



The Planning  
Inspectorate

# SCOPING OPINION

## Proposed A63 Castle Street Improvements, Hull



April 2013





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## EXECUTIVE SUMMARY

This is the Scoping Opinion (the Opinion) provided by the Secretary of State in respect of the content of the Environmental Statement for the A63 Castle Street Improvements, a Highways Agency scheme aimed at alleviating congestion along the A63 in the centre of Kingston Upon Hull.

This report sets out the Secretary of State's opinion on the basis of the information provided in the Highways Agency's report entitled 'A63 Castle Street Improvements, Hull Environmental Statement Scoping Report' (March 2013). The Opinion can only reflect the proposals as currently described by the Applicant.

The Secretary of State has consulted on the Scoping Report and the responses received have been taken into account in adopting this Opinion. The Secretary of State is satisfied that the topic areas identified in the Scoping Report encompass those matters identified in Schedule 4, Part 1, paragraph 19 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended).

The Secretary of State draws attention both to the general points and those made in respect of each of the specialist topic areas in this Opinion. The main potential issues identified are:

- Cultural Heritage
- Drainage and flood risk
- Community effects, in particular severance issues

Matters are not scoped out unless specifically addressed and justified by the Applicant, and confirmed as being scoped out by the Secretary of State.

The Secretary of State notes the potential need to carry out an assessment under the Habitats Regulations<sup>1</sup>.

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<sup>1</sup> The Conservation of Habitats and Species Regulations 2010 (as amended)



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## 1.0 INTRODUCTION

### Background

- 1.1 On 4 March 2013, the Secretary of State (SoS) received a scoping report submitted by the Highways Agency (the Applicant) under Regulation 8 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (SI 2263) (as amended) (the EIA Regulations) in order to request a scoping opinion for the proposed A63 Castle Street Improvements. This Scoping Opinion is made in response to this request and should be read in conjunction with the Applicant's Scoping Report.
- 1.2 In submitting the information included in their request for a scoping opinion, the Applicant is deemed to have notified the SoS under Regulation 6(1)(b) of the EIA Regulations that it proposes to provide an ES in respect of the proposed A63 Castle Street Improvements. Therefore the proposed development is determined to be an EIA development in accordance with Regulation 4(2)(a) of the EIA Regulations.
- 1.3 The proposed development concerns road improvement and construction. It falls within the description of a Schedule 2 development under the EIA Regulations as being an infrastructure project. An EIA is not mandatory for Schedule 2 development but depends upon the sensitivity of the receiving environment, the likelihood of significant environmental effects and the scale of the proposals.
- 1.4 Before adopting a scoping opinion the SoS must take into account:
  - (a) the specific characteristics of the particular development;
  - (b) the specific characteristics of the development of the type concerned; and
  - (c) environmental features likely to be affected by the development'.

*(EIA Regulation 8 (9))*
- 1.5 This Opinion sets out what information the SoS considers should be included in the ES for the proposed development. The Opinion has taken account of:
  - i the EIA Regulations
  - ii the nature and scale of the proposed development
  - iii the nature of the receiving environment, and

- iv current best practice in the preparation of environmental statements.
- 1.6 The SoS has also taken account of the responses received from the statutory consultees (see Appendix 2 of this Opinion). The matters addressed by the Applicant have been carefully considered and use has been made of professional judgement and experience in order to adopt this Opinion. It should be noted that when it comes to consider the ES, the SoS will take account of relevant legislation and guidelines (as appropriate). The SoS will not be precluded from requiring additional information if it is considered necessary in connection with the ES submitted with that application when considering the application for a development consent order (DCO).
- 1.7 This Opinion should not be construed as implying that the SoS agrees with the information or comments provided by the Applicant in their request for an opinion from the SoS. In particular, comments from the SoS in this Opinion are without prejudice to any decision taken by the SoS (on submission of the application) that any development identified by the Applicant is necessarily to be treated as part of a nationally significant infrastructure project (NSIP), or associated development, or development that does not require development consent.
- 1.8 Regulation 8(3) of the EIA Regulations states that a request for a scoping opinion must include:
- (a) 'a plan sufficient to identify the land;
  - (b) a brief description of the nature and purpose of the development and of its possible effects on the environment; and
  - (c) such other information or representations as the person making the request may wish to provide or make'.
- (EIA Regulation 8 (3))*
- 1.9 The SoS considers that this has been provided in the Applicant's Scoping Report.

## The Secretary of State's Consultation

- 1.10 The SoS has a duty under Regulation 8(6) of the EIA Regulations to consult widely before adopting a scoping opinion. A full list of the consultation bodies is provided at Appendix 1. The list has been compiled by the SoS under their duty to notify the consultees in accordance with Regulation 9(1)(a). The Applicant should note that whilst the SoS's list can inform their consultation, it should not be relied upon for that purpose.





- 1.11 The list of respondents who replied within the statutory timeframe and whose comments have been taken into account in the preparation of this Opinion is provided at Appendix 2 along with copies of their comments, to which the Applicant should refer in undertaking the EIA.
- 1.12 The ES submitted by the Applicant should demonstrate consideration of the points raised by the consultation bodies. It is recommended that a table is provided in the ES summarising the scoping responses from the consultation bodies and how they are, or are not, addressed in the ES.
- 1.13 Any consultation responses received after the statutory deadline for receipt of comments will not be taken into account within this Opinion. Late responses will be forwarded to the Applicant and will be made available on the Planning Inspectorate's website. The Applicant should also give due consideration to those comments in carrying out the EIA.

## Structure of the Document

- 1.14 This Scoping Opinion is structured as follows:

- Section 1 Introduction
- Section 2 The proposed development
- Section 3 EIA approach and topic areas
- Section 4 Other information.

The Scoping Opinion is accompanied by the following Appendices:

- Appendix 1 List of consultees
- Appendix 2 Respondents to consultation and copies of replies
- Appendix 3 Presentation of the environmental statement.

## 2.0 THE PROPOSED DEVELOPMENT

### Introduction

- 2.1 The following is a summary of the information on the proposed development and its site and surroundings prepared by the Applicant and included in their Scoping Report. The information has not been verified and it has been assumed that the information provided reflects the existing knowledge of the proposed development and the potential receptors/resources.

### The Applicant's Information

#### Overview of the Proposed Development

- 2.2 The proposed development is for highways improvements to the A63 Castle Street in the centre of Hull. The scheme extends from Porter Street to Myton Bridge for a distance of approximately 1.5km. The proposal includes realigning part of the existing road and the construction of new highways infrastructure along the route.

#### Description of the site and surroundings

##### *The Application Site*

- 2.3 The A63 Castle Street is located in Hull city centre. It currently comprises a dual carriageway which is largely at grade and runs in an east-west alignment. The development is located within the administrative boundary of Hull City.
- 2.4 The site is located within an Air Quality Management Area (AQMA).
- 2.5 The majority of the study area is designated as an 'Area of Archaeological Interest' as defined in the Hull City Plan. 22 listed buildings are located within the application site and a 250m study area. 18 of these are Grade II listed, 2 are Grade II\* listed (The Old Grammar School and Minerva Lodge on Dagger Lane), and 2 are Grade I structures (Holy Trinity Church and King William III's statue).
- 2.6 The central and eastern part of the site falls within the Old Town Conservation Area and incorporates the Trinity Burial Ground. The Trinity Burial Ground is a designated Site of Nature Conservation Interest (SNCI). The Trinity Burial ground is also designated as public open space, along with William Street pocket park which is partially located within the scheme boundary on its northern limit.
- 2.7 The site lies within a Groundwater Drinking Water Protection Area (DrWPA). The site lies within a Flood Zone 3.

- 2.8 Figure 13A within Appendix A of the Scoping Report illustrates the locations of Public Rights of Way (PRoW) within the site boundary. On the northern side of Hessle Road there is also a combined pedestrian and cycle route, and further combined routes are provided at Mytongate Junction. There are several at-grade crossing points along the A63 and the adjacent side roads which are listed in paragraphs 13.3.5-13.3.6 of the Scoping Report.

#### *The Surrounding Area*

- 2.9 The A63 Castle Street is a link between the M62 motorway, the A15 and the Humber Bridge to the west of the development, and the Port of Hull to the east.
- 2.10 Hull Marina and Dock are located immediately to the south of the development and Princes Quay Shopping Centre to the north. A large retail park development, 'Kingston Park' is located to the south west of the scheme, and Paragon Shopping Centre is located to the North. The Hull Arena ice rink is located 200m to the south of the site. A number of these features are identified on Figure 7B within Appendix A of the Scoping Report.
- 2.11 There are a number of schools and hospitals located within 2km of the site boundary including Hull Trinity House School, Victoria Dock Primary School, Adelaide Primary School, Hull College, Princess Royal Hospital, Queens Gardens and Hull Royal Infirmary.
- 2.12 The Humber Estuary is located 500m to the south of the site. The Estuary is designated as a Special Protection Area (SPA), a Special Area of Conservation (SAC), a Ramsar site, and a Site of Special Scientific Interest (SSSI). There are 3 SNCI's located within the wider vicinity of the site, including one on the River Hull.
- 2.13 The Great Passage Street pocket park is located to the northwest edge of Mytongate Junction and is locally designated as public open space.
- 2.14 The River Humber is located 500m to the south of the proposed development beyond the Hull Marina. The River Hull is located to the east of the development. There are two licensed chalk groundwater abstractions for commercial use within 1km of the site.
- 2.15 There are a number of PRoW within the wider vicinity of the site, including part of the Trans Pennine Trail.

#### **Description of the Proposed Development**

- 2.16 A Scheme Plan and Long Section (Figure 3A) showing the Scheme are located in Appendix A of the Scoping Report.



- 2.17 The proposed development would involve lowering the level of the existing A63 in the vicinity of Mytongate Junction (Ferensway/Commercial Road) by approximately 7m with Ferensway and Commercial Road being raised by approximately 1m and passing over the A63 on a new bridge.
- 2.18 Between Mytongate Junction and Market Place, the eastbound carriageway would be widened to three lanes, with the nearside lane being marked for local traffic only and would be physically segregated from the main eastbound carriageway from Mytongate Junction as far as Prince's Dock Street.
- 2.19 The realigned A63 and the westbound exit slip road to Commercial Road would pass through the northern part of the Trinity Burial Ground.
- 2.20 East of Mytongate Junction the A63 would tie back into existing ground level where a pedestrian footbridge would be provided in front of Princes Quay Shopping Centre and the Humber Dock Marina. This bridge would be approximately 7m above the existing road level.
- 2.21 It is proposed to remove the existing signalised pedestrian crossings at Market Place and replace them with a new pedestrian footbridge.
- 2.22 In order to construct the eastbound entry slip road, nearside eastbound local traffic lane and improved A63, two Grade II listed properties would require demolition; the Castle Buildings and the former Earl de Grey Public House.
- 2.23 It would be necessary to close the accesses from the A63 to the Holiday Inn Hotel, Spruce Road and Waverley Street, on safety grounds. Alternative access would be provided for the hotel from Commercial Road and access to Spruce Road/Waverley Street is currently proposed via a new road off St James Square/St James Street.
- 2.24 In addition to the pedestrian footbridges opposite Princes Quay and at Market Place, a footbridge would also be provided near Porter Street to replace the current signalised pedestrian crossing facility at this location. Pedestrian footways would also be provided along the length of scheme with a replacement cycleway to the north of the A63.

### **Proposed Access**

- 2.25 The description of the proposed development above describes how accesses along the route would operate as a result of the proposed development.

- 2.26 The Scoping Report does not describe how construction vehicles would access the development and which routes would be used to transport plant and materials to and from the site.

### **Construction**

- 2.27 The construction of the development is anticipated to commence in October 2015 with operation commencing in 2019 as shown on the Project Programme provided in Table 4.1 of the Scoping Report
- 2.28 Paragraph 6.6.2 of the Scoping Report indicates that a Construction Environmental Management Plan (CEMP) would be provided as part of the scheme to deliver mitigation/enhancement and monitoring measures associated with the construction of the development. The Scoping Report also indicates that a Site Waste Management Plan (SWMP) would be provided as part of any subsequent application.
- 2.29 Table 11.1 in the Scoping Report gives an indication of materials that would be used during the construction of the development including bulk materials for earthworks, timber, road surface material, concrete, and steel.
- 2.30 Construction activities would include demolition works, excavation and foundations works including piling, construction of carriageways, bridges, drainage and services, surfacing works, and the installation of signage, gantries and road markings.
- 2.31 Paragraph 11.1.5 of the Scoping Report indicates that construction waste would be produced by the development including demolition waste, excavated soils, and surplus material brought onto site but not used.
- 2.32 Figure 1E within Appendix A of the Scoping Report illustrates where construction compounds and material storage could be facilitated.
- 2.33 Paragraph 12.4.3 indicates that some night time working would be anticipated.

### **Operation and Maintenance**

- 2.34 The operational and maintenance requirements of the scheme have not been described within the Scoping Report.



## The Secretary of State's Comments

### Description of the Application Site and Surrounding Area

- 2.35 In addition to detailed baseline information to be provided within topic specific chapters of the ES, the SoS would expect the ES to include a section that summarises the site and surroundings. This would identify the context of the proposed development, any relevant designations and sensitive receptors. This section should identify land that could be directly or indirectly affected by the proposed development and any associated auxiliary facilities, landscaping areas and potential off site mitigation or compensation schemes.
- 2.36 The SoS is pleased to note that a suite of plans were provided within the Scoping Report to illustrate the locations of receptors within the application site and the surrounding area. The Applicant should ensure that all plans used to set out the context of the site and surrounding area are clear and legible and include a key on all plans for ease of reference.

### Description of the Proposed Development

- 2.37 The Applicant should ensure that the description of the proposed development that is being applied for is as accurate and firm as possible as this will form the basis of the environmental impact assessment. It is understood that at this stage in the evolution of the scheme the description of the proposals and even the location of the site may not be confirmed. The Applicant should be aware however, that the description of the development in the ES must be sufficiently certain to meet the requirements of paragraph 17 of Schedule 4 Part 1 of the EIA Regulations and there should therefore be more certainty by the time the ES is submitted with the DCO.
- 2.38 Potential land requirements for the construction phase are illustrated in Figure 1E in Appendix A of the Scoping Report. These areas are not included within the red-line boundary of the development as shown on this plan. The DCO boundary should encompass both temporary and permanent land requirements.
- 2.39 If a draft DCO is to be submitted, the Applicant should clearly define what elements of the proposed development are integral to the NSIP and which are 'associated development' under the Planning Act 2008 or are an ancillary matter.
- 2.40 Any proposed works and/or infrastructure required as associated development, or as an ancillary matter, (whether on or off-site) should be considered as part of an integrated approach to environmental assessment.

2.41 The SoS recommends that the ES should include a clear description of all aspects of the proposed development, at the construction, operation and decommissioning stages, and include:

- temporary and permanent land use requirements
- site preparation and enabling works
- construction processes and methods
- transport routes, access points and temporary construction routes
- operational requirements including the main characteristics of the production process and the nature and quantity of materials used, as well as waste arisings and their disposal
- maintenance activities including any potential environmental impacts, and
- emissions - water, air and soil pollution, noise, vibration, light, heat, radiation.

2.42 It should be noted that if the proposed development changes substantially during the EIA process, prior to submission of the DCO application, the Applicant may wish to consider the need to request a new scoping opinion from the SoS.

## **Construction**

2.43 The SoS is pleased to note that a section on 'Materials' will be included within the ES and will consider the impacts relating to construction materials as part of the development.

2.44 Within the description of the development, the SoS would expect to see a detailed description of the construction phase of the development. Such information should include, but not be limited to:

- construction methods, activities and plant associated with each phase
- siting of construction compounds (including on and off site)
- lighting equipment/requirements
- number of workers required during construction, if they are full/part time, and if shift work is required, and
- number, movements and parking of construction vehicles (both HGVs and staff)

2.45 It is noted that piling may be used during the construction phase. The ES should describe the type of piling technique that would be adopted, and ensure the impacts of the specific method/s are assessed within the noise and vibration chapter.



- 2.46 The ES should include a detailed description of the construction access arrangements with a clear indication of the transport routes and access to construction compounds.

### **Operation and Maintenance**

- 2.47 Information on the operation and maintenance of the proposed development should be included in the ES. This could include details of routine maintenance work and the proposed approaches to maintenance.



## 3.0 EIA APPROACH AND TOPIC AREAS

### Introduction

- 3.1 This section contains the SoS's specific comments on the approach to the ES and topic areas as set out in the Scoping Report. General advice on the presentation of an ES is provided at Appendix 3 of this Scoping Opinion and should be read in conjunction with this Section.
- 3.2 Applicants are advised that the scope of the DCO application should be clearly addressed and assessed consistently within the ES.

### ES Approach

- 3.3 The information provided in the Scoping Report sets out the proposed approach to the preparation of the ES. Whilst early engagement on the scope of the ES is to be welcomed, the SoS notes that the level of information provided at this stage is not always sufficient to allow for detailed comments from either the SoS or the consultees.
- 3.4 The SoS would suggest that the Applicant ensures that appropriate consultation is undertaken with the relevant consultees in order to agree wherever possible the timing and relevance of survey work as well as the methodologies to be used.
- 3.5 The SoS recommends that the physical scope of the study areas should be identified under all the environmental topics and should be sufficiently robust in order to undertake the assessment. The extent of the study areas should be on the basis of recognised professional guidance, whenever such guidance is available. The study areas should also be agreed with the relevant consultees and, where this is not possible, this should be stated clearly in the ES and a reasoned justification given. The scope should also cover the breadth of the topic area and the temporal scope, and these aspects should be described and justified.

### Matters to be Scoped Out

- 3.6 The Applicant has identified in the relevant sections of the Scoping Report the matters proposed to be 'scoped out'. These include:
- Operational ground borne vibration (see section 12)
  - Impacts on local geology and geomorphology (see section 10)
  - Impact on geological designated sites (see section 10)

- Impacts to soils and land under agricultural use (see section 10)
  - Impacts on bridleways and users (see section 10)
- 3.7 Matters are not scoped out unless specifically addressed and justified by the Applicant, and confirmed as being scoped out by the SoS.
- 3.8 Section 12.4 of the Scoping Report states that impacts arising from operational ground borne vibration will not be considered further in light of the low likelihood that newly constructed carriageways will generate significant levels of such vibration. The SoS does not consider that sufficient information has been provided in the Scoping Report to allow this aspect to be scoped out of the assessment at this stage.
- 3.9 Section 10.6 of the Scoping Report states that no areas of geological concern have been identified within the study area, and given previous disturbance to local geology from construction of the A63 and other developments no significant impacts on local geology and geomorphology are predicted. As a result this area is intended to be subject to further assessment. The SoS considers that while the assessment to date referred to in the Scoping Report (Pell Frischmann 2010. A63 Castle Street Improvement Hull, Environmental Assessment Report (Options Selection Stage)) may be sufficient to rule out significant impacts, this information is not presented in the Scoping Report and advises that this should be presented in the ES and updated as required.
- 3.10 The above section of the Scoping Report also states that no geological designated sites have been identified within the study area, and impact of the scheme was previously assessed as neutral. The supporting information from the previous assessment (PF, 2010) is not presented in the scoping report. Provided that the study area is clearly defined and justified in the ES and that it continues to be the case that no designated sites are identified within it, the SoS agrees that impacts on geological designated sites can be scoped out of further assessment, provided that appropriate supporting information is provided in the ES.
- 3.11 Paragraphs 10.6.4 and 10.6.5 of the Scoping Report state that no further assessment of impacts on soils and land under agricultural use is proposed, given the urban nature of the scheme extent and the results of the previous assessment referred to in the Scoping Report (PF, 2010). This previous assessment is not presented in the Scoping Report. While the previous assessment may be sufficient to rule out significant impacts, the SoS advises that this information, updated if necessary, is presented in the ES.
- 3.12 Paragraph 13.3.2 of the Scoping Report states that no bridleways have been identified within the study area, and no evidence of use

of the area by equestrians has been found during surveys to date. Therefore no impacts are predicted on bridleways or equestrian users. The SoS agrees that this sub-topic can be scoped out of the assessment.

- 3.13 In order to demonstrate that topics have not simply been overlooked, where topics are scoped out prior to submission of the DCO application, the ES should still explain the reasoning and justify the approach taken.

## ES Structure

- 3.14 Section 1.6 of the Scoping Report sets out the proposed environmental topics to be included within the ES on which the Applicant seeks the Opinion of the SoS. The list of headings follows those set out within the Scoping Report. Section 1.7 sets out the proposed structure of the ES. As set out in the Scoping Report the EIA would cover assessments under the headings of:

- Air Quality
- Cultural Heritage
- Landscape
- Nature Conservation
- Geology and Soils
- Materials
- Noise and Vibration
- Effects on All Travellers
- Community and Private Assets
- Road Drainage and the Water Environment
- Consideration of Combined and Cumulative Effects.

- 3.15 The Scoping Report also states that aspects associated with climate change will be covered within both the Air Quality chapter and a Sustainability Appraisal which will accompany the ES. The SoS recommends that aspects associated with climate change, such as effects on flora and fauna and changes to flood risk, may be appropriate to address within the EIA and should be included within the relevant topic chapters within the ES.

## Topic Areas

### **Air Quality** (see Scoping Report Section 6)

- 3.16 The SoS notes that the site lies within an AQMA within which monitoring has shown that concentrations of NO<sub>2</sub> have exceeded air quality objectives for several years. The SoS considers that

adverse change to air quality should be assessed in relation to compliance with European air quality limit values and AQMAs.

- 3.17 The SoS notes from the Scoping Report the proximity of national and European-designated nature conservation sites on the River Humber, as well as a number of features of historic interest within the study area. Expanding on the receptors identified within Table 6.4 of the Scoping Report, the SoS advises that the impacts on the River Humber and on these other potentially sensitive receptors should be carefully assessed. There is the need to consider potential effects due to an increase in airborne pollution including fugitive dust especially during site preparation and construction, and of emissions, particularly during operation. This information will also inform the ecological and cultural heritage assessments.
- 3.18 The assessment should take account of recognised professional guidance should be used where available and appropriate. The SoS notes that the Scoping Report identifies that the assessment will take account of guidance within the DMRB (Volume 11, Section 3, Part 1, HA207/07), and IAN 170/12 with respect to air quality dispersion modelling, as well as Defra technical guidance. The Applicant's attention is drawn to comments from Hull City Council (provided in Appendix 2 of this Scoping Opinion) regarding agreement of sensitive receptors to inform any modelling work undertaken as part of the assessment.
- 3.19 The Scoping Report identifies a study area of 200m to be applied to the assessment. The SoS advises that the study area applied should be based on the proportionate changes in air quality predicted to result from the scheme. The study area should allow for adequate consideration of air quality and dust effects on receptors which may be off-site including access roads, local footpaths and cycleways, as well as sensitive receptors as indicated above.
- 3.20 Consideration should be given to appropriate mitigation measures and to monitoring dust complaints, and the SoS welcomes the intention to develop mitigation strategies to be incorporated into the scheme Construction Environmental Management Plan (CEMP). Mitigation strategies should also be devised in relation to operational impacts, particularly having regard to the existing AQMA. The SoS notes the intention to develop these in line with advice from recognised bodies.
- 3.21 The SoS draws the Applicant's attention to comments from the Health Protection Agency (Appendix 2) regarding the scope of the assessment with respect to health impacts arising from emissions to air.

**Cultural Heritage** (see Scoping Report Section 7)

- 3.22 The Scoping Report provides limited information on the spatial scope to be applied to the assessment, stating that an earlier study area of 250m will be expanded to take account of historic landscape character. It will be important to clearly define the study area and methodology of the assessment in the ES, and describe where and why the methods used depart from recognised professional guidance, if applicable. The study area should be wide enough to take account of the impact to all heritage assets likely to be affected by the proposed development, including impacts to their settings, which may require consideration of long distance views.
- 3.23 The Scoping Report makes reference to DMRB Volume 11 Section 3, but does not make specific reference to the relevant part. The SoS has assumed that the guidance within Part 2 HA 208/07 will be applied, and recommends that all guidance used to undertake the assessment is referenced clearly in the ES.
- 3.24 The SoS notes the large number of cultural heritage assets described within the known baseline for the project, including a number of assets considered to be of high and of medium value. The Scoping Report identifies the potential for significant adverse effects on cultural heritage, and the SoS welcomes the intention for a revised detailed assessment including fieldwork investigations. The SoS notes the previous and ongoing consultation with English Heritage (EH) and the Humber Archaeology Partnership (HAP), and encourages the applicant to refine the assessment methodology as this consultation progresses. The ES should clearly present how these consultations have been taken into account in the assessment.
- 3.25 The SoS notes that given the history of the scheme a number of previous assessments have been undertaken, and advises that the baseline conditions used to underpin the assessment should be clearly defined and agreed with consultees.
- 3.26 The Scoping Report outlines the potential mitigation strategies that may be put into place as part of the scheme in order to avoid, or reduce, impacts on cultural heritage assets. The consultation undertaken with the relevant bodies should help to refine appropriate mitigation for the scheme, including that which forms part of the detailed scheme design.
- 3.27 The SoS notes from the Scoping Report that changes to the water table may be a source of impacts on buried archaeological remains. The proposed studies associated with the assessment of impacts to drainage and flood risk will inform this aspect of the cultural heritage assessment and appropriate cross reference should be made between these topic areas within the ES.

- 3.28 The SoS considers that potential impacts could arise from the scheme on the character and setting of cultural heritage assets, and notes from the Scoping Report that it is intended to address this in the ES. While it is understood that this topic chapter will deal with the value of cultural heritage features in terms of their historic interest, cross reference should be made to the Landscape section of the ES where appropriate.
- 3.29 The SoS draws the Applicant's attention to comments received from English Heritage (Appendix 2) which highlight the organisation's concerns regarding severance impacts between heritage interests to the north and south of the proposals, and in particular concerns regarding the proposed demolition of two Grade II Listed buildings. EH have also provided detailed comments regarding the ascribed 'value' of named historic assets and the scope of the assessment in their response in Appendix 2, and the SoS also draws these to the Applicant's attention. Attention is also drawn to comments made by Hull City Council (Appendix 2) in respect of the assessment of impact to heritage assets.
- 3.30 Paragraph 7.3.3 of the Scoping Report refers to an Explosive Ordnance Threat Assessment Report (BACTEC, 2008) which has been produced. It is not clear from the Scoping Report whether an assessment of the likely presence of unexploded ordnance will be made as part of the cultural heritage assessment proposed in the ES. The SoS advises the applicant to include this aspect within the scope of the assessments accompanying the DCO application.

### **Landscape and Visual** (see Scoping Report Section 8)

- 3.31 Paragraph 8.2.1 of the Scoping Report makes reference to the study area applied to the assessment, and to Figure 8A which shows the extent of the study area. The study area is stated in the text as being centred along the line of the A63 with a 500m offset, however, the study area shown on Figure 8A is labelled as being 200m from the A63. The SoS advises that the study area used for the assessment must be clearly defined in the ES and any supporting figures provided must also be clear and consistent.
- 3.32 The landscape and visual assessment methodology in the scoping report refers to the ZVI (Paragraph 8.7.5) and ZVI survey points are shown on Figure 8B. While the SoS understands that this refers to the Zone of Visual Influence, this is not explained in the text, and no methodology for the selection of the survey points is provided. Similarly, Figure 8B maps a Zone of Theoretical Visibility (ZTV) however, the model used is not explained in the text and limited information is provided on the methodology used to establish the ZTV. The SoS recommends that a full description of the assessment methodologies used is provided in the ES. The

location of survey points and/or viewpoints should be agreed with the local authorities.

- 3.33 With respect to the visual impact assessment, it is indicated in Paragraph 8.2.1 of the Scoping Report that a number of visual receptors outside the study area are intended for inclusion within the assessment. Appropriate figures should be provided within the ES to show the locations of receptors which have been considered. The Applicant's attention is drawn to comments from Hull City Council (Appendix 2) regarding the scope of the detailed assessment and the ascribed value of receptors.
- 3.34 The SoS advises that above ground structures associated with the scheme, in particular the proposed footbridges, have the potential to give rise to visual impacts and notes from the Scoping Report that this aspect will be considered within the detailed assessment to be reported in the ES. It may be appropriate to include visualisations of these structures within the ES to enable interpretation of the visual impact assessment.
- 3.35 The SoS notes that no information is provided in the Scoping Report on any lighting proposed for the scheme, but notes that night-time working may be required and considers that this may involve the use of temporary lighting. Should lighting form part of the proposals during construction or operation, the visual impacts should be assessed, within the ES, including the impact to sensitive receptors such as local residents. The SoS draws the Applicant's attention to comments in Appendix 2 from Hull City Council with respect to potential light pollution.
- 3.36 The Scoping Report presents the conclusions on residual effects following mitigation proposals of the previous simple assessment, however, no information is provided regarding the likely form of the mitigation proposed for the scheme to be taken into account by the detailed assessment in the ES. The SoS appreciates that these proposals are likely to be refined as the scheme design develops, and advises that mitigation proposals are described in as much detail as possible within the ES, in particular where they have been considered in assessing the residual effects of the scheme. The ES should describe how specific mitigation measures address specific impacts, and assess the effectiveness of these measures ensuring relevant delivery timescales are taken into account.
- 3.37 Where applicable, cross-reference should be made in the ES between the Landscape topic chapter and the Cultural Heritage topic chapter in particular, when consideration is given to impacts on receptors which may be sensitive in terms of their historic value as well as their landscape value. A distinction should be drawn between impacts to the settings of heritage assets, and

visual impacts to sensitive receptors that may result from the scheme.

### **Nature Conservation** (see Scoping Report Section 9)

- 3.38 The SoS advises that the study area for the assessment should be clearly defined and justified within the ES, and that the inclusion of a plan is likely to be helpful. Figure 9.1 in the Scoping Report shows a study area which does not appear to cover the scheme extent and does not clearly depict the study area as described in the accompanying text. While it is recognised that previous assessments may have allowed the study area to be refined, as indicated in Paragraph 9.2.1 of the Scoping Report, it will be important to explain this within the justification for the study area within the ES.
- 3.39 The potential impacts on international and nationally designated sites should be addressed as well as county level habitats. The SoS notes the need for a Habitat Regulations Assessment in view of the scheme's location in relation to the Humber Estuary (also see Section 4 of this Opinion).
- 3.40 The SoS notes that the impact assessment in relation to the Humber Estuary will be undertaken in light of the final road drainage design. The assessment should consider the inter-tidal and sub-tidal habitat and the impacts of release of drainage water to the estuary. The impact assessment must be presented in the ES as well as used to inform the HRA process and associated reporting.
- 3.41 The SoS welcomes the intention to update targeted ecological surveys, including those for bats and in relation to trees. With reference to Paragraph 9.6.5 of the Scoping Report, the SoS advises that the worst-case scenario should be considered within the assessment and that impacts on roosting bats and mature trees should be assessed on the basis that the trees in question will be removed.
- 3.42 Mitigation proposed for the scheme should be presented in the ES, with a clear explanation of specific mitigation measures for specific impacts. The SoS welcomes the clear presentation of this information by use of Table 9.5 in the Scoping Report. An assessment of the effectiveness of mitigation measures, including the confidence in their delivery should be presented. The SoS notes from Table 9.4 of the Scoping Report that a number of the enhancement measures appear to be reliant on the voluntary sector, and likewise the confidence in their delivery should be assessed in the ES.



- 3.43 The SoS draws the Applicant's attention to comments from Natural England (NE)(Appendix 2) regarding the scope of the assessment and future amendments to the proposals.
- 3.44 A clear distinction should be made between measures forming mitigation and those measures which are intended as ecological enhancements. Cross-reference to other topic chapters should be made where appropriate, in particular the Landscape chapter and Road Drainage and the Water Environment chapter (see Paragraph 3.69 of this Scoping Opinion).

### **Geology and Soils** (see Scoping Report Section 10)

- 3.45 While the SoS appreciates that previous assessment work may have enabled refinement of the study area, the baseline for the ES should explain in detail the extent of the study area and justify the reasons for its selection. The Applicant's attention is drawn to comments from Hull City Council (Appendix 2) regarding the need to consult with their Environmental Regulation section on the methodology to be applied to any site investigation works.
- 3.46 Table 10.1 in the Scoping Report identifies a number of urban Regionally Important Geological and Geomorphological Sites (RIGS) within the study area. However, it is not clear from this topic chapter if any of these sites are to be considered as receptors which could be affected by the scheme.
- 3.47 It is noted from the Scoping Report that groundwater resources are considered to be sensitive to impacts, in particular in relation to contaminants. It is noted that a number of areas of potential concern have been identified in the Scoping Report with respect to sources of land contamination and the SoS welcomes the intention for further site investigation in this regard. The SoS encourages the Applicant to inform these investigations through consultation with the EA and local authority.
- 3.48 It is not clear whether existing flood defences in the area will be affected by the scheme, and this should be clarified in the ES (see Paragraph 3.73 of this Scoping Opinion).
- 3.49 Mitigation measures are not presented in the Scoping Report, other than reference to aspects to be included within the CEMP for the scheme. The mitigation proposed in relation to specific impacts identified for the scheme should be presented in the ES and an assessment made of the residual environmental effects.
- 3.50 There may be significant interaction between this topic area and the Road Drainage and the Water Environment topic area, as well as the Nature Conservation topic.

- 3.51 The SoS draws the Applicant's attention to comments from the Health Protection Agency (Appendix 2) regarding the scope of the assessment with respect to health impacts arising from emissions to surface and ground water and to contamination of land.

**Materials** (see Scoping Report Section 11)

- 3.52 The Materials Chapter concludes that a Simple Assessment will be carried out unless environmental impacts cannot be clearly identified, then a Detailed Assessment would be carried out. The Applicant should justify the type of assessment used and is advised to ensure it is sufficient to provide a robust assessment of the impacts of material and waste management.
- 3.53 It is expressed in paragraph 11.6.2 of the Scoping Report that IAN 153/11 does not include specific guidance on defining the significance of effects and therefore significance will be based upon professional judgement. The chapter should clearly describe how significance will be attributed to the impacts with reference to Chapter 5 of the Scoping Report.
- 3.54 Paragraph 11.2.2 states that appropriate waste management facilities have yet to be determined and it is assumed these details will develop through the design phase of the scheme. The ES should consider the appropriate methods of transporting waste and ensure the impacts relating to construction traffic movements of waste, taking account of existing traffic flows, are addressed within the ES.
- 3.55 The SoS notes that a Site Waste Management Plan (SWMP) would be produced for the scheme. It would be useful for a draft/outline SWMP to be appended to the ES to demonstrate how the mitigation measures described within the ES would be implemented as part of the scheme.
- 3.56 The SoS draws the Applicant's attention to comments from the Health Protection Agency (Appendix 2) regarding the scope of the assessment with respect to health impacts arising from waste management. Comments are also provided in Appendix 2 from the Health and Safety Executive regarding the control of hazardous substances. These comments may be relevant to the design of mitigation and management measures.

**Noise and Vibration** (see Scoping Report Section 12)

- 3.57 The SoS agrees that a Detailed Assessment of noise and vibration should be carried out given the number and location of sensitive receptors as identified in the Scoping Report, and the potential for temporary and permanent noise impacts.

- 3.58 The SoS recommends that the specifics of the methodology and choice of noise receptors should be agreed with the relevant Environmental Health Department of Hull City Council.
- 3.59 Information should be provided on the types of vehicles and plant to be used during the construction phase to inform the assessment of construction related noise and vibration. The noise and vibration assessments should take account of the traffic movements along access routes, especially during the construction phase.
- 3.60 Noise and vibration impacts on people should be specifically addressed given the proximity of nearby residential receptors, and particularly any potential noise disturbance at night and other unsocial hours such as weekends and public holidays. The assessment should include impacts associated with all phases of the development.
- 3.61 The SoS notes that mitigation measures to reduce impacts during the construction period would be included as part of the CEMP. The SoS advises that a draft/outline CEMP should be appended to the ES to demonstrate how the mitigation measures proposed in the ES would be delivered. Consideration should be given to monitoring noise complaints during construction and when the development is operational. Consideration should also be given to the potential to mitigate noise impacts during the operational period, including through the incorporation of appropriate measures in the scheme design.
- 3.62 The information in Paragraph 12.4.6 of the Scoping Report indicates that ground borne operational vibration would not be assessed within the ES. The reasoning states that as a new highway it is unlikely to generate significant levels of ground borne vibration. No evidence is provided to support this assumption and therefore this aspect should be scoped into the ES or a reasoned justification supported by evidence provided within the ES to demonstrate why it has been scoped out.

### **Effects on All Travellers (see Scoping Report Section 13)**

- 3.63 The SoS notes that the study area applied for effects on vehicle travellers has been chosen based on visual impacts being considered to be the principle concern. The SoS considers that effects on vehicle travellers due to construction activity and traffic management measures are likely to be of importance, and that these effects should also be taken into account when defining the study area. As well as effects along the A63 corridor these effects are likely to extend to adjoining routes.
- 3.64 While Paragraph 13.5.13 of the Scoping Report recognises a temporary increase in driver stress as a potential effect during the construction stage, but there is limited information provided for

the basis of the anticipated impact presented in this paragraph. Sufficient information on the proposals for traffic management during construction (including road or lane closures), location of construction compounds and access routes, timescales and hours of working, and other such details must be provided in the ES and a full assessment made of the impacts to all travellers during the construction phase.

- 3.65 The SoS considers severance to be an important consideration, and notes the recognition of this in the Scoping Report as an aspect to be taken into account within the assessment however, it is not covered in depth under the sub-heading of 'potential effects'. Increased pedestrian and cyclist journey times and the ease of use of the new proposed footbridges by all travellers will be a factor to consider within this topic area of the assessment.
- 3.66 The SoS notes the information in the Scoping Report on the location of footpaths and cyclepaths along the scheme, and notes that no bridleways have been identified within the study area. The ES should clearly set out impacts on footpaths and cyclepaths, extending the assessment to the wider area where appropriate. It will be important to minimise hindrance to them where possible. A clear indication should be given as to how the development will affect the existing and future routes and what mitigation is proposed, as well as any enhancements to these routes that may be made by the scheme.
- 3.67 From the information in the Scoping Report regarding future plans for development in the local area, including at Humber Quays and The Fruit Market Area, the SoS considers there to be significant potential for cumulative effects on all travellers within the area and this should be considered within the ES (also see Paragraph 3.72 of this Scoping Opinion).
- 3.68 The SoS advises the development of the assessment of transport impacts in association with the local highways authority.

### **Community and Private Assets** (see Scoping Report Section 14)

- 3.69 Paragraph 14.2.1 of the Scoping Report states that for the purposes of the assessment of impacts on land use, the study area will extend to 200m from the scheme boundary. The study area should include all areas under temporary use, for example construction compounds and storage areas, and this should be clearly presented in the ES.
- 3.70 In terms of the potential effects of the proposed demolition of the two Grade II listed buildings, cross-reference is provided in the Scoping report to the topic chapters covering assessments of their historic value and landscape value (Chapters 7 and 8) but no

reference is made to their ecological value which is identified in Chapter 9 of the Scoping Report.

- 3.71 The SoS considers severance to be an important consideration within this topic chapter, and notes the intention to consider the community effects of severance within the assessment. The design of the scheme should be carefully considered in order to minimise adverse effects in this regard and maximise the potential for beneficial effects to result from the scheme. Cross-reference to the assessment of effects on travellers should be made in the ES.
- 3.72 The SoS recommends that the socio-economic effects of the scheme should be considered in the context of the local area, for example; the likely employment generated against the context of the locally available workforce. This applies equally to the construction and operational stages.

### **Road Drainage and the Water Environment** (see Scoping Report Section 15)

- 3.73 The SoS recommends that full consideration will need to be given to the potential effects of the drainage design for the scheme – including scour and changes to sediment or chemical concentrations at the outfall point. It is not clear from the Scoping Report whether the scheme drainage will connect to an existing outfall or a new outfall will be constructed. If a new outfall is to be installed then impacts arising during its construction should be assessed within the ES. The SoS draws the Applicant's attention to comments from the Marine Management Organisation (MMO) (Appendix 2) with respect to the need for further information to be provided on the outfall into the Humber and on the precise activities potentially leading to contamination of watercourses.
- 3.74 It is noted from the Scoping Report that the drainage design is yet to be finalised and that the extent to which existing drainage infrastructure will be utilised is undecided, but that it will ultimately discharge to the Humber Estuary. Given the sensitivity of the Humber Estuary the SoS recommends that the need for this discharge is carefully considered as the drainage design emerges, and the rationale behind the design is presented clearly in the ES. The Applicant's attention is drawn to comments from the EA (Appendix 2) regarding pollution prevention and the design of the scheme drainage design.
- 3.75 The SoS recommends consultation with both Yorkshire Water and the Environment Agency (EA). Potential impacts on the public sewer network should be addressed, including its capacity and the need to address easements and impacts arising from vibration during the construction works. The SoS draws the Applicant's attention to comments and information received from Yorkshire

Water regarding the location of existing infrastructure, provided in Appendix 2 of this Scoping Opinion.

- 3.76 The SoS draws to the Applicant's attention comments from the EA (Appendix 2) regarding the Water Framework Directive (WFD), and the need to give it due consideration with the inclusion of a WFD assessment within the EIA.
- 3.77 Groundwater is the potential pathway for discharge of liquids to surface and coastal waters. Comments have been received from the EA (Appendix 2) with respect to the nature of the hydrogeological assessments and potential impacts on the underlying chalk aquifer, and the SoS draws these to the Applicant's attention. This aspect is likely to also be relevant to the chapter in the ES dealing with Geology and Soils.
- 3.78 The SoS considers that the impacts of climate change, in terms of increased run-off and rises in sea level should be taken into account in the ES.
- 3.79 The assessment within this topic chapter will inform other assessments within the ES, in particular the assessment of impact to groundwater and soils. It will also inform the Nature Conservation assessment, and it is noted that ecological receptors are identified in Paragraph 15.5.1 of the Scoping Report. Under this section impacts on features of Cultural Heritage interest (particularly buried assets) are not identified as potential receptors however, this is identified as a potential effect in Section 7 of the Scoping Report. The SoS considers that the drainage chapter should also inform the Cultural Heritage assessment and that potential impacts on heritage assets should be identified within this topic chapter.
- 3.80 The SoS welcomes the provision of an updated Flood Risk Assessment (FRA) and the on-going consultation with the EA and Hull City Council. As well as informing the detailed assessment the FRA should form an appendix to the ES. The SoS welcomes the intention for the FRA to cover tidal flood risk as well as fluvial impacts and to consider the potential for overtopping of the existing flood defence. Overtopping risk should be considered under present and projected sea level scenarios. It should be clarified within the ES if and how existing flood defences will be affected by the scheme.
- 3.81 Mitigation measures should be addressed and the SoS advises that reference should be made to other regimes (such as pollution prevention from the EA). On-going monitoring should also be addressed and agreed with the relevant authorities to ensure that any mitigation measures are effective.

- 3.82 Table 9.4 of the Scoping Report listing ecological enhancements proposes the creation of wetland areas alongside the underpass which forms part of the proposed scheme. The ES should clearly explain how these features fit in with the drainage plans for the scheme, if relevant.
- 3.83 The SoS considers that there is a high amount of repetition between Section 15 of the Scoping Report and Section 10, in particular the sub-sections dealing with hydrology and hydrogeology in this latter topic chapter. It is appreciated that there is significant overlap between these topic areas; however, consideration could be given to reducing repetition in order to aid interpretation of the ES by use of cross referencing where appropriate.

**Consideration of Combined and Cumulative Effects** (see Scoping Report Section 16)

- 3.84 The SoS notes the proposed approach within this chapter to summarise the cumulative effects identified across the assessments within the ES, and welcomes a clear distinction between effects arising from inter-relationships between topic areas (defined as combined effects in the Scoping Report), and effects arising from the interaction between the A63 Castle Street Improvements and other development schemes (defined as cumulative effects within the Scoping Report).
- 3.85 The SoS notes the criteria to be applied to other developments and plans when considering cumulative effects, and advises that a clear rationale is presented in the ES for the scope of the cumulative assessment.
- 3.86 The SoS considers that it is likely to be particularly important to consider other proposed developments that fall within any overarching transport strategy for Hull and the surrounding area, which may interact with the scheme. In addition, other development plans for retail, office, leisure and residential areas including at Humber Quays and The Fruit Market Area should be considered.
- 3.87 The SoS welcomes the inclusion of constraints drawings within the Scoping Report, however, notes that Figures 1A -1E show a very large amount of information and advises that the Applicant considers ease of interpretation when producing all figures and plans accompanying the ES.

## 4.0 OTHER INFORMATION

- 4.1 This section does not form part of the SoS's opinion as to the information to be provided in the environmental statement. However, it does respond to other issues that the SoS has identified which may help to inform the preparation of the application for the DCO.

### Habitats Regulations Assessment (HRA)

- 4.2 The SoS notes that European sites are located close to the proposed development. It is the Applicant's responsibility to provide sufficient information to the Competent Authority (CA) to enable them to carry out a HRA if required. The Applicant should note that the CA is the SoS.
- 4.3 The Applicant's attention is drawn to The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended) (The APFP Regulations) and the need to include information identifying European sites to which the Habitats Regulations applies or any Ramsar site or potential SPA which may be affected by a proposal. The submitted information should be sufficient for the competent authority to make an appropriate assessment (AA) of the implications for the site if required by Regulation 61(1) of the Habitats Regulations.
- 4.4 The report to be submitted under Regulation 5(2)(g) of the APFP Regulations with the application must deal with two issues: the first is to enable a formal assessment by the CA of whether there is a likely significant effect; and the second, should it be required, is to enable the carrying out of an AA by the CA.
- 4.5 When considering aspects of the environment likely to be affected by the proposed development; including flora, fauna, soil, water, air and the inter-relationship between these, consideration should be given to the designated sites in the vicinity of the proposed development.
- 4.6 Further information with regard to the HRA process is contained within Planning Inspectorate's Advice Note 10 available on the National Infrastructure Planning's website.

### Sites of Special Scientific Interest (SSSIs)

- 4.7 The SoS notes that a number of SSSIs are located close to or within the proposed development. Where there may be potential impacts on the SSSIs, the SoS has duties under sections 28(G) and 28(I) of the Wildlife and Countryside Act 1981 (as amended) (the W&C Act). These are set out below for information.



- 4.8 Under s28(G), the SoS has a general duty '... to take reasonable steps, consistent with the proper exercise of the authority's functions, to further the conservation and enhancement of the flora, fauna or geological or physiographical features by reason of which the site is of special scientific interest'.
- 4.9 Under s28(I), the SoS must notify the relevant nature conservation body (NCB), NE in this case, before authorising the carrying out of operations likely to damage the special interest features of a SSSI. Under these circumstances 28 days must elapse before deciding whether to grant consent, and the SoS must take account of any advice received from the NCB, including advice on attaching conditions to the consent. The NCB will be notified during the examination period.
- 4.10 If applicants consider it likely that notification may be necessary under s28(I), they are advised to resolve any issues with the NCB before the DCO application is submitted to the SoS. If, following assessment by applicants, it is considered that operations affecting the SSSI will not lead to damage of the special interest features, applicants should make this clear in the ES. The application documents submitted in accordance with Regulation 5(2)(I) could also provide this information. Applicants should seek to agree with NE the DCO requirements which will provide protection for the SSSI before the DCO application is submitted.

### European Protected Species (EPS)

- 4.11 The Applicant should also be aware that the decision maker under the Planning Act 2008 (PA 2008) has, as the CA, a duty to engage with the Habitats Directive.
- 4.12 The SoS considers that there is potential for the presence of EPS within the study area for the proposed development. Where a potential risk to an EPS is identified and before making a decision to grant development consent the CA must, amongst other things, address the derogation tests in Regulation 53 of the Habitats Regulations. Therefore the Applicant may wish to provide information which will assist the decision maker to meet this duty. Where required the Applicant should, in consultation with NE, agree appropriate requirements to secure necessary mitigation.
- 4.13 If the Applicant has concluded (in consultation with NE) that an EPS licence is required the ExA will need to understand whether there is any impediment to the licence being granted. It would assist the examination if the Applicant could provide with the application confirmation from NE whether they intend to issue the licence in due course.



## Health Impact Assessment

- 4.14 The SoS considers that it is a matter for the Applicant to decide whether or not to submit a stand-alone Health Impact Assessment (HIA). However, the Applicant should have regard to the responses received from the relevant consultees regarding health, and in particular to the comments from the Health Protection Agency in relation to chemicals and radiation safety considerations (see Appendix 2).
- 4.15 The methodology for the HIA, if prepared, should be agreed with the relevant statutory consultees and take into account mitigation measures for acute risks.

## Other regulatory regimes

- 4.16 The SoS recommends that the Applicant should state clearly what regulatory areas are addressed in the ES and that the Applicant should ensure that all relevant authorisations, licences, permits and consents that are necessary to enable operations to proceed are described in the ES. Also it should be clear that any likely significant effects of the proposed development which may be regulated by other statutory regimes have been properly taken into account in the ES.
- 4.17 It will not necessarily follow that the granting of consent under one regime will ensure consent under another regime. For those consents not capable of being included in an application for consent under the PA 2008, the SoS will require a level of assurance or comfort from the relevant regulatory authorities that the proposal is acceptable and likely to be approved, before they make a recommendation or decision on an application. The Applicant is encouraged to make early contact with other regulators. Information from the Applicant about progress in obtaining other permits, licences or consents, including any confirmation that there is no obvious reason why these will not subsequently be granted, will be helpful in supporting an application for development consent to the SoS.



# **APPENDIX 1**

## **List of Consultees**



## APPENDIX 1

### LIST OF BODIES FORMALLY CONSULTED DURING THE SCOPING EXERCISE

<b>CONSULTEE</b>	<b>ORGANISATION</b>
The Health and Safety Executive	Health and Safety Executive
The Relevant Strategic Health Authority	NHS North of England
Natural England	Natural England
The Historic Buildings and Monuments Commission for England	English Heritage
The Historic Buildings and Monuments Commission for England	English Heritage - Yorkshire and Humber
The Relevant Fire and Rescue Authority	Humberside Fire and Rescue Service
The Relevant Police and Crime Commissioner	The Police and Crime Commissioner for Humberside
The Relevant Parish Council(s) or Relevant Community Council	Preston Parish Council Bilton Parish Council Wawne Parish Council Woodmansey Parish Council Cottingham Parish Council Willerby Parish Council Anlaby with Anlaby Common Parish Council Hessle Town Council
The Environment Agency	The Environment Agency
The Commission for Architecture and The Built Environment	CABE at Design Council
The Equality and Human Rights Commission	Equality and Human Rights Commission
The Homes and Communities Agency	Homes and Communities Agency
The Highways Agency	The Highways Agency
The Relevant Highways Authority	Hull City Council
The Passengers Council	Passenger Focus
The Disabled Persons Transport Advisory Committee	Disabled Persons Transport Advisory Committee
The Coal Authority	The Coal Authority
The Office Of Rail Regulation	Office of Rail Regulation (Customer Correspondence Team Manager)

<b>CONSULTEE</b>	<b>ORGANISATION</b>
Approved Operator	Network Rail Infrastructure Ltd
Approved Operator	Network Rail (CTRL) Ltd
The Gas and Electricity Markets Authority	OFGEM
The Water Services Regulation Authority	OFWAT
The Relevant Waste Regulation Authority	Environment Agency
The Health Protection Agency	Health Protection Agency
The Relevant Local Resilience forum	The Humber Local Resilience Forum
The Crown Estate Commissioners	The Crown Estate
<b>Relevant Statutory Undertakers</b>	
<b>Health Bodies (s.16 of the Acquisition of Land Act (ALA) 1981)</b>	
Strategic Health Authority	NHS North of England
NHS Foundation Trusts	Humber NHS Foundation Trust
Primary Care Trusts	NHS East Riding of Yorkshire NHS Hull NHS North Lincolnshire
Acute Trusts	Hull and East Yorkshire Hospitals NHS Trust
Ambulance Trusts	Yorkshire Ambulance Service NHS Trust
<b>Relevant Statutory Undertakers (s.8 ALA 1981)</b>	
Railway	Network Rail Infrastructure Ltd BRB Residuary Limited Network Rail (CTRL) Ltd
Road Transport	The Humber Bridge Board
Dock	Associated British Ports
Harbour	Associated British Ports
Universal Service Provider	Royal Mail Group
Relevant Homes and Communities Agency	Homes and Communities Agency
Relevant Environment Agency	Environment Agency
Water and Sewage Undertakers	Yorkshire Water
Public Gas Transporter	British Gas Pipelines Limited Energetics Gas Limited ES Pipelines Ltd ESP Connections Ltd ESP Networks Ltd ESP Pipelines Ltd Fulcrum Pipelines Limited GTC Pipelines Limited Independent Pipelines Limited LNG Portable Pipeline Services Limited National Grid Gas Plc

CONSULTEE	ORGANISATION
	National Grid Plc Northern Gas Networks Limited Quadrant Pipelines Limited SSE Pipelines Ltd The Gas Transportation Company Limited Utility Grid Installations Limited
Electricity Distributors With CPO Powers	Energetics Electricity Limited ESP Electricity Limited Independent Power Networks Limited Northern Powergrid (Yorkshire) plc
Electricity Transmitters With CPO Powers	National Grid Electricity Transmission Plc National Grid Plc
<b>Local Authorities (s.43)</b>	
Marine Management Organisation (MMO) Hull City Council East Riding of Yorkshire Council	

**Note: the Prescribed Consultees have been consulted in accordance with the Planning Inspectorate's Advice Note 3 'Consultation and notification undertaken by the Planning Inspectorate' (May 2012).**





## **APPENDIX 2**

# **Respondents to Consultation and Copies of Replies**



## APPENDIX 2

### LIST OF BODIES WHO REPLIED BY THE STATUTORY DEADLINE

Cottingham Parish Council
English Heritage
Environment Agency
ES Pipelines
Fulcrum Pipelines
Health and Safety Executive
Health Protection Agency
Hessle Town Council
Hull City Council
Marine Management Organisation
National Grid
Natural England
Ofwat
The Coal Authority
Yorkshire Water



# Cottingham Parish Council



Ms Hannah Nelson  
EIA and Land Rights Adviser  
The Planning Inspectorate  
3/18 Eagle Wing  
Temple Quay House  
2 The Square  
BRISTOL  
BS1 6PN

Our Ref: JM/CPC  
Your Ref: 13034\_TR010016\_1674218

12 March 2013


PINS RECEIVED  
15 MAR 2013  
NID

Dear Ms Nelson

**Re: INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT)  
REGULATIONS 2009 SI 2263 (as amended) (the EIA Regulations)  
PROPOSED A63 Castle Street Improvements, Hull  
PROPOSAL BY The Highways Agency**

Further to your letter dated 5 March 2013, the Cottingham Parish Council does not consider that it is a consultation body as defined in the EIA Regulations.

Yours sincerely

  
Judith Macklin  
Clerk to Cottingham Parish Council



Our ref: CHA 6006/0042  
Your ref: 130304\_TR10016\_1674218  
Date: 2<sup>nd</sup> April, 2013

Dear Hannah Nelson,

**Re: Infrastructure Planning (Environmental Impact assessment)  
Regulations 2009 SI 2263 (as amended) (the EIA Regulations)  
Proposed A63 Castle Street Improvements, Hull  
Proposal by: The Highways Agency**

Thank you for your letter of 5<sup>th</sup> March 2013 consulting English Heritage about the above EIA Scoping Report for the A63 Castle Street Improvements, Hull

Our initial review indicates that the proposed development could, potentially, have an impact upon a number of designated heritage assets and their settings in the area. In line with the National Planning Policy Framework (NPPF, paragraph 128), we would expect the Environmental Statement to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and sufficient to understand the potential impact of the proposal on their significance.

We would draw your attention, in particular, to the following designated heritage assets:

**Listed Buildings and Conservation Areas:**

Section 2.1.15 of the ES notes that the A63 acts as a substantial barrier and creates severance between the city centre, main shopping areas and transport links to the north and developments, tourist and recreational facilities and retail parks to the south. This visual and physical barrier at present harms the significance of the historic townscape and the setting of several listed buildings. Important sight lines which contribute to the ability to appreciate and understand the historic development of this part of the city are at present obscured.

English Heritage therefore wishes to encourage opportunities to consider how to improve upon the current situation and the need for this to be based upon a thorough assessment of the setting and significance of heritage assets affected, designated and

undesigned, and the significance of the conservation area and its setting. This is referred to in paragraph 137 of the NPPF which requires opportunities to be sought when considering development within

Conservation Areas and the setting of heritage assets to enhance or better reveal their significance.

Paragraph 61 of National Planning Policy Framework (NPPF) (March 2012) which is referred to under section 1.8 as forming the planning policy context of the current proposals, states that the planning process should address the connections between people and places and the integration of new development into the historic environment. This also relates directly to one of the three core dimensions of sustainable development which it to contribute to protecting and enhancing the historic environment.

As noted in 4.2.25 of the ES Scoping Report, we remain particularly concerned about the above ground impacts, in particular the interconnectivity between the north and south areas and crucially how this impacts upon views and the movement of people between the historic core areas to the north and south. Of particular concern will be the linking of Princes Dock Street with Humber Dock Street and Market Place with Queen Street. The Fruit Market area has been undergoing extensive heritage led regeneration over the past few years. Improvements to the accessibility of this area will be a critical factor in its future sustainability in terms of encouraging investment in the upkeep and use of historic buildings and to the enjoyment and number of visitors to the area. Therefore it is our view that good urban design should be a key consideration in reducing impact and achieving the desired level of interconnectivity.

It is noted that we have previously stated that we would not support the demolition of any Grade II listed Buildings which may be directly affected. We wish to reiterate this and advise that every effort should be made to retain the Listed Buildings in-situ and that any proposal for demolition would need to address the requirements set out in paragraph 133 of the NPPF.

We welcome the proposed structure of the 'Cultural Heritage' chapter, along with the intention to consider visual impacts on the setting of Listed Buildings and Conservation Areas as part of Chapter 8 'Landscape'.



We advise that 'setting' which contributes to the significance of a heritage asset, Listed Buildings and Conservation Areas referred to under section 8.4, should also be noted as a factor to be considered and integrated into the assessment of visual impact under section 8.5. Setting can make an important contribution to the significance of a heritage asset and it should be noted that significance can be substantially harmed by development which detracts from the setting of a Listed Building, as referred to in paragraph 132 of the NPPF.

Section 7.3 – we understand that a 'Historic Buildings and Historic Townscape Appraisal' of the significance of the Grade II listed Castle Street Chambers, Grade II listed Earl de Grey Public House and the Grade II listed Warehouse at the south east corner of Prince's Docks and the Conservation Area is to be undertaken and used to inform an impact assessment on these heritage assets. We have been consulted on the brief for this document and will be commenting on the draft.

Section 7.4 - Section 7.4.6 refers to Grade II listed building as having a 'medium value'. It should be made clear that the Grade II listed buildings have a national level of special architectural and historic interest. We advise that the level of 'value' and sensitivity to change within the setting of a heritage asset should be assessed on an individual basis, taking into account the particular nature of the heritage asset affected and the different types of heritage values which contribute to its significance.

We would also question the 'medium value' ascribed to the Old Town Conservation Area, due to the predominance of Grade II listed buildings over Grade I and II\* Listed Buildings. We would highlight that due to Grade I and II\* listed building constituting the top 8% of Listed Buildings in the country, this is a natural consequence of the predominance of Grade II Listed Buildings and once again suggest that the Conservation Area, along with the Grade II Listed Buildings be assessed on their overall merits and receptivity to change and impact on their setting on a case by case basis, in order for the assessment to be robust.

**Undesignated archaeological assets:**

The ES Scoping Report identifies that there is a total of 190 archaeological assets identified within the 250m wide study corridor (para 7.3.5). There are no designated Scheduled Monuments within the Study Area.

Taken in their entirety the archaeological assets are of high potential owing to the character of the assets and the likely prevalence of waterlogged deposits. There are six assets considered to be of 'high' value: three sections of the town defences, the remains of Mytongate,

the remains of the Augustinian Friary near Market Place and the former course of Mytongate and its adjacent street frontages. These assets should be considered of national importance. Para 7.4.3 indicates that 87 assets are considered to be of 'Negligible' value, and two of unknown value. However para 7.4.4 of the ES makes it clear that the assessment of values is only provisional and that it is likely that sites will be re-assessed (either up or down) through investigation.

The requirement for enhanced understanding has been a fundamental element of English Heritage comments with regard to the A63 Cultural Heritage sub-group. Investigative works associated with structural engineering and other related concerns are being undertaken, all of which will have the potential to provide definition of the sub-surface archaeological deposits, and thereby enable the revision of the assessment of value, but also provide a predictive tool for generating the most appropriate archaeological mitigation strategy – which has yet to be defined.

**General comments:**

We would expect the assessment to clearly demonstrate that the extent of the proposed study area is of the appropriate size to ensure that all heritage assets likely to be affected by this development have been included and can be properly assessed.

We would also expect the Environmental Statement to consider the potential impacts which the proposals might have upon those heritage assets which are not

designated (some of which are identified above). The NPPF defines a heritage asset as “a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest”. This includes designated heritage assets and assets identified by the local planning authority (including local listing). This information is available via the local authority Historic Environment Record ([www.heritagegateway.org.uk](http://www.heritagegateway.org.uk)) and relevant local authority staff.

In general terms, English Heritage advises that a number of considerations will need to be taken into account when major infrastructure proposals are assessed. This includes consideration of the impact of ancillary infrastructure, such as tracks and works compounds, as well as the built structures themselves:

- The potential impact upon the historic character of the landscape, including landscape features which positively contribute to character.

- Direct impacts on heritage assets (buildings, monuments, sites, places, areas, landscapes), whether designated or not.
- Impacts on the settings of heritage assets since elements of setting can contribute to the significance of a heritage asset. An assessment of the impact on setting will be proportionate to the significance of the asset and the degree to which the proposed changes enhance or detract from its significance and the ability to appreciate the asset. In the consideration of setting a variety of views may make a contribution to significance to varying degrees. These can include long-distance views as well as the inter-visibility between heritage assets or between heritage assets and natural features. For further advice see the English Heritage Guidance Note *The Setting of Heritage Assets*.
- The potential for archaeological remains.
- Effects on landscape amenity from public and private land.
- The cumulative impacts of the proposal.

It is important that the assessment is designed to ensure that all impacts are fully understood. Section drawings and techniques such as photomontages are a useful part of this.

The assessment should also take account of the potential impact which associated activities (such as construction, servicing and maintenance, and associated traffic) might have upon perceptions, understanding and appreciation of the heritage assets in the area. The assessment should also consider, where appropriate, the likelihood of alterations to drainage patterns that might lead to in situ decomposition or destruction of below ground archaeological remains and deposits, and can also lead to subsidence of buildings and monuments.

If you have any queries about any of the above, or would like to discuss anything further, please contact me.

Yours sincerely

Keith Emerick,  
Inspector of Ancient Monuments  
English Heritage  
01904 601988  
keith.emerick@english-heritage.org.uk



Ms Hannah Nelson - EIA and Land  
Rights Adviser  
The Planning Inspectorate  
National Infrastructure Directorate  
Temple Quay House (2 The Square)  
Temple Quay  
Bristol  
Avon  
BS1 6PN

**Our ref:** RA/2013/124755/01-L01  
**Your ref:** 130304\_TR010016\_1674218  
**Date:** 02 April 2013

Dear Ms Nelson

## **A63 CASTLE STREET IMPROVEMENT SCHEME – EIA SCOPING – A63 CASTLE STREET, HULL**

Thank you for consulting us on the above proposed scheme.

### FLOOD RISK AND DRAINAGE

We are satisfied that Section 15 of the EIA scoping report, adequately considers the main flood risk sources. However, we are aware that the applicants are awaiting further flood risk information from ourselves, and until this point they are unable to propose flood risk mitigation measures.

We will be supplying the applicants with the most up to date modelling information shortly, and we are happy to meet to discuss how this information may impact upon flood mitigation measures.

We are pleased to see that emergency evacuation will be considered as part of the proposal, and we would expect the emergency planners at the Local Authority to be involved with ensuring the proposals are adequate.

Please note that the EIA Scoping report refers to Planning Policy Statement 25 (PPS25) and this has now been superseded by the National Planning Policy Framework (NPPF). Therefore, any Flood Risk Assessment should be written in accordance with the NPPF.

Although we are currently satisfied with the flood risk sources to be investigated, we are unable to provide any detailed comments until the results of the flood modelling has been studied further. Therefore, we would encourage pre-application discussions.

### BIODIVERSITY

As has already been identified in the scoping study, the key risk to the water environment presented by the proposal centres around the issue of drainage, run off and effects on sediment through the construction phase. An assessment of the risks to the Hull and Humber Estuary is vital to understand the impact of the scheme.

This information would also be useful to inform any necessary Habitats Regulations Assessment work regarding the potential impacts on interest features of the Humber Estuary SAC/SPA. We recommend that you consult with Natural England regarding

Environment Agency  
Coverdale House Aviator Court, York, North Yorkshire, YO30 4GZ.  
Customer services line: 03708 506 506  
[www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)

Cont/d..

these requirements.

### POLLUTION PREVENTION

Paragraph 15.3.7 states that investigations indicate that all highway drainage within the footprint of the scheme discharges to Yorkshire Water combined sewers, which ultimately drain to Hull Wastewater Treatment Works; and paragraph 15.6.8. suggests that it is the intention of the proposed scheme to use the existing outfalls where possible, and that a detailed investigation is to be carried out to ascertain / confirm the existing detail of the current drainage system. This information will determine the extent of requirements for pollution control and containment measures both at the construction phase, and within the final drainage scheme.

It is proposed that any excess water above that currently produced is connected to a new pumping station/rising main, with direct discharge to the Humber Estuary. Where there is an inherent risk from a direct discharge to the water environment, our preferred method of disposal is connection to sewer, if there is adequate capacity to accommodate additional flows. Otherwise, any alternative option should consider the potential for impact upon the status / designations of the Estuary / waterbody, and mitigate accordingly, e.g. the scheme should incorporate adequate provision of oil / petrol interception facilities to remove such contamination, and also incorporate provision to isolate the drainage system, such that in the event of a major incident any contaminants can be contained without discharge to the Humber Estuary.

### WASTE

Page 122, section 11.1.3: We are pleased to see that a Memorandum of Understanding on waste practices will be followed, which appears to support the principle of the waste hierarchy.

Page 126, section 11.5.1: It is currently a legal requirement to produce a Site Waste Management Plan for developments such as this, and we are therefore pleased to see that this is acknowledged in the report.

### WATER FRAMEWORK DIRECTIVE

In order to comply with the Water Environment (WFD) Regulations 2003, the decision maker must have due regard to the tenets of the WFD and the River Basin Management Plans (RBMPs). The decision maker may only consent a scheme, if it can be clearly shown that the scheme would not cause deterioration in the WFD status of a waterbody, or prevent that waterbody from reaching 'Good Ecological Status' (GES).

In order to achieve this, the ES must include a WFD Assessment. There is no required format for this to take, but it should include the following components:

- Current status of waterbodies that have the potential to be affected by the development
- Current reasons for failure/actions to reach GES
- Potential impact of the development
- Mitigation required
- Any potential to further improve the status of affected waterbodies through the scheme

Page 171, sections.15.3.3 / 15.3.4: We are pleased to see that the scoping report makes reference to the Humber River Basin Management Plan, and to the current WFD status of local surface waterbodies. However, we are surprised that the WFD itself is not directly referred to in this section of the report; in fact, there is only one direct

reference to the Directive in the report, and that relates to Groundwater only. The WFD is now the key piece of EU legislation governing protection of the water environment, and as such the applicant should be advised to give it due consideration in the EIA for both surface waterbodies and groundwater. A key aim of the WFD is for all waterbodies to achieve Good Ecological Status (or Good Ecological Potential, for Artificial or Heavily Modified Waterbodies), by 2015 where feasible. Additionally, developers should ensure they employ appropriate mitigation measures to ensure that no deterioration of waterbodies results from a development scheme. The applicant should be advised to give greater regard to the WFD in the EIA, and to consider all appropriate local information on current waterbody status and mitigation measures as detailed in the Humber RBMP.

Page.178, section.15.6.8: We are pleased to see that the applicant intends to review/update the baseline information on abstraction licences and surface water quality, and recommend they contact the Environment Agency directly with any questions that may arise as a result of that review.

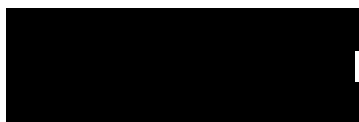
Page.183/184: There is no mention of a surface water assessment in the Conclusions section of this chapter, which seems to be an oversight. We advise that a surface water assessment should be undertaken alongside the assessment of groundwater.

#### GROUNDWATER

The Environmental Scoping Report addresses the issues we would wish to see in the Environmental Impact Assessment relating to groundwater and contaminated land. Details of the hydrogeological assessments referred to in sections 10.6.3 and 15.6.15 must be agreed with the Environment Agency prior to carrying out any works where pumping of groundwater is proposed. Consent may be required under Section 32/3 of the Water Resources Act 1991 and pumping tests may not be approved. This is because the status of the Hull and East Riding Chalk groundwater body is poor due to intrusion of saline water in the Hull area. Additional pumping in this area may have a detrimental effect on water quality in this important aquifer.

Yours sincerely

**Mrs Beverley Lambert**  
**Planning Liaison Officer**



@environment-agency.gov.uk





**Hannah Nelson**

---

**From:** Alan Slee [alans@espipelines.com]  
**Sent:** 06 March 2013 08:46  
**To:** Environmental Services  
**Subject:** RE: TR010016 Scoping consultation- A63 Castle Street Improvement - Hull  
**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Dear Hannah,

**INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT)  
REGULATIONS 2009 SI 2263 (as amended) (the EIA Regulations)  
PROPOSED A63 Castle Street Improvements, Hull (the project)  
PROPOSAL BY The Highways Agency (the applicant)**

130304\_TR010016\_1674218

ESP Ref: PE100658

Further to your email communication to E S Pipelines Ltd, ESP Networks Ltd, ESP Pipelines Ltd, ESP Electricity Ltd and ESP Connections Ltd dated 05 March 2013 I can confirm that our businesses have no comments at this stage.

Regards,

**Alan Slee**  
Operations Manager

DD   
Mo   
Fax   
[www.espipelines.com](http://www.espipelines.com)

---

**From:** Environmental Services [mailto:EnvironmentalServices@infrastructure.gsi.gov.uk]  
**Sent:** 05 March 2013 09:41  
**Subject:** TR010016 Scoping consultation- A63 Castle Street Improvement - Hull

Dear Sir/Madam,

Please see attached correspondence in relation to the proposed A63 Castle Street development.

<<Letter to Statutory Consultees.pdf>>

Regards,

Hannah Nelson  
EIA & Land Rights Advisor  
National Infrastructure Directorate,  
The Planning Inspectorate,  
Temple Quay House,  
Temple Quay,



**Hannah Nelson**

---

**From:** Penlington, Graham [Graham.Penlington@fulcrum.co.uk] on behalf of &box\_FPLplantprotection\_conx, [FPLplantprotection@fulcrum.co.uk]  
**Sent:** 20 March 2013 15:53  
**To:** Environmental Services  
**Subject:** RE: TR010016 Scoping consultation- A63 Castle Street Improvement - Hull  
**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Thank you for asking Fulcrum Pipelines Limited to examine your consultation document for the above project.

We can confirm that Fulcrum Pipelines Limited have no comments to make on this scoping report. Please note that we are constantly adding to our underground assets and would strongly advise that you consult us again prior to undertaking any excavations.

Please note that other gas transporters may have plant in this locality which could be affected.

We will always make every effort to help you where we can, but Fulcrum Pipelines Limited will not be held responsible for any incident or accident arising from the use of the information associated with this search. The details provided are given in good faith, but no liability whatsoever can be accepted in respect thereof.

If you need any help or information simply contact Graham Penlington directly on 01142 804175.

To save you time, any future requests for information about our plant, can be emailed to [FPLplantprotection@fulcrum.co.uk](mailto:FPLplantprotection@fulcrum.co.uk)

GRAHAM PENLINGTON  
Process Assistant



**FULCRUM**

Tel: 0845 641 3010 ext: 4175

Direct Dial:

Email: [Graham.Penlington@fulcrum.co.uk](mailto:Graham.Penlington@fulcrum.co.uk)

Web: [www.fulcrum.co.uk](http://www.fulcrum.co.uk)

**FULCRUM NEWS****FULCRUM REVEALED AS COMPANY BEHIND THE OLYMPIC FLAME**

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New Fulcrum research shows cost saving and hassle reduction are the key reasons driving residential and commercial developers to consider multi-utility installations. [Learn more.](#)

---

**From:** Environmental Services [mailto:EnvironmentalServices@infrastructure.gsi.gov.uk]  
**Sent:** 05 March 2013 09:41





Ms Hannah Nelson  
EIA and Land Rights Advisor  
3/18 Eagle Wing  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

**Health Protection Agency**  
**Centre for Radiation,  
Chemical and  
Environmental Hazards**

Chilton, Didcot  
Oxfordshire OX11 0RQ

Tel +44 (0) 1235 822849  
Fax: +44 (0) 1235 833891  
[www.hpa.org.uk/IPC](http://www.hpa.org.uk/IPC)

25<sup>th</sup> March 2013

Your Ref: 130304\_TR010016\_1674218  
Our Ref: TR HI 130306 219

Dear Ms Nelson

### **Scoping Request: Proposed A63 Castle Street Improvements, Hull**

The Highways Agency has asked the Planning Inspectorate (PIN) for its opinion (“scoping opinion”) on the information to be provided in an Environmental Statement (ES) relating to a proposal for a Nationally Significant Infrastructure Project (NSIP) of a Highway improvement Scheme at Castle Street, Kingston upon Hull. The request for a scoping opinion is a precursor to an intensive and detailed independent assessment of the environmental impact of the proposed development.

The HPA is a statutory consultee at the pre-application and application stages for NSIPs “which are likely to involve chemicals, poisons or radiation which could potentially cause harm to people.”<sup>1</sup> For those NSIP applications subject to Environmental Impact Assessment (EIA) the HPA is a consultation body under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009.

The PIN must therefore consult the HPA on the information that the HPA considers should be provided in the ES (or confirm that the HPA has no comments) before the PIN adopts its scoping opinion.

The HPA’s enclosed response focuses on health protection issues relating to chemicals and radiation. The advice offered by the HPA is impartial and independent. The scope of the HPA’s response does not extend to wider health matters; these fall under the remit of other stakeholders.

The Appendix outlines generic considerations that the HPA advises are addressed by all promoters when they are preparing ESs for NSIPs. In terms of the level of detail to be included in ESs, the HPA recognises that the differing nature of projects is such that their impacts will vary. The HPA’s view is that the assessments undertaken to inform the ES should be proportionate to the potential impacts of

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<sup>1</sup> Cited in the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

the proposal. Where a promoter determines that it is not necessary to undertake detailed assessment(s) (e.g. undertakes qualitative rather than quantitative assessments), if the rationale for this is fully explained and justified within the application documents, then the HPA considers this to be an acceptable approach.

Yours sincerely



Dr Naima Bradley  
Head of Department  
Environmental Hazards & Emergencies

[CRCE.IPCConsultations@HPA.org.uk](mailto:CRCE.IPCConsultations@HPA.org.uk)

*Please mark any correspondence for the attention of National Infrastructure Planning Administration.*

## Appendix: HPA recommendations regarding the scoping document

### General approach

The EIA should give consideration to best practice guidance such as the Government's Good Practice Guide for EIA<sup>2</sup>. It is important that the EIA identifies and assesses the potential public health impacts of the activities at, and emissions from, the installation. Assessment should consider the development, operational, and decommissioning phases.

The EIA Directive<sup>3</sup> requires that ESs include a description of the aspects of the environment likely to be significantly affected by the development, including "population". The EIA should provide sufficient information for the HPA to fully assess the potential impact of the development on public health. **The HPA will only consider information contained or referenced in a separate section of the ES summarising the impact of the proposed development on public health:** summarising risk assessments, proposed mitigation measures, and residual impacts. This section should summarise key information and conclusions relating to human health impacts contained in other sections of the application (e.g. in the separate sections dealing with: air quality, emissions to water, waste, contaminated land etc) without undue duplication. Compliance with the requirements of National Policy Statements and relevant guidance and standards should be highlighted.

It is not the HPA's role to undertake these assessments on behalf of promoters as this would conflict with the HPA's role as an impartial and independent body.

Consideration of alternatives (including alternative sites, choice of process, and the phasing of construction) is widely regarded as good practice. Ideally, EIA should start at the stage of site and process selection, so that the environmental merits of practicable alternatives can be properly considered. Where this is undertaken, the main alternatives considered should be outlined in the ES<sup>4</sup>.

The following text covers a range of issues that the HPA would expect to be addressed by the promoter. However this list is not exhaustive and the onus is on the promoter to ensure that the relevant public health issues are identified and addressed. The HPA's advice and recommendations carry no statutory weight and constitute non-binding guidance.

### Receptors

The ES should clearly identify the development's location and the location and distance from the development of off-site human receptors that may be affected by emissions from, or activities at, the development. Off-site human receptors may include people living in residential premises; people working in commercial, and industrial premises and people using transport infrastructure (such as roads and railways), recreational areas, and publicly-accessible land. Consideration should also be given to environmental receptors such as the surrounding land, watercourses, surface and groundwater, and drinking water supplies such as wells, boreholes and water abstraction points.

### Impacts arising from construction and decommissioning

Any assessment of impacts arising from emissions due to construction and decommissioning should consider potential impacts on all receptors and describe monitoring and mitigation during these phases. Construction and decommissioning will be associated with vehicle movements and cumulative impacts should be accounted for.

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<sup>2</sup> Environmental Impact Assessment: A guide to good practice and procedures - A consultation paper; 2006; Department for Communities and Local Government. Available from: <http://www.communities.gov.uk/archived/publications/planningandbuilding/environmentalimpactassessment>

<sup>3</sup> Directive 85/337/EEC (as amended) on the assessment of the effects of certain public and private projects on the environment. Available from: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:1985L0337:20090625:EN:PDF>

<sup>4</sup> DCLG guidance, 1999 <http://www.communities.gov.uk/documents/planningandbuilding/pdf/155958.pdf>

We would expect the promoter to follow best practice guidance during all phases from construction to decommissioning to ensure appropriate measures are in place to mitigate any potential impact on health from emissions (point source, fugitive and traffic-related). An effective Construction Environmental Management Plan (CEMP) (and Decommissioning Environmental Management Plan (DEMP)) will help provide reassurance that activities are well managed. The promoter should ensure that there are robust mechanisms in place to respond to any complaints of traffic-related pollution, during construction, operation, and decommissioning of the facility.

### **Emissions to air and water**

Significant impacts are unlikely to arise from installations which employ Best Available Techniques (BAT) and which meet regulatory requirements concerning emission limits and design parameters. However, the HPA has a number of comments regarding emissions in order that the EIA provides a comprehensive assessment of potential impacts.

When considering a baseline (of existing environmental quality) and in the assessment and future monitoring of impacts these:

- should include appropriate screening assessments and detailed dispersion modelling where this is screened as necessary
- should encompass all pollutants which may be emitted by the installation in combination with all pollutants arising from associated development and transport, ideally these should be considered in a single holistic assessment
- should consider the construction, operational, and decommissioning phases
- should consider the typical operational emissions and emissions from start-up, shut-down, abnormal operation and accidents when assessing potential impacts and include an assessment of worst-case impacts
- should fully account for fugitive emissions
- should include appropriate estimates of background levels
- should identify cumulative and incremental impacts (i.e. assess cumulative impacts from multiple sources), including those arising from associated development, other existing and proposed development in the local area, and new vehicle movements associated with the proposed development; associated transport emissions should include consideration of non-road impacts (i.e. rail, sea, and air)
- should include consideration of local authority, Environment Agency, Defra national network, and any other local site-specific sources of monitoring data
- should compare predicted environmental concentrations to the applicable standard or guideline value for the affected medium (such as UK Air Quality Standards and Objectives and Environmental Assessment Levels)
  - If no standard or guideline value exists, the predicted exposure to humans should be estimated and compared to an appropriate health-based value (a Tolerable Daily Intake or equivalent). Further guidance is provided in Annex 1
  - This should consider all applicable routes of exposure e.g. include consideration of aspects such as the deposition of chemicals emitted to air and their uptake via ingestion
- should identify and consider impacts on residential areas and sensitive receptors (such as schools, nursing homes and healthcare facilities) in the area(s) which may be affected by emissions, this should include consideration of any new receptors arising from future development

Whilst screening of impacts using qualitative methodologies is common practice (e.g. for impacts arising from fugitive emissions such as dust), where it is possible to undertake a quantitative assessment of impacts then this should be undertaken.

The HPA's view is that the EIA should appraise and describe the measures that will be used to control both point source and fugitive emissions and demonstrate that standards, guideline values or health-based values will not be exceeded due to emissions from the installation, as described above. This should include consideration of any emitted pollutants for which there are no set emission limits. When assessing the potential impact of a proposed installation on environmental quality, predicted



environmental concentrations should be compared to the permitted concentrations in the affected media; this should include both standards for short and long-term exposure.

*Additional points specific to emissions to air*

When considering a baseline (of existing air quality) and in the assessment and future monitoring of impacts these:

- should include consideration of impacts on existing areas of poor air quality e.g. existing or proposed local authority Air Quality Management Areas (AQMAs)
- should include modelling using appropriate meteorological data (i.e. come from the nearest suitable meteorological station and include a range of years and worst case conditions)
- should include modelling taking into account local topography

*Additional points specific to emissions to water*

When considering a baseline (of existing water quality) and in the assessment and future monitoring of impacts these:

- should include assessment of potential impacts on human health and not focus solely on ecological impacts
- should identify and consider all routes by which emissions may lead to population exposure (e.g. surface watercourses; recreational waters; sewers; geological routes etc.)
- should assess the potential off-site effects of emissions to groundwater (e.g. on aquifers used for drinking water) and surface water (used for drinking water abstraction) in terms of the potential for population exposure
- should include consideration of potential impacts on recreational users (e.g. from fishing, canoeing etc) alongside assessment of potential exposure via drinking water

**Land quality**

We would expect the promoter to provide details of any hazardous contamination present on site (including ground gas) as part of the site condition report.

Emissions to and from the ground should be considered in terms of the previous history of the site and the potential of the site, once operational, to give rise to issues. Public health impacts associated with ground contamination and/or the migration of material off-site should be assessed<sup>5</sup> and the potential impact on nearby receptors and control and mitigation measures should be outlined.

Relevant areas outlined in the Government's Good Practice Guide for EIA include:

- effects associated with ground contamination that may already exist
- effects associated with the potential for polluting substances that are used (during construction / operation) to cause new ground contamination issues on a site, for example introducing / changing the source of contamination
- impacts associated with re-use of soils and waste soils, for example, re-use of site-sourced materials on-site or offsite, disposal of site-sourced materials offsite, importation of materials to the site, etc.

**Waste**

The EIA should demonstrate compliance with the waste hierarchy (e.g. with respect to re-use, recycling or recovery and disposal).

For wastes arising from the construction project the EIA should consider:

- the implications and wider environmental and public health impacts of different waste disposal options
- disposal route(s) and transport method(s) and how potential impacts on public health will be mitigated

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<sup>5</sup> Following the approach outlined in the section above dealing with emissions to air and water i.e. comparing predicted environmental concentrations to the applicable standard or guideline value for the affected medium (such as Soil Guideline Values)

### **Other aspects**

Within the EIA the HPA would expect to see information about how the promoter would respond to accidents with potential off-site emissions e.g. flooding or fires, spills, leaks or releases off-site. Assessment of accidents should: identify all potential hazards in relation to construction, operation and decommissioning; include an assessment of the risks posed; and identify risk management measures and contingency actions that will be employed in the event of an accident in order to mitigate off-site effects.

The EIA should include consideration of the COMAH Regulations (Control of Major Accident Hazards) and the Major Accident Off-Site Emergency Plan (Management of Waste from Extractive Industries) (England and Wales) Regulations 2009: both in terms of their applicability to the installation itself, and the installation's potential to impact on, or be impacted by, any nearby installations themselves subject to these Regulations.

There is evidence that, in some cases, perception of risk may have a greater impact on health than the hazard itself. A 2009 report<sup>6</sup>, jointly published by Liverpool John Moores University and the HPA, examined health risk perception and environmental problems using a number of case studies. As a point to consider, the report suggested: "Estimation of community anxiety and stress should be included as part of every risk or impact assessment of proposed plans that involve a potential environmental hazard. This is true even when the physical health risks may be negligible." The HPA supports the inclusion of this information within EIAs as good practice.

### **Liaison with other stakeholders, comments should be sought from:**

- the local authority for matters relating to noise, odour, vermin and dust nuisance
- the local authority regarding any site investigation and subsequent construction (and remediation) proposals to ensure that the site could not be determined as 'contaminated land' under Part 2A of the Environmental Protection Act
- the local authority regarding any impacts on existing or proposed Air Quality Management Areas
- the Food Standards Agency for matters relating to the impact on human health of pollutants deposited on land used for growing food/ crops
- the Environment Agency for matters relating to flood risk and releases with the potential to impact on surface and groundwaters
- the Environment Agency for matters relating to waste characterisation and acceptance
- the Primary Care Trust(s) and Strategic Health Authority for matters relating to wider public health

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<sup>6</sup> Available from: <http://www.cph.org.uk/showPublication.aspx?pubid=538>

## Annex 1

### Human health risk assessment (chemical pollutants)

The points below are cross-cutting and should be considered when undertaking a human health risk assessment:

- The promoter should consider including Chemical Abstract Service (CAS) numbers alongside chemical names, where referenced in the ES
- Where available, the most recent United Kingdom standards for the appropriate media (e.g. air, water, and/or soil) and health-based guideline values should be used when quantifying the risk to human health from chemical pollutants. Where UK standards or guideline values are not available, those recommended by the European Union or World Health Organisation can be used
- When assessing the human health risk of a chemical emitted from a facility or operation, the background exposure to the chemical from other sources should be taken into account
- When quantitatively assessing the health risk of genotoxic and carcinogenic chemical pollutants the HPA does not favour the use of mathematical models to extrapolate from high dose levels used in animal carcinogenicity studies to well below the observed region of a dose-response relationship. When only animal data are available, we recommend that the 'Margin of Exposure' (MOE) approach<sup>7</sup> is used

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<sup>7</sup> Benford D et al. 2010. Application of the margin of exposure approach to substances in food that are genotoxic and carcinogenic. Food Chem Toxicol 48 Suppl 1: S2-24



HID Policy - Land Use Planning  
NSIP Consultations  
Building 5.S.2, Redgrave Court  
Merton Road, Bootle  
Merseyside, L20 7HS

Your ref: 130304\_TR010016\_1674218  
Our ref: 4.2.1.3488

HSE email: [NSIP.applications@hse.gsi.gov.uk](mailto:NSIP.applications@hse.gsi.gov.uk)

FAO Hannah Nelson  
EIA and Land Rights Advisor  
The Planning Inspectorate  
3/18 Eagle Wing, Temple Quay House  
2 The Square, Bristol  
BS1 6PN

Dear Ms Nelson,

21<sup>st</sup> March 2013

**PROPOSED A63 CASTLE STREET IMPROVEMENTS, HULL (the project)  
PROPOSAL BY THE HIGHWAYS AGENCY (the applicant)  
INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2009 SI 2263  
(as amended) (the EIA Regulations)**

Thank you for your letter of 5<sup>th</sup> March 2013 regarding the information to be provided in an environmental statement relating to the above project. The HSE does not have any comments on the EIA however there are some observations which it would seem sensible to pass on to The Highways Agency.

**Major Hazard installations within the vicinity of the proposed development**

The following figures from the *"Environmental Statement Scoping Report - A63 Castle street Improvements, Hull, referenced 11/2630/AE/ Rev 1* dated March 2013 have been used to determine the application site boundary:

- Figure 1.1 The proposed location of the A63 Castle street Improvement scheme
- Figure 1.2 Proposed Location plan showing extent of works.

The proposed development does not fall within any current HSE consultation distances for Major Hazard Installations or Major Hazard Pipelines.

Assuming that an application is submitted for the A63 Castle Street Improvements, Hull, with the route layout as per the above Figures 1.1 and 1.2, based on a preliminary assessment it is unlikely that HSE would advise against the proposal. HSE might need to review its position on the basis of a fresh assessment of the data available when a formal application is referred to us.

As there are no references to storage of hazardous substances in the scoping report, the HSE has not taken it into account in the pre-planning assessment.

Any site that wants to hold prescribed quantities of Hazardous Substances must obtain Hazardous Substances Consent (HSC) from the Hazardous Substances Authority (HSA), in accordance with the Planning (Hazardous Substances) (Amendment) (England) Regulations 2010. HSC would be required if the site or completed development is intending to store or use any of the Named Hazardous Substances or Categories of Substances & Preparations at or above the controlled quantities set out in Schedule 1 of the Regulations.

There are no references to storage of hazardous substances in the scoping report to state whether consent would be required for the site, therefore, the applicant should check if any of the named substances in Part A of the schedule are present at or above the specified controlled quantities. Furthermore the applicant should check

if substances fall into one or more of the categories of substances & preparations specified in Part B of the Regulations. In either the Part A or Part B check, if the described substances are found, the site should apply for HSC.

Consent might also be required for the presence of hazardous substances even though the amount present is below their controlled quantity. This may happen because substances within the same generic category that have similar hazard characteristics are added together, according to an addition rule, to determine whether consent is required for some or all of them. Basically, the quantities present are expressed as fractions of their controlled quantities and added together following the note in Schedule 1 of the Regulations. If the sum equals or exceeds 1, then consent is needed for each of the substances included in the addition.

Please note that the above advice is based on HSE's existing policy for providing land use planning advice and the information which has been provided. HSE's advice in response to a subsequent planning application may differ should HSE's policy or developments have changed by the time the formal application is submitted.

#### Explosives sites

The proposed A63 Castle Street Improvement application does not impinge on the separation distances of any explosives site licensed by the HSE.

Please send any further electronic communication on this project directly to the HSE's designated e-mail account for NSIP applications, the details of which can be found at the top of this letter. Alternatively any hard copy correspondence should be sent to:

Miss Laura Evans  
NSIP Consultations  
5.S.2 Redgrave Court  
Merton Road  
Bootle  
Merseyside  
L20 7HS

Yours sincerely,

  
Laura Evans  
HID Policy - Land Use Planning

**Hannah Nelson**

---

**From:** Kathy West [kathy.west@hessletown.karoo.co.uk]  
**Sent:** 07 March 2013 10:42  
**To:** Environmental Services  
**Subject:** Your ref: 130304\_TR010016\_1674218  
**Follow Up Flag:** Follow up  
**Flag Status:** Red

For the attention of Hannah Nelson – EIA and Land Rights Adviser

Dear Hannah,

Please be informed that Hessle Town Council has no comment to make on the following as detailed in your correspondence dated 5<sup>th</sup> March 2013.

Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 SI 2263 (as amended) (the EIRA Regulations) Proposed A63 Castle Street Improvements, Hull. Proposal by The Highways Agency.

Kind regards  
Kathy West (Mrs)  
Town Clerk – Hessle Town Council  
Tel/Fax: 01482 648566  
[www.hessletowncouncil.gov.uk](http://www.hessletowncouncil.gov.uk)

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Correspondents should note that all communications to Department for Communities and Local Government may be automatically logged, monitored and/or recorded for lawful purposes.

\*\*\*\*\*





The Planning Inspectorate  
3/18 Eagle Wing  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

Your Ref: 130304\_TR010016\_1674218  
My Ref: DM/ac  
Contact: Alex Codd  
Tel: 01482 612387  
Fax: 01482 612350  
Email: alex.codd@hullcc.gov.uk  
Textphone: 01482 300 349  
Date: 05 April 2013

Dear Sir/Madam,

**A63 CASTLE STREET IMPROVEMENTS, HULL  
ENVIRONMENTAL STATEMENT SCOPING REPORT**

I refer to your letter of the 5<sup>th</sup> March 2013 inviting comments on the above Scoping Report. This response is on behalf of Hull City Council and represents the opinions of all the technical officers within the Council. Under my scheme of delegation from planning committee I am authorised to respond on behalf of the Council.

Before detailed the specific comments regarding her Environmental Scoping report it is important the document reflects the latest position regarding the development plan for Hull. The Scoping Report needs reviewing to ensure:

1. The removal of all references to the Regional Spatial Strategy following its revocation.
2. The removal of all references to the City Centre Area Action plan which has been withdrawn (referred to in 14.3.9).
3. The removal of the Core Strategy which has been withdrawn and will be replaced with the Local Plan: Strategic Policies (referred to in 14.3.7).
4. The Holderness Road Corridor Area Action Plan has also been adopted (which is focussed on the housing market renewal area to the East of the City)
5. The Enterprise Zone designation to the East of the city where growth of the renewable energy industry is anticipated.

The City Council is also working with key private and public sector partners across the city in the production of the Cityplan (not a formal planning document), a vision statement with a number of key projects to be delivered in the years ahead.

The proposed scope of the environmental assessment appears to be appropriate in most respects. The proposed scope includes most of the significant environmental factors likely



to be impacted by the scheme, including flood risk, townscape, conservation, air quality, noise etc.

I would make the following more detailed comments:

1. The Environmental Health Officer (EHO) has commented that potential light pollution should be included in the assessment, in particular in the areas where the road and therefore lighting is moving closer to residential properties;
2. Air Quality - agreement should be reached with the EHO on the location of the sensitive receptors before any modelling work commences. This is particularly important given the Castle Street Air Quality Management area;
3. in relation to land contamination and hydrogeology the EHO advises that ongoing consultation with the Environmental Regulation section (contact Emma Tindall Principal Environmental Health Officer, 01482 615520) during the additional site investigation works proposed for May 2013 is carried out to ensure that the appropriate sampling and methodology is being undertaken. The known high groundwater levels across the city will make the site investigation and sampling particularly important to determine the most appropriate construction technique;
4. In townscape terms some of the areas identified in table 8.1, although the assessment of 'high quality' and 'very attractive' are accepted, do not appear to be directly impacted by the scheme and may not require detailed assessment (eg Prince Street, Posterngate, The Deep, Nelson Street);
5. While it is acknowledged that further more detailed assessment will follow, in table 8.3 Humber and Railway Dock, Trinity Burial Ground and Quay West development site should all be identified as 'major adverse' with the loss of 2 listed buildings, the encroachment into the burial ground and loss of the boundary wall, the encroachment into Humber Dock (Marina) and the demolition of the listed dock wall. Marina Court will lose the deep apron on its north side so it is considered that 'moderate adverse' would apply.
6. para 7.3.15 the reference to the CCAAP is out of date as the plan has been withdrawn;
7. para 8.4.5 Castle Building is not still undergoing renovation, but is protected from the elements by covers;
8. para 13.3.6 list of other designated crossings of side roads seems to have omitted Dagger Lane;

9. 13.3.12, trip generators, needs to reference the Fruit Market area specifically in this list given the location of a number of cultural type uses (workshops/galleries). The focal point of the Freedom festival is also the Fruit Market which attracts tens of thousands of people annually. Whilst this is an annual event it should still be referenced as the crossing of Castle Street needs to cater for this peak demand;
10. 13.4.10 cycles/pedestrians on the footway/cycle tracks (off carriageway) also need to be surveyed/counted;
11. 14.3.15 should refer to Prospect Shopping Centre not "Paragon". It should also refer to St. Stephens;
12. 14.3.16 should refer to Fruit Market not Fish Market. Should also specifically mention the King Billy pub on Market Place;
13. 14.3.18 should also refer to William Booth House;
14. 14.4.4 and 14.5.6 should both refer to Fruit Market not Fish Market.
- 15.15.6.7 Delete the reference to Steve Wragg leaving it as a meeting was held with the Flood Risk Planning Manager as sensible to refer to post not the person.

The Council will be producing a Local Impact Report in due course and that response will be sent from myself as a result can you ensure both myself and Mike Ibbotson (the Transport Policy Manager) are included on any future communication regarding Castle Street as this consultation did not reach us directly.

Yours faithfully,

**Mr Alex Codd**  
**City Planning Manager**



Email: [infrastructure@marinemanagement.org.uk](mailto:infrastructure@marinemanagement.org.uk)

## **Hull A63 Castle Street Improvements Project.**

### **SCOPING OPINION**

**MMO Ref: DC**

#### **The Highways Agency/Mott Macdonald Grontmij**

#### **1. The proposal**

To improve the A63 from the M62 to the Port of Hull by:

- Lowering the level of the existing A63 in the vicinity of Mytongate Junction
- Raising the Ferensway and Commercial Road carriageways
- Constructing a new road bridge over the proposed underpass
- Widening the eastbound carriageway to three lanes between Mytongate Junction and Market Place.

#### **2. The MMO's role in Nationally Significant Infrastructure Projects**

- 2.1. The Marine Management Organisation (the "MMO") was established by the Marine and Coastal Access Act 2009 (the "2009 Act") to make a contribution to sustainable development in the marine area and to promote clean, healthy, safe, productive and biologically diverse oceans and seas.
- 2.2. The responsibilities of the MMO include the licensing of construction works, deposits and removals in the marine area by way of a marine licence. Marine licences are required for all deposits or removals of articles or substances below the level of mean high water springs ("MHWS"), unless a relevant exemption applies.
- 2.3. In the case of Nationally Significant Infrastructure Projects ("NSIPs"), the Planning Act 2008 (the "2008 Act") enables DCOs for projects which affect the marine environment to include provisions which deem marine licences. Alternatively, applicants may wish to separately seek consent for a marine licence directly from the MMO rather than having it deemed by a DCO.
- 2.4. For NSIPs where applicants choose to have a marine licence deemed by a DCO, during pre-application the MMO will advise developers on the aspects of a project that may have an impact on the marine area or those who use it. In addition to considering the impacts of any construction within the marine area, this would also include assessing any risks to human health, other legitimate uses of the sea and any potential impacts on the marine environment from terrestrial works.
- 2.5. Whether a marine licence is deemed within a DCO or consented independently by the MMO, the MMO is the delivery body responsible for post-consent monitoring,

variation, enforcement and revocation of provisions relating to the marine environment. As such, the MMO has a keen interest in ensuring that provisions drafted in a deemed marine licence enable the MMO to fulfil these obligations. This includes ensuring that there has been a thorough assessment of the impact of the works on the marine environment (both direct and indirect), that it is clear within the DCO which works are consented within the deemed marine licence, that conditions or provisions imposed are proportionate, robust and enforceable and that there is clear and sufficient detail to allow for monitoring and enforcement. To achieve this, the MMO would seek to agree the deemed marine licence with the developer for inclusion with their application to the Planning Inspectorate (“PINS”).

2.6. Further information on licensable activities can be found on the MMOs website.

### **3. Activities for this project which would be licensable under the 2009 Act**

3.1. At this stage of the development the MMO have identified the following licensable activities as stated in the Scoping Report:

- All works on Castle Street from Prince’s Quay to Humber Dock Street adjacent to the Humber Dock Marina.
- Any works on, under or adjacent to the Myton Swing Bridge.

3.2. Any additional works or activities in the marine area which may require a marine licence under the 2009 Act should be notified to the MMO at the earliest opportunity.

### **4. Comments on the Scoping Report**

4.1. In Sec. 15.5 on page 175, item 15.5.1 identifies the following potential effect:

*Damage to aquatic ecosystems due to pollution of water courses and groundwater from mobilised suspended solids, heavy metal contamination and spillages of fuel and oil during construction and operations.*

The MMO would request more information on what processes and works the Highways Agency/MMGJV envisage as being the trigger for the suspension of solids and heavy metals in watercourses during the construction process. Presumably this potential effect would be as the result of works/processes disturbing the historical industrial contamination of sediments in the Humber Dock marina basin?

4.2. It will be necessary to know which contaminants are present. These contaminants should be assessed against Cefas action levels.

4.3. In Sec. 15.6.8 on page 178, there is a proposal to drain excess surface water from the proposed underpass via a proposed pumping station and rising main, with a direct outfall into the River Humber. The MMO would request more information on the location and construction of this river outfall.

**5. Consultation process and next steps**

- 5.1. The MMO welcome further consultation and recommends that The Highways Agency/ Mott Macdonald Grontmij discuss the licensing requirements under the 2009 Act with the MMO at the earliest opportunity.

**Marine Management Organisation**

**2<sup>nd</sup> April 2013.**





The Planning Inspectorate  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

Vicky Stirling  
Town Planner  
Asset Protection  
Land & Development

SUBMITTED VIA EMAIL:  
[environmentalservices@infrastructure.gsi.gov.uk](mailto:environmentalservices@infrastructure.gsi.gov.uk)

[vicky.stirling@nationalgrid.com](mailto:vicky.stirling@nationalgrid.com)  
Direct tel [REDACTED]

[www.nationalgrid.com](http://www.nationalgrid.com)

12 March 2013

Dear Sir/Madam

**INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT)  
REGULATIONS 2009 SI 2263 (as amended) (the EIA Regulations)  
PROPOSED A63 Castle Street Improvements, Hull  
PROPOSAL BY The Highways Agency**

I refer to the above proposed application and confirm that National Grid does not wish to make any representation in respect of this Scoping Report.

If you require any further information please do not hesitate to contact me.

Yours sincerely,

[REDACTED]

**Vicky Stirling  
Town Planner, Land & Development**



Date: 21 March 2013  
Our ref: 80266  
Your ref: 130304\_TR010016\_1674218



Hannah Nelson  
environmentalservices@infrastructure.gsi.gov.uk

Customer Services  
Hornbeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire  
CW1 6GJ

T 0300 060 3900

**BY EMAIL ONLY**

Dear Ms Nelson;

**Environmental Impact Assessment Scoping consultation (Regulation 15 (3) (i) of the EIA Regulations 2011): INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2009 SI 2263 (as amended) (the EIA Regulations) PROPOSED A63 Castle Street Improvements, Hull (the project) PROPOSAL BY The Highways Agency (the applicant)**  
**Location:**

Thank you for seeking our advice on the scope of the Environmental Statement (ES) in your consultation dated **05 March 2013** which we received on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Case law<sup>1</sup> and guidance<sup>2</sup> has stressed the need for a full set of environmental information to be available for consideration prior to a decision being taken on whether or not to grant planning permission. Natural England agrees with the scope of the Environmental Impact Assessment (EIA) for this development as detailed in the report (*A63 Castle Street Improvements, Hull Environmental Statement Scoping Report 112630/AE/01 Rev 1 March 2013*).

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us. For any queries relating to the specific advice in this letter only please contact Pin Dhillon-Downey on 0300 060 0003. For any new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours sincerely

Pin Dhillon-Downey  
Land Use operations

---

<sup>1</sup> Harrison, J in *R. v. Cornwall County Council ex parte Hardy* (2001)

<sup>2</sup> *Note on Environmental Impact Assessment Directive for Local Planning Authorities* Office of the Deputy Prime Minister (April 2004) available from <http://webarchive.nationalarchives.gov.uk/+http://www.communities.gov.uk/planningandbuilding/planning/sustainability/environmental/environmentalimpactassessment/noteenvironmental/>





Water today, water tomorrow

Centre City Tower  
7 Hill Street  
Birmingham  
B5 4UA

PINS RECEIVED

11 MAR 2013

NID

Hannah Nelson  
The Planning Inspectorate  
3/18 Eagle Wing  
Temple Quay House  
2 The Square  
Bristol BS1 6PN

8 March 2013

Your ref: 130304\_TR010016\_1674218

Dear Ms Nelson

**INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT)  
REGULATIONS 2009 SI 2263 (as amended) (the EIA Regulations)  
PROPOSED A63 Castle Street Improvements, Hull (the project)  
PROPOSAL BY The Highways Agency (the applicant)**

I refer to your letter dated 5 March 2013 which has been passed to me for response.

The Water Services Regulation Authority (Ofwat) is the economic regulator for the water and sewerage companies of England and Wales. Your correspondence relates to essentially a local matter in respect of impacts on water and sewerage service provision and in this respect the relevant water company/companies local to the area and the Environment Agency are your key Statutory Consultees. We expect that normal commercial arrangements will apply and that planning matters related to water and sewerage service provision will be resolved locally.

I confirm that we therefore do not have any comments now and will not have any comments in the future regarding this planning application.

Yours faithfully



Pat Cooper

On behalf of Water Services Regulation Authority (Ofwat)



UNCLASSIFIED



**The Coal  
Authority**



INVESTOR IN PEOPLE

**200 Lichfield Lane  
Berry Hill  
Mansfield  
Nottinghamshire  
NG18 4RG**

**Tel: 01623 637 119 (Planning Enquiries)**

**Email: [planningconsultation@coal.gov.uk](mailto:planningconsultation@coal.gov.uk)**

**Web: [www.coal.decc.gov.uk/services/planning](http://www.coal.decc.gov.uk/services/planning)**

FAO: Ms Hannah Nelson  
EIA and Land Rights Adviser  
on behalf of the Secretary of State

**[By Email: [environmentalservices@infrastructure.gsi.gov.uk](mailto:environmentalservices@infrastructure.gsi.gov.uk)]**

26 March 2013

Dear Ms Nelson

### **EIA SCOPING OPINION**

#### **Proposed A63 Castle Street Improvements, Hull**

Thank you for your consultation letter of the 05 March 2013 seeking the views of The Coal Authority on the EIA Scoping Opinion for the above proposal.

I have reviewed the proposals and confirm that the area is not within the defined coalfield: therefore The Coal Authority has no observations or specific comments to make on this proposal.

Please do not hesitate to contact me if you would like to discuss this matter further.

Yours sincerely



**Deb Roberts** *M.Sc.*  
**Technical Support Officer**





The Planning Inspectorate  
3/18 Eagle Wing  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

Land and Planning  
Yorkshire Water Services Ltd  
P.O Box 500  
Western House  
Western way  
Bradford  
BD6 2LZ

Tel: (01274) 691111  
Fax: (01274) 692643

Your Ref: 130304\_TR010016\_1674218  
Our Ref: P002921

E-mail  
[stephanie.walden@yorkshirewater.co.uk](mailto:stephanie.walden@yorkshirewater.co.uk)  
For telephone enquiries ring :  
Stephanie Walden on (01274) 692349

20th March 2013

Dear Sir/Madam,

**A63 Castle Street, Kingston Upon Hull - Proposed A63 Castle Street Improvements**

Thank you for consulting Yorkshire Water on the above proposal. Our main concern is that the Hull Disposal Main and associated infrastructure is protected during construction of the improved road system. On the Statutory Sewer Map, the 3600mm and 2895.6mm diameter disposal mains are shown as laid within the easement/protected zone of the main i.e. part of the A63 and a number of roads off Castle Street . In this instance, a stand-off distance of 50 (fifty) metres is required at each side of each disposal main centre-line.

The proposals must comply with the Yorkshire Water Services Code of Practice of Construction Works To Avoid Damage to the Hull Disposal Main (copy provided). I would suggest that appropriate protection/mitigation measures are included within any future Environmental Impact Assessment as damage to the disposal mains could lead to a serious pollution incident and compromise the ability of Yorkshire Water to properly dispose of foul and surface water. It is essential that details of construction works, particularly where deep excavations are proposed, are provided to and agreed in writing with Yorkshire Water prior to commencement on site.

Please note that there is other water and waste water infrastructure that will also require protection.

I trust that the above is helpful, but if you require further information, please contact me at the above address

Yours faithfully

**Stephanie Walden**  
Land Use Planning Manager

**YORKSHIRE WATER SERVICES LIMITED**

**CODE OF PRACTICE FOR CONSTRUCTION WORKS**

**TO MINIMISE RISK OF DAMAGE TO THE HULL DISPOSAL MAIN**

**1. General**

- 1.1 The Hull disposal main is a 3.6 metre internal diameter conduit constructed of precast reinforced concrete segments with flexible gaskets; six segments comprise a complete ring 1m long. The main was constructed by tunnelling methods and varies from 14.5m to 22.5m below the ground, measured to the external crown of the main.
- 1.2 The main relies upon external ground pressure acting upon it for its structural integrity. Loss of, or severe reduction in, ground support pressure would lead to deformation of the main and potentially, its ultimate collapse.
- 1.3 The distance from the disposal main at which this Code of Practice ceases to be relevant will depend on ground conditions and depth of the disposal main at the location concerned, but will be a minimum of 10 metres.

This is particularly relevant to clause 4.1 (b) in situations where the sub-strata include fine aeolian sand deposits under high groundwater pressure; these are known to become extremely mobile over long distances where sub-surface construction activities allow flowpaths to be created.

**2. Excavation, Dewatering and Ground Treatment**

- 2.1 Ground levels over the disposal main and for a distance 10 metres either side of the disposal main shall not generally be reduced below +1.0 metres OD except as noted in 5 below. Beyond 10 metres the provisions of clause 4.1 (b) shall apply.
- 2.2 No dewatering shall be undertaken which would lower the piezometric pressure at any point in the ground within 2m of the outer surface of the structure of the main by more than 25kN/m<sup>2</sup>.
- 2.3 No ground freezing shall be carried out which would affect ground within 10 metres of the longitudinal centreline of the disposal main.
- 2.4 No construction or ground improvement techniques shall be employed which would cause or impose vibrations at or in the fabric of the disposal main with a peak particle velocity greater than 15mm per. second.

**3. Ground Loading**

- 3.1 There shall be no temporary or permanent storage of materials, containers, machinery, plant or other thing on land over or within a distance of the disposal main at which ground surcharge loading ceases to impinge on the main which, either singly or in combination, or in combination with any other applied loads would impose loads on or induce stresses in the fabric of the disposal main in excess of those caused by the maximum permissible loadings specified in table 1 below applied at design ground level.

#### **4. Construction**

- 4.1 No temporary or permanent construction shall take place which would, in conjunction with any other permitted loadings:-
- a) impose loads on or induce stresses in the fabric of the disposal main in excess of those caused by the loadings set out in table 1 applied at design ground level.
  - or b) reduce the effective horizontal and vertical stresses imposed on the disposal main below the stresses which would occur at the minimum permitted ground level of +1.0m OD.
  - or c) either during construction or use cause or impose vibrations in the disposal main with a peak particle velocity greater than 15mm per. second.
- 4.2 In extension of the restrictions noted in 4.1 above, no temporary or permanent construction directly over the main or within 2 metres of the exterior of the disposal main measured at the widest point on its horizontal axis shall encroach vertically within 6 metres of the external crown of the main.

#### **5. Trenches and Small Excavations**

- 5.1 Ground levels over and immediately adjacent to the disposal main may be reduced to 0.0m OD locally in the following circumstances for the installation of services, construction of foundations or site investigation.
- i) in trenches not exceeding 3.0m wide
  - ii) in isolated excavations not exceeding 5 metres square
- Provided the trenches and trial holes are backfilled or the foundations constructed as soon as is reasonably practical after the excavation.

#### **6. Site Investigation**

- 6.1 Site investigation borings immediately over the disposal main shall not penetrate to a greater depth than 6 metres above the external crown of the main. Elsewhere ground investigation borings going deeper than 6 metres above the external crown of the main shall not encroach within 2 metres of the exterior of the disposal main measured at its widest point on its horizontal axis.
- 6.2 All ground investigation borings in the vicinity of the disposal main shall be carried out by techniques which ensure that the head of water in the borehole is greater than hydrostatic groundwater pressure at all times, which avoid loss of ground into the borehole and which comply with 4.1 (b) and 4.1 (c) above.
- 6.3 All ground investigation boreholes shall be backfilled, compacted and sealed as soon as is reasonable practical after their excavation.
- 6.4 Excavation of small scale trial pits and trenches must comply with Section 5 above.

# YORKSHIRE WATER SERVICES LTD

## HULL FLOW TRANSFER TUNNEL

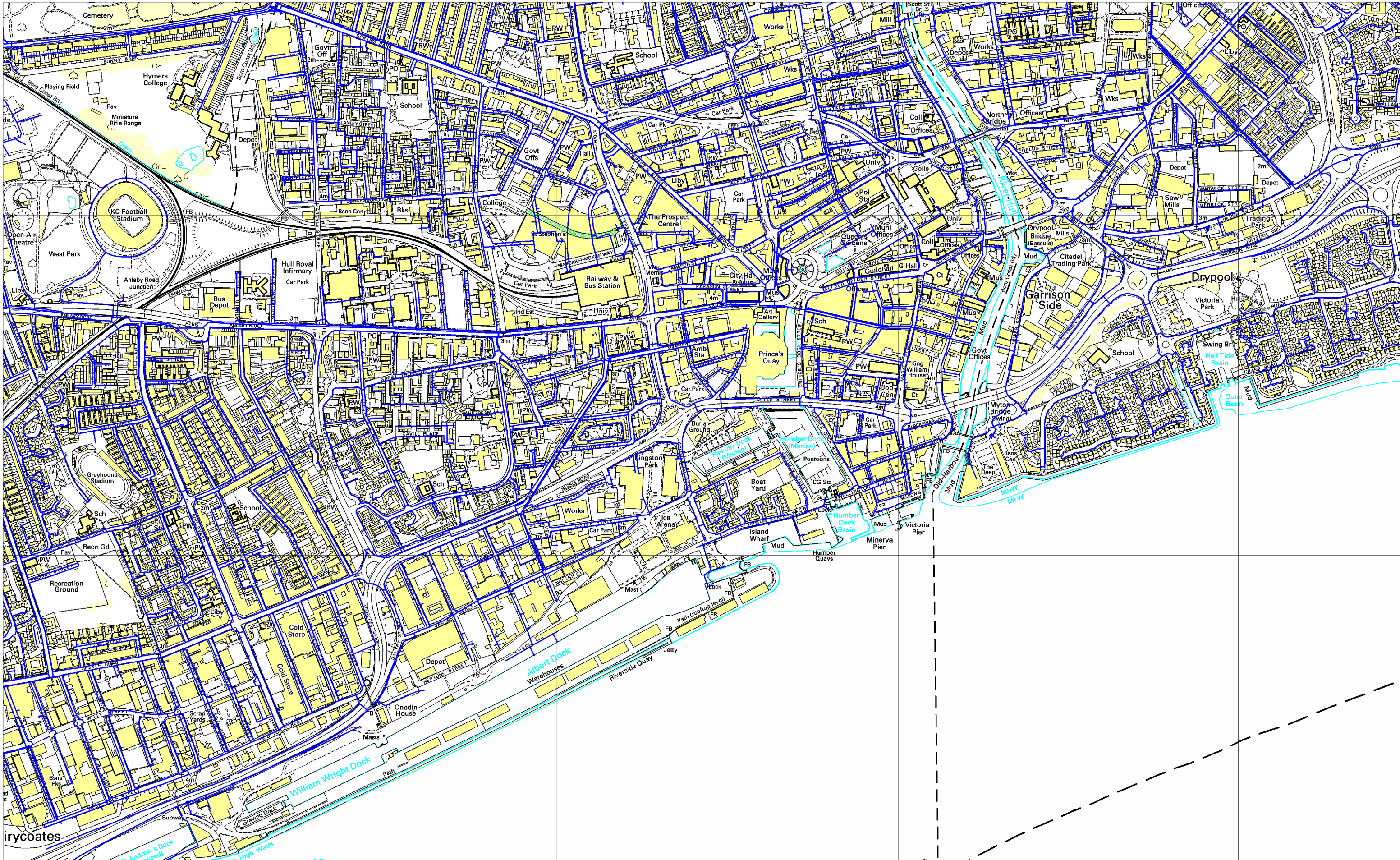
### RESTRICTIONS ON DEVELOPMENT WITHIN THE EASEMENT

#### SUMMARY


ACTIVITY	LOCATION	RESTRICTION	COMMENT
Ground Loading	WHPS to WwTW	200 kN/m <sup>2</sup> up to g.l. +4.0 m. OD	Reduced by 20 kN/m <sup>2</sup> for each metre ex g.l. above +4.0 m. OD
	Outfall	200 kN/m <sup>2</sup> up to g.l. +5.5 m. OD	Reduced by 20 kN/m <sup>2</sup> for each metre ex g.l. above +5.5 m. OD
Excavation	WHPS to WwTW	No reduction in g.l. below +1.0 m. OD	Except in trenches to be backfilled, for construction of concrete lined pipetracks or for foundations to permanent structures where excav. can be taken down to 0.0 m. OD.
	Outfall	No reduction in g.l. below +1.0 m. OD	
Dewatering	All Route	Ex. g.w.l. not to be reduced by more than 25 kN/m <sup>2</sup> at tunnel horizon	
Piling	All Route:-	No restrictions.	Could apply at a lesser distance where the tunnel is under highway
	A) 10 m. or more from tunnel c.l.		
	B) 7 m. to 10 m. from tunnel c.l.	Only cfa or similar piles which maintain ground support during installation, and provided:- i) no part of pile encroaches within 7.0m. of tunnel after allowance of 0.5m. verticality tolerance ii) pile dia. does not exceed 1.2m. iii) piles terminate at least 1.0m. below tunnel invert iv) clear min. distance of 2.5m. between piles v) each pile concreted before next is drilled vi) no driven, vibrated or bored piles	
C) Whole easement width (20m.)	Only shallow bored or cfa piles terminating at least 6 m. above tunnel crown and which do not impose loads on the tunnel greater than the equivalent of 200 kN/m <sup>2</sup> applied at g.l.		

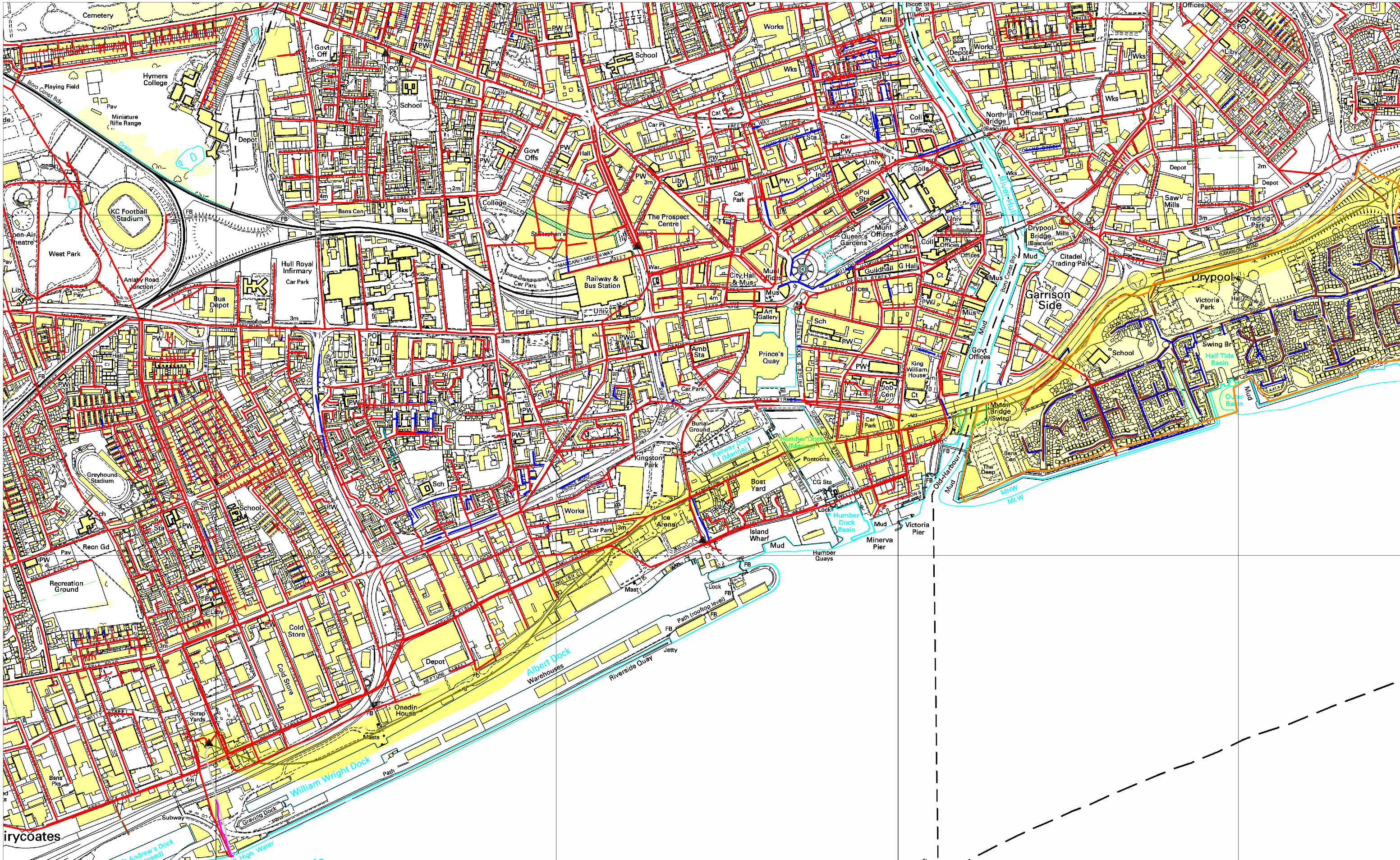
Table 1

Location	Design Ground Level	Permissible surcharge loading (kN/m <sup>2</sup> )	
		Up to design ground level	Above design ground level
West Hull pumping station to East Hull pumping station	+4.0m OD	200	Surcharge loading reduced by 20 kN/m <sup>2</sup> for each metre or part of a metre by which g.l. exceeds +4.0m OD
East Hull pumping station to WWTW	+4.0m OD	200	
WWTW to Outfall	+5.5m OD	200	Surcharge loading reduced by 20 kN/m <sup>2</sup> for each metre or part of a metre by which g.l. exceeds +5.5m OD




iryoates

507857 : 427402	Map Name : TA0727SW	Title	Partial Key	The position and depths of apparatus shown on this plan are approximate only. The exact positions and depths should be obtained by excavation trial holes.
 <p>Yorkshire Water</p>	<p>Yorkshire Water, PO Box 500, Halifax Road, Bradford BD6 2LZ Contact Name : Mr J McGlade Contact Tel : 70 4406</p>	<p>Notes</p>	<p>Water mains up to 4" in diameter <span style="color: red;">—</span>          Water mains over 4" in diameter <span style="color: blue;">—</span>          Raw water mains <span style="color: yellow;">—</span>          Private water mains <span style="color: green;">—</span></p>	<p>Scale : 1:10000</p>
<p>(Ody) COPYRIGHT STATEMENTS: Reproduced by permission of Ordnance Survey on behalf of HMSO          © Crown copyright and database 2004. All rights reserved Ordnance Survey Licence number 100019559</p>			<p>Drg No :</p>	<p>Maris No :</p>
			<p>Date Req : 26/03/2013, 09:49:41</p>	<p>Date Gen : 26/03/2013, 09:49:45</p>
			<p>Source : Water Network Enquiry</p>	



UPN: Undefined  
 Originator: J McGlade, Planning & Land, Commercial, 70 4406

507857 : 427402



Yorkshire Water

Map Name : TA0727SW

Yorkshire Water,  
 PO Box 500,  
 Halifax Road,  
 Bradford BD6 2LZ  
 Contact Name :  
 Mr J McGlade  
 Contact Tel : 70 4406

Title

Notes

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Partial Key

Foul Sewer = F  
 Combined Sewer = C  
 Surface Water Sewer = SW  
 Trade Sewer = TD  
 Partially Separate = PS

Date Req : 26/03/2013, 09:47:45  
 Source : Sewer Network Enquiry

This plan is furnished as a general guide only and no warranty as to its correctness is given or implied. This plan must not be relied upon in the event of excavations or other works made in the vicinity of public sewers. No house or property connection

Date Gen : 26/03/2013, 09:48:01





## **APPENDIX 3**

# **Presentation of the Environmental Statement**



## APPENDIX 3

### PRESENTATION OF THE ENVIRONMENTAL STATEMENT

The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (SI 2264) (as amended) sets out the information which must be provided for an application for a development consent order (DCO) for nationally significant infrastructure under the Planning Act 2008. Where required, this includes an environmental statement. Applicants may also provide any other documents considered necessary to support the application. Information which is not environmental information need not be replicated or included in the ES.

An environmental statement (ES) is described under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (SI 2263) (as amended) (the EIA Regulations) as a statement:

- a) 'that includes such of the information referred to in Part 1 of Schedule 4 as is reasonably required to assess the environmental effects of the development and of any associated development and which the applicant can, having regard in particular to current knowledge and methods of assessment, reasonably be required to compile; but
- b) that includes at least the information required in Part 2 of Schedule 4'.

*(EIA Regulations Regulation 2)*

The purpose of an ES is to ensure that the environmental effects of a proposed development are fully considered, together with the economic or social benefits of the development, before the development consent application under the Planning Act 2008 is determined. The ES should be an aid to decision making.

The SoS advises that the ES should be laid out clearly with a minimum amount of technical terms and should provide a clear objective and realistic description of the likely significant impacts of the proposed development. The information should be presented so as to be comprehensible to the specialist and non-specialist alike. The SoS recommends that the ES be concise with technical information placed in appendices.

### ES Indicative Contents

The SoS emphasises that the ES should be a 'stand alone' document in line with best practice and case law. The EIA Regulations Schedule 4, Parts 1 and 2, set out the information for inclusion in environmental statements.

Schedule 4 Part 1 of the EIA Regulations states this information includes:

- '17. *Description of the development, including in particular—*

- (a) *a description of the physical characteristics of the whole development and the land-use requirements during the construction and operational phases;*
  - (b) *a description of the main characteristics of the production processes, for instance, nature and quantity of the materials used;*
  - (c) *an estimate, by type and quantity, of expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation, etc) resulting from the operation of the proposed development.*
18. *An outline of the main alternatives studied by the applicant and an indication of the main reasons for the applicant's choice, taking into account the environmental effects.*
19. *A description of the aspects of the environment likely to be significantly affected by the development, including, in particular, population, fauna, flora, soil, water, air, climatic factors, material assets, including the architectural and archaeological heritage, landscape and the interrelationship between the above factors.*
20. *A description of the likely significant effects of the development on the environment, which should cover the direct effects and any indirect, secondary, cumulative, short, medium and long-term, permanent and temporary, positive and negative effects of the development, resulting from:*
- (a) *the existence of the development;*
  - (b) *the use of natural resources;*
  - (c) *the emission of pollutants, the creation of nuisances and the elimination of waste,*
- and the description by the applicant of the forecasting methods used to assess the effects on the environment.*
21. *A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment.*
22. *A non-technical summary of the information provided under paragraphs 1 to 5 of this Part.*
23. *An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the applicant in compiling the required information'.*

*EIA Regulations Schedule 4 Part 1*

- 4.18 The content of the ES must include as a minimum those matters set out in Schedule 4 Part 2 of the EIA Regulations. This includes the consideration of 'the main alternatives studied by the applicant' which the SoS recommends could be addressed as a separate chapter in the ES. Part 2 is included below for reference:

#### 4.19 Schedule 4 Part 2

- A description of the development comprising information on the site, design and size of the development
- A description of the measures envisaged in order to avoid, reduce and, if possible, remedy significant adverse effects
- The data required to identify and assess the main effects which the development is likely to have on the environment
- An outline of the main alternatives studied by the applicant and an indication of the main reasons for the applicant's choice, taking into account the environmental effects, and
- A non-technical summary of the information provided *[under the four paragraphs above]*.

Traffic and transport is not specified as a topic for assessment under Schedule 4; although in line with good practice the SoS considers it is an important consideration *per se*, as well as being the source of further impacts in terms of air quality and noise and vibration.

### Balance

The SoS recommends that the ES should be balanced, with matters which give rise to a greater number or more significant impacts being given greater prominence. Where few or no impacts are identified, the technical section may be much shorter, with greater use of information in appendices as appropriate.

The SoS considers that the ES should not be a series of disparate reports and stresses the importance of considering inter-relationships between factors and cumulative impacts.

### Scheme Proposals

The scheme parameters will need to be clearly defined in the draft DCO and therefore in the accompanying ES which should support the application as described. The SoS is not able to entertain material changes to a project once an application is submitted. The SoS draws the attention of the applicant to the DCLG and the Planning Inspectorate's published advice on the preparation of a draft DCO and accompanying application documents.

### Flexibility

The SoS acknowledges that the EIA process is iterative, and therefore the proposals may change and evolve. For example, there may be changes to the scheme design in response to consultation. Such changes should be addressed in the ES. However, at the time of the application for a DCO, any proposed scheme parameters should not be so wide ranging as to represent effectively different schemes.

It is a matter for the applicant, in preparing an ES, to consider whether it is possible to assess robustly a range of impacts resulting from a large number of undecided parameters. The description of the proposed development in the ES must not be so wide that it is insufficiently certain to comply with requirements of paragraph 17 of Schedule 4 Part 1 of the EIA Regulations.

The Rochdale Envelope principle (see *R v Rochdale MBC ex parte Tew (1999)* and *R v Rochdale MBC ex parte Milne (2000)*) is an accepted way of dealing with uncertainty in preparing development applications. The applicant's attention is drawn to the Planning Inspectorate's Advice Note 9 'Rochdale Envelope' which is available on the Advice Note's page of the National Infrastructure Planning website.

The applicant should make every attempt to narrow the range of options and explain clearly in the ES which elements of the scheme have yet to be finalised and provide the reasons. Where some flexibility is sought and the precise details are not known, the applicant should assess the maximum potential adverse impacts the project could have to ensure that the project as it may be constructed has been properly assessed.

The ES should be able to confirm that any changes to the development within any proposed parameters would not result in significant impacts not previously identified and assessed. The maximum and other dimensions of the proposed development should be clearly described in the ES, with appropriate justification. It will also be important to consider choice of materials, colour and the form of the structures and of any buildings. Lighting proposals should also be described.

## Scope

The SoS recommends that the physical scope of the study areas should be identified under all the environmental topics and should be sufficiently robust in order to undertake the assessment. The extent of the study areas should be on the basis of recognised professional guidance, whenever such guidance is available. The study areas should also be agreed with the relevant consultees and local authorities and, where this is not possible, this should be stated clearly in the ES and a reasoned justification given. The scope should also cover the breadth of the topic area and the temporal scope, and these aspects should be described and justified.

### *Physical Scope*

In general the SoS recommends that the physical scope for the EIA should be determined in the light of:

- the nature of the proposal being considered
- the relevance in terms of the specialist topic

- the breadth of the topic
- the physical extent of any surveys or the study area, and
- the potential significant impacts.

The SoS recommends that the physical scope of the study areas should be identified for each of the environmental topics and should be sufficiently robust in order to undertake the assessment. This should include at least the whole of the application site, and include all offsite works. For certain topics, such as landscape and transport, the study area will need to be wider. The extent of the study areas should be on the basis of recognised professional guidance and best practice, whenever this is available, and determined by establishing the physical extent of the likely impacts. The study areas should also be agreed with the relevant consultees and, where this is not possible, this should be stated clearly in the ES and a reasoned justification given.

#### *Breadth of the Topic Area*

The ES should explain the range of matters to be considered under each topic and this may respond partly to the type of project being considered. If the range considered is drawn narrowly then a justification for the approach should be provided.

#### *Temporal Scope*

The assessment should consider:

- environmental impacts during construction works
- environmental impacts on completion/operation of the development
- where appropriate, environmental impacts a suitable number of years after completion of the development (for example, in order to allow for traffic growth or maturing of any landscape proposals), and
- environmental impacts during decommissioning.

In terms of decommissioning, the SoS acknowledges that the further into the future any assessment is made, the less reliance may be placed on the outcome. However, the purpose of such a long term assessment, as well as to enable the decommissioning of the works to be taken into account, is to encourage early consideration as to how structures can be taken down. The purpose of this is to seek to minimise disruption, to re-use materials and to restore the site or put it to a suitable new use. The SoS encourages consideration of such matters in the ES.

The SoS recommends that these matters should be set out clearly in the ES and that the suitable time period for the assessment should be agreed with the relevant statutory consultees.

The SoS recommends that throughout the ES a standard terminology for time periods should be defined, such that for example, 'short term' always refers to the same period of time.

## Baseline

The SoS recommends that the baseline should describe the position from which the impacts of the proposed development are measured. The baseline should be chosen carefully and, whenever possible, be consistent between topics. The identification of a single baseline is to be welcomed in terms of the approach to the assessment, although it is recognised that this may not always be possible.

The SoS recommends that the baseline environment should be clearly explained in the ES, including any dates of surveys, and care should be taken to ensure that all the baseline data remains relevant and up to date.

For each of the environmental topics, the data source(s) for the baseline should be set out together with any survey work undertaken with the dates. The timing and scope of all surveys should be agreed with the relevant statutory bodies and appropriate consultees, wherever possible.

The baseline situation and the proposed development should be described within the context of the site and any other proposals in the vicinity.

## Identification of Impacts and Method Statement

### *Legislation and Guidelines*

In terms of the EIA methodology, the SoS recommends that reference should be made to best practice and any standards, guidelines and legislation that have been used to inform the assessment. This should include guidelines prepared by relevant professional bodies.

In terms of other regulatory regimes, the SoS recommends that relevant legislation and all permit and licences required should be listed in the ES where relevant to each topic. This information should also be submitted with the application in accordance with the APFP Regulations.

In terms of assessing the impacts, the ES should approach all relevant planning and environmental policy – local, regional and national (and where appropriate international) – in a consistent manner.

### *Assessment of Effects and Impact Significance*

The EIA Regulations require the identification of the 'likely significant effects of the development on the environment' (Schedule 4 Part 1 paragraph 20).

As a matter of principle, the SoS applies the precautionary approach to follow the Court's<sup>2</sup> reasoning in judging 'significant effects'. In other words

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<sup>2</sup> See Landelijke Vereniging tot Behoud van de Waddenzee and Nederlandse Vereniging tot Bescherming van Vogels v Staatssecretaris van Landbouw (Waddenzee Case No C 127/02/2004)



'likely to affect' will be taken as meaning that there is a probability or risk that the development will have an effect, and not that a development will definitely have an effect.

The SoS considers it is imperative for the ES to define the meaning of 'significant' in the context of each of the specialist topics and for significant impacts to be clearly identified. The SoS recommends that the criteria should be set out fully and that the ES should set out clearly the interpretation of 'significant' in terms of each of the EIA topics. Quantitative criteria should be used where available. The SoS considers that this should also apply to the consideration of cumulative impacts and impact inter-relationships.

The SoS recognises that the way in which each element of the environment may be affected by the proposed development can be approached in a number of ways. However it considers that it would be helpful, in terms of ease of understanding and in terms of clarity of presentation, to consider the impact assessment in a similar manner for each of the specialist topic areas. The SoS recommends that a common format should be applied where possible.

#### *Inter-relationships between environmental factors*

The inter-relationship between aspects of the environments likely to be significantly affected is a requirement of the EIA Regulations (see Schedule 4 Part 1 of the EIA Regulations). These occur where a number of separate impacts, e.g. noise and air quality, affect a single receptor such as fauna.

The SoS considers that the inter-relationships between factors must be assessed in order to address the environmental impacts of the proposal as a whole. This will help to ensure that the ES is not a series of separate reports collated into one document, but rather a comprehensive assessment drawing together the environmental impacts of the proposed development. This is particularly important when considering impacts in terms of any permutations or parameters to the proposed development.

#### *Cumulative Impacts*

The potential cumulative impacts with other major developments will need to be identified, as required by the Directive. The significance of such impacts should be shown to have been assessed against the baseline position (which would include built and operational development). In assessing cumulative impacts, other major development should be identified through consultation with the local planning authorities and other relevant authorities on the basis of those that are:

- under construction
  - permitted application(s), but not yet implemented
  - submitted application(s) not yet determined
  - projects on the National Infrastructure's programme of projects
-

- identified in the relevant development plan (and emerging development plans - with appropriate weight being given as they move closer to adoption) recognising that much information on any relevant proposals will be limited, and
- identified in other plans and programmes (as appropriate) which set the framework for future development consents/approvals, where such development is reasonably likely to come forward.

Details should be provided in the ES, including the types of development, location and key aspects that may affect the EIA and how these have been taken into account as part of the assessment.

The SoS recommends that offshore wind farms should also take account of any offshore licensed and consented activities in the area, for the purposes of assessing cumulative effects, through consultation with the relevant licensing/consenting bodies.

For the purposes of identifying any cumulative effects with other developments in the area, applicants should also consult consenting bodies in other EU states to assist in identifying those developments (see commentary on Transboundary Effects below).

#### *Related Development*

The ES should give equal prominence to any development which is related with the proposed development to ensure that all the impacts of the proposal are assessed.

The SoS recommends that the applicant should distinguish between development for which development consent will be sought and any other development. This distinction should be clear in the ES.

#### *Alternatives*

The ES must set out an outline of the main alternatives studied by the applicant and provide an indication of the main reasons for the applicant's choice, taking account of the environmental effect (Schedule 4 Part 1 paragraph 18).

Matters should be included, such as *inter alia* alternative design options and alternative mitigation measures. The justification for the final choice and evolution of the scheme development should be made clear. Where other sites have been considered, the reasons for the final choice should be addressed.

The SoS advises that the ES should give sufficient attention to the alternative forms and locations for the off-site proposals, where appropriate, and justify the needs and choices made in terms of the form of the development proposed and the sites chosen.

### *Mitigation Measures*

Mitigation measures may fall into certain categories namely: avoid; reduce; compensate or enhance (see Schedule 4 Part 1 paragraph 21); and should be identified as such in the specialist topics. Mitigation measures should not be developed in isolation as they may relate to more than one topic area. For each topic, the ES should set out any mitigation measures required to prevent, reduce and where possible offset any significant adverse effects, and to identify any residual effects with mitigation in place. Any proposed mitigation should be discussed and agreed with the relevant consultees.

The effectiveness of mitigation should be apparent. Only mitigation measures which are a firm commitment and can be shown to be deliverable should be taken into account as part of the assessment.

It would be helpful if the mitigation measures proposed could be cross referred to specific provisions and/or requirements proposed within the draft development consent order. This could be achieved by means of describing the mitigation measures proposed either in each of the specialist reports or collating these within a summary section on mitigation.

The SoS advises that it is considered best practice to outline in the ES, the structure of the environmental management and monitoring plan and safety procedures which will be adopted during construction and operation and may be adopted during decommissioning.

### *Cross References and Interactions*

The SoS recommends that all the specialist topics in the ES should cross reference their text to other relevant disciplines. Interactions between the specialist topics is essential to the production of a robust assessment, as the ES should not be a collection of separate specialist topics, but a comprehensive assessment of the environmental impacts of the proposal and how these impacts can be mitigated.

As set out in EIA Regulations Schedule 4 Part 1 paragraph 23, the ES should include an indication of any technical difficulties (technical deficiencies or lack of know-how) encountered by the applicant in compiling the required information.

### *Consultation*

The SoS recommends that any changes to the scheme design in response to consultation should be addressed in the ES.

It is recommended that the applicant provides preliminary environmental information (PEI) (this term is defined in the EIA Regulations under regulation 2 'Interpretation') to the local authorities.

Consultation with the local community should be carried out in accordance with the SoCC which will state how the applicant intends to consult on the

preliminary environmental information (PEI). This PEI could include results of detailed surveys and recommended mitigation actions. Where effective consultation is carried out in accordance with Section 47 of the Planning Act, this could usefully assist the applicant in the EIA process – for example the local community may be able to identify possible mitigation measures to address the impacts identified in the PEI. Attention is drawn to the duty upon applicants under Section 50 of the Planning Act to have regard to the guidance on pre-application consultation.

## Transboundary Effects

The SoS recommends that consideration should be given in the ES to any likely significant effects on the environment of another Member State of the European Economic Area. In particular, the SoS recommends consideration should be given to discharges to the air and water and to potential impacts on migratory species and to impacts on shipping and fishing areas.

The Applicant's attention is also drawn to the Planning Inspectorate's Advice Note 12 'Development with significant transboundary impacts consultation' which is available on the Advice Notes Page of the National Infrastructure Planning website

## Summary Tables

The SoS recommends that in order to assist the decision making process, the applicant may wish to consider the use of tables:

**Table X** to identify and collate the residual impacts after mitigation on the basis of specialist topics, inter-relationships and cumulative impacts.

**Table XX** to demonstrate how the assessment has taken account of this Opinion and other responses to consultation.

**Table XXX** to set out the mitigation measures proposed, as well as assisting the reader, the SoS considers that this would also enable the applicant to cross refer mitigation to specific provisions proposed to be included within the draft Development Consent Order.

**Table XXXX** to cross reference where details in the HRA (where one is provided) such as descriptions of sites and their locations, together with any mitigation or compensation measures, are to be found in the ES.

## Terminology and Glossary of Technical Terms

The SoS recommends that a common terminology should be adopted. This will help to ensure consistency and ease of understanding for the decision making process. For example, 'the site' should be defined and used only in

terms of this definition so as to avoid confusion with, for example, the wider site area or the surrounding site.

A glossary of technical terms should be included in the ES.

## Presentation

The ES should have all of its paragraphs numbered, as this makes referencing easier as well as accurate.

Appendices must be clearly referenced, again with all paragraphs numbered.

All figures and drawings, photographs and photomontages should be clearly referenced. Figures should clearly show the proposed site application boundary.

## Bibliography

A bibliography should be included in the ES. The author, date and publication title should be included for all references. All publications referred to within the technical reports should be included.

## Non Technical Summary

The EIA Regulations require a Non Technical Summary (EIA Regulations Schedule 4 Part 1 paragraph 22). This should be a summary of the assessment in simple language. It should be supported by appropriate figures, photographs and photomontages.