

The Lake Lothing (Lowestoft) Third Crossing Order 201[*]



Lake Lothing
**THIRD
CROSSING**

**Document 6.3: Environmental Statement
Volume 3 Appendices**

Appendix 6B

Scoping Opinion

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The Planning Inspectorate
Yr Arolygiaeth Gynllunio

SCOPING OPINION

Proposed Lake Lothing Third Crossing

Planning Inspectorate Reference: TR010023

April 2017

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EXECUTIVE SUMMARY

This is the Scoping Opinion (the Opinion) provided by the Secretary of State (SoS) in respect of the content of the Environmental Statement (ES) for the proposed Lake Lothing Third Crossing (the Proposed Development), Lake Lothing, Lowestoft, Suffolk.

This report sets out the SoS's opinion on the basis of the information provided by Suffolk County Council (the Applicant) in their report entitled 'Lake Lothing Third Crossing Environmental Impact Assessment Scoping Report' (February 2017) (the Scoping Report). The Opinion can only reflect the proposals as currently described by the Applicant.

The SoS has consulted on the Scoping Report and the responses received have been taken into account in adopting this Opinion. The SoS 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 EIA Regulations).

The SoS 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:

- impacts on designated ecological sites and their features;
- impacts as a result of mobilisation of contaminants and sediments;
- construction traffic and transportation impacts on the local highway network.

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

The SoS notes the potential need to carry out an assessment under The Conservation of Habitats and Species Regulations 2010 (as amended) (the Habitats Regulations).

1 INTRODUCTION

Background

- 1.1 On 28 February 2017, the SoS received the Scoping Report submitted by the Applicant under Regulation 8 of the EIA Regulations in order to request a Scoping Opinion for the Proposed Development. This Opinion is made in response to this request and should be read in conjunction with the Applicant's Scoping Report.
- 1.2 The Applicant has formally provided notification under Regulation 6(1)(b) of the EIA Regulations that it proposes to provide an ES in respect of the Proposed Development. Therefore, in accordance with Regulation 4(2)(a) of the EIA Regulations, the Proposed Development is determined to be EIA development.
- 1.3 The EIA Regulations enable an Applicant, before making an application for an order granting development consent, to ask the SoS to state in writing their formal opinion (a 'Scoping Opinion') on the information to be provided in the ES.
- 1.4 Before adopting a Scoping Opinion the SoS must take into account:
- *the specific characteristics of the particular development;*
 - *the specific characteristics of development of the type concerned; and*
 - *the 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:
- the EIA Regulations;
 - the nature and scale of the Proposed Development;
 - the nature of the receiving environment; and
 - current best practice in the preparation of an ES.
- 1.6 The SoS has also taken account of the responses received from the statutory consultees (see Appendix 3 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 the DCO application, when considering the DCO application.

- 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 DCO application) that any development identified by the Applicant is necessarily to be treated as part of a Nationally Significant Infrastructure Project (NSIP), 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 plan sufficient to identify the land;*
 - *a brief description of the nature and purpose of the development and of its possible effects on the environment;*
and
 - *such other information or representations as the person making the request may wish to provide or make.*
- 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 2. 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, along with copies of their comments, at Appendix 3, 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 our website. The Applicant should also give due consideration to those comments in carrying out the EIA.

Structure of the Document

1.14 This Opinion is structured as follows:

- **Section 1:** Introduction
- **Section 2:** The Proposed Development
- **Section 3:** EIA Approach and Topic Areas
- **Section 4:** Other Information

1.15 This Opinion is accompanied by the following Appendices:

- **Appendix 1:** Presentation of the ES
- **Appendix 2:** List of Consultation Bodies formally consulted
- **Appendix 3:** Respondents to consultation and copies of replies

2 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 the 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 considered to be a Nationally Significant Infrastructure Project (NSIP) by virtue of a Direction under Section 35 of the Planning Act 2008 (as amended) (PA2008) by the Secretary of State for Transport. The reasons given for the Secretary of State's decision are that it would:
- provide a connection to/from the Trans European Network-Transport and the Strategic Road Network (SRN) (the A12/A47); and
 - act as a tactical diversion route for the SRN when the existing A12 Bascule Bridge at Lowestoft is closed, thereby reducing delays and congestion on the SRN.
- 2.3 The Proposed Development comprises a single carriageway road on a new bascule (opening/lifting) bridge crossing Lake Lothing, which would link the C971 Peto Way on the northern side of the lake to the B1531 Waveney Drive on the southern side of the lake. In addition to the new bascule bridge, the Proposed Development would incorporate a new rail bridge on the northern side to go over the existing East Suffolk Rail Line, and a new underpass bridge on the southern side which would be reached through a new access road from Waveney Drive, together with associated changes to the local highway network and new landscaping.

Description of the site and surrounding area

The Proposed Development site

- 2.4 The Proposed Development is located at Lake Lothing in Lowestoft, Suffolk. A description of the site is provided in Section 2.1 of the Scoping Report, and a site location plan has been provided at Figure 1.
- 2.5 Lake Lothing is a saltwater lake that separates the north and south sides of Lowestoft and forms the inner harbour of the Port of Lowestoft. The area of the town immediately surrounding the lake

comprises mainly commercial and residential properties. The areas to the north and south of the lake are characterised by dense residential development. The landscape through which the Proposed Development would pass is mainly urban, interspersed with small areas of semi-natural landscape along with industrial buildings.

- 2.6 Lake Lothing is an urban and industrial water space, used for recreational activity mainly at the western end where leisure crafts are moored, and for industrial uses at the eastern end where larger scale commercial sea vessels regularly dock (Section 4.4 of the Scoping Report).
- 2.7 The main road links in the area are the A146 between Lowestoft and Norwich, and the A12 between Lowestoft and Great Yarmouth to the north and between Lowestoft and Ipswich to the south. The East Suffolk Rail Line serves Lowestoft and crosses the western end of Lake Lothing adjacent to the A1177 Mutford Lock Bridge.
- 2.8 Public Rights of Way (PROW) and cycle routes in the area of the Proposed Development are shown on Figure 12 of the Scoping Report. A national cycle route crosses the existing eastern bridge (the SoS assumes that this is the existing A12 Bascule Bridge) and follows the eastern edge of Lake Lothing (Section 4.4 of the Scoping Report).
- 2.9 Three historic landfills are located in the south east of the Proposed Development site (paragraph 4.6.6 of the Scoping Report). Geo-environmental investigations on the site undertaken by the Applicant (reported in Appendix G of the Scoping Report) did not find contaminated land but identified that potentially contaminated material may be located at several places within the site (Section 4.6, paragraph 4.6.5 of the Scoping Report).

The Surrounding Area

- 2.10 Lake Lothing is connected to the North Sea via Lowestoft Inner Harbour to the east, and allows marine access to the upstream Oulton Broad and the wider Broads National Park to the west of Lowestoft through Mutford Lock. Oulton Broad is linked through Oulton Dyke to the River Waveney. A number of watercourses flow into Lake Lothing, including Kirkley Stream (Scoping Report, paragraph 4.11.5). The lake lies within the Bure & Waveney and Yare & Lothing surface water body, currently evaluated by the EA as having an overall 'Poor' status.
- 2.11 The eastern end of Lake Lothing is within the South Lowestoft Conservation Area (shown on Figure 5 of the Scoping Report), which lies to the east of the Proposed Development site. The North Lowestoft Conservation Area is located north of Milton Road East, to the north east of the Proposed Development site. No listed buildings have been identified by the Applicant within the 500m study area. Non-designated heritage assets which may be affected by the

Proposed Development are described in paragraphs 4.3.6 to 4.3.10 of the Scoping Report.

- 2.12 The internationally designated sites identified in the Scoping Report are: the Broadland Special Protection Area (SPA); the Broadland Ramsar; the Outer Thames Estuary SPA; the Outer Thames Estuary proposed SPA (pSPA) Extension; the Broads Special Area of Conservation (SAC); and the Southern North Sea proposed SAC (pSAC).
- 2.13 The Applicant has identified one nationally designated site, the Sprat's Water and Marshes, Carlton Coville Site of Special Scientific Interest (SSSI); and one local statutorily designated site, Leathes Ham Local Nature Reserve (LNR), both located within 2km of the Proposed Development adjacent to Peto Way (Scoping Report, paragraphs 3.1.1 to 3.1.2). The LNR and three County Wildlife Sites (CWSs) identified in paragraph 4.5.12 are shown in Figure 6 of the Scoping Report.
- 2.14 The Applicant states that twelve non-statutory designated CWSs are located within 12km of the Proposed Development site and four of these may potentially be affected by the Proposed Development (Scoping Report, paragraphs 3.1.3 to 3.1.6).
- 2.15 A plan showing the location of statutory and non-statutory sites is provided in Appendix 2 of the Scoping Report.
- 2.16 Species surveys have been undertaken by the Applicant and have identified several habitats which are or may be important for conservation of species recognised by the UK Biodiversity Action Plan (BAP) and the Suffolk County BAP or associated with the Broadland SPA. These details are described and discussed in Sections 3.2 and 4 and set out in Tables 4.4 and 4.5 of the Scoping Report. A list of bird species identified within 2km of the site is shown in Appendix 3. Records of protected species are described in paragraphs 3.1.8 to 3.1.9 of the Scoping Report.
- 2.17 The Applicant has identified that there may be important palaeoenvironmental and geoarchaeological evidence in the vicinity of the Proposed Development beneath and within Holocene peat and alluvium, and that part of the internationally important Cromer Forest Bed Formation may lie beneath the site, although it is yet to be established.
- 2.18 The Applicant's Scoping Report notes that under the Water Framework Directive (WFD) the Environment Agency (EA) have determined that Lake Lothing is within the Bure & Waveney and Yare & Lothing surface water body. This estuarine water body is evaluated as having a current overall 'Poor' status, based on the 2015 dataset, due to biological and ecological results.

Description of the Proposed Development

- 2.19 The, Proposed Development comprises a new single carriageway road, approximately 0.75km long, which would cross Lake Lothing and link Peto Way on the northern side of the lake to the B1531 Waveney Drive on the southern side. The route is described in paragraphs 2.2.4 to 2.2.6 of the Scoping Report. It would incorporate a new bascule bridge across the lake, a new rail bridge on the northern side and a new road bridge on the southern side as well as associated changes to the local highway network.
- 2.20 The new bascule bridge would allow larger vessels to enter the inner harbour, while smaller vessels would be able to pass under the bridge as it would have a 12m clearance at the highest tides. Access to the bridge would be via approach spans, the details of which are not yet finalised. A series of fenders are proposed for both approaches to the bridge, to protect the bridge piers against impacts from ships. The bridge span across the lake would be approximately 100m, between the artificial banks on either side. The bridge would require abutments, and it is currently anticipated that the span between the abutments would be 35m.
- 2.21 It is anticipated at this stage that the surface access to the new bascule bridge would have a carriageway width of 7.3m (2 x 3.65m-wide traffic lanes), a 2m-wide footway on the western side of the carriageway, a 3.5m-wide segregated footway and cycleway on the eastern side, and a 0.5m-wide safety strip between the eastern footway and carriageway and between the western footway/cycleway and carriageway.
- 2.22 Two additional piers adjacent to the existing quay walls may be required in the event that the existing quay walls would not be able to withstand the loadings that would potentially be placed on them by the new bascule bridge.
- 2.23 A bridge control tower would be required, the location of which is to be decided. It may be on the new bridge pier or may be a joint control tower which serves both the existing A12 Bascule Bridge and the new bascule bridge, and would be housed either in the existing A12 Bascule Bridge or another location between the existing and the new bascule bridge.
- 2.24 It is currently anticipated that all the material for the new earthworks embankments would need to be imported.

Proposed access

- 2.25 A new roundabout would be constructed on the northern side of Lake Lothing which would connect the Proposed Development to the existing road network. The new road would be situated on a new embankment and connected to the new bascule bridge. The proposed

new rail bridge on the northern side of the lake would allow the existing East Suffolk Rail Line which runs between Ipswich, Norwich and Lowestoft to continue on to Lowestoft rail station.

- 2.26 A new road on the southern side of the lake would descend to a new roundabout or signalised junction. Improvements may be made between the new roundabout/ junction and the existing road and roundabout to provide access to the A12.
- 2.27 The SoS notes that the proposed roundabout and junction arrangements (shown in Scoping Report, Figure 2) are not yet finalised and will be refined prior to the submission of the DCO application.

Alternatives

- 2.28 The Scoping Report provides information on alternatives to the Proposed Development in Chapter 3.
- 2.29 Fifteen options were initially considered by the Applicant. These are listed in Table 3.1 (page 25). Section 3.4 of the Scoping Report explains why various options were discounted. Table 3.2 (pages 27 – 28) identifies the three options that were taken forward for further consideration. Section 3.6 explains the reasons for selecting the preferred option that comprises the Proposed Development.
- 2.30 The Scoping Report states that the ES chapter on alternatives will provide information on the consideration of alternative locations for the Proposed Development. The alternative options for the junction arrangements to connect the Proposed Development to the existing road network are not known at this stage, the Scoping Report confirms that the ES chapter will also provide information on the consideration of junction arrangement alternatives (Scoping Report paragraph 3.7.2).

Construction

- 2.31 The Proposed Development site boundary is shown on Figure 2. The total area of landtake required, including temporary landtake during the construction phase, is not identified in the Scoping Report. It is stated that the land requirements will be refined after further assessment and design work.
- 2.32 Paragraph 2.2.3 identifies a number of elements that the Applicant has assumed will form part of the construction phase. These include:
- use of floating barges to construct bridge piers and bridge deck;
 - creation of coffer dams;
 - piling of foundations;
 - site compounds on each side of the lake;

- loading areas for materials and workforce for constructing main bridge piers and deck;
 - working space to divert Statutory Undertakers' apparatus affected by the works;
 - diversion of access roads to maintain access to local businesses;
 - a concrete batching plant;
 - temporary road closures and diversions;
 - site offices/workshops; and
 - staff parking.
- 2.33 Construction is anticipated to last for 24 months and commence in 2020 in the event that DCO consent is granted. Paragraph 2.2.3 of the Scoping Report suggests that up to 150 staff would be employed at the peak of construction.
- 2.34 A summary of the likely main construction activities is provided in paragraph 2.2.25 of the Scoping Report and includes the following:
- diversion of Statutory Undertakers' equipment;
 - establishment of contractors' site compounds;
 - levelling and earthworks using scrapers, bulldozers and dump trucks;
 - piling;
 - import and export of material to construct the carriageway;
 - use of generators, temporary machinery and lighting;
 - construction vehicle movements to deliver and dispose of materials;
 - the requirement for temporary diversions and access restrictions; and
 - possible de-watering activities.

Operation and maintenance

- 2.35 No information has been provided in the Scoping Report on the potential operational and maintenance requirements of the Proposed Development.

Decommissioning

- 2.36 The decommissioning of the Proposed Development has not been considered in the Scoping Report.

The Secretary of State's Comments

Description of the Proposed Development site and surrounding area

- 2.37 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.
- 2.38 The Scoping Report identifies much of this information but the ES should expand on the details of the site and surroundings as mentioned above so that a clear and comprehensive description of the characteristics of the site and its surrounding area are provided.
- 2.39 Varying terminology is used in the Scoping Report to refer to the existing A12 Bascule Bridge, and the bridge that carries the A1177 over Lake Lothing is interchangeably described as Mutford Bridge or Mutford Lock. The SoS recommends, particularly to avoid potential confusion with the new bridge that comprises the Proposed Development, that one term is used consistently throughout the ES to describe each bridge, such as, for example, 'the A12 Bascule Bridge', and 'Mutford Lock Bridge'.

Description of the Proposed Development

- 2.40 The Scoping Report does not provide detailed information on of all the elements of the Proposed Development such as, for instance, the bridge piers and abutments, which are mentioned briefly within Section 2.2. The Applicant should ensure that the description in the ES of the Proposed Development for which the DCO application is made includes all of the proposed structures, and is as accurate and firm as possible as this will form the basis of the EIA. It is understood that at this stage in the evolution of the scheme the description of the Proposed Development may not be completely confirmed. The Applicant should be aware, however, that the description of the Proposed 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 should therefore be more certain by the time the ES is submitted with the DCO application.
- 2.41 The plan showing the Proposed Development (Figure 2) does not identify Peto Way or Barnards Way. The Applicant should ensure that the plans in the ES identify the relevant elements and features referenced in the text.

- 2.42 Paragraph 2.2.2 of the Scoping Report notes that the land requirements for Associated Development relating to the Proposed Development, such as alterations/improvements to existing roads, will be refined following further assessment and design work. No further reference is made to any Associated Development. The Applicant should ensure that the ES clearly defines the elements of the Proposed Development that are integral to the NSIP and those that are 'Associated Development' under the PA2008 or an ancillary matter. Associated Development is defined in the PA2008 as development which is associated with the principal development. Guidance on Associated Development can be found in the Department of Communities and Local Government (DCLG) publication 'Planning Act 2008: Guidance on associated development applications for major infrastructure projects'.
- 2.43 Any proposed works and/or infrastructure required as Associated Development, or as an ancillary matter, (whether on or off-site) should be assessed as part of an integrated approach to environmental impact assessment (EIA).
- 2.44 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:
- land use requirements;
 - site preparation;
 - construction processes and methods;
 - transport 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 or navigation impacts; and
 - emissions - water, air and soil pollution, noise, vibration, light, heat, radiation.
- 2.45 The environmental effects of all wastes to be processed and removed from the site should be addressed. The ES will need to identify and describe the control processes and mitigation procedures for storing and transporting waste off site. All waste types should be quantified and classified.

Flexibility

- 2.46 The SoS notes that a number of elements of the Proposed Development are yet to be finalised, such as, for example, the position of the control tower, the new bascule bridge approach spans,

the need for additional piers adjacent to the quay walls, and the road junction arrangements to the north and south of the new bascule bridge.

- 2.47 The Applicant should make every attempt to narrow the range of options prior to the submission of the DCO application, and should explain clearly in the ES which elements of the scheme have yet to be finalised and provide the reasons. At the time of application, any proposed scheme parameters should not be so wide-ranging as to represent effectively different schemes. The scheme parameters will need to be clearly defined in the DCO application and therefore in the accompanying ES. It is a matter for the Applicant, in preparing an ES, to consider whether it is possible to robustly assess 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.
- 2.48 The Applicant's attention is drawn to the Planning Inspectorate's Advice Note Nine: 'Using the 'Rochdale Envelope' which is available on our website, and to the 'Flexibility' section in Appendix 1 of this Opinion which provides additional details on the recommended approach.
- 2.49 It should be noted that if the Proposed Development changes substantially during the EIA process, prior to the DCO application submission, the Applicant may wish to consider the need to request a new Scoping Opinion.

Proposed access

- 2.50 The Scoping Report does not make clear how the site will be accessed during construction and when it is operational. The Applicant should consider making this information explicit within the ES.

Alternatives

- 2.51 The EIA Regulations require that the Applicant provide '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' (see Appendix 1).
- 2.52 Alternatives have been considered by the Applicant as described in Chapter 3 of the Scoping Report. The ES should include the alternative options and show how these have been assessed along with a description of any further processes such as consultations that may lead to changes to the final proposed option which the ES will examine in detail.
- 2.53 The Applicant states that the ES chapter on alternatives will provide information on the consideration of alternative locations for the

Proposed Development. The alternative options for the junction arrangements to connect the Proposed Development to the existing road network are not known at this stage. The SoS welcomes the commitment to provide information on the consideration of junction arrangement alternatives (Scoping Report paragraph 3.7.2).

Construction

- 2.54 The SoS notes that no information has been provided in the Scoping Request regarding the size and location of construction compounds. Whilst it is appreciated that this information may not be available at this stage in the evolution of the Proposed Development, Applicants are reminded that this information will be required in the ES and that the compounds should be encompassed within the DCO site boundary.
- 2.55 The SoS considers that information on construction including: phasing of programme; construction methods and activities associated with each phase; siting of construction compounds (including on and off site); lighting equipment/requirements; and number, movements and parking of construction vehicles (both HGVs and staff) should be clearly indicated in the ES. It should be made clear whether any materials would be arriving by rail or water.
- 2.56 The ES should provide an estimate of the numbers of workers that would be employed during construction, whether these would be full/part time, their hours of working, and if shift work would be required.

Operation and maintenance

- 2.57 Information on the operation and maintenance of the Proposed Development should be included in the ES and should cover but not be limited to such matters as: the number of full/ part-time jobs; the operational hours and if appropriate, shift patterns; the number and types of vehicle movements generated during the operational stage.

Decommissioning

- 2.58 In relation to 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 is to enable the decommissioning of the works to be taken into account in the design and use of materials such that structures can be taken down with the minimum of disruption. The process and methods of decommissioning should be considered and options presented in the ES. The SoS encourages consideration of such matters in the ES.

3 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 1 of this Opinion and should be read in conjunction with this Section.

EU Directive 2014/52/EU

- 3.2 The SoS draws the Applicant's attention to European Union (EU) Directive 2014/52/EU (amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment) which was made in April 2014.
- 3.3 Under the terms of the 2014/52/EU Directive, Member States are required to bring into force the laws, regulations and administrative provisions necessary to comply with the Directive by 16 May 2017.
- 3.4 Whilst transitional provisions will apply to such new regulations, the Applicant is advised to consider the effect of the implementation of the revised Directive in terms of the production and content of the ES.
- 3.5 On 23 June 2016, the UK held a referendum and voted to leave the EU. There is no immediate change to infrastructure legislation or policy. Relevant EU Directives have been transposed into UK law and those are unchanged until amended by Parliament.

National Policy Statements (NPSs)

- 3.6 Sector-specific NPSs are produced by the relevant Government Departments and set out national policy for NSIPs. They provide the framework within which the Examining Authority (ExA) will make their recommendations to the SoS and include the Government's objectives for the development of NSIPs.
- 3.7 The SoS considers that the most likely relevant NPS for the Proposed Development, the National Networks NPS, sets out assessment principles that should be considered in the EIA. When undertaking the EIA, the Applicant must have regard to the National Networks NPS and identify how these principles have been assessed in the ES.
- 3.8 The Applicant may also wish to consider whether the NPS for Ports is relevant, and have regard to the principles contained therein if appropriate.
- 3.9 The SoS must have regard to any matter that the SoS thinks is important and relevant to the SoS's decision.

Environmental Statement Approach

- 3.10 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.
- 3.11 The ES should not be 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.
- 3.12 The SoS recommends 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. The SoS notes and welcomes the intention to finalise the scope of investigations in conjunction with ongoing stakeholder liaison and consultation with the relevant regulatory authorities and their advisors.
- 3.13 The SoS notes that many of the topic chapters in the Scoping Report do not specify the study area that will be used for the assessments. 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.
- 3.14 Not all of the topic chapters include a definition of what would be considered to constitute a significant effect. Neither do they all describe the criteria that will be used to define the magnitude of an impact or the sensitivity of a receptor, or provide information on mitigation, residual or cumulative effects. The SoS advises that the overarching methodology and criteria used for the EIA should be described in a discrete ES chapter, and any departure from that should be described in individual topic chapters as appropriate. The ES should clearly identify, for each phase of the Proposed Development, all the potentially significant effects, the specific mitigation measures proposed to avoid or reduce those effects, and any remaining residual effects, significant or otherwise. It should be clearly identified in the ES which are 'embedded' mitigation measures and which are 'further' mitigation measures, and these terms should each be clearly defined.

- 3.15 Very little information is provided in relation to piling activities, although it is indicated in Section 2.2 of the Scoping Report that piling is likely to be required for some elements of the Proposed Development, such as the bridge piers and foundations. The potential impacts of piling, should it be necessary, and any mitigation required, should be reported and assessed in the ES for all relevant topics. The Applicant's attention is drawn to the comments from the EA (contained in Appendix 3 of this Opinion) in respect of this matter.
- 3.16 The SoS recommends that in order to assist the decision making process, the Applicant may wish to consider the use of tables:
- to identify and collate the residual effects after mitigation on the basis of specialist topics, inter-relationships and cumulative impacts;
 - to demonstrate how the assessment has taken account of this Opinion and other responses to consultation;
 - 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 DCO; and
 - to cross reference where details in the Habitats Regulations Assessment (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.

Environmental Statement Structure

- 3.17 The information in the Scoping Report on each environmental topic has been separated out into two chapters, covering the baseline environment and the potential impacts of the Proposed Development, respectively. The SoS suggests that, for ease of reading, the Applicant gives consideration to combining these into one technical chapter in the ES for each topic.
- 3.18 The SoS notes that information on cumulative effects is provided in Chapter 5.14 of the Scoping Report, but that some topic chapters in the Scoping Report also include a section on cumulative effects while others do not. The SoS recommends that information on cumulative effects is provided consistently in the ES either as a discrete chapter or in each topic chapter.
- 3.19 The SoS welcomes the provision of figures to support the information contained in the Scoping Report, although they are not referenced on the Contents page and the list of figures contained in Table 4.1 (page 34) is not consistent with the figures provided.

3.20 Chapter 6 of the Scoping Report sets out the proposed structure of the ES and states that it is anticipated that the ES will be produced in three volumes:

- Volume 1: Main Text and Non-Technical Summary
- Volume 2: Figures
- Volume 3: Appendices

3.21 Table 6.1 (page 97) identifies the technical topic chapters proposed to be included in the ES, as follows:

- Chapter 8: Air Quality
- Chapter 9: Cultural Heritage
- Chapter 10: Townscape and Visual Impact Assessment
- Chapter 11: Nature Conservation
- Chapter 12: Geology, Soils and Contamination
- Chapter 13: Noise and Vibration
- Chapter 14: People and Communities – Effects on All Travellers
- Chapter 15: People and Communities – Community and Private Assets
- Chapter 16: People and Communities – Socio Economics including Recreation
- Chapter 17: Road Drainage and the Water Environment
- Chapter 18: Flood Risk
- Chapter 19: Traffic and Transport
- Chapter 20: Cumulative Impacts

Matters to be Scoped In/Out

3.22 The Applicant has identified in some topic sections of the Scoping Report matters proposed to be 'scoped out'. These are:

- employment opportunities which would be directly related to the use and future maintenance of the proposed scheme;
- alterations to the hydromorphological regime of Lake Lothing;
- loss of standing water;
- loss or change to Groundwater Dependent Terrestrial Ecosystems (GWDTE);
- changes to groundwater level or flows;
- a 'materials assessment'; and
- a Health Impact Assessment (HIA).

- 3.23 The SoS agrees that employment opportunities directly related to the use and future maintenance of the Proposed Development may be scoped out on the basis that the potential for significant effects associated with such opportunities would be limited bearing in mind the nature of the Proposed Development.
- 3.24 The SoS does not agree that alterations to the hydromorphological regime of Lake Lothing can be scoped out, in light of the potential for changes in sediment distribution to impact on Associated British Ports (ABP) maintenance dredging activities.
- 3.25 The SoS agrees that loss of standing water can be scoped out based on the urban setting of the Proposed Development and the lack of standing water bodies below or adjacent to the site.
- 3.26 The SoS agrees that in the absence of GWDTE in proximity to the scheme, effects on GWDTE may be scoped out from the assessment. The Applicant should ensure that appropriate cross-referencing is made between the ES biodiversity and nature conservation chapter and road drainage and water environment chapter to support this.
- 3.27 The SoS agrees that, given the context of the Proposed Development, changes to groundwater level or flows may be scoped out from further assessment. However, the SoS considers that an assessment of the potential piling impacts of the scheme on the existing groundwater aquifer should be undertaken and its scope agreed with the EA.
- 3.28 It is not clear whether the proposal to scope out the materials assessment is intended to apply to all phases of the Proposed Development. The SoS does not agree that it can be scoped out for the construction phase as insufficient information has been provided at this stage in relation to the likely volume of waste that will be generated by and materials that will be required for the Proposed Development. The Applicant is referred to relevant comments made elsewhere on this matter in this Opinion.
- 3.29 The SoS does not consider it to be appropriate to comment on the need or otherwise for a HIA as HIA is not a requirement under the EIA Regulations. The Applicant is referred to comments on HIA in Part 4 of this Opinion.
- 3.30 Matters are not scoped out unless specifically addressed and justified by the Applicant, and confirmed as being scoped out by the SoS. Whilst the SoS has not agreed in this Opinion to scope out certain topics or matters on the basis of the information available at this time, this does not prevent the Applicant from subsequently agreeing with the relevant consultees to scope such topics/matters out of the ES, where further evidence has been provided to justify this approach. In order to demonstrate that the topics/matters have not

simply been overlooked, the ES should explain the reasoning for scoping them out and justify the approach taken.

Topic Areas

Air Quality and Dust (see Scoping Report Sections 4.2 and 5.2)

- 3.31 The Applicant proposes to use the Design Manual for Roads and Bridges (DMRB) (Volume 11, Section 3, Part 1, HA207/07) and the Institute of Air Quality Management and Assessment (IAQM) 2014 guidance¹ to assess construction air quality effects (Scoping Report, paragraph 5.28). Paragraph 5.2.11 of the Scoping Report then proposes a 200m study area, with 'further banding of these receptors... for increasing distance from the source activities'. The SoS is content with the proposed use of the methodologies identified. However, the SoS notes the proposed approach to defining the study area and that there are inconsistencies with the screening criteria set out in Box 1 of IAQM 2014 guidance, which considers receptors up to 500m from development sites.
- 3.32 As highlighted in Section 4.5 of the Scoping Report, the Proposed Development is in close proximity to a number of European and nationally designated ecological sites. The construction assessment should give specific consideration to the impact on such sites and inform the ecological impacts assessment.
- 3.33 Paragraph 5.2.12 of the Scoping Report references the construction phase period being '..in excess of six months and likely to include traffic management measures'. The ES must clearly set out the construction period, including any phasing, and ensure that any assessment is carried out according to such parameters. Furthermore, should traffic management measures be required, these should be detailed in the ES and shown on relevant plans. and assessed and secured within the DCO. Reference is made to an air quality assessment based on the base year (2016) and the 'opening year', however the opening year is not identified. The SoS notes that the DMRB advises that an assessment should be made having regard to the likely worst case taken from the opening year to the design year, usually 15 years after opening.
- 3.34 Paragraph 5.2.13 of the Scoping Report states that 'The level of assessment of construction phase vehicle emissions will be dependent on the provision of appropriate construction traffic data'. It is therefore unclear whether the Applicant is proposing a quantitative or qualitative assessment. The Applicant must provide a profile for the construction period of construction traffic data identified by vehicle type. Appropriate cross-reference should be made to related assessments such as traffic and transport and noise.

¹ Assessment of Dust from Construction and Demolition. IAQM. 2014.

- 3.35 Paragraph 5.2.14 states the intention to prepare a Construction Environmental Management Plan (CEMP), which is welcomed by the SoS. It is noted that no further information about it is provided in the Scoping Report. The SoS recommends that a draft CEMP is provided with the DCO application. It should consider potential effects of airborne pollutants and dust and any waterborne pollutants arising from emissions to air during any demolition and construction activity. Any required mitigation measures should be discussed and where possible agreed with statutory consultees. The ES should also demonstrate how such mitigation has reduced the environmental effects.
- 3.36 Operational air quality effects are proposed to be assessed using DMRB, the Defra Toolkit (2016), DEFRA Technical Guidance (TG16)², Environmental Protection UK (EPUK) and IAQM 2015 guidance and IAN 170/12v3. The SoS notes that the supporting document IAN 170/12 HA LTCalc is not referenced in the Scoping Report. The EPUK/IAQM 2015 guidance was revised in January 2017³. The Applicant should ensure that the assessment is based on the most up-to-date and relevant guidance.
- 3.37 It is noted that the Applicant has adopted the DMRB screening criteria for the operational phase assessment (Scoping Report paragraph 5.2.17). The Applicant should provide justification in the ES for not using the more extensive screening criteria set out in Table 6.2 of the 2017 EPUK/IAQM guidance.
- 3.38 Paragraph 3.5 of DMRB suggests that the worst case in the first 15 years from opening should be assessed. The Applicant should provide this information or robust justification for any alternative approach taken to the assessment in the ES.
- 3.39 Paragraph 5.2.23 of the Scoping Report refers to model verifications. The final verification factor applied should be clearly stated, with full justification provided for the values adopted as part of the detailed explanation of the modelling work and assumptions.
- 3.40 Whilst the air quality construction assessment references both human and ecological receptors, this detail is lacking in the operational air quality assessment scope. Table 4.3 in the Scoping Report suggests that there are no designated ecological sites within 200m of the Proposed Development site. However, it appears from Figure 6 that two CWSs lie within 200m. The Applicant should ensure that the air quality impacts of the Proposed Development are considered for all relevant ecological receptors, and the specific criteria used for the

² Local Air Quality Management Technical Guidance (TG16). Defra. 2016

³ Guidance on land-use planning and development control: Planning for air quality January 2017 (v1.2), EPUK and IAQM, 2017

assessment of ecological effects should be presented in the ES by, for example, reference to the Air Pollution Information System (APIS).

Cultural Heritage (see Scoping Report Sections 4.3 and 5.3)

- 3.41 The SoS notes that the Scoping Report is supported by a cultural heritage desktop study and walkover survey (Scoping Report Appendix B).
- 3.42 The SoS welcomes the proposed submission of a 'detailed assessment' in accordance with DMRB HA208/07 as part of the final ES submission, incorporating the detailed studies outlined in Scoping Report paragraph 5.3.18. The methodology should incorporate other relevant good practice guidance, for example, from the Chartered Institute of Archaeologists (CIfA) and Historic England.
- 3.43 It is also welcomed that the scope and scale of the fieldwork is being determined in consultation with Suffolk County Council (SCC) Archaeological Service and Historic England, and that the assessment will be informed by a geoarchaeological assessment. The SoS recommends that ongoing consultation is undertaken with SCC and Historic England regarding the scope and outcomes of the assessment and any mitigation requirements such as archiving of materials or public information boards. The Applicant's attention is drawn to the comments from Historic England (contained in Appendix 3 of this Opinion) in relation to locations for photomontages.
- 3.44 The Applicant must confirm the potential for any maritime archaeological features to be present in Lake Lothing and affected by the proposed works.
- 3.45 Scoping Report paragraph 5.3.17 describes how the study area for this topic will be determined, although it is noted in Scoping Report Section 4.3 that a 500m study area has been adopted. The rationale for selecting the extent of the study area should be fully explained and justified in the ES, and the Applicant should ensure that it is sufficiently wide to capture all cultural heritage features that could be significantly affected by the Proposed Development. It should include historic buildings, historic landscapes and archaeological features. A plan in the ES identifying by name the heritage features considered in the assessment would be helpful.
- 3.46 The SoS welcomes the inclusion in Chapter 5.3 of Tables 5.3 – 5.6 setting out the criteria for defining the value of cultural heritage features, the magnitude of impacts, and the significance of effects, respectively. However, the value criteria shown in Table 5.6 (neutral, slight, moderate, large, very large) is not consistent with that in Tables 5.3 and 5.4 (unknown, negligible, low, medium, high, very high), and the table also includes a 'major' significance rating, which is not consistent with the ratings described in paragraph 5.3.24. In addition, the chapter does not include a definition of what would be

considered to constitute a significant effect. The Applicant should ensure that this is provided in the ES and that consistent definitions are used in the ES to avoid uncertainty in the outcome of the assessment.

- 3.47 It is noted that Scoping Report paragraph 5.3.19 states that professional judgement will be guided by various sources, including legislation, policy and acknowledged standards. These should be fully referenced in the ES topic chapter and any moderation of significant effects should be fully justified.
- 3.48 No reference is made in Chapter 5.3 to mitigation other than to that designed into the Proposed Development, or to residual effects. The ES should clearly identify, for each phase of the Proposed Development, all the potentially significant effects, the specific mitigation measures proposed to avoid or reduce those effects, and any remaining residual effects, significant or otherwise. It should be clearly identified in the ES what are embedded or integral mitigation measures and which are additional or further mitigation measures proposed to address potential significant effects. The Applicant must ensure that mitigation proposed in the ES is described in sufficient detail to enable the SoS to have confidence in its appropriateness and delivery, and it must be secured in the DCO. The SoS highlights the ABP response to the consultation on the Scoping Report and in particular the reference to an iron footbridge which has reportedly been removed. Such changes to the baseline should be recorded in the ES to ensure that the baseline is up to date. Further comments by ABP regarding the description of the site and the surroundings should be taken into account.
- 3.49 The Applicant's attention is drawn to the comments from Historic England (contained in Appendix 3 of this Opinion) and SCC and WDC in relation to consideration of potential impacts on the historic environment.
- 3.50 This topic assessment should be informed by the geology assessments, and cross-reference should be made in the ES between this topic chapter and the Townscape and Visual Impact Assessment and Geology, Soils and Contamination chapters.

Townscape and Visual Impact Assessment (see Scoping Report Sections 4.4 and 5.4)

- 3.51 The Proposed Development comprises a large structure that will change the scale and form of development within the existing townscape in and around Lake Lothing. The Secretary of State suggests that careful consideration is given to the form, siting, and use of materials and colours in terms of minimising the adverse visual impact of the structure and its effect on existing townscape character.

- 3.52 Section 5.4 of the Scoping Report refers to the use of a Zone of Theoretical Visibility (ZTV) to inform the visual impact assessment and selection of visual receptors, which is welcomed. The Secretary of State advises that the ES should describe the method and model used, including geographical coverage and the timing of any survey work.
- 3.53 The Secretary of State notes that viewpoints have been discussed with SCC and Waveney District Council (WDC). Where possible, evidence should be provided in the ES of written confirmation from the local authorities regarding the final choice of viewpoints.
- 3.54 The assessment of views of the new crossing should include consideration of both day time and night time views, including any light spill issues and potential effects on navigation. The assessment should be supported by photomontages agreed with the local authorities. The Applicant's attention is drawn to the comments from Historic England (contained in Appendix 3 of this Opinion) in relation to locations for the photomontages.
- 3.55 The SoS notes that the 'full extent' of the Proposed Development will be lit (Scoping Report, paragraph 2.2.20), and expects potential impacts of this to be fully assessed in the ES. The Applicant's attention is drawn to ABP's comments in respect of lighting and navigational safety (contained in Appendix 3 of this Opinion).
- 3.56 The Secretary of State expects consideration of the interrelationship between cultural heritage and historic landscape character assessments and townscape and visual impact assessments to be included in the ES.

Biodiversity and Nature Conservation (see Scoping Report Sections 4.5 and 5.5)

- 3.57 The SoS notes that the Scoping Report is supported by a Phase 1 habitat survey and extended species surveys for bats, and that reptile surveys are also referenced but not presented. It is noted, and welcomed, that discussions with the MMO and the EA are ongoing in relation to surveys in respect of the marine environment. The SoS recommends that Natural England (NE) are also consulted in this respect.
- 3.58 The SoS advises that surveys accompanying the ES should be thorough, up to date and take account of other developments proposed in the vicinity of the Proposed Development.
- 3.59 Paragraph 4.5.3 of the Scoping Report notes that the study area has been limited to 500m around the 'proposed scheme alignments', and that a wider study area of up to 30km has been selected in relation to 'specific sites'. It is unclear what area is covered by the 'scheme alignments'. The SoS advises that the parameters on which study

areas are based are clearly defined in the ES. Paragraph 4.5.4 states that surveys have been undertaken 'with reference to' various EIA methodologies. For the purposes of the ES, the Applicant should explicitly state the methodology that has been adopted for the assessment and explain the basis for including or excluding sites from further assessment.

- 3.60 It is noted that paragraph 5.5.4 of the Scoping Report references the Institute for Environmental (IEEM) 2006 guidelines. These guidelines were superseded in 2016 by the Chartered Institute for Ecology and Environmental Management (CIEEM) 'Guidelines For Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater and Coastal'. The Applicant should also consider the guidance contained within the CIEEM publication 'Ecological Impact Assessment in Britain and Ireland: Marine and Coastal (2010)' when undertaking the proposed marine survey.
- 3.61 The Secretary of State recommends that the proposals should address fully the needs of protecting and enhancing biodiversity. The assessment should cover habitats, species and processes within the site and surroundings. The Secretary of State draws attention in particular, but not exclusively, to the effects on bats, reptiles, invertebrates and birds. The Secretary of State recommends that consideration is also given to potential impacts on fish passage and breeding. The Applicant's attention is drawn to the comments from the EA (contained in Appendix 3 of this Opinion), particularly in relation to marine mammals and eels.
- 3.62 The assessment should include consideration of potential impacts such as pollution risk due to mobilisation of contaminants, noise, vibration and air quality (including dust), the specialist reports for which should also inform this assessment. Cross-reference should be made between the relevant ES chapters as appropriate.
- 3.63 The potential impacts on international and nationally designated sites should be addressed as well as on county level habitats. The Applicant's attention is drawn to the comments made by Natural England (contained in Appendix 3 of this Opinion), particularly in respect of designated sites to be considered in the assessment. The Applicant should ensure that the study area for this topic is sufficiently broad to encompass all those sites which could be affected by the Proposed Development.
- 3.64 It is noted that a separate Habitats Regulations Assessment (HRA) screening exercise is currently being undertaken. Information relating to HRA should not be duplicated in the ES but should be cross-referenced from the ecology chapter as appropriate. The Secretary of State notes the possible need for an Appropriate Assessment in view of the location of the Proposed Development in relation to the Natura 2000 sites as identified in paragraph 4.5.5 of the Scoping Report. The Applicant should be aware that the Southern

North Sea possible Special Area of Conservation (pSAC) now has candidate SAC (cSAC) status as highlighted in paragraph 4.5.5 of the Scoping Report. The SoS draws the Applicant's attention to SCC and WDC's comments regarding the need to consider effects on the Alde-Ore Estuary Special Protection Area (SPA). Further advice on HRA is contained in Part 4 of this Opinion.

- 3.65 The Applicant's attention is drawn to the comments from NE (contained in Appendix 3 of this Opinion) and SCC in relation to potential ecological impacts.

Geology, Soils and Contamination (see Scoping Report Sections 4.6 and 5.6)

- 3.66 The methodology for this assessment described in paragraph 5.6 of the Scoping Report does not explain how the study area will be chosen. The baseline and extent of the selected study area and reasons for adopting it must be clearly described and justified in the ES.
- 3.67 The SoS notes and welcomes the intention of the Applicant to consult with the EA and Council Environmental Health Officers (EHOs) to identify any potentially contaminated sites (paragraph 5.6.7). In light of the potential contamination risk identified in the Scoping Report, the Applicant should also seek agreement regarding mitigation requirements and clearly set out within the ES how these would be secured. In particular, the ES should outline the proposed measures to avoid mobilisation of contamination to the aquatic environment.
- 3.68 In the light of the works proposed, cross reference should also be made to the geoarchaeological report; the biodiversity and nature conservation assessment; and the road drainage and water environment assessments.

Noise and Vibration (see Scoping Report Sections 4.7 and 5.7)

- 3.69 The Secretary of State notes the statement made in relation to the construction vehicle noise assessment methodology in paragraph 5.7.11 of the Scoping Report, ie 'The level of assessment of construction phase traffic flows will be dependent on the provision of appropriate construction traffic data'. The SoS confirms that the scope of the assessment should be established according to the nature and potential impacts of a particular scheme, rather than being dictated by the availability of relevant data.
- 3.70 The noise and vibration assessments should take account of the traffic movements along access routes, especially during the construction phase. The SoS recommends that the methodology should be agreed with the Council EHOs.

- 3.71 Paragraph 5.7.9 of the Scoping Report states that noise assessments will be undertaken 'prior to construction'. The SoS advises that such an assessment should be completed, and any required mitigation identified, prior to the submission of the DCO application, and reported in the application ES.
- 3.72 Information should be provided in the ES on the types of vehicles and plant to be used during the construction phase, that underpin the noise assessment assumptions. The assessment should give particular consideration to the effects of noise disturbance at night and other unsocial hours such as weekends and public holidays.
- 3.73 The SoS welcomes the proposed provision of a Construction Environmental Management Plan (CEMP). A draft CEMP (dCEMP) should be submitted with the DCO application which clearly sets out the control measures that will be adopted. Paragraph 5.7.12 of the Scoping Report makes reference to obtaining consent from WDC under Section 61 of the Control and Pollution Act 1974. Whilst WDC are able to grant such a consent, the SoS will require mitigation and controls to be assessed and discussed in the ES and secured through the DCO and supporting plans.
- 3.74 The noise and vibration assessment should cross reference to the ecological assessment as appropriate with regards to disturbance effects for both terrestrial and aquatic ecology. Specific discussion of piling mitigation should be provided in relation to aquatic piling activities.
- 3.75 With respect to operational effects, the approach to determining the No Observed Adverse Effect Level (NOAEL), Lowest Observed Adverse Effect Level (LOAEL) and Significant Observed Adverse Effect Level (SOAEL) requires clarification. Scoping Report Table 11.5 includes the undefined term 'marginal' alongside NOAEL, LOAEL and SOAEL. Since LOAEL is the onset of an adverse effect, it is unclear how marginal and LOAEL differ and why marginal is of lower significance than NOAEL. The Applicant's attention is drawn to the comments from SCC and WDC (contained in Appendix 3 of this Opinion) in respect of this matter.
- 3.76 Scoping Report paragraphs 5.7.21 and 5.7.22 make reference to the 1999 WHO Guidelines for Community Noise thresholds for noise in outdoor living areas. It is unclear whether this threshold is integrated into the significance criteria in Table 5.11 of the Scoping Report, since the footnote only discusses the criteria of 54.5dB as being significant. In addition, the criteria make no reference to the $3\text{dB}_{\text{L}_{\text{night, outside}}}$ criteria discussed in paragraph 3.5 of DMRB HD213/11 or to the vibration assessment threshold criterion (3mm/s peak particle velocity) discussed therein. The SoS recommends that consistency with the proposed methodology would require both the night time noise criteria and the vibration criteria to be applied to the assessment.

- 3.77 The Applicant should ensure that the assessment is informed by the relevant Highways England advice, for example, the 'Updated traffic, air quality and noise advice on the assessment of link speeds and generation of vehicle data into 'speed-bands' (IAN 185/15).
- 3.78 The Scoping Report does not discuss mitigation for operational effects, such as low or very low noise surfacing or noise barriers. The Applicant should set out in the ES the proposed measures to mitigate adverse noise effects in accordance with the principles set out in the Government's 'Noise Policy Statement for England' (NPSE).

People and Communities – Effects on All Travellers (see Scoping Report Sections 4.8 and 5.8)

- 3.79 Section 5.8.4 states that DMRB Volume 11 Section 3 Part 9 (vol11/section3/11s3p09) will be used to assess the significance of effects due to severance. Vol11/section3/11s3p09 discusses the View from the Road and Driver Stress but does not reference severance and provides no significance criteria. Driver Stress is discussed in terms of being low, moderate or high. The SoS emphasises that the ES should report on the likely significant effects arising for each topic considered.
- 3.80 Paragraph 4.8.1 of the Scoping Report states that there are a number of footpaths, cycleways, bridleways and other public accesses within the study area. The baseline information section does not provide information on data sources, which should be stated in the ES. The study area is also not defined, consequently the basis for this statement is unclear.
- 3.81 The SoS notes from paragraph 5.8.4 of the Scoping Report that the Applicant proposes not to assess the impact on PRoW for this topic as there are none “..within the area of the proposed scheme..” and refers to Figure 12 in this regard. However, Figure 12 identifies PRoW in proximity to the Proposed Development site therefore the SoS is unable to agree to this approach.

People and Communities – Community and Private Assets (see Scoping Report Sections 4.9 and 5.9)

- 3.82 The baseline description lacks data sources and does not define the study area. Terms such as 'within the immediate vicinity' require explanation and justification. This limits the ability of the SoS to comment on the scope of the assessment as presented. Such information should be provided within the ES.
- 3.83 The SoS notes the intended use of Highway England's IAN125/15 Environmental impact Assessment Update and the use of DMRB in determining a methodology. The Scoping Report states at paragraph 5.9.7 that data will be collated and verified but does not state how this information is to be verified.

- 3.84 The SoS welcomes the use of a ship simulation model and suggests that results generated by the model are shared and agreed with relevant consultation bodies such as ABP and the Harbour Master. Any required mitigation should be agreed with these bodies.
- 3.85 Little information is provided in Section 5.9 in relation to how impacts on local businesses and community facilities will be assessed and any potential impacts mitigated. The SoS expects that this will be provided in the ES. The Applicant is referred to the comments made by ABP (contained in Appendix 3 of this Opinion) in relation to consideration of impacts on port operations.

People and Communities - Socio-Economic including Recreation (see Scoping Report Sections 4.10 and 5.10)

- 3.86 The Scoping Report does not define the study area for the assessment. This should be clearly identified in the ES.
- 3.87 The Scoping Report states at paragraph 5.10.2 that creation of jobs is intended to be scoped out of the EIA. Paragraph 4.3 of the National Networks NPS sets out general principles of assessment, which includes 'job creation'. Accordingly, the SoS recommends that job creation, regardless of the scale, is a matter that should be considered in the ES.
- 3.88 The Secretary of State recommends that the types of jobs generated should be considered in the context of the available workforce in the area. This applies equally to the construction and operational stages.
- 3.89 The Secretary of State recommends that the assessment criteria should be locationally specific and consider the potential significance of the impacts of the proposal within the local and regional context.
- 3.90 Paragraph 5.10.5 of the Scoping Report states that "...all of the identified socio-economic assessments should be qualitative", but goes on to state that numeric data will be analysed, suggesting some quantitative assessment will be possible. No justification is provided for only undertaking qualitative assessments.
- 3.91 The effects on tourism during the anticipated two year construction stage are considered in paragraph 5.10.1 of the Scoping Report as likely to be significant, through the impact on leisure related vessels and users of the SRN attempting to access the Broads for example. The SoS recommends that any assessments of impacts and effects should be included or cross-referenced in the ES in its consideration of wider transportation and community severance impacts and effects.
- 3.92 The SoS notes that paragraph 5.10.11 of the Scoping Report proposes to limit the scope of projects included in the cumulative effects assessment to the East Anglia Array and Sizewell C nuclear

power station. The Applicant is directed to the advice contained within Section 4 of this Opinion and the Planning Inspectorate's Advice Note 17: Cumulative Effects Assessment. The shortlist of assessed projects should be agreed with the local planning authorities.

Road Drainage and Water Environment (see Scoping Report Sections 4.11 and 5.11)

- 3.93 Although this chapter is entitled 'Road Drainage and the Water Environment' the baseline Section is focussed on the water environment with little information provided regarding road drainage.
- 3.94 Paragraph 4.11.2 of the Scoping Report states that baseline data has been collected for a 1km study area however no justification for the study area extent is provided. Paragraph 5.11.4 suggests that the study area will be a matter for agreement with the EA. The SoS recommends that the extent of the study area is discussed and ideally agreed with ABP and SCC and documented in the ES. The Applicant is referred to ABP's comments (contained in Appendix 3 of this Opinion) in this regard.
- 3.95 The ES should clearly detail the methodologies proposed for this topic and include, for example, the information sources for desk studies and the types of field studies including their duration and the time of year they were undertaken. The SoS welcomes the intention to seek views from the EA regarding the assessment of pollution from routine run off and encourages and welcomes this approach for all assessments. Details of the methodologies used to establish the baseline conditions relating to water quality should be provided in the ES. This should include reference to any abiotic and biotic indicators of water quality measured or assessed.
- 3.96 The SoS notes the proposed use of the DMRB HD45/09 methodology for the assessment of road drainage and water environment impacts. The Applicant references the use of professional judgement to determine the significance of effect where two classifications are possible. This should be fully justified.
- 3.97 The SoS notes the Applicant's comments that the Highways Agency Water Risk Assessment Tool (HAWRAT) method for assessing the impact of runoff has been developed for freshwater bodies and agrees that the EA should be consulted to confirm how to apply the method to a transitional waterbody.
- 3.98 Scoping Report paragraph 5.11.4 states that field surveys to assess the current baseline conditions on site will be undertaken. No scope of survey or method is discussed, limiting the SoS ability to comment on this aspect of the assessment. The survey scope should include both existing drainage networks (where the scheme integrates into the existing drainage) and surveys to support the WFD assessment.

The detailed scope of surveys should be agreed with the EA and Anglian Water as appropriate.

- 3.99 Attention is drawn to the need to assess potential impacts on watercourses and/or marshland. The Secretary of State recommends that sediment disturbance and mobilisation of surface water, ground water, or indeed contaminants, should be carefully considered. The Applicant's attention is drawn to ABP's comments (contained in Appendix 3 of this Opinion) in respect of the discharge of water from road drainage into Lake Lothing and the potential impact on ABP's maintenance dredging licence.
- 3.100 Reference is made in the baseline information provided for this topic to the WFD but no reference is made to carrying out a WFD Assessment. Such an assessment should be provided to assess the impacts of the Proposed Development on the WFD status of Lake Lothing. The EA should be consulted regarding the detailed assessment scope. The Applicant's attention is drawn to the comments from the EA (contained in Appendix 3 of this Opinion) in relation to WFD requirements.
- 3.101 The Secretary of State recommends consultation with both Anglia Water and the EA. Potential impacts on the public sewer network are required to be assessed, reported and mitigated. The requirement of easements should also be considered. The Secretary of State recommends continuing consultation with both Anglian Water and the EA regarding the impacts on the public sewer network and the operation of any Combined Sewer Overflows (CSOs).
- 3.102 Mitigation measures for all phases of the Proposed Development should be identified in the ES. Ongoing monitoring should also be addressed and agreed with the relevant bodies to ensure that any mitigation measures are effective. It is noted that the water environment methodology does not make any reference to the CEMP, which is discussed elsewhere in the Scoping Report. The Applicant should ensure that construction mitigation requirements are incorporated when preparing the CEMP. Operational mitigation measures should be identified in the ES and the SoS advises that reference should be made to other regimes as appropriate, eg the environmental permitting regime. Where such measures include silt traps or oil separators the proposed maintenance regime for such systems should be discussed, to ensure their long term effectiveness.
- 3.103 Groundwater is the potential pathway for discharge of liquids to surface and coastal waters. The Secretary of State 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.
- 3.104 The Applicant's attention is drawn to the comments from the Marine Management Organisation and SCC (contained in Appendix 3 of this Opinion) in relation to this topic.

- 3.105 The inter-relationship between this topic and other topics, such as, for example, ecology and geology, should be considered and cross-referenced in the ES.

Flood Risk (see Scoping Report Sections 4.12 and 5.12)

- 3.106 The Secretary of State welcomes the provision of a Flood Risk Assessment (FRA) incorporating an assessment of climate resilience. The SoS supports the on-going consultation with the EA regarding the assessment method and modelling, and also recommends consultation with the Broads Internal Drainage Board (IDB), WDC and SCC as appropriate.
- 3.107 The Applicant should outline appropriate mitigation for flood risk, including any measures to attenuate surface water runoff.
- 3.108 The FRA should cover tidal flood risk as well as fluvial impacts and therefore should consider the potential for breaching/overtopping of the flood defence under present and projected sea level scenarios.
- 3.109 The Applicant's attention is drawn to the comments from the EA (contained in Appendix 3 of this Opinion), particularly in relation to the need to consider flood risk during construction in addition to operation, and updated modelling, and from SCC and WDC.

Traffic and Transport (see Scoping Report Section 4.13 and 5.13)

- 3.110 Section 4.13 of the Scoping Report sets out the baseline without providing any information regarding the methodology or data sources consulted. This information must be provided as part of the ES.
- 3.111 The Applicant proposes that the Guidelines for the Environmental Assessment of Road Traffic (GEART) (1993) are taken into account. In light of the wider significance criteria set out in GEART, the SoS is unclear why this methodology has not been adopted for the assessment of 'Effects on all travellers'. The methodology for that assessment also appears to consider overlapping themes such as severance. The SoS recommends that a single assessment of these effects is provided to avoid duplication.
- 3.112 The Secretary of State welcomes the development of the assessment and modelling of transport impacts in association with the local highways authority and key stakeholders. The Secretary of State would expect on-going discussions and agreement, where possible, with such bodies. The Applicant's attention is drawn to the extensive comments from ABP (contained in Appendix 3 of this Opinion) regarding transport impacts arising from the proposed development.
- 3.113 The Secretary of State will require information regarding current traffic flows, increases during construction and predicted traffic flows during operation. The SoS requires that the Transport Assessment

consider the impact of the proposed development on existing and future port operations and commercial and industrial operators.

- 3.114 Construction mitigation measures should be addressed in the ES, such as a travel plan and materials sourcing strategy so as to minimise transport effects. A Construction Transport Management Plan (CTMP) should also be considered to manage the impacts of construction traffic. The content of such plans should be discussed with the LPA and relevant statutory parties and a draft version submitted with the application.
- 3.115 The Secretary of State recommends that the ES should take account of the location of footpaths and any PRoWs including bridleways and byways. The ES should clearly set out impacts on them including within the wider area. It is important to minimise hindrance to them where possible. A clear indication should be given as to how the Proposed Development will affect the existing and future recreational facilities within the Lake Lothing area and what mitigation would be appropriate in the short, medium and long term.
- 3.116 The Applicant's attention is drawn to the comments from the Marine Management Organisation (contained in Appendix 3 of this Opinion), particularly in relation to the timing of the bridge openings, and to Royal Mail's comments in respect of impacts on traffic.
- 3.117 The Transport Assessment should cross reference to the air quality and noise and vibration assessments as appropriate, with consistent datasets adopted for each of the assessments, and should inform the ecology assessments.

Cumulative effects (see Scoping Report Section 5.14)

- 3.118 The Secretary of State notes that six potential cumulative schemes have been identified for further assessment. The SoS recommends that the list of schemes is updated as appropriate as during preparation of the application for development consent. The list of projects should be agreed with the relevant local authorities.
- 3.119 Paragraph 5.14.1 of the Scoping Report makes reference to assessing cumulative effects arising from 'near-certain development'. The Secretary of State notes that this is inconsistent with the Planning Inspectorate's Advice Note 17: Cumulative effects assessment, which recommends assessing 'other development' to a level consistent with the amount of information available regarding that development.

4 OTHER INFORMATION

- 4.1 This section does not form part of the SoS's Opinion as to the information to be provided in the ES. 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.

Pre-application Prospectus

- 4.2 The Planning Inspectorate offers a service for Applicants at the Pre-application stage of the NSIP process. Details are set out in the prospectus 'Pre-application service for NSIPs'⁴. The prospectus explains what the Planning Inspectorate can offer during the Pre-application phase and what is expected in return. The Planning Inspectorate can provide advice about the merits of a scheme in respect of national policy; can review certain draft documents; as well as advice about procedural and other planning matters. Where necessary a facilitation role can be provided. The service is optional and free of charge.
- 4.3 The level of Pre-application support provided by the Planning Inspectorate will be agreed between an applicant and the Planning Inspectorate at the beginning of the Pre-application stage and will be kept under review.

Preliminary Environmental Information (PEI)

- 4.4 Consultation forms a crucial aspect of environmental impact assessment. As part of their Pre-application consultation duties, Applicants are required to prepare a Statement of Community Consultation (SoCC). This sets out how the local community will be consulted about the Proposed Development. The SoCC must state whether the Proposed Development is EIA development and if it is, how the Applicant intends to publicise and consult on PEI. Further information in respect of PEI may be found in Advice note seven 'Environmental Impact Assessment: Preliminary Environmental Information, Screening and Scoping'.

Habitats Regulations Assessment (HRA)

- 4.5 The SoS notes that European sites⁵ could be potentially affected by the Proposed Development. The Habitats Regulations require

⁴ The prospectus is available from:
<http://infrastructure.planninginspectorate.gov.uk/application-process/pre-application-service-for-applicants/>

⁵ The term 'European sites' in this context includes Sites of Community Importance (SCIs), Special Areas of Conservation (SACs) and candidate SACs, Special Protection

competent authorities, before granting consent for a plan or project, to carry out an appropriate assessment (AA) in circumstances where the plan or project is likely to have a significant effect on a European site (either alone or in combination with other plans or projects). Applicants should note that the competent authority in respect of NSIPs is the relevant SoS. It is the Applicant's responsibility to provide sufficient information to the competent authority to enable them to carry out an AA or determine whether an AA is required.

- 4.6 The Applicant's attention is drawn to Regulation 5(2)(g) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended) ('the APFP Regulations') and the need to include with the DCO application a report identifying European sites to which the Habitats Regulations applies and Ramsar sites, which may be affected by the Proposed Development.
- 4.7 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 competent authority 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 competent authority.
- 4.8 The Applicant's attention is also drawn to UK Government policy⁶, which states that the following sites should be given the same protection as European sites: possible SACs (pSACs); potential SPAs (pSPAs); and (in England) proposed Ramsar sites and sites identified, or required, as compensatory measures for adverse effects on any of the above sites. Therefore, Applicants should also consider the need to provide information on such sites where they may be affected by the Proposed Development.
- 4.9 Further information on the HRA process is contained within Planning Inspectorate's Advice Note Ten 'Habitat Regulations Assessment relevant to nationally significant infrastructure projects', available on our website. It is recommended that Applicants follow the advice contained within this advice note.

Plan To Agree Habitats Information

- 4.10 A Plan may be prepared to agree upfront what information in respect of Habitats Regulations the Applicant needs to supply to the Planning Inspectorate as part of a DCO application. This is termed an Evidence

Areas (SPAs), possible SACs, potential SPAs, Ramsar sites, proposed Ramsar sites, and any sites identified as compensatory measures for adverse effects on any of the above. For a full description of the designations to which the Habitats Regulations apply, and/or are applied as a matter of Government policy, see the Planning Inspectorate's Advice Note Ten.

⁶ In England, the NPPF Paragraph 118. In Wales, TAN5 Paragraphs 5.2.2 and 5.2.3.

Plan for proposals in England or in both England and Wales, but a similar approach can be adopted for proposals only in Wales. For ease these are all termed 'evidence plans' here.

- 4.11 An evidence plan will help to ensure compliance with the Habitats Regulations. It will be particularly relevant to NSIPs where impacts may be complex, large amounts of evidence may be needed or there are a number of uncertainties. It will also help Applicants meet the requirement to provide sufficient information (as explained in Advice Note ten) in their application, so the ExA can recommend to the SoS whether or not to accept the application for Examination and whether an AA is required.
- 4.12 Any Applicant of a proposed NSIP can request an evidence plan. A request for an evidence plan should be made at the start of Pre-application (eg after notifying the Planning Inspectorate on an informal basis) by contacting NE.

Sites of Special Scientific Interest (SSSIs)

- 4.13 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.
- 4.14 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'.
- 4.15 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.
- 4.16 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 the NCB the DCO requirements which will provide protection for the SSSI before the DCO application is submitted.

European Protected Species (EPS)

- 4.17 Applicants should be aware that the decision maker under the PA2008 has, as the competent authority (CA), a duty to engage with the Habitats Directive. Where a potential risk to a European Protected Species (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.
- 4.18 If an Applicant has concluded that an EPS licence is required the ExA will need to understand whether there is any impediment to the licence being granted. The decision to apply for a licence or not will rest with the Applicant as the person responsible for commissioning the proposed activity by taking into account the advice of their consultant ecologist.
- 4.19 Applicants are encouraged to consult with NE and, where required, to agree appropriate requirements to secure necessary mitigation. It would assist the Examination if Applicants could provide, with the application documents, confirmation from NE whether any issues have been identified which would prevent the EPS licence being granted.
- 4.20 Generally, NE are unable to grant an EPS licence in respect of any development until all the necessary consents required have been secured in order to proceed. For NSIPs, NE will assess a draft licence application in order to ensure that all the relevant issues have been addressed. Within 30 working days of receipt, NE will either issue 'a letter of no impediment' stating that it is satisfied, insofar as it can make a judgement, that the proposals presented comply with the regulations or will issue a letter outlining why NE consider the proposals do not meet licensing requirements and what further information is required before a 'letter of no impediment' can be issued. The Applicant is responsible for ensuring draft licence applications are satisfactory for the purposes of informing formal Pre-application assessment by NE.
- 4.21 Ecological conditions on the site may change over time. It will be the Applicant's responsibility to ensure information is satisfactory for the purposes of informing the assessment of no detriment to the maintenance of favourable conservation status (FCS) of the population of EPS affected by the proposals. Applicants are advised that current conservation status of populations may or may not be favourable. Demonstration of no detriment to favourable populations may require further survey and/or submission of revised short or long term mitigation or compensation proposals.
- 4.22 In England the focus concerns the provision of up to date survey information which is then made available to NE (along with any

resulting amendments to the draft licence application). Applicants with projects in England (including activities undertaken landward of the mean low water mark) can find further information in Advice Note eleven, Annex C⁷.

Other Regulatory Regimes

- 4.23 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.
- 4.24 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 PA2008, 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.

Water Framework Directive

- 4.25 EU Directive 2000/60/EC ('the Water Framework Directive') (WFD) establishes a framework for the protection of inland surface waters (rivers and lakes), transitional waters (estuaries), coastal waters and groundwater. Under the terms of the Directive, Member States are required to establish river basin districts and corresponding river basin management plans outlining how the environmental objectives outlined in Article 4 of the Directive are to be met.
- 4.26 In determining an application for a DCO, the SoS must be satisfied that the applicant has had regard to relevant river basin management plans and that the proposed development is compliant with the terms of the WFD and its daughter directives. In this respect, the Applicant's attention is drawn to Regulation 5(2)(I) of the APFP Regulations which requires an application for an NSIP to be accompanied by 'where applicable, a plan with accompanying

⁷ Advice Note eleven, Annex C – Natural England and the Planning Inspectorate available from: http://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2015/10/PINS-Advice-Note-11_AnnexC_20150928.pdf

information identifying-... ..(iii) water bodies in a river basin management plan, together with an assessment of any effects on such sites, features, habitats or bodies likely to be caused by the proposed development.'

The Environmental Permitting Regulations and the Water Resources Act

Environmental Permitting Regulations 2010

4.27 The Environmental Permitting Regulations 2010 require operators of certain facilities, which could harm the environment or human health, to obtain permits from the EA (EA). Environmental permits can combine several activities into one permit. There are standard permits supported by 'rules' for straightforward situations and bespoke permits for complex situations. For further information, please see the Government's advice on determining the need for an environmental permit⁸.

4.28 The EA's environmental permits cover:

- industry regulation;
- waste management (waste treatment, recovery or disposal operations);
- discharges to surface water;
- groundwater activities; and
- radioactive substances activities.

4.29 Characteristics of environmental permits include:

- they are granted to operators (not to land);
- they can be revoked or varied by the EA;
- operators are subject to tests of competence;
- operators may apply to transfer environmental permits to another operator (subject to a test of competence); and
- conditions may be attached.

The Water Resources Act 1991

4.30 Under the Water Resources Act 1991 (as amended), anyone who wishes to abstract more than 20m³/day of water from a surface source such as a river or stream or an underground source, such as an aquifer, will normally require an abstraction licence from the EA. For example, an abstraction licence may be required to abstract

⁸ Available from: <https://www.gov.uk/environmental-permit-check-if-you-need-one>

water for use in cooling at a power station. An impoundment licence is usually needed to impede the flow of water, such as in the creation of a reservoir or dam, or construction of a fish pass.

4.31 Abstraction licences and impoundment licences are commonly referred to as 'water resources licences'. They are required to ensure that there is no detrimental impact on existing abstractors or the environment. For further information, please see the EA's web based guidance on applying for a full, transfer or impounding licence⁹:

4.32 Characteristics of water resources licences include:

- they are granted to licence holders (not to land);
- they can be revoked or varied;
- they can be transferred to another licence holder; and
- in the case of abstraction licences, they are time limited.

Role of the Applicant

4.33 It is the responsibility of Applicants to identify whether an environmental permit and /or water resources licence is required from the EA before an NSIP can be constructed or operated. Failure to obtain the appropriate consent(s) is an offence.

4.34 The EA allocates a limited amount of Pre-application advice for environmental permits and water resources licences free of charge. Further advice can be provided, but this will be subject to cost recovery.

4.35 The EA encourages Applicants to engage with them early in relation to the requirements of the application process. Where a project is complex or novel, or requires a HRA, Applicants are encouraged to "parallel track" their applications to the EA with their DCO applications to the Planning Inspectorate. Further information on the EA's role in the infrastructure planning process is available in Annex D of the Planning Inspectorate's Advice note eleven (working with public bodies in the infrastructure planning process)¹⁰

4.36 When considering the timetable to submit their applications, Applicants should bear in mind that the EA will not be in a position to provide a detailed view on the Proposed Development until it issues its draft decision for public consultation (for sites of high public interest) or its final decision. Therefore the Applicant should ideally

⁹ Available from: <https://www.gov.uk/guidance/water-management-apply-for-a-water-abstraction-or-impoundment-licence>

¹⁰ Available from: <http://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

submit its application sufficiently early so that the EA is at this point in the determination by the time the DCO reaches Examination.

- 4.37 It is also in the interests of an applicant to ensure that any specific requirements arising from their permit or licence are capable of being carried out under the works permitted by the DCO. Otherwise there is a risk that requirements could conflict with the works which have been authorised by the DCO (e.g. a stack of greater height than that authorised by the DCO could be required) and render the DCO impossible to implement.

Health Impact Assessment

- 4.38 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 and Safety Executive and Public Health England.
- 4.39 The methodology for the HIA, if prepared, should be agreed with the relevant statutory consultees and take into account mitigation measures for acute risks.

Transboundary Impacts

- 4.40 The SoS has noted that the Applicant has not indicated whether the Proposed Development is likely to have significant impacts on another European Economic Area (EEA) State.
- 4.41 Regulation 24 of the EIA Regulations, which inter alia require the SoS to publicise a DCO application if the SoS is of the view that the Proposed Development is likely to have significant effects on the environment of another EEA state and where relevant to consult with the EEA state affected. The SoS considers that where Regulation 24 applies, this is likely to have implications for the Examination of a DCO application.
- 4.42 The SoS recommends that the ES should identify whether the Proposed Development has the potential for significant transboundary impacts and if so, what these are and which EEA States would be affected.

APPENDIX 1 – PRESENTATION OF THE ENVIRONMENTAL STATEMENT

A1.1 The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (SI 2264) (as amended) (APFP Regulations) sets out the information which must be provided for an application for a DCO for nationally significant infrastructure under the Planning Act 2008 (as amended) (PA2008). Where required, this includes an Environmental Statement (ES). 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.

A1.2 An ES is described under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (SI 2263) (as amended) (the EIA Regulations) as a statement:

- *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 that includes at least the information required in Part 2 of Schedule 4.*

(EIA Regulations, Regulation 2)

A1.3 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 PA2008 is determined. The ES should be an aid to decision making.

A1.4 The Secretary of State (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

A1.5 The SoS emphasises that the ES should be a 'stand-alone' document in line with best practice and case law. Schedule 4, Parts 1 and 2 of the EIA Regulations set out the information for inclusion in ES.

A1.6 Schedule 4 Part 1 of the EIA Regulations states this information includes:

17. Description of the development, including in particular—

- a description of the physical characteristics of the whole development and the land-use requirements during the construction and operational phases;*
- a description of the main characteristics of the production processes, for instance, nature and quantity of the materials used;*
- 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:

- the existence of the development;*
- the use of natural resources;*

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)

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:

24. A description of the development comprising information on the site, design and size of the development

25. A description of the measures envisaged in order to avoid, reduce and, if possible, remedy significant adverse effects

26. The data required to identify and assess the main effects which the development is likely to have on the environment

27. 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

28. A non-technical summary of the information provided [under the four Paragraphs of Schedule 4 part 2 above].

(EIA Regulations, Schedule 4 Part 2)

A1.7 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

A1.8 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

A1.9 The scheme parameters will need to be clearly defined in the dDCO 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 dDCO and accompanying application documents.

Flexibility

- A1.10 The SoS acknowledges that the Environmental Impact Assessment (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.
- A1.11 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.
- A1.12 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 Nine 'Rochdale Envelope' which is available on our website.
- A1.13 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 Proposed Development could have to ensure that the Proposed Development, as it may be constructed, has been properly assessed.
- A1.14 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

- A1.15 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

A1.16 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.

A1.17 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 Proposed Development 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

A1.18 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

A1.19 The assessment should consider:

- environmental impacts during construction works;
- environmental impacts on completion/ operation of the Proposed Development;
- where appropriate, environmental impacts a suitable number of years after completion of the Proposed Development (for example, in order

to allow for traffic growth or maturing of any landscape proposals);
and

- environmental impacts during decommissioning.

A1.20 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.

A1.21 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.

A1.22 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

A1.23 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.

A1.24 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.

A1.25 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.

A1.26 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

- A1.27 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.
- A1.28 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.
- A1.29 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

- A1.30 The EIA Regulations require the identification of the '*likely significant effects of the development on the environment*' (Schedule 4 Part 1 Paragraph 20).
- A1.31 As a matter of principle, the SoS applies the precautionary approach to follow the Court's reasoning in judging 'significant effects'. In other words 'likely to affect' will be taken as meaning that there is a probability or risk that the Proposed Development will have an effect, and not that a development will definitely have an effect.
- A1.32 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.
- A1.33 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

- A1.34 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.
- A1.35 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

- A1.36 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. Applicants should refer to Planning Inspectorate Advice Note 17 Cumulative Effects Assessment for further guidance on the Inspectorate's recommended approach to cumulative effects assessment.
- A1.37 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 will be crucial in this regard.
- A1.38 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

- A1.39 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.
- A1.40 The SoS recommends that the Applicant should distinguish between the Proposed Development for which development consent will be sought and any other development. This distinction should be clear in the ES.

Alternatives

- A1.41 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).
- A1.42 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.
- A1.43 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

- A1.44 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.
- A1.45 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.
- A1.46 It would be helpful if the mitigation measures proposed could be cross referred to specific provisions and/or requirements proposed within the dDCO. 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.
- A1.47 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

- A1.48 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.

A1.49 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

A1.50 The SoS recommends that ongoing consultation is maintained with relevant stakeholders and that any specific areas of agreement or disagreement regarding the content or approach to assessment should be documented. The SoS recommends that any changes to the scheme design in response to consultation should be addressed in the ES.

A1.51 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 PA2008, 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 PA2008 to have regard to the guidance on Pre-application consultation.

Transboundary Effects

A1.52 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.

A1.53 The Applicant's attention is also drawn to the Planning Inspectorate's Advice Note twelve 'Development with significant transboundary impacts consultation' which is available on our website¹¹.

Summary Tables

A1.54 The SoS recommends that in order to assist the decision making process, the Applicant may wish to consider the use of tables:

¹¹ Available from: <http://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

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 dDCO.

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

A1.55 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

A1.56 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.

Confidential Information

A1.57 In some circumstances it will be appropriate for information to be kept confidential. In particular, this may relate to information about the presence and locations of rare or sensitive species such as badgers, rare birds and plants where disturbance, damage, persecution or commercial exploitation may result from publication of the information. Where documents are intended to remain confidential the Applicant should provide these as separate paper and electronic documents with their confidential nature clearly indicated in the title, and watermarked as such on each page. The information should not be incorporated within other documents that are intended for publication or which the Planning Inspectorate would be required to disclose under the Environmental Information Regulations 2014.

Bibliography

A1.58 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

A1.59 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.

APPENDIX 2 – LIST OF CONSULTATION BODIES FORMALLY CONSULTED

Note: the Prescribed Consultees have been consulted in accordance with the Planning Inspectorate’s Advice Note three ‘EIA Consultation and Notification’ (version 6, June 2015)¹².

SCHEDULE 1 DESCRIPTION	ORGANISATION
The Health and Safety Executive	Health and Safety Executive
The National Health Service Commissioning Board	NHS England
The relevant Clinical Commissioning Group	Great Yarmouth and Waveney Clinical Commissioning Group
Natural England	Natural England
The Historic Buildings and Monuments Commission for England	Historic England - East of England
The relevant fire and rescue authority	Suffolk Police Crime Commissioner
The Relevant Police and Crime Commissioner	Suffolk Police Crime Commissioner
The EA	The EA - East Anglia
The Maritime and Coastguard Agency	Maritime & Coastguard Agency
The Maritime and Coastguard Agency - Regional Office	The Maritime and Coastguard Agency - Norwich Marine Office
The Marine Management Organisation	Marine Management Organisation (MMO)
The Civil Aviation Authority	Civil Aviation Authority
The Relevant Highways Authority	Suffolk County Council
The Relevant Strategic Highways Company	Highways England - East
The Relevant Internal Drainage Board	Waveney, Lower Yare and Lothingland Internal Drainage Board

¹² Available from: <http://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

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SCHEDULE 1 DESCRIPTION	ORGANISATION
Trinity House	Trinity House
Public Health England	Public Health England
The Crown Estate Commissioners	The Crown Estate
The Secretary of State for Defence	Ministry of Defence

RELEVANT STATUTORY UNDERTAKERS	
The relevant Clinical Commissioning Group	Great Yarmouth and Waveney Clinical Commissioning Group
The relevant NHS Trust	East of England Ambulance Service NHS Trust
Railways	Network Rail Infrastructure Ltd
	Highways England Historical Railways Estate
Canal or Inland Navigation	The Broads Authority
Dock	Associated British Ports
Harbour	Associated British Ports
Lighthouse	Trinity House
Civil Aviation Authority	Civil Aviation Authority
Licence Holder (Chapter 1 Of Part 1 Of Transport Act 2000)	NATS En-Route Safeguarding
Universal Service Provider	Royal Mail Group
Relevant Homes and Communities Agency	Homes and Communities Agency
Water and Sewage Undertakers	Anglian Water
	Essex and Suffolk Water
Public Gas Transporter	Energetics Gas Limited
	Energy Assets Pipelines Limited
	ES Pipelines Ltd
	ESP Connections Ltd
	ESP Pipelines Ltd
	Fulcrum Pipelines Limited
	GTC Pipelines Limited
	Independent Pipelines Limited

RELEVANT STATUTORY UNDERTAKERS	
	Indigo Pipelines Limited
	Quadrant Pipelines Limited
	National Grid Gas Plc
	National Grid Gas Distribution Limited
	Scotland Gas Networks Plc
	Wales and West Utilities Ltd
Electricity Distributors With CPO Powers	Energetics Electricity Limited
	ESP Electricity Limited
	G2 Energy IDNO Limited
	Harlaxton Energy Networks Limited
	Independent Power Networks Limited
	Peel Electricity Networks Limited
	The Electricity Network Company Limited
	UK Power Distribution Limited
	Utility Assets Limited
	UK Power Networks Limited
Electricity Transmitters With CPO Powers	National Grid Electricity Transmission Plc

SECTION 43 CONSULTEES (FOR THE PURPOSES OF SECTION 42(B))	
Local Authorities	Waveney District Council
	Suffolk County Council
	Broads Authority
	Great Yarmouth Borough Council
	South Norfolk District Council
	Mid Suffolk District Council
	Suffolk Coastal District Council
	Norfolk County Council
	Cambridgeshire County Council

SECTION 43 CONSULTEES (FOR THE PURPOSES OF SECTION 42(B))	
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	Essex County Council
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NON-STATUTORY CONSULTEES	
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Royal National Lifeboat Institution	Royal National Lifeboat Institution
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APPENDIX 3 – RESPONDENTS TO CONSULTATION AND COPIES OF REPLIES

Bodies who replied by the statutory deadline:

Associated British Ports
Anglian Water
EA
Great Yarmouth Borough Council
Highways England
Historic England
Health and Safety Executive
Marine Management Organisation
NATS (National Air Traffic Services)
Norfolk County Council
Natural England
National Grid Electricity Transmission
National Grid Gas
National Grid Gas Distribution
Public Health England
Royal Mail Group Limited
Suffolk County Council & Waveney District Council
Suffolk Coastal District Council
Suffolk Fire and Rescue Service
Trinity House