

# **SCOPING OPINION:**

## **Proposed M42 Junction 6 Improvement Scheme**

**Case Reference: TR010027**

---

Adopted by the Planning Inspectorate (on behalf of the Secretary of State for Communities and Local Government) pursuant to Regulation 10 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017

**December 2017**

[This page has been intentionally left blank]

## CONTENTS

<b>1. INTRODUCTION .....</b>	<b>5</b>
1.1 Background.....	5
1.2 The Planning Inspectorate’s Consultation .....	6
1.3 Article 50 of the Treaty on European Union .....	7
<b>2. THE PROPOSED DEVELOPMENT .....</b>	<b>8</b>
2.1 Introduction .....	8
2.2 Description of the Proposed Development .....	8
2.3 The Planning Inspectorate’s Comments.....	9
<b>3. EIA APPROACH .....</b>	<b>12</b>
3.1 Introduction .....	12
3.2 Relevant National Policy Statements (NPSs) .....	12
3.3 Scope of Assessment.....	13
3.4 Confidential Information .....	18
<b>4. ASPECT BASED SCOPING TABLES.....</b>	<b>19</b>
4.1 Air Quality.....	19
4.2 Cultural Heritage.....	23
4.3 Landscape and Visual Effects .....	25
4.4 Biodiversity .....	27
4.5 Geology and Soils .....	30
4.6 Materials.....	33
4.7 Noise and Vibration .....	35
4.8 People and Communities.....	39
4.9 Road Drainage and the Water Environment .....	42
4.10 Climate.....	46
4.11 Consideration of Combined and Cumulative Effects .....	48
<b>5. INFORMATION SOURCES.....</b>	<b>49</b>

### APPENDIX 1: CONSULTATION BODIES FORMALLY CONSULTED

### APPENDIX 2: RESPONDENTS TO CONSULTATION AND COPIES OF REPLIES

[This page has been intentionally left blank]



# 1. INTRODUCTION

## 1.1 Background

- 1.1.1 On 25 October 2017, the Planning Inspectorate (the Inspectorate) on behalf of the Secretary of State (SoS) received a scoping request from Highways England (the Applicant) under Regulation 10 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) for the proposed M42 Junction 6 Improvement (the Proposed Development).
- 1.1.2 In accordance with Regulation 10 of the EIA Regulations, an Applicant may ask the SoS to state in writing its opinion *'as to the scope, and level of detail, of the information to be provided in the environmental statement'*.
- 1.1.3 This document is the Scoping Opinion (the Opinion) provided by the Inspectorate on behalf of the SoS in respect of the Proposed Development. It is made on the basis of the information provided in the Applicant's report entitled 'M42 Junction 6 Improvement Scheme – Environmental Impact Assessment Scoping Report' (the Scoping Report). This Opinion can only reflect the proposals as currently described by the Applicant. The Scoping Opinion should be read in conjunction with the Scoping Report.
- 1.1.4 The Applicant has notified the SoS under Regulation 8(1)(b) of the EIA Regulations that they propose to provide an Environmental Statement (ES) in respect of the Proposed Development. Therefore, in accordance with Regulation 6(2)(a) of the EIA Regulations, the Proposed Development is determined to be EIA development.
- 1.1.5 Regulation 10(9) of the EIA Regulations requires that before adopting a scoping opinion the Inspectorate must take into account:
- (a) *any information provided about the proposed development;*
  - (b) *the specific characteristics of the development;*
  - (c) *the likely significant effects of the development on the environment;*  
*and*
  - (d) *in the case of a subsequent application, the environmental statement submitted with the original application.*
- 1.1.6 This Opinion has taken into account the requirements of the EIA Regulations as well as current best practice towards preparation of an ES.
- 1.1.7 The Inspectorate has consulted on the Scoping Report and the responses received from the consultation bodies have been taken into account in adopting this Opinion and are included at Appendix 2.

- 1.1.8 The points addressed by the Applicant in the Scoping Report 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 Inspectorate will take account of relevant legislation and guidelines. The Inspectorate will not be precluded from requiring additional information if it is considered necessary in connection with the ES submitted with the application for a Development Consent Order (DCO).
- 1.1.9 This Opinion should not be construed as implying that the Inspectorate agrees with the information or comments provided by the Applicant in their request for an opinion from the Inspectorate. In particular, comments from the Inspectorate in this Opinion are without prejudice to any later decisions taken (eg on submission of the application) that any development identified by the Applicant is necessarily to be treated as part of a Nationally Significant Infrastructure Project (NSIP) or associated development or development that does not require development consent.
- 1.1.10 Regulation 10(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 description of the proposed development, including its location and technical capacity;*
  - (c) *an explanation of the likely significant effects of the development on the environment; and*
  - (d) *such other information or representations as the person making the request may wish to provide or make.*
- 1.1.11 The Inspectorate considers that this has been provided in the Scoping Report. The Inspectorate is satisfied that the Scoping Report encompasses the relevant aspects identified in the EIA Regulations.
- 1.1.12 In accordance with Regulation 14(3)(a), where a scoping opinion has been issued in accordance with Regulation 10, an ES accompanying an application for an order granting development consent should be based on *'the most recent scoping opinion adopted (so far as the proposed development remains materially the same as the proposed development which was subject to that opinion)'*.

## **1.2 The Planning Inspectorate's Consultation**

- 1.2.1 In accordance with Regulation 10(6) of the EIA Regulations the Inspectorate has consulted the consultation bodies before adopting a scoping opinion. A list of the consultation bodies formally consulted by the Inspectorate is provided at Appendix 1. The consultation bodies have been notified under Regulation 11(1)(a) of the duty imposed on them by Regulation 11(3) of the EIA Regulations to make information available to the Applicant relevant to the preparation of the ES. The Applicant should

note that whilst the list can inform their consultation, it should not be relied upon for that purpose.

- 1.2.2 The list of respondents who replied within the statutory timeframe and whose comments have been taken into account in the preparation of this Opinion is provided, along with copies of their comments, at Appendix 2, to which the Applicant should refer in undertaking the EIA.
- 1.2.3 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.
- 1.2.4 Any consultation responses received after the statutory deadline for receipt of comments will not be taken into account within this Opinion. Late responses will be forwarded to the Applicant and will be made available on the Inspectorate's website. The Applicant should also give due consideration to those comments in carrying out the EIA.

### **1.3 Article 50 of the Treaty on European Union**

- 1.3.1 On 23 June 2016, the United Kingdom (UK) held a referendum and voted to leave the European Union (EU). On 29 March 2017 the Prime Minister triggered Article 50 of the Treaty on European Union, which commenced a two year period of negotiations regarding the UK's exit from the EU. There is no immediate change to legislation or policy affecting national infrastructure. Relevant EU Directives have been transposed into UK law and those are unchanged until amended by Parliament.

## **2. THE PROPOSED DEVELOPMENT**

### **2.1 Introduction**

2.1.1 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.

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

2.2.1 The Applicant's description of the Proposed Development, its location and technical capacity (where relevant) is provided in Scoping Report Section 1 (overview) and in more detail in Sections 2 and 3.

2.2.2 The proposed application site lies to the west of the M42, in the area of green belt between Junction 5 and Junction 6. The M42 Junction 6 connects the motorway network to the A45 Coventry Road which provides access between Birmingham to the west and Coventry to the east. Birmingham International Network Railway Station, the National Exhibition Centre (NEC), and Birmingham Airport lie just to the north-west of Junction 6. The National Motorcycle Museum and National Conference Centre lie just to the south-east. Junction 6 provides the main access to these facilities as well as the Birmingham Business Park further to the north and Jaguar Land Rover to the west near Solihull. The Proposed Development lies approximately 9 miles east from Birmingham city centre, with the nearest town being Solihull.

2.2.3 The Proposed Development is an improvement of the M42 at Junction 6, to include the creation of a new 'dumbbell' junction approximately 1.8km south of the existing Junction 6. It also includes a new 2.4km dual carriageway link road from the new junction to the Clock Interchange (an existing junction to the west of Junction 6 along the A45), upgrades and modifications to Junction 6 and the Clock Interchange, as well as realignments and improvements to local roads to the west of the M42 in proximity to the new dual carriageway link road.

2.2.4 The proposed application site lies within green belt, and a number of other facilities/assets occupy land in the immediate area. The proposed application site largely comprises existing motorway and road infrastructure, with the area of the proposed link road situated within undeveloped open land, predominantly in arable use.

## 2.3 The Planning Inspectorate's Comments

### Description of the Proposed Development

- 2.3.1 The Scoping Report provides a description of the Proposed Development, within Section 2.6 and discusses elements that are integrated into the design, for example drainage features and landscaping. Paragraphs 3.6.5 to 3.6.13 of the Scoping Report provide information under the sub-heading 'Detailed Description'. This includes information on the junction slip roads and alignments in the Preferred Route Announcement (PRA). General information on the horizontal and vertical alignments of the proposed link road and new slip roads is provided, for example it is stated that the new link road would be 2.4km in length and predominately positioned in a cutting. The 'proposed scheme drawings' (Figures HE554185-ACM-GEN-M42\_GEN\_ZZ\_ZZ-DR-CH-0001 to 0008) show the proposed layout with marked chainage points (distance along the carriageway) and indicates where embankments and cuttings will form part of the proposals. The Inspectorate notes that at this time precise information regarding the size of the whole development, including land-take, vertical, and horizontal dimensions is not provided. The Inspectorate considers that this information should be provided in the ES. If precise information relating to the design is not known at the point of application the ES should clearly explain the parameters used to address this and explain why flexibility is required.
- 2.3.2 The Scoping Report explains that the precise land-take to be included in the DCO boundary will be refined in light of construction land take requirements, earthworks design, ecological compensation areas and flood compensation areas. The Scoping Report states that the 'red line boundary' (taken to mean the proposed application site) figure (see 2.3.1 above) is intended to show the worst case scenario and 'aims to capture candidate sites associated with these requirements'. Paragraph 4.3.12 states that the land-take requirements will be confirmed in the ES. The Scoping Report also mentions that an application for a motorway service area (MSA) is known to have been submitted to Solihull Metropolitan Borough Council (SMBC). The Inspectorate is not clear what is meant by the statement in Chapter 1 paragraph 1.2.3 that if the MSA is granted consent it would '..integrate into the proposed scheme works'. The Inspectorate considers that the interaction between the Proposed Development and the proposed MSA should be assessed in the cumulative effects assessment in the ES.
- 2.3.3 There is very limited information provided in the Scoping Report relating to the physical characteristics of the Proposed Development in terms of demolition works and construction land-take, and the use and removal of soils and other materials. The Inspectorate notes that Section 4 of the Scoping Report (EIA Approach) does identify demolition works, construction facilities and accesses, site clearance activities, ground and excavation works, works to services and utilities, and construction emissions as being part of the Proposed Development (and as potential sources of environmental impact). The Inspectorate considers that the

ES should take these activities into account within the various aspect assessments where relevant.

- 2.3.4 The Scoping Report states in Section 4.12 that decommissioning of the Proposed Development is not envisaged, so will not be included in the EIA. The Inspectorate considers that this is a reasonable approach taking into account the specific characteristics of the Proposed Development as a whole. However, the Inspectorate considers that any decommissioning associated with dismantling and replacing particular elements of the Proposed Development once they reach the end of their design life should be assessed where significant effects are likely to occur.
- 2.3.5 The ES should include a description of the nature and quantity of the materials and natural resources (including water, land, soil and biodiversity) to be used during construction. The ES should describe and assess the likely significant effects associated with any particular technologies or substances proposed to be used for the construction phase.
- 2.3.6 Section 4 of the Scoping Report refers to the proposed DCO red line boundary being shown on Figure 1.1, although it is noted that the figure showing the red line boundary is not labelled as such (it is labelled 'M42 Junction 6 Redline Boundary'). The Inspectorate requests the Applicant to ensure that all relevant figures in the ES are labelled clearly and include a north arrow and map scale.

### **Alternatives**

- 2.3.7 The EIA Regulations require that the Applicant provide 'A description of the reasonable alternatives (for example in terms of development design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects'.
- 2.3.8 The Inspectorate would expect to see a discrete section in the ES that provides details of the alternatives considered and the reasoning for the selection of the chosen option(s), including a comparison of the environmental effects.
- 2.3.9 The Inspectorate notes the inclusion of Section 3 'Scheme History and Alternatives' in the Scoping Report, and the summary of information contained in Table 3.1 of the Scoping Report, which compares the alternatives in terms of environmental effects. Where environmental effects have informed the choice of options this should be clearly explained; for example, when comparing options in paragraph 3.5.5 it is not clear why the only option which would have a direct effect on the GAA sports fields is the one taken forward. The ES should set out the main reasons for selecting the chosen option taking into account the effects of the Proposed Development on the environment.

### **Flexibility**

- 2.3.10 The Applicant's attention is drawn to the Inspectorate's Advice Note 9 'Using the 'Rochdale Envelope'<sup>1</sup>, which provides additional details on the recommended approach, and the Inspectorate notes the reference to this advice in paragraph 1.2.5 with respect to the proposed DCO boundary presented.
- 2.3.11 The Applicant should make every attempt to narrow the range of options and explain clearly in the ES which elements of the Proposed Development have yet to be finalised and provide the reasons.
- 2.3.12 The Proposed Development parameters will need to be consistently and clearly defined in both the draft DCO (dDCO) and in the accompanying ES. At the time of application, any Proposed Development parameters should not be so wide-ranging as to effectively represent different developments. It is a matter for the Applicant, in preparing an ES, to consider whether it is possible to robustly assess a range of impacts resulting from a large number of undecided parameters. The description of the Proposed Development in the ES must not be so wide that it is insufficiently certain to comply with the requirements of Regulation 14 of the EIA Regulations.
- 2.3.13 It should be noted that if the Proposed Development changes substantially during the EIA process and prior to submission of the application the Applicant may wish to consider requesting a new scoping opinion.

---

<sup>1</sup> Advice Note nine: Using the Rochdale Envelope. 2012. Available at:  
<https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

### **3. EIA APPROACH**

#### **3.1 Introduction**

- 3.1.1 This section contains the Inspectorate's specific comments on the scope, and level of detail of information to be provided in the Applicant's ES. General advice on the presentation of an ES is provided in the Inspectorate's Advice Note 7 'Environmental Impact Assessment: Preliminary Environmental Information, Screening and Scoping'<sup>2</sup> and associated appendices.
- 3.1.2 Aspects/matters are not scoped out unless specifically addressed and justified by the Applicant, and confirmed as being scoped out by the Inspectorate. The ES should be based on the Scoping Opinion in so far as the Proposed Development remains materially the same as the Proposed Development described in the Scoping Report. The Inspectorate notes that it is the Applicant's intention to include all of the aspects/matters detailed in IAN 125/15 in the ES, along with a number of relevant aspect/matters set out in the EIA Regulations. This approach is explained in paragraph 4.4.2 of the Scoping Report (please note this paragraph incorrectly refers to Schedule 5, rather than Schedule 4, of the EIA Regulations). The Inspectorate is content that this should not prevent the Applicant from subsequently agreeing with the relevant consultees to scope such aspects/matters out of the ES, where further evidence has been provided to justify this approach. However, in order to demonstrate that the aspects/matters have been appropriately addressed, the ES should explain the reasoning for scoping them out and justify the approach taken.
- 3.1.3 Where relevant, the ES should provide reference to how the delivery of measures proposed to prevent/minimise adverse effects is secured through DCO requirements (or other suitably robust methods) and whether relevant consultees agree on the adequacy of the measures proposed.

#### **3.2 Relevant National Policy Statements (NPSs)**

- 3.2.1 Sector-specific NPSs are produced by the relevant Government Departments and set out national policy for NSIPs. They provide the framework within which the Examining Authority (ExA) will make their recommendations to the SoS and include the Government's objectives for the development of NSIPs. The NPSs may include environmental

---

<sup>2</sup> Advice Note seven: Environmental Impact Assessment: Preliminary Environmental Information, Screening and Scoping. Available from:  
<https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>



requirements for NSIPs, which Applicants should address within their ES as relevant.

- 3.2.2 The designated NPS relevant to the highways sector is the National Policy Statement for National Networks (NPSNN). The Inspectorate notes the intention stated in the Scoping Report in paragraph 4.2.3 for the EIA approach to take account of this policy document.

### **3.3 Scope of Assessment**

#### **General**

- 3.3.1 The Inspectorate recommends that in order to assist the decision-making process, the Applicant uses tables:
- to demonstrate how the assessment has taken account of this Opinion;
  - to identify and collate the residual effects after mitigation for each of the aspect chapters, including the relevant interrelationships and cumulative effects;
  - to set out the proposed mitigation and/or monitoring measures including cross-reference to the means of securing such measures (eg a dDCO requirement); and
  - to describe any remedial measures that are identified as being necessary following monitoring.
- 3.3.2 The Inspectorate understands that traffic modelling will be used to underpin both the design of the Proposed Development, and to assess its likely effects. The ES should clearly explain how traffic and transport modelling has been applied to the assessments in the ES. The results of the traffic modelling will directly influence other aspect assessments including but not limited to noise and air quality. Tamworth Borough Council in their scoping consultation response have advised on issues relevant to the traffic assessment, and Royal Mail, in their response, have provided baseline information and a detailed summary of their concerns in relation to traffic effects. Both of these responses are provided in Appendix 2 of this Opinion.
- 3.3.3 The Inspectorate considers that where a DCO application includes works described as 'associated development', that could themselves be defined as an improvement of a highway, the Applicant should ensure that the ES accompanying that application distinguishes between effects that primarily derive from the integral works which form the (or part of the) proposed NSIP; and those that primarily derive from the works described as associated development. This could be shown, for example, in a suitably compiled summary table. This will have the benefit of giving greater confidence to the Inspectorate that what is proposed is not in fact an additional NSIP defined in accordance with s22 of the PA2008.
- 3.3.4 The Inspectorate notes that it is proposed in Chapter 4 Table 4.1 to consider effects on human health in the Air Quality, Noise and Vibration,

People and Communities, and Road Drainage and Water Environment ES aspect chapters. The Inspectorate has had regard to the information provided in the Scoping Report and has taken into account the nature and characteristics of the Proposed Development and is generally content with this approach but considers that human health effects may also be relevant to soil handling and waste management, which is understood to be assessed within the 'Geology and Soils' and the 'Materials' chapters respectively. Public Health England (PHE) have also provided comment in their scoping consultation response, contained in Appendix 2 of this Opinion, on the approach to assessing effects on human health.

- 3.3.5 National Grid, in their scoping consultation response, have supplied plans showing where high voltage electricity overhead transmission lines exist in the vicinity of the Proposed development. In addition, Cadent Gas Limited, in their scoping consultation response, have supplied plans showing where gas pipelines and equipment are present. The Applicant should take the location of these assets into account in relevant assessments to the ES.
- 3.3.6 The ES should include details of difficulties (for example technical deficiencies or lack of knowledge) encountered compiling the required information and the main uncertainties involved. The ES should also identify where assumptions have been made with respect to any modelling carried out, for example the traffic modelling, and the implications for the outcome of the assessments.
- 3.3.7 With reference to Table 16.2 in the concluding chapter of the Scoping Report which sets out the proposed ES structure, key structural elements that would be expected in the ES have been omitted. For example, under 'Chapter 5: EIA methodology and Consultation' only the consultation is mentioned, and under Chapters 6 to 16 no mention is made of scope or study area, or aspect-specific methodologies. In addition, the text suggests that only significant effects will be described rather than the identification of all potential effects followed by a determination of significance. The Inspectorate considers that the ES should follow a logical and consistent structure and these elements should be taken into account within that structure.
- 3.3.8 Some acronyms and terms used in the Scoping Report are not explained in the text or included in the 'Abbreviations' list, for example, 'activity data', 'emissions factor', 'Hz', 'ppv', 'mms<sup>-1</sup>', CIRIA; or not explained on first use, for example, 'BMVL'. The ES should ensure that acronyms used are appropriately explained on first use. If a glossary is provided then it should be referenced appropriately in the text.
- 3.3.9 It is noted from the Scoping Report that no European nature conservation sites have been found within the vicinity of the Proposed Development (Chapter 8) and that an assessment under The Conservation of Habitats and Species Regulations 2010 (as amended) is unlikely to be required. The Inspectorate advises the Applicant to ensure that this remains the case in light of the recent coming into force of the Conservation of

Habitats and Species Regulations 2017. As a general recommendation, an up to date Habitats Regulations Assessment (HRA) screening report should be produced (the Inspectorate notes the assessment referred to in paragraph 8.9.2) and should be referenced in the ES. The HRA report should in turn contain references to where the information on which it is based is to be found in the ES.

### **Baseline Scenario**

- 3.3.10 The ES should include a description of the baseline scenario with and without implementation of the development as far as natural changes from the baseline scenario can be assessed with reasonable effort on the basis of the availability of environmental information and scientific knowledge.
- 3.3.11 The Inspectorate notes the information within Section 4.7 of the Scoping Report, which sets out the baseline year and 'future baseline' years and provides explanation for how the changing baseline between the time of assessment and anticipated time of operation will be taken into account in the assessments. However, in subsequent sections of the Scoping Report the future baselines are alternatively described in terms of the 'opening year' and 'design year' 'Do-Minimum and Do-Something'. The intended approach should be defined in the ES and carefully followed and adopted consistently across each aspect chapter of the ES. Where any individual aspect assessments depart from that approach it should be explained in the ES.
- 3.3.12 The Scoping Report states that the precise land-take to be included in the DCO application boundary remains to be further refined. This has implications in terms of defining an appropriate study area for certain aspects/matters, for example, cultural heritage and landscape and visual impacts assessments. More detailed comments relating to this point are provided below in Section 4 to this opinion.

### **Forecasting methods or evidence**

- 3.3.13 The ES should contain the timescales upon which the surveys which underpin the technical assessments have been based. For clarity, this information should be provided either in the introductory chapters of the ES (with confirmation that these timescales apply to all chapters), or in each technical chapter.
- 3.3.14 The Inspectorate expects the ES to include a chapter setting out the overarching methodology for the EIA, which clearly states which effects are determined to be 'significant' and 'non-significant' for the purposes of the EIA. Any departure from that methodology should be described in individual aspect assessment chapters.
- 3.3.15 The Inspectorate recommends that the Applicant fully describes and justifies in the ES the methodologies they have used for the assessments, in particular where these depart from standard guidance or where no

standard guidance exists. The Inspectorate considers that the ES should present the specific assessment methodology relevant to each individual aspect/matter assessed. If an overarching methodology is applied this should be explained with relevant cross reference, and any departures from the prescribed methodology should be explained and justified. It would also be of benefit to provide figures in the ES that show the extent of the study areas used for the assessments and identify the receptors.

- 3.3.16 The Inspectorate considers that relevant surveys which inform the assessments should be appended to the ES.

### **Residues and emissions**

- 3.3.17 The EIA Regulations require an estimate, by type and quantity, of expected residues and emissions. Specific reference should be made to water, air, soil and subsoil pollution, noise, vibration, light, heat, radiation and quantities and types of waste produced during the construction and operation phases, where relevant. This information should be provided in a clear and consistent fashion and may be integrated into relevant aspect assessments.

- 3.3.18 The Inspectorate notes the proposal in Table 4.1 to scope out heat and radiation, according to the Applicant's conclusion that they are not relevant due to the characteristics of the proposed scheme. The Inspectorate has taken into account the nature and characteristics of the Proposed Development and agrees significant effects resulting from heat and radiation are unlikely to arise and therefore agrees that this aspect may be scoped out.

### **Mitigation**

- 3.3.19 Any mitigation relied upon for the purposes of the assessment should be explained in detail within the ES. The predicted significance of effects both prior to and following the implementation of proposed mitigation measures should be identified. The likely efficacy of the mitigation proposed should be explained with reference to residual effects.
- 3.3.20 The ES should also address how any mitigation proposed is secured, ideally with reference to specific DCO requirements or other legally binding agreements.

### **Vulnerability of the development to risks of major accidents and/or disasters**

- 3.3.21 The ES should include a description of the potential vulnerability of the Proposed Development to risks of major accidents and/or disasters, including vulnerability to climate change, which are relevant to the Proposed Development. Relevant information available and obtained through risk assessments pursuant to European Union legislation, such as Directive 2012/18/EU of the European Parliament and of the Council, or Council Directive 2009/71/Euratom, or relevant assessments carried out

pursuant to national legislation, may be used for this purpose provided that the requirements of these Directives are met. Where appropriate, this description should include measures envisaged to prevent or mitigate the significant adverse effects of such events on the environment and details of the preparedness for and proposed response to such emergencies.

- 3.3.22 The Inspectorate notes that it is proposed in Chapter 4 Section 4.13 not to provide a separate chapter in the ES on major accidents and disasters on the basis that the potential effects on receptors resulting from major events will be reported in relevant aspect chapters. It is noted that there is a commitment to assess the vulnerability of the Proposed Development to major accidents and disasters, and to assess if the proposals could exacerbate major accidents or disaster events (paragraph 4.13.5). The Inspectorate has had regard to the information provided in the Scoping Report and considers that this is appropriate given the nature and characteristics of the Proposed Development.

#### **Transboundary effects**

- 3.3.23 Schedule 4 part 5 of the EIA Regulations requires a description of the likely significant transboundary effects to be provided in an ES. The Inspectorate notes that the Applicant has indicated in Appendix 1.2 of the Scoping Report by way of a Transboundary Effects Screening Matrix, and in Section 1 Table 1.2, that the Proposed Development is not likely to have significant impacts on another European Economic Area (EEA) State.
- 3.3.24 Regulation 32 of the EIA Regulations inter alia requires the Inspectorate to publicise a DCO application on behalf of the SoS if it is of the view that the proposal is likely to have significant effects on the environment of another EEA state, and where relevant, to consult with the EEA state affected.
- 3.3.25 The Inspectorate considers that where Regulation 32 applies, this is likely to have implications for the examination of a DCO application. The Inspectorate 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.

#### **A reference list**

- 3.3.26 A reference list detailing the sources used for the descriptions and assessments must be included in the ES. The Inspectorate notes the inclusion of a reference list in Section 17 of the Scoping Report set out by aspect chapter and welcomes this approach.

### **3.4 Confidential Information**

- 3.4.1 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 Inspectorate would be required to disclose under the Environmental Information Regulations 2014.

## 4. ASPECT BASED SCOPING TABLES

### 4.1 Air Quality

(Scoping Report Chapter 5)

The study area is not yet finalised. It is stated that for the purpose of the Scoping Report only, 'an initial study area around the proposed scheme options has been reviewed, determined by the extent of the VISSIM model network'. No information is provided on what this comprises. It is explained that the boundary of the definitive study area will be in accordance with the Design Manual for Roads and Bridges (DMRB) HA207/07 and following more detailed traffic modelling.

Potential sensitive receptors that have been identified include: residential properties; Bickenhill village; a number of Sites of Special Scientific Interest (SSSIs); and the Birmingham city-wide AQMA, approximately 2km to the west of the M42 corridor.

The proposed methodology is set out in Section 5.9 of the Scoping Report, and has taken into account DMRB Volume 11; HE interim Advice Notes (IANs); Defra's Local Air Quality Management (LAQM) Technical Guidance LAQM.TG16 (2016); and the Department for Transport's Transport Analysis Guidance (TAG) (2015). The Applicant has carried out a review of the available modelled annual mean background concentrations between 2011 and 2016 of NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> in relation to the initial study area referenced in the Scoping Report, according to monitoring undertaken by Highways England, Solihull Metropolitan Borough Council and North Warwickshire Borough Council. Baseline diffusion tube monitoring is to be undertaken between September 2017 and February 2018.

The Applicant identifies potential for significant air quality effects during construction as a result of fugitive dust emissions from construction activities, and during operation as a result of increased pollutant concentrations in some locations due to changes in traffic movements arising from the Proposed Development.

The Inspectorate has provided comments below on matters that the Applicant has identified as being scoped out of the EIA.

ID	Para	Applicant's proposed matters to scope out	Inspectorate's comments
1	5.9.8	Construction phase heavy goods vehicle (HGV) emissions	The Inspectorate notes that the Applicant proposes to scope this out in the event that the traffic data shows that there are unlikely to be more than 200 HGV (movements) per day during construction, on the basis that the air quality effects would not be significant. However, DMRB instructs that impacts from construction vehicles should be assessed if the construction period is expected to be longer than 6 months. Accordingly the ES should include an

Scoping Opinion for  
Proposed M42 Junction 6 Improvement Scheme

ID	Para	Other points	Inspectorate's comments
			assessment of impacts resulting from additional construction.
2	5.1.2	Pollutants	The scoping consultation responses from Public Health England and Solihull Clinical Commissioning Group (contained in Appendix 2 of this Opinion) raise concerns regarding the potential impacts of fine particulate matter (PM <sub>2.5</sub> ) generated by the Proposed Development. The Scoping Report does not state if/how impacts resulting from increased PM <sub>2.5</sub> emissions will be taken into account. The Inspectorate considers that the ES should include an assessment of impacts associated with increased PM <sub>2.5</sub> resulting from the Proposed Development. In determining significance, the assessment should take into account performance against relevant target/limit values.
3	Section 5.3	Study area	A number of differing study areas are referenced in this section. The ES should clearly and consistently define the assessment study area(s) for each phase of the Proposed Development.
4	5.3.2 and 5.9.18	VISSIM Traffic Simulation Model and Atmospheric Dispersion Modelling System (ADMS)	No information is provided in the Scoping Report on VISSIM, which it is noted has been utilised for the purposes of scoping, or ADMS, both of which will be utilised for the EIA. All models utilised for the assessments should be justified and described in the ES.
5	5.5.1	Baseline diffusion tube monitoring	It is noted that it is proposed that this is carried out over a six month period. Baseline surveys undertaken for the ES should be in accordance with the most relevant Defra guidance relating to diffusion tube monitoring.
6	5.6.1	Ecological receptors	It is noted that only internationally and nationally designated sites are identified as 'main' receptors. The Applicant should additionally assess locally and non-designated sites, and species, that could be significantly affected by the Proposed Development. Paragraph 5.9.6 refers to 'special' ecological sites; it is unclear to what this refers. The Inspectorate notes that it is indicated in Chapter 4 Section 4.16 that the Applicant is undertaking ongoing consultation with Natural England (NE), and recommends that the relevant ecological receptors to be included in the



Scoping Opinion for  
Proposed M42 Junction 6 Improvement Scheme

			assessment are agreed with NE and SMBC.
7	5.9.7	Demolition and construction plant emissions	It is noted that the Applicant proposes to undertake a qualitative assessment only of demolition and construction plant emissions. This approach should be fully explained and justified within the ES and agreed with SMBC.
8	5.9.9	Mitigation to address construction dust effects	The Inspectorate notes the proposal that mitigation measures to address effects from dust generated during construction and demolition activities would be recorded in a Construction Environmental Management Plan (CEMP). However, Chapter 4 paragraph 4.8.6 states that an outline EMP will be submitted with the DCO application and will be developed into a CEMP post-consent. All mitigation measures proposed to address identified potential significant effects must be capable of being delivered, and secured in the DCO or by other equally robust means, so such measures must be included within the DCO application.
9	5.9.21	Meteorological data	It is stated that Birmingham Airport 2016 hourly sequential meteorological data will be used for the dispersion modelling on the basis that the airport station is a 'representative meteorological station'. The rationale for determining that to be a representative location should be clearly set out in the ES.
10	5.9.26	Consideration of operational air quality effects on designated ecological sites	The Inspectorate notes that it is proposed to consider such effects within the ES Biodiversity chapter rather than the Air Quality chapter. The Inspectorate considers this to be an acceptable approach but advises that it must be clearly referenced from the Air Quality chapter, as should consideration of effects on non-designated sites.
11	Table 5.4	Guideline to number of properties constituting a significant effect	It is stated that the information contained in Table 5.4 is taken from IAN 174/13. The methodology and criteria used to determine a significant effect must be clearly explained in the ES.
12	5.9.37	Significance of construction dust effects	The Inspectorate notes that it is stated that there are no criteria in the DMRB for assessing the significance of such effects, and therefore none are set out in the Scoping Report. It is unclear therefore how appropriate mitigation measures proposed to avoid significant effects will be identified in the

Scoping Opinion for  
Proposed M42 Junction 6 Improvement Scheme

			absence of a definition of what constitutes a significant effect. If it is considered that there is potential for construction dust to generate significant effects, this should be assessed using an evidence-based methodology, which is described in the ES.
--	--	--	---

## 4.2 Cultural Heritage

(Scoping Report Chapter 6)

The Scoping Report states that the study area to be applied to the assessment will extend to a Zone of Visual Influence (ZVI) up to 1km from the Proposed Development boundary, and refers to the ZTV (Zone of Theoretical Visibility) identified in Chapter 7, Landscape and Visual Effects. The Scoping Report proposes that a search for designated assets will be undertaken up to 1km from the Proposed Development boundary, and for undesignated assets up to 500m. The Scoping Report commits to agreeing the final extent of the study area through consultation with relevant statutory consultees.

The Scoping Report proposes to follow the guidance in DMRB Volume 11 Section 3 Part 2 Cultural Heritage (HA 208/07) and undertake a 'detailed assessment'. The assessment will comprise desk based study and a field walkover survey in order to gather baseline data. The Scoping Report also outlines the methodology to be applied to the assessment, and paragraph 6.9 lists relevant industry guidance from Historic England and The Chartered Institute for Archaeologists.

The Applicant has identified potential construction and operational impacts and effects in the Scoping Report. Construction effects are described in general terms and include: removal or partial removal of heritage assets, compaction of archaeological deposits, changes to groundwater levels leading to desiccation of waterlogged archaeological deposits, and effects on setting of assets during the construction period. Operational effects are also described in general terms, and include: changes to surroundings leading to effects on setting of heritage assets, changes to the viability of heritage assets, and cumulative effects on historic landscape elements.

An overview of the measures likely to form part of the mitigation strategy for the Proposed Development is provided in Chapter 6 (paragraph 6.7.1 to 6.7.3). These measures include: preservation in situ, geophysical survey, detailed geoarchaeological investigation, archaeological topographic survey, and recording of historic buildings by photography. The Applicant also intends to agree a mitigation strategy with Warwickshire Planning Archaeologist.

No matters have been proposed to be scoped out of the assessment.

<b>ID</b>	<b>Para</b>	<b>Applicant's proposed matters to scope out</b>	<b>Inspectorate's comments</b>
-	N/A	None identified	N/A

Scoping Opinion for  
Proposed M42 Junction 6 Improvement Scheme

<b>ID</b>	<b>Para</b>	<b>Other points</b>	<b>Inspectorate's comments</b>
1	6.7	Potential Impacts and Effects	Chapter 4 of the Scoping Report provides a useful explanation of the terms 'impacts' and 'effects' and how they will be used in undertaking the EIA. It is not clear that Chapter 6 has followed this approach as the terms appear to be used interchangeably. The overarching methodology to the ES should be consistent with the approach specified therein. Any deviation considered necessary should be fully explained and justified to support the understanding of the reader.
2	6.7	Effects and mitigation	The detailed mitigation strategy should be reported in the ES. The mitigation described in the ES should include embedded mitigation measures and any specific measures required. The Applicant should make effort to agree the strategy with the local authority archaeologist and other relevant consultees.
3	6.9	Methodology	The Inspectorate notes the references to industry guidance, and advises that the ES should describe any guidance documents that have been used, and where methods have been implemented or adapted/changed from this guidance if applicable.
4	6.10.2	Limitations – the basis for assessment	The Inspectorate notes the intention to take candidate sites for construction and ecological compensation into account in the ZVI/ZTV applied in the ES. The ES should clearly describe the ZVI and ZTV, specifically in context to the relevant aspect considered. Having regard to comments received from Historic England on known significant designated assets which could be affected by the Proposed Development, the Inspectorate advises that the study area and ZVI applied must be of sufficient extent to assess impacts to these.

## 4.3 Landscape and Visual Effects

(Scoping Report Chapter 7)

The proposed study area is based on guidance contained in the DMRB and described as a 1km corridor which broadens to capture areas beyond it that are within the ZTV and could experience significant effects as a result of the Proposed Development. The villages of Bickenhill and Hampton-in-Arden, which are designated conservation areas, and Catherine-de-Barnes lie within the study area.

The proposed methodology is set out in Sections 7.1 and 7.9 of the Scoping Report, and is established having regard to the Guidelines for Landscape and Visual Impact Assessment (GLVIA3), HE IAN 135/10: Landscape and Visual Effects Assessment, and Landscape Institute Advice Note 01/11: Photography and photomontage in landscape and visual impact assessment. Key viewpoints for the visual assessment have been agreed with relevant consultees. The Applicant proposes to undertake a 'detailed assessment' under the DMRB.

In relation to landscape character the Applicant identifies potential for effects during the operational phase on the perception of Landscape Character Area (LCA) 1: Arden Farmland and LCA 2: Blythe Valley Parkland Farmland. Visual effects are predicted on residential properties and users of local roads and public rights of way due to changes to views as a result of new roads, junctions and roundabouts, etc, and changes to the existing layout of the local road network.

No matters have been proposed to be scoped out of the assessment.

<b>ID</b>	<b>Para</b>	<b>Applicant's proposed matters to scope out</b>	<b>Inspectorate's comments</b>
-	N/A	None identified	N/A
<b>ID</b>	<b>Para</b>	<b>Other points</b>	<b>Inspectorate's comments</b>
1	Section 7.9	Methodology	The ES should clearly describe the specific methodology and criteria used for the assessment. In particular the ES should explain how the sensitivity of the receptor and the magnitude of the impact will combine to inform the significance of effect. The significance levels shown in Table 7.2 of the Scoping Report are not defined so the approach that will be taken to determining whether an effect is, for example, minor or moderate, is not clear. In addition, it is not explained what level(s) of effect will be determined to constitute a significant effect.

Scoping Opinion for  
Proposed M42 Junction 6 Improvement Scheme

2	7.3.1	Study area	<p>The Scoping Report states that the study area is a 1km corridor, which broadens to capture areas beyond that which are within the ZTV. However, paragraph 7.4.22 indicates that 23 viewpoints within the preliminary ZTV have been identified for the purposes of the visual assessment and these are shown on Figures 7.1 and 7.2, which present only a 500m study area. The Scoping Report also states that the Proposed Development is located in LCAs 1 (Arden Farmland), 2 and 3. However, Figures 7.1 and 7.2 show LCA 1, which is identified as Solihull Fringe, and LCA 9 (Motorway Corridor), which is not referenced elsewhere in the text. The extent of the study area must be clearly and accurately identified in the ES and consistently applied in undertaking the assessments. The study area should be sufficiently broad to capture all receptors that are likely to be significantly affected by the Proposed Development.</p> <p>In their scoping consultation response the Canal and River Trust (contained in Appendix 2 of this Opinion) have identified potential landscape and visual impacts on the Grand Union Canal. The ES should assess these impacts having regard to the canal and relevant affected Public Rights of Way as a potential receptor.</p>
3	Various paragraphs	Zone of Theoretical Visibility (ZTV)	<p>The ES should describe the model/method used to define the ZTV and include the dates of the ZTV surveys.</p>

## 4.4 Biodiversity

(Scoping Report Chapter 8)

The study area for this assessment has been described in the Scoping Report in Section 8.3, with further reference to the 'zone of influence' in Section 8.9 which is of relevance to the study area. A search area of 30km for International designations in relation to bats, 10km for other International designations, 2km for National and other designations, and 1km for protected species has been applied to the desk study undertaken.

A number of National and local, statutory and non-statutory nature conservation designations exist in the study area including Aspbury's Coppice Ancient Woodland which the southern extent of the Proposed Development is located within.

The Scoping Report states that the final extent of the study area is to be agreed in consultation with the relevant statutory consultees and the assessment subsequently refined.

The Scoping Report states that the assessment methodology will be based on DMRB, in particular Volume 11. Within Volume 11, Section 3 Part 4 is referred to along with IANs 125/15 and 130/10 which specifically deal with this environmental aspect. The Applicant proposes to undertake a 'detailed assessment' under the DMRB. Reference is also made to standard industry guidance in the form of The Chartered Institute of Ecology and Environmental Management 2016 Guidelines for Ecological Impact Assessment in the UK and Ireland.

The Applicant has identified potential construction and operational impacts in the Scoping Report (Section 8.7). Impacts and effects are described in general terms and then related to specific features where potential significant adverse effects have been identified on the basis of the existing information. Identified impacts include habitat loss including the partial loss of Ancient Woodland at Aspbury's Copse, and increased noise and lighting having effects on the populations of notable species.

An overview of the measures likely to form part of the mitigation strategy for the Proposed Development is provided in paragraph 8.7.5). A number of enhancement proposals are also suggested (although specific design is not detailed) and the Scoping Report identifies the design implications of the mitigation and enhancement proposals set out.

The Inspectorate has provided comments below on matters that the Applicant has set out as being scoped out of the EIA.

<b>ID</b>	<b>Para</b>	<b>Applicant's proposed matters to scope out</b>	<b>Inspectorate's comments</b>
1	8.4.9	Preliminary survey results	The Scoping Report states that no evidence of water vole, reptiles or white-clawed crayfish has been

Scoping Opinion for  
Proposed M42 Junction 6 Improvement Scheme

		for protected/ notable species.	<p>found by the surveys to date. On that basis these species/species groups are proposed to be scoped out of further assessment. The information in the Scoping Report is not sufficiently detailed to understand the extent of data collection carried out in order to reach this position.</p> <p>In the absence of this information (or any evidence of agreement with relevant statutory bodies), the Inspectorate cannot agree to scope out these features. Accordingly the ES should include an assessment of these matters and/or demonstrate agreement with the relevant consultees that significant effects are not likely to occur. The Applicant's attention is drawn to the scoping consultation response from the Environment Agency with respect to these species, and the information in the response regarding otter records in the area.</p>
2	Table 8.3	Terminology	The Inspectorate asks that the terms 'impact' and 'effect' are used consistently through the ES for clarity and asks that the Applicant considers whether the heading of the right hand column of this table should be 'Likely/Potential Effect' rather than 'Likely/Potential Impact'.
<b>ID</b>	<b>Para</b>	<b>Other points</b>	<b>Inspectorate's comments</b>
3	Table 8.1, General	Shadowbrook Meadows Nature Reserve	This feature is mentioned in Chapter 12 of the Scoping Report but not reported as a designated feature within Chapter 8. The ES should assess impacts to Shadowbrook Meadows Nature Reserve.
4	8.3 and 8.9	Study area	The desk study areas applied are described and a 2km buffer is shown on Figures 8.1 and 8.2, but the 'zone of influence' is not clearly explained. The study area(s) applied to the assessment should be clearly described and justified in the ES, including any figures used.
5	Table 8.3	Air quality effects on non- designated habitats	The Inspectorate considers that any potentially significant air quality effects to non-designated habitats should be assessed.
6	Table 8.3	Impacts on barn owl	The table does not mention collision risk during the operational phase as a potential impact on barn owl. Given the nature of the Proposed Development and



Scoping Opinion for  
Proposed M42 Junction 6 Improvement Scheme

			the existing baseline environment the Inspectorate considers that this should be assessed.
7	8.7	Effects and mitigation	<p>The Inspectorate acknowledges the intention for measures to be identified in relation to specific ecological effects (paragraph 8.7.5). The detailed mitigation strategy should be reported in the ES and should include embedded mitigation measures and any specific measures designed to address identified adverse effects.</p> <p>The mitigation options for the Proposed Development should take into account advice from the Environment Agency (Appendix 2), with respect to the River Blythe SSSI, and have regard to any other sensitive watercourses potentially affected.</p> <p>The Inspectorate recommends that mitigation and enhancement are treated separately in the ES to provide greater clarity as to the efficacy of mitigation and the presentation of residual effects.</p>
8	8.11	Assumptions and limitations	<p>Paragraph 8.1.11 (first bullet point) highlights that the ecological assessment at this stage has not considered the candidate sites for construction and ecological compensation. The Inspectorate understands this to be relevant to the 'zone of influence' or study area applied to the assessment of ecological effects. Some contradiction appears in that Figures 8.1 and 8.2 are provided to illustrate the study area and described as including these sites. The Inspectorate notes the statement in Section 8.11 that accordingly the assessment in the ES may differ and asks the applicant to clearly describe the study area applied to the assessment in the ES.</p>

## 4.5 Geology and Soils

(Scoping Report Chapter 9)

To date the Applicant has undertaken a desk-based study of a number of resources and receptors, including geological designated sites, historical land uses, controlled waters, and agricultural land, according to varying study areas. The final extent of the study area to be used for the assessments that will be reported in the ES will be agreed in consultation with relevant consultees. Seven historical landfill sites are identified as being within 300m of the Proposed Development, some of which have the potential to be contaminated. Secondary 'A' and 'B' aquifers underlie the proposed route, and it also falls within a surface water nitrate vulnerable and surface water safeguard zones. There are a number of surface water bodies in the vicinity. The whole site is contained in land classified as Agricultural Land Classification Grade 3.

Other than a reference to guidance contained within the DMRB, particular documents which will inform the methodology used for the assessments are not identified (comments on this are provided below). However, it is stated that the EIA will take account of guidance documents produced by, for example, Defra and the Environment Agency (EA), and British Standards.

The Applicant identifies the potential for effects on human health, controlled waters, agricultural land and soil quality.

The Inspectorate has provided comments below on matters that the Applicant has identified as being scoped out of the EIA.

<b>ID</b>	<b>Para</b>	<b>Applicant's proposed matters to scope out</b>	<b>Inspectorate's comments</b>
1	9.6.3	Construction/maintenance workers and construction materials	<p>The Inspectorate agrees that construction materials in existing and proposed structures associated with the Proposed Development may be scoped out of the assessment for this aspect as these are more appropriately addressed elsewhere (see Table 4.6 below).</p> <p>It is not agreed that effects on construction and maintenance workers may be scoped out as insufficient information has been provided to support this approach, and, for example, the risks associated with potential contamination sources are unknown at this stage.</p>

Scoping Opinion for  
Proposed M42 Junction 6 Improvement Scheme

2	Table 9.3	Surrounding Land Uses – Agricultural Land – operational phase	It is unclear from the information in the table whether it is proposed to scope this out. Paragraph 9.6.4 states that there is agricultural land in the area which is predominantly classed as ALC Grade 3 and paragraph 9.4.10 notes that some land is Grade 3a, which therefore falls under the definition of best and most versatile land (BMVL). In light of this, and in the absence of a clear approach, the Inspectorate does not agree that this matter may be scoped out.
<b>ID</b>	<b>Para</b>	<b>Other points</b>	<b>Inspectorate’s comments</b>
3	9.3.1	Study area	The study area for the desk-based surveys undertaken to-date is described as ‘along the route of the proposed scheme’ or ‘within 250m of the proposed scheme boundary’. Paragraph 9.4.7 refers to a 1km buffer zone, which is not explained further. The Inspectorate expects the study area used for the assessment to be clearly defined in the ES. The study area should reflect the extent of any potential impacts and have regard to the Proposed Development area.
4	9.9.3 and 9.9.5	Assessment criteria	Tables (9.4 – 9.6) of the Scoping Report sets out the criteria that will be used to determine the sensitivity of a receptor/resource, the magnitude of an impact, and the level of significance resulting from the combination of the two. Definitions of the significance levels are not provided, nor a statement about which level(s) would constitute a significant effect. The ES should clearly explain how significance of effect is derived. Any specific guidance documents used to establish the significance criteria should be referenced.
5	9.7.3	Mitigation	The Scoping Report states that the prevention of pollution of controlled waters would be achieved through the mitigation measures outlined in Chapter 13. The Inspectorate requires that any measures proposed to mitigate effects specific to Geology and Soils should be described in the relevant chapter of the ES. If there are other relevant measures set out elsewhere in the ES then an explicit cross-reference should be provided.

Scoping Opinion for  
Proposed M42 Junction 6 Improvement Scheme

6	9.7.3	Receptors	Potential effects on Bickenhill SSSI are identified in relation to surface water run-off during construction, although this receptor is not identified within the baseline information in Section 9.4. The Applicant should ensure that all receptors and resources that could be significantly affected by the Proposed Development are identified and assessed in the ES.
---	-------	-----------	---

## 4.6 Materials

(Scoping Report Chapter 10)

The Scoping Report states that the final extent of the study area will be agreed in consultation with the applicable consultees, and presented within the ES. For the purposes of scoping it is described as the Proposed Development footprint and the 'region within which waste management facilities are located and from where construction materials may be sourced'.

A 'simple assessment' under the guidance in DMRB (IAN 153/11) is proposed, to consider the material required, and the likely waste generation in terms of quantity and type. The Scoping Report states that the simple assessment will inform the need for more detailed assessment. Consideration of impacts will be undertaken in the context of the waste management infrastructure and legislative and policy targets.

Potential impacts and effects are identified in general terms, associated with the production, movement, transport, processing and disposal of materials. No specific significant effects are identified in Chapter 10 of the Scoping Report.

The Inspectorate has provided comments below on matters that the Applicant has set out as being scoped out of the EIA.

<b>ID</b>	<b>Para</b>	<b>Applicant's proposed matters to scope out</b>	<b>Inspectorate's comments</b>
1	10.9.2	Operational phase waste	The Inspectorate accepts that waste generation during operation is likely to be on a small scale, and unlikely to generate significant effects and is content that this matter can be scoped out of the assessment.
2	10.11.1	Raw material extraction and manufacture	The Scoping Report states that environmental effects associated with these activities is outside of the scope of the EIA. The Inspectorate is content that significant effects associated with raw material extraction and manufactures are not likely and that this can be scoped out of the assessment.
<b>ID</b>	<b>Para</b>	<b>Other points</b>	<b>Inspectorate's comments</b>
3	10.4.2 and 10.11	Study area	The intention to include the region in which construction materials may be sourced could be construed as an extremely large area (perhaps global) and it is not clear how this fits with the

Scoping Opinion for  
Proposed M42 Junction 6 Improvement Scheme

			DMRB methodology referred to in the Scoping Report. The Inspectorate notes the limitations described in Section 10.11 which affect the definition of the study area, and recommends that it is clear in the ES how these have affected the robustness of the assessment.
4	10.8	Potential Impacts and Effects	The Inspectorate considers that impacts to human health in relation to handling, storage and exposure to waste from historic landfill sites should be assessed in the ES. Cross reference should be made to the information in Chapter 9 in this regard. The Applicant's attention is drawn to comments from the Health and Safety Executive.
5	10.10 and 10.11	Assessment of Effects	It is acknowledged that consideration of any precise quantities or residues has not been possible at the scoping stage, and the Inspectorate notes the intention to undertake this in the ES subject to the limitations identified with respect to the availability of information. Chapter 10 acknowledges the need for transportation of materials to and from the site. It is not clear how information gathered in this regard will be used to inform other assessments within the EIA (for example air and noise effects). Data used to underpin separate assessments should be cross-reference appropriately in the ES.

## 4.7 Noise and Vibration

(Scoping Report Chapter 11)

The study area for the assessment of construction noise impacts is described as 'the closest identified potentially sensitive receptors to the proposed scheme and any other areas affected by construction, such as construction compounds, soil storage areas, haulage routes etc' (see comments below). The study area for operational noise impacts is described as 1km from existing routes that are being improved or bypassed and any proposed new routes, and 50m for any 'affected routes' beyond the 1km boundary. (Affected routes are defined as roads predicted to be subject to changes in traffic noise levels above 1dB(A) in the short term and above 3dB in the long term as a result of the Proposed Development.) The study area for operational traffic vibration impacts is described as 40m from the edge of the 'proposed scheme carriageway'.

The proposed methodology is set out in Section 11.9 of the Scoping Report, which includes reference to undertaking a 'detailed assessment' under the DMRB, Calculation of Road Traffic Noise 1988 (CRTN), BS 5228 Code of practice for noise and vibration control on construction on the public highway network and open sites, and BS 7385: Evaluation and measurement for vibration in buildings. The SMBC Environmental Health Department has not yet been consulted. It is stated that relevant bodies will be consulted during HE's preparation of a draft DCO and ES.

The Applicant has identified potential effects such as noise and vibration effects on residents during construction activities, such as piling, and from construction plant and vehicles; damage to buildings due to vibration during construction; operational traffic noise effects on various receptors as a result of increases in noise and changes in proximity to the road network.

No matters have been proposed to be scoped out of the assessment.

<b>ID</b>	<b>Para</b>	<b>Applicant's proposed matters to scope out</b>	<b>Inspectorate's comments</b>
-	N/A	None identified	N/A
<b>ID</b>	<b>Para</b>	<b>Other points</b>	<b>Inspectorate's comments</b>
1	11.3.1	Study area	The study area for the assessment of construction phase noise impacts is unclear, as is the reference to including only the closest identified potentially sensitive receptors to the Proposed Development. The study area should be clearly defined, based on the likely impacts and where significant effects might be experienced, in the ES and should be sufficiently broad to capture all receptors that

Scoping Opinion for  
Proposed M42 Junction 6 Improvement Scheme

			<p>could potentially be significantly affected.</p> <p>In their scoping consultation response the Canal and River Trust (contained in Appendix 2 of this Opinion) identifies potential impacts on the Grand Union Canal and its associated receptors resulting from noise during the construction and operational phases. The ES should assess the impact of noise on these receptors.</p>
2	Table 11.2 and Table 11.6	Consistent application of methodology	<p>It is stated that the sensitivity of the noise sensitive receptors identified in Table 11.2 is based on the values set out in Table 11.12; however the National Exhibition Centre is described as being of 'medium' sensitivity. This is despite concert halls being determined to be of 'very high' sensitivity in the same table (Table 11.12).</p> <p>The impact magnitude criteria for residential receptors provided in Table 11.6 does not reflect the magnitude criteria provided in Table 11.13 used to determine the level of significance of an effect (although it is not defined what level of effect would constitute a significant effect).</p> <p>The Applicant should ensure that the values and criteria used are consistently applied throughout the assessments and informed by professional judgement where necessary.</p>
3	11.6.3 and 11.9.29	Ecological receptors	<p>Very little information is provided in this chapter on the approach that will be taken to the assessment of impacts on ecological receptors. It is noted that such receptors will be selected in conjunction with the Proposed Development ecologists. The Inspectorate advises that NE should be consulted in relation to potential impacts on nature conservation sites, protected species, and other wildlife features. In addition to the ecological receptors identified in paragraph 11.9.29, the ES should report where potential impacts on other habitats and species have been assessed. The ES should explain the regard given to the findings of the ecological surveys. Cross-reference should be made from the ES Noise and Vibration chapter to the Biodiversity chapter (as appropriate).</p>



Scoping Opinion for  
Proposed M42 Junction 6 Improvement Scheme

4	11.7.1	Mitigation	It should be made clear in the ES which mitigation measures are embedded in the Proposed Development design and which are additional. The Inspectorate notes that the proposed CEMP would include measures to address noise and vibration impacts. The Applicant must ensure that the CEMP is secured in the DCO and the measures are capable of being delivered.
5	11.8.1	Scope of assessment	It is indicated that the level of assessment of the construction noise and vibration effects will depend on the information available about the proposed construction works at the time the assessment is made. Similar comments are made elsewhere in the chapter in relation to limitations on available information. The Inspectorate reminds the Applicant that the ES should assess all likely significant effects associated with the Proposed Development. The assessment should be undertaken having regard to the specific characteristics of the Proposed Development. Effort should be made to identify and describe these characteristics; however, where information is limited the assessment should be based on a worst case scenario. The ES should include a clear description of the worst case scenario which should also be appropriately justified.
6	11.9.5 and 11.9.24	Methodology - construction noise effects and night-time traffic noise levels	The Scoping Report refers to the DMRB 'Method 3' approach to calculating night-time traffic noise levels. It is unclear whether that is the method proposed to be used for the assessment. The selected methodology for each assessment should be clearly described and justified in the ES.
7	Tables 11.8 and 11.9	Continuous vibration levels	Only single values, rather than a range, are provided in these tables, so the methodology that will be applied to the assessment is unclear. The ES should include a clear definition of methodology applied in the assessment.
8	11.9.25	Traffic model and traffic noise modelling	No information is provided on the models proposed to be used. Paragraph 11.9.29 refers to SoundPLAN or CadnaA in relation to noise modelling, however some text appears to be missing. The models used to inform the EIA should be clearly described in the ES.

Scoping Opinion for  
Proposed M42 Junction 6 Improvement Scheme

9	11.9.31	Receptor sensitivity	<p>Although it is stated that the DMRB notes that no methodology has yet been developed to assign significance according to both resource value and impact magnitude, Table 11.12 identifies a number of receptor types to which sensitivity values are assigned. However, the table does not include fauna, and it is not explained from where the criteria are derived.</p> <p>The Inspectorate advises that information on sensitivity values should be provided in the ES and advises that alternative sources of guidance to the DMRB are available.</p>
---	---------	----------------------	---

## 4.8 People and Communities

(Scoping Report Chapter 12)

This aspect chapter assesses impacts under a number of different environmental aspects/matters. One of which, 'non-motorised users (NMUs)', includes cyclists, pedestrians, and equestrians. The study area applied to NMUs is to consider all known NMU facilities up to 500m from the Proposed Development. For the 'travellers' views' the study area is described as the 'Visual Envelope' which is set at 2km from either side of the alignment. The Scoping Report states that the study area applied to the assessment of 'land use' and 'community effects' extends to 250m from the Proposed Development, and that the final extent will be agreed in consultation with the appropriate statutory consultees and reported in the ES.

The Scoping Report states that the methodology will be in line with DMRB (in particular Volume 11, Section 3, Parts 6, 8, and 9); and will make use of professional judgment where standard guidance is not available. The Applicant proposes to undertake a 'simple assessment' under the DMRB for 'effects on all travellers' and a 'detailed assessment' for effects on community and private assets.

The Proposed Development is situated within arable fields and a number of farmsteads exist within 250m of the proposed alignment. A number of Public Rights of Way (PRoW) and a traffic-free cycle route also exist within the footprint of the proposals or immediate vicinity. As well as the farmsteads, a number of commercial properties will be potentially affected by the Proposed Development including Páirc na hÉireann Gaelic sports facility.

The predicted impacts of the Proposed Development are the severance of several PRoW, resulting in the reduction of their amenity value, and reduction in the amenity value of the cycle route identified due to the introduction of traffic. Beneficial effects to vehicle users are anticipated to result from the proposals.

The Inspectorate has provided comments below on matters that the Applicant has proposed to scope out of the EIA.

<b>ID</b>	<b>Para</b>	<b>Applicant's proposed matters to scope out</b>	<b>Inspectorate's comments</b>
1	General	Traffic conditions	The Inspectorate notes that this chapter does not include reference to an assessment of changes in traffic conditions, either during the construction period or operational period. There is no reference to the consideration of road closures or other traffic management measures during construction. It is not apparent that there is intention to use the information in the Transport

Scoping Opinion for  
Proposed M42 Junction 6 Improvement Scheme

			Assessment produced for the Proposed Development (or equivalent study) to inform the assessment of effects in this chapter. The impacts associated with changes to traffic conditions should be assessed and presented in the ES with respect to all the relevant aspects/matters in this chapter.
2	12.8.2	NMU - equestrians	The Scoping Report proposes to scope out effects on equestrians as no adverse effects are anticipated. No evidence is supplied to support this request, and the baseline conditions report identifies two livery stables in the vicinity of Bickenhill (the precise locations are not provided) and paragraph 12.5.1 identifies the need for further surveys of equestrian use in the area. In light of this, the Inspectorate cannot agree to scope an assessment of impacts to equestrians out of the assessment.
<b>ID</b>	<b>Para</b>	<b>Other points</b>	<b>Inspectorate's comments</b>
3	General	Traffic modelling	The ES should explain any of the assumptions and limitations to the traffic modelling used in the assessment and how they affect the outcome.
4	12.3.1	Study area for NMU facilities	It is not clear why the area of 500m has been chosen, and whether this is sufficient to capture all facilities potentially affected by the Proposed Development. It is not apparent if other information, for example information on the changes to traffic conditions on the local road network, has been taken into account. The Inspectorate advises the Applicant to engage with all relevant consultees in order to ensure the study area is adequate with regard to its geographical extent. The study area should be defined in the ES.
5	12.3.2 and 12.8.2	Scope - Views from the road	This assessment is linked to the Landscape and Visual Impact Assessment. As such, where the assessments draw on each other, appropriate cross referencing should be made.
6	12.9 and 12.18	Methodology/ Methodologies	The Scoping Report acknowledges gaps in the DMRB with respect to methodology, and states that professional judgement will be applied. The Inspectorate advises the Applicant to consider

Scoping Opinion for  
Proposed M42 Junction 6 Improvement Scheme

			<p>guidance outside of the DMRB where applicable and to ensure that if a methodology, for data collection and assessment, departs from standard guidance that it is fully explained and justified.</p> <p>With reference to Table 12.3 and Table 12.4, the criteria for assessing significant of effects on NMUs and driver stress are given. Very little information is given about the methodologies used to arrive at these criteria, which appear to be largely based on judgement.</p>
7	12.13	Study area for community effects and land use	<p>It is not clear why the area of 250m has been chosen, and whether this is adequate. It is not apparent if other information, for example, changes to traffic conditions on the local road network, has been taken into account. The Inspectorate acknowledges the intention to refine the study area through consultation and advises the Applicant to engage with all relevant consultees including non-statutory consultees.</p>

## 4.9 Road Drainage and the Water Environment

(Scoping Report Chapter 13)

The Scoping Report identifies a study area of approximately 1km around the Proposed Development. Additionally, it is noted that a flood risk study area comprising of the EA Flood Zones (FZs) along the watercourses that may be affected by the Proposed Development will be applied. The Applicant advises that the final extent of the study area will be agreed in consultation with the relevant statutory consultees.

The Proposed Development would cross two main rivers: Holywell Brook to the north of Junction 6; and Shadow Brook immediately north of where the B4102 crosses the M42; and a tributary of Shadow Brook. All three watercourses are tributaries of the Water Framework Directive (WFD) designated River Blythe, also a SSSI, located approximately 1.3km east of Junction 6. There are two other WFD designated reaches of the River Blyth within 1km of the Proposed Development. The Grand Union Canal (a WFD artificial waterbody) is less than 800m to the west. The entire study area is within a Nitrate Vulnerable Zone (NVZ). The majority of the site is within FZ1; the proposed watercourse crossing locations are within FZs 2 and 3 (including 3b). The Bickenhill Meadows SSSI and Shadowbrook Meadows Local Nature Reserve are identified as being within the vicinity of the site.

The Applicant proposes to rely on advice and methodologies set out in the DMRB (HD 45/09), undertaking a 'detailed assessment'; best practice guides, such as those produced by the Construction Industry Research and Information Association (CIRIA); and the January 2014 Department for Transport TAG Unit A3 (see comments below). The Applicant has consulted the EA and NE to-date and states that further consultation will be undertaken during the detailed assessment process. It is not indicated that SMBC, the Lead Local Flood Authority (LLFA), has yet been consulted, however it is stated that the Applicant intends to hold discussions with them.

The Applicant identifies a number of potential adverse effects. During construction, these include: impacts on surface and groundwater quality and ecological receptors due to deposition or spillage of soils, sediments, oils, fuels, etc, mobilisation of contamination following disturbance of contaminated ground or groundwater, or uncontrolled site run-off; and a potential increase in volume and rate of surface water runoff from new impervious areas leading to increased flood risk. During operation the potential effects are identified as: impacts on the surface or groundwater quality from highway run-off or as a result of accidental spillages; impacts on hydrogeology from contaminant release during accidental spillages or via unlined SuDS; changes in the natural form which could have a subsequent effect on surface water drainage patterns; a potential increase in the volume and rate of surface water runoff from new impervious areas leading to increased flood risk; impacts on hydraulic processes and sediment dynamics in watercourses and their floodplains; and physical damage to the morphology of water bodies during construction that could have both temporary and long term impacts on the hydromorphological conditions of the water bodies.

Scoping Opinion for  
Proposed M42 Junction 6 Improvement Scheme

No matters have been proposed to be scoped out of the assessment.			
<b>ID</b>	<b>Para</b>	<b>Applicant's proposed matters to scope out</b>	<b>Inspectorate's comments</b>
-	N/A	None identified	N/A
<b>ID</b>	<b>Para</b>	<b>Other points</b>	<b>Inspectorate's comments</b>
1	13.3.2	Water features outside the study area	It is noted that professional judgment has been applied to identify water features for inclusion in the assessment that are located outside the study area, where it appears that there is hydraulic connectivity to features within the study area and a possibility that they could be significantly affected. The approach to determining which features should be considered should be explained and the ES should explicitly state how and where professional judgement has been used.
2	13.4.17	Potential for impacts on the Grand Union Canal	The Canal and River Trust in their scoping consultation response (contained in Appendix 2 of this Opinion) have identified potential impacts on the canal and its associated receptors resulting from the drainage arrangements for the Proposed Development. The Inspectorate advises that these impacts should be assessed in the ES.
3	13.4.25	Groundwater	The extent of the site underlain by either the Secondary A or Secondary B aquifers is not clear from the description provided. This ES should clearly state and depict the location of these sensitive receptors.
4	13.6.3	Missing information	This paragraph refers to Table 13.7, which it is assumed, from the preceding text, was intended to provide information on the criteria used to determine the importance of a receptor, however it has been omitted. The ES should clearly state the criteria by which sensitivity/importance of a receptor will be defined.
5	13.6.5	Related ecological surveys	The Inspectorate welcomes the stated intention to review the watercourses and ponds ecological surveys to determine the potential for relevant

Scoping Opinion for  
Proposed M42 Junction 6 Improvement Scheme

			protected species, in relation to establishing the importance of the water resources receptors. The outcomes of the ecological surveys should be cross-referenced from this aspect chapter.
6	13.8.1	Mitigation and the CEMP	Proposed construction mitigation measures, which it is indicated will be contained within the CEMP, should be identified in the ES, and must be secured within the DCO.
7	13.10.2	Methodology	Reference is made to the use of the Highways Agency Water Risk Assessment Tool (HAWRAT) to assess operational impacts, which should be described in the ES.
8	13.10.5	WFD	The Inspectorate notes that a WFD assessment will be prepared, which will explain how the requirements of the WFD have been met, and welcomes that the EA will be consulted. The Applicant's attention is drawn to the Inspectorate's Advice Note about the WFD, published on the National Infrastructure Planning website.
9	13.10.6	Flood risk	It is recommended that SMBC are consulted in addition to the EA in relation to the assessment of flood risk. The Applicant is referred to the comments made by the EA in their consultation response in relation to the scope of the flood risk assessment and also the need to take into account increased peak river flow allowances.
10	13.11.1 and 13.11.3	Guidance	The Scoping Report refers to the January 2014 Department for Transport TAG Unit A3 which was superseded in December 2015. The Applicant is advised to ensure that all guidance relied upon for the purposes of undertaking the EIA is current.
11	13.11.3	Environmental permits/licences	The Inspectorate notes that liaison with the EA is to be undertaken in relation to identifying any permits/licences that may be required. The Applicant is referred in this regard to EA advice contained in Annex D of the Inspectorate's Advice Note eleven: Working with public bodies in the infrastructure planning process.



Scoping Opinion for  
Proposed M42 Junction 6 Improvement Scheme

12	13.11.5 - 6	Methodology	Reference is made to using either DMRB 'Method A' or 'C' in relation to assessing potential impacts to water resources from routine run off, and to 'Method D' in respect of the risk of a serious spillage incident occurring. The final methodologies chosen for the assessment should be fully explained in the ES.
----	----------------	-------------	--

## 4.10 Climate

(Scoping Report Chapter 14)

This aspect chapter proposes to address two main elements: impacts from greenhouse gases (GHG) and climate change resilience.

The study area has not yet been finalised, the Scoping Report states that it will be agreed in consultation with statutory consultees and presented in the ES. At this stage the study area for GHG is put forward as all emissions arising during construction and operation, with reference to the Proposed Development footprint. The study area for the resilience assessment is not precisely defined but given as the proposals footprint and immediate surrounding environment.

For both elements the methods of data collection are explained in the Scoping Report, using a range of desk study sources. For GHG emissions the Scoping Report proposes to apply guidelines for assessment from BS EN 15804 PAS 2080 which will report emissions as tonnes of carbon dioxide equivalent (CO<sub>2</sub>e) and consider the six gases/ groups of gases listed on the Kyoto Protocol. Reference is also made to guidance from IEMA to be applied in identifying sources of emissions. Emissions will be related to UK carbon targets. For climate change resilience, a general approach is given which describes a qualitative assessment based on design data and climate change data.

Potential impacts have not been assessed in detail at this stage, but are identified as the contribution of the Proposed Development to the UK's carbon footprint, and its vulnerability to climate change risks, namely: material deterioration due to high temperatures and periods of heavy rainfall; flooding and damage to drainage systems; and storm damage to structures and other assets.

The Inspectorate has provided comments below on matters that the Applicant has set out as being scoped out of the EIA.

<b>ID</b>	<b>Para</b>	<b>Applicant's proposed matters to scope out</b>	<b>Inspectorate's comments</b>
1	14.7.2	Decommissioning	Given the nature of the Proposed Development and the assertion in the Scoping Report that the decommissioning of the Proposed Development is not reasonably foreseeable, the Inspectorate is content to scope this matter out of the ES.
	<b>Para</b>	<b>Other points</b>	<b>Inspectorate's comments</b>
2	General	Inter-relationships	There is a link between the climate change resilience assessment and the assessment

Scoping Opinion for  
Proposed M42 Junction 6 Improvement Scheme

			within Chapter 13 in relation to flood risk. Appropriate cross-referencing to relevant chapters should be made in the ES.
3	14.1.1	Climate change projections	The Inspectorate notes that the climate change resilience assessment will be undertaken with regard to the NPSNN. As set out in the NPSNN the Applicant should take into account the potential impacts of climate change using the latest UK Climate Projections (UKCP); this should include the anticipated UKCP18 where appropriate.
4	14.5.3 and 14.8.7	Methodology	It is noted from paragraph 14.8.7 that the methodology described will place GHG emissions for the Proposed Development in the context of UK carbon budgets and associated reduction targets in order to determine significance. The Scoping report states earlier (paragraph 14.5.3) that when determining sensitivity of receptors the magnitude of emissions will be used. It should be clear in the ES if this takes into account the temporal duration of the emissions and the relevance to emission reduction targets.
5	14.8.10 to 14.8.14	Methodology	The approach and aim of the climate change resilience assessment is described here, however the Inspectorate would expect to see information on how the assessment has actually been carried out reported in the ES. This would be expected to comprise detail on how the information about the Proposed Development has been used to assess its vulnerability, and how the risk of changes to climate and magnitude of these changes has been evaluated and informed the assessment of significant effects.

## 4.11 Consideration of Combined and Cumulative Effects

(Scoping Report Chapter 15)

It is stated that the study area will not be defined prior to undertaking the assessment as it will depend on the outcomes of the specialist assessments and information on the extent of impacts of other developments in the area.

The assessment methodology will be based on advice contained within the DMRB Volume 11 Section 2 Parts 5 and 6, Highways England's Cumulative Assessment Requirements Instruction Note, and the Planning Inspectorate's Advice Note 17 – Cumulative effects assessment relevant to NSIPs.

Potential to experience combined construction effects associated with dust, air emissions, noise, severance and visual intrusion are identified for properties located in Bickenhill and along Catherine De Barnes Lane (B4438); users of non-motorised facilities, such as the PRowS and cycleways that cross the study area; the Warwickshire Gaelic Athletic Association; Aspbury's Copse Ancient Woodland; Bickenhill SSSI; and a number of LWSs. Operational effects have not yet been identified, although reference is made to noise reduction and ecological mitigation measures in relation to reducing operational combined effects.

The potential for cumulative effects together with a number of other identified developments has been identified in relation to a change in air quality emissions and noise levels; loss of ecological resources; changes to the area's ability to manage flood risk events; changes to agricultural land and land uses; and changes to landscape and amenity.

No matters have been proposed to be scoped out of the assessment.

<b>ID</b>	<b>Para</b>	<b>Applicant's proposed matters to scope out</b>	<b>Inspectorate's comments</b>
-	N/A	None identified	N/A
<b>ID</b>	<b>Para</b>	<b>Other points</b>	<b>Inspectorate's comments</b>
1	15.5.5 and 15.5.8	Methodology	No information is provided in relation to criteria used to determine receptor value and impact magnitude, or what level of effect would constitute a significant effect. The Inspectorate expects this to be provided in the ES. The Applicant is referred to the advice contained in the Inspectorate's Advice Note seventeen in relation to the tiered approach.

## 5. INFORMATION SOURCES

5.0.1 The Inspectorate's National Infrastructure Planning website includes links to a range of advice regarding the making of applications and environmental procedures. These include:

- Pre-application prospectus<sup>3</sup>
- Planning Inspectorate advice notes<sup>4</sup>:
  - Advice Note Three: EIA Notification and Consultation;
  - Advice Note Four: Section 52: Obtaining information about interests in land (Planning Act 2008);
  - Advice Note Five: Section 53 Rights of Entry (Planning Act 2008);
  - Advice Note Seven: Environmental Impact Assessment: Preliminary Environmental Information, Screening and Scoping;
  - Advice Note Nine: Using the 'Rochdale Envelope';
  - Advice Note Ten: Habitats Regulations Assessment relevant to nationally significant infrastructure projects (includes discussion of Evidence Plan process);
  - Advice Note Twelve: Transboundary Impacts
  - Advice Note Seventeen: Cumulative Effects Assessment; and
  - Advice Note Eighteen: The Water Framework Directive.

5.0.2 Applicants are also advised to review the list of information required to be submitted with an application for development consent as set out in The Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009 (as amended).

---

On page <sup>3</sup> The Planning Inspectorate's pre-application services for applicants. Available from: <https://infrastructure.planninginspectorate.gov.uk/application-process/pre-application-service-for-applicants/>

<sup>4</sup> The Planning Inspectorate's series of advice notes in relation to the Planning Act 2008 process. Available from: <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>



## APPENDIX 1: CONSULTATION BODIES FORMALLY CONSULTED

**TABLE A1: PRESCRIBED CONSULTATION BODIES<sup>5</sup>**

<b>SCHEDULE 1 DESCRIPTION</b>	<b>ORGANISATION</b>
The Health and Safety Executive	Health and Safety Executive
The National Health Service Commissioning Board	NHS England
The relevant Clinical Commissioning Group	Warwickshire North Clinical Commissioning Group
	Solihull Clinical Commissioning Group
Natural England	Natural England
The Historic Buildings and Monuments Commission for England	Historic England - West Midlands
The relevant fire and rescue authority	West Midlands Fire Service
	Warwickshire Fire and Rescue Service
The relevant police and crime commissioner	West Midlands Police and Crime Commissioner
	Warwickshire Police and Crime Commissioner
The relevant parish council(s) or, where the application relates to land [in] Wales or Scotland, the relevant community council	Coleshill Town Council
	Bickenhill and Marston Green Parish Council
	Hampton in Arden Parish Council
	Barston Parish Council
The Environment Agency	The Environment Agency - West Midlands
The relevant AONB Conservation Boards	Cotswolds Conservation Board
The Civil Aviation Authority	Civil Aviation Authority
The Secretary of State for Transport	Department for Transport
The Relevant Highways Authority	Solihull Metropolitan Borough Council

<sup>5</sup> Schedule 1 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended) (the 'APFP Regulations')

<b>SCHEDULE 1 DESCRIPTION</b>	<b>ORGANISATION</b>
The Relevant Highways Authority	Warwickshire County Council
The relevant strategic highways company	Highways England - Midlands
The Canal and River Trust	The Canal and River Trust
Public Health England, an executive agency of the Department of Health	Public Health England
The Crown Estate Commissioners	The Crown Estate
The Forestry Commission	Forestry Commission - North West & West Midlands
The Secretary of State for Defence	Ministry of Defence

**TABLE A2: RELEVANT STATUTORY UNDERTAKERS<sup>6</sup>**

<b>STATUTORY UNDERTAKER</b>	<b>ORGANISATION</b>
The relevant Clinical Commissioning Group	Warwickshire North Clinical Commissioning Group
	Solihull Clinical Commissioning Group
The National Health Service Commissioning Board	NHS England
The relevant NHS Foundation Trust	West Midlands Ambulance Service NHS Foundation Trust
Railways	Network Rail Infrastructure Ltd
	Highways England Historical Railways Estate
Road Transport	Midland Expressway Limited
Canal Or Inland Navigation Authorities	The Canal and River Trust
	West Midlands Waterways
Civil Aviation Authority	Civil Aviation Authority
Licence Holder (Chapter 1 Of Part 1 Of Transport Act 2000)	NATS En-Route Safeguarding
Universal Service Provider	Royal Mail Group

---

<sup>6</sup> 'Statutory Undertaker' is defined in the APFP Regulations as having the same meaning as in Section 127 of the Planning Act 2008 (as amended)



Scoping Opinion for  
Proposed M42 Junction 6 Improvement Scheme

<b>STATUTORY UNDERTAKER</b>	<b>ORGANISATION</b>
Homes and Communities Agency	Homes and Communities Agency
The relevant Environment Agency	Environment Agency - West Midlands
The relevant water and sewage undertaker	Severn Trent
The relevant public gas transporter	Cadent Gas Limited
	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
	National Grid Gas Plc
	Scotland Gas Networks Plc
Southern Gas Networks Plc	
Wales and West Utilities Ltd	
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
	Utility Distribution Networks Limited
Western Power Distribution (West Midlands) plc	

<b>STATUTORY UNDERTAKER</b>	<b>ORGANISATION</b>
The relevant electricity transmitter with CPO Powers	National Grid Electricity Transmission Plc
	National Grid Electricity Transmission Plc

**TABLE A3: SECTION 43 CONSULTEES (FOR THE PURPOSES OF SECTION 42(1)(B))<sup>7</sup>**

<b>LOCAL AUTHORITY<sup>8</sup></b>
North Warwickshire Borough Council
Solihull Metropolitan Borough Council
Lichfield District Council
Tamworth Borough Council
Hinckley and Bosworth Borough Council
Warwick District Council
Stratford-on-Avon District Council
Nuneaton and Bedworth Borough Council
Bromsgrove District Council
North West Leicestershire District Council
Birmingham City Council
Coventry City Council
Warwickshire County Council
Worcestershire County Council
Leicestershire County Council
Northamptonshire County Council
Oxfordshire County Council
Staffordshire County Council
Gloucestershire County Council

---

<sup>7</sup> Sections 43 and 42(B) of the PA2008

<sup>8</sup> As defined in Section 43(3) of the PA2008

**TABLE A4: NON-PRESCRIBED CONSULTATION BODIES**

<b>ORGANISATION</b>
West Midlands Combined Authority



## **APPENDIX 2: RESPONDENTS TO CONSULTATION AND COPIES OF REPLIES**

Consultation bodies who replied by the statutory deadline:

Cadent Gas Limited
Environment Agency
Canal and River Trust
ESP Gas Group Ltd
Gloucestershire County Council
Health and Safety Executive
Highways England
Hinckley and Bosworth Borough Council
Historic England
Ministry of Defence
National Grid
Public Health England
Royal Mail
Solihull Clinical Commissioning Group
Tamworth Borough Council



Mr J Pizzey  
M42 Junction 6 Improvement  
Highways England  
The Cube  
199 Wharfside Street  
Birmingham  
B1 1RN

**M42 Junction 6 Improvement**

**15.11.2017**

This is a response issued by Fisher German LLP on behalf of Cadent Gas Limited regarding the M42 Junction 6 Improvement Development Consent Order. On behalf of Cadent we have reviewed the information and wish to make the following comments:

In respect of existing Cadent infrastructure, Cadent will require appropriate protection for retained apparatus including compliance with relevant standards for works proposed within close proximity of its apparatus,

**Cadent Infrastructure is within or in close proximity to the Proposed Order Limits. Please see attached plans highlighting the locations of these Cadent assets.**

The Cadent apparatus that has been identified as being in the vicinity of your proposed works is:

- High or Intermediate pressure (above 2 bar) Gas Pipelines and associated equipment
- Low or Medium pressure (below 2 bar) gas pipes and associated equipment. (As a result it is highly likely that there are gas services and associated apparatus in the vicinity)

**Where the Promoter intends to acquire land, extinguish rights, or interfere with any of Cadent's apparatus, Cadent will require appropriate protection and further discussion on the impact to its apparatus and rights including adequate Protective Provisions.**

**Key Considerations:**

- Cadent has a Deed of Grant of Easement for each pipeline, which prevents the erection of permanent / temporary buildings, or structures, change to existing ground levels, storage of materials etc.

**Pipeline Crossings:**

- Where existing roads cannot be used, construction traffic should ONLY cross the pipeline at previously agreed locations.
- The pipeline shall be protected, at the crossing points, by temporary rafts constructed at ground level. The third party shall review ground conditions, vehicle types and crossing frequencies to determine the type and construction of the raft required.
- The type of raft shall be agreed with Cadent prior to installation.
- No protective measures including the installation of concrete slab protection shall be installed over or near to the Cadent pipeline without the prior permission of Cadent.
- Cadent will need to agree the material, the dimensions and method of installation of the proposed protective measure.
- The method of installation shall be confirmed through the submission of a formal written method statement from the contractor to Cadent.



- Please be aware that written permission is required before any works commence within the Cadent easement strip.
- A Cadent representative shall monitor any works within close proximity to the pipeline.
- A Deed of Consent is required for any crossing of the easement

#### New Service Crossing:

- New services may cross the pipeline at perpendicular angle to the pipeline i.e. 90 degrees.
- A new service should not be laid parallel within an easement
- A Cadent representative shall supervise any new service crossing of a pipeline. Any exposed pipeline should be suitably supported and removed prior to backfilling
- An exposed pipeline should be suitable supported and removed prior to backfilling
- An exposed pipeline should be protected by matting and suitable timber cladding
- For pipe construction involving deep excavation (<1.5m) in the vicinity of grey iron mains, the model consultative procedure will apply therefore an integrity assessment must be conducted to confirm if diversion is required
- A Deed of Consent is required for any new service crossing the easement.
- Where a new service is to cross over the pipeline a clearance distance of 0.6 metres between the crown of the pipeline and underside of the service should be maintained. If this cannot be achieved the service shall cross below the pipeline with a clearance distance of 0.6 metres.

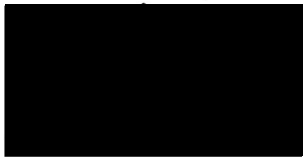
#### General Notes on Pipeline Safety:

- You should be aware of the Health and Safety Executives guidance document HS(G) 47 "Avoiding Danger from Underground Services", and Cadent's specification for Safe Working in the Vicinity of Cadent High Pressure gas pipelines and associated installations - requirements for third parties T/SP/SSW22. Digsafe leaflet Excavating Safely - Avoiding injury when working near gas pipes
- Cadent will also need to ensure that our pipelines access is maintained during and after construction.
- The actual depth and position must be confirmed on site by trial hole investigation under the supervision of a Cadent representative. Ground cover above our pipelines should not be reduced or increased.
- If any excavations are planned within 3 metres of Cadent High Pressure Pipeline or, within 10 metres of an AGI (Above Ground Installation), or if any embankment or dredging works are proposed then the actual position and depth of the pipeline must be established on site in the presence of a Cadent representative. A safe working method agreed prior to any work taking place in order to minimise the risk of damage and ensure the final depth of cover does not affect the integrity of the pipeline.
- Excavation works may take place unsupervised no closer than 3 metres from the pipeline once the actual depth and position has been confirmed on site under the supervision of a Cadent representative. Similarly, excavation with hand held power tools is not permitted within 1.5 metres from our apparatus and the work is undertaken with NG supervision and guidance.



- The above guidance is not exhaustive and your works proposals must always be submitted to Cadent's Plant Protection department in advance of commencement of works on site.

Yours Faithfully



**Iain Long**  
**Fisher German LLP**

**On behalf of Vicky Sterling**  
Land & Property Services

Continuation sheet.

Plan/s





## **Guidance**

To download a copy of the HSE Guidance HS(G)47, please use the following link:

<http://www.hse.gov.uk/pubns/books/hsg47.htm>

Dial Before You Dig Pipelines Guidance:

<https://cadentgas.com/Digging-safely/Dial-before-you-dig>

Essential Guidance document:

[https://cadentgas.com/getattachment/Digging-safely/Work-safely-library/Promo-Essential-guidance/Essential\\_Guidance.pdf](https://cadentgas.com/getattachment/Digging-safely/Work-safely-library/Promo-Essential-guidance/Essential_Guidance.pdf)

Excavating Safely in the vicinity of gas pipes guidance (Credit card):

[https://cadentgas.com/getattachment/Digging-safely/Work-safely-library/Promo-Excavating-safely-credit-card-gas/Excavating\\_Safely\\_Leaflet\\_Gas-1.pdf](https://cadentgas.com/getattachment/Digging-safely/Work-safely-library/Promo-Excavating-safely-credit-card-gas/Excavating_Safely_Leaflet_Gas-1.pdf)

Copies of all the Guidance Documents can also be downloaded from the National Grid Website:

<https://cadentgas.com/Digging-safely/Work-safely-library>

### **Cadent Gas Limited**

Registered Office Ashbrook Court, Prologis Park  
Central Boulevard, Coventry CV7 8PE  
Registered in England and Wales No.10080864

### **National Gas Emergency Service**

0800 111 999\* (24hrs)  
\*Calls will be recorded and may be monitored

5000419 (01/13)

Page 4 of 4

418000

418500

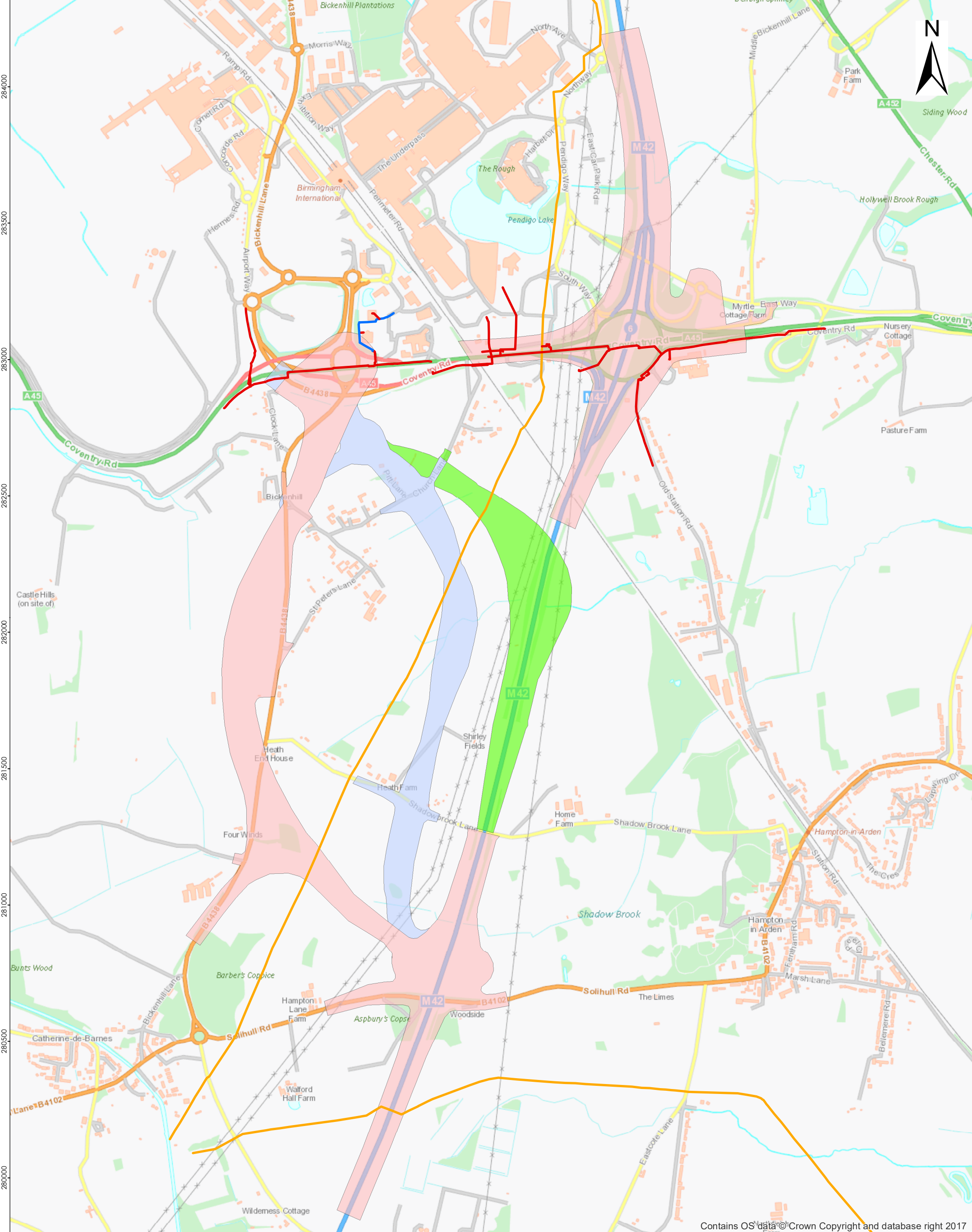
419000

419500

420000

420500

421000



Contains OS data © Crown Copyright and database right 2017

**OVERVIEW WINDOW**

**Birmingham**  
**Coventry**

0 125 250 500  
Metres

REVISION: A

CLIENT: **Cadent**  
Your Gas Network

SCHEME: M42 JUNCTION 6 IMPROVEMENT SCHEME

TITLE: CPO AREA ASSET INTERACTION

SCALE: 1:12,500 @ A3

DATE: 15/11/2017

**LEGEND:**

**Cadent Pipeline**

- HP
- MP
- LP

**CPO Areas**

- Option 1
- Option 2
- Option 3

© Crown copyright and database rights 2017  
Ordnance Survey Licence Number AL100005237

**Data**

THIS DRAWING IS PROTECTED BY COPYRIGHT.  
IT MAY NOT BE REPRODUCED IN ANY FORM OR  
BY ANY MEANS FOR ANY PURPOSE WITHOUT  
WRITTEN PERMISSION OF FISHER GERMAN LLP

**FISHER GERMAN**

The Estates Office  
Norman Court  
Ashby de la Zouch,  
Leicestershire, LE65 2UZ  
Telephone 01530 412821  
Fax: 01530 413896

**DRAWING NO:**  
**CADENT\_M42-2017-11-MT**  
**-OP-CPO**





Canal &  
River Trust

Tuesday 21<sup>st</sup> November 2017

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

**Our Ref:** Junc 6 M42 NSIP  
**Your Ref:** TR010027-000008

Dear Ms Boyle,

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

**Application by highways England for an Order Granting Development Consent for the M42 Junction 6 Improvement Scheme**

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

Thank you for your consultation in respect of the above.

The Canal & River Trust (the Trust) is the guardian of 2,000 miles of historic waterways across England and Wales. We are among the largest charities in the UK. Our vision is that "living waterways transform places and enrich lives". We are a prescribed consultee in the NSIP process.

Following consideration of the scoping consultation we have the following comments to make:

The Grand Union Canal runs to the west of the site and as land owner/ operator of the canal the Trust would therefore wish to see any potential impacts on the canal and its users fully identified and addressed within the Environmental Statement (ES).

There appears to be limited reference to the Grand Union Canal within the Scoping Document despite the fact that it is shown on the majority of the plans submitted. The Trust considers that in setting baselines for the Environmental Impact Assessment (EIA) the canal should be more clearly and consistently referenced throughout.

Although the canal is not within the application site it is within a reasonable distance of the site boundaries and considering the scale and nature of the proposed development the Trust consider

**Canal & River Trust** Fradley Junction, Alrewas, Burton-Upon-Trent, Staffordshire, DE13 7DN  
T 0303 040 4040 E [planning@canalrivertrust.org.uk](mailto:planning@canalrivertrust.org.uk) W [www.canalrivertrust.org.uk](http://www.canalrivertrust.org.uk)

Patron: H.R.H. The Prince of Wales. Canal & River Trust, a charitable company limited by guarantee registered in England and Wales with company number 7807276 and registered charity number 1146792, registered office address First Floor North, Station House, 500 Elder Gate, Milton Keynes MK9 1BB

that there is a potential for adverse impact to the waterway from noise /air quality during construction and operational phase of the development.

The canal is identified as a non-statutory nature conservation area and falls within the noise study area of the ES. In considering the impacts of the development the natural environment and users of the Grand Union Canal should be identified as sensitive receptors. It should be clarified that canal users includes boaters, both leisure users and residential along with towpath users. Furthermore, residential moorings should be afforded equal consideration as a sensitive receptor.

The canal does not fall within the Landscape and Visual Impact Assessment (LVIA) viewpoints study area and it is not clear to the Trust why the canal has not been considered as a sensitive landscape or visual receptor. Further clarity on this should be provided within the ES with any further viewpoints added as necessary.

The submission at paragraph 13.4.17 states that the canal will not receive flows from any waterbody that might be affected by the proposed scheme although this is to be confirmed following a site visit. The drainage methods of new developments can have significant impacts on the structural integrity, water quality and the biodiversity of waterways. It is important to ensure that no contaminants enter the canal from surface water drainage and full details of the drainage, including the outcome of the site visit, must be included within the ES.

The applicant is advised that the Trust is not a land drainage authority and any surface water discharge to the waterway will require prior consent from the Trust. Such discharges are not granted as of right and when and if they are granted they will usually be subject to completion of a commercial agreement prior to the commencement of any development.

The Trust would also wish to see the feasibility of utilising the waterway for freight /construction included within the Transport section of the ES.

If you have any queries please contact me, my details are below.

Yours sincerely

Anne Denby MRTPI  
Area Planner (West Midlands)  
Anne.Denby@canalrivertrust.org.uk  
01926 622752

Canal & River Trust Peel's Wharf Lichfield Street Fazeley Tamworth B78 3QZ

**T** 0303 040 4040 **E** NationalPlanning.Function@canalrivertrust.org.uk [www.canalrivertrust.org.uk](http://www.canalrivertrust.org.uk)

Patron: H.R.H. The Prince of Wales. Canal & River Trust, a charitable company limited by guarantee registered in England and Wales with company number 7807276 and registered charity number 1146792, registered office address First Floor North, Station House, 500 Elder Gate, Milton Keynes MK9 1BB

The Planning Inspectorate  
3D Eagle Way  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

**Our ref:** UT/2017/116702/01-L01  
**Your ref:** TR010027-000008  
**Date:** 16 November 2017

Dear Sir/Madam

## **M42 JUNCTION 6 SCHEME – ENVIRONMENTAL IMPACT ASSESSMENT – SCOPING REPORT**

### **M42 JUNCTION 6**

Thank you for consulting us on the above your EIA Scoping consultation letter which was received on 25 October 2017.

We have reviewed the information submitted and wish to make the following comments to ensure that the Environmental Statement will appropriately address the environmental issues we consider are of most importance for this proposal.

#### **Contamination:**

We have no objections or specific observations to make on this EIA Scoping Report. The potential impacts to the water environment (e.g. suspended solids and chemicals from surface water runoff, drainage waters from cuttings, road pollution incidents, contaminated soils, etc) can all be managed or mitigated through the design process.

Chapter 9 correctly sets out the hydrogeology of the area and the possible pollution linkages if any contamination gets encountered. It also states that an intrusive ground investigation will still be undertaken along the alignment of the proposed scheme in order to obtain actual details of the prevailing ground conditions, which we can only welcome.

Chapter 13 outlines the mitigation measures (e.g. SUDS) to achieve prevention of pollution of controlled waters, either from existing ground contamination where found, from the construction works or the actual operation of the road, with particular reference to the water environment that replenishes Bickenhill Meadows SSSI and River Blythe SSSI. It also states that further water quality monitoring will take place to augment the baseline data presented to date and to keep an eye on any possible impacts, if any.

Environment Agency  
Sentinel House, 9 Wellington Crescent, Fradley Park, Lichfield, Staffs, WS13 8RR.  
Customer services line: 03708 506 506  
[www.gov.uk/environment-agency](http://www.gov.uk/environment-agency)

Cont/d..



The proposal should ensure satisfactory outcomes.

### **Pollution Prevention:**

The proposed scheme is situated within close proximity to the River Blythe, a designated Site of Special Scientific Interest (SSSI). This waterbody is not meeting “Good” ecological status as required under the Water Framework Directive (WFD) and as detailed in the EIA. The proposed scheme should not lead to any further deterioration in the WFD status of this waterbody.

Activities at the site both during and after construction must not cause a pollution which includes polluting emissions to air, land or water resulting from actions by the developer or by its sub-contractors. A management plan highlighting all pollution risks and detailing all site specific pollution control measures should be implemented and followed for the duration of the construction phase. Pollution prevention guidance is available on our website. <https://www.gov.uk/guidance/pollution-prevention-for-businesses>

Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SUDS). SUDS offer significant advantages over conventional piped drainage systems in reducing flood risk by attenuating the rate and quantity of surface water run-off from a site, promoting groundwater recharge absorbing diffuse pollutants and improving water quality. We encourage the use of above ground SuDS as these provide greater water quality benefits.

The variety of SUDS techniques available means that virtually any development should be able to include a scheme based around these principles and provide multiple benefits, reducing costs and maintenance needs.

### **Flood Risk:**

With the exception of the following comments the Scoping EIA is acceptable: -  
With reference to paragraphs 13.9.2 and 13.11.2, the Flood Risk Assessment (FRA) also need to include the findings of the assessments detailed under 13.10.6. In addition any fluvial flood risk assessments (13.4.29 to 30 and 13.5.1 to 2) and the design of watercourse crossings (13.7.10, 13.8.5 and 13.9.2) need to include for the increase in peak river flow allowances detailed in the 2016 Climate Change Guidance.

### **Biodiversity:**

The Scoping EIA is largely fine but we wish to make the following comments:  
**2.6.2 (p12)** It is essential that balancing/settling pools are incorporated into the drainage systems to protect the River Blythe SSSI. If permanently wet pools are unacceptable to the airport then consideration should be given to creating balancing areas which are largely dry but incorporate small wet ponds.

**Table 8.1 (p71) River Blythe SSSI - Relationship to the site** The Blythe is in hydrological continuity with the site via the Shadow Brook and tributaries as well as via the Holywell Brook.

**8.4.9 (p72)** The assumption that White Clawed Crayfish, Water Voles and reptiles are not present is not acceptable. They are all known to have been present in the very recent past. Any work undertaken needs to take the possibility of their presence into account. This is especially true of reptiles for which we have very poor distribution data.

**8.4.10 (p73) and Table 8.3 (p79)** Otters are known to use the Holywell Brook within or

close to the site and parts of the Shadow Brook. It is likely that they use the headwaters of the Shadow Brook and tributaries as far upstream as the line of the proposed road. There is no need for otter surveys but the working area should be surveyed for potential holts and their occasional presence assumed.

**8.8.1 (p83)** Otters should be added to the list. There is the potential to cause loss of habitat and/or interruption to otter movement paths.

The comments we set out above are without prejudice to future decisions we make regarding any applications subsequently made to us for our permits or consents for operations at the site.

Yours sincerely

**Ms Noreen Nargas**  
**Senior Planning Advisor**

Direct dial 020 8474 5004

Direct fax

Direct e-mail [swmplanning@environment-agency.gov.uk](mailto:swmplanning@environment-agency.gov.uk)





**From:** ESP Utilities Group Ltd [<mailto:donotreply@espug.com>]  
**Sent:** 30 October 2017 10:27  
**To:** M42 Junction 6  
**Subject:** Your Reference: TR010027-000008. Our Reference: PE133329. Plant Not Affected Notice from ES Pipelines

Gail Boyle  
The Planning Inspectorate

30 October 2017

Reference: TR010027-000008

Dear Sir/Madam,

Thank you for your recent plant enquiry at (TR010027-000008).

I can confirm that ESP Gas Group Ltd has no gas or electricity apparatus in the vicinity of this site address and will not be affected by your proposed works. Therefore, ESP **DOES NOT OBJECT**.

ESP are continually laying new gas and electricity networks and this notification is valid for 90 days from the date of this letter. If your proposed works start after this period of time, please re-submit your enquiry.

### **Important Notice**

Please be advised that any enquiries for ESP Connections Ltd, formerly known as British Gas Connections Ltd, should be sent directly to us at the address shown above or alternatively you can email us at: [PlantResponses@espipelines.com](mailto:PlantResponses@espipelines.com)

Yours faithfully,

Alan Slee  
**Operations Manager**

Bluebird House  
Mole Business Park  
Leatherhead  
KT22 7BA  
☎ 01372 587500 📠 01372 377996

<http://www.espug.com>

The information in this email is confidential and may be legally privileged. It is intended solely for the addressee. Access to this email by anyone else is unauthorised. If you are not the intended recipient, any disclosure, copying, distribution or any action taken or omitted to be taken in reliance on it, is prohibited and may be unlawful.

 **Please consider the environment before printing this e-mail**

---

This email has been scanned by the Symantec Email Security.cloud service.  
For more information please visit <http://www.symanteccloud.com>

---

## Highways Development Management

Shire Hall  
Gloucester  
GL1 2TH

Highways Agency  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol  
BS1 6HA

email: [oliver.eden@gloucestershire.gov.uk](mailto:oliver.eden@gloucestershire.gov.uk)

Please ask for: Oliver Eden

---

Our Ref: Y/2017/039513

Your Ref:  
Y/2017/039513/PRE

Date: 13 November 2017

Dear Sirs,

**TOWN AND COUNTRY PLANNING ACT 1990  
HIGHWAY RECOMMENDATION**

**LOCATION: West of existing M42 junction 6 between junctions 5 & 6.**  
**PROPOSED: EIA Scoping Report relating to M42 junction 6 improvement scheme**

I refer to your consultation in respect of a Scoping Opinion for improvements at M42 Junction 6, Gloucestershire County Council does not have any comments to make in relation to this consultation.

Yours sincerely,

Oliver Eden

Development Co-ordinator



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

Your ref: TR010027  
Our ref: 4.2.1.6138.  
HSE email: [NSIP.applications@hse.gov.uk](mailto:NSIP.applications@hse.gov.uk)

FAO Gail Boyle  
The Planning Inspectorate  
By email

Dear Ms Boyle

22 Nov 2017

**PROPOSED M42 JUNCTION 6 IMPROVEMENT SCHEME (the project)  
PROPOSAL BY HIGHWAYS ENGLAND (the applicant)  
INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017 (as amended) – Regulations 10 and 11**

Thank you for your letter of 25<sup>th</sup> October 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?

With reference to drawings in document ***M42 Junction 6 Improvement Scheme, Environmental Impact Assessment Scoping Report, Report Number: HE551485-ACM-EAC-M42\_SW\_ZZ\_ZZ-RP-LE-0001-P02 S4, October 2017, Highways England*** the extent of the scheme, will pass over and in part run parallel with Major Accident Hazard Pipeline(s) (MAHP).

The Major Accident Hazard Pipeline(s) are Cadent Gas Ltd, Natural Gas High Pressure Pipelines [Brickenhill Bridle/Brickenhill (WM0611 – HSE 7150), Coleshill/Copt Heath (WM1602 – HSE7174) & Shrewley/Catherine de Barnes (WM2404 – HSE 7188)].

There are currently no Major Hazard Installations in the vicinity of the proposed scheme.

HSE is unable to provide specific LUP advice regarding this proposal until details of any proposed alterations/upgrade to the Major Accident Hazard Pipeline(s) are made available to HSE, by the Developer / Pipeline Operator. On receipt of this information, HSE will be in a position to provide case specific LUP advice.

HSE strongly recommends that, at the earliest opportunity, the Developer liaises with the Pipeline Operator (Cadent Gas Ltd) to establish any necessary measures required to alter/upgrade Major Accident Hazard Pipeline(s).

Although there are currently no Major Hazard Installations in the vicinity of the proposed scheme, should a Hazardous Substances Consent be granted prior to the determination of the present application, then HSE reserves the right to revise its advice.

Explosives sites

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

## **Electrical Safety**

No comment from a planning perspective

## Waste

In respect of waste management the applicant should take account of and adhere to relevant health and safety requirements. Particular attention should be paid in respect of risks created from historical landfill (buried waste) sites. More details can be found on the HSE's website at:

<http://www.hse.gov.uk/waste/index.htm>

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,

pp: Dave Adams  
(CEMHD4 Policy)

Our ref:  
Your ref: TR010027-000008

Gail Boyle  
Senior EIA & Land Rights Advisor – Environmental  
Services Team  
Major Applications and Plans  
The Planning Inspectorate,  
Via Email: [M42Junction6@pins.gsi.gov.uk](mailto:M42Junction6@pins.gsi.gov.uk)

Catherine Townend  
Asset Manager  
Operations Directorate

The Cube  
199 Wharfside Street  
Birmingham  
B1 1RN  
[www.highways.gov.uk](http://www.highways.gov.uk)

Direct Line: 0300 470 3414

14 November 2017

Dear Gail,

**RE: Application by Highways England for an Order granting Development Consent for the M42 Junction 6 Improvement Scheme**

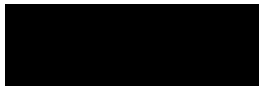
Thank you for contacting us with details of the above consultation dated 25 October 2017. As you will be aware Highways England (“we”) are promotor of the scheme but also have a role as a statutory consultee to the Development Consent Order application by virtue of our role as a strategic highway company for the Strategic Road Network (SRN).

We have been appointed to this role by the Secretary of State for Transport under the provisions of the Infrastructure Act 2015 and are the highway authority, traffic authority and street authority for the affected parts of the motorway and trunk road network. In the area of the application this comprises the M42 motorway and part of the A45 route where this forms a section of the trunk road network.

While developing the scheme we can confirm that we have carried out the necessary discussions with internal stakeholders such that we do not have further comment on the application.

Should you have any question regarding our response please do not hesitate to contact me

Yours sincerely



Catherine Townend  
OD Midlands  
Email: [Catherine.townend@highwaysengland.co.uk](mailto:Catherine.townend@highwaysengland.co.uk)

Cc: Matthew Taylor (Highways England)  
Patricia Dray (Highways England)  
Jonathan Pizzey (Highways England)  
Chris Cox (SYSTRA)





**From:** Richard West [mailto:Richard.West@hinckley-bosworth.gov.uk]

**Sent:** 02 November 2017 16:57

**To:** M42 Junction 6

**Subject:** M42 Junction 6 - TR010027-000008 - Hinckley and Bosworth Borough Council Response

Dear Ms Boyle,

On behalf of Hinckley and Bosworth Borough Council, I wish to make no comments on the proposal for the upgrading of the M42 junction 6

Kind regards,

Richard West  
Planning Officer  
Hinckley & Bosworth Borough Council

E-mail: [richard.west@hinckley-bosworth.gov.uk](mailto:richard.west@hinckley-bosworth.gov.uk)

Phone: 01455 255809

Hinckley and Bosworth Borough Council, Hinckley Hub,  
Rugby Rd, Hinckley, Leics, LE10 0FR





Historic England

WEST MIDLANDS OFFICE

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

Direct Dial: 0121 625 6857

Our ref: PL00204162

22 November 2017

Dear Ms Boyle

## **M42 JUNCTION 6 IMPROVEMENT SCHEME. ENVIRONMENTAL IMPACT ASSESSMENT (EIA) SCOPING**

Thank you for your email of 25 October 2017 consulting us about the above EIA Scoping Report.

This development could, potentially, have an impact upon designated heritage assets and their settings in the area around the site. In line with the advice in the National Planning Policy Framework (NPPF), we would expect the Environmental Statement to contain a thorough assessment of the likely effects which the proposed development might have upon those elements which contribute to the significance of these assets.

The most significant designated heritage assets include a number of listed buildings and scheduled ancient monuments, such as the Church of St Peter (NHLE 134224), Walford Hall Farmhouse (1342850), Eastcote Hall (1017529 & 1075961), Hampton Manor clock tower (1261972), Church of St Mary & Bartholomew (1055777) and Moat House (1017245)

We would also expect the Environmental Statement to consider the potential impacts on non-designated features of historic, architectural, archaeological or artistic interest, since these can also be of national importance and make an important contribution to the character and local distinctiveness of an area and its sense of place. This information is available via the local authority Historic Environment Record ([www.heritagegateway.org.uk](http://www.heritagegateway.org.uk)) and relevant local authority staff.

We would strongly recommend that you involve the Conservation Officer at Solihull Council and their archaeological advisors in the development of this assessment. They are best placed to advise on: local historic environment issues and priorities; how the proposal can be tailored to avoid and minimise potential adverse impacts on the historic environment; the nature and design of any required mitigation measures; and opportunities for securing wider benefits for the future conservation and management of heritage assets.

It is important that the assessment is designed to ensure that all impacts are fully



THE AXIS 10 HOLLIDAY STREET BIRMINGHAM B1 1TG

Telephone 0121 625 6870  
[HistoricEngland.org.uk](http://HistoricEngland.org.uk)





Historic England

WEST MIDLANDS OFFICE

understood. Section drawings and techniques such as photomontages are a useful part of this.

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

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

Yours sincerely,

Nicholas Molyneux  
Principal Inspector of Historic Buildings and Areas  
nicholas.molyneux@HistoricEngland.org.uk



THE AXIS 10 HOLLIDAY STREET BIRMINGHAM B1 1TG

Telephone 0121 625 6870  
HistoricEngland.org.uk



*Historic England is subject to the Freedom of Information Act, 2000 (FOIA) and Environmental Information Regulations 2004 (EIR). All information held by the organisation will be accessible in response to an information request, unless one of the exemptions in the FOIA or EIR applies.*



# Defence Infrastructure Organisation

Safeguarding Department  
Statutory & Offshore  
Defence Infrastructure Organisation  
Kingston Road  
Sutton Coldfield  
West Midlands  
B75 7RL  
United Kingdom

Your Reference: TR010027-000008

Telephone [MOD]: +44 (0)121 311 2143

Facsimile [MOD]: +44 (0)121 311 2218

Our Reference: DIO/SUT/43/10/1/10041664

E-mail: DIOSEE-EPSSG2a1@mod.uk

Gail Boyle  
Senior EIA & Land Rights Advisor  
The Planning Inspectorate

26<sup>th</sup> October 2017

Dear Ms Boyle

## **MOD Safeguarding – SITE OUTSIDE SAFEGUARDING AREA**

### **Application by Highways England for an Order granting Development Consent for the M42 Junction 6 Improvement Scheme**

Thank you for consulting Defence Infrastructure Organisation (DIO) on the above proposed development. This application relates to a site outside of Ministry of Defence (MOD) safeguarding areas. I can therefore confirm that the MOD has no safeguarding objections to the proposal.

I trust this adequately explains our position on this matter.

Yours sincerely



Claire Duddy  
Assistant Safeguarding Officer – Wind Energy  
Defence Infrastructure Organisation

**SAFEGUARDING SOLUTIONS TO DEFENCE NEEDS**



Sent electronically to:

[M42Junction6@pins.gsi.gov.uk](mailto:M42Junction6@pins.gsi.gov.uk)

Nick Dexter  
DCO Liaison Officer  
Land & Business Support

[Nicholas.dexter@nationalgrid.com](mailto:Nicholas.dexter@nationalgrid.com)

Tel: +44 (0)7917 791925

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

22<sup>nd</sup> November 2017

Dear Sir/Madam,

**Ref: TR010027 – the M42 Junction 6 Improvement Scheme – EIA Scoping Notification and Consultation**

I refer to your letter dated 25<sup>th</sup> October 2017 in relation to the above proposed application for a Development Consent Order for the proposed M42 Junction 6 Improvement Scheme. Having reviewed the Scoping Report, I would like to make the following comments:

**National Grid infrastructure within / in close proximity to the order boundary**

**Electricity Transmission**

National Grid Electricity Transmission has high voltage electricity overhead transmission lines which lie within or in close proximity to the proposed order limits. The overhead line forms an essential part of the electricity transmission network in England and Wales. The following overhead line lies within the proposed order limits:

- ZF (400kV) overhead line route

I enclose a plan showing the route of National Grid's overhead line.

**Gas Transmission**

National Grid Gas has no high pressure gas transmission pipelines located within or in close proximity to the proposed order limits.

**Electricity Infrastructure:**

- National Grid's Overhead Line/s is protected by a Deed of Easement/Wayleave Agreement which provides full right of access to retain, maintain, repair and inspect our asset
- Statutory electrical safety clearances must be maintained at all times. Any proposed buildings must not be closer than 5.3m to the lowest conductor. National Grid recommends that no permanent structures are built directly beneath overhead lines. These distances are set out in EN 43 – 8 Technical Specification for "overhead line



clearances Issue 3 (2004) available at:

[http://www.nationalgrid.com/uk/LandandDevelopment/DDC/devnearohl\\_final/appendixIII/appIII-part2](http://www.nationalgrid.com/uk/LandandDevelopment/DDC/devnearohl_final/appendixIII/appIII-part2)

- If any changes in ground levels are proposed either beneath or in close proximity to our existing overhead lines then this would serve to reduce the safety clearances for such overhead lines. Safe clearances for existing overhead lines must be maintained in all circumstances.
- Further guidance on development near electricity transmission overhead lines is available here: <http://www.nationalgrid.com/NR/rdonlyres/1E990EE5-D068-4DD6-8C9A-4D0B06A1BA79/31436/Developmentnearoverheadlines1.pdf>
- The relevant guidance in relation to working safely near to existing overhead lines is contained within the Health and Safety Executive's ([www.hse.gov.uk](http://www.hse.gov.uk)) Guidance Note GS 6 "Avoidance of Danger from Overhead Electric Lines" and all relevant site staff should make sure that they are both aware of and understand this guidance.
- Plant, machinery, equipment, buildings or scaffolding should not encroach within 5.3 metres of any of our high voltage conductors when those conductors are under their worse conditions of maximum "sag" and "swing" and overhead line profile (maximum "sag" and "swing") drawings should be obtained using the contact details above.
- If a landscaping scheme is proposed as part of the proposal, we request that only slow and low growing species of trees and shrubs are planted beneath and adjacent to the existing overhead line to reduce the risk of growth to a height which compromises statutory safety clearances.
- Drilling or excavation works should not be undertaken if they have the potential to disturb or adversely affect the foundations or "pillars of support" of any existing tower. These foundations always extend beyond the base area of the existing tower and foundation ("pillar of support") drawings can be obtained using the contact details above
- National Grid Electricity Transmission high voltage underground cables are protected by a Deed of Grant; Easement; Wayleave Agreement or the provisions of the New Roads and Street Works Act. These provisions provide National Grid full right of access to retain, maintain, repair and inspect our assets. Hence we require that no permanent / temporary structures are to be built over our cables or within the easement strip. Any such proposals should be discussed and agreed with National Grid prior to any works taking place.
- Ground levels above our cables must not be altered in any way. Any alterations to the depth of our cables will subsequently alter the rating of the circuit and can compromise the reliability, efficiency and safety of our electricity network and requires consultation with National Grid prior to any such changes in both level and construction being implemented.

### **Further Advice**

National Grid is a trading name for:  
National Grid Electricity Transmission plc  
Registered Office: 1-3 Strand, London WC2N 5EH  
Registered in England and Wales, No 2366977

National Grid is a trading name for:  
National Grid Gas plc  
Registered Office: 1-3 Strand, London WC2N 5EH  
Registered in England and Wales, No 2006000

**We would request that the potential impact of the proposed scheme on National Grid's existing assets as set out above and including any proposed diversions is considered in any subsequent reports, including in the Environmental Statement, and as part of any subsequent application.**

**Where any diversion of apparatus may be required to facilitate a scheme, National Grid is unable to give any certainty with the regard to diversions until such time as adequate conceptual design studies have been undertaken by National Grid. Further information relating to this can be obtained by contacting the email address below.**

**Where the promoter intends to acquire land, extinguish rights, or interfere with any of National Grid apparatus protective provisions will be required in a form acceptable to it to be included within the DCO.**

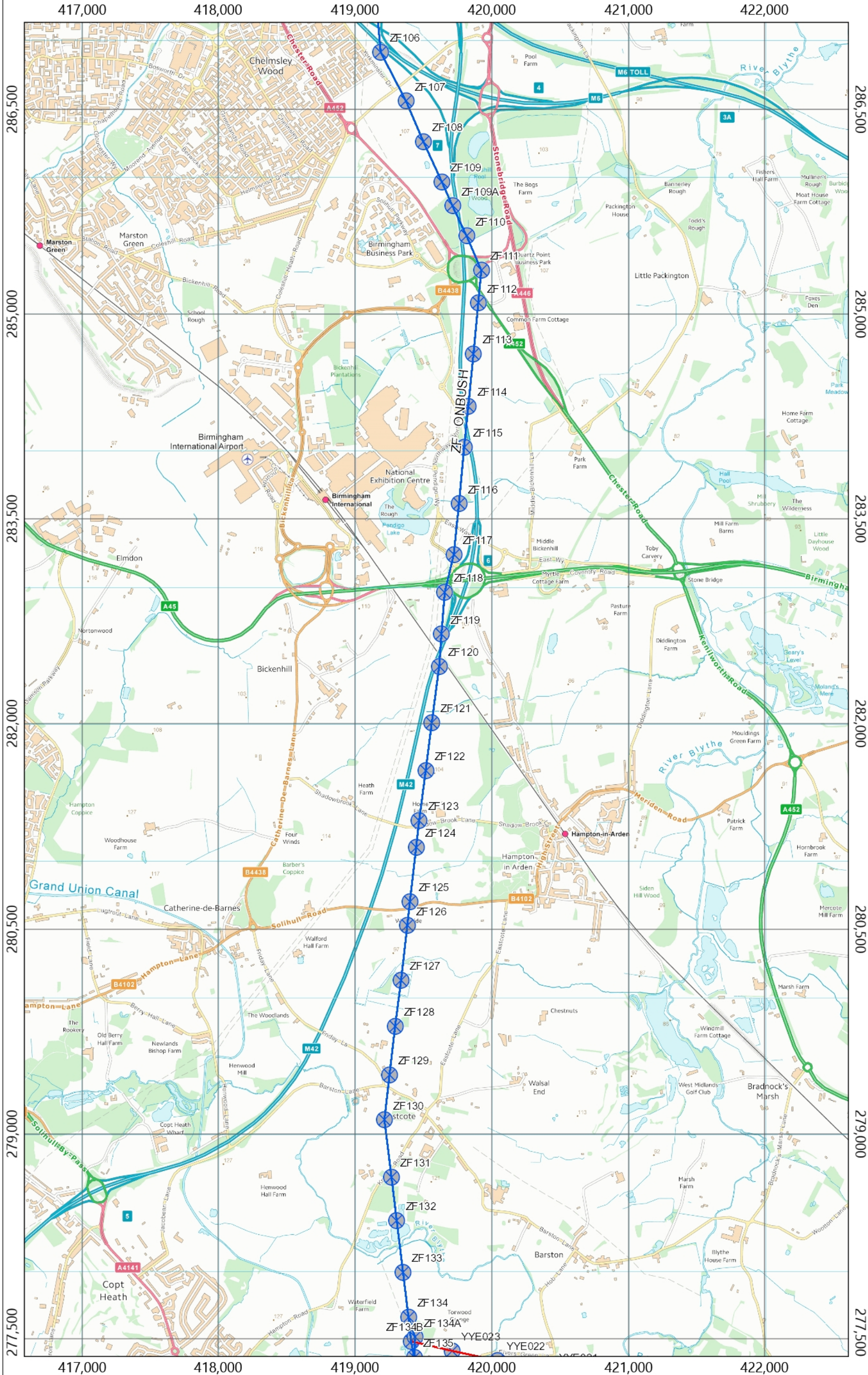
I hope the above information is useful. If you require any further information please do not hesitate to contact me.

Yours Faithfully

A black rectangular box redacting the signature of Nick Dexter.

**Nick Dexter.**





- Legend:**
- Substations Commissioned
  - OHL 400kV Commissioned
  - OHL 275kV Commissioned
  - OHL 132kV & Below Commissioned
  - Towers Commissioned
  - Buried Cable Commissioned
  - Fibre Cable Commissioned
  - Pilot Cable
  - Oil Pipe
  - Cooling Pipe
  - Cooling Station
  - Gas Operational Boundary
  - Gas Site Boundary
  - Block Valve
  - Compressor
  - LNG Site
  - Multijunction
  - Minimum Offtake
  - Future Minimum Offtake
  - Offtake
  - Pressure Reduction Installation
  - Pig Trap
  - Terminal
  - Transferred Offtake
  - Aerial Marker Post
  - CP Test Post
  - Transformer Rectifier
  - Gas Pipe Feeder
    - Commissioned
    - Planned and Spares
  - ▲ SRP Sightings - Open
  - ▲ SRP Sightings - Closed
  - ▲ Eagles Enquiries - Open
  - ▲ Eagles Enquiries - Closed

**Notes:**

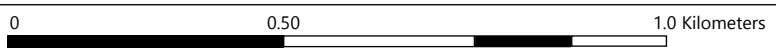
OS Disclaimer: Background Mapping information has been reproduced from the Ordnance Survey map by permission of Ordnance Survey on behalf of The controller of Her Majesty's Stationery Office. ©Crown Copyright Ordnance Survey NationalGrid Electricity-100024241.NationalGrid Gas-100024886

Date: 22/11/2017  
Time: 12:08:06

Page size: A3 Portrait

NG Disclaimer: National Grid UK Transmission. The asset position information represented on this map is the intellectual property of National Grid PLC (Warwick Technology Park, Warwick, CV346DA) and should not be used without prior authority of National Grid.

Note: Any sketches on the map are approximate and not captured to any particular level of precision.



Scale: 1: 27,577



Print by: Dexter, Nicholas

OS Disclaimer: Background Mapping information has been reproduced from the Ordnance Survey map by permission of Ordnance Survey on behalf of The controller of Her Majesty's Stationery Office. ©Crown Copyright Ordnance Survey NationalGrid Electricity-100024241.NationalGrid Gas-100024886

Date: 22/11/2017  
Time: 12:08:06  
Page size: A3 Portrait

NG Disclaimer: National Grid UK Transmission. The asset position information represented on this map is the intellectual property of National Grid PLC (Warwick Technology Park, Warwick, CV346DA) and should not be used without prior authority of National Grid.  
Note: Any sketches on the map are approximate and not captured to any particular level of precision.





Public Health  
England

NSIP Consultations  
CRCE  
Chilton, Didcot  
Oxon OX11 0RQ

T +44 (0)1235 831600  
[www.gov.uk/phe](http://www.gov.uk/phe)

Gail Boyle  
Senior EIA and Land Rights Advisor  
The Planning Inspectorate  
3D Eagle Wing  
Temple Quay House  
2 The Square  
BRISTOL BS1 6PN

Your Ref: TR050005  
Our Ref: CIRIS40503

22<sup>nd</sup> November 2017

Dear Ms Boyle

**Planning Act 2008 (as amended) and The Infrastructure Planning  
(Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) –  
Regulations 10 and 11**

**Proposed M42 Junction 6 Improvement Scheme**

Thank you for your letter of 25<sup>th</sup> October 2017, inviting Public Health England (PHE) to provide comments on the scoping opinion for the Environmental Statement (ES) relating to the above Nationally Significant Infrastructure Project (NSIP).

The comments below are provided on the basis that this stage is a precursor to an intensive and detailed assessment of the potential health impacts of the proposed development.

Our response focuses on health protection issues relating to chemicals, poisons and radiation. The advice offered is impartial and independent. In order to ensure that public health is comprehensively considered the ES should provide sufficient information to allow the potential impacts of the development on public health to be fully assessed.

We have reviewed the 'M42 Junction 6 Improvement Scheme: Environmental Impact Assessment Scoping Report' document (dated October 2017) and accept the general approach proposed for assessing potential impacts on human health.

In order to assist the production of an ES, we have included an appendix which outlines the generic considerations that we advise should be addressed by all promoters when they are preparing an ES for an NSIP.

We note that a separate section summarising the public health impacts of the proposed development on public health is not proposed; we ask that this section be included, in line with the recommendations in the appendix that follows.

We note that assessment of fine particulate matter (PM<sub>2.5</sub>) within the air quality section is not proposed and further justification for this is not provided. PM<sub>2.5</sub> is of particular interest with regard to transport emissions and the impact of air quality upon public health. We would therefore request that this be considered in the air quality assessment.

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. Our view is that the assessments undertaken to inform the ES should be proportionate to the potential impacts of the proposal. Where a promoter determines that it is not necessary to undertake detailed assessment(s) (e.g. undertakes qualitative rather than quantitative assessments), if the rationale for this is fully explained and justified within the application documents, we consider this to be an acceptable approach.

We will provide further comments when the ES becomes available.

Yours sincerely



Ceri Riley  
Environmental Public Health Scientist  
[nsipconsultations@phe.gov.uk](mailto: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 EIA<sup>1</sup>. It is important that the EIA identifies and assesses the potential public health impacts of the activities at, and emissions from, the proposal. Assessment should consider the development, operational, and decommissioning phases.

The EIA Directive<sup>2</sup> requires that ESs include a description of the aspects of the environment likely to be significantly affected by the development, including "population". The EIA should provide sufficient information for PHE to fully assess the potential impact of the development on public health. **PHE will only consider information contained or referenced in a separate section of the ES summarising the impact of the proposed development on public health:** summarising risk assessments, proposed mitigation measures, and residual impacts. This section should summarise key information and conclusions relating to human health impacts contained in other sections of the application (e.g. in the separate sections dealing with: air quality, emissions to water, waste, contaminated land etc.) without undue duplication. Compliance with the requirements of National Policy Statements and relevant guidance and standards should be highlighted.

It is not 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.

Consideration of alternatives (including alternative sites, choice of process, and the phasing of construction) is widely regarded as good practice. Ideally, the EIA should start at the stage of site and process selection, so that the environmental merits of practicable alternatives can be properly considered. Where this is undertaken, the main alternatives considered should be outlined in the ES<sup>3</sup>.

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

---

<sup>1</sup> 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/20120919132719/www.communities.gov.uk/documents/planningandbuilding/pdf/151087>

<sup>2</sup> Directive 85/337/EEC (as amended) on the assessment of the effects of certain public and private projects on the environment. Available from: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:1985L0337:20090625:EN:PDF>

<sup>3</sup> DCLG guidance, 1999 <http://www.communities.gov.uk/documents/planningandbuilding/pdf/155958.pdf>

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; surface and groundwater; and drinking water supplies, such as wells, boreholes and water abstraction points.

### **Impacts arising from construction and decommissioning**

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

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 public 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 also 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 sites 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 development 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, as appropriate
- should consider the typical operational emissions, 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 development, 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 development 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 when considering future monitoring of impacts these:

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



- should include modelling taking into account local topography

*Additional points specific to emissions to water*

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

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

## **Land quality**

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

Emissions to and from the ground should be considered in terms of the previous history of the site and the potential of the site, once operational, to give rise to issues. Public health impacts associated with ground contamination and/or the migration of material off-site should be assessed<sup>4</sup> and the potential impact on nearby receptors and control and mitigation measures should be outlined.

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

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

## **Waste**

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

For wastes arising from the development the EIA should consider:

---

<sup>4</sup> Following the approach outlined in the section above dealing with emissions to air and water i.e. comparing predicted environmental concentrations to the applicable standard or guideline value for the affected medium (such as Soil Guideline Values)

- 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.

There is evidence that, in some cases, perception of risk may have a greater impact on health than the hazard itself. A 2009 report<sup>5</sup>, jointly published by Liverpool John Moores University and PHE, examined health risk perception and environmental problems using a number of case studies. As a point to consider, the report suggested: “Estimation of community anxiety and stress should be included as part of every risk or impact assessment of proposed plans that involve a potential environmental hazard. This is true even when the physical health risks may be negligible.” PHE supports the inclusion of this information within EIAs as good practice.

### **Electric and magnetic fields (EMF)**

This statement is intended to support planning proposals involving electrical installations such as substations, underground cables and 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 exposure to the electric and magnetic fields produced around substations, power lines and cables. The following information provides a framework for considering the health impact, including the direct and indirect effects of exposure.

#### Policy Measures for the Electricity Industry

In 2004, the Government adopted the exposure guidelines published in 1998 by the International Commission on Non-Ionizing Radiation Protection (ICNIRP) within the framework of the 1999 EU Council Recommendation on limiting exposure of the general public (1999/519/EC). In 2009, one additional precautionary policy was introduced relating to the optimum phasing of high-voltage power lines. The National

---

<sup>5</sup> Available from: <http://www.cph.org.uk/publication/health-risk-perception-and-environmental-problems/>

Policy Statement for Electricity Network Infrastructure EN-5 confirms these policies, and the Department of Energy and Climate Change (DECC) has published two accompanying Codes of Practice, agreed between the Energy Network Association and the Government, which specify how the guideline compliance and the optimum phasing requirements are implemented:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/37447/1256-code-practice-emf-public-exp-guidelines.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/37447/1256-code-practice-emf-public-exp-guidelines.pdf)

[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/48309/1255-code-practice-optimum-phasing-power-lines.pdf)

A companion code of practice dealing with indirect effects of exposure to power frequency electric fields is also available:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/224766/powerlines\\_vcop\\_microshocks.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, the 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](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  $5 \text{ kV m}^{-1}$  (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 implementing precautionary measures for extremely low frequency electric and magnetic fields (ELF EMFs), and to make practical recommendations to Government:

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

SAGE published its First Interim Assessment in 2007, recommending various low cost measures aimed at reducing exposure. One of the recommendations was the introduction of optimal phasing of dual circuit high voltage power lines, which the Government supported in its response published in 2009. Government was also asked to consider the option to create corridors adjacent to high voltage power lines on health grounds; however, this was not supported as it was regarded to be disproportionate given the evidence base on the potential health risks arising from exposure. The full 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](http://webarchive.nationalarchives.gov.uk/20130107105354/http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_107124)

SAGE also called for more information to be made available to the public on the possible health consequences of power frequency electric and magnetic fields, and the Health Protection Agency developed new web material, which is available here:

<http://webarchive.nationalarchives.gov.uk/20140629102627/http://www.hpa.org.uk/Topics/Radiation/UnderstandingRadiation/UnderstandingRadiationTopics/ElectromagneticFields/ElectricAndMagneticFields/>

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

- the local authority for matters relating to noise, odour, vermin and dust nuisance;
- the local authority regarding any site investigation and subsequent construction (and remediation) proposals to ensure that the site could not be determined as 'contaminated land' under Part 2A of the Environmental Protection Act 1990;
- the local authority regarding any impacts on existing or proposed Air Quality Management Areas;
- the Food Standards Agency for matters relating to the impact on human health of pollutants deposited on land used for growing food/ crops;
- the Environment Agency for matters relating to flood risk and releases with the potential to impact on surface and groundwaters;
- the Environment Agency for matters relating to waste characterisation and acceptance; and,
- The local authority Director of Public Health Solihull Metropolitan Borough Council for matters relating to wider public health.

**Environmental Permitting**

Amongst other permits and consents, the development may require an environmental permit from the Environment Agency to operate (under the Environmental Permitting (England and Wales) Regulations 2010). If so, any permitted activity will need to comply with the requirements of best available techniques (BAT). PHE is a consultee for bespoke environmental permit applications and will respond separately to any such consultation.

## 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) approach<sup>6</sup> is used

---

<sup>6</sup> Benford D et al. 2010. Application of the margin of exposure approach to substances in food that are genotoxic and carcinogenic. Food Chem Toxicol 48 Suppl 1: S2-24





## **M42 Junction 6 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 25 October 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 20 October 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.

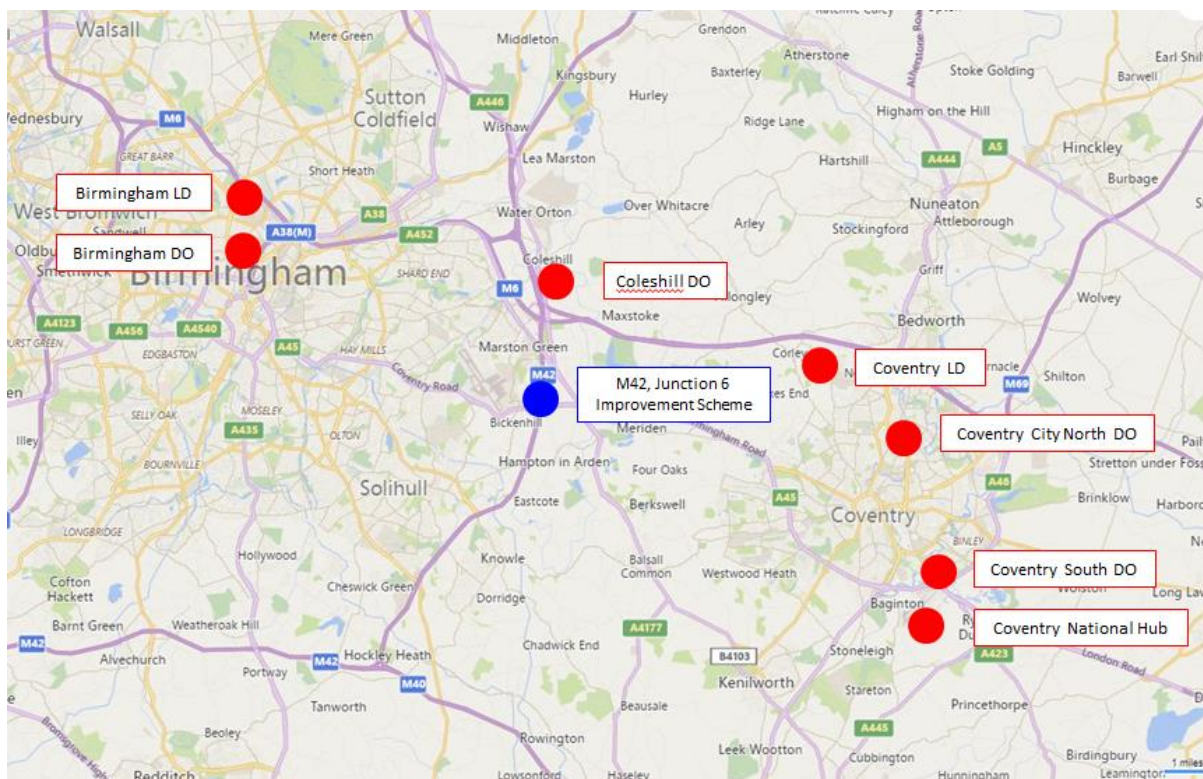
Royal Mail is a major road user nationally. Disruption to the highway network and traffic delays can have direct consequences on Royal Mail's operations, its ability to meet the Universal Service Obligation and comply with the regulatory regime for postal services thereby presenting a significant risk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

Royal Mail 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.

Royal Mail's has a seven operational Delivery Offices both within 14 miles of the Junction 6 of the M42 as listed and shown on plan below:

Coleshill Delivery Office	123 High Street, Birmingham B46 3BT	5.7 miles
Coventry City North Delivery Office	1 The Stampings, Coventry CV6 5AB	11.5 miles
Coventry Parcelforce Local Depot	Unit DC7 West Avenue, 3 Logis Park, Coventry CV6 4QE	11.8 miles
Birmingham Delivery Office	St Stephens Street, Birmingham B6 4AA	12.8 miles
Coventry South Delivery Office	10 Pilot Close, Coventry CV3 4RR	13.0 miles
Birmingham Parcelforce Local Depot	Unit 1Pavilion Drive, Birmingham B6 7BB	13.1 miles
Coventry National Hub	Siskin Parkway West, Coventry CV3 4PF	14.0 miles





This section of the M42 and the A45 between Coventry and Birmingham are both important distribution routes for Royal Mail operational traffic. Also, in exercising its statutory duties Royal Mail vehicles use on a daily basis all of the local roads that may potentially be affected by additional traffic arising from the construction of the proposed Junction 6 improvements.

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

In view of the above, Royal Mail has the following comments / requests:

1. The ES should include 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 though full advance consultation by the applicant at the appropriate time in the DCO and development process.
2. The ES and DCO application should include detailed information on the construction traffic mitigation measures that are proposed to be implemented by Highways England / its contractor, including a draft Construction Traffic Management Plan (CTMP).
3. Royal Mail is fully pre-consulted by Highways England / its contractor 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 Holly Trotman ([holly.trotman@royalmail.com](mailto:holly.trotman@royalmail.com)) of Royal Mail's Legal Services Team or Daniel Parry-Jones ([daniel.parry-jones@bnpparibas.com](mailto:daniel.parry-jones@bnpparibas.com)) of BNP Paribas Real Estate.





22<sup>nd</sup> November 2017

**Gail Boyle**  
Senior EIA & Land Rights Advisor  
Environmental Services Team  
Major Applications and Plans  
The Planning Inspectorate  
3D Eagle, Temple Quay House  
Temple Quay  
Bristol  
BS1 6PN

Friars Gate  
1011 Stratford Road  
Shirley  
Solihull  
West Midlands  
B90 4BN

General number: 0121 713 8399  
Direct line number: 0121 713 8812  
E-mail: [sue.byrne@nhs.net](mailto:sue.byrne@nhs.net)  
[www.solihullccg.nhs.uk](http://www.solihullccg.nhs.uk)

Dear Gail

Thank you for providing Solihull CCG with the opportunity to comment on this consultation. We are concerned that the Air Quality section lacks comment on PM2.5 levels. Currently there is no regulatory standard applied to the PM2.5 role (for local authorities in England) with respect to action to reduce emissions or concentrations of fine particulate air pollution however there is a public health outcome indicator and to help with this DEFRA have introduced a PM2.5 role for local authority air quality teams so that alongside measures to tackle other pollutants, they also consider action if necessary to address PM2.5 issues in their area, aligning their interests with those of public health. Action to tackle PM10/NOx would usually contribute to this and it would therefore be useful if the consequences on PM2.5 was recognised and highlighted within the EIA.

Yours sincerely

Dr Anand Chitnis  
Chair & Clinical Lead, Solihull CCG



**From:** [Birdi, Sushil](#)  
**To:** [M42 Junction 6](#)  
**Cc:** [Williams, Vivienne](#)  
**Subject:** Application by Highways England for an Order granting Development Consent for the M42 Junction 6 Improvement Scheme  
**Date:** 15 November 2017 09:35:31

---

**FAO Gail Boyle**

Dear Gail,

I can confirm receipt of the Regulation 11 Notification.

Having inspected the associated documents I can advise that I do not have any comments to submit given the distance between this junction and Tamworth. However, I would expect that there may be some disruption that extends to Tamworth and trust that this will be considered within the scoping work.

I would also point out that North Warwickshire Borough Council has provided a Strategic Transport Assessment as part of the new draft Local Plan which has recently been consulted on. The document is available on their website.

Kind regards  
Sushil

Sushil Birdi  
Planning Policy and Development  
Tamworth Borough Council  
Marmion House  
Lichfield Street  
Tamworth  
Staffordshire  
B79 7BZ

Tel: 01827 709 279  
Mob: 07583 060 710  
Email: [sushil-birdi@tamworth.gov.uk](mailto:sushil-birdi@tamworth.gov.uk)  
Website [www.tamworth.gov.uk](http://www.tamworth.gov.uk)

“One Tamworth, perfectly placed”