



Department for Transport

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BY EMAIL ONLY

31 March 2021

Dear Stephen,

TRANSPORT AND WORKS (APPLICATIONS AND OBJECTIONS PROCEDURE) (ENGLAND AND WALES) RULES 2006: REQUEST FOR SCREENING DECISION

PROPOSED BROMFORD TUNNEL EXTENSION ORDER

Thank you for your letter of 9 February 2021 and attached documents in which you requested a screening decision under rule 7 of the above Rules as to whether an Environmental Impact Assessment ("EIA") is required in relation to the above proposed Order. Our letter of 23 March extended the deadline for decision until 31 March to allow us more time to consider responses received to our consultations. The proposed Order would amend the High-Speed Rail (London-West Midlands) Act 2017 (the "2017 Act"), to enable part of the surface railway, which is authorised under the 2017 Act to be constructed above ground and partly on viaduct, to instead be placed underground in a tunnel.

The Secretary of State has consulted the Canals and River Trust, the Environment Agency, Highways England, Network Rail, Birmingham City Council, and Warwickshire County Council, Historic England and the Environment Agency and has considered their responses. Copies of their responses are attached for information. In reaching his decision, the Secretary of State has had regard to the selection criteria referred to in rule 7(11) of the above Rules, and has taken into consideration the information within the supplied screening opinion request documentation.

The Secretary of State notes the EIA Screening Report attached to your request concludes that the project, if amended as proposed, would not result in any new or different significant environmental effects as compared against the existing consented project and it therefore does not need to be subject to EIA. However, the Secretary of State considers that the necessary consideration is whether the project, to which the proposed Order would apply,

is EIA development or not. The project would be EIA development if it falls within paragraph 13 of Annex II to the EIA Directive i.e. *“Any change or extension of projects listed in Annex I or [Annex II] already authorised, executed or in the process of being executed, which may have significant adverse effects on the environment (change or extension not included in Annex I)”*.

As acknowledged in the EIA Screening Report, the proposed changes to the project are likely to have significant effects on the environment (even if these are no greater than those previously assessed). The Secretary of State therefore considers that the development that would be subject to the proposed Order falls within paragraph 13 of Annex II. Therefore, in accordance with rule 7(13) of the above Rules, **the Secretary of State’s screening decision is that an environmental impact assessment is required** in relation to the Bromford Tunnel Extension Scheme which is to be the subject of the above proposed Order.

Yours sincerely

Natasha Kopala