



The Planning Inspectorate
Yr Arolygiaeth Gynllunio

SCOPING OPINION

Proposed A19 Downhill Lane Junction Improvement Project

Planning Inspectorate Reference: TR010024

June 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 A19 Downhill Lane Junction Improvement in West Boldon, South Tyneside.

This report sets out the SoS' Opinion on the basis of the information provided in the Highways England ('the Applicant') report entitled 'A19 Downhill Lane Junction Improvement EIA Scoping Report' ('the Scoping Report'), received by the SoS on 15 May 2017. 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:

- noise and vibration during construction;
- air quality during construction and operation;
- flood risk and drainage design;
- impacts associated with sourcing, storage and use of imported material; and
- cumulative construction and operational impacts associated with the International Advanced Manufacturing Park (IAMP) and A19 Testos Junction Improvement projects.

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 The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (2017 Regulations) came into force in England and Wales on 16 May 2017. Regulation 37 of the 2017 Regulations provides transitional arrangements for the continued applicability of the Infrastructure Planning (Environmental Impact Assessment) 2009 Regulations (as amended) (2009 Regulations). These transitional provisions apply to any application for an order granting development consent or subsequent consent where an Applicant has requested the SoS or the relevant authority to adopt a Scoping Opinion (as defined in the 2009 Regulations) before the commencement of the 2017 Regulations in respect of the development to which the application relates.
- 1.2 On 15 May 2017, the SoS received a request for a Scoping Opinion from Highways England under Regulation 8 of the 2009 Regulations. The request related to the proposed A19 Downhill Lane Junction Improvement ('the Proposed Development') and was accompanied by a Scoping Report. Since the Applicant's request for a Scoping Opinion was made before the 16 May 2017, the 2009 Regulations continue to apply.
- 1.3 This Opinion has therefore been prepared in accordance with the 2009 Regulations in response to the Applicant's request under Regulation 8 of those regulations and it should be read in conjunction with the Applicant's Scoping Report. Subsequent references to 'the EIA Regulations' in this Opinion are therefore made in relation to the 2009 Regulations unless otherwise stated.
- 1.4 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.
- 1.5 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.
- 1.6 Before adopting a Scoping Opinion the SoS must take into account:
 - (a) *the specific characteristics of the particular development;*
 - (b) *the specific characteristics of development of the type concerned;*
and
 - (c) *the environmental features likely to be affected by the development.*

(EIA Regulation 8 (9))

- 1.7 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.
- 1.8 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 that application, when considering the Proposed Development for a Development Consent Order (DCO).
- 1.9 This Opinion should not be construed as implying that the SoS agrees with the information or comments provided by the Applicant in their request for an opinion from the SoS. In particular, comments from the SoS in this Opinion are without prejudice to any decision taken by the SoS (on submission of the application) that any development identified by the Applicant is necessarily to be treated as part of a Nationally Significant Infrastructure Project (NSIP), Associated Development, or development that does not require development consent.
- 1.10 Regulation 8(3) of the EIA Regulations states that a request for a Scoping Opinion must include:
- (a) a plan sufficient to identify the land;*
 - (b) a brief description of the nature and purpose of the development and of its possible effects on the environment; and*
 - (c) such other information or representations as the person making the request may wish to provide or make.*
- 1.11 The SoS considers that this has been provided in the Applicant's Scoping Report.

The SoS' Consultation

- 1.12 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' list can inform their consultation, it should not be relied upon for that purpose.

- 1.13 The list of respondents who replied within the statutory timeframe and whose comments have been taken into account in the preparation of this Opinion is provided at Appendix 2 along with copies of their comments at Appendix 3, to which the Applicant should refer in undertaking the EIA.
- 1.14 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.
- 1.15 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

- 1.16 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.
- 1.17 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 their Scoping Report. The information has not been verified and it has been assumed that the information provided reflects the existing knowledge of the Proposed Development and the potential receptors/ resources.

The Applicant's Information

Overview of the Proposed Development

- 2.2 The Proposed Development is to improve an existing road junction on the A19, known as Downhill Lane Junction in West Boldon, South Tyneside. The A19 is a strategic route running from Doncaster to north of Newcastle. The Proposed Development is located approximately 6km northeast and 10km southeast of Sunderland and Newcastle-Upon-Tyne city centres respectively.
- 2.3 The Proposed Development is listed in the Department of Transport's (DfT) Road Investment Strategy Part 1 (RIS 1) for the 2015/16 to 2019/20 period.
- 2.4 The Proposed Development aims to support future local development plans for an International Advanced Manufacturing Park (IAMP) immediately to the southwest of Downhill Lane Junction and to the north of the existing Nissan Sunderland manufacturing plant, as described in paragraph 3.4.2 of the Scoping Report.
- 2.5 Paragraph 13.2.15 of the Scoping Report confirms that South Tyneside and Sunderland Councils are at the pre-application stage for a DCO application for the c. 160ha IAMP. This would be adjacent to Downhill Lane Junction to the south, west and north-west and the infrastructure proposals as part of the IAMP include the upgrading of the A1290. The SoS' adopted Scoping Opinion in relation to the IAMP (and the Scoping Report submitted by the Applicant for the IAMP) is available on the National Infrastructure Planning website¹.
- 2.6 The current capacity of the Downhill Lane Junction is limited due to the single bridge design and would not be sufficient to support the additional traffic anticipated to be generated as a result of the IAMP. The Proposed Development therefore aims to increase the capacity of the junction by providing an additional bridge across the A19 and to

¹ <https://infrastructure.planninginspectorate.gov.uk/projects/north-east/international-advanced-manufacturing-park-iamp/>

convert the junction into a full circulatory/ roundabout system as described at Sections 2.2 and 2.3 of the Scoping Report.

- 2.7 The Proposed Development is also located in proximity to the south of another road junction improvement scheme proposed by the same Applicant at the A19 /A184 Junction (known as the Testos Junction). Due to their proximity, the Applicant had initially considered promoting the Proposed Development and the Testos Junction Improvement scheme as a single project. A Scoping Opinion for the combined scheme was requested from the SoS on this basis in October 2014 (by the then Highways Agency). The Scoping Report and the SoS' Scoping Opinion for the Testos Junction can be found on the National Infrastructure Planning website².
- 2.8 The Testos Junction Improvement scheme is at a more advanced stage, the consents for the two schemes are now being progressed separately. The interaction between the approaches to EIA for both projects is discussed at paragraphs 5.1.6 – 5.1.7 of the Scoping Report.

Description of the site and surrounding area

The Application Site

- 2.9 A description of the site is provided in Section 2.1 of the Scoping Report, with site location and Proposed Development layout plans are provided at Figures 1.1 and 2.1 of the Scoping Report.
- 2.10 Approximately 5km to the north of the Proposed Development is the Tyne Tunnel entrance at Jarrow, South Tyneside. To the south, the A19 crosses the River Wear approximately 3.5km from the Proposed Development.
- 2.11 The Proposed Development is located in an area of countryside that broadly separates South Tyneside and Sunderland. It lies within the administrative districts of both South Tyneside and Sunderland City Councils.
- 2.12 The existing A19 Downhill Lane Junction is referred to as a signalised priority, grade-separated junction for the A19 with a single bridge crossing, as described at paragraph 2.2.1 of the Scoping Report.

The Surrounding Area

- 2.13 The location of Downhill Lane Junction is shown in Figure 1.1 of the Scoping Report. The major conurbations of Sunderland and South Shields are located within 10km to the south-east and north-east of

² <https://infrastructure.planninginspectorate.gov.uk/projects/north-east/a19-a184-testos-junction-improvement/>

the site respectively, with Gateshead and Newcastle-upon-Tyne located within 15 and 20km to the north-west respectively.

- 2.14 Figure 1.2 of the Scoping Report depicts the key environmental features identified by the Applicant both within a 500m study area and at a 1-2km radius from the Proposed Development. These are discussed in the following section and considered further in Section 3 of this Opinion, in the SoS' comments on the environmental topics to which they relate.
- 2.15 Section 2.1 of the Scoping Report explains that there are a number of residential areas within 1-2km of the A19 Testos Junction, this is also depicted on Figure 1.1. In particular, the residential area of Town End lies immediately adjacent to the south west of the Proposed Development site.
- 2.16 Other nearby properties and businesses include:
- two farms (West House Farm and Make-Me-Rich Farm) located immediately west of the A19;
 - the North-East Land, Sea and Air Museum is located between the A1290 and A19, approximately 500m to the south-west;
 - the Gateshead College Skills Academy is located approximately 150m to the east of the A1290 and to the south of Washington Road; and
 - The Nissan Sunderland manufacturing plant, approximately 2km to the south.
- 2.17 Private land owners such as farms use the local road network including Downhill Lane and the A19. Two farms identified in the list above have direct access to fields from the A19 which is likely to be affected by the Proposed Development as described at paragraph 13.2.18 of the Scoping Report.
- 2.18 In terms of non-motorised users (NMU) and Public Rights of Way (PRoW), Downhill Lane itself (on either side of the A19) and Follingsby Lane to the west, form part of a well-used cycling and horse-riding route network known as the Great North Forest Trail (GNFT). A bridleway (Bridleway B46) runs southwards from the West Boldon to the Downhill Lane Junction. These routes are shown in Figure 8.1 of the Scoping Report.
- 2.19 There are small blocks of deciduous woodland in the surrounding area of the Proposed Development. Most of the surrounding landscape comprises a pattern of rectilinear fields divided by hedgerows.
- 2.20 The only ecologically designated sites identified by the Applicant are two Sites of Special Scientific Interest (SSSIs). These are located within 2-3km of the Proposed Development site: Hylton Castle Cutting geological SSSI and Wear River Bank geological SSSI

(approximately 1km and 2km south-west of the Proposed Development site respectively).

- 2.21 The River Don passes beneath the A19 in a culvert approximately 160m long just north of Downhill Lane Junction, flowing from west to east, as described at paragraph 14.2.2 of the Scoping Report then generally flowing north entering the tidal River Tyne at Jarrow.
- 2.22 Most of the length of the River Don is designated as a Local Wildlife Site (LWS). There are several other LWSs in proximity to the Proposed Development site. The Scoping Report refers to 18 LWSs which are within 2km of the Proposed Development and are described and listed in Table 9.1 and illustrated in Figure 1.2 of the Scoping Report. These include Make-me-rich Meadow, Elliscrope Farm East/Hylton Bridge and Downhill Old Quarry, all located within 500m of the Proposed Development Site.
- 2.23 The Scoping Report states that there are no statutory international or national designated cultural heritage sites within a defined 300m area of the Proposed Development, although identifies 19 undesignated heritage assets within this area, 8 of which area within the footprint of the Proposed Development. These are described in Section 7.2 and Figure 7.2 of the Scoping Report.
- 2.24 There are several scheduled monuments and listed buildings within 2km of the Proposed Development site as identified in Figure 1.2 of the Scoping Report, although these fall outside of the Applicant's defined study area.
- 2.25 Several Listed Buildings are identified in Figure 1.2 of the Scoping Report. A Grade I Listed Building is shown approximately 1.5km from the Proposed Development site at West Boldon. Scots House, a Grade II* Listed Building, lies approximately 1.8km to the north-west of the Downhill Lane Junction, adjacent to the A184. Several subsidiary buildings in the Scots House complex are Grade II Listed Buildings. Another group of Grade II Listed Buildings around Downhill House lie some 750-850m north-east of Downhill Lane Junction, adjacent to Downhill Lane. The Grade II listed Hylton Grove Bridge is located approximately 600m west of the Proposed Development site as described at paragraph 5.2.5 of the Scoping Report.

Alternatives

- 2.26 The Applicant has set out the project history and design options considered in Sections 1.4, 1.5 and Table 1.1 of the Scoping Report.
- 2.27 Seven options were initially considered and the current layout of the Proposed Development was primarily selected, taking into account environmental considerations, on the basis of minimal land take and effects of the River Don and its associated habitat.

- 2.28 Section 5.4 of the Scoping Report outlines the indicative structure of the ES, showing that Chapter 3 will set out the consideration of alternatives and the development of the preferred option (see table 5.2 of the Scoping Report).

Description of the Proposed Development

- 2.29 The Proposed Development would involve the improvement of the existing A19 junction at Downhill Lane to a two-bridge, grade separated roundabout junction. The layout for the Proposed Development is shown in Figure 2.1 of the Scoping Report.
- 2.30 The design of the Proposed Development is set out in Section 2.2 of the Scoping Report and will comprise the following:
- a new overbridge south of the existing A19 overbridge;
 - realignment of Washington Road and Downhill Lane to the east of the junction;
 - modification of existing northbound and southbound merge roads;
 - a new northbound and southbound link road connecting Downhill Lane Junction to the Testos roundabout; and
 - possible strengthening or replacement of existing overbridge, dependent on further structural assessment;
 - embankments approximately 6.5m in height;
 - drainage infrastructure and proposed attenuation pond; and
 - measures to improve safety for non-motorised facility users.
- 2.31 The Applicant states that the Proposed Development and the Applicant's other improvement scheme for the A19 Testos junction are likely to be constructed in parallel, and are planned to be opening to traffic at broadly the same time in spring 2021.

Construction and access

- 2.32 The construction period is anticipated to last for 18 months, subject to the consent process as described in Section 2.7 of the Scoping Report. At this stage, construction is anticipated to start in autumn 2019 with completion by spring 2021. Construction of the A19/A184 Testos Junction Improvement scheme is planned to commence in December 2018-or January 2019 and is due to be complete in spring 2021.
- 2.33 The Scoping Report assumes that weekend and night-time construction could be carried out throughout duration of the construction programme. No further detail is specified regarding the anticipated construction hours.

- 2.34 The temporary land take required to construct the development is not specifically described or illustrated in the Scoping Report. However, the construction site is deemed by the Applicant to be the full 'footprint' area identified for the Proposed Development in Figure 2.1 plus "any land used temporarily during construction as site compounds, storage areas for soil and other materials and temporary construction site drainage" (paragraph 11.1.9 of the Scoping Report).
- 2.35 The description of construction activities (e.g. site clearance / preparation, levelling, demolition) and methods are not set out in the Scoping Report.
- 2.36 Pre-construction activities are described in Paragraph 2.7.1 of the Scoping Report including traffic management and enabling works. Traffic management measures would include lane closures, lane narrowing, speed restrictions and temporary CCTV (Paragraph 2.7.1 of the Scoping Report).
- 2.37 The Scoping Report indicates at Section 2.7, that a construction environmental management plan (CEMP) would be required before construction and an outline CEMP would accompany the application for a DCO. The CEMP would be used to reduce the construction effects of the Proposed Development (as described at paragraphs 5.3.23-5.3.25 of the Scoping Report). The final CEMP to be implemented and adhered to would be produced and managed by the appointed contractor.
- 2.38 The Scoping Report does not describe the anticipated number of workers during construction or the types and numbers of construction vehicles (HGVs, LGVs, staff vehicles etc), plant and equipment that may be required.
- 2.39 Paragraph 2.7.4 of the Scoping Report outlines that a net amount of approximately 90,000m³ of fill material will need to be imported in order to construct the Proposed Development. Paragraphs 11.2.1 – 11.2.4 of the Scoping Report describe the potential use of bulk earthworks surplus from the A19/A1058 Coast Road Junction Improvement scheme to the north of Downhill Lane Junction as well as the Testos Junction Improvement, as a source of this fill material.

Operation and maintenance

- 2.40 The Scoping Report indicates that the Proposed Development will operate in conjunction with the Testos Junction Improvement, with traffic using the link roads of both schemes (Scoping Report, paragraph 5.1.6).
- 2.41 A description of the operational maintenance requirements is provided in Section 2.8 of the Scoping Report. Maintenance activities are anticipated to include repair works of road and infrastructure,

inspections of structures and drainage systems, and vegetation management.

Decommissioning

- 2.42 The decommissioning of the Project has not been considered in the Scoping Report.

The SoS' Comments

Description of the application site and surrounding area

- 2.43 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.
- 2.44 Figure 8.1 of the Scoping Report indicates that the application site is located on land designated as Green Belt. The Applicant's attention is drawn to the relevant sections of the NPSNN and the NPPF in relation to development located on Green Belt land and the potential need to demonstrate the very special circumstances which justify the Proposed Development being located on Green Belt land.

Description of the Proposed Development

- 2.45 The Applicant should ensure that the description of the Proposed Development that is being applied for is as accurate detailed 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 proposals may not be 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 there should therefore be more certainty by the time the ES is submitted with the DCO.
- 2.46 If a draft DCO is to be submitted, the Applicant should clearly define what elements of the Proposed Development are integral to the NSIP and which is 'Associated Development' under the Planning Act 2008 (as amended) (PA2008) or is 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'.

- 2.47 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 assessment.
- 2.48 The SoS recommends that the ES should include a clear description of all aspects of the Proposed Development, at the construction and operational stages, including:
- land use requirements (permanent and temporary) and their duration, including the totality of the area required for construction;
 - site preparation and enabling works;
 - construction processes, methods and their duration;
 - transport routes (temporary and permanent);
 - emissions to the environment during construction and operation including those to water, air and soil pollution, noise, vibration, light, heat and radiation; and
 - maintenance activities including any potential environmental impacts.
- 2.49 The environmental effects of all wastes to be processed and removed from the site should be addressed. The SoS therefore welcomes reference to a Site Waste Management Plan (SWMP) and materials management plan in Section 11 of the Scoping Report. The ES will need to identify and describe the control processes and mitigation procedures for storing and transporting waste on and off site. All waste types should be quantified and classified.

Flexibility

- 2.50 The SoS notes the comments in paragraphs 5.3.27 to 5.3.28 of the Scoping Report that the detailed design of the road junction improvement is still being developed and that the draft description of development contains a number of variables. The SoS welcomes that the proposals are to be firmed up during the Pre-application stages but encourages the description to be as accurate and firm as possible so that its environmental impact can be more accurately assessed.
- 2.51 The SoS notes the intention where the details of the scheme cannot be defined precisely for the EIA to assess the likely worst case scenario (Scoping Report, paragraph 5.3.28). The SoS welcomes the reference to Planning Inspectorate Advice Note nine 'Using the 'Rochdale Envelope' but also directs attention to the 'Flexibility' section in Appendix 1 of this Opinion which provides additional details on the recommended approach.
- 2.52 It should be noted that if the Proposed Development changes substantially during the EIA process, prior to application submission,

the Applicant may wish to consider the need to request a new Scoping Opinion and, in doing so, have regard to the transitional provisions in the Infrastructure Planning (Environmental Impact Assessment Regulations) 2017.

Alternatives

- 2.53 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).
- 2.54 The SoS welcomes the inclusion of information regarding the background to the Proposed Development in the Scoping Report to assist in understanding the evolution of the development options.
- 2.55 The SoS notes that the Applicant intends to include information on the alternatives in Chapter 3 of the ES. In addition to the general design evolution of the scheme, this section could also include, *inter alia*, a description of alternative construction processes, drainage design and options for non-motorised user improvements.
- 2.56 The Applicant should ensure that the reasons for the choices made are clearly described, with a description of the environmental considerations that were taken into account.

Construction and access

- 2.57 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 and should be included in the DCO boundary. The SoS will need to understand in particular any relationships between the Proposed Development and the A19 Testos Junction Improvement works, for example where construction compounds are potentially co-located and / or where other construction equipment / plant / methodologies are to be shared. This applies equally in the case of the IAMP (although noting the distinction that the Applicant is the same for the Proposed Development and A19 Testos but not for the IAMP).
- 2.58 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.
- 2.59 The SoS recommends that the ES should include a detailed description of the works associated with the construction of the

development including: construction phasing programme; a description of construction methods and activities; associated with each phase (e.g. site clearance/preparation, levelling, demolition, piling requirements), including working hours; a description of construction plant and equipment numbers and specifications; siting, scale and layout of construction compounds; lighting equipment/requirements; the number, movements, routing and parking arrangements for construction vehicles (both HGVs and staff), and the number of workers required during the construction of the development, if they are full/part time, and if shift work is required.

- 2.60 It is noted that weekend and night time working may be considered. The Applicant is advised to discuss the suitability of extended working hours with the relevant planning and highways authorities. The ES should describe the proposed working hours and demonstrate how these would be secured in the DCO.
- 2.61 It is noted that the Applicant intends to prepare and implement a CEMP as a means of delivering mitigation relating to the construction of the development. Paragraph 2.7.3 of the Scoping Report confirms the intention for the contractor to produce and manage the CEMP. The Applicant should include a CEMP as part of the ES that includes at least the minimum measures required to demonstrate how the mitigation measures relied upon as part of the ES would be delivered through the CEMP. The Applicant should also consider how this document would be secured within the DCO.
- 2.62 It is noted that the proposed construction access routes are not provided by the Scoping Report. Alongside any illustration of these routes and consideration of abnormal load deliveries, a description of the construction works required for the temporary and permanent access roads, and the works required to reinstate the temporary roads should be provided in the ES. The ES should clearly identify the location of the roads that will be retained for maintenance purposes, and the access points for these roads.
- 2.63 The ES should provide information on proposed traffic routing for the delivery of materials and staff to the site. The ES should clarify whether any offsite highways improvements would be required to facilitate the development and the means that would be used to secure permission for these works. Where applicable, proposed traffic routing should also be linked to the key phases and activities of the construction programme (as discussed in the following paragraphs).
- 2.64 The SoS considers that impacts during construction upon access for vehicles using A1290 Washington Road should be assessed. This should consider potential conflicts with shift patterns at the Nissan plant and delivery / export arrangements for the automotive plant operations.

Operation and maintenance

- 2.65 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.
- 2.66 It is noted that some operational maintenance activities would be required to ensure the long term safety of the junction improvement (Section 2.8, Scoping Report). The ES should describe the frequency of these works, the number of workers required, equipment requirements and access arrangements.
- 2.67 There is minimal reference to the design of the lighting scheme that would be required for the Proposed Development. The SoS would expect to see a consistent description of this from which to assess its potential environmental effects, particularly in terms of ecological and landscape and visual effects.

Decommissioning

- 2.68 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 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 and material re-use opportunities can be identified. 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' 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 The SoS notes that The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 have now been made and came into force on 16th May 2017. The Applicant should be aware that these Regulations include for revocation and transitional provision relevant to the current Regulations.
- 3.5 On 23 June 2016, the UK held a referendum and voted to leave the European Union (EU). There is no immediate change to infrastructure legislation or policy. Relevant EU directives have been transposed in to UK law and those are unchanged until amended by Parliament.

National Policy Statements (NPS)

- 3.6 Sector specific NPS' 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 relevant NPS for the Proposed Development is the NPS for National Networks (NPSNN) which sets out assessment principles that should be considered in the EIA. When undertaking the EIA, the Applicant must have regard to the NPSNN and identify how these principles have been assessed in the ES.
- 3.8 The SoS must have regard to any matter that the SoS thinks is important and relevant to the SoS' decision. This could include the draft NPS if the relevant NPS has not been formally designated.

Environmental Statement Approach

- 3.9 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.
- 3.10 The Applicant should ensure 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. The SoS recommends that the physical scope of the study areas should be identified under each of 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 with 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.
- 3.11 At various sections of the Applicant's Scoping Report, reference is made to the definition of assessment study areas based on the red line development boundary and / or the 'footprint' of the Proposed Development. Section 11.1.9 of the Scoping Report defines the construction site for the Proposed Development as the 'footprint' together with any land to be used temporarily for construction. The SoS expect a clear and consistent definition of any terms used to be presented as part of the description of the Proposed Development and these terms to be applied throughout definitions of the study areas in the technical assessment chapters.
- 3.12 The SoS recommends that in order to assist the decision making process, the Applicant may wish to consider the use of tables within the ES:
- 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/requirements proposed to be included within the draft DCO; and

- to cross refer to details in the Habitats Regulations Assessment (HRA) (where one is provided) such as the description of affected European sites and their locations, together with any mitigation or compensation measures.
- 3.13 The SoS is aware of the complex spatial and temporal relationships that exist between the Proposed Development and other developments namely the A19 Testos Junction Improvement scheme and the IAMP. The Applicant provides explanation of this relationship at Paragraphs 1.6.1, 3.4.2 and 5.1.6 of the Scoping Report. The SoS notes the Applicant's explanation that the IAMP is a key driver in terms of the need for the improvement of the Downhill Lane Junction. The SoS considers that the ES should include information explaining how the Proposed Development relates to other developments and how the EIA has taken this into account. It will be particularly important for the ES to explain any assumptions made or reliance that has been placed on certain aspects of other developments including the likely timescale and construction methodologies. Any assumptions including reliance upon delivery of other developments (which is currently uncertain) should be clearly explained and justified.
- 3.14 An example of the complexities between the Proposed Development and other developments is provided at Section 2.5 of the Scoping Report. This Section explains the Applicant's proposed approach to the drainage strategy for the Proposed Development. The current proposal is outlined and seemingly includes dependence on an attenuation pond that would be delivered by the Testos Junction Improvement works. However the Scoping Report also explains that a new pond would be required as part of the Proposed Development should this not be possible. The SoS reminds the Applicant of the need to ensure that the Proposed Development is capable of being delivered. If necessary the assessment should adopt a worst case approach to address areas of uncertainty.
- 3.15 Table 5.1 of the Scoping Report provides an indication of generic 'significance' descriptors and explains that specific descriptors will be used for each topic area. In each case, the provenance of the criteria should be clearly expressed and justified (particularly where professional judgements have been applied). Each technical assessment chapter of the ES should also explain how 'significant' is defined for the purposes of the EIA.
- 3.16 Where the Applicant is proposing mitigation by way of management plans (or similar) and reliance is placed on these in determining significance of residual effects, sufficient detail should be provided as part of the application so as to understand the extent to which they will be effective in mitigating the potential impacts identified, and the minimum measures required to achieve such mitigation.

- 3.17 The SoS would also recommend providing a visual organogram (or similar) of such plans so as to understand the nature of interrelationships across the various plans and topic areas (including reference to their method of delivery within the DCO). For example, Paragraph 2.73 of the Scoping Report makes reference to a CEMP, an outline CEMP, a SWMP, a Materials Management Plan and a Soils Management Plan and this process would aid the understanding of how such plans relate and potentially overlap.
- 3.18 The Applicant should also carefully consider the relationship between 'future baseline' conditions and any assessment of cumulative effects that is undertaken. The SoS would expect the description of any future baseline conditions to explain any cumulative development schemes that have been incorporated, but would not expect this to negate the need for an assessment of cumulative effects of the Proposed Development in conjunction with such other schemes.

Environmental Statement Structure

- 3.19 Section 5.4 and Table 5.2 of the Scoping Report sets out the proposed structure of the ES and notes that it is anticipated that the ES will be produced in three volumes:
- Volume 1: Main Text;
 - Volume 2: Figures;
 - Volume 3: Technical Appendices; and
 - Non-technical Summary
- 3.20 The SoS notes that from sections 6-15 of the Scoping Report that the that the EIA would cover a number of topic assessments under the headings of:
- Air Quality;
 - Cultural Heritage;
 - Landscape and Visual Effects;
 - Ecology and Nature Conservation;
 - Geology and Soils;
 - Materials;
 - Noise and Vibration;
 - People and Communities;
 - Road Drainage and the Water Environment; and
 - Cumulative Effects.

Matters to be Scoped in / out

- 3.21 The Applicant has not identified any matters that are proposed to be 'scoped out' of the EIA in their entirety. Where certain matters within a topic are proposed to be scoped out, these are addressed within the relevant topic sections of this Opinion.
- 3.22 Matters are not scoped out unless specifically addressed and justified by the Applicant, and confirmed as being scoped out by the SoS.
- 3.23 Although the SoS has not been requested to scope out certain topics or matters within the Opinion, this does not prevent the Applicant from subsequently agreeing with the relevant consultees to scope matters out of the ES, where evidence has been provided to justify this approach. This approach should be justified and explained fully in the ES.
- 3.24 In order to demonstrate that topics have not simply been overlooked, where topics are scoped out prior to submission of the DCO application, the ES should still explain the reasoning and justify the approach taken.

Topic Areas

Air Quality (see Scoping Report Section 6)

- 3.25 The SoS notes the Applicant's intention to undertake a 'simple' Design Manual for Roads and Bridges (DMRB) assessment proceeding to a 'detailed' assessment as required by the outcomes of the initial stage. The SoS expects to see a clearly justified description of the approach in the ES, with modelled evidence to support the conclusions at each DMRB 'stage'. Given the relationship to the IAMP and A19 Testos Junction projects, the SoS is of the view that a 'detailed' assessment will be required in order to adequately consider the potential combined air quality effects of all three schemes.
- 3.26 Reference to DMRB Interim Advice Notes (IAN) 174/13 (Impact Significance), IAN 175/13 (Compliance Risk), IAN 170/12 v3 (NO_x and NO₂ Projections for DMRB users) and Defra's Local Air Quality Management Technical Guidance (LAQM TG(16)) are noted and are generally welcomed.
- 3.27 The SoS notes the presentation of baseline air quality information as gathered and presented in Section 6.2 of the Scoping Report. The information indicates that for NO₂, concentrations are well below the air quality objectives (although no comparable data is presented in terms of particulate matter (PM₁₀, PM_{2.5})). These should be included within the ES alongside further discussion and justification as to why additional air quality monitoring was not considered necessary to inform the baseline conditions.

- 3.28 The SoS also draws the Applicant's attention to the ongoing consultation on and production of a revised air quality plan which may have implications for the assessment of air quality effects to be prepared in support of the Proposed Development.
- 3.29 Paragraphs 6.7.6 and 9.3.2 of the Scoping Report explain that specific assessment of air quality deposition effects on nature conservation sites designated at International or European level is not proposed as there are no habitat sites designated at these levels within the Proposed Development's air quality study area.
- 3.30 The Applicant intends to define the operational air quality study area in accordance with DMRB guidance (i.e. all land within 200m of the affected roads). Given that the extent of the affected road network has yet to be determined, and the fact that the Applicant has only considered statutory designated sites within a 2km study area (paragraph 9.1.3 of the Scoping Report), the SoS expects the application to consider potential air quality effects on the LWS identified and any further LWS and SSSIs that may require consideration based on the extent of the affected road network including:
- Clexheugh Rock and Ford Limestone Quarry SSSI;
 - Boldon Pastures SSSI;
 - South Hylton Pasture SSSI;
 - West Farm Meadow SSSI;
 - Fulwell & Carley Hill Quarries SSSIs; and
 - Cleadon Hill SSSI.
- 3.31 The need to consider these is also supported by the fact that the traffic modelling will take into account other developments in the surrounding region (namely A19 Testos Junction and the IAMP) and therefore the affected road network is more extensive than that which would be defined for the Proposed Development alone.
- 3.32 For clarity, the SoS would expect to see a clear figure of the affected road network as well as figures showing other sensitive receptor locations identified for the purposes of the air quality assessment.
- 3.33 The inter-relationships between air quality and ecological impacts will also need to be appropriately considered and assessed with cross-referencing to other relevant chapters.
- 3.34 The SoS understands that the closest international and European protected sites to the proposed development are the Northumbria Coast Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar sites, located c. 7km to the west of the Proposed Development site. Given that the affected road network has yet to be fully defined, the SoS cannot agree that potential air quality effects of

the Proposed Development do not require further assessment at this stage as it is not possible to know with certainty whether anticipated effects will or will not occur for given receptors. The need for further assessment should be explained and justified in the context of the affected road network once it has been defined.

- 3.35 In terms of construction dust, the SoS recommends that the study areas and impact assessment methodology is informed by the Institute of Air Quality Management's (IAQM) guidance on the assessment of dust from demolition and construction. The assessment should also take specific account of any storage of materials and should reflect the whole footprint of the Proposed Development's construction area (plus potential cumulative effects associated with other developments including IAMP and the A19 Testos junction).
- 3.36 The SoS expects the ES to include specific consideration of air quality impacts associated with movements of infill materials to and from material storage areas in particular between the Proposed Development and the A19/A1058 Coast Road junction.
- 3.37 Air quality and dust levels should be considered not only on site but also off site, including for NMUs along access roads, local footpaths and other PRoW.
- 3.38 Section 6.8 of the Scoping Report makes reference to standard and best practice mitigation measures to be implemented during construction. However, there is no description as to how they will be secured and delivered as part of the DCO (i.e. through the CEMP or otherwise). The ES should include a description of any potentially 'inbuilt' mitigation measures incorporated into the design as mitigation for construction or operational air quality effects e.g. pre-fabricated materials.
- 3.39 The ES should address the need (or otherwise) to conduct operational air quality monitoring. This should include consideration of whether the current air quality monitoring regimes of the relevant local authorities is sufficient in quality and quantity to monitor the Proposed Development's longer term operational effects. The ES should also include consideration of potential options for operational mitigation measures that could be proposed should significant effects be identified through operational monitoring.

Cultural Heritage (see Scoping Report Section 7)

- 3.40 It is proposed that a 'simple assessment' (i.e. a limited assessment, as defined in Highways England Advice Note HA 208/07) will be undertaken, with the results of this used to determine whether a more detailed assessment is required. This process should be clearly explained in the ES, and if a detailed assessment is not deemed to be

required, this should be agreed with the relevant local authorities and Historic England.

- 3.41 It is noted that the Applicant intends to consult with the Tyne and Wear Historic Environment Record, Historic England and the Tyne and Wear Archaeologist regarding the cultural heritage assessment and this is welcomed. Evidence of agreement on particular issues should be provided in the ES and recorded perhaps in a Statement of Common Ground (SoCG).
- 3.42 Paragraph 7.1.2 of the Scoping Report states that a study area of 300m from the 'footprint' of the Proposed Development will be utilised for the cultural heritage assessment, as illustrated on Figure 7.1. Conversely, Paragraph 7.6.2 indicates that a 200m study area 'in all directions from the proposed scheme' would be adopted, which may be extended for the assessment of impacts on setting. The Zone of Theoretical Visibility (ZTV) will be confirmed as part of the LVIA. The Applicant should consider using the ZTV to identify the potential extent of impacts on the settings of heritage assets, and therefore to inform the definition of an appropriate study area. The SoS reminds the Applicant that the chosen study areas should be clearly defined and justified in the ES, and agreed with the relevant local authorities and Historic England.
- 3.43 The SoS notes a number of Scheduled Monuments that are not mentioned by the Applicant as being within their defined study area including
- Wardley Moated Site 5km north west;
 - WWI Early Warning Mirror 4.5km east;
 - Bowes Railway 7km west;
 - Monwearmouth Monastery and Priory 6km south-east; and
 - Colliery Engine House Washington F Pit, 6.5km south-west.
- 3.44 As described above, the SoS considers the Applicant should, having regard to the ZTV, consider the need to assess any potential indirect effects on these assets during the construction and operation of the Proposed Development.
- 3.45 The Scoping Report identifies 19 cultural heritage assets within the study area, including archaeological remains, a historic building and historic landscapes. The ES should consider any potential physical impacts on the identified assets along with impacts on their setting. Potential impacts on the setting of buried archaeology should also be considered.
- 3.46 In addition to the heritage assets identified in Section 7 of the Scoping Report, Section 5.2 of the Scoping Report identifies a number of heritage assets located in proximity to the Proposed

Development, but outside of the 300m study area illustrated on Figure 7.1. The East and West Bolden Conservation Areas are also noted in Section 8 of the Scoping Report. The ES should confirm whether any impacts (direct or otherwise) on the setting of these assets would arise from the Proposed Development.

- 3.47 Paragraph 7.5.1 states that geophysical surveys will be undertaken of 'suitable areas of the proposed scheme footprint'. The Applicant should discuss and agree the locations of these surveys and the timings at which they will be undertaken with the relevant local authorities. If a Written Scheme of Investigation (WSI) is proposed, a draft of this document should be provided with the application documentation.
- 3.48 The Scoping Report notes that the assessment of the setting of heritage assets will be undertaken based on the guidance contained in Historic England's Good Practice Advice in Planning Note 3: The setting of Heritage Assets (2015). The assessment should consider the implications of any updates to this guidance which may be published prior to the submission of the DCO application.
- 3.49 Paragraph 7.2.11 states that seven historic landscape types have been identified in the study area and summarised in Table 7.3. However, Table 7.3 only describes four historic landscape character areas. All historic landscapes within the study area should be described in the ES along with an assessment of the effects on the setting of these landscapes
- 3.50 The ES should clearly identify and assess the inter-relationships between this topic and the landscape and visual impact assessment. Potential inter-relationships with other assessments should also be considered – for example, if new landscaping is proposed to mitigate potential impacts on heritage assets, this may impact on ecological receptors.

Landscape and Visual (see Scoping Report Section 8)

- 3.51 The study area for the purposes of the Scoping Report is defined in Paragraph 8.1.3 of the Scoping Report as 'a 1km offset from the proposed scheme', as illustrated on Figure 8.1. Paragraph 8.6.3 of the Scoping Report confirms that computer modelling and site survey work will be undertaken to confirm the ZTV which will form the basis of the study area for the assessment presented in the ES. The SoS considers that the ES should describe the model used to identify the ZTV, the area covered and the timing of the surveys.
- 3.52 The SoS expects the Applicant to justify the extent of the study area in the ES and confirm how it accords with DMRB Interim Advice Notes (IAN) 135/10 and the Guidelines for Landscape and Visual Impact Assessment (GLVIA3) guidance as referred to in paragraph 8.3.1 of the Scoping Report.

- 3.53 The Scoping Report explains that potential visual receptors include residents of houses and farmsteads within the surrounding agricultural fields, NMU's and PRow users, workers at the Nissan Plant and the North-East Aircraft Museum and people travelling on roads/railways. The Scoping Report explains that the identification of visual receptors will be refined by the ZTV and site survey work. The Applicant should consider whether there is potential for visual impacts for recreational users of the River Don and other water bodies located in proximity to the Proposed Development. Whilst it is acknowledged that the sensitivity of receptors will be informed by criteria within IAN 135/10, the SoS recommends that the sensitivity of receptors should be discussed and agreed with the relevant local authorities.
- 3.54 Photos from key viewpoints and photomontages will be used to illustrate the existing and changed views. The SoS requests that the locations of viewpoints are agreed with the relevant local authorities and identified on a plan. The Scoping Report indicates that both summer and winter views will be captured by the photos and illustrated in photomontages, which the SoS welcomes.
- 3.55 The SoS also welcomes the Applicant's intention to consider night time visual effects in the assessment (Scoping Report paragraph 8.6.4). This should include the impact of lighting during both construction and operation of the Propose Development.
- 3.56 The proposals will include large structures, notably a new overbridge. The SoS requests that careful consideration is be given to the form, siting, and use of materials and colours in terms of minimising the adverse visual impact of such structures.
- 3.57 The Scoping Report explains (paragraph 2.3.1) that whilst two overbridges would be required as part of the Proposed Development, it is assumed that only one new structure would be required as the existing overbridge would be reused. The feasibility of reusing the existing overbridge will be determined by a structural assessment, which could result in the need to completely replace the existing structure. The anticipated date of the structural assessment is not stated and as such it is not known whether this would take place before submission of the DCO application. The assessments presented in the ES should capture the worst case scenario for construction and operation of the Proposed Development.
- 3.58 The Scoping Report identifies National Character Areas, the City of Sunderland Landscape Character Assessment and local landscape character units. The SoS assumes that these will be referenced in the ES as a means of assessing landscape impacts relevant to the Proposed Development. Impacts on landscape components and landscape character resulting from both construction and operation should be considered. This should include impacts on historic landscapes (cross referenced to the cultural heritage assessment as appropriate).

- 3.59 The ES should include an assessment of the effects resulting from any temporary features such as material/soil storage stockpiles as well as assessing those resulting from any permanent structures such as overbridges and gantries.
- 3.60 Figure 8.1 indicates that there are groups and individual Tree Preservation Orders (TPOs) in proximity to the Proposed Development. If any TPO trees are to be removed as part of the Proposed Development, any resulting impacts on landscape and visual amenity should be assessed in the ES with cross reference to where the ecological effects of their removal are considered.
- 3.61 Potential mitigation measures are outlined in paragraph 8.7.1 of the Scoping Report. The SoS assumes the delivery of such mitigation would be subject to a detailed landscape plan and would expect to see at least a draft of such a plan provided with the ES. The Applicant should confirm how such mitigation measures will be secured in the DCO.
- 3.62 The ES should clearly identify and assess the inter-relationships between this topic and the cultural heritage and ecological assessments, particularly in relation to the effects of any proposed mitigation measures. Provision of an integrated landscape and ecological mitigation/management plan should be considered.

Ecology and Nature Conservation (see Scoping Report Section 9)

- 3.63 The Applicant proposes to adopt a range of study areas for different receptors, as set out in paragraph 9.1.3 of the Scoping Report. The Applicant should seek to agree the study areas with Natural England (NE) and the relevant local authorities. Paragraph 9.2.1 of the Scoping Report states that there are two statutory designated sites within 2km of the Proposed Development – Hylton Castle Cutting Site of Special Scientific Interest (SSSI) and Hylton Dene Local Nature Reserve (LNR). These sites have not been labelled on the Environmental Features Map (Figure 1.2 of the Scoping Report) and the SoS requests that any designated sites referenced in the ES are clearly identified on an accompanying plan.
- 3.64 Paragraph 9.2.1 states that as Hylton Castle Cutting SSSI is designated for its geological interest (rather than ecological value) the Applicant has not considered this site further in the Scoping Report. If no likely significant effects on this site are anticipated as a result of the Proposed Development, this should be agreed with NE and the EA and explained in the ES. The SoS also notes here the comments made in this Opinion in respect of potential air quality effects on SSSI's that may fall close to the extent of the defined study area.

- 3.65 Paragraph 9.2.2 of the Scoping Report states that 18 Local Wildlife Sites (LWS) have been identified within a 2km study area, although the SoS notes that details of only 17 LWSs have been provided in Table 9.1. NE does not hold information on locally designated sites and so the relevant local authorities and the local wildlife trusts should be consulted to confirm which LWSs may be affected by the Proposed Development.
- 3.66 The Scoping Report explains (paragraph 9.5.1) that ecology surveys conducted in 2014-2016 are considered to be sufficient to inform the assessment, with no further detailed surveys anticipated at this stage. A validation walkover survey would be undertaken to confirm that the existing surveys are sufficient in scope, the anticipated date of which has not been specified. The SoS expects that discussions will be had with NE and the local planning authorities with regard to the validity of and reliance upon what may be perceived as ageing survey data. The ES should set out the justification and rationale for the survey effort and where possible record agreement with key stakeholders. The Applicant's attention is drawn to the scoping consultation response from NE, which contains recommendations on habitat survey effort that will be required.
- 3.67 With regard to species surveys, the SoS notes the potential for particular species (e.g. water vole, which were identified in the 2016 surveys) to rapidly colonise new areas. The SoS notes from paragraph 9.2.8 of the Scoping Report that the Applicant has not carried out reptile surveys, as the habitat types (mainly arable, pasture and plantation woodland) are considered unsuitable to support reptiles. The SoS advises the Applicant to consider whether features such as existing road verges could support reptile species. Paragraph 14.2.4 of the Scoping Report indicates that the River Don (which passes beneath the A19 in a culvert) provides habitat for freshwater fish. The Applicant is advised to clarify in the ES whether there would be any potential impacts on protected or notable freshwater fish species.
- 3.68 Accordingly, the Applicant is advised to discuss and agree the scope of survey coverage with NE, the Environment Agency (EA) and the relevant local authorities as appropriate. Where it is considered that surveys are not required, this position should be fully justified in the ES. If further species surveys are proposed during the pre-construction period, this should be clarified in the ES and appropriately secured.
- 3.69 The SoS notes the comments of the EA at Appendix 3 of this Opinion in terms of the vision for the restoration of the River Don and a study that has been commissioned. The SoS considers that this study should be considered by the Applicant as part of the project design and EIA process.

- 3.70 The Scoping Report states that considering the scale of the Proposed Development, a 'simple assessment' is proposed (in accordance with the DMRB, Volume 11, section 2). The receptors proposed to be scoped into the assessment are outlined in paragraph 9.6.1. It is noted that this list includes otter and bats and the Applicant's attention is drawn to the advice regarding European Protected Species in Section 4 of this Opinion. The SoS recommends that the assessment of impacts on bats considers the effects of shadowing and light pollution. This should be cross-referenced with the landscape and visual assessment as appropriate. The SoS also draws the attention of the Applicant to the comments of Sunderland City Council in respect of the need for further otter surveys, and agrees that these should be carried out in discussion with them (see Appendix 3 of this Scoping Opinion).
- 3.71 Section 9.6 of the Scoping Report describes the proposed methodology for determining the significance of the effect and how it deviates from that described in Chapter 5 of the Scoping Report. The Applicant confirms that this accords with IAN 130/10 (supplementary to DMRB Volume 11 Section 3, Part 4) which considers the value of the ecological resource and characterisation of impact in determining effect significance (tables 9.4, 9.5 and 9.6 of the Scoping Report respectively). The Applicant should clearly present and justify their assessment method, particularly as reference is made to both DMRB and the Chartered Institute of Ecology and Environmental Management (CIEEM) *Guidelines for Ecological Impact Assessment in Britain and Ireland* (2016) methodologies being applied to inform the ecological impact assessment (paragraphs 9.3.1 and 9.3.3 of the Scoping Report).
- 3.72 It is noted that there are trees and areas of woodland located in proximity to the Proposed Development. The ES should confirm whether any ancient woodland or veteran trees could be affected by the Proposed Development and assess the effects. Where such trees would be affected by development proposals, in accordance with paragraph 5.32 of the NPSNN, the Applicant should set out proposals for their conservation or, where their loss is unavoidable, the reasons for this.
- 3.73 In accordance with paragraph 5.33 of the NPSNN, the Applicant should demonstrate how opportunities have been taken to build beneficial biodiversity into the design of the Proposed Development. The SoS notes from paragraph 9.7.1 of the Scoping Report that potential mitigation measures include: '*identifying areas beyond the proposed scheme boundary where lasting benefits might be achieved through additional land take and/or working with partners*'. The SoS notes that the Applicant will need to ensure that any such habitat is appropriately and demonstrably secured to provide confidence to the overall delivery of such measures. The SoS recommends that NE, the EA and the relevant local authorities are also consulted in this regard. The Applicant will also need to assess the consequential impacts from

any potential enhancement measures on other environmental topics, particularly landscape and visual receptors.

- 3.74 The ecological assessment presented in the ES should take account of impacts from noise, vibration and air quality (including dust), and cross reference should be made to these technical assessments. The SoS recommends the need to consider cumulative impacts and advises this is particularly relevant in terms of assessing the impacts on ecology.
- 3.75 The Applicant's attention is drawn to the advice regarding Habitats Regulations Assessment in Section 4 of this Opinion.

Geology and Soils (see Scoping Report Section 10)

- 3.76 Paragraph 10.1.4 of the Scoping Report states that the study area for this assessment will cover the footprint of the works and a 200m buffer in all directions. It is not explained why this is considered an appropriate extent for the study area which should be informed by having regard to the likely extent of impacts. The ES should provide a justification in support of the chosen study area.
- 3.77 Paragraph 10.2.2 of the Scoping Report notes that Hylton Castle Cutting geological SSSI is located approximately 2km south-east of the Proposed Development. It is stated that there is no pathway by which this SSSI could be affected by the Proposed Development. If no likely significant effects on Hylton Castle Cutting SSSI are anticipated as a result of the Proposed Development, this should be agreed with NE and the EA and fully justified in the ES. Any locally designated geological sites should also be identified and considered in the assessment.
- 3.78 Paragraph 10.2.3 of the Scoping Report notes that there are Secondary A Aquifers underlying the site, while Paragraph 10.2.7 identifies potential sources of contamination in the vicinity of the site. A 'simple assessment' (as described in HA 201/08) is proposed, with Paragraph 10.6.1 of the Scoping Report confirming that no detailed field surveys or modelling is required - although it is not explained why. It is understood that a previous ground investigation was undertaken in 2007 and the SoS therefore notes the comments of both the EA and South Tyneside in respect of the potential need for further site investigation works to assess any impacts from land contamination that may be present. The potential need for and scope of further assessment works should be discussed with these parties, particularly in terms of whether a 'simple assessment' will be sufficient.
- 3.79 The SoS notes from paragraph 10.7.1 of the Scoping Report that mitigation measures will be proposed to remediate any unexpected contamination encountered during construction, and recommends

that such measures are discussed with the EA and secured in the DCO, for example through the CEMP.

- 3.80 Paragraph 10.3.1 of the Scoping Report confirms that the assessment will take into account DMRB guidance (Volume 11, Section 3, Part 11), but whilst this provides guidance on defining the scope of the topic, it does not provide guidance on the assessment of impacts. Paragraph 10.6.3 of the Scoping Report states that the method used to assess each potential impact will distinguish between 'significant' and 'insignificant' effects. The SoS would expect that the general impact assessment methodology described in Section 5.3 of the ES would be applied in the context of this assessment, using additional guidance outside of DMRB and professional judgement to develop a methodology that is appropriate to the topic. The SoS reminds the Applicant that the ES should clearly justify the methodology used and where possible agree this with relevant statutory consultees.
- 3.81 Paragraph 10.2.5 of the Scoping Report notes that: 'Available records suggest the agricultural soils comprise Grade 3b at best'. The Applicant is advised to provide evidence of the Agricultural Land Classification of the agricultural soils within the site. If any best and most versatile agricultural land is identified within the application site and would be affected by the Proposed Development, the effects on this resource should be considered in the ES.
- 3.82 The Applicant's attention is drawn to the scoping consultation response from NE, which states that the ES should consider the degree to which soils would be disturbed/ harmed as a result of the Proposed Development and provide details of how any adverse impacts would be minimised. NE's scoping consultation response provides a number of recommendations for the assessment of impacts on soils which the Applicant should consider in detail which should be considered as part of the Soils Management Plan as referenced at paragraph 2.7.3 of the Scoping Report.
- 3.83 The SoS draws the attention of the Applicant to the consultation response from the Coal Authority. This confirms that the Proposed Development site falls outside their defined 'Development High Risk Area', meaning that there are no recorded coal mining legacy hazards at shallow depth that could pose a risk to land stability. The Proposed Development is located within the defined coalfield and as such, the SoS welcomes the consideration of mineral resources and their potential sterilisation within the scope of the proposed assessment.
- 3.84 The SoS expects the potential mitigation measures as presented in section 10.7 of the Scoping Report to be linked to the CEMP as referred to in Paragraphs 5.3.23 – 5.3.25 of the Scoping Report. Where mitigation measures are to be relied on in determining the significance of effects, the SoS requires evidence to support how such measures will be secured and delivered in the DCO.

Materials (see Scoping Report Section 11)

- 3.85 Paragraph 11.1.8 of the Scoping Report confirms that the study area for the topic will be limited to the boundaries of the construction site, within which materials will be used and wastes generated/managed. The Applicant should consider whether the need for material sourcing, delivery and waste disposal in the locality would merit a wider study area, particularly given the potential approach that would include movement of material between the Proposed Development site and the A19/A1058 Coast Road junction (as noted in paragraph 11.2.1 of the Scoping Report). The Applicant should clearly justify the extent of the study area in the ES with reference to the appropriate guidance.
- 3.86 A 'detailed assessment' (as defined in HD 212/14) of construction related impacts is proposed, with Paragraph 11.7.4 of the Scoping Report noting that there is potential for significant impacts to occur in relation to material use and waste generation. As stated in Paragraph 11.6.4 of the Scoping Report, it is not proposed to assess the operational effects associated with mineral resource use and waste generation in the ES. Considering the nature of the Proposed Development, the SoS agrees that this it is appropriate to scope operational effects out of the Materials assessment.
- 3.87 The Scoping Report describes a clear preference to use surplus materials that derive from the A19/A1058 Coast Road scheme to facilitate construction of the Proposed Development. However, three alternative import sources have been identified by the Applicant should the preferred option be unsuitable. The SoS also notes from Paragraph 11.2.5 that there is no landfill or treatment capacity within South Tyneside for non-hazardous waste, and the potential for generation of such waste and how it will be dealt with should be considered as part of the ES. The ES should assess the environmental impacts of all options of material supply sources and disposal routes that are being considered. Where flexibility is to be retained in the DCO, justified worst case scenarios should be assessed as part of the EIA.
- 3.88 Paragraph 11.1.9 confirms that temporary storage areas for soils and other materials would be required during construction. Any such areas should be included within the red line boundary of the Proposed Development. The potential effects resulting from the requirement for soil storage should be considered in the assessment, with any inter-relationships (for example the landscape and visual impacts resulting from the soil storage areas) also described. Inter-relationships with other chapters, including Geology and Soils, Road Drainage and the Water Environment, Air Quality, Noise and Vibration and People and Communities should also be considered.
- 3.89 Section 11.7 of the Scoping Report indicates that a SWMP will be prepared and implemented to cover construction of the Proposed Development, from detailed design through to completion of

construction. The Applicant should provide a draft of this document with the application to demonstrate how the mitigation measures would be delivered in practice. In addition, the Applicant should ensure that the SWMP is adequately defined and secured as part of the DCO application.

Noise and Vibration (see Scoping Report Section 12)

- 3.90 The Scoping Report refers to DMRB Volume 11, Section 3, Part 7 (HD 213/11 – Revision 1) in setting out guidance and the assessment methodology to be followed by the Applicant in considering noise and vibration effects. BS 5228: 2009 (Parts 1 and 2) is also referenced by the Applicant in informing the assessment and control of noise and vibration from construction activities (the use of which is advocated in HD 213/11).
- 3.91 The SoS recommends that the methodology and choice of noise receptors should be agreed with the relevant Environmental Health Department of the local planning authority and with the EA.
- 3.92 The SoS welcomes that further baseline noise monitoring will be conducted and that the Applicant intends to agree the locations of the noise monitoring with South Tyneside Council. The SoS advises the Applicant to also consult with Sunderland City Council to identify appropriate locations to the south of the Proposed Development.
- 3.93 The assessment should consider sensitive receptors in the surrounding environment, including residential, ecological and recreational land uses. Any additional monitoring that is required should reflect the sensitive receptors in the surrounding environment. The SoS expects that the location of noise sensitive receptors and the noise monitoring locations are identified on a plan in the ES.
- 3.94 The SoS notes the anticipated construction and operational noise assessments will be informed using CadnaA modelling software. This will identify the potential construction noise levels on a worst case basis and will also take into account the potential for night time working. Sufficient detail on the construction plant, activities and programme will need to be provided in the ES to demonstrate that the assessment results accurately reflect the anticipated construction noise environment on a worst case basis. Any key assumptions or estimations made in terms of these parameters should be specifically described and justified.
- 3.95 The SoS expects the assessment of construction noise to also take into account construction traffic movements, and in particular that associated with the proposed delivery of material to the site (potentially from the A19/A1058 Coast Road junction to the north and east of the Proposed Development).

- 3.96 The Scoping Report states that “where necessary, a qualitative assessment will be undertaken for receptors that exist beyond 600m from an affected route” (Scoping Report, paragraph 12.6.8). The ES will need to identify such receptors and define and justify the circumstances in which this approach is required or not as the case may be. As noted in the SoS comments on the air quality assessment, the affected roads to be considered as part of the noise and air quality assessments are yet to be defined.
- 3.97 Mitigation options during both construction and operation are described in Section 12.7 of the Scoping Report and include acoustic bunds, low noise surfacing and use of low noise construction plant. The Applicant should consider the mechanisms for securing these measures in the DCO, for example, as part of the CEMP, through a standalone construction noise management plan or through other means.
- 3.98 The SoS expects the ES to clearly justify the need for operational noise mitigation measures as described in Paragraph 12.7.2 of the Scoping Report, alongside an assessment of their effectiveness at reducing the significance of effects identified (e.g. how effective the mitigation is predicted to be as part of the modelling of residual effects). Conversely, where operational mitigation measures are not proposed, the SoS would expect a clear explanation why it is not considered necessary in relation to background noise levels and the impact of the Proposed Development. Where options such as temporary and permanent noise barriers and/or bunding are being considered, interrelationships with the landscape and visual impact assessment should be considered.
- 3.99 The SoS also expects the Applicant to consider and describe any such measures that are inherent or inbuilt into the design that are proposed in minimising noise effects.
- 3.100 Noise impacts on people should be specifically addressed and particularly any potential noise disturbance at night and other unsocial hours such as weekends and public holidays.
- 3.101 The noise and vibration assessments should take account of the traffic movements along access routes, especially during the construction phase. The results from the noise and vibration assessments will also provide information to inform the ecological assessments.
- 3.102 Consideration should be given to monitoring noise complaints during construction and when the Proposed Development is operational.

People and Communities (see Scoping Report Section 13)

- 3.103 The SoS welcomes the Applicants approach in considering the areas of private land, community land, development land and agricultural

land that will be affected by the Proposed Development (Section 13.2 and of the Scoping Report). The SoS welcomes the references to updated baseline data gathering, including reference to an updated review of the South Tyneside development proposal plans (Paragraph 13.2.5 of the Scoping Report). Paragraph 13.5.2 of the Scoping Report implies that an agricultural land classification (ALC) survey would be undertaken to inform the assessment of potential agricultural land effects, and the SoS considers this to be appropriate. The SoS recommends reference to NE's guidance note on the protection of best and most versatile agricultural land (TIN049) in considering effects on agricultural land.

- 3.104 The SoS recommends that the types of jobs generated during construction should be considered in the context of the available workforce in the area. The assessment should also consider the wider effects of the Proposed Development in terms of local / regional economic activity. The SoS recommends that the assessment criteria should be geographically specific and consider the potential significance of effects of the Proposed Development within the local and regional context.
- 3.105 The SoS considers potential effects on NMUs and in terms of community severance to be important considerations and the Applicant's reference to engagement with the Tyne and Wear Local Access Forum is welcomed in this regard. The Applicant should consider the need for activity surveys so as to inform the usage level of the key PRow around the Proposed Development site and the potential effects of temporary / permanent stopping up thereof during construction or operation.
- 3.106 The Applicant will apply the generic EIA approach to the assessment of significance of effects as set out in Section 5.3 of the Scoping Report (Approach to Assessment) using professional judgement where appropriate supported by formal guidance where this is available.
- 3.107 The SoS notes that a number of potential mitigation measures could be considered by the Applicant, as described in section 13.7 of the Scoping Report. The interrelated effects of any proposed measures should be considered in the other relevant technical assessment chapters, for example landscape and visual, noise, road drainage and the water environment and effects on travellers in particular.
- 3.108 The ES should also consider any distinction between 'in-built' mitigation measures that are inherent in the design and those that are proposed in response to identified significant effects.

Road Drainage and the Water Environment (see Scoping Report Section 14)

- 3.109 The SoS notes from paragraph 14.3.2 of the Scoping Report that a Water Framework Directive (WFD) assessment will be undertaken and appended to the ES. The methodology, baseline data and scope of the WFD assessment should be discussed and agreed with the EA. The Applicant's attention is drawn to the advice on WFD assessment in Section 4 of this Opinion.
- 3.110 It is also noted from paragraph 14.3.3 of the Scoping Report that a Flood Risk Assessment (FRA) will be carried out and appended to the ES. The Applicant's attention is drawn to the requirements of Sections 5.92 to 5.97 of the NPSNN in this regard. The SoS recommends that the content and conclusions of the FRA are agreed with the EA and the relevant local authorities prior to submission of the DCO application. The SoS expects that the FRA will consider flood risk at properties downstream of the development, for example in the West Boldon area. The SoS welcomes the Applicant's intention to consider potential impacts from climate change in the FRA. The SoS notes that updated guidance on climate change allowances in flood risk assessments was published by the EA in 2016. Use of the updated climate change allowances in the FRA modelling should be discussed and agreed with the EA.
- 3.111 Paragraph 14.1.3 of the Scoping Report explains that the study area will be defined based on the features and attributes of the water environment 'that have the potential to be affected by the proposed scheme', rather than a defined area around the Proposed Development site. Paragraph 14.7.1 of the Scoping Report states that a 'simple assessment' (in accordance with the DRMB, HD 45/09) is proposed, with no detailed field surveys or water quality monitoring. Paragraph 14.5.1 of the Scoping Report confirms that additional site surveys will be carried out if necessary to verify the baseline information gathered via desk study. The study area and scope of the baseline data should be discussed and agreed in consultation with the EA and relevant statutory consultees, clearly described and justified in the ES. Potential effects on all aspects of the water environment, including groundwater, surface waters, transitional waters and coastal waters should be considered.
- 3.112 Paragraph 14.8.2 of the Scoping Report explains that the drainage design will likely include a balancing pond to attenuate surface water to a rate that would be agreed with the EA. The SoS welcomes the Applicant's intention to agree these details with the EA and recommends that the relevant local authorities are also consulted in this regard. The SoS expects to see a detailed description of the drainage design in the ES with accompanying figures. If flexibility in design is to be retained, an assessment of the worst case impacts should be presented. The Applicant should also ensure that all aspects of the proposed drainage design can be implemented

within the extent of the DCO boundary including any pipeline outfall works and the like that may be required. The operational effects of the proposed scheme should also be discussed including, for example procedures for containment of spillages within the drainage system.

- 3.113 The SoS echoes the comments made previously in this Opinion in relation to any integration of the drainage design with that to be delivered by the Testos Junction Improvement works. The approach in this respect should be clearly explained including any options or design flexibility to be included in the DCO and how they are considered as part of the assessment.
- 3.114 All mitigation measures for construction and operation of the Proposed Development should be identified and it should be clear how these would be secured in the DCO. On-going monitoring should also be addressed and agreed with the relevant authorities to ensure that any mitigation measures are effective. Reference should be made in the ES chapter to any other regimes relevant to the Proposed Development (such as environmental permitting and water resources licences).
- 3.115 Paragraph 14.7.2 of the Scoping Report states that the significance of an impact will only be determined for residual impacts following the implementation of mitigation. In accordance with the general EIA methodology described in Section 5.3 of the Scoping Report, the SoS expects to see an assessment of the impacts on the water environment prior to mitigation being taken into account. This will aim to demonstrate the reliance on the proposed mitigation measures and the anticipated efficacy of such measures. The ES should also consider any distinction between 'in-built' mitigation measures that are inherent in the design and those that are proposed in response to identified significant effects.
- 3.116 The SoS notes that the River Don passes underneath the A19, through a culvert at the Downhill Lane Junction. Paragraph 14.2.13 of the Scoping Report explains that run-off from the A19 Downhill Lane Junction and its slip roads discharges into the River Don and a tributary of the River Don. The Applicant assumes that run-off from the A1290 (west of the Downhill Lane Junction) discharges into the River Wear, located to the south of the site. The Applicant's attention is drawn to section 5.222 of the NPSNN, which requires Applicants to seek opportunities to improve on the quality of existing discharges where these are identified and shown to contribute towards WFD commitments. The comments made in relation to the River Don restoration project in the context of the ecological assessment are also noted here and the SoS would expect these to be reflected in the design of the Proposed Development and the ES.
- 3.117 Two Local Wildlife Sites (LWS), the Elliscope Farm East Hylton Bridge LWS and Make-Me-Rich Meadow LWS, are located adjacent to the Downhill Lane Junction and include sections of the River Don. The ES

should consider the potential for inter-relationships in this regard, particularly whether water pollution could impact on ecological receptors such as the LWS' and the species they support. The Road Drainage and Water Environment assessment should cross-reference to the ecological assessment as appropriate.

Cumulative Effects (See Scoping Report Section 15)

- 3.118 The SoS generally welcomes the Applicant's proposed approach to the assessment of cumulative effects and reference to the Planning Inspectorate's Advice Note 17. The definitions of intra-project effects and inter-project effects are clear and they should be followed in the presentation of the cumulative effects assessment to be undertaken in the EIA.
- 3.119 The ES should clearly describe which projects feature in the traffic model, and which additional projects are included in the cumulative assessment. The ES needs to clearly describe the approach taken to avoid the 'double counting' of effects.
- 3.120 The SoS also welcomes that the long and short list of projects to be considered as part of the cumulative assessment are not limited to highways schemes alone. As per the previous comments in this Opinion, the SoS considers the IAMP and A19 Testos junction to be of particular importance in the assessment of cumulative effects.
- 3.121 The SoS recommends that the process of sifting projects from the long list to a short list (and the final short list itself) are agreed in particular with the local planning authorities.

4 OTHER INFORMATION

- 4.1 This section does not form part of the SoS' 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'³. 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 It is the Applicant's responsibility to provide sufficient information to the competent authority (in this case the SoS for Transport) to enable them to carry out an Appropriate Assessment (AA) if required, or to provide sufficient information to satisfy the competent authority that

³ The prospectus is available from:
<http://infrastructure.planninginspectorate.gov.uk/application-process/pre-application-service-for-applicants/>

an AA is not required (i.e. that the Proposed Development is not likely to have a significant effect on a European site).

- 4.6 It is noted that paragraph 9.3.2. of the Applicant's Scoping Report states that the Applicant considers it unlikely that an HRA will be required in support of the Proposed Development, due to the distance of the Proposed Development from any European site and the lack of a pathway for any effect. The SoS recommends that early agreement on this approach with the relevant Statutory Nature Conservation Bodies (SNCBs) is sought, and that evidence of this agreement is provided as part of the DCO application. Noting the proximity of the Proposed Development to water bodies including the River Don, it should be agreed that European sites are not in hydrologically connectivity with the Proposed Development.
- 4.7 Further information with regard to the HRA process is contained within the Planning Inspectorate's Advice Note ten 'Habitat Regulations Assessment relevant to nationally significant infrastructure projects', available on our website.

Plan To Agree Habitats Information

- 4.8 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 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.
- 4.9 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.
- 4.10 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 (e.g. after notifying the Planning Inspectorate on an informal basis) by contacting Natural England (NE).

Sites of Special Scientific Interest (SSSIs)

- 4.11 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.

- 4.12 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’.
- 4.13 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.
- 4.14 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)

- 4.15 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.
- 4.16 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.
- 4.17 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.

- 4.18 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.
- 4.19 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.
- 4.20 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 C⁴.

Other Regulatory Regimes

- 4.21 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.
- 4.22 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

⁴ 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

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

- 4.23 EU Directive 2000/60/EC ('the Water Framework Directive') 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.
- 4.24 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)(l) of the APFP Regulations which requires an application for an NSIP to be accompanied by:

'where applicable, a plan with accompanying 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'.

- 4.25 In particular, any WFD assessment should, as a minimum, include:
- the risk of deterioration of any water body quality element to a lower status class;
 - support for measures to achieve 'good' status (or potential) for water bodies;
 - how the application does not hinder or preclude implementation of measures in the river basin management plan to improve a surface water body or groundwater (or propose acceptable alternatives to meet river basin management plan requirements); and
 - the risk of harming any protected area.

The Environmental Permitting Regulations and the Water Resources Act

Environmental Permitting Regulations 2016

4.26 The Environmental Permitting Regulations 2016 require operators of certain facilities, which could harm the environment or human health, to obtain permits from the 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 permit⁵.

4.27 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.

4.28 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

4.29 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 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.

4.30 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

⁵ Available from: <https://www.gov.uk/environmental-permit-check-if-you-need-one>

environment. ⁵For further information, please see the EA's WR176 guidance form on applying for a full, transfer or impounding licence⁶:

- 4.31 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

- 4.32 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.
- 4.33 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.
- 4.34 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)⁷
- 4.35 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 submit its application sufficiently early so that the EA is at this point in the determination by the time the DCO reaches Examination.
- 4.36 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

⁶ Available from: <https://www.gov.uk/government/publications/wr176-applying-for-full-transfer-or-impoundment-licence-form-guidance>

⁷ Available from: <http://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

authorised by the DCO could be required) and render the DCO impossible to implement.

Health Impact Assessment

- 4.37 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 (see Appendix 3).
- 4.38 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

- 4.39 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.
- 4.40 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.
- 4.41 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 Development Consent Order (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:

(a) that includes such of the information referred to in Part 1 of Schedule 4 as is reasonably required to assess the environmental effects of the development and of any associated development and which the applicant can, having regard in particular to current knowledge and methods of assessment, reasonably be required to compile; but 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) a description of the physical characteristics of the whole development and the land-use requirements during the construction and operational phases;*
- (b) a description of the main characteristics of the production processes, for instance, nature and quantity of the materials used;*
- (c) an estimate, by type and quantity, of expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation, etc) resulting from the operation of the proposed development.*

18. An outline of the main alternatives studied by the applicant and an indication of the main reasons for the applicant's choice, taking into account the environmental effects.

19. A description of the aspects of the environment likely to be significantly affected by the development, including, in particular, population, fauna, flora, soil, water, air, climatic factors, material assets, including the architectural and archaeological heritage, landscape and the interrelationship between the above factors.

20. A description of the likely significant effects of the development on the environment, which should cover the direct effects and any indirect, secondary, cumulative, short, medium and long-term, permanent and temporary, positive and negative effects of the development, resulting from:

- (a) the existence of the development;*
- (b) the use of natural resources;*
- (c) the emission of pollutants, the creation of nuisances and the elimination of waste,*

and the description by the applicant of the forecasting methods used to assess the effects on the environment.

21. A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment.

22. A non-technical summary of the information provided under paragraphs 1 to 5 of this Part.

23. An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the applicant in compiling the required information.

(EIA Regulations, Schedule 4 Part 1)

A1.7 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)

A1.8 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

A1.9 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

A1.10 The scheme parameters will need to be clearly defined in the draft DCO and therefore in the accompanying ES which should support the

application as described. The SoS is not able to entertain material changes to a project once an application is submitted. The SoS draws the attention of the Applicant to the DCLG and the Planning Inspectorate's published advice on the preparation of a draft DCO and accompanying application documents.

Flexibility

A1.11 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.

A1.12 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.

A1.13 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.

A1.14 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.

A1.15 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

A1.16 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

A1.17 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.

A1.18 The SoS recommends that the physical scope of the study areas should be identified for each of the environmental topics and should be sufficiently robust in order to undertake the assessment. This should include at least the whole of the application site, and include all offsite works. For certain topics, such as landscape and transport, the study area will need to be wider. The extent of the study areas should be on the basis of recognised professional guidance and best practice, whenever this is available, and determined by establishing the physical extent of the likely impacts. The study areas should also be agreed with the relevant consultees and, where this is not possible, this should be stated clearly in the ES and a reasoned justification given.

Breadth of the Topic Area

A1.19 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

A1.20 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.

A1.21 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.

A1.22 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.

A1.23 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

A1.24 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.

A1.25 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.

A1.26 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.

A1.27 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

A1.28 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.

A1.29 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.

A1.30 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

A1.31 The EIA Regulations require the identification of the '*likely significant effects of the development on the environment*' (Schedule 4 Part 1 Paragraph 20).

A1.32 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.

A1.33 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.

A1.34 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

A1.35 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.

A1.36 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

A1.37 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.

A1.38 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.

A1.39 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

A1.40 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.

A1.41 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

A1.42 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).

A1.43 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.

A1.44 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

A1.45 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.

A1.46 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.

A1.47 It would be helpful if the mitigation measures proposed could be cross referred to specific provisions and/or requirements proposed within the draft DCO. 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.

A1.48 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

A1.49 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.

A1.50 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

A1.51 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.

A1.52 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

A1.53 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.

A1.54 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 website⁸.

Summary Tables

A1.55 The SoS recommends that in order to assist the decision making process, the Applicant may wish to consider the use of tables:

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

⁸ Available from: <http://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

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

Table XXX: to set out the mitigation measures proposed, as well as assisting the reader, the SoS considers that this would also enable the Applicant to cross refer mitigation to specific provisions proposed to be included within the draft DCO.

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

A1.56 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

A1.57 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

A1.58 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

A1.59 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

A1.60 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 Bodies have been consulted in accordance with the Planning Inspectorate's Advice Note three 'EIA Consultation and Notification' (version 6, June 2015)⁹.

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	South Tyneside Clinical Commissioning Group
	Sunderland Clinical Commissioning Group
Natural England	Natural England
The Historic Buildings and Monuments Commission for England	Historic England - North East
The relevant fire and rescue authority	Tyne and Wear Fire and Rescue Service
The relevant police and crime commissioner	Northumbria Police and Crime Commissioner
The Environment Agency	The Environment Agency
Integrated Transport Authorities (ITAs) and Passenger Transport Executives (PTEs)	Nexus (Tyne and Wear Passenger Transport Executive)
	North East Combined Regional Authority
The Relevant Highways Authority	South Tyneside Council
	Sunderland City Council
The relevant strategic highways company	Highways England - Yorkshire and North East
The Coal Authority	The Coal Authority
Public Health England, an executive agency of the	Public Health England

⁹ Available from: <http://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

Scoping Opinion for
A19 Downhill Lane Junction Improvement

SCHEDULE 1 DESCRIPTION	ORGANISATION
Department of Health	
The Crown Estate Commissioners	The Crown Estate

RELEVANT STATUTORY UNDERTAKERS	
The relevant Clinical Commissioning Group	South Tyneside Clinical Commissioning Group
	Sunderland Clinical Commissioning Group
The National Health Service Commissioning Board	NHS England
The relevant NHS Foundation Trust	North East Ambulance Service NHS Foundation Trust
Railways	Highways England Historical Railways Estate
Light Railway	Nexus (Tyne and Wear Metro operator)
Universal Service Provider	Royal Mail Group
Homes and Communities Agency	Homes and Communities Agency
The relevant Environment Agency	Environment Agency - North East
The relevant water and sewage undertaker	Northumbrian Water
The relevant public gas transporter	Energetics Gas Limited
	Energy Assets Pipelines Limited
	ES Pipelines Ltd
	ESP Connections Ltd
	ESP Networks Ltd
	ESP Pipelines Ltd
	Fulcrum Pipelines Limited
	GTC Pipelines Limited
	Independent Pipelines Limited
	Indigo Pipelines Limited
	Quadrant Pipelines Limited
National Grid Gas Plc	

RELEVANT STATUTORY UNDERTAKERS	
	National Grid Gas Distribution Limited
	Scotland Gas Networks Plc
	Southern Gas Networks Plc
	Wales and West Utilities Ltd
	Northern Gas Networks Limited
The relevant electricity distributor 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
	Northern Powergrid (Northeast) Limited
The relevant electricity transmitter with CPO Powers	National Grid Electricity Transmission Plc

SECTION 43 CONSULTEES (FOR THE PURPOSES OF SECTION 42(B))	
Local Authorities	South Tyneside Council
	Sunderland City Council
	North Tyneside Council
	Newcastle City Council
	Gateshead Council
	County Durham Council

APPENDIX 3 – RESPONDENTS TO CONSULTATION AND COPIES OF REPLIES

List of bodies who replied by the Statutory Deadline:

The Coal Authority
Durham County Council
The Environment Agency
Historic England
The Health and Safety Executive
Natural England
Northumbrian Water
Public Health England
Royal Mail
South Tyneside Council
Sunderland District Council (as the Local Highway Authority)
Sunderland District Council (as the Local Planning Authority)



The Coal
Authority

Resolving the **impacts** of mining

200 Lichfield Lane
Mansfield
Nottinghamshire
NG18 4RG
T: 01623 637 119

E: planningconsultation@coal.gov.uk
www.gov.uk/coalauthority

Mr R. Kent – Senior EIA and Land Rights Advisor
The Planning Inspectorate

[By Email: A19DownhillLaneJunction@pins.gsi.gov.uk]

Your Ref: TR010024

7 June 2017

Dear Mr Kent

Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended) – Regulations 8 and 9

A19 Downhill Lane Junction Improvement Development Consent Order – EIA Scoping Consultation

Thank you for your letter of 17 May 2017 seeking the views of the Coal Authority on the EIA Scoping Opinion for the above proposal.

The Coal Authority is a non-departmental public body sponsored by the Department for Business, Energy and Industrial Strategy. As a statutory consultee, the Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.

The Coal Authority Response:

I have reviewed the proposals and confirm that, whilst the proposed development would be located within the defined coalfield, it would fall outside of the defined Development High Risk Area, meaning that there are no recorded coal mining legacy hazards at shallow depth that could pose a risk to land stability.

Accordingly, I can confirm that the Coal Authority has **no comments or observations to make** on the scope of the Environmental Statement that would accompany an application for this proposal.

Yours sincerely

Mark Harrison

Mark E. N. Harrison *B.A.(Hons), DipTP, LL.M, MInstLM, MRTPI*

Principal Manager – Planning & Local Authority Liaison

Contact: Graham Blakey
Direct Tel: 03000 264 865
email: graham.blakey@durham.gov.uk
Your ref: 170512_TR010024-000005
Our ref: DM/17/01668/AAC



The Planning Inspectorate
FAO: Mr Richard Kent
3D Temple Quay House
Temple Quay
Bristol
BS1 6PN

5th June 2017

Dear Richard

Town and Country Planning Act 1990 (as amended)

Proposed A19 Junction improvement (Downhill Lane/A19)
At A19 Downhill Lane Junction
For Highways England

Further to the consultation letter dated the 17th May 2017 in regard to the above development and the requested Scoping Opinion.

I can confirm that Durham County Council have no comments to make in regard to the proposed development.

I trust that the above is of assistance.

Yours faithfully

G. Blakey

Graham Blakey
Senior Planning Officer

Regeneration and Local Services

Durham County Council, Planning Development (Strategic), Room 4/123-128, County Hall,
Durham DH1 5UL Main Telephone: 03000 262 830

Richard Kent
Planning Inspectorate
Temple Quay House (2 The Square) Temple
Quay
Bristol
Avon
BS1 6PN

Our ref: NA/2017/113647/01-L01
Your ref: 170512_TR010024-000005
Date: 14 June 2017

Dear Mr Kent

**NSIP EIA SCOPING: A19 DOWNHILL LANE JUNCTION IMPROVEMENT – EIA
SCOPING NOTIFICATION AND CONSULTATION A19 DOWNHILL LANE JUNCTION**

Thank you for your EIA Scoping consultation letter of 17 May 2017.

We have reviewed the scoping report submitted and have the following detailed comments in relation to the following environmental issues we consider to be of most importance for this proposal :-

- Water Resources and Flood risk
- Water Framework Assessment Compliance Assessment;
- River Restoration
- Groundwater and land contamination; and
- Regulatory Requirements.

Water Resources and Flood Risk

As set out in the National Planning Policy Framework, development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

We wish to promote the use of Sustainable Drainage systems (SuDS) and draw attention to Paragraph 103 of the National Planning Policy Framework. SuDS tackle surface water run-off problems at source using features such as soakaways, permeable pavements, grassed swales, infiltration trenches, ponds and wetlands, and, green roofs to attenuate flood peak flows, produce water quality improvements and environmental enhancements. We seek to promote the use of SuDS techniques for any permanent above-ground elements of the development, and expect the developer of the site to submit detailed investigations such that the use of SuDS has been fully explored.

Tyneside House, Skinnerburn Road, Newcastle Business Park, Newcastle upon Tyne, NE4 7AR.
Customer services line: 03708 506 506
Email: enquiries@environment-agency.gov.uk
www.environment-agency.gov.uk



Further to this the use of the “SUDs management train” approach is supported in the Sunderland/South Tyneside Strategic Flood Risk Assessment (SFRA). We consider that any the surface water drainage assessment should use these principles and consider the ability to improve water quality and environmental enhancements. On this basis, we would like to see this referenced in section 14.4.2 of the report.

With reference to The Northumbria River Basin Management Plan 14.5.3, this was updated and published in February 2016.

Further to the policies referenced in section 14.4.2 of the scoping report we would advise reviewing the Don Vision document which both Sunderland and South Tyneside are partners and the River Don Feasibility Study which is a current aspiration to restore the River Don channel and reconnect the river to its wider catchment.

We support the inclusion of section 14.8.1 regarding mitigating options and would request that the SUDs management train to be included within this section, which could mitigate against pollution events.

Water Framework Assessment Compliance Assessment

We welcome the commitment to undertake a Water Framework Assessment Compliance Assessment and would recommend this is a separate section within the ES to aid in consideration of these issues.

The Don waterbody is classified as having poor overall and ecological status under the Water Framework Directive (WFD) and as heavily modified. As a result the waterbody cannot meet good ecological condition under WFD due to the amount of structural changes. There has been channelization and straightening within the urban areas and ditching in rural areas which has disconnected the river from the floodplain.

Water quality is poor due to levels of ammonia and phosphate. There are areas of agricultural and grazing land in the catchment, a large number of consented intermittent discharges, misconnections, and areas of contaminated land which could all be contributing to poor water environment, via diffuse and point sources.

The WFD seeks to improve the water quality in all our water bodies (including lakes, rivers and estuaries). In particular, it seeks to ensure that all water bodies achieve ‘good status’ or ‘good ecological potential’ by 2021 and 2027. The environmental objectives of the WFD are:

- to prevent deterioration of the status of surface waters and groundwater
- to achieve objectives and standards for protected areas
- to aim to achieve good status for all water bodies or, for heavily modified water bodies and artificial water bodies, good ecological potential and good surface water chemical status
- to reverse any significant and sustained upward trends in pollutant concentrations in groundwater



- the cessation of discharges, emissions and losses of priority hazardous substances into surface waters
- progressively reduce the pollution of groundwater and prevent or limit the entry of pollutants

We consider that the WFD assessment should consider the developments ability to meet River Restoration ambitions for the River Don (detailed below).

River Restoration

In partnership with South Tyneside Council, Sunderland City Council, Local Nature Partnership and other stakeholders we are working towards delivering a vision for the River Don. The vision is to create a healthy and biodiverse catchment that is valued and enjoyed, contributing to the economic and social well-being of local communities. The catchment will provide a high quality environment that attracts new business and facilitates economic growth.

We have recently commissioned the River Restoration Centre to carry out a study and they have provided recommendations for the Don, including the culvert under the A19 at Downhill Lane Junction. The feasibility study has recently been finalised and can be made available for consideration within the Environmental Statement.

Ground Water and Land Contamination

Section 10 of the submitted report (Geology and Soils) summarises the current understanding of the site in regards to the geology present and potential for contamination to be present as a result of potentially polluting historic land uses. We recommend that further site investigation works are undertaken at the site to assess any impacts from land contamination that may be present. Risks to controlled waters, including surface and ground waters should be assessed with remedial/mitigation measures proposed/undertaken as required.

In addition, the applicant should ensure that sufficient mitigation measures (pollution prevention measures) are incorporated in the development scheme, as required, to ensure that there is no additional pollution risk posed by the proposed development.

We recommend that developers should:

- 1) Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
- 2) Refer to the Environment Agency Guiding Principles for Land Contamination for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
- 3) Refer to our website at www.gov.uk/government/organisations/environment-agency for more information.



Regulatory Requirements

This development will require an Environmental Permit under the Environmental Permitting Regulations 2010 from the Environment Agency, unless an exemption applies. The applicant is advised to contact the Environment Agency to discuss the issues likely to be raised.

Waste transported to and from the development must only be carried by a registered waste carrier. For information, the applicant will have to agree a waste recovery plan with the Environment Agency for any activity involving the recovery of waste on land as part of the Environmental Permit (unless the activity is exempt from the need for a permit).

The reach of watercourse within the site boundary, River Don, is a designated 'main river' under the Environmental Permitting Regulations 2010. Unless an exemption applies, you will need an environmental permit for flood risk activities if you want to do work within 8 metres of this main river; in instances where work is proposed:

1. in, under, over or near a main river (including where the river is in a culvert)
2. on or near a flood defence on a main river
3. in the flood plain of a main river
4. on or near a sea defence

You can find more information on permit requirements using the following link: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>. If a permit is required, it must be obtained prior to beginning the works.

Please do not hesitate to contact me should you wish to discuss any of these issues further.

Yours sincerely

James Hudson
Senior Planning Advisor

Direct dial 020 8474 6484

Direct e-mail james.hudson@environment-agency.gov.uk





Historic England

NORTH EAST OFFICE

Mr Richard Kent
The Planning Inspectorate
3D Eagle Wing
Temple Quay House
2 The Square
Bristol
BS1 6PN

Direct Dial: 0191 2691233

Our ref: PL00096742

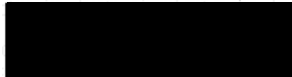
22 May 2017

Dear Mr Kent

Application by Highways England for an Order Granting Development Consent for the A19 Downhill Lane Junction Improvement. Ref:170512_TR010024-000005

Thank you for consulting Historic England on the scoping opinion for the above proposal. I can confirm that Historic England has no comments on this document.

Yours sincerely,



Martin Lowe
Principal Inspector of Historic Buildings and Areas
martin.lowe@HistoricEngland.org.uk



BESSIE SURTEES HOUSE 41-44 SANDHILL NEWCASTLE-UPON-TYNE NE1 3JF

Telephone 0191 269 1255
HistoricEngland.org.uk



CEMHD Policy - Land Use Planning
NSIP Consultations
Building 2.2, Redgrave Court
Merton Road, Bootle
Merseyside, L20 7HS

Your ref: TR010024
Our ref: 4.2.1.5946
HSE email: NSIP.applications@hse.gov.uk

FAO Richard Kent
The Planning Inspectorate
Temple Quay House
Temple Quay,
Bristol
BS1 6PN

Dear Mr Kent

08 June 2017

**PROPOSED A19 DOWNHILL LANE JUNCTION IMPROVEMENT (the project)
PROPOSAL BY HIGHWAYS ENGLAND (the applicant)
INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2009 (as amended) – Regulations 8 and 9**

Thank you for your letter of 17th May 2017 regarding the information to be provided in an environmental statement relating to the above project. HSE does not comment on EIA Scoping Reports but the following information is likely to be useful to the applicant.

HSE's land use planning advice

Will the proposed development fall within any of HSE's consultation distances?

The proposed development does not fall within the consultation distances of any Major Accident Hazard installations or pipelines. MapInfo software run on 02 June 2017 does not identify any such installations or pipelines in the vicinity.

Explosives sites

HSE has no comment to make, as there are no licensed explosive sites in the vicinity.

Electrical Safety

No comment from a planning perspective

Please send any further electronic communication on this project directly to the HSE's designated e-mail account for NSIP applications. Alternatively any hard copy correspondence should be sent to:

Mr Dave Adams (MHPD)
NSIP Consultations
2.2 Redgrave Court
Merton Road, Bootle,
Merseyside L20 7HS

Yours sincerely,


Dave Adams (CEMHD4 Policy)

Date: 13 June 2017
Our ref: 215847
Your ref: TR010024



Mr. Richard Kent,
Senior EIA and Land Rights Advisor
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Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

BY EMAIL ONLY

T 0300 060 3900

Dear Mr. Kent,

Planning Act 2008 (As amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 9as amended) (the EIA Regulations)- Regulations 8 and 9

Application by Highways England for an Order Granting Development Consent for the A19 Downhill Lane Junction Improvement

Scoping consultation response.

Thank you for your consultation on the above dated 17 May 2017 which was received by Natural England on the same date.

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

Thank you for seeking our advice on the scope of the Environmental Statement (ES) in your consultation dated 19 May 2017 which we received on the same date.

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

Case law¹ and guidance² has stressed the need for a full set of environmental information to be available for consideration prior to a decision being taken on whether or not to grant planning permission. Annex A to this letter provides Natural England's advice on the scope of the Environmental Impact Assessment (EIA) for this development.

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

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

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

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us. For any queries relating to the specific advice in this letter only please contact Michael Miller on 0208 2256263. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely

Michael Miller
Sustainable Development Advisor

Annex A – Advice related to EIA Scoping Requirements

1. General Principles

Schedule 4 of the Town & Country Planning (Environmental Impact Assessment) Regulations 2011, sets out the necessary information to assess impacts on the natural environment to be included in an ES, specifically:

- A description of the development – including physical characteristics and the full land use requirements of the site during construction and operational phases.
- Expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation, etc.) resulting from the operation of the proposed development.
- An assessment of alternatives and clear reasoning as to why the preferred option has been chosen.
- 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.
- A description of the likely significant effects of the development on the environment – this should cover direct effects but also any indirect, secondary, cumulative, short, medium and long term, permanent and temporary, positive and negative effects. Effects should relate to the existence of the development, the use of natural resources and the emissions from pollutants. This should also include a description of the forecasting methods to predict the likely effects on the environment.
- A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment.
- A non-technical summary of the information.
- An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the applicant in compiling the required information.

It will be important for any assessment to consider the potential cumulative effects of this proposal, including all supporting infrastructure, with other similar proposals and a thorough assessment of the 'in combination' effects of the proposed development with any existing developments and current applications. A full consideration of the implications of the whole scheme should be included in the ES. All supporting infrastructure should be included within the assessment.

http://neintranettechnical/content/technical/topics/document_details.asp?DC=22095

2. Biodiversity and Geology

2.1 Ecological Aspects of an Environmental Statement

Natural England advises that the potential impact of the proposal upon features of nature conservation interest and opportunities for habitat creation/enhancement should be included within this assessment in accordance with appropriate guidance on such matters. Guidelines for Ecological Impact Assessment (EclA) have been developed by the Chartered Institute of Ecology and Environmental Management (CIEEM) and are available on their website.

EclA is the process of identifying, quantifying and evaluating the potential impacts of defined actions on ecosystems or their components. EclA may be carried out as part of the EIA process or to support other forms of environmental assessment or appraisal.

The National Planning Policy Framework sets out guidance in S.118 on how to take account of biodiversity interests in planning decisions and the framework that local authorities should provide to assist developers.

2.2 Regionally and Locally Important Sites

The EIA will need to consider any impacts upon local wildlife and geological sites. Local Sites are

identified by the local wildlife trust, geoconservation group or a local forum established for the purposes of identifying and selecting local sites. They are of county importance for wildlife or geodiversity. The Environmental Statement should therefore include an assessment of the likely impacts on the wildlife and geodiversity interests of such sites. The assessment should include proposals for mitigation of any impacts and if appropriate, compensation measures. Contact the local wildlife trust, geoconservation group or local sites body in this area for further information.

2.4 Protected Species - Species protected by the Wildlife and Countryside Act 1981 (as amended) and by the Conservation of Habitats and Species Regulations 2010

The ES should assess the impact of all phases of the proposal on protected species (including, for example, great crested newts, reptiles, birds, water voles, badgers and bats). Natural England does not hold comprehensive information regarding the locations of species protected by law, but advises on the procedures and legislation relevant to such species. Records of protected species should be sought from appropriate local biological record centres, nature conservation organisations, groups and individuals; and consideration should be given to the wider context of the site for example in terms of habitat linkages and protected species populations in the wider area, to assist in the impact assessment.

The conservation of species protected by law is explained in Part IV and Annex A of Government Circular 06/2005 *Biodiversity and Geological Conservation: Statutory Obligations and their Impact within the Planning System*. The area likely to be affected by the proposal should be thoroughly surveyed by competent ecologists at appropriate times of year for relevant species and the survey results, impact assessments and appropriate accompanying mitigation strategies included as part of the ES.

In order to provide this information there may be a requirement for a survey at a particular time of year. Surveys should always be carried out in optimal survey time periods and to current guidance by suitably qualified and where necessary, licensed, consultants. Natural England has adopted [standing advice](#) for protected species which includes links to guidance on survey and mitigation.

2.5 Habitats and Species of Principal Importance

The ES should thoroughly assess the impact of the proposals on habitats and/or species listed as 'Habitats and Species of Principal Importance' within the England Biodiversity List, published under the requirements of S41 of the Natural Environment and Rural Communities (NERC) Act 2006. Section 40 of the NERC Act 2006 places a general duty on all public authorities, including local planning authorities, to conserve and enhance biodiversity. Further information on this duty is available here <https://www.gov.uk/guidance/biodiversity-duty-public-authority-duty-to-have-regard-to-conserving-biodiversity>.

Government Circular 06/2005 states that Biodiversity Action Plan (BAP) species and habitats, 'are capable of being a material consideration...in the making of planning decisions'. Natural England therefore advises that survey, impact assessment and mitigation proposals for Habitats and Species of Principal Importance should be included in the ES. Consideration should also be given to those species and habitats included in the relevant Local BAP.

Natural England advises that a habitat survey (equivalent to Phase 2) is carried out on the site, in order to identify any important habitats present. In addition, ornithological, botanical and invertebrate surveys should be carried out at appropriate times in the year, to establish whether any scarce or priority species are present. The Environmental Statement should include details of:

- Any historical data for the site affected by the proposal (eg from previous surveys);
- Additional surveys carried out as part of this proposal;
- The habitats and species present;
- The status of these habitats and species (eg whether priority species or habitat);
- The direct and indirect effects of the development upon those habitats and species;
- Full details of any mitigation or compensation that might be required.

The development should seek if possible to avoid adverse impact on sensitive areas for wildlife within the site, and if possible provide opportunities for overall wildlife gain.

The record centre for the relevant Local Authorities should be able to provide the relevant information on the location and type of priority habitat for the area under consideration.

3. Soil and Agricultural Land Quality

Impacts from the development should be considered in light of the Government's policy for the protection of the best and most versatile (BMV) agricultural land as set out in paragraph 112 of the NPPF. We also recommend that soils should be considered under a more general heading of sustainable use of land and the ecosystem services they provide as a natural resource in line with paragraph 109 of the NPPF.

Soil is a finite resource that fulfils many important functions and services (ecosystem services) for society, for example as a growing medium for food, timber and other crops, as a store for carbon and water, as a reservoir of biodiversity and as a buffer against pollution. It is therefore important that the soil resources are protected and used sustainably.

The applicant should consider the following issues as part of the Environmental Statement

- 1 The degree to which soils are going to be disturbed/harmed as part of this development and whether 'best and most versatile' agricultural land is involved.

This may require a detailed survey if one is not already available. For further information on the availability of existing agricultural land classification (ALC) information see www.magic.gov.uk. Natural England Technical Information Note 049 - [Agricultural Land Classification: protecting the best and most versatile agricultural land](#) also contains useful background information.

- 2 If required, an agricultural land classification and soil survey of the land should be undertaken. This should normally be at a detailed level, eg one auger boring per hectare, (or more detailed for a small site) supported by pits dug in each main soil type to confirm the physical characteristics of the full depth of the soil resource, ie 1.2 metres.
- 3 The Environmental Statement should provided details of how any adverse impacts on soils can be minimised. Further guidance is contained in the [Defra Construction Code of Practice for the Sustainable Use of Soil on Development Sites](#).

Soil is a finite resource that fulfils many important functions and services (ecosystem services) for society, for example as a growing medium for food, timber and other crops, as a store for carbon and water, as a reservoir of biodiversity and as a buffer against pollution. It is therefore important that the soil resources are protected and used sustainably.

The following issues should therefore be considered in detail as part of the Environmental Statement:

1. The degree to which soils would be disturbed/harmed as part of this development and whether any 'best and most versatile' agricultural land would be affected.

If required, an agricultural land classification and soil survey of the land should be undertaken, normally at a detailed level (eg one auger boring per hectare supported by pits dug in each main soil type), to confirm the soil physical characteristics of the full depth of soil resource ie 1.2 metres.

For further information on the availability of existing agricultural land classification (ALC) information see www.magic.gov.uk . Natural England Technical Information Note 049 - [Agricultural Land Classification: protecting the best and most versatile agricultural land](#) also contains useful explanatory information.

2. Proposals for handling different types of topsoil and subsoil and the storage of soils and their management whilst in store.

Reference could usefully be made to [MAFF's Good Practice Guide for Handling Soils](#) which comprises separate sections, describing the typical choice of machinery and method of their use for handling soils at various phases. The techniques described by Sheets 1-4 are recommended for the successful reinstatement of higher quality soils.

3. The method of assessing whether soils are in a suitably dry condition to be handled (ie dry and friable), and the avoidance of soil handling, trafficking and cultivation during the wetter winter period.
4. A description of the proposed depths and soil types of the restored soil profiles; normally to an overall depth of 1.2 m over an evenly graded overburden layer (or, in the case of waste reclamation, an evenly graded capping layer).
5. The effects on land drainage, agricultural access and water supplies, including other agricultural land in the vicinity.
6. The impacts of the development on farm structure and viability, and on other established rural land use and interests, both during the site working period and following its reclamation.
7. A detailed Restoration Plan illustrating the restored landform and the proposed afteruses, together with details of surface features, water bodies and the availability of outfalls to accommodate future drainage requirements.

Further relevant guidance is also contained in the [Defra Guidance for Successful Restoration of Mineral and Waste Sites](#).

As identified in the NPPF new sites or extensions to new sites for peat extraction should not be granted permission by Local Planning Authorities or proposed in development plans.

4. Climate Change Adaptation

The [England Biodiversity Strategy](#) published by Defra establishes principles for the consideration of biodiversity and the effects of climate change. The ES should reflect these principles and identify how the development's effects on the natural environment will be influenced by climate change, and how ecological networks will be maintained. The NPPF requires that the planning system should contribute to the enhancement of the natural environment 'by establishing coherent ecological networks that are more resilient to current and future pressures' ([NPPF](#) Para 109), which should be demonstrated through the ES.

5. Cumulative and in-combination effects

A full consideration of the implications of the whole scheme should be included in the ES. All supporting infrastructure should be included within the assessment.

The ES should include an impact assessment to identify, describe and evaluate the effects that are likely to result from the project in combination with other projects and activities that are being, have been or will be carried out. The following types of projects should be included in such an assessment, (subject to available information):

- a. existing completed projects;
- b. approved but uncompleted projects;
- c. ongoing activities;
- d. plans or projects for which an application has been made and which are under consideration by the consenting authorities; and
- e. plans and projects which are reasonably foreseeable, ie projects for which an application has not yet been submitted, but which are likely to progress before completion of the development and for which sufficient information is available to assess the likelihood of cumulative and in-combination effects.

From: [Henry Hirsch](#)
To: [A19 Downhill Lane Junction](#); "Laura.king@nwl.co.uk"
Subject: EIA Scoping Report
Date: 23 May 2017 10:13:52

Good Morning,

Thank you for sending me the EIA scoping report for this highway scheme.

On checking our records, it appears that we have no Public Sewers or water mains in the area affected by this scheme.

I, therefore, have no comments to make regarding this proposal.

Regards

Henry Hirsch

Project Manager - New Development
Northumbrian Water
Leat House
Pattinson Road
Washington
Tyne and Wear
NE38 8LB
Tel. 0191 419 6633
Internal no. 36633

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Mr Richard Kent
Senior EIA and Land Rights Advisor
The Planning Inspectorate
3D Eagle Wing
Temple Quay House
2 The Square
Bristol BS1 6PN

Your Ref: 170512_TR010024-000005

Our Ref: 32432

15th June 2017

Dear Richard

**Re: Scoping Consultation
Application for an Order Granting Development Consent for the proposed A19
Downhill Lane Junction Improvement**

Thank you for including Public Health England (PHE) in the scoping consultation phase of the above application. Our response focuses on health protection issues relating to chemicals and radiation. Advice offered by PHE is impartial and independent.

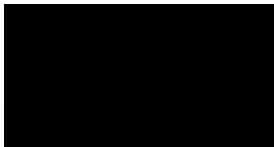
We understand that the promoter will wish to avoid unnecessary duplication and that many issues including air quality, emissions to water, waste, contaminated land etc. will be covered elsewhere in the ES. PHE however believes the summation of relevant issues into a specific section of the report provides a focus which ensures that public health is given adequate consideration. The section should summarise key information, risk assessments, proposed mitigation measures, conclusions and residual impacts, relating to human health. Compliance with the requirements of National Policy Statements and relevant guidance and standards should also be highlighted.

In terms of the level of detail to be included in an ES, we recognise that the differing nature of projects is such that their impacts will vary. Any assessments undertaken to inform the ES should be proportionate to the potential impacts of the proposal, therefore we accept that, in some circumstances particular assessments may not be relevant to an application, or that an assessment may be adequately completed using a qualitative rather than quantitative methodology. In cases where this decision is made the promoters should fully explain and justify their rationale in the submitted documentation.

It is noted that the current proposals do not appear to consider possible health impacts of Electric and Magnetic Fields (EMF). The proposer should confirm either that the proposed development does include the addition, relocation or impact upon any potential sources of EMF; or ensure that an adequate assessment of the possible impacts is undertaken and included in the ES.

The attached appendix outlines generic areas that should be addressed by all promoters when preparing ES for inclusion with an NSIP submission. We are happy to assist and discuss proposals further in the light of this advice.

Yours sincerely,



Environmental Public Health Scientist

nsipconsultations@phe.gov.uk

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

Appendix: PHE recommendations regarding the scoping document

General approach

The EIA should give consideration to best practice guidance such as the Government's Good Practice Guide for EIA¹. It is important that the EIA identifies and assesses the potential public health impacts of the activities at, and emissions from, the installation. Assessment should consider the development, operational, and decommissioning phases.

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

We note that the information provided states that a further Junction Improvement Scheme is proposed at 'Testos' Roundabout, but that this will be the subject of separate planning consent applications. We recommend that the EIA for the Downhill Land Junction Improvement includes consideration of the impacts of associated development and that cumulative impacts are fully accounted for.

Consideration of alternatives (including alternative sites, choice of process, and the phasing of construction) is widely regarded as good practice. Ideally, EIA should start at the stage of site and process selection, so that the environmental merits of practicable alternatives can be properly considered. Where this is undertaken, the main alternatives considered should be outlined in the ES².

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

Receptors

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

Impacts arising from construction and decommissioning

Any assessment of impacts arising from emissions due to construction and decommissioning should consider potential impacts on all receptors and describe

¹ Environmental Impact Assessment: A guide to good practice and procedures - A consultation paper; 2006; Department for Communities and Local Government. Available from: <http://webarchive.nationalarchives.gov.uk/20100410180038/http://communities.gov.uk/planningandbuilding/planning/sustainability/environmental/environmentalimpactassessment/>

² DCLG guidance, 1999 <http://www.communities.gov.uk/documents/planningandbuilding/pdf/155958.pdf>

monitoring and mitigation during these phases. Construction and decommissioning will be associated with vehicle movements and cumulative impacts should be accounted for.

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

Emissions to air and water

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

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

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

- This should consider all applicable routes of exposure e.g. include consideration of aspects such as the deposition of chemicals emitted to air and their uptake via ingestion
- should identify and consider impacts on residential areas and sensitive receptors (such as schools, nursing homes and healthcare facilities) in the area(s) which may be affected by emissions, this should include consideration of any new receptors arising from future development

Whilst screening of impacts using qualitative methodologies is common practice (e.g. for impacts arising from fugitive emissions such as dust), where it is possible to undertake a quantitative assessment of impacts then this should be undertaken. PHE's view is that the EIA should appraise and describe the measures that will be used to control both point source and fugitive emissions and demonstrate that standards, guideline values or health-based values will not be exceeded due to emissions from the installation, as described above. This should include consideration of any emitted pollutants for which there are no set emission limits. When assessing the potential impact of a proposed installation on environmental quality, predicted environmental concentrations should be compared to the permitted concentrations in the affected media; this should include both standards for short and long-term exposure.

Additional points specific to emissions to air

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

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

Additional points specific to emissions to water

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

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

Land quality

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

Emissions to and from the ground should be considered in terms of the previous history of the site and the potential of the site, once operational, to give rise to issues. Public health impacts associated with ground contamination and/or the migration of material off-site should be assessed³ and the potential impact on nearby receptors and control and mitigation measures should be outlined.

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

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

Waste

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

For wastes arising from the installation the EIA should consider:

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

Other aspects

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

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

There is evidence that, in some cases, perception of risk may have a greater impact on health than the hazard itself. A 2009 report⁴, jointly published by Liverpool John Moores University and the HPA, examined health risk perception and environmental problems using a number of case studies. As a point to consider, the report suggested: "Estimation of community anxiety and stress should be included as part

³ Following the approach outlined in the section above dealing with emissions to air and water i.e. comparing predicted environmental concentrations to the applicable standard or guideline value for the affected medium (such as Soil Guideline Values)

⁴ Available from: <http://www.cph.org.uk/wp-content/uploads/2012/08/health-risk-perception-and-environmental-problems--summary-report.pdf>

of every risk or impact assessment of proposed plans that involve a potential environmental hazard. This is true even when the physical health risks may be negligible.” PHE supports the inclusion of this information within EIAs as good practice.

Electromagnetic fields (EMF)

This statement is intended to support planning proposals involving electrical installations such as substations and connecting underground cables or overhead lines. PHE advice on the health effects of power frequency electric and magnetic fields is available in the following link:

<https://www.gov.uk/government/collections/electromagnetic-fields#low-frequency-electric-and-magnetic-fields>

There is a potential health impact associated with the electric and magnetic fields around substations, and power lines and cables. The field strength tends to reduce with distance from such equipment.

The following information provides a framework for considering the health impact associated with the electric and magnetic fields produced by the proposed development, including the direct and indirect effects of the electric and magnetic fields as indicated above.

Policy Measures for the Electricity Industry

The Department of Energy and Climate Change has published a voluntary code of practice which sets out key principles for complying with the ICNIRP guidelines:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/37447/1256-code-practice-emf-public-exp-guidelines.pdf

Companion codes of practice dealing with optimum phasing of high voltage power lines and aspects of the guidelines that relate to indirect effects are also available:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/48309/1255-code-practice-optimum-phasing-power-lines.pdf

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/224766/powerlines_vcop_microshocks.pdf

Exposure Guidelines

PHE recommends the adoption in the UK of the EMF exposure guidelines published by the International Commission on Non-ionizing Radiation Protection (ICNIRP). Formal advice to this effect was published by one of PHE’s predecessor organisations (NRPB) in 2004 based on an accompanying comprehensive review of the scientific evidence:-

<http://webarchive.nationalarchives.gov.uk/20140629102627/http://www.hpa.org.uk/Publications/Radiation/NPRBArchive/DocumentsOfTheNRPB/Absd1502/>

Updates to the ICNIRP guidelines for static fields have been issued in 2009 and for low frequency fields in 2010. However, Government policy is that the ICNIRP guidelines are implemented in line with the terms of the 1999 EU Council Recommendation on limiting exposure of the general public (1999/519/EC):

http://webarchive.nationalarchives.gov.uk/+www.dh.gov.uk/en/PublicHealth/HealthProtection/DH_4089500

Static magnetic fields

For static magnetic fields, the ICNIRP guidelines published in 2009 recommend that acute exposure of the general public should not exceed 400 mT (millitesla), for any part of the body, although the previously recommended value of 40 mT is the value used in the Council Recommendation. However, because of potential indirect adverse effects, ICNIRP recognises that practical policies need to be implemented to prevent inadvertent harmful exposure of people with implanted electronic medical devices and implants containing ferromagnetic materials, and injuries due to flying ferromagnetic objects, and these considerations can lead to much lower restrictions, such as 0.5 mT.

Power frequency electric and magnetic fields

At 50 Hz, the known direct effects include those of induced currents in the body on the central nervous system (CNS) and indirect effects include the risk of painful spark discharge on contact with metal objects exposed to the field. The ICNIRP guidelines published in 1998 give reference levels for public exposure to 50 Hz electric and magnetic fields, and these are respectively 5 kV m^{-1} (kilovolts per metre) and $100 \text{ } \mu\text{T}$ (microtesla). The reference level for magnetic fields changes to $200 \text{ } \mu\text{T}$ in the revised (ICNIRP 2010) guidelines because of new basic restrictions based on induced electric fields inside the body, rather than induced current density. If people are not exposed to field strengths above these levels, direct effects on the CNS should be avoided and indirect effects such as the risk of painful spark discharge will be small. The reference levels are not in themselves limits but provide guidance for assessing compliance with the basic restrictions and reducing the risk of indirect effects.

Long term effects

There is concern about the possible effects of long-term exposure to electromagnetic fields, including possible carcinogenic effects at levels much lower than those given in the ICNIRP guidelines. In the NRPB advice issued in 2004, it was concluded that the studies that suggest health effects, including those concerning childhood leukaemia, could not be used to derive quantitative guidance on restricting exposure. However, the results of these studies represented uncertainty in the underlying evidence base, and taken together with people's concerns, provided a basis for providing an additional recommendation for Government to consider the need for

further precautionary measures, particularly with respect to the exposure of children to power frequency magnetic fields.

The Stakeholder Advisory Group on ELF EMFs (SAGE)

SAGE was set up to explore the implications for a precautionary approach to extremely low frequency electric and magnetic fields (ELF EMFs), and to make practical recommendations to Government:

<http://www.emfs.info/policy/sage/>

SAGE issued its First Interim Assessment in 2007, making several recommendations concerning high voltage power lines. Government supported the implantation of low cost options such as optimal phasing to reduce exposure; however it did not support not support the option of creating corridors around power lines on health grounds, which was considered to be a disproportionate measure given the evidence base on the potential long term health risks arising from exposure. The Government response to SAGE's First Interim Assessment is available here:

http://webarchive.nationalarchives.gov.uk/20130107105354/http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_107124

The Government also supported calls for providing more information on power frequency electric and magnetic fields, which is available on the PHE web pages (see first link above).

Ionising radiation

Particular considerations apply when an application involves the possibility of exposure to ionising radiation. In such cases it is important that the basic principles of radiation protection recommended by the International Commission on Radiological Protection⁵ (ICRP) are followed. PHE provides advice on the application of these recommendations in the UK. The ICRP recommendations are implemented in the Euratom Basic Safety Standards⁶ (BSS) and these form the basis for UK legislation, including the Ionising Radiation Regulations 1999, the Radioactive Substances Act 1993, and the Environmental Permitting Regulations 2016.

PHE expects promoters to carry out the necessary radiological impact assessments to demonstrate compliance with UK legislation and the principles of radiation protection. This should be set out clearly in a separate section or report and should not require any further analysis by PHE. In particular, the important principles of justification, optimisation and radiation dose limitation should be addressed. In addition compliance with the Euratom BSS and UK legislation should be clear.

⁵ These recommendations are given in publications of the ICRP notably publications 90 and 103 see the website at <http://www.icrp.org/>

⁶ Council Directive 96/29/EURATOM laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionising radiation.

When considering the radiological impact of routine discharges of radionuclides to the environment PHE would expect to see a full radiation dose assessment considering both individual and collective (population) doses for the public and, where necessary, workers. For individual doses, consideration should be given to those members of the public who are likely to receive the highest exposures (referred to as the representative person, which is equivalent to the previous term, critical group). Different age groups should be considered as appropriate and should normally include adults, 1 year old and 10 year old children. In particular situations doses to the fetus should also be calculated⁷. The estimated doses to the representative person should be compared to the appropriate radiation dose criteria (dose constraints and dose limits), taking account of other releases of radionuclides from nearby locations as appropriate. Collective doses should also be considered for the UK, European and world populations where appropriate. The methods for assessing individual and collective radiation doses should follow the guidance given in 'Principles for the Assessment of Prospective Public Doses arising from Authorised Discharges of Radioactive Waste to the Environment August 2012'⁸. It is important that the methods used in any radiological dose assessment are clear and that key parameter values and assumptions are given (for example, the location of the representative persons, habit data and models used in the assessment).

Any radiological impact assessment should also consider the possibility of short-term planned releases and the potential for accidental releases of radionuclides to the environment. This can be done by referring to compliance with the Ionising Radiation Regulations and other relevant legislation and guidance.

The radiological impact of any solid waste storage and disposal should also be addressed in the assessment to ensure that this complies with UK practice and legislation; information should be provided on the category of waste involved (e.g. very low level waste, VLLW). It is also important that the radiological impact associated with the decommissioning of the site is addressed. Of relevance here is PHE advice on radiological criteria and assessments for land-based solid waste disposal facilities⁹. PHE advises that assessments of radiological impact during the operational phase should be performed in the same way as for any site authorised to discharge radioactive waste. PHE also advises that assessments of radiological impact during the post operational phase of the facility should consider long timescales (possibly in excess of 10,000 years) that are appropriate to the long-lived nature of the radionuclides in the waste, some of which may have half-lives of millions of years. The radiological assessment should consider exposure of members of hypothetical representative groups for a number of scenarios including the expected migration of radionuclides from the facility, and inadvertent intrusion into the facility once institutional control has ceased. For scenarios where the

⁷ HPA (2008) Guidance on the application of dose coefficients for the embryo, fetus and breastfed infant in dose assessments for members of the public. Doc HPA, RCE-5, 1-78, available at <https://www.gov.uk/government/publications/embryo-fetus-and-breastfed-infant-application-of-dose-coefficients>

⁸ The Environment Agency (EA), Scottish Environment Protection Agency (SEPA), Northern Ireland Environment Agency, Health Protection Agency and the Food Standards Agency (FSA). Principles for the Assessment of Prospective Public Doses arising from Authorised Discharges of Radioactive Waste to the Environment August 2012. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/296390/geho1202bklh-e-e.pdf

⁹ HPA RCE-8, Radiological Protection Objectives for the Land-based Disposal of Solid Radioactive Wastes, February 2009

probability of occurrence can be estimated, both doses and health risks should be presented, where the health risk is the product of the probability that the scenario occurs, the dose if the scenario occurs and the health risk corresponding to unit dose. For inadvertent intrusion, the dose if the intrusion occurs should be presented. It is recommended that the post-closure phase be considered as a series of timescales, with the approach changing from more quantitative to more qualitative as times further in the future are considered. The level of detail and sophistication in the modelling should also reflect the level of hazard presented by the waste. The uncertainty due to the long timescales means that the concept of collective dose has very limited use, although estimates of collective dose from the 'expected' migration scenario can be used to compare the relatively early impacts from some disposal options if required.

Annex 1

Human health risk assessment (chemical pollutants)

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

- The promoter should consider including Chemical Abstract Service (CAS) numbers alongside chemical names, where referenced in the ES
- Where available, the most recent United Kingdom standards for the appropriate media (e.g. air, water, and/or soil) and health-based guideline values should be used when quantifying the risk to human health from chemical pollutants. Where UK standards or guideline values are not available, those recommended by the European Union or World Health Organisation can be used
- When assessing the human health risk of a chemical emitted from a facility or operation, the background exposure to the chemical from other sources should be taken into account
- When quantitatively assessing the health risk of genotoxic and carcinogenic chemical pollutants PHE does not favour the use of mathematical models to extrapolate from high dose levels used in animal carcinogenicity studies to well below the observed region of a dose-response relationship. When only animal data are available, we recommend that the 'Margin of Exposure' (MOE) approach¹⁰ is used

¹⁰ Benford D et al. 2010. Application of the margin of exposure approach to substances in food that are genotoxic and carcinogenic. Food Chem Toxicol 48 Suppl 1: S2-24



A19 Downhill Lane junction improvement

Royal Mail Group Limited comments on information to be provided in applicant's Environmental Statement

Introduction

Reference the letter from PINS to Royal Mail dated 17 May 2017 requesting Royal Mail's comments on the information that should be provided in Highways England's Environmental Statement.

Royal Mail's consultants BNP Paribas Real Estate have reviewed the applicant's Scoping Report as submitted to PINS on 15 May 2017.

Royal Mail- relevant information

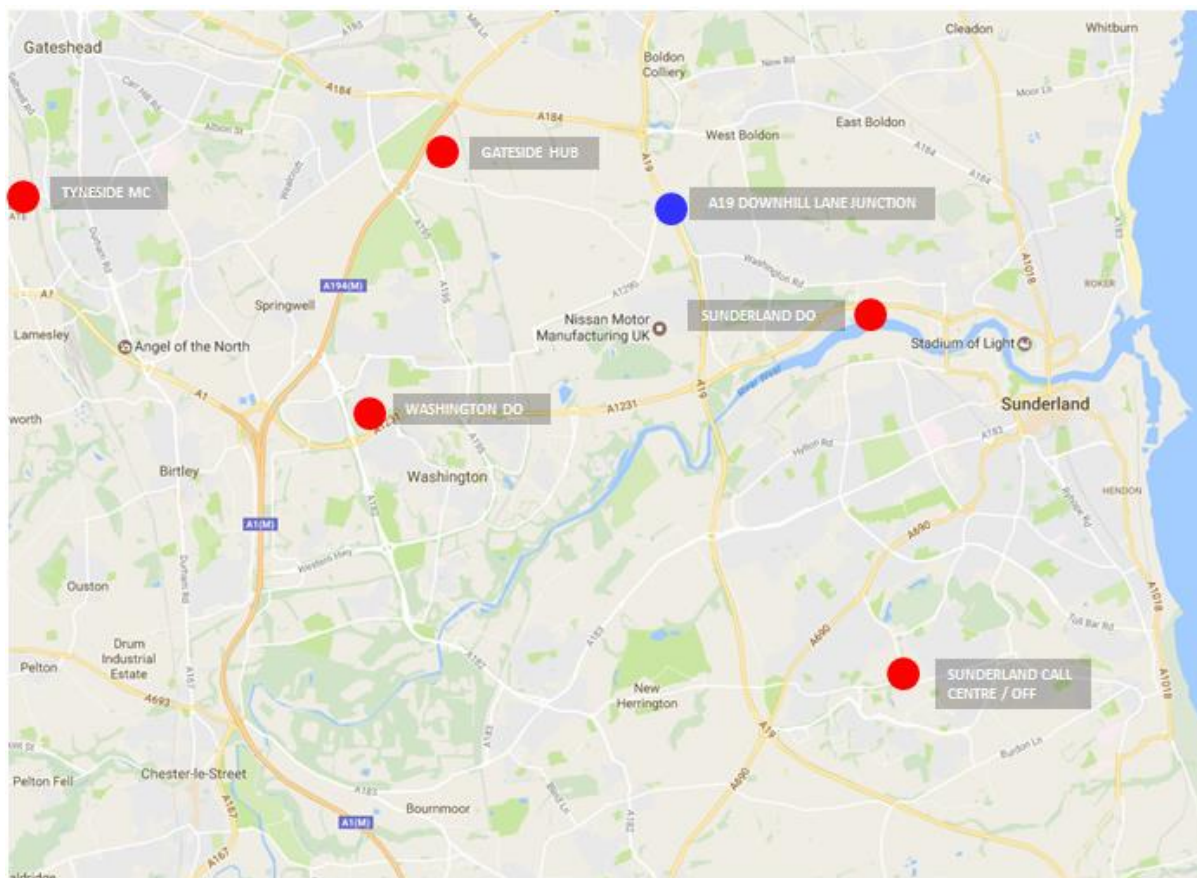
Royal Mail is responsible for providing efficient mail sorting and delivery nationally. As the Universal Service Provider under the Postal Services Act 2011, Royal Mail has a statutory duty to deliver mail to every residential and business address in the country as well as collecting mail from all Post Offices and post boxes six days a week.

Royal Mail's postal sorting and delivery operations rely heavily on road communications. Royal Mail's ability to provide efficient mail collection, sorting and delivery to the public is sensitive to changes in the capacity of the highway network.

Royal Mail is a major road user nationally. Disruption to the highway network and traffic delays can have direct consequences on Royal Mail's operations, its ability to meet the Universal Service Obligation and comply with the regulatory regime for postal services thereby presenting a significant risk to Royal Mail's business.

Royal Mail's has a major Distribution Hub at Gateshead is circa 3.9 miles from the proposal site and four other operational facilities within a 10 mile radius of the A19 Downhill Lane junction as listed and shown on plan below:

Gateshead Road/Rail/Air HUB	Unit 15A Follingsby Avenue, Gateshead NE10 8YF	3.9 miles
Sunderland Delivery Office	9 & 10 Wearfield, Sunderland SR5 2TG	5.4 miles
Washington Delivery Office	Windlass Lane, Washington NE37 1BL	6.3 miles
Tyneside Mail Centre	Lindisfarne House, Earlsway, Gateshead NE11 0YY	8.2 miles
Sunderland Call Centre / Offices	Unit 2 Admiral Way, Sunderland SR3 4XW	8.7 miles



In exercising its statutory duties Royal Mail vehicles use on a daily basis all of the main roads that may potentially be affected by additional traffic arising from the construction of the A19 Downhill Lane junction improvement.

Royal Mail therefore wishes to ensure the protection of its future ability to provide an efficient mail sorting and delivery service to the public in accordance with its statutory obligations which may potentially be adversely affected by the construction and operation of this proposed scheme.

Comments / observations on the applicant's Scoping Report

Royal Mail notes from the EIA scoping report that Traffic Management would typically comprise lane closures, lane narrowing and speed restrictions for the duration of the works, with supporting temporary CCTV cameras. However, the contractor will be required to keep two lanes of traffic open in each direction throughout the contract, except during occasional night closures.

The scoping report indicates that the contractor will produce and manage a Construction Environmental Management Plan (CEMP) in advance of the start of construction. An outline CEMP will be produced to accompany the application for a DCO.

Lastly, Royal Mail notes that the EIA will be supported by a traffic model. On cumulative traffic effects the EIA Scoping indicates that the traffic model will have built into it assumptions about traffic growth over time, taking into account proposed developments and infrastructure projects in the surrounding region. The EIA scoping report makes the statement that because of this the inter-project cumulative effects will be built into these assessments and thus are not covered again in the cumulative effects chapter of the EIA scoping report.



Royal Mail's comments on information that should be provided in Highways England's Environmental Statement

Royal Mail has the following comments / requests:

1. Royal Mail requests that the ES includes information on the needs of major road users (such as Royal Mail) and acknowledges the requirement to ensure that major road users are not disrupted through full advance consultation by the applicant at the appropriate time in the DCO and development process.
2. The ES should include detailed information on the construction traffic mitigation measures that are proposed to be implemented, including a draft Construction Traffic Management Plan (CTMP).
3. With three interlinked Nationally Significant Infrastructure Projects being proposed so close-by to each other (the IAMP scheme, the A19 Testos junction improvement and the A19 Downhill Lane junction improvement) Royal Mail is of the view that the ES must give very careful consideration to the potential for cumulative traffic impact during the construction phases. Royal Mail considers that reliance in the traffic model on assumptions about traffic growth over time will not be sufficient and that a detailed traffic impact assessment covering all three proposals should be undertaken as part of the cumulative impact assessment.
4. Royal Mail requests that it is fully pre-consulted by Highways England on any proposed road closures / diversions/ alternative access arrangements, hours of working and the content of the CTMP. The ES should acknowledge the need for this consultation with Royal Mail and other relevant local businesses / occupiers.

Royal Mail is able to supply the applicant with information on its road usage / trips if required.

Should PINS or Highways England have any queries in relation to the above then in the first instance please contact Jennifer Douglas (jennifer.douglas@royalmail.com) of Royal Mail's Legal Services Team or Daniel Parry-Jones (daniel.parry-jones@bnpparibas.com) of BNP Paribas Real Estate.



South Tyneside Council

Email Only - A19DownhillLaneJunction@pins.gsi.gov.uk

Richard Kent
The Planning Inspectorate
3D Eagle Wing
Temple Quay House
2 The Square
Bristol
BS1 6PN

Date: 15th June 2017
Our Ref: LB/TM/GM

Dear Richard

Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended) (the EIA Regulations) – Regulations 8 and 9

Application by Highways England for an Order Granting Development Consent for the A19 Downhill Lane Junction Improvement

Scoping consultation and notification of the Applicant's contact details and duty to make available information to the Applicant if requested

I refer to your letter dated 17th May 2017 with the reference to 170512_TR010024-000005.

This response to the Environmental Impact Assessment, application for a Development Consent Order application by Highways England and scoping consultation is made on behalf of the Local Highway Authority for South Tyneside Council.

The comments provided are without prejudice, and will be subject to review once detailed information is provided in support of the proposal.

Overview

It is acknowledged that Highways England intends to follow guidance set out in the Design Manual for Roads and Bridges for major highway projects to assess the potential environmental impact of these proposals.

The development will need to consider and take into account national policy guidance (NPPF), Local Plans and Strategic Land Reviews, and regional transport strategies including Local Transport Plan 3.

It is recommended that the supporting information for A19 Downhill Lane junction proposal consider design requirements for cumulative traffic impact in relation to the proposed

Ltr - 14 06 17 - Mr Kent, Planning Inspectorate (EIA).Docx

International Advanced Manufacturing Park (IAMP), and also any design requirements for the A19 Testo's junction proposal. Both of which will be subject to separate Development Consent Order applications.

Potential Impacts on Access and Transport

A number of design options have been explored in conjunction with relevant parties including officers from South Tyneside Council, Sunderland City Council and Highways England. The reasons behind the preferred scheme option A is noted, as well as the reasons for not progressing with the other options.

The proposal will assist with the delivery of the IAMP which will introduce a significant number of new vehicle trips to the local road network given the scale of this nationally significant employment site. As such, the Transport Assessment will need to consider baseline traffic, traffic growth and development traffic to ensure robust assessment.

The consideration of additional peak hour assessments to cover Nissan (NMUK) shift operations over and above normal weekday peak hours would be appropriate.

Additional consideration should be given to non-motorised user and public transport provision to provide connectivity to the IAMP. As part of the design process, the provision of a road safety audit will need to consider highway safety implications with particular regard to non-motorised users detailing pedestrian, cycling and possibly equestrian routes and public rights of way implications. The proposal may need to include stopping up of public highway, traffic regulation orders (temporary and permanent), diversions and creation of new rights of way.

With regards to scheme proposals for the realignment of the Downhill Lane carriageway, the Council has previously referenced that the highway design specification will need to follow the guidelines set out in the Design Manual for Roads and Bridges (DMRB).

The land that is required for the Downhill Lane realignment, this is within private ownership and the landowners have made representations to South Tyneside Council in its capacity as Local Planning Authority regarding its residential development potential. This representation was part of a broader Borough-wide strategic land review that seeks to provide an evidence base to support the development of the new Local Plan.

In terms of accidents and road safety, an analysis of personal injury accidents over a period of 5 years would be appropriate.

Given the scale of the proposed scheme, environmental considerations should include air quality, carbon savings, potential noise impact and any attenuation measures deemed necessary.

Road Drainage and the Water Environment

The proposed scheme will need to undertake a Flood Risk Assessment along with a drainage strategy for highway drainage requirements.

Further to this, the impacts from the scheme should be mitigated through the use of appropriate controls such as SUDs to ensure that there is no increase of flood risk and that there is an appropriate treatment of highways run off post development. There needs to be

recognition that there are properties at flood risk downstream of the development in the West Boldon area.

Geology and Soils

It is noted that the ground investigation was completed in 2007. It would be prudent to undertake some additional work to demonstrate that no further contamination is present such as a result of any fuel spills or other spillages on the road network.

Construction Traffic Management

Details of construction traffic and routing, abnormal load deliveries, construction management plan and scheme of working will be required.

A key issue will be maintaining access to and from businesses accessed via the A1290 Washington Road including the Nissan (NMUK) plant and its suppliers. It is recommended that construction activities are managed to avoid any conflict with NMUK shift patterns or just-in-time delivery / export arrangements for the automotive plant operations.

Coordination of Highway Design / Construction

Given the scale of highway design / construction associated with the Downhill Lane junction scheme, Testo's junction scheme and IAMP highway proposals, it is imperative that consideration is given to coordinating the highway designs / construction periods (where possible) so as to reduce the impacts to nearby businesses.

Consultation

Relevant officers from both South Tyneside and Sunderland City Council participated in the public engagement event held at the Bunny Hill Centre in Sunderland on 2nd December 2016. A response was also provided on the scheme as part of the Statement of Community Involvement.

Summary

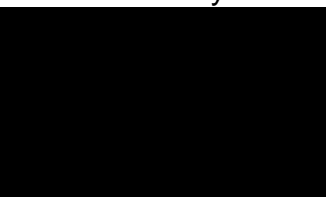
The Council strongly supports this proposed major investment in the strategic road network. The inclusion of the project in the Roads Investment Strategy Part 1 funding programme is therefore welcomed.

The proposals are fundamentally important to the delivery of the IAMP as a nationally significant economic development site.

Based on the information provided, the proposed approach to assessment of traffic impact on both the environment and road network is supported.

I trust this is of assistance.

Yours sincerely



George Mansbridge
Head of Development Services

The Planning Inspectorate
3D Eagle Wing
Temple Quay House
2 The Square
Bristol
BS1 6PN
For the attention of Richard Kent

Date: 14th June 2017

Dear Sir,

This matter is being dealt with by: Paul Muir, Group Engineer, Transportation, 0191 561 1300 paul.muir@sunderland.gov.uk

Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended) (the EIA Regulations) – Regulations 8 and 9

Application by Highways England for an Order Granting Development Consent for the A19 Downhill Lane Junction Improvement

Scoping consultation and notification of the Applicant's contact details and duty to make available information to the Applicant if requested

I refer to your letter dated 17th May 2017 with the reference 170512_TR010024-000005. This response to the Environmental Impact Assessment, application for a Development Consent Order application by Highways England and Scoping consultation is made on behalf of the Local Highway Authority for Sunderland City Council.

The comments provided are without prejudice, and will be subject to review once detailed information is provided in support of the proposal.

Overview

It is acknowledged that Highways England intends to follow guidance set out in the DMRB for major highway projects to assess the potential environmental impact of these proposals.

The development will need to consider and take into account national policy guidance (NPPF), Local Plan and Strategic Land Reviews, and regional transport strategies including Local Transport Plan 3.

It is recommended that the supporting information for A19 Downhill Lane junction proposal consider design requirements for cumulative traffic impact in relation to the proposed International Advanced Manufacturing Park (IAMP), and also any design requirements for the A19 Testos junction proposal. Both of which will be subject to separate Development Consent Order applications.

Potential Impacts on Access and Transport

A number of design options have been explored in conjunction with relevant parties including officers from Sunderland City Council, South Tyneside Council and Highways England. The reasons behind the preferred scheme option A is noted, as well as the reasons for not progressing with options B –F.

The proposal will assist with the delivery of the IAMP which will introduce a significant number of new vehicle trips to the local road network given the scale of this regionally significant employment site. As such, the Transport Assessment will need to consider baseline traffic, traffic growth and development traffic to ensure robust assessment.

The consideration of additional peak hour assessments to cover Nissan (NMUK) shift operations over and above normal weekday peak hours would be appropriate.

Additional consideration should be given to non-motorised user and public transport provision to provide connectivity to the IAMP. As part of the design process, the provision of a Road Safety Audit will need to consider highway safety implications with particular regard to non-motorised users detailing pedestrian, cycling and possibly equestrian routes and public rights of way implications.

The proposal may need to include stopping up of public highway, traffic regulation orders (temporary and permanent), diversions and creation of new rights of way.

In terms of accidents and road safety, an analysis of personal injury accidents over a period of 5 years would be appropriate.

Given the scale of the proposed scheme, environmental considerations should include air quality, carbon savings, potential noise impact and any attenuation measures deemed necessary.

Road Drainage and the Water Environment

The proposed scheme will need to undertake a Flood Risk Assessment along with a drainage strategy for highway drainage requirements.

Construction Traffic Management

Details of construction traffic and routing, abnormal load deliveries, construction management plan and scheme of working will be required.

A key issue will be maintaining access to and from businesses accessed via the A1290 Washington Road including the Nissan (NMUK) plant and its suppliers. It is recommended that construction activities are managed to avoid any conflict with NMUK shift patterns or just-in-time delivery / export arrangements for the automotive plant operations.

Consultation

Relevant officers from both Sunderland and South Tyneside Council participated in the public engagement event held at the Bunny Hill centre in Sunderland on 2nd December 2016. A response was also provided on the scheme as part of the Statement of Community Involvement.

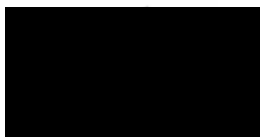
Summary

The inclusion of the project in the Roads Investment Strategy Part 1 funding programme is welcomed.

As a major highway project, the proposals will assist with the delivery of the IAMP as a regionally significant employment site. Based on the information provided, the proposed approach to assessment of traffic impact on both the environment and road network is supported.

I trust this is of assistance.

Yours sincerely



Mark Jackson

Head of Infrastructure and Transportation

Delivering services for a better future



The Planning Inspectorate
3D Eagle Wing
Temple Quay House
2 The Square
Bristol
BS1 6PN
For the attention of Richard Kent

Date 15 June 2017
Our Ref **17/01078/SCO**

This matter is being dealt with by : Toni Sambridge, Principal Planner, Development Management, 0191 561 1182 email:toni.sambridge@sunderland.gov.uk

Dear Sir,

RE: Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended) (the EIA Regulations) Regulations 8 and 9. Application by Highways England for an Order Granting Development Consent for the A19 Downhill Lane Junction Improvement

Further to your letter received the 17th May 2017.

I can confirm that the Local Planning Authority considers the Environmental Impact Scoping Report, Version 0 (May 2017) acceptable in principle. The comments provided are without prejudice, and will be subject to review once detailed information is provided in support of the proposal.

In respect of the ecological impacts the Local Planning Authority considers that further otter surveys should be carried out and results discussed with the Local Planning Authority.

A response has already been email from the Local Highways Authority.

Yours faithfully



Ms. Irene Lucas CBE

Delivering services for a better future



2008-2009
Reducing Health
Inequalities



2008-2009
Reducing Re-offending



The Government Standard
Building and Development Control Service

Chief Executive