORT - REQUEST FOR SCOPING OPINION**

I refer to your letter of 1 July 2009 requesting a scoping opinion under rule 8 of the above Rules.

You enclosed with your letter an Environmental Scoping Report dated June 2009, produced by Mott MacDonald Ltd for West Yorkshire Passenger Transport Executive and Leeds City Council. The report describes the proposed scope and methodology for the Environmental Impact Assessment, which will be reported in the Environmental Statement ("ES") to accompany an application for a Transport and Works Act ("TWA") Order to authorise the Leeds New Generation Transport ("LNGT") scheme.

We have considered your request for an opinion on the proposed content of the ES in accordance with rule 8 of the above Rules. In formulating this scoping opinion, we have consulted the following organisations -

- Environment Agency
- Leeds City Council
- Natural England
- English Heritage

Scoping Opinion

The Secretary of State considers that the environmental issues identified in the Scoping Report are properly ones that should be addressed in the ES for the LNGT scheme. In addition, it is considered that the matters below should also be addressed in the ES.

Please note that this scoping opinion is given without prejudice to our consideration of any TWA Order application which maybe for the LNGT scheme. The giving of the opinion implies no view on the Department's part about the merits or otherwise of the LNGT scheme. The sections and paragraphs referred to in this letter are those of the Scoping Report.

Carbon Effects (Section 5.5)

As regards the temporal scope of emissions from the operational phase (paragraph 5.5.3), it is recommended that the assessment should quantify changes in CO₂ emissions from the local road network for at least two future years, for example, 5 and 15 years after opening.

At paragraph 5.5.5, it is considered that the baseline conditions for the purposes of the transport assessment should be calculated on the basis of a 3-5 years average for traffic data, if available.

In predicting the effects of construction activities (paragraph 5.5.7), it is recommended that in relation to emission factors the Environment Agency database should be used.

At paragraph 5.5.9, in recommending mitigation measures to reduce the significant effects of the operation of the scheme, consideration should be given to the choice of lower carbon energy for propulsion.

Ecology (Section 5.7)

The ES should include consideration of whether field margins in the area of the replacement sports fields at King Lane could be retained in their current state and include an assessment of the impact that a change in the use of this site would have on wildlife in the surrounding area.

The ES should include a bat activity survey of the woodland patches outside of the redline boundary of the replacement sports fields at King Lane, an assessment of the impact of floodlighting on the ability of those areas of woodland to support foraging bats and measures to mitigate any adverse impacts on bats of lighting at the replacement sports fields.

The impact of the loss of trees on commuting bats, particularly in the areas outside of the Leeds city centre where bat activity is more likely, should be considered in the ES.

It is considered that the impact of the scheme on road verge habitat along the LNGT route should be considered from a biodiversity and landscape perspective.

The ES should include a Phase 1 survey of the Bodington Park and Ride site and appropriate mitigation should be designed into the scheme.

Geology and Soils (Section 5.9)

As regards mitigation of significant residual effects of land contamination (paragraph 5.9.9), a further aspect for consideration should be the use of appropriate personal protective equipment by construction workers and measures to reduce risk from works to the general public.

Waste Management (Section 5.15)

The ES should include consideration of the impacts of segregating, storing and processing waste generated during the construction of the LNGT scheme.

Water Resources (Section 5.16)

In assessing flood risk, the ES should consider how the LNGT scheme could impact on the construction of the new Leeds Flood Alleviation scheme on the River Aire and Hol Beck.

The ES should consider the impact of increased surface water run off as a result of the LNGT scheme, including the potential impacts of run off on areas surrounding the Bodington Park and Ride site. In relation to that site, the ES should include consideration of the use of porous surfaces and sustainable drainage techniques to mitigate those impacts.

The assessment of surface water resources and receptors referred to at paragraph 5.16.4 should consider any watercourses that could be affected by the LNGT scheme.

Copies of this letter are being distributed as set out below.

Yours faithfully,

Martin Woods

Copies to -

Ali Suliqar, Planning Liaison Officer, Environment Agency
Richard Clarke, Government Team West, Natural England
Martin Sellens, Head of Planning Services, Leeds City Council
Kathryn Gibson, Historic Buildings and Areas Adviser, English Heritage