

Southampton to London Pipeline Project

Volume 6

Environmental Statement (Volume D)
Appendix 2.1: Environmental Legislation and Policy
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Appendix 2.1 Environmental Legislation and Policy1



Appendix 2.1 Environmental Legislation and Policy

1.1.1 This appendix sets out the environmental legislation and policy that is considered relevant to the Environmental Statement (ES). It is set out in tabulated format using the ES topic chapters and a general content for the legislation which applies to multiple topics. A summary of Directive 2014/52/EU, the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017, and the National Policy Statements EN-1 and EN-4 is provided in Chapter 2 Regulatory and Policy Context. A detailed review of the project against National Policy Statements EN-1 and EN-4 is included in the Planning Statement (**application document 7.1**).

Table 1.1: Environmental Legislation and Policy

Legislation/Policy	Why it Applies to the Project	How it Has Been Assessed on the Project
General environmental legislation that is relevant to more than one receptor		
Countryside and Rights of Way (CRoW) Act 2000	The Act increases measures for the management and protection of Sites of Special Scientific Interest (SSSI). The Order Limits cross Bourley and Long Valley SSSI, Colony Bog and Bagshot Heath SSSI and Chobham Common SSSI.	An assessment of the impacts on the SSSIs has been included in Chapter 7 Biodiversity. The assessment concludes that there would be no significant effects to these sites.
	Open access land defined under the Act would be situated within the Order Limits in Section F Bisley and Pirbright Ranges to M25 at: the Maultway B3015; along Red Road B311; southeast of Lightwater and at Turf Hill; and at Chobham Common.	An assessment of the impacts on open access land is considered within Chapter 10 Landscape and Visual. The assessment concludes that there would be no significant effects to open access land.
	The CRoW Act also includes provision for public access to the countryside and Public Rights of Way (PRoW). The project crosses multiple PRoWs within the Order Limits comprising bridleways, byways, footpaths, restricted byways, National trails, Long Distance Walking Routes and cycle routes.	Part 3, Article 12 of the Development Consent Order (DCO) derives the process to agree diversions before works that would impact PRoW. PRoW are assessed within Chapter 10 Landscape and Visual and Chapter 13 People and Communities. These conclude that there are no significant effects on public access and PRoW.
National Parks and Access to the Countryside Act 1949	National Park Authorities must conserve and enhance the natural beauty, wildlife and cultural heritage and promote opportunities for the understanding and enjoyment of the special qualities of National Parks by consultees. The project crosses the South Downs National Park (SDNP) over approximately 27.4km between Bishop's Waltham and Alton.	An assessment of the impacts on the SDNP have been included within the ES, including Chapter 7 Biodiversity, Chapter 9 Historic Environment, and Chapter 10 Landscape and Visual. Consideration of SDNP related policy is also given in Appendix 2.2 Regional and Local Planning Policy.
Control of Pollution Act (CoPA) 1974	Section 60 of CoPA grants the power to a local authority to serve a notice on a developer or contractor(s) imposing restrictions on construction works.	An assessment of the noise impacts is included in Appendix 13.3 Noise and Vibration Technical Note.



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The Hedgerows Regulations 1997 (amended 2003)	These Regulations apply to hedgerows over 20m in length with protection granted for “important hedgerows” (which are older than 30 years old and meet qualifying criteria). Removal is permitted under planning permission. The route crosses multiple hedgerows that have been assessed under these regulations. Draft DCO Article 41 provides the power to remove hedgerows affected by the project.	Hedgerows assessed as important for archaeology and history are included in Chapter 9 Historic Environment. Hedgerows assessed as important for wildlife and landscape are included in Chapter 7 Biodiversity, Chapter 9 Historic Environment and Appendix 7.2 Hedgerow Factual Report. All important hedgerows are included within the Hedgerows Schedule included in the Draft DCO (application document 3.1).
The Environmental Protection Act (EPA) 1990	Part II, Section 33 (1)(a) and (1)(b). These establish certain actions as offences with respect to depositing, treating, keeping or disposing of controlled waste without a permit. Section 33 (1)(c) makes it an offence to keep, treat or dispose of controlled waste in a manner likely to cause pollution of the environment.	The Register of Environmental Actions and Commitments included in Chapter 16 Environmental Management and Mitigation contains a commitment (G77) that a Site Waste Management Plan would be developed prior to construction. The contractor(s) would maintain and monitor the SWMP throughout the construction period and oversee that any sub-contractor(s) adhere to the SWMP.
	Part IIA sets out the statutory contaminated land regime. This sets out procedures to make land suitable for its current use where there is a pollution linkage that can result in significant harm. Where land is being developed, the relevant planning regime addresses the risk posed by potential contamination.	The project has been designed to avoid land at risk of contamination where practicable. An assessment of the likelihood of contamination is provided in Chapter 11 Soils and Geology.
	Part III of the Act covers statutory nuisance provisions for dust and odour. Local authorities can take action in cases where a statutory odour or dust nuisance is found to exist. The project has the potential to generate dust during installation.	An assessment on the effects of dust is considered within Appendix 13.2 Air Quality Technical Note and Appendix 13.5 Statement of Statutory Nuisances. The assessment concludes that there is no significant effect to air quality from odour or dust.
Environmental Permitting Regulations (2016)	The project crosses a number of sites where there are permits currently held by other consultees. These are the Queen Mary Quarry, Home Farm North, Home Farm South, Home Farm Extension and Laleham Landfill. It would be necessary to work with the operators to make sure the Environmental Permitting Regulations are complied with. The regulations also cover the licensing of surface waters and groundwater abstractions. Abstractions would be required to enable dewatering of construction excavations. Implementation of the project must not result in significant impacts on water resources or water quality, with particular reference to Source Protection Zones (SPZs).	An assessment of the effects on permitted sites is included in Chapter 11 Soils and Geology. Assessment of the effects of the project on surface waters and groundwater is given in Chapter 8 Water.



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Biodiversity		
Natural Environment and Rural Communities (NERC) Act 2006	The Act places a duty to conserve biodiversity on public authorities in England. It requires the Secretary of State to publish and maintain lists of species and types of habitats which are regarded by Natural England as being of ' <i>principal importance</i> ' for the purposes of conserving biodiversity in England. Baseline surveys and desk studies undertaken for the project have identified a number of habitats and species of principal importance within the study area.	The project has been designed to avoid or reduce impacts on habitats and species of principal importance where practicable. An assessment of impacts on habitats and species of principal importance is provided in Chapter 7 Biodiversity.
Wildlife and Countryside Act 1981 (as amended)	The Act allows for the designation of SSSIs due to features of conservation interest related to flora, fauna, physiography or geology. The Order Limits pass through three SSSIs: Bourley and Long Valley SSSI; Colony Bog and Bagshot Heath SSSI; and Chobham Common SSSI. It also has potential impact pathways to more distant sites.	An assessment of the impacts on the SSSIs has been included in Chapter 7 Biodiversity. The assessment concludes that there would be no significant effects on these sites.
	The Act makes it an offence to kill, injure, take, possess or trade in many wild animal species and to pick, uproot, possess or trade in a number of wild plants. The route passes through habitats with potential to support animal species protected under the Act.	Species listed in the relevant Schedules of the legislation have been considered by relevant desk and field studies appended to Chapter 7 Biodiversity. The assessment concludes that there would be no significant effects on protected species.
	The Act also aims to prevent the establishment of non-native species. The Order Limits may contain potentially invasive Schedule 9 plant species or other invasive species.	An assessment in relation to non-native species is included in Chapter 7 Biodiversity.
Conservation of Habitats and Species Regulations 2017	The provisions of Council Directive 92/43/EEC (the 'Habitats Directive') and Council Directive 2009/147/EC (the 'Birds Directive') are implemented through these Regulations. They provide for the designation and protection of European sites and species and the adoption of planning and other controls for the protection of European sites. The Regulations require all plans or projects to be assessed by the competent authority to determine if there is likely to be a significant effect on nature conservation sites before a consent is granted. The pipeline route passes through two European sites and has potential impact pathways to more distant European sites. It therefore requires assessment under the Regulations.	A Habitats Regulations Assessment (HRA) Report (including sufficient information for appropriate assessment as required) to enable the Inspectorate (in consultation with Natural England) to undertake its HRA is provided in a separate report (application document 6.5). The conclusions of this report have been discussed with Natural England. The impacts on designated sites are also assessed in Chapter 7 Biodiversity. The assessment concludes that there would be no significant effects on European sites.
	The Regulations allow for the licensing of activities affecting European Protected Species that would otherwise be illegal (e.g. bats, great crested newts, sand lizards and dormice). The project would affect areas supporting protected species and licences would be required.	Draft licences have been prepared and discussed with Natural England and can be found in the appendices for Chapter 7 Biodiversity. The assessment concludes that there would be no significant effects on protected species.



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Salmon and Freshwater Fisheries Act 1975 (as amended)	The Act is aimed at the protection of freshwater fish, with a particularly strong focus on salmon and trout. It sets out activities that could constitute an offence including direct mortality, barriers to migration and degradation of habitats. The project crosses several watercourses where freshwater fish are present.	An assessment of the effects on salmon and freshwater fish is included in Chapter 7 Biodiversity. The assessment concludes that there would be no significant effects on salmon and/or freshwater fish.
Protection of Badgers Act 1992	The Act lists offences relating to activities affecting badgers and their setts. Baseline surveys have been undertaken for badgers.	The project has been developed to avoid known badger setts where practicable. Legal compliance is detailed in Appendix 7.13 Draft Badger Licence. The conclusions of the licence have been discussed with Natural England. The assessment concludes that there would be no significant effect on badgers.
The Eels (England and Wales) Regulations 2009	These regulations grant powers to regulators to implement measures for the recovery of European eel stocks. The project crosses several watercourses where eels are present.	An assessment of the effects on eels is included in Chapter 7 Biodiversity. The assessment concludes that there would be no significant effect on eels.
Water		
Water Environment (Water Framework Directive) (England and Wales) Regulations 2017	The provisions of the Water Framework Directive (WFD) 2000/60/EC, Groundwater Directive (GWD) 2006/118/EC and the Environmental Quality Standards Directive (EQSD) 2008/105/EC are implemented through these regulations. The Regulations establish a framework for the protection of surface waters and groundwater.	Compliance with the WFD is assessed in Appendix 8.5 Water Framework Directive Compliance Assessment. The assessment concludes that, at a WFD water body scale, there would be no significant effects arising from the construction or operation of the project.
Water Resources Act 1991	This Act regulates water resources, water quality and pollution, and flood defence. It aims to maintain and improve the quality of controlled waters.	An assessment of the effects on surface water and groundwater quality is included in Chapter 8 Water, including risk assessments for groundwater abstractions. The assessment concludes that there would be no significant effects on water supplies.
Flood and Water Management Act 2010	This Act aims to create a simpler and more effective means of managing the risk of flooding. The Act designates Lead Local Flood Authorities (LLFA), empowering them to identify and manage flood risks from surface water runoff, groundwater and ordinary watercourses.	A Flood Risk Assessment(FRA) Report has been prepared for the project (application document 7.3). The results from the FRA are summarised in Chapter 8 Water. The assessment concludes that there would be no significant effect on flood risk, either to the proposed development itself, or caused by the proposed development.
Land Drainage Act 1991	Crossings or works on Ordinary Watercourses are the responsibility of Lead Local Flood Authorities and are consented under the Land Drainage Act. The project crosses approximately sixty Ordinary Watercourses.	
Environment Agency Groundwater	The Environment Agency regulates activities that may impact groundwater resources, to prevent and limit pollution. Policy Position Statement C1 is concerned with infrastructure schemes of national or regional significance, that	An assessment of the effects on surface water and groundwater quality is included in Chapter 8 Water, including risk assessments for groundwater abstractions. The



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Protection Policy 2018 (version 1.2)	pass through SPZ1 or SPZ2 or are below the water table in Principal or Secondary aquifers. The Order Limits pass through a number of SPZ2s (Outer Protection Zone) but do not impinge upon SPZ1 (Inner Protection Zone).	assessment concludes that there would be no significant effects on water supplies.
Cultural Heritage		
Ancient Monuments and Archaeological Areas Act 1979 (amended by the National Heritage Act 1983 and 2002)	Scheduled Monuments are designated by law and are, by definition, of national importance. The project passes close to a number of Scheduled Monuments. However, S33(1) of the Planning Act 2008 means that this Act is not applicable to the project.	The project has been designed to avoid Scheduled Monuments where practicable. An assessment of the impacts on these sites, including their settings, has been undertaken in Chapter 9 Historic Environment. The assessment concludes that there would be no significant effects on Scheduled Monuments.
Planning (Listed Buildings and Conservation Areas) Act 1990 (amended by the Enterprise and Regulatory Reform Act 2013)	This Act requires Planning Authorities to have special regard to the desirability of preserving a Listed Building, its setting or any features of special architectural or historic interest which it may possess. The project lies close to some Listed Buildings. However, S33(1) of the Planning Act 2008 means that this Act is not directly applicable to the project.	The project has been designed to avoid Listed Buildings where practicable. An assessment of the impacts on these sites, including their settings, has been included in Chapter 9 Historic Environment. The assessment concludes that there would be no significant effects on Listed Buildings.
Treasure Act 1996	This Act obligates those who find items defined as 'treasure' to report the object to their local coroner. This applies to the project as objects defined as treasure could be uncovered unexpectedly during installation.	Unexpected discoveries have been considered within Appendix 9.5 Archaeological Mitigation Strategy.
Landscape and Visual – no additional legislation		
Soils and Geology – no additional legislation		
Land Use – no additional legislation		
People and Communities		
The Noise Policy Statement for England (2010)	This policy statement aims to avoid significant adverse impacts on health and quality of life; to mitigate and lessen adverse impacts on health and quality of life; and, where possible, contribute to the improvement of health and quality of life. The project is likely to generate noise during installation.	An assessment on the effects of noise is considered within Appendix 13.3 Noise and Vibration Technical Note. Health is assessed in Appendix 13.1 Human Health Technical Note. This concludes that there would be no significant effects on health and/or quality of life from noise.
The Air Quality Strategy for	This policy provides an overview and outline of the UK Government's and devolved administrations' ambient (outdoor) air quality policies. The strategy	An assessment of the effects on air quality is included within Appendix 13.2 Air Quality Technical Note. The assessment



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England, Scotland, Wales and Northern Ireland (Defra, 2007)	sets out the air quality objectives (AQOs) and the measures selected to achieve the desired improvements in air quality. The project has the potential to affect air quality through generation of emissions from industrial and transport sources.	concludes that there would be no significant effects on air quality.
Major Accidents – no additional legislation		
Cumulative effects – no additional legislation		



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