

**M54 to M6 Link Road**

**TR010054**

**Volume 6**

**6.3 Environmental Statement**

**Appendices**

**Appendix 4.1 The Planning Inspectorate  
Scoping Opinion**

Regulation 5(2)(a)

Planning Act 2008

Infrastructure Planning (Applications: Prescribed  
Forms and Procedure) Regulations 2009

January 2020

Infrastructure Planning

Planning Act 2008

**The Infrastructure Planning  
(Applications: Prescribed Forms and  
Procedure) Regulations 2009**

**M54 to M6 Link Road  
Development Consent Order 202[ ]**

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**6.3 Environmental Statement Appendices  
Appendix 4.1 The Planning Inspectorate Scoping Opinion**

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<b>Regulation Number</b>	Regulation 5(2)(a)
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# **SCOPING OPINION:**

## **Proposed M54 to M6/M6 Toll Link Road**

**Case Reference: TR010054**

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

**February 2019**

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# 1. INTRODUCTION

## 1. Background

- 1.0.1 On 11 January 2019, 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 M54 to M6/M6 Toll Link Road (the Proposed Development).
- 1.0.2 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'*.
- 1.0.3 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 M54-M6/M6 Toll Link Road PCF Stage 3 EIA 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 Applicant's Scoping Report.
- 1.0.4 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 EIA development.
- 1.0.5 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.*
- 1.0.6 This Opinion has taken into account the requirements of the EIA Regulations as well as current best practice towards preparation of an ES.
- 1.0.7 The Inspectorate has consulted on the Applicant's Scoping Report and the responses received from the consultation bodies have been taken into account in adopting this Opinion (see Appendix 2).
- 1.0.8 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).

- 1.0.9 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.
- 1.0.10 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.*
- 1.0.11 The Inspectorate considers that this has been provided in the Applicant's Scoping Report. The Inspectorate is satisfied that the Scoping Report encompasses the relevant aspects identified in the EIA Regulations.
- 1.0.12 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)*'.

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

- 1.1.1 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.
- 1.1.2 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 preparing their ES.



- 1.1.3 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.
- 1.1.4 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 preparing their ES.

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

- 1.2.1 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. On 26 June 2018 The European Union (Withdrawal) Act 2018 received Royal Assent and work to prepare the UK statute book for Brexit has begun. The European Union (Withdrawal) Act 2018 will make sure that UK laws continue to operate following the UK's exit. 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**

### **2.0 Introduction**

2.0.1 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.

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

2.1.1 The Applicant's description of the Proposed Development, its location and technical capacity (where relevant) is provided in Scoping Report Chapter 2, preceded by an overview in Chapter 1. Chapter 5 provides detail around the assumptions which will inform the environmental assessment, many of which are relevant to the description of the Proposed Development.

2.1.2 The Proposed Development is for a new two lane dual carriageway link road of approximately 2.5km between the M54 Junction 1 and the M6 Junction 11. The proposed DCO boundary has been provided on Figure 1.1 in the Scoping Report. The Proposed Development includes a new grade-separated Junction 1 on the M54 (replacing the existing junction) with free flow links to and from the M54 and the new link road, and a new three roundabout dumbbell arrangement junction at Junction 1 of the M54 connecting to the local road network. The new link road is proposed to connect at-grade to the M6 at Junction 11, which the Scoping Report states would also be subject to capacity improvements as part of the Proposed Development. Minor road realignments and construction of new bridges to accommodate the new link road are also proposed.

2.1.3 Paragraph 2.4.18 of the Scoping Report identifies that a large diameter high pressure gas main near Junction 1 of the M54 and a large diameter potable water main near Dark Lane will be diverted as part of the Proposed Development.

2.1.4 The Proposed Development is located to the north of Wolverhampton within the county of Staffordshire between the M54, M6 and A460 roads. The land use within the proposed DCO boundary is predominantly rural, comprising mixed agricultural land and scattered woodland. The western extent of the proposed DCO boundary extends up to the areas of residential development in the villages of Featherstone and Shareshill and a number of farms exist within the surroundings. Hilton Cross Business Park and an industrial estate lie to the immediate south of the M54 Junction 1. The proposed DCO boundary encompasses sections of the M54, M6, A460, A462, and local roads: including Hilton Lane and Dark Lane which are both crossed by the proposed link road. An area of historic park land associated with Hilton Hall lies to the south of Hilton Lane along the proposed link road route.

2.1.5 The Scoping Report states that the construction period is expected to commence in 2021, and the opening year is anticipated to be 2024.

## 2.2 The Planning Inspectorate's Comments

### Description of the Proposed Development

- 2.2.1 The Scoping Report does not, at this stage, provide measured areas for permanent and temporary land-take. The Inspectorate notes the information in the Scoping Report regarding the ongoing design process and the statement in Paragraph 2.3.5 that the draft DCO boundary will be finalised prior to DCO application. The land-take required for the construction and operation of the Proposed Development must be provided in the ES.
- 2.2.2 Section 2.4 of the Scoping Report provides information on the likely requirements for earthworks to create embankments and cuttings as part of the Proposed Development, dependent on which of the alternative options outlined for the alignment of the link road are chosen. The ES should include a description of the vertical and horizontal dimensions of the Proposed Development, and provide clear information on how these characteristics have informed the assessments within the ES.
- 2.2.3 Paragraphs 2.4.9 to 2.4.18 of the Scoping Report outline the intended approach to refining the design of drainage measures (including flood storage provisions), provisions for non-motorised users, and lighting and signage for the Proposed Development. The Inspectorate notes the intention to explore these elements in the preliminary design. The Inspectorate advises that the design of these elements should form part of the project description in the ES, and that the ES should clearly set out the characteristics and features of the Proposed Development on which the environmental assessment has been based.
- 2.2.4 Paragraphs 2.4.21 – 2.4.22 of the Scoping Report state that construction is planned for 2021, and the anticipated year of opening is expected to be 2024. Chapter 5 expands on this information and provides information about the timescales applied to the assessments. The ES should also provide information on the anticipated construction phasing, key project milestones, expected duration and nature of any local route diversions and closures where this information has formed the basis on which the assessments are made.
- 2.2.5 Paragraph 2.4.2 explains that the existing M54 Junction 1 will be removed. A description of demolition works for this element, including land use, and any other demolition works should be provided and assessed in the ES. The ES should also clearly explain where structures, including bridges and gantries, will be demolished or retained. If structures are to be retained the ES should explain how they will be integrated into the Proposed Development, where applicable.
- 2.2.6 Paragraph 2.4.8 indicates an estimate of deficit of material at this stage, which may change as the design evolves. The ES should provide as far as possible estimates of material required and to be gained from the earthworks for the proposals.

## **Alternatives**

- 2.2.7 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'.
- 2.2.8 The Inspectorate acknowledges the Applicant's intention (Scoping Report Paragraph 3.2.15) to report the consideration of alternatives within the ES. The Inspectorate would expect to see a discrete section in the ES that provides details of the reasonable alternatives studied and the reasoning for the selection of the chosen option(s), including a comparison of the environmental effects.

## **Flexibility**

- 2.2.9 The Inspectorate notes the Applicant's description of the ongoing design process and reference to a Rochdale Envelope approach in Paragraph 2.3.5 of the Scoping Report. In particular, the footprint of the Proposed Development is highlighted as not possible to be defined precisely at this stage, and Figure 1.1 is referred to as representing a worst case scenario in terms of permanent and temporary land take. The Inspectorate welcomes the reference to Planning Inspectorate Advice Note nine 'Using the 'Rochdale Envelope' in this regard.
- 2.2.10 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. At the time of application, any Proposed Development parameters should not be so wide-ranging as to represent effectively different developments. The development parameters will need to be clearly defined in the dDCO and in the accompanying ES. It is a matter for the Applicant, in preparing an ES, to consider whether it is possible to robustly assess a range of impacts resulting from a large number of undecided parameters. The description of the Proposed Development in the ES must not be so wide that it is insufficiently certain to comply with the requirements of Regulation 14 of the EIA Regulations.
- 2.2.11 It should be noted that if the Proposed Development materially changes prior to submission of the DCO application, the Applicant may wish to consider requesting a new scoping opinion.

## **3. ES 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 Seven 'Environmental Impact Assessment: Process, Preliminary Environmental Information and Environmental Statements'<sup>1</sup> and associated appendices.
- 3.1.2 Aspects/ matters (as defined in Advice Note Seven) 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 Applicant's Scoping Report.
- 3.1.3 The Inspectorate has set out in this Opinion where it has/ has not agreed to scope out certain aspects/ matters on the basis of the information available at this time. The Inspectorate is content that the receipt of a Scoping Opinion 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.
- 3.1.4 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 recommendation to the SoS and include the Government's objectives for the development of NSIPs. The NPSs may include environmental requirements for NSIPs, which Applicants should address within their ES.
- 3.2.2 The designated NPS relevant to the Proposed Development is the NPS for National Networks (NPSNN).

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<sup>1</sup> Advice Note Seven: Environmental Impact Assessment: Process, Preliminary Environmental Information and Environmental Statements and annex. Available from: <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

### 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);
  - to describe any remedial measures that are identified as being necessary following monitoring; and
  - to identify where details in the HRA Screening Report (as referred to in the Scoping Report, Paragraph 5.4.1), such as descriptions of European sites and their location, together with any mitigation or compensation measures, are to be found in the ES.
- 3.3.2 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 proposed (or part of the proposed) NSIP and those that primarily derive from the works described as Associated Development. This could be presented 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.
- 3.3.3 The Inspectorate notes the statement in the Scoping Report regarding demolition and decommissioning and accepts that as decommissioning is not envisaged as part of the Proposed Development that it can be excluded from consideration in the ES. The Inspectorate considers that this is a reasonable approach taking into account the specific characteristics of the Proposed Development. However, the Inspectorate considers that any decommissioning associated with dismantling and replacing particular elements of the Proposed Development (e.g. lighting columns) once they reach the end of their design life should be assessed if significant effects are likely to occur. The design life should be specifically defined for these elements.
- 3.3.4 The Inspectorate notes the information in Paragraph 5.2.8 of the Scoping Report regarding maintenance. This matter is linked to the issue above of replacement of elements and those comments apply in relation to this matter. Where more specific information has been provided under the technical chapters of the Scoping Opinion this has been considered separately and

specific comments are provided in the environmental aspect tables in Section 4 of this Opinion.

### **Baseline Scenario**

- 3.3.5 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.
- 3.3.6 The Inspectorate notes the information in the Scoping Report regarding project timescales and the intention to use a 2019 baseline or to explain if otherwise in the ES. The application of a future baseline 15 years from opening, is proposed, where applicable to the specific assessment. The ES should describe the baseline and future baseline scenarios (where applicable) which have been applied in each aspect.

### **Forecasting Methods or Evidence**

- 3.3.7 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 aspect chapter.
- 3.3.8 Chapter 5 of the Scoping Report outlines the general approach to the proposed assessment as being in accordance with the Design Manual for Roads and Bridges (DMRB) and accompanying Interim Advice Notes (IANs). Section 5.3 provides information on the significance criteria to be applied to the assessments and states that, where applicable, topic-specific criteria will be adopted using relevant guidelines and best practice. The Inspectorate expects the ES to include a chapter setting out the overarching methodology for the assessment, which clearly distinguishes effects that are 'significant' from 'non-significant' effects. Any departure from that methodology should be described in individual aspect assessment chapters.
- 3.3.9 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.

### **Residues and Emissions**

- 3.3.10 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 the relevant aspect assessments.
- 3.3.11 The Inspectorate notes the justification in Paragraph 5.1.14 of the Scoping Report regarding the characteristics of the Proposed Development in relation to heat and radiation, and considers that impacts from the proposals are

unlikely to give rise to significant effects. Therefore, it is agreed that these matters can be scoped out of the ES.

### **Mitigation**

- 3.3.12 Any mitigation relied upon for the purposes of the assessment should be explained in detail within the ES. The likely efficacy of the mitigation proposed should be explained with reference to residual effects and the Inspectorate notes the intention in the Scoping Report in this regard. The ES should also address how any mitigation proposed is secured, with reference to specific DCO requirements or other legally binding agreements.

### **Risks of Major Accidents and/or Disasters**

- 3.3.13 The ES should include a description and assessment (where relevant) of the likely significant effects resulting from accidents and disasters applicable to the Proposed Development. The Applicant should make use of appropriate guidance (e.g. that referenced in the Health and Safety Executives (HSE) Annex to Advice Note 11) to better understand the likelihood of an occurrence and the Proposed Development's susceptibility to potential major accidents and hazards. The description and assessment should consider the vulnerability of the Proposed Development to a potential accident or disaster, but the Inspectorate also advises it should also consider the Proposed Development's potential to cause an accident or disaster. The assessment should specifically assess significant effects resulting from the risks to human health, cultural heritage or the environment. Any measures that will be employed to prevent and control significant effects should be presented in the ES. The Inspectorate is content with the proposed approach at Paragraphs 5.1.9 to 5.1.13 of the Scoping Report in this regard in.
- 3.3.14 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 this Directive 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.

### **Climate and Climate Change**

- 3.3.15 The ES should include a description and assessment (where relevant) of the likely significant effects the Proposed Development has on climate (for example having regard to the nature and magnitude of greenhouse gas emissions) and the vulnerability of the project to climate change. Where relevant, the ES should describe and assess the adaptive capacity that has been incorporated into the design of the Proposed Development. This may include, for example, alternative measures such as changes in the use of materials or construction and design techniques that will be more resilient to risks from climate change. Specific comments on the information presented in



Chapter 15 (Climate) of the Scoping Report are provided in Table 4.10 in Section 4 below.

### **Transboundary Effects**

- 3.3.16 Schedule 4 Part 5 of the EIA Regulations requires a description of the likely significant effects on another European Economic Area (EEA) State to be provided in an ES.
- 3.3.17 The Scoping Report provides a Transboundary Effects Screening Matrix in Appendix 5.1, which states that the impacts of the Proposed Development are unlikely to extend beyond the UK, and that the Proposed Development is very unlikely to lead to transboundary effects. Paragraph 5.1.15 of the Scoping Report states that transboundary effects are proposed to be scoped out of the EIA.
- 3.3.18 The Inspectorate notes the Applicant's conclusion in the Scoping Report; however recommends that, for the avoidance of doubt, the ES details and justifies this conclusion.

### **A Reference List**

- 3.3.19 A reference list detailing the sources used for the descriptions and assessments must be included in the ES.

## **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 2004.

## 4. ASPECT BASED SCOPING TABLES

### 4.1 Air Quality

(Scoping Report Chapter 6)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
1	5.2.7. 6.8.4. Table 17.2	Pre-construction demolition and construction plant emissions.	<p>The Scoping Report states that pre-construction demolition and construction plant emissions will not explicitly be modelled, as these are considered to be a small emission source relative to ambient local conditions in the vicinity of the Proposed Development. As such, the Applicant proposes to scope these matters out of the assessment.</p> <p>The Inspectorate notes that construction plant emissions will be managed through best practice mitigation measures and that the potential impacts from dust emissions generated during the construction phase, as well as potential mitigation measures, will be addressed within the ES.</p> <p>Given this and the low-level likelihood that the Proposed Development would be demolished after its design life, the Inspectorate considers that significant effects are unlikely to occur and therefore agrees that these matters may be scoped out of the assessment.</p>

ID	Ref	Other points	Inspectorate's comments
2	N/A	Effects from fine particulate matter PM <sub>2.5</sub>	<p>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 effects associated with increased PM<sub>2.5</sub> resulting from the Proposed Development, where effects could be significant. In determining significance, the assessment should take into account performance</p>

ID	Ref	Other points	Inspectorate's comments
			<p>against relevant target/limit values.</p> <p>Public Health England (PHE) have provided comment on PM<sub>2.5</sub> effects to human health in their response in Appendix 2, to which the Applicant should have regard. Cross reference may be required in the ES to the Population and Health assessment.</p>
3	6.2.1. to 6.2.8.	Study Area	<p>The Inspectorate notes that as part of the air quality assessment, local and regional air quality will be individually assessed using study areas defined on the basis of separate criteria.</p> <p>The study areas used for local and regional air quality assessment should be clearly defined and justified within the ES and include a plan that illustrates the extent of each study area. Where necessary, the 'affected road network' (ARN) boundary and the 200m boundary from the ARN should be included within such plans.</p>
4	6.4.6.	Monitoring Data	<p>The Inspectorate notes that the Applicant has previously carried out (over a period between 2013 and 2014) passive diffusion tube monitoring at a series of locations within the anticipated study area for the local air quality assessment. The Scoping Report does not, however, provide the diffusion tube monitoring data or a plan of diffusion tube locations. The Scoping Report also does not state if additional diffusion tube sampling will be undertaken.</p> <p>The Applicant should ensure that information used to inform the assessment in the ES is relevant and up to date taking into account the extent of any likely changes within the study area. The Applicant should make effort to discuss and agree with relevant consultation bodies the need for additional diffusion tube monitoring to inform the baseline assessment and include evidence of any agreement reached in the ES.</p>
5	6.5.6. to 6.7.1.	Operation	<p>The Scoping Report states that, based on the available information, exceedances of the annual mean NO<sub>2</sub> UK Air Quality Strategy objective have the potential to occur (near busy roads within the local air</p>

ID	Ref	Other points	Inspectorate's comments
			<p>quality study area) during the operational phase of the Proposed Development. Despite this risk, the report states that additional air quality monitoring and air quality mitigation measures specific to the operational phase are not proposed at this stage.</p> <p>On the basis that there is a risk that environmental standards will be breached, the Inspectorate expects that operational air quality effects and potential mitigation measures are further considered within the ES.</p>
6	6.8.7. 6.8.8.	Operation – Local Air Quality Assessment	<p>The Scoping Report states that the local air quality impact assessment for the operational phase of the Proposed Development will focus on NO<sub>2</sub> and PM<sub>10</sub> emissions, based upon available baseline monitoring data as identified in Section 6.4. The Inspectorate notes that this data relates primarily to NO<sub>2</sub> rather than PM<sub>10</sub>.</p> <p>The Inspectorate recommends that further air quality monitoring (including of PM<sub>10</sub>) is undertaken to establish a robust baseline for air quality modelling.</p>

## 4.2 Cultural Heritage

(Scoping Report Chapter 7)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
1	N/A	N/A	No matters have been proposed to be scoped out of the assessment.

ID	Ref	Other points	Inspectorate's comments
2	7.1.1.	Study Area	<p>The Applicant has defined a study area of 1 km from the draft DCO site boundary for the assessment of cultural heritage baseline conditions. It is not clear why the distance of 1km was chosen and whether it includes the areas of effect for archaeology, built heritage, and historic landscape settings (as defined within DMRB HA 208/07).</p> <p>The ES should provide a robust justification as to why the 1km study area is appropriate and sufficient to capture all heritage assets which could experience impacts on their setting, taking into account for example, visual intrusion and/ or increased noise emissions.</p> <p>To support this justification, the ES should cross refer to the Zone of Visual Influence (ZVI) developed for the Landscape and Visual Impact Assessment (LVIA) and the conclusions of the noise impact assessment.</p>
3	7.4.	Baseline Conditions	<p>The Inspectorate notes that geoarchaeological and palaeoenvironmental deposits during intrusive site investigation and construction works are not addressed in the Scoping Report. There is also no consideration of historic landscape features, such as hedges and field boundaries.</p> <p>The Inspectorate considers that such features may make an important contribution to the assessment of cultural heritage and should</p>

ID	Ref	Other points	Inspectorate's comments
			therefore be included within the scope of assessment.
4	7.8.4.	Additional Survey Requirements	The Applicant should discuss and seek to agree the scope of such assessments with relevant consultation bodies following completion of the desk study and site walkover assessment.

## 4.3 Landscape and Visual

(Scoping Report Chapter 8)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
	N/A	N/A	No matters have been proposed to be scoped out of the assessment.

ID	Ref	Other points	Inspectorate's comments
1	Section 8.2	Study Area	<p>The study area comprises both a 1km buffer from the draft DCO boundary (with reference to IAN135/10) and an area defined by the Zone of Theoretical Visibility (ZTV). Figure 8.1 shows both of these overlaid on the draft DCO boundary.</p> <p>It is not explained if the 1km buffer relates exclusively to landscape impacts or why the distance of 1km was chosen. For landscape effects IAN 135/10 advises that the study area covers the proposal site and the wider context to include any neighbouring features of value. The ES should clarify these matters, and the Inspectorate advises that the study area should be based on the extent of the Proposed Development's anticipated impacts.</p>
2	Paragraph 8.2.2	ZTV assumptions	The Inspectorate welcomes the information explaining how the ZTV will be established and advises that the ES should include an equally detailed and robust description in this regard. The parameters used to establish the ZTV should address any uncertainty in scheme design (e.g. maximum heights of structures) that exists and if necessary adopt a worst-case scenario for the purposes of the assessment.
3	Section 8.5 and Paragraph	Potential Impacts and assessment methodology	The Scoping Report acknowledges that operational lighting impacts are anticipated, however, lighting impacts during construction have not been addressed. The methodology in Paragraph 8.8.1 does not indicate if night-time views will be incorporated into the site survey

ID	Ref	Other points	Inspectorate's comments
	8.8.1		(or other work to establish the baseline). The Applicant should make effort to agree with relevant consultation bodies the night-time views which should be assessed in the ES. The ES should assess impacts from lighting during all phases of development where significant effects are likely.



## 4.4 Biodiversity

(Scoping Report Chapter 9)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
1	Table 9.6	Designated sites and Ancient Woodland – Cannock Extension Canal SAC, Wryley and Essington Canal LNR and LWS, Burns Wood (east and west), Essington Wood, Spring Coppice, Beech Head.	The Scoping Report does not provide evidence to explain how impact pathways from the Proposed Development to these receptors can be ruled out. For example, potential effects resulting from impacts to air quality are considered relevant to the Cannock Chase SAC but no equivalent information is given with regards to the receptors identified here. The Inspectorate does not agree that consideration of these impacts to the receptors identified should be scoped out of the assessment. The ES should assess impacts to these receptors where significant effects are likely to occur.
2	Table 9.6, Appendix 9.5	Barn owl – disturbance of nest and road mortality	Appendix 9.5 provides evidence that nesting barn owl may be present within 200m of the DCO boundary (unconfirmed due to access constraints identified in the Scoping Report). The Scoping Report does include evidence demonstrating that barn owl do not forage towards or within the draft DCO boundary and that severance effects are considered unlikely. However, the Scoping Report does not provide a conclusion regarding impact causing disturbance on the nest site (eg from noise or lighting) or the risk of increased mortality through traffic collisions. The Inspectorate does not agree to scope these matters out of the ES and requests that the ES make an assessment of these impacts to barn owl populations, where significant effects could occur.
3	Table 9.6	Great crested newt, otter, water vole, reptiles	The Scoping Report and supporting appendices provide evidence demonstrating an absence of these species and species groups from the draft DCO boundary study area(s). The Inspectorate is content that significant effects are therefore unlikely and agrees to scope

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			these out from the assessment in the ES.

ID	Ref	Other points	Inspectorate's comments
4	Table 9.3	Designated sites baseline	Some of the Sites of Special Scientific Interest (SSSI)s and non-statutory sites listed in Table 9.3 are not shown on Fig 9.2 or 9.3 (eg Cannock Chase SSSI, Big Hyde Rough SSSI, Northycote Farm Parkland), and Pennymore Hay Farm Site of Biological Interest (SBI) is shown on Figure 9.2 but not described in the table. It is noted that the information in Appendix 9.1 (Extended Phase 1 Habitat Report) differs from the Scoping Report in this regard. The ES should provide a clear description to describe and explain which designated sites have been included in the assessment. The ES should ensure that any figures depicting the designated sites discussed in the ES are clear and robust.
5	Table 9.3, Figures 9.2 and 9.5	Ancient Woodland (AW) and potential ancient woodland	There are discrepancies between the table and figures in which woodlands are included. Beech Head, Burns Wood West and East, Spring Coppice, and Essington Wood AW sites are all listed in Table 9.3 and appear on Fig 9.2, along with Keepers Wood SBI, but are not shown on Fig 9.5. In addition, designated AW sites and Keeper's Wood are shown the same colour on Figure 9.2 but described differently in Table 9.3. Every effort should be made to ensure that any figures supporting the ES are accurate and that they include the relevant features which form part of the assessment.
6	Figure 9.2, 9.3	Presentational comment	Figures in the ES should include a clear distinction between the different features presented (eg designated Ancient Woodland and other areas of woodland).
7	Table 9.6	Potential impacts	In Table 9.6 no information is given as to the impact pathways

ID	Ref	Other points	Inspectorate's comments
			<p>considered, only the statement that no pathways are considered to exist/or alternatively the identification of specific potential impacts. The Inspectorate would expect to see a section in the ES detailing all the potential impacts considered, before an explanation of how these relate to the individual ecological features present within the receiving environment. The description in the ES should distinguish between impacts during construction and operation.</p>
8	Table 9.6	Bats	<p>The Scoping Report does not consistently indicate whether road mortality impacts to bats will be assessed. For the avoidance of doubt, the Inspectorate considers that this matter should form part of the assessment and advises that the ES clearly assess these impacts.</p>
9	Paragraph 9.7.3	Ancient woodland impacts and mitigation	<p>The Inspectorate encourages the Applicant to make effort to avoid impacts on Ancient Woodland where possible. The Scoping Report explains that there are likely to be further investigations to confirm the value of the potential Ancient Semi-Natural Woodland (ASNW) and Plantation on Ancient Woodland Site (PAWS) woodland and the land-take necessary to deliver the Proposed Development. The Inspectorate considers that replanting and soil translocation should be undertaken in accordance with the mitigation hierarchy (referenced in Chapter 5 of the Scoping Report).</p>
10	Paragraph 9.8.5	Consultation	<p>The Scoping Report does not provide details of the intended consultation with relevant consultation bodies. The Inspectorate would expect to see evidence of consultation with the relevant consultation bodies in the ES. The Inspectorate encourages the Applicant to use effective consultation to inform the assessment, in particular in effort to agree the baseline assessment, the methodology, and mitigation measures.</p>
11	Paragraph 9.4.17,	Further survey work and Survey limitations	<p>The Scoping Report identifies limitations to the current survey work (due to restricted land access) and outlines the intended further</p>

ID	Ref	Other points	Inspectorate's comments
	Section 9.9		survey work to address this in Paragraph 9.4.17. The supporting Appendices 9.1 to 9.5 also acknowledge the restricted access and discusses the implications. The ES should be based on robust and comprehensive information any limitations to data collection and the implications for the assessment should be described and explained in the ES.
12	N/A	Climate change	The biodiversity chapter does not describe how climate change will be considered in the ES, although it is noted that Chapter 15 includes reference to an in-combination assessment which will consider climate change effects on ecological receptors. Appropriate cross-reference should be made in the ES where these assessments have informed one another.

## 4.5 Geology and Soils

(Scoping Report Chapter 10)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
1	N/A	N/A	No matters have been proposed to be scoped out of the assessment.

ID	Ref	Other points	Inspectorate's comments
2	10.2.1.	Study Area	The ES should explain and justify the chosen study areas as outlined in paragraph 10.2.1.
3	10.4.15.	Hydrology and Hydrogeology	<p>The Inspectorate notes that the groundwater abstractions and private water supplies identified within the Road Drainage and Water Environment Chapter have not been identified within the Geology and Soils Chapter.</p> <p>The Applicant should ensure that the assessment of effects is consistent with any assessment of significance based on hydrogeology and hydrology criteria adopted for the Road Drainage and the Water Environment assessment. This includes consistency within the assessment of impacts to controlled waters.</p> <p>The Applicant should refer to the Environment Agency Guiding principles for land contamination for information regarding how best to assess risks to controlled waters from the Proposed Development.</p>
4	10.6.4. 14.6.8.	Sustainable Drainage Systems (SuDs)	The Scoping Report indicates that SuDs will be used to manage surface water discharge and prevent contamination of groundwater sources. The ES should describe the SuDs that will be used and include detail of any associated construction works. The ES should identify the requirement for any environmental permits for discharges to surface water and/or groundwater and provide evidence of the

ID	Ref	Other points	Inspectorate's comments
			effort made to consult/ agree the approach with the relevant consultation bodies.
5	10.6.1.	Ground Investigation	The ES should address the potential for subsurface archaeological remains to be present within the study area during ground investigation works.

## 4.6 Material Assets and Waste

(Scoping Report Chapter 11)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
1	11.5.4. 11.9.2. Table 17.2	Material use and waste generation during operation.	<p>The Applicant anticipates material use and waste generation to be minimal during the operation of the Proposed Development and therefore proposes to scope these aspects out of the assessment.</p> <p>Given that significant operational effects with regards to materials and waste generation are unlikely, and that the effect of any resurfacing activity is to be addressed as part of the GHG assessment, the Inspectorate is satisfied that this matter is unlikely to result in significant effects and can be scoped out of the assessment.</p>
2	11.4.6. Table 17.2	Effects on Mineral Safeguard sites.	<p>The Proposed Development is located within a Mineral Safeguarding Area (MSA) but there are no active or allocated minerals extraction sites within the proposed DCO boundary. The Applicant therefore proposes to scope this matter out of the assessment. In their response in Appendix 2, Staffordshire County Council (CC) confirm that the information on the MSA is correct.</p> <p>However, the Applicant should consider the relevant NPS requirements (paragraph 5.182) which states: <i>Where a proposed development has an impact on a Mineral Safeguarding Area (MSA), the Secretary of State should ensure that the Applicant has put forward appropriate mitigation measures to safeguard mineral resources.</i> Staffordshire CC have requested the Applicant to assess the impact of the Proposed Development on potential operations on the Hilton Main site, as well as its impact on land adjoining the mineral site and within the MSA.</p> <p>In light of this, the Inspectorate does not agree that this matter can be scoped out at this stage, and requests that further assessment is undertaken within the ES, where significant effects could occur.</p>

ID	Ref	Other points	Inspectorate's comments
3	11.6.3.	Design, Mitigation and Enhancement measures.	<p>The Applicant makes reference to management plans including the Construction Environmental Management Plan (CEMP) and the Site Waste Management Plan (SWMP). The CEMP and SWMP should set out how material will be reused or recycled if applicable. The Applicant's attention is drawn to the response from the Environment Agency (EA) in Appendix 2 which provides further advice on this matter.</p> <p>The Applicant should provide draft copies of these documents appended to the ES and/or demonstrate how they are intended to be secured through the DCO.</p>
4	11.5.1.	Potential Impacts - Construction	<p>The Inspectorate considers the potential to encounter hazardous (and non-hazardous waste) at unexpected locations during the construction of the Proposed Development.</p> <p>The Scoping Report indicates an intent to rely upon measures contained within the Construction Environmental Management Plan (CEMP). The ES should explain how the CEMP will address handling, treatment and management of contaminated materials (on and offsite) during the construction of the Proposed Development. The assessment should explain how unexpected finds will be addressed. The Inspectorate notes the response from The Coal Authority (provided in Appendix 2) confirming that the Proposed Development as presented in the Scoping Report lies outside the defined high risk area for coal mining legacy.</p>
5	11.8.1.	Data sources	<p>To ensure that baseline information contained within the ES is up to date, the Applicant should check with the relevant consultation bodies that no new sites have been designated or areas of contaminated land identified.</p>



## 4.7 Noise and Vibration

(Scoping Report Chapter 12)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
1	12.8.39 (and Table 17.1)	Ground borne vibration from traffic-operation	This matter is not explicitly stated as being scoped out of the ES, but it is not included as 'scoped in' in Table 17.1 and this paragraph indicates that aside from the research described, no further assessment is intended. The Inspectorate notes the evidence from research provided in the Scoping Report that traffic-induced ground borne vibration is not expected to produce significant effects either through damage to buildings or disturbance to occupiers. However, the Scoping Report does provide evidence in relation to disturbance of ecological receptors. The Inspectorate agrees that effects with respect to damage to buildings and disturbance to occupiers can be scoped out of the ES. However, the ES should assess impacts from ground borne vibration during operation on ecological receptors, where these could result in significant effects.

ID	Ref	Other points	Inspectorate's comments
2	Paragraph 12.2.7 and 12.8.28	Study area and nature of assessment	A qualitative assessment is proposed for receptors located over 600m from but within 1km of affected routes. The reasons supporting this approach for receptors in these locations is not presented in the Scoping Report. This information should be explained in the ES and should ensure there is a robust assessment of the likely significant effects.

ID	Ref	Other points	Inspectorate's comments
3	Paragraph 12.2.1, 12.8.6	Potential receptors - construction	Paragraph 12.2.1 of the Scoping Report explains that receptors, will be identified based on 'a selection of the closest identified potentially sensitive receptors to the works'. It is not explained what selection process/distance will be applied to this identification. The ES should provide an explanation of the process used to identify receptors, including where the consultation process has been used to inform the process, for all phases of the Proposed Development.
4	Paragraph 12.4.5	Baseline noise monitoring	The Inspectorate notes that the monitoring locations and methodology will be informed by consultation. It will be essential for the monitoring to provide a robust, representative sample of the baseline noise conditions, allowing for variations across daytime/night-time/weekdays/weekends. The monitoring should be carried out in such a way that can achieve this. The Applicant should make effort to reach agreement with relevant consultees in order to refine the methodology applied.
5	Paragraph 12.8.28	Potential receptors – all phases	The Scoping Report describes residential, educational facilities, and community facilities as potential receptors. It will be important for the ES to demonstrate that other types of receptors, for example offices/commercial properties and sensitive ecological receptors, have been considered. Where information from the noise assessment has been informed by other assessments in the ES or used to inform other assessments (for example effects on human health), this should be identified in the ES.

ID	Ref	Other points	Inspectorate's comments
6	Paragraph 12.4.8 and 12.8.35	Mitigation	<p>The Scoping Report assumes that low noise surfacing will form part of the scheme design, and that this will be in place on the M54, M6, M6 Toll and A449 in the opening year of the Proposed Development. The project description in the ES should reflect this and the noise assessment in the ES should clearly set out the assumptions regarding embedded mitigation on which it has been based.</p> <p>Measures to be employed (both embedded and additional) to mitigate noise impacts should be described in the ES.</p>
7	12.8.19	Methodology	<p>The Scoping Report discusses applying a 'low-flow' correction to the roads in the study area. It is not explained why this is appropriate given the nature of the roads involved, and this should be clarified in the ES. Any assumptions applied to the assessment should be explained and justified in the ES.</p>
8	12.8.41	Methodology	<p>The Scoping Report explains how receptors of air borne traffic induced vibration will be identified, and then states that the percentage of people likely to be bothered 'very much' or 'quite a lot' will be calculated. The Scoping Report does not explain how this calculation will be done and how it relates to the assessment of significance. This information should be provided in the ES.</p>

## 4.8 Population and Health

(Scoping Report Chapter 13)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
1	13.8.3. 13.9.1. Table 17.2	The assessment of effects on land used by the community has been scoped out of the assessment as no such areas exist within the study area.	Based on the information provided, which is that these receptors are not present within the study area (such as village greens, community land, and areas of public open space), the Inspectorate is satisfied that this matter may be scoped out of the assessment.

ID	Ref	Other points	Inspectorate's comments
2	13.6.3. 13.6.4.	Design, Mitigation and Enhancement Measures	<p>The Applicant makes reference to management plans including the CEMP and a Traffic Management Plan. The Applicant should provide draft copies of these documents appended to the ES and/or demonstrate how they are intended to be secured through the DCO.</p> <p>The Applicant should also include evidence of consultation with relevant consultation bodies in effort to agree the Traffic Management Plan.</p>
3	13.8.2.	Proposed Level and Scope	<p>The Inspectorate notes that job creation and training opportunities associated with the Proposed Development have not been considered within the scope of assessment.</p> <p>The ES should consider such opportunities, as well as the resulting impact of a changing influx of workers during the construction and operation phases of the development where effects could be significant.</p> <p>The ES should also consider how the development's socio-economic impacts correlate with local planning policies.</p>

## 4.9 Road Drainage and the Water Environment

(Scoping Report Chapter 14)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
1	N/A	N/A	No matters have been proposed to be scoped out of the assessment.

ID	Ref	Other points	Inspectorate's comments
2	14.2.3.	Study Area	<p>There appears to be two study areas under consideration in terms of distance from the proposed DCO boundary. The Inspectorate recommends that these are clarified, and that, given that the underlying hydrogeology represents a plausible pathway to private drinking water supplies, further consideration is given to these as receptors.</p> <p>The Applicant should ensure that the assessment is consistent with any assessment of significance based on hydrogeology and hydrology criteria adopted for the Geology and Soils assessment. This includes the assessment of Controlled waters. The EA provide advice on the sensitivity of the development area in terms of hydrogeology and Controlled waters in their response in Appendix 2.</p>
3	14.7.1.	Description of the Likely Significant Effects	<p>The Applicant suggests that watercourse crossings are likely to require either culverting or bridging. No information is provided in relation to the scale and dimensions of these structures, or detail of any associated construction works.</p> <p>The ES should describe where bridge/ culvert structures are proposed and demonstrate that there is sufficient detail regarding the design as to inform a meaningful assessment of flood risk, and effects on watercourse hydraulics and ecology.</p>

ID	Ref	Other points	Inspectorate's comments
			The scope of assessment, as well as the location, design, and configuration of bridge and culverting works, must be agreed with the Environment Agency and Lead Local Flood Authority (or the internal drainage board).

## 4.10 Climate

(Scoping Report Chapter 15)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
1	15.8.1. Table 17.2	The Applicant proposes that end of life assessment of the demolition phase is scoped out of the assessment.	Given the low-level likelihood that the Proposed Development would be demolished after its design life, the Inspectorate agrees that this matter may be scoped out of the assessment. The Inspectorate refers the Applicant to the comments in Paragraph 3.3.3 of this Opinion regarding the dismantling/replacement of particular elements of the Proposed Development.

ID	Ref	Other points	Inspectorate's comments
2	15.6.	Design, Mitigation and Enhancement Measures	<p>The ES should consider the potential for climate assessments to be used to inform and influence assessments made, and mitigation measures proposed, within other ES aspect areas (for example, drainage and effects on ecological receptors).</p> <p>The Applicant should ensure that relevant consultation bodies are consulted regarding the potential for climate change effects to ensure a robust assessment and maximise the effectiveness of any proposed mitigation measures.</p>

## 4.11 Assessment of Cumulative Effects

(Scoping Report Chapter 16)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
1	N/A	N/A	No matters have been proposed to be scoped out of the assessment.

ID	Ref	Other points	Inspectorate's comments
2	11.6.2.	Design, Mitigation and Enhancement Measures (Waste)	Assessments of material (mineral) and waste use should consider the cumulative impacts of other significant projects in the area. The geographical extent of the assessment should reflect the anticipated extent of the impacts.
3	15.2.1.	Study Area	The Inspectorate notes that the ARN and traffic model area have not been considered when defining study areas for the Greenhouse Gas (GHG), Climate Resilience, and In-Combination Climate Impact assessments. The Inspectorate advises that this information is relevant to the assessment and the ES should clearly justify if and how it has been taken into account.



## 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>2</sup>
- Planning Inspectorate advice notes<sup>3</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: Process, Preliminary Environmental Information and Environmental Statements;
  - Advice Note Nine: Using the 'Rochdale Envelope';
  - Advice Note Ten: Habitat 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 within an application for Development as set out in The Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009.

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<sup>2</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>3</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>4</sup>**

SCHEDULE 1 DESCRIPTION	ORGANISATION
The Health and Safety Executive	Health and Safety Executive
The National Health Service Commissioning Board	NHS England
The relevant Clinical Commissioning Group	NHS South East Staffordshire and Seisdon Peninsula Clinical Commissioning Group
	NHS Cannock Chase 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	Staffordshire Fire and Rescue Service
The relevant police and crime commissioner	Staffordshire Police and Crime Commissioner
The relevant parish council(s) or, where the application relates to land [in] Wales or Scotland, the relevant community council	Shareshill Parish Council
	Saredon Parish Council
	Featherstone & Brinsford
	Hilton Parish Council
The Environment Agency	The Environment Agency
The Secretary of State for Transport	Department for Transport
Integrated Transport Authorities (ITAs) and Passenger Transport Executives (PTEs)	Transport for West Midlands

<sup>4</sup> Schedule 1 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the 'APFP Regulations')

<b>SCHEDULE 1 DESCRIPTION</b>	<b>ORGANISATION</b>
The Relevant Highways Authority	Staffordshire County Council Highways Authority
The relevant strategic highways company	Highways England - Midlands
The Coal Authority	The Coal Authority
The relevant internal drainage board	Sow and Penk Internal Drainage Board
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 and West Midlands

**TABLE A2: RELEVANT STATUTORY UNDERTAKERS<sup>5</sup>**

<b>STATUTORY UNDERTAKER</b>	<b>ORGANISATION</b>
The relevant Clinical Commissioning Group	NHS Cannock Chase Clinical Commissioning Group
	NHS South East Staffordshire and Seisdon Peninsula 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
Road Transport	Midland Expressway Limited
Canal Or Inland Navigation Authorities	The Canal and River Trust

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<sup>5</sup> 'Statutory Undertaker' is defined in the APFP Regulations as having the same meaning as in Section 127 of the Planning Act 2008 (PA2008)

STATUTORY UNDERTAKER	ORGANISATION
Universal Service Provider	Royal Mail Group
Homes and Communities Agency	Homes England
The relevant Environment Agency	The Environment Agency
The relevant water and sewage undertaker	South Staffordshire Water Plc
	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
	Harlaxton Gas Networks Limited
	GTC Pipelines Limited
	Independent Pipelines Limited
	Indigo Pipelines Limited
	Murphy Gas Networks limited
	Quadrant Pipelines Limited
	National Grid Gas Plc
The relevant electricity distributor with CPO Powers	Scotland Gas Networks Plc
	Southern Gas Networks Plc
	Eclipse Power Network Limited
Energetics Electricity Limited	
Energy Assets Networks Limited	

STATUTORY UNDERTAKER	ORGANISATION
	Energy Assets Power Networks Limited
	ESP Electricity Limited
	Fulcrum Electricity Assets Limited
	Harlaxton Energy Networks Limited
	Independent Power Networks Limited
	Leep Electricity Networks Limited
	Murphy Power Distribution Limited
	The Electricity Network Company Limited
	UK Power Distribution Limited
	Utility Assets Limited
	Vattenfall Networks Limited
	Western Power Distribution (West Midlands) plc
The relevant electricity transmitter with CPO Powers	National Grid Electricity Transmission Plc

**TABLE A3: SECTION 43 CONSULTEES (FOR THE PURPOSES OF SECTION 42(1)(B))<sup>6</sup>**

LOCAL AUTHORITY <sup>7</sup>
South Staffordshire District Council
Stafford Borough Council
Cannock Chase District Council
Wyre Forest District Council

<sup>6</sup> Sections 43 and 42(B) of the PA2008

<sup>7</sup> As defined in Section 43(3) of the PA2008

<b>LOCAL AUTHORITY<sup>7</sup></b>
Bromsgrove District Council
Shropshire Council
Telford and Wrekin Council
Walsall Council
City of Wolverhampton Council
Dudley District Metropolitan District Council
Staffordshire County Council
Leicestershire County Council
Warwickshire County Council
Worcestershire County Council
Derbyshire County Council
Birmingham City Council
Cheshire East Council
Stoke-on-Trent City Council
Peak District National Park

**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
The Canal and River Trust
The Coal Authority
The Environment Agency
Harlaxton Gas Networks Limited
Health and Safety Executive
Highways England - Midlands
Hilton Parish Council
Historic England - West Midlands
National Grid Electricity Transmission Plc
National Grid Gas Plc
Peak District National Park
Public Health England
Royal Mail Group
Shareshill Parish Council
Staffordshire County Council
Western Power Distribution (West Midlands) plc
West Midlands Combined Authority
Wyre Forest District Council



Gail Boyle

Nick Pickstock  
Network Engineer

Direct Tel 0800 688588  
Direct fax 0121 359 3876

Date 17/01/2019

[cadentgas.com](http://cadentgas.com)

Please reply to:  
Pipelines Office: 0121 333 2387

Our Ref: WM\_TW\_Z2\_3NWP\_015347

Your Ref: TWC/2018/1053 (atc)

**RE:** pa - new M54 to M6/M6 Toll Link Road - email

Dear Gail,

Thank you for your letter. I return our drawing indicating the approximate location of the *WM2402* Cadent Gas High Pressure Pipeline. This pipeline is part of the transportation system and operates at a Pressure of; *35bar* is laid subject to easements and is cathodically protected by an impressed current system.

The Institute of Gas Engineers Standards (IGE/TD/1), states that no habitable buildings be constructed within *35 metres* Building Proximity Distance of the proven pipeline position and with an approximate standard easement width of *18.3 metres* furthermore, we strongly advise that you seek guidance from the Health and Safety Executive who may specify a greater distance than we require and **the land use planning document, (PADHI)**.

**NB.** Any road crossings or parking areas over the pipeline will need protection to National Grid specification and at the developers cost.

I enclose a copy of the Cadent Gas Engineering Standard T/SP/SSW22 "Code of Practice for Safe Working on the Vicinity of the Pipelines". All works carried out in the vicinity of the pipeline are to conform to this standard; in particular no mechanical excavation is to be carried out within 3 metres of the pipeline (Ref Section 9.2).

Before your works start we shall be pleased if you will contact this office to arrange a site meeting to trace our pipeline and agree the method of working in the vicinity of the pipeline. We require a minimum of 7 workings days' notice.

Our response relates to Cadent Gas Apparatus ONLY, there may be other Public Gas Transportation Companies Operating within the area. Information of other transporters can be obtained via Ofgem Telephone Number 0845 9060708.

District Plant may also be affected by your proposals and therefore a copy of your letter will be sent to our District Office for a separate reply.

Yours sincerely  
Network Maintenance - Pipelines

**From:** [Wara Cymma](#)  
**To:** [Gail Boyle](#)  
**Subject:** TWC/2018/1053 (atc)  
**Date:** 17 January 2019 10:04:16  
**Attachments:** [Picture \(Device Independent Bitmap\) 1.jpg](#)  
[Affected Planning Letter with \(BPD\).doc](#)

---

Hello,

Please find attached,

**7 DAY NOTICE PERIOD FOR SITE VISITS.**

**NO WORK SHOULD BE CARRIED OUT WITHOUT CONTACT WITH OURSELVES.**



Many thanks,

Cymma.

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This e-mail, and any attachments are strictly confidential and intended for the addressee(s) only. The content may also contain legal, professional or other privileged information. If you are not the intended recipient, please notify the sender immediately and then delete the e-mail and any attachments. You should not disclose, copy or take any action in reliance on this transmission.

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**Cadent Gas Limited is a limited liability company, registered in England and Wales (registered no. 10080864) with its registered office at Ashbrook Court, Prologis Park, Central Boulevard, Coventry CV7 8PE.**

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Gail Boyle  
Planning Inspectorate  
The Planning Inspectorate  
Room 3C  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

Plant Protection  
Cadent  
Block 1; Floor 1  
Brick Kiln Street  
Hinckley  
LE10 0NA  
E-mail: [plantprotection@cadentgas.com](mailto:plantprotection@cadentgas.com)  
Telephone: +44 (0)800 688588

**National Gas Emergency Number:**  
**0800 111 999\***

**National Grid Electricity Emergency Number:**  
**0800 40 40 90\***

\* Available 24 hours, 7 days/week.  
Calls may be recorded and monitored.

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

**Date:** 15/01/2019

**Our Ref:** WM\_TW\_Z2\_3NWP\_015347

**Your Ref:** TR010054-000027 (atc)

**RE: Formal Planning Application, Whitgreave's Wood, M54, Featherstone**

Thank you for your enquiry which was received on 14/01/2019.  
Please note this response and any attached map(s) are valid for 28 days.

An assessment has been carried out with respect to Cadent Gas Limited, National Grid Electricity Transmission plc's and National Grid Gas Transmission plc's apparatus. Please note it does not cover the items listed in the section "Your Responsibilities and Obligations", including gas service pipes and related apparatus.

For details of Network areas please see the Cadent website (<http://cadentgas.com/Digging-safely/Dial-before-you-dig>) or the enclosed documentation.

### **Are My Works Affected?**

**Searches based on your enquiry have identified that there is apparatus in the vicinity of your enquiry which may be affected by the activities specified.**

**Can you please inform Plant Protection, as soon as possible, the decision your authority is likely to make regarding this application.**

If the application is refused for any other reason than the presence of apparatus, we will not take any further action.

Please let us know whether Plant Protection can provide you with technical or other information that may be of assistance to you in the determination of the application.

Due to the presence of Cadent and/or National Grid apparatus in proximity to the specified area, the contractor should contact Plant Protection before any works are carried out to ensure the apparatus is not affected by any of the proposed works.

## Your Responsibilities and Obligations

The "Assessment" Section below outlines the detailed requirements that must be followed when planning or undertaking your scheduled activities at this location.

It is your responsibility to ensure that the information you have submitted is accurate and that all relevant documents including links are provided to all persons (either direct labour or contractors) working for you near Cadent and/or National Grid's apparatus, e.g. as contained within the Construction (Design and Management) Regulations.

This assessment solely relates to Cadent Gas Limited, National Grid Electricity Transmission plc (NGET) and National Grid Gas Transmission plc (NGGT) and apparatus. This assessment does **NOT** include:

- Cadent and/or National Grid's legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent and/or National Grid's assets in private land. You must obtain details of any such restrictions from the landowner in the first instance and if in doubt contact Plant Protection.
- Gas service pipes and related apparatus
- Recently installed apparatus
- Apparatus owned by other organisations, e.g. other gas distribution operators, local electricity companies, other utilities, etc.

It is **YOUR** responsibility to take into account whether the items listed above may be present and if they could be affected by your proposed activities. Further "Essential Guidance" in respect of these items can be found on either the [National Grid](#) or [Cadent](#) website.

This communication does not constitute any formal agreement or consent for any proposed development work; either generally or with regard to Cadent and/or National Grid's easements or wayleaves nor any planning or building regulations applications.

Cadent Gas Limited, NGGT and NGET or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law nor does it supersede the express terms of any related agreements.

If you require further assistance please contact the Plant Protection team via e-mail ([click here](#)) or via the contact details at the top of this response.

Yours faithfully

Plant Protection Team

# ASSESSMENT

## Affected Apparatus

The 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)
- Electricity Transmission overhead lines

As your proposal is in proximity to apparatus, we have referred your enquiry / consultation to the following department(s) for further assessment:

- Cadent Pipelines Team

**We request that you take no further action with regards to your proposal until you hear from the above. We will contact you within 28 working days from the date of this response. Please contact us if you have not had a response within this timeframe.**

## Requirements

**BEFORE carrying out any work you must:**

- **Ensure that no works are undertaken in the vicinity of our gas pipelines and that no heavy plant, machinery or vehicles cross the route of the pipeline until detailed consultation has taken place.**
- Carefully read these requirements including the attached guidance documents and maps showing the location of apparatus.
- Contact the landowner and ensure any proposed works in private land do not infringe Cadent and/or National Grid's legal rights (i.e. easements or wayleaves). If the works are in the road or footpath the relevant local authority should be contacted.
- Ensure that all persons, including direct labour and contractors, working for you on or near Cadent and/or National Grid's apparatus follow the requirements of the HSE Guidance Notes HSG47 - 'Avoiding Danger from Underground Services' and GS6 – 'Avoidance of danger from overhead electric power lines'. This guidance can be downloaded free of charge at <http://www.hse.gov.uk>
- In line with the above guidance, verify and establish the actual position of mains, pipes, cables, services and other apparatus on site before any activities are undertaken.

# GUIDANCE

## **High Pressure Gas Pipelines Guidance:**

If working in the vicinity of a high pressure gas pipeline the following document must be followed: 'Specification for Safe Working in the Vicinity of Cadent and/or National Grid High Pressure Gas Pipelines and Associated Installations - Requirements for Third Parties' (SSW22). This can be obtained from: <http://www2.nationalgrid.com/WorkArea/DownloadAsset.aspx?id=33968>

## **Dial Before You Dig Pipelines Guidance:**

<http://www2.nationalgrid.com/WorkArea/DownloadAsset.aspx?id=33969>

## **Working Near National Grid Electricity Transmission equipment:**

If you are carrying out any work in proximity to an overhead line or any excavation that may be near an underground cable then please consult National Grid Technical Guidance Note 287 that can be found at [https://www.nationalgrid.com/sites/default/files/documents/8589935533-TGN%20287\\_Third%20party%20guidance%20for%20working%20near%20NGET%20equipment.pdf](https://www.nationalgrid.com/sites/default/files/documents/8589935533-TGN%20287_Third%20party%20guidance%20for%20working%20near%20NGET%20equipment.pdf) Further guidance related to underground cables can also be found at <https://www.nationalgrid.com/sites/default/files/documents/8589936512-Excavating%20Safety%20Leaflet%20Electricity.pdf>

## **Excavating Safely - Avoiding injury when working near gas pipes:**

[http://www.nationalgrid.com/NR/rdonlyres/2D2EEA97-B213-459C-9A26-18361C6E0B0D/25249/Digsafe\\_leaflet3e2finalamends061207.pdf](http://www.nationalgrid.com/NR/rdonlyres/2D2EEA97-B213-459C-9A26-18361C6E0B0D/25249/Digsafe_leaflet3e2finalamends061207.pdf)

## **Standard Guidance**

### **Essential Guidance document:**

<http://www2.nationalgrid.com/WorkArea/DownloadAsset.aspx?id=8589934982>

### **General Guidance document:**

<http://www2.nationalgrid.com/WorkArea/DownloadAsset.aspx?id=35103>

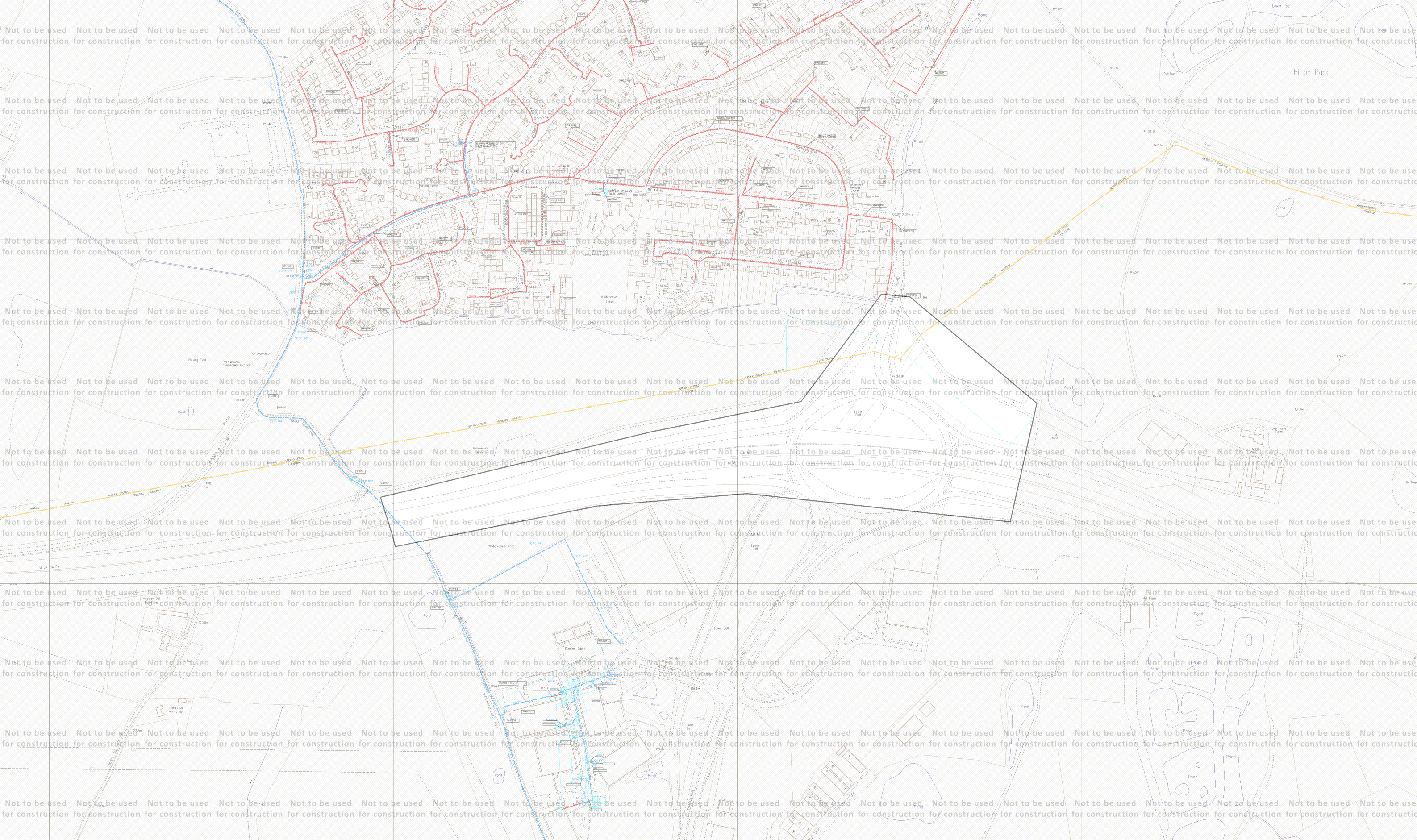
### **Excavating Safely in the vicinity of gas pipes guidance (Credit card):**


<http://www.nationalgrid.com/NR/rdonlyres/A3D37677-6641-476C-9DDA-E89949052829/44257/ExcavatingSafelyCreditCard.pdf>

### **Excavating Safely in the vicinity of electricity cables guidance (Credit card):**

<http://www.nationalgrid.com/NR/rdonlyres/35DDEC6D-D754-4BA5-AF3C-D607D05A25C2/44858/ExcavatingSafelyCreditCardelectricitycables.pdf>

Copies of all the Guidance Documents can also be downloaded from the [National Grid](#) and [Cadent](#) websites.



ID: WM_TW_Z2_3NWP_015347	View extent: 2060m, 1220m	<p><b>Do not proceed without further consultation</b></p> <p>This plan shows those pipes owned by Cadent Gas Limited in its role as a Licensed Gas Transporter (GT). Gas pipes owned by other GTs, or otherwise privately owned, may be present in this area. Information with regard to such pipes should be obtained from the relevant owners. The information shown on this plan is given without warranty, the accuracy thereof cannot be guaranteed. Service pipes, valves, syphons, stub connections, etc., are not shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by Cadent Gas Limited or their agents, servants or contractors for any error or omission. Safe digging practices, in accordance with HS(G)47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near gas apparatus. The information included on this plan should not be referred to beyond a period of 28 days from the date of issue.</p>	Map 1 of 2 (GAS)
USER: Alistair Carvell	<p>LP MAINS </p> <p>MP MAINS </p> <p>IP MAINS </p> <p>LHP MAINS </p> <p>NHP MAINS </p>		MAPS Plot Server Version 1.11.0
DATE: 15/01/2019	<p>0m  100m</p> <p>Approximate scale 1:5000 on A3 Colour Landscape</p>		 <p><b>Cadent</b></p> <p>Your Gas Network</p> <p>Requested by: Planning Inspectorate</p>
DATA DATE: 14/01/2019	<p>Some examples of Plant Items:</p> <p>Valve </p> <p>Depth of Cover </p> <p>Syphon </p> <p>Diameter Change </p> <p>Material Change </p> <p>Out of Standard Service </p>		
REF: TR010054-000027 (atc)	<p>MAP REF: SJ9304</p> <p>CENTRE: 393959, 304737</p>		
		<p>This plan is reproduced from or based on the OS map by Cadent Gas Stationery, with the sanction of the controller of HM Stationery Office. Crown Copyright Reserved. Ordnance Survey Licence number 100024886</p>	



ID: WM_TW_Z2_3NWP_015347	View extent: 4120m, 2440m	<p style="color: red; text-align: center;"><b>Do not proceed without further consultation</b></p> <p>This plan shows those cables owned by National Grid Electricity Transmission plc in its role as a Licensed Electricity Transporter (ET). Electricity cables owned by other ETs, or otherwise privately owned, may be present in this area. Information with regard to such cables should be obtained from the relevant owners. The information shown on this plan is given without warranty, the accuracy thereof cannot be guaranteed. Ancillary equipment such as cooling systems and communication cables are not shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by National Grid Electricity Transmission plc or their agents, servants or contractors for any error or omission. Safe digging practices, in accordance with HS(G)47, must be used to verify and establish the actual position of cables and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near electricity apparatus. The information included on this plan should not be referred to beyond a period of 28 days from the date of issue.</p>	Map 2 of 2 (ELECTRIC)
USER: Alistair.Carvell	Underground cables <span style="color: green;">———</span> Overhead lines <span style="color: red;">———</span>		MAPS Plot Server Version 1.11.0
DATE: 15/01/2019			
DATA DATE: 20/08/2018			
REF: TR010054-000027 (atc)			
MAP REF: SJ9304		Requested by: Planning Inspectorate	
CENTRE: 393959, 304737		This plan is reproduced from or based on the OS map by National Grid Electricity Transmission plc, with the sanction of the controller of HM Stationery Office. Crown Copyright Reserved. Ordnance Survey Licence number 100024241	



# ENQUIRY SUMMARY

## Received Date

14/01/2019

## Your Reference

TR010054-000027 (atc)

## Location

Centre Point: 393958, 304737

X Extent: 956

Y Extent: 368

Postcode: WV10 7HY

Location Description: Whitgreave's Wood, M54, Featherstone

## Map Options

Paper Size: A3

Orientation: LANDSCAPE

Requested Scale: 2500

Actual Scale: 1:5000 (GAS), 1:10000 (ELECTRIC)

Real World Extents: 2060m x 1220m (GAS), 4120m x 2440m (ELECTRIC)

## Recipients

pprsteam@cadentgas.com

## Enquirer Details

Organisation Name: Planning Inspectorate

Contact Name: Gail Boyle

Email Address: gail.boyle@pins.gsi.gov.uk

Telephone: 0303 444 5068

Address: The Planning Inspectorate, Room 3C, Temple Quay House, 2 The Square, Bristol, BS1 6PN

## Description of Works

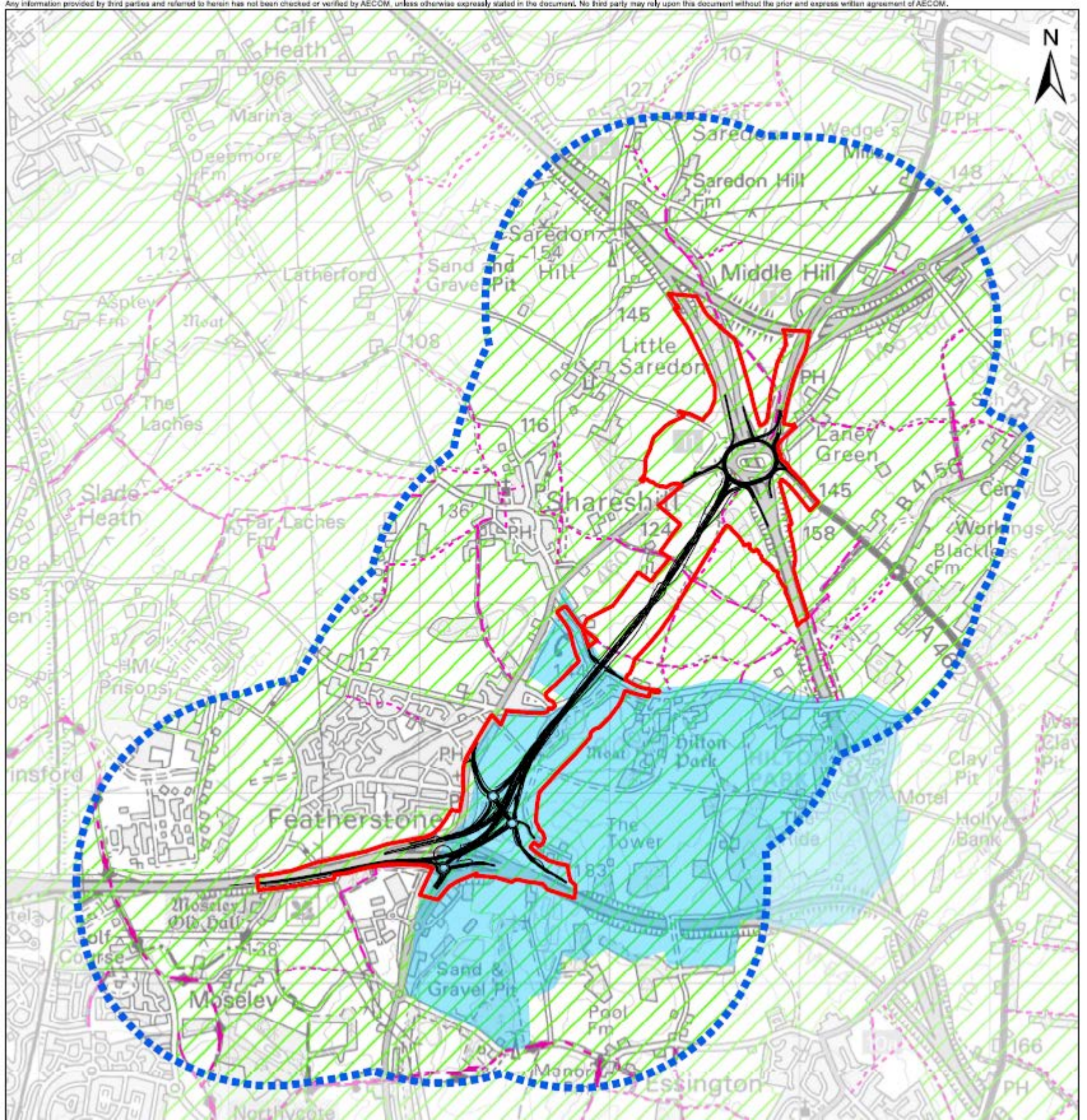
pa - new M54 to M6/M6 Toll Link Road - email

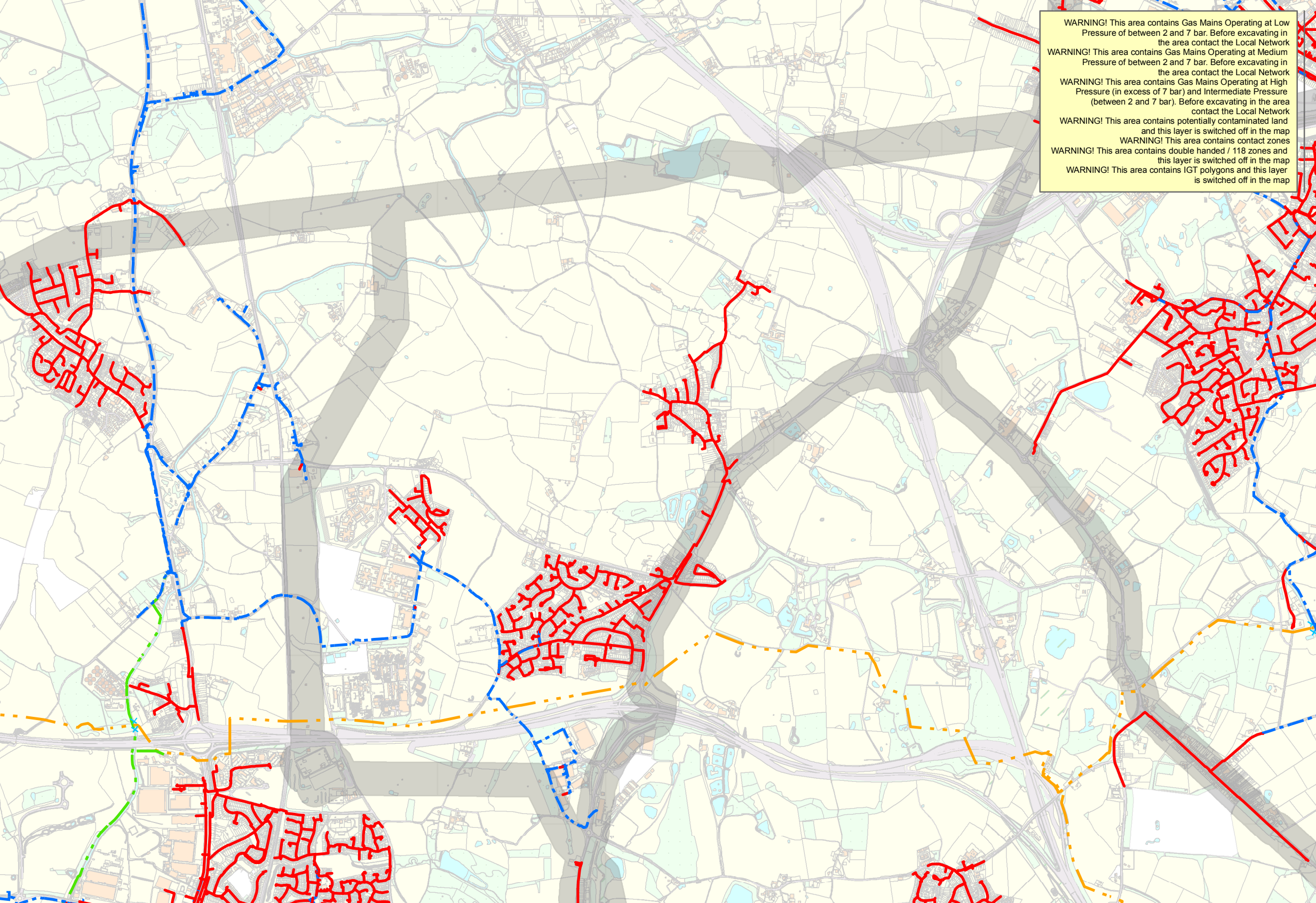
## Enquiry Type

Formal Planning Application

## Development Types

Development Type: Development for use by General Public





WARNING! This area contains Gas Mains Operating at Low Pressure of between 2 and 7 bar. Before excavating in the area contact the Local Network

WARNING! This area contains Gas Mains Operating at Medium Pressure of between 2 and 7 bar. Before excavating in the area contact the Local Network

WARNING! This area contains Gas Mains Operating at High Pressure (in excess of 7 bar) and Intermediate Pressure (between 2 and 7 bar). Before excavating in the area contact the Local Network

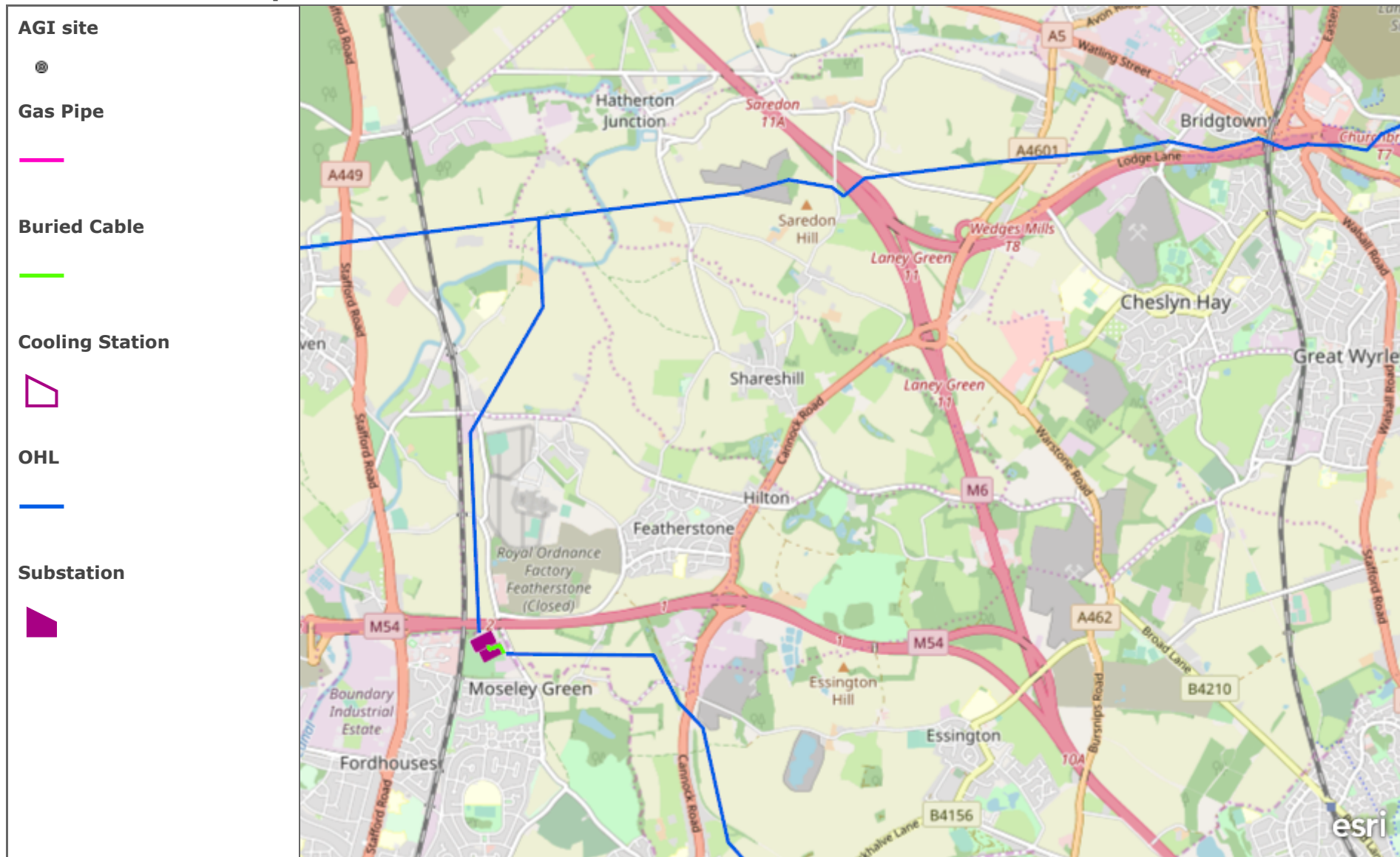
WARNING! This area contains potentially contaminated land and this layer is switched off in the map

WARNING! This area contains contact zones

WARNING! This area contains double handed / 118 zones and this layer is switched off in the map

WARNING! This area contains IGT polygons and this layer is switched off in the map

# Plant Protection map



1km

Map data © OpenStreetMap contributors, CC-BY-SA

Date: 04 February 2019

**Cadent Gas Limited**  
Ashbrook Court, Prologis Park  
Central Boulevard  
Coventry CV7 8PE  
[cadentgas.com](http://cadentgas.com)

Submitted via email to: M54toM6/M6Toll@pins.gsi.gov.uk



**REF: PROPOSED DEVELOPMENT - M54-M6/M6 TOLL LINK ROAD – SCOPING CONSULTATION**

I refer to your letter dated 14<sup>th</sup> January 2019 regarding the above proposed DCO. Cadent has reviewed the scoping document provided and wishes 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 within or in close proximity to the development**

Cadent has identified the following apparatus within the vicinity of the proposed works:

- High 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 also gas services and associated apparatus in the vicinity, these are not shown on plans but their presence should be anticipated)

*Note: No liability of any kind whatsoever is accepted by Cadent Gas Limited or their agents, servants or contractors for any error or omission.*

**Diversions:**

Where diversions of apparatus are required to facilitate the scheme, Cadent will require adequate notice and discussions should be started at the earliest opportunity. Please be aware that diversions for high pressure apparatus can take in excess of two years to plan and procure materials.

Where diversions of apparatus are required to facilitate the scheme, Cadent will require the party requesting the diversion works to obtain any necessary planning permissions and other consents to enable the diversion works to be carried out. Details of these consents should be agreed in writing with Cadent before any applications are made. Cadent would ordinarily require a minimum of C4/Conceptual Design study to have been carried out to establish an appropriate diversion route ahead of any application being made.

Where diversions sit outside the highway boundary the party requesting the diversion will be responsible for obtaining at their cost and granting to Cadent the necessary land rights, on Cadent's standard terms, to allow the construction, maintenance and access of the diverted apparatus. As such adequate land rights must be granted to Cadent (e.g. following the exercise of compulsory powers to acquire such rights included within the DCO) to enable works to proceed, to Cadent's satisfaction. Cadent's approval to the land rights powers included in the DCO prior to submission is strongly recommended to avoid later substantive objection to the DCO. Land rights will be required to be obtained prior to construction and commissioning of any diverted apparatus, in order to avoid any delays to the project's timescales. A diversion agreement may be required addressing responsibility for works, timescales, expenses and indemnity.

**Protection/Protective Provisions:**

Where the Promoter intends to acquire land, extinguish rights, or interfere with any of Cadent's apparatus, Cadent will require appropriate protection for retained apparatus and further discussion on the



impact to its apparatus and rights including adequate Protective Provisions. Operations within Cadent's existing easement strips are not permitted without approval and will necessitate a Deed of Consent or Crossing Agreement being put in place. Any proposals for work in the vicinity for Cadent's existing apparatus will require approval by Plant Protection under the Protective Provisions/Asset Protection Agreement and early discussions are advised.

#### Key Considerations:

- Cadent has a Deed of Grant of Easement for each pipeline, which prevents the erection of permanent / temporary buildings/structures, change to existing ground levels or storage of materials etc within the easement strip.
- Please be aware that written permission is required before any works commence within the Cadent easement strip and a Crossing Agreement may be required if any apparatus needs to cross the Cadent easement strip
- The below guidance is not exhaustive and all works in the vicinity of Cadent's asset shall be subject to review and approval from Cadent's plant protection team in advance of commencement of works on site.

#### 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 GD/SP/SSW22. Digsafe leaflet Excavating Safely - Avoiding injury when working near gas pipes. There will be additional requirements dictated by Cadent's plant protection team.
- Cadent will also need to ensure that our pipelines remain accessible throughout and after completion of the works .
- 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.
- Below are some examples of work types that have specific restrictions when being undertaken in the vicinity of gas assets therefore consultation with Cadent's Plant Protection team is essential:
  - Demolition
  - Blasting
  - Piling and boring
  - Deep mining
  - Surface mineral extraction
  - Landfilling
  - Trenchless Techniques (e.g. HDD, pipe splitting, tunnelling etc.)
  - Wind turbine installation
  - Solar farm installation

- Tree planting schemes

#### Pipeline Crossings:

- Where existing roads cannot be used, construction traffic should ONLY cross the pipeline at 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.
- A Cadent representative shall monitor any works within close proximity to the pipeline.

#### New Service Crossing:

- New services may cross the pipeline at perpendicular angle to the pipeline i.e. 90 degrees.
- 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.
- A new service should not be laid parallel within an easement strip
- A Cadent representative shall approve and supervise any new service crossing of a pipeline.
- 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

Yours Faithfully



**Vicky Cashman**

#### **Consents Officer**

Land & Property Services

[Vicky.Cashman@cadentgas.com](mailto:Vicky.Cashman@cadentgas.com); 07747671508



## **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/Promo-work-safely-library/Essential\\_Guidance.pdf](https://cadentgas.com/getattachment/digging-safely/Promo-work-safely-library/Essential_Guidance.pdf)

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

[https://cadentgas.com/getattachment/digging-safely/Promo-work-safely-library/Excavating\\_Safely\\_Leaflet\\_Gas-1.pdf](https://cadentgas.com/getattachment/digging-safely/Promo-work-safely-library/Excavating_Safely_Leaflet_Gas-1.pdf)

Copies of all the Guidance Documents can also be downloaded from the Cadent website:

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





Gail Boyle  
Major Casework Directorate  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

Your Ref TR010054-000027

4 February 2019

Our Ref IPP-94

Dear Ms Boyle,

**Application by Highways England (the Applicant) for an Order granting Development Consent for the M54-M6/M6 Toll Link Road**

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

**Waterway: Staffordshire & Worcestershire Canal**

Thank you for your consultation. We are the charity who look after and bring to life 2000 miles of canals & rivers. Our waterways contribute to the health and wellbeing of local communities and economies, creating attractive and connected places to live, work, volunteer and spend leisure time. These historic, natural and cultural assets form part of the strategic and local green-blue infrastructure network, linking urban and rural communities as well as habitats. By caring for our waterways and promoting their use we believe we can improve the wellbeing of our nation. The Trust is a prescribed consultee in the Development Management process.

The Trust has reviewed your proposals, and on the basis that they appear unlikely to have any impact at all on our waterway we have **no comment** to make at this time. However, if because of consultation your proposals become significantly altered, we ask that you re-consult us in order that we can re-consider this position.

Please do not hesitate to contact me with any queries you may have.

Yours sincerely,

**Jane Hennell MRTPI**  
Area Planner

Jane.hennell@canalrivertrust.org.uk  
07747 897793

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design>

**Canal & River Trust**

Fradley Junction, Alrewas, Burton-upon-Trent, Staffordshire DE13 7DN

T 0303 040 4040 E [canalrivertrust.org.uk/contact-us](https://canalrivertrust.org.uk/contact-us) W [canalrivertrust.org.uk](https://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 Coal  
Authority

Resolving the **impacts** of mining

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

E: [planningconsultation@coal.gov.uk](mailto:planningconsultation@coal.gov.uk)  
[www.gov.uk/coalauthority](http://www.gov.uk/coalauthority)

Gail Boyle - Senior EIA and Land Rights Advisor  
on behalf of the Secretary of State

Your reference: TR010054-000027

**[By email: [M54toM6/M6Toll@pins.gsi.gov.uk](mailto:M54toM6/M6Toll@pins.gsi.gov.uk)]**

15 January 2019

Dear Ms Boyle

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

**Application by Highways England (the Applicant) for an Order granting Development Consent for the M54-M6/M6 Toll Link Road (the Proposed Development)**

**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 letter of 14 January 2019 seeking the views of the Coal Authority on the above scoping opinion.

I have checked the site location plan (Figure 1.1 Draft DCO Site Boundary and General Arrangements Plan) against our coal mining information and can confirm that, whilst the proposed development site falls within the coalfield, it is located outside the defined Development High Risk Area meaning that there are no recorded coal mining legacy hazards at shallow depth that could pose a risk to land stability.

Accordingly, if this application is deemed as EIA development, there is no requirement for the applicant to consider coal mining legacy as part of their Environmental Impact Assessment.

Yours sincerely

*D Roberts*

**Deb Roberts** *M.Sc. MRTPI*  
**Planning Manager**

Ms Gail Boyle  
Senior EIA and Land Rights Advisor  
Planning Inspectorate  
3/20 Eagle Wing  
Temple Quay House  
(2 The Square)  
Temple Quay  
Bristol  
Avon  
BS1 6PN

**Our ref:** UT/2019/117684/01-L01  
**Your ref:** TR010054-000027  
**Date:** 11 February 2019

Dear Ms Boyle

**APPLICATION BY HIGHWAYS ENGLAND (THE APPLICANT) FOR AN ORDER GRANTING DEVELOPMENT CONSENT FOR THE M54-M6/M6 TOLL LINK ROAD (THE PROPOSED DEVELOPMENT) PLANNING ACT 2008 (AS AMENDED) AND THE INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017(THE EIA REGULATIONS) – REGULATIONS 10 AND 11 - SCOPING CONSULTATION AND NOTIFICATION OF THE APPLICANT'S CONTACT DETAILS AND DUTY TO MAKE AVAILABLE INFORMATION TO THE APPLICANT IF REQUESTED**

**M54-M6 / M6 TOLL LINK ROAD PROJECT, FEATHERSTONE, SOUTH STAFFORDSHIRE**

Thank you for referring the above EIA Scoping Opinion for comment, which was received on 14 January 2019.

The Environment Agency has reviewed the PCF Stage 3 EIA Scoping Report undertaken by aecom for Highways England reference *HE514465-ACM-EGN-M54\_SW\_RP\_Z-RP-LE-0001 P02 S4 (December 2018)*.

#### Flood Risk

The majority of the proposed scheme is within what is assumed to be Flood Zone 1, with parts of the northern section shown to be within indicative Flood Zone 2 and 3 as shown on the Environment Agency's Flood Map for Planning (Rivers and Sea). This modelling is based on national generalized modelling (JFLOW) and the extent of the Flood Zones should not be regarded as definitive. In light of this we would look for this modelling to be refined through hydraulic assessment, with an allowance for climate change. As a minimum, we ask that the following return periods are modelled; 1 in 20

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

Cont/d..

year, 1 in 100 year, 1 in 100 year plus climate change (50%) and 1 in 1000 year. We require the baseline flood risk (the current state or pre-development flood risk) and the post scheme flood risk, so we are able to see the impact on flood risk in the area.

A detailed FRA will need to be undertaken as stated within the scoping report, page 154, 'a detailed FRA will be undertaken in accordance with the requirements of the NPPF'. This FRA needs to include assessment of the appropriate climate change allowances for this catchment and also a floodplain compensation scheme, for any floodplain that may be lost as a result of development or landraising within the 100 year plus climate change floodplain.

Our 2016 climate change guidance is available here <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances> however it should be ensured the FRA I undertaken in line with any updated guidance which may be made available in the near future.

The proposed link road crosses a number of Ordinary Watercourses which have no flood modelling associated with them due to the catchment size. We recommend you contact Staffordshire County Council as the Lead Local Flood Authority to ascertain their requirements with regards to any flood risk as they may require that hydraulic modelling is undertaken as part of the Flood Risk Assessment (FRA).

Your Scoping Report references the current Strategic Flood Risk Assessment in place for South Staffordshire. This document is currently under revision in support of the Local Plan Review, and as such it should be ensured any FRA uses the best available information.

#### Groundwater Protection

The proposed development area is considered to be of moderate sensitivity in terms of Controlled Waters, with the majority of the study area underlain by clayey Till drift with only a strip of more permeable alluvium around Latherford Brook. The bedrock geology largely consists of the Kidderminster / Chester Formation (interbedded sandstone and conglomerate; classed as Principal aquifer), with some areas in the east underlain by Clent Formation, Enville Formation and some Halesowen Formation too (mudstone, siltstone and sandstone; classed as Secondary aquifers).

The closest Source Protection Zone boundary is located approximately 950 m west of the A460 / Featherstone, but there are four other (industrial and private) groundwater abstractions in the nearer vicinity (i.e. two drinking water abstractions at Latherford Farm Shareshill and Saredon Hall Farm and two groundwater abstractions for general agriculture purposes at Hollybush Garden Centre and Essington Fruit Farm).

In terms of surface waters, the Latherford Brook flows across the area and beneath the M6 to the east of Brookfield Farm and there are multiple small ponds and fishing lakes throughout the area.

The scheme's planned footprint predominantly traverses fields / farmland and some wooded areas therefore there do not seem to be many possible pollution sources present. We note the report in Chapter 10 only comes up with the following observations, to which we have nothing to add -

- *Made Ground (infilled land) associated with the historical Hilton Colliery is present at the existing M54 Junction 1.*
- *Infilled ponds present to the east of A460 and north of M54.*
- *Historical landfill present to the immediate north of A460 and west of M6 Junction*

It is understood that ground Investigation works have not been undertaken at this stage, but that an intrusive investigation has been proposed and the design is being undertaken, with the data from the proposed investigation to be utilised to refine assessments of risks to human health, controlled waters and off-site receptors and the results then reviewed to support the ongoing environmental assessment and to develop appropriate mitigation proposals, where needed.

Chapter 14 states that mitigation measures to protect Controlled Waters would take into account the results and findings of the proposed ground investigation and prepare an appropriate strategy to remediate areas that are considered posing a risk. The mitigation measures would also aim to ensure that the surface water run-off from the construction site (due to site preparation, earthworks and construction activities) do not have a detrimental effect on any receiving watercourses in the area and that any piling and/or penetrative ground improvement will come with a location-specific risk assessment to establish the means of mitigating the risks of causing new pollutant linkages (or worsening existing ones) with respect to risks to Controlled Waters.

Furthermore, the report makes it clear that a Construction Environmental Management Plan will be prepared and implemented by the contractor which would include a range of measures associated with mitigating potential works impacts regarding land contamination and/or groundwater level controls (as required). Measures should be taken to ensure that silt, soil and suspended solids do not enter any watercourses as a result of the development, particularly during the construction phase. Such measures would accord with legal compliance and best practice guidance.

#### Water Framework Directive

The scheme crosses a larger number of watercourses including the Saredon Brook which is a priority waterbody under Water Framework Directive. In light of this it is essential that no deterioration of the brooks' water quality, channel, habitat or ecology occurs as a result of construction phase or pollution during the routes use when completed.

We note the proposed future highway drainage system will incorporate appropriate measures to minimise impacts from accidents and spillages. Also, it will include the use of Sustainable Drainage Systems / balancing ponds to enable attenuation of any increased surface water flows (due to increases in the impermeable area locally) plus provide general water quality treatment to reduce suspended solids, sediment-bound pollutants and soluble metals in the final discharge to receiving watercourses. The final drainage scheme should be designed to maximise water quality benefits, ideally also with consideration of provision for water-based ecology. We would expect the utilisation of settling pools as part of a SUDs scheme to filtrate pollutants from the road runoff prior to discharge and monitoring of these pools to ensure they are effective and maintained in perpetuity.

We are pleased to note that a Water Framework Directive assessment will be conducted for the potential impacts to the watercourses. The major risk to the waterbodies will obviously as mentioned in the Scoping Report will be the increased pollution from ecological disconnection via the road crossings, road runoff during road operation and sediment pollution during works. Please note the Saredon Brook, Featherstone Brook and River Penk are Salmonid Rivers and the Saredon Brook is also a European Eel Migratory route. This means they are particularly sensitive to sediment pollution and no direct works to the river bed or banks should take place during the

Salmonid spawning season from 1st October to 31st May inclusive for salmonid rivers and any works on existing barriers to Eel Migration would be required to improve eel migration under the Eels (England and Wales) Regulations 2009.

Although the initial surveys have not found signs of water vole and otter these are highly mobile species so any crossings should include measures to allow their movement.

### Waste Management

The Scoping Report appears to be of a high standard however only covers high level aspects of Waste Management. We would welcome opportunity to comment on the Construction Environmental Management Plan (CEMP) once it is produced. Thought should be given to both reuse of material under CL:AIRE protocol and also to suitably Permitted recycling facilities in the area. Duty of Care should be checked including carriers certificates for any waste carriers, and waste transfer notes for movements of waste material.

Any waste produced as part of this development must be dealt with in accordance with the current Environmental Permitting (England & Wales) Regulations 2010 (2010 Regulations). Where possible, the production of waste from the development should be minimised and options for the reuse or recycling of any waste produced should be utilised before considering off site recovery or disposal at a suitably Permitted facility. Should it be necessary to import suitable waste material to the site for use in the construction of the development (i.e. for the construction of hard-standing areas, access tracks etc.), then an Exemption under Schedule 3 of the 2010 Regulations will be required. Exemptions must be registered with the Environment Agency prior to bringing waste on site. Please note that any deposit of waste in or on land for its recovery or disposal, will require a Permit under the 2010 Regulations.

All of the above waste matters should be brought together in a Waste Management Plan.

### Environmental Permitting Regulations

We note mitigation measures such as dust suppression and replacement wildlife ponds are proposed as part of the scheme. If water is required for these purposes, then depending on the source of water and volumes required, abstraction or impoundment licences may be required from us. A licence must be in place before abstraction or impoundment takes place. It can take up to 4 months from receipt of a valid application for a licence to be issued. There is no guarantee that a licence could be granted as it is dependent upon water resource availability. Any licence issued could contain conditions requiring abstraction to cease at times of lower flows.

As of 1 January 2018, dewatering works may also require an abstraction licence. Only emergency dewatering and small scale temporary dewatering will be exempt from this requirement.

Information on how to apply for licences is available on our website at <https://www.gov.uk/guidance/water-management-apply-for-a-water-abstraction-or-impoundment-licence>

We would also like to highlight that although the construction over bridges over the watercourses will not require a permit from the Environment Agency as the proposed locations are Ordinary Watercourses only (LLFA responsibility) any proposed surface water discharges will require a permit from us. Development within the mapped floodplain will however require a Flood Risk Activity Permit.

We understand aecom have already been in contact with us to discuss pre-application engagement under our Cost Recovered Advice Service. We welcome the opportunity to advise on the above matters further and will respond this is request shortly.

Yours sincerely

**Miss Jane Field**  
**Planning Specialist**

Direct dial 020 3025 3006

Direct fax 01543 444161

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



**From:** [Karen Thorpe](#)  
**To:** [M54 to M6/M6 Toll](#)  
**Subject:** M54 to M6 / M6 Toll Link Road  
**Date:** 17 January 2019 14:34:31  
**Attachments:** [image001.jpg](#)  
[image002.png](#)

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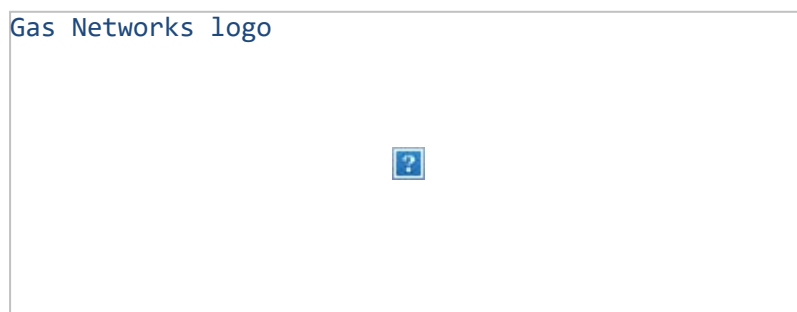
Good afternoon,

Thank you for sending the relevant information and material regarding the M54 to M6 / M6 Toll Link Road.

Harlaxton Gas Networks Ltd. at this time has no assets in the area, and will not be implementing any in the near future, therefore Harlaxton has no comment to make on this scheme.

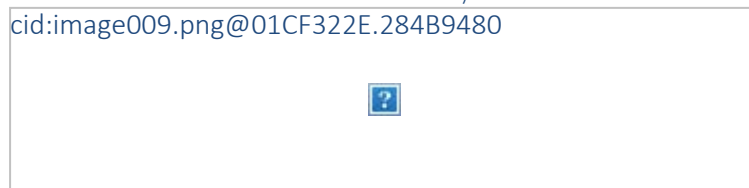
Kind Regards

Karen Thorpe  
Distribution Administration Assistant



Toll Bar Road, Marston, Grantham, Lincs, NG32 2HT

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CEMHD Policy - Land Use Planning  
NSIP Consultations  
Building 1.2, Redgrave Court  
Merton Road, Bootle  
Merseyside, L20 7HS

Your ref: TR010054  
Our ref: 4.2.1.6558  
HSE email: [NSIP.applications@hse.gov.uk](mailto:NSIP.applications@hse.gov.uk)

FAO Gail Boyle  
The Planning Inspectorate  
Temple Quay House  
Temple Quay,  
Bristol  
BS1 6PN

Dear Ms Boyle

11 Feb 2019

**PROPOSED M54 TO M6/M6 TOLL LINK ROAD (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 14<sup>th</sup> January 2019 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 the draft 'DCO Site Boundary' (Figure 1.1 – page 204) contained in the document 'M54-M6/M6 Toll Link Road, PCF Stage 3 EIA Scoping Report, December 2018, Highways England', and specifically 'Section 2.4 Project Objectives, Utilities, paragraph 2.4.18', there is reference to the diversion of a large diameter high-pressure gas main [Major Accident Hazard Pipeline (MAHP)] in the vicinity of M54 Junction 1.

This Major Accident Hazard Pipeline is a Cadent Gas Ltd, Natural Gas, High Pressure Pipeline(s) [Alrewas / Ebtree (WM2402 A&B)].

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

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) is made available to the HSE, by the Developer / Pipeline Operator.

On receipt of this information, HSE will be in a position to provide case specific LUP advice.

Although there are currently no Major Hazard Installations in the vicinity of the proposed road, 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

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  
1.2 Redgrave Court  
Merton Road, Bootle,  
Merseyside L20 7HS

Yours sincerely,



Dave Adams  
(CEMHD4 Policy)

Our ref:  
Your ref: TR010054-000027

Gail Boyle  
The Planning inspectorate  
Major Casework Directorate  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

Graham Broome  
Asset Manager  
Operations Directorate

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

**Via Email:**  
[M54toM6/M6Toll@pins.gsi.gov.uk](mailto:M54toM6/M6Toll@pins.gsi.gov.uk)

Direct Line: 0300 4702860

11 February 2019

Dear Gail,

**APPLICATION BY HIGHWAYS ENGLAND FOR AN ORDER GRANTING DEVELOPMENT CONSENT FOR THE M54-M6/M6 TOLL LINK ROAD**

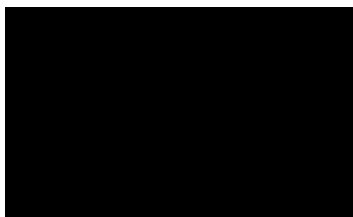
Thank you for contacting us with details of the above consultation dated 14 January 2019. As you will be aware Highways England ("we") are promotor of the scheme but also have a role as a statutory consultee to the Development Consent Order application by virtue of our role as a strategic highway company 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 M6 and M54 motorways and part of the A449 route where this forms a section of the trunk road network. The M6 Toll is operated by Midland Expressway Limited (MEL) under concession to the government.

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. Furthermore we can confirm that it is not necessary for you to consult with us at subsequent stages of the application as our views are already considered within the scheme information submitted for examination.

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

Yours sincerely



Graham Broome  
OD Midlands  
Email: [Graham.Broome@highwaysengland.co.uk](mailto:Graham.Broome@highwaysengland.co.uk)



# HILTON PARISH COUNCIL

CLERK: MRS C E Gracey



Tel: [REDACTED]

E-mail: [REDACTED]

8<sup>th</sup> February, 2019

**For the attention of Gail Boyle  
Senior EIA and Land Rights Advisor  
On behalf of the Secretary of State**

The Planning Inspectorate,  
Major Casework Directorate,  
Temple Quay House,  
2 The Square, Bristol,  
BS1 6PN

Dear Sir/Madam,

**PLANNING ACT 2008 (AS AMENDED) AND THE INFRASTRUCTURE PLANNING  
(ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017 (THE EIA  
REGULATIONS – REGULATIONS 10 AND 11**

**APPLICATION BY HIGHWAYS ENGLAND (THE APPLICANT) FOR AN ORDER  
GRANTING DEVELOPMENT CONSENT FOR THE M54-M6/M6 TOLL LINK ROAD  
(THE PROPOSED DEVELOPMENT)**

**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 letter dated 14<sup>th</sup> January, 2019.

Having been identified as a consultation body which must be consulted prior to the adoption of the Scoping Opinion relating to the above, the Parish Council would ask that any Environmental Statement includes the following: -

- a separate assessment of air pollution specific to the Parish of Hilton on the basis that the proposed preferred route will, in places, be a mere 20 metres away from existing housing.
- exact figures relating to noise pollution which will inevitably have a negative affect on the Parishes of Featherstone, Shareshill and Hilton due to their close proximity to Junction 1 of the M54.
- An up to date projection of the cumulative effect of traffic generated by the new nearby Retail Park, the proposed Strategic Rail Hub and the proposed Link Road on Junction 11 of the M6 Motorway.

- A detailed assessment of the affect the proposal will have on the Ancient Woodland situated in Dark Lane.

Yours sincerely,

CLLR. P. DAWES  
**Hilton Parish Council**



Historic England

WEST MIDLANDS OFFICE

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

Direct Dial: 0121 625 6820

Our ref: PL00531802

Your ref: TR010054-000027

1 February 2019

Dear Ms Boyle

### **SCOPING CONSULTATION - M54-M6/M6 TOLL LINK ROAD**

Thank you for your letter of 14 January 2019 consulting us about the above EIA Scoping Report.

This development could, potentially, have an impact upon a number of 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.

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 South Staffordshire Council and the archaeological staff at Staffordshire County Council 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 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



THE AXIS 10 HOLLIDAY STREET BIRMINGHAM B1 1TF

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







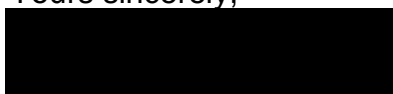
Historic England

WEST MIDLANDS OFFICE

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,



Bill Klemperer  
Principal Inspector of Ancient Monuments  
bill.klemperer@HistoricEngland.org.uk



THE AXIS 10 HOLLIDAY STREET BIRMINGHAM B1 1TF

Telephone 0121 625 6870  
HistoricEngland.org.uk



Sent electronically to:

[M54toM6/M6Toll@pins.gsi.gov.uk](mailto:M54toM6/M6Toll@pins.gsi.gov.uk)

Anne Holdsworth  
DCO Liaison Officer  
Land & Business Support

[Anne.Holdsworth@nationalgrid.com](mailto:Anne.Holdsworth@nationalgrid.com)

Tel: +44 (0)7960 175682

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

28<sup>th</sup> January 2019

Dear Sir / Madam

**Ref: Application by Highways England for an Order Granting Development Consent for the M54-M6/M6 Toll Link Road Scoping Notification and Consultation**

This is a response on behalf of National Grid Electricity Transmission PLC (NGET) and National Grid Gas PLC (NGG).

I refer to your letter dated 14<sup>th</sup> January 2019 regarding the Proposed Development.

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

**Electricity Transmission**

National Grid Electricity Transmission has no apparatus within the proposed order limits. It does however have two overhead lines in close proximity being:

- To the north of the order limits extents  
ZN 400kV overhead line – Ironbridge to Rugeley  
Bushbury to Drakelow
- To the south west of the order limits extents  
YYD 275kV overhead line – Bushbury to Willenhall

For this reason, NGET wishes to be consulted if there are any changes to the proposed order limits that may include and/or impact on the above apparatus.

**Gas Transmission**

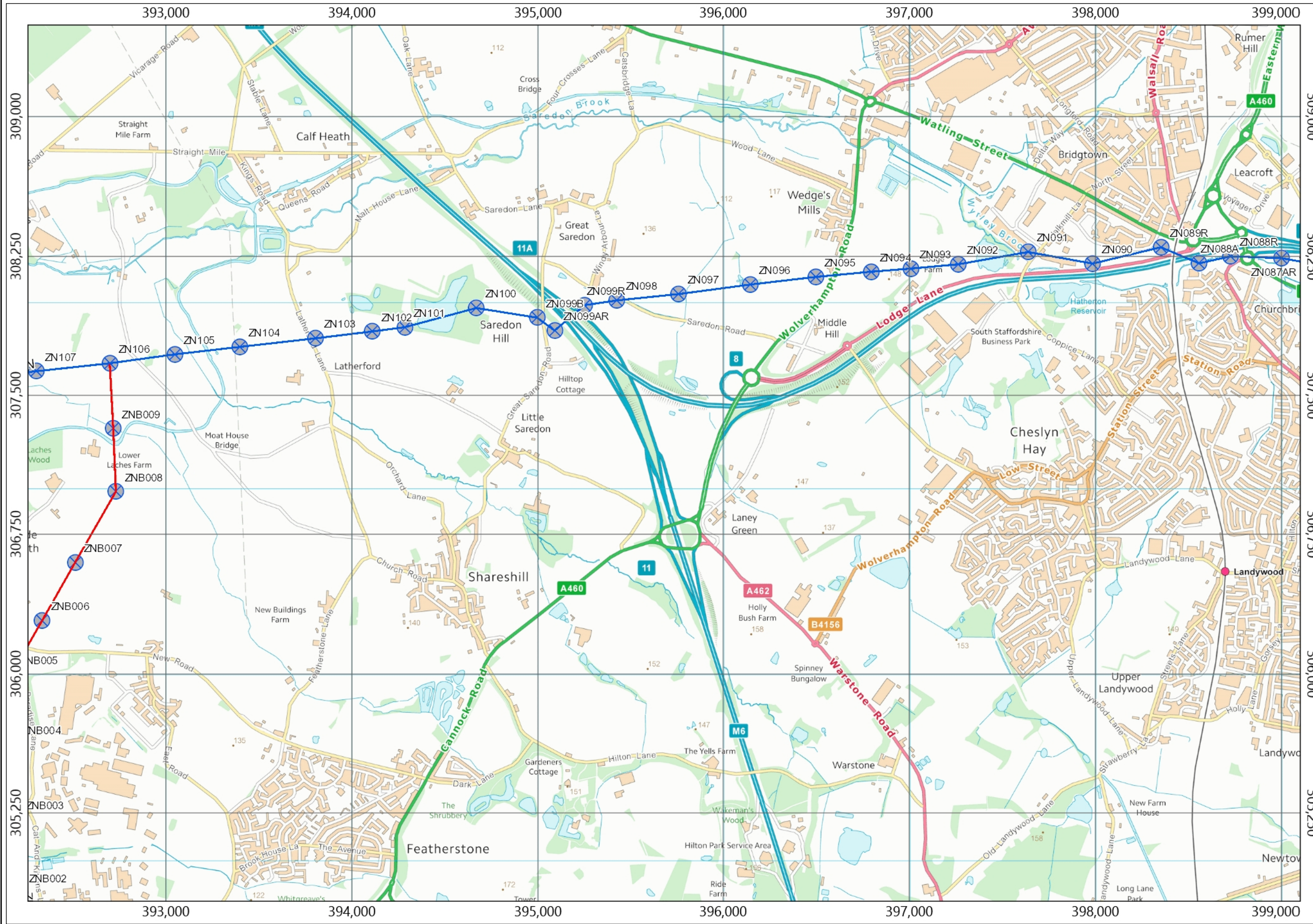
National Grid Gas has no apparatus within or in close proximity to the proposed order limits.

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

Yours faithfully



**Anne Holdsworth**

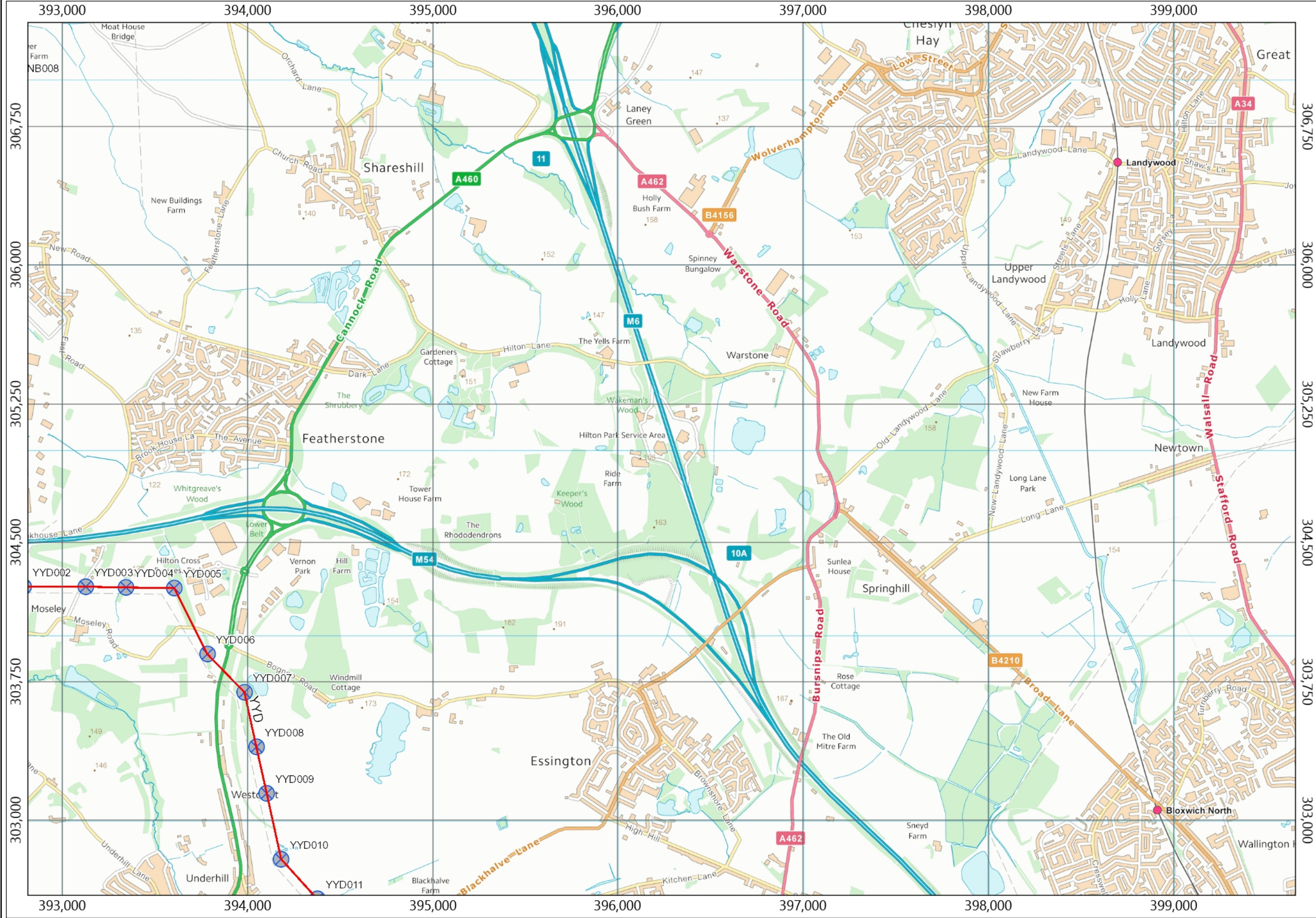


**Legend:**

- Substations Commissioned
- Circuits
  - Commissioned
  - Decommissioned Group
  - Planned and Spares
- 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
- RAMM
- Cable Tunnel
- 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
- Pipeline Crossing
- CP Protected Section Range
- Pipe Line Control Point
- Impact Protection
- Increased Wall Thickness
- Mop
- Construction Section
- Pipeline
- Named Pipeline Section
- River Crossings

**Notes:**  
M54-M6 M6 Toll Link





**Legend:**

- Substations Commissioned
- Circuits
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  - Decommissioned Group
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- OHL 400Kv Commissioned
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- OHL 132Kv & Below Commissioned
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- ▣ Cable Tunnel
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- CP Protected Section Range
- Pipe Line Control Point
- Impact Protection
- Increased Wall Thickness
- Mop
- Construction Section
- Pipeline
- Named Pipeline Section
- River Crossings

**Notes:**

M54-M6 M6 Toll Link Plan 2



Peak District National Park Authority

Tel: 01629 816200

E-mail: [customer.service@peakdistrict.gov.uk](mailto:customer.service@peakdistrict.gov.uk)

Web: [www.peakdistrict.gov.uk](http://www.peakdistrict.gov.uk)

Minicom: 01629 816319

Aldern House . Baslow Road . Bakewell . Derbyshire . DE45 1AE



**PEAK  
DISTRICT  
NATIONAL  
PARK**

Gail Boyle  
Senior EIA and Land Rights Advisor on behalf of the  
Secretary of State  
Planning Inspectorate  
Major Casework Directorate  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

Your ref: TR010054-000027

Our ref: TN/A810

Date: 25<sup>th</sup> January 2019

Dear Gail

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

**Application by Highways England (the Applicant) for an Order granting Development Consent for the M54-M6/M6 Toll Link Road (the Proposed Development)**

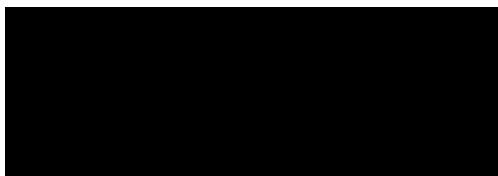
**Scoping consultation and notification of the Applicant's contact details and duty to make available information to the Applicant if requested**

Thank you for consulting the Peak District National Park Authority with regard to the application by Highways England for an order granting development consent for the M54-M6/M6 Toll Link Road in relation to a scoping opinion for the project.

In this instance, as the scheme lies approximately 27.5 miles away from the Peak District National Park boundary at its closest point, I can confirm that the National Park Authority has no comments to make in relation to this proposed scheme.

I trust that this feedback will be useful to you in processing the Development Consent Order. However, please contact me if I can be of further assistance in this matter.

Yours sincerely



Transport Policy Planner

Member of National Parks UK

Holder of Council of Europe Diploma



Chief Executive: Sarah Fowler

Chair: Andrew McCloy Deputy Chair: David Chapman

**Working together for the Peak District National Park:**

**▪ To speak up for and care for the Peak District National Park for all to enjoy forever ▪**

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Public Health  
England

Environmental Hazards and  
Emergencies Department  
Centre for Radiation, Chemical and  
Environmental Hazards (CRCE)  
Seaton House  
City Link  
London Road  
Nottingham  
NG2 4LA

[nsipconsultations@phe.gov.uk](mailto:nsipconsultations@phe.gov.uk)

[www.gov.uk/phe](http://www.gov.uk/phe)

Your Ref: TR010054-000027

Our Ref: 49376

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

11<sup>th</sup> February 2019

Dear Sir/Madam,

### **M54 - M6/M6 Toll Link Road Scoping Consultation Stage**

Thank you for including Public Health England (PHE) in the scoping consultation phase of the above application. Advice offered by PHE is impartial and independent.

PHE exists to protect and improve the nation's health and wellbeing and reduce health inequalities; these two organisational aims are reflected in the way we review and respond to Nationally Significant Infrastructure Project (NSIP) applications.

The health of an individual or a population is the result of a complex interaction of a wide range of different determinants of health, from an individual's genetic make-up, to lifestyles and behaviours, and the communities, local economy, built and natural environments to global ecosystem trends. All developments will have some effect on the determinants of health, which in turn will influence the health and wellbeing of the general population, vulnerable groups and individual people. Although assessing impacts on health beyond direct effects from for example emissions to air or road traffic incidents is complex, there is a need to ensure a proportionate assessment focused on an application's significant effects.

Having considered the submitted scoping report, we wish to make the following specific comments and recommendations:

### **Environmental Public Health**

We understand that the promoter will wish to avoid unnecessary duplication and that many issues including air quality, emissions to water, waste, contaminated land etc. will be covered elsewhere in the Environmental Statement (ES). We believe the summation of relevant issues into a specific section of the report provides a focus which ensures that

public health is given adequate consideration. The section should summarise key information, risk assessments, proposed mitigation measures, conclusions and residual impacts, relating to human health. Compliance with the requirements of National Policy Statements and relevant guidance and standards should also be highlighted.

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

## **Recommendations**

### **Air Quality**

Reducing public exposures to pollutants such as particulate matter and nitrogen dioxide, even when air quality standards are not exceeded, is expected to have public health benefits. We support approaches which minimise or mitigate public exposure to air pollutants, address inequalities (in exposure), and maximise co-benefits (such as physical exercise) and encourage their consideration during development design, environmental and health impact assessment, and development consent.

We note that assessment of fine particulate matter (PM<sub>2.5</sub>) within the air quality section is not proposed and justification for this is not provided. PM<sub>2.5</sub> is of 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.

The scoping report states that air quality impacts will be modelled, and reference is made to currently available baseline monitoring data for NO<sub>2</sub> and PM<sub>10</sub>. However, all the quoted relevant data relates to NO<sub>2</sub>, rather than PM<sub>10</sub>. The report states that no air quality monitoring is proposed. We recommend that air quality monitoring for at least PM<sub>10</sub> is undertaken to provide a baseline for the modelling.

The scoping report also states that *“in some circumstances it is possible to reduce impacts on air quality with appropriate mitigation measures, particularly if impacts are focused in a small geographic area rather than spread across the extent of the air quality study area. However, the proposed Scheme design to date does not include specific air quality mitigation measures for the operational phase.”* We recommend that specific air quality mitigation measures are included for the operational phase.

We note that the scoping report indicates that slight alteration of the route may be considered to increase the distance from properties on Dark Lane (currently 30 metres from the centreline of the proposed scheme). We recommend that such re-routing is considered to lessen the impact on residents from air pollution.

### **Water**

The promoter states that impacts on groundwater following disturbance of contaminated ground or groundwater are presented within Chapter 10 Geology and Soils. However, the groundwater abstractions and private water supplies identified within the Road Drainage and Water Environment Chapter have not been identified within the Geology and Soils Chapter. There appears to be 2 different study areas under consideration in terms of distance from the proposed DCO boundary. We recommend that this is clarified, and that, given that the underlying hydrogeology represents a plausible pathway to private drinking water supplies, further consideration is given to these as receptors.

## **Noise**

We recommend that the proposed consultation with the local community and wider public recognises the potential for increased noise levels associated with the construction and operational phases of the Scheme and possible noise mitigation strategies (c.f. Scoping Report 4.1.7).

We encourage the scheme promoter to use effective ways of communicating changes in the acoustic environment as a result of the scheme to local communities. For example, immersive sound demonstrations can help make noise and visual impacts intuitive to understand and accessible to a wider demographic, and have been used in major road and rail infrastructure projects such as HS2 and the planned upgrades to the A303. High quality infographics are also useful for this purpose.

We expect the Consultation Report (c.f. 4.1.9) to explain how stakeholder responses in relation to noise have influenced the development of the proposal, including any mitigation measures. In addition, the applicant should propose a suitable strategy to disseminate the findings of the PEIR (and EIA) regarding the effects of noise on health to stakeholders, including communities which may experience a change in their local noise environment as a result of the scheme.

### Health Outcomes and Significance of Impacts

We expect due consideration to be given to the potential effects on human health due to changes in environmental noise arising from construction and operational phases of the Scheme. We recommend the quantification of health outcomes such as annoyance, sleep disturbance and cardiovascular effects – these can be expressed in terms of number of people affected, Disability Adjusted Life Years (DALYs) and/or monetary terms, and the applicant should use the methodologies and exposure response relationships set out in publications by the WHO [1, 2] and the IGCBN [3].

We recommend that assessments of significance are based on impacts on health and quality of life, and not around noise exposure per se (in line with the Noise Policy Statement for England, NPSE). Furthermore, significance should reflect both the severity of the health outcome and the size of the population affected. Other considerations that can be taken into account are:

- i. The existing noise exposure of affected communities – particularly any designated Noise Important Areas in proximity to the scheme. These are areas with the highest levels of noise exposure at a national level, and require very careful consideration in terms of opportunities for improvement of health and quality of life through noise management;
- ii. Cumulative exposure to other environmental risk factors, including other sources of noise and air pollution; and



- iii. Local health needs, sensitivities and objectives.

### Mitigation measures

We expect decisions about noise mitigation measures to be underpinned by good quality evidence, in particular whether mitigation measures are proven to reduce adverse impacts on health and quality of life. For interventions where evidence is weak or lacking, it is expected that a proposed strategy for monitoring and evaluating their effectiveness during construction and operation of the Scheme.

With regards to road traffic noise, we expect to see consideration of low-noise road surfaces, acoustic barriers, traffic management and quiet facades [4], with noise insulation schemes considered as a last resort. We expect any proposed noise insulation schemes to take a holistic approach which achieves a healthy indoor environment, taking into consideration noise, ventilation, overheating risk, indoor air quality and occupants' need to open windows. It should be noted that there is at present insufficient good quality evidence as to whether insulation schemes are effective at reducing annoyance and self-reported sleep disturbance [5], and initiatives to evaluate the effectiveness of noise insulation to improve health outcomes are strongly encouraged.

It is expected that a Construction Environmental Management Plan (CEMP) will be developed and implemented by the Contractor, in part to mitigate the adverse impact of construction noise. We recommend that the CEMP includes a detailed programme of construction which highlights the times and durations of particularly noisy works, the proposed noise mitigation measures, and a strategy for actively communicating this information to local communities.

### Green spaces and private amenity spaces

We expect proposals to take into consideration the evidence which suggests that quiet areas can have both a direct beneficial health effect and can also help restore or compensate for the adverse health effects of noise in the residential environment [6-8]. Research from the Netherlands suggests that people living in noisy areas appear to have a greater need for areas offering quiet than people not exposed to noise at home [6].

Noise insulation schemes do not protect amenity spaces (such as private gardens or community green spaces) from increased noise exposure, and there may be opportunities to create new tranquil public spaces that are easily accessible to those communities exposed to increased noise from the scheme.

### Baseline Noise Conditions

We are of the view that noise monitoring data from 2006-2008 may not accurately reflect the current local sound environment and welcomes the scheme promoter's commitment to carry out a noise survey (c.f. 12.4.5).

We recommend that the noise survey is carried out in such a way as to provide a reliable depiction of local diurnal noise variations for both weekdays and weekends, in a variety of locations, including the difference between day (07:00-19:00), evening (19:00-23:00) and night-time (23:00-07:00) periods. This is particularly important if there are areas within the scheme assessment boundary with atypical traffic day/evening/night distributions (e.g. near a freight distribution centre). Achieving these aims is likely to require long-term noise monitoring in multiple locations for more than seven days.

## Human Health and Wellbeing

The applicant has undertaken previous public consultations, predominantly relating to route selection. During these consultations, the public identified the following priorities which should be addressed as part of the submission:

disruption during construction;

- congestion on A460
- protecting landscape views
- minimising impact to local businesses, landowners and residents
- protecting ancient woodland
- reducing and minimising pollution to the local area, including noise
- concerns about road safety

The submitted documentation does not contain evidence of engagement with local Directors of Public Health or the NHS. To ensure that local public health concerns are fully identified and addressed Highways England should engage with the relevant local authorities prior to producing both the preliminary environmental impact report (PIER) and the submission of the public consultation (section 42) stage of the NSIP documentation. We request the applicant fully considers the potential impacts of the scheme in the light of the wider determinants of health. We note that an assessment of population and health is discussed in section 13 of the submitted EIA scoping report and recommend that the following areas should be included in the assessment.

### Access

- Access to local, public and key services and facilities
- Access to affordable healthy food
- Access to the natural environment
- Access to the natural environment within the urban environment
- Access to leisure, recreation and physical activity opportunities within the urban and natural environments

### Traffic and Transport

- Accessibility
- Access to / by public transport
- Opportunities for / access by cycling & walking
- Links between communities
- Community severance
- Connections to jobs
- Connections to services, facilities and leisure opportunities

### Socio-Economic

- Employment opportunities including training opportunities
- Local business activity
- Regeneration
- Tourism & leisure industries

- Community / social cohesion and access to social networks
- Community engagement

#### Land Use

- Land use in urban and / or rural settings
- Quality of urban and natural environments

We understand that you may determine that some of the suggested assessments can be scoped out of the EIA and request, should that be the case, subsequent documentation provide detailed rationale and justification for any such exclusions.

Yours sincerely

For and on behalf of Public Health England  
[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 installation. Assessment should consider the development, operational, and decommissioning phases.

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

Consideration of alternatives (including alternative sites, choice of process, and the phasing of construction) is widely regarded as good practice. Ideally, EIA should start at the stage of site and process selection, so that the environmental merits of practicable alternatives can be properly considered. Where this is undertaken, the main alternatives considered should be outlined in the ES<sup>2</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 industrial premises and people using transport infrastructure (such as roads and railways), recreational areas, and publicly-accessible land. Consideration should also be given to environmental receptors such as the surrounding land, watercourses, surface and groundwater, and drinking water supplies such as wells, boreholes and water abstraction points.

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

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

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

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<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/20100410180038/http://communities.gov.uk/planningandbuilding/planning/sustainabilityenvironmental/environmentalimpactassessment/>

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

respond to any complaints of traffic-related pollution, during construction, operation, and decommissioning of the facility.

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

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

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

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

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

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

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

#### *Additional points specific to emissions to air*

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

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

#### *Additional points specific to emissions to water*

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

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

### **Land quality**

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

Emissions to and from the ground should be considered in terms of the previous history of the site and the potential of the site, once operational, to give rise to issues. Public health impacts associated with ground contamination and/or the migration of material off-site should be assessed<sup>3</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 installation the EIA should consider:

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<sup>3</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

### **Noise references**

- [1] WHO Environmental Noise Guidelines for the European Region, 2018
- [2] WHO Burden of Disease from Environmental Noise, 2012.
- [3] Defra/Interdepartmental Group on Costs and Benefits Noise Subject Group, 2014.
- [4] *Int. J. Environ. Res. Public Health* **2017**, *14*(8), 873;
- [5] [Lex Brown and Van Kamp. WHO Environmental Noise Guidelines for the European Region: A Systematic Review of Transport Noise Interventions and Their Impacts on Health.](#) *Int. J. Environ. Res. Public Health* **2017**, *14*(8), 873;
- [6] Health Council of the Netherlands Publication no. 2006/12, 2006
- [7] LIFE09 ENV/NL/000423, QSIDE - The positive effects of quiet façades and quiet urban areas on traffic noise annoyance and sleep disturbance
- [8] COST TD0804, Soundscape of European Cities and Landscapes, 2013

### **Other aspects**

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

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

There is evidence that, in some cases, perception of risk may have a greater impact on health than the hazard itself. A 2009 report<sup>4</sup>, jointly published by Liverpool John Moores University and the HPA, examined health risk perception and environmental problems using a number of case studies. As a point to consider, the report suggested: "Estimation of community anxiety and stress should be included as part of every risk or impact assessment of proposed plans that involve a potential environmental hazard. This is true even when the physical health risks may be negligible." PHE supports the inclusion of this information within EIAs as good practice.

### **Electromagnetic fields (EMF)**

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

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

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

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

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

## **Policy Measures for the Electricity Industry**

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

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

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

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/48309/1255-code-practice-optimum-phasing-power-lines.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/48309/1255-code-practice-optimum-phasing-power-lines.pdf)

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/224766/powerlines\\_vcop\\_microshocks.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/224766/powerlines_vcop_microshocks.pdf)

## **Exposure Guidelines**

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

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

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



[http://webarchive.nationalarchives.gov.uk/+www.dh.gov.uk/en/Publichealth/Healthprotection/DH\\_4089500](http://webarchive.nationalarchives.gov.uk/+www.dh.gov.uk/en/Publichealth/Healthprotection/DH_4089500)

## **Static magnetic fields**

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

## **Power frequency electric and magnetic fields**

At 50 Hz, the known direct effects include those of induced currents in the body on the central nervous system (CNS) and indirect effects include the risk of painful spark discharge on contact with metal objects exposed to the field. The ICNIRP guidelines published in 1998 give reference levels for public exposure to 50 Hz electric and magnetic fields, and these are respectively 5 kV m<sup>-1</sup> (kilovolts per metre) and 100 µT (microtesla). The reference level for magnetic fields changes to 200 µT 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 themselves limits but provide guidance for assessing compliance with the basic restrictions and reducing the risk of indirect effects.

## **Long term effects**

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

## **The Stakeholder Advisory Group on ELF EMFs (SAGE)**

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

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

SAGE issued its First Interim Assessment in 2007, making several recommendations concerning high voltage power lines. Government supported the implantation of low cost

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

[http://webarchive.nationalarchives.gov.uk/20130107105354/http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH\\_107124](http://webarchive.nationalarchives.gov.uk/20130107105354/http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_107124)

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

## **Ionising radiation**

Particular considerations apply when an application involves the possibility of exposure to ionising radiation. In such cases, it is important that the basic principles of radiation protection recommended by the International Commission on Radiological Protection<sup>5</sup> (ICRP) are followed. PHE provides advice on the application of these recommendations in the UK. The ICRP recommendations are implemented in the Euratom Basic Safety Standards<sup>6</sup> (BSS) and these form the basis for UK legislation, including the Ionising Radiation Regulations 1999, the Radioactive Substances Act 1993, and the Environmental Permitting Regulations 2016.

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

When considering the radiological impact of routine discharges of radionuclides to the environment PHE would expect to see a full radiation dose assessment considering both individual and collective (population) doses for the public and, where necessary, workers. For individual doses, consideration should be given to those members of the public who are likely to receive the highest exposures (referred to as the representative person, which is equivalent to the previous term, critical group). Different age groups should be considered as appropriate and should normally include adults, 1 year old and 10 year old children. In particular situations doses to the fetus should also be calculated<sup>7</sup>. The estimated doses to the representative person should be compared to the appropriate radiation dose criteria (dose constraints and dose limits), taking account of other releases of radionuclides from nearby locations as appropriate. Collective doses should also be considered for the UK, European and world populations where appropriate. The methods for assessing individual and collective radiation doses should follow the guidance given in 'Principles for the Assessment of Prospective Public Doses arising from Authorised Discharges of

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

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

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

Radioactive Waste to the Environment August 2012<sup>8</sup>. It is important that the methods used in any radiological dose assessment are clear and that key parameter values and assumptions are given (for example, the location of the representative persons, habit data and models used in the assessment).

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

The radiological impact of any solid waste storage and disposal should also be addressed in the assessment to ensure that this complies with UK practice and legislation; information should be provided on the category of waste involved (e.g. very low level waste, VLLW). It is also important that the radiological impact associated with the decommissioning of the site is addressed. Of relevance here is PHE advice on radiological criteria and assessments for land-based solid waste disposal facilities<sup>9</sup>. PHE advises that assessments of radiological impact during the operational phase should be performed in the same way as for any site authorised to discharge radioactive waste. PHE also advises that assessments of radiological impact during the post operational phase of the facility should consider long timescales (possibly in excess of 10,000 years) that are appropriate to the long-lived nature of the radionuclides in the waste, some of which may have half-lives of millions of years. The radiological assessment should consider exposure of members of hypothetical representative groups for a number of scenarios including the expected migration of radionuclides from the facility, and inadvertent intrusion into the facility once institutional control has ceased. For scenarios where the probability of occurrence can be estimated, both doses and health risks should be presented, where the health risk is the product of the probability that the scenario occurs, the dose if the scenario occurs and the health risk corresponding to unit dose. For inadvertent intrusion, the dose if the intrusion occurs should be presented. It is recommended that the post-closure phase be considered as a series of timescales, with the approach changing from more quantitative to more qualitative as times further in the future are considered. The level of detail and sophistication in the modelling should also reflect the level of hazard presented by the waste. The uncertainty due to the long timescales means that the concept of collective dose has very limited use, although estimates of collective dose from the 'expected' migration scenario can be used to compare the relatively early impacts from some disposal options if required.

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<sup>8</sup> The Environment Agency (EA), Scottish Environment Protection Agency (SEPA), Northern Ireland Environment Agency, Health Protection Agency and the Food Standards Agency (FSA).

Principles for the Assessment of Prospective Public Doses arising from Authorised Discharges of Radioactive Waste to the Environment August 2012.

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/296390/geho1202bklh-e-e.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/296390/geho1202bklh-e-e.pdf)

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

## 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>10</sup> is used

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<sup>10</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



## **M54-M6/M6 Toll Link Road– proposed development by Highways England**

### **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 14 January 2019 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 dated December 2018, scrutinising the proposed development and its potential impacts on Royal Mail's business interests.

#### **Royal Mail– relevant information**

Under section 35 of the Postal Services Act 2011 (the "Act"), Royal Mail has been designated by Ofcom (the independent communications regulator) as a provider of the Universal Postal Service.

Royal Mail is the only such provider in the United Kingdom. Its services are regulated by the Communications Industry Regulator, Ofcom.

In respect of its postal services functions, section 29 of the Act provides that Ofcom's primary regulatory duty is to secure the provision of the Universal Postal Service. Ofcom discharges this duty by imposing regulatory conditions on Royal Mail, requiring it to provide the Universal Postal Service.

By sections 30 and 31 of the Act (read with sections 32 and 33) there is a set of minimum standards for Universal Service Providers, which Ofcom must secure. The conditions imposed by Ofcom reflect those standards. There is, in effect, a statutory obligation on Royal Mail to provide at least one collection from letterboxes and post offices six days a week and one delivery of letters to all 29 million homes and businesses in the UK six days a week (five days a week for parcels). Royal Mail must also provide a range of "end to end" services meeting users' needs, e.g. First Class, Second Class, Special Delivery by 1 pm, International and Redirections services.

Royal Mail is under some of the highest specification performance obligations for quality of service in Europe. Its performance of the Universal Service Provider obligations is in the public interest and should not be affected detrimentally by any statutorily authorised project.

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.



### Potential impacts of the scheme on Royal Mail

Royal Mail has thirteen operational facilities within 9 miles of the proposed DCO boundary as listed below:

WOLVERHAMPTON NE DELIVERY OFFICE	PATRICK GREGORY ROAD WOLVERHAMPTON WV11 3DX	1.9
LANDYWOOD DELIVERY OFFICE	LANDYWOOD ENTERPRISE PARK WALSALL WS6 6BD	2.0
WOLVERHAMPTON NW DELIVERY OFFICE	27 DUNSTALL HILL IND ESTATE WOLVERHAMPTON WV6 0HN	4.9
NORTH WEST MIDS MAIL CENTRE / DELIVERY OFFICE	1 SUN STREET WOLVERHAMPTON WV1 1AA	5.1
CANNOCK DELIVERY OFFICE	BEECROFT ROAD CANNOCK WS11 1LE	5.5
WEDNESBURY DELIVERY OFFICE /HUB	KINGS HILL BUSINESS PARK WEDNESBURY WS10 7DG	5.6
WALSALL DELIVERY OFFICE	DARWALL STREET WALSALL WS1 1AA	5.6
WALSALL HATHERTON ROAD VEHICLE PARK	HATHERTON STREET WALSALL WS1 1AA	5.6
WALSALL FREER STREET VEHICLKE PARK	FREER STREET WALSALL WS1 1QF	5.8
BLISTON DELIVERY OFFICE	HALL STREET BLISTON WV14 0AA	6.4
BREWOD VEHICLE PARK	2 MARKET PLACE STAFFORD ST19 9BS	7.5
ALDRIDGE DELIVERY OFFICE	NORTHGATE WALSALL WS9 8QE	7.7
BURNTWOOD MOUNT ROAD STORAGE	UNIT 6 MOUNT ROAD BURNTWOOD WS7 0AJ	8.8

The M6 and M54 are both strategically important distribution routes for Royal Mail services, important to mail handling and delivery at the regional and national levels. All Royal Mail vehicles / services that use Junction 1 of the M54 and Junction 11 of the M6 are at risk of delays during the proposed 3 year construction period.

In exercising its statutory duties, Royal Mail vehicles use all of the local roads that the proposed new Toll Link Road will cross or be constructed adjacent to on a daily basis.



Any additional congestion on these roads during the construction phase has the potential to significantly disrupt Royal Mail's local operations.

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 be adversely affected by the construction and operation of this proposed scheme.

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

Royal Mail asks that Highways England notes the above and addresses the following comments / requests:

1. Royal Mail requests that the ES includes information on the needs of major road users (such as Royal Mail) and acknowledges the requirement to ensure that major road users are not disrupted though full consultation at the appropriate time in the DCO and development process.
2. The ES should include detailed information on the construction traffic mitigation measures that are proposed to be implemented, including a draft Construction Traffic Management Plan (CTMP).
3. Royal Mail requests that it is fully pre-consulted by Highways England on any proposed road closures / diversions/ alternative access arrangements, hours of working and the content of the CTMP. The ES should acknowledge the need for this consultation with Royal Mail and other relevant local businesses / occupiers.

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

Should PINS or Highways England have any queries in relation to the above then in the first instance please contact 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.

# SHARESHILL PARISH COUNCIL

CLERK: MISS S. CARPENTER

Tel: [REDACTED]

E-mail: [REDACTED]

8<sup>th</sup> February, 2019

**For the attention of Gail Boyle  
Senior EIA and Land Rights Advisor  
On behalf of the Secretary of State**

The Planning Inspectorate,  
Major Casework Directorate,  
Temple Quay House,  
2 The Square, Bristol,  
BS1 6PN

Dear Sir/Madam,

**PLANNING ACT 2008 (AS AMENDED) AND THE INFRASTRUCTURE PLANNING  
(ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017 (THE EIA  
REGULATIONS – REGULATIONS 10 AND 11**

**APPLICATION BY HIGHWAYS ENGLAND (THE APPLICANT) FOR AN ORDER  
GRANTING DEVELOPMENT CONSENT FOR THE M54-M6/M6 TOLL LINK ROAD  
(THE PROPOSED DEVELOPMENT)**

**SCOPING CONSULTATION AND NOTIFICATION OF THE APPLICANT'S CONTACT  
DETAILS AND DUTY TO MAKE AVAILABLE INFORMATION TO THE APPLICANT IF  
REQUESTED**

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Thank you for your letter dated 14<sup>th</sup> January, 2019.

Having been identified as a consultation body which must be consulted prior to the adoption of the Scoping Opinion relating to the above, the Parish Council would ask that any Environmental Statement includes the following: -

- a separate assessment of air pollution specific to the Parish of Hilton on the basis that the proposed preferred route will, in places, be a mere 20 metres away from existing housing.
- exact figures relating to noise pollution which will inevitably have a negative affect on the Parishes of Featherstone, Shareshill and Hilton due to their close proximity to Junction 1 of the M54.
- An up to date projection of the cumulative effect of traffic generated by the new nearby Retail Park, the proposed Strategic Rail Hub and the proposed Link Road on Junction 11 of the M6 Motorway.



- A detailed assessment of the affect the proposal will have on the Ancient Woodland situated in Dark Lane.

Yours sincerely,

CLLR. R. J. COPE  
**Shareshill Parish Council**

Gail Boyle  
Senior EIA and Land Rights Advisor  
Planning Inspectorate  
Major Casework Directorate  
Temple Quay House  
2 The Square  
Bristol, BS1 6PN

VIA EMAIL ONLY

11<sup>th</sup> February 2019

Your Ref: TR010054-000027

Dear Gail

**RE: M54-M6 Link Road – Scoping Consultation**

I refer to your letter of the 14<sup>th</sup> January 2019 and thank you for consulting Staffordshire County Council on EIA scope for the proposed M6/M54 Link Road scheme by Highways England. Set out below are our comments and suggestions on the proposed scope of information to be included within the ES.

**Cultural Heritage (Chapter 7)**

We are generally satisfied with the scope proposed regarding cultural heritage in this report. However, we do have the following comments:

Paragraph 7.4.1 - Mentions 29 archaeological sites within the Study Area; however, Appendix 7.1 only lists 17 archaeological sites within the Study Area.

Paragraph 7.4.5 - it is welcomed that the cluster of significant and Scheduled Roman sites located just outside the Study Area have been identified and acknowledged here.

Paragraph 7.4.8 - it is agreed that the ridge and furrow may contain elements of post medieval archaeology, but also note that the potential for ridge and furrow to obscure/cover archaeology from earlier periods should not be discounted.



Paragraph 7.4.14 - it is suggested that A15, a possible WW2 searchlight battery, potentially located within the proposed scheme 'land take', be included here.

Paragraph 7.4.16 - An assessment of previous archaeological interventions (details of which can be provided by the Staffordshire HER) in this area would be useful to better understand the nature and potential of these undated features.

Paragraph 7.4.17 - this assessment is supported.

Paragraph 7.4.25 - it would have been useful to delineate the boundaries of these historic landscapes on a map.

Paragraph 7.5.2 - Agreed, the proposed scheme has the potential to have physical impacts upon archaeological features and on the setting of heritage assets.

Paragraph 7.6.2 - The potential mitigation measures are supported; however, the option for preservation in situ should not be discounted at this stage.

Paragraph 7.6.3 - Agreed that a staged programme of archaeological investigation and recording would be appropriate to mitigate the proposed development's impact on the buried archaeological resource. Based on current information it is suggested that this comprise a geophysical survey, which will inform the scale and scope of evaluation trenching, followed by excavation where necessary. The geophysical survey and review of previous archaeological investigations in the area should assist in making decisions on the scale and scope of further mitigation.

Paragraph 7.6.3 - It is welcomed that an archaeological watching brief during construction is regarded as likely to be required to mitigate effects on previously unrecorded remains.

Paragraph 7.6.3 - It should not be discounted that the proposed suite of cultural heritage mitigation works are implemented as part of a Historic Environment Management Plan (HEMP). Construction phase mitigation such as archaeological watching brief should form part of the wider Construction Environmental Management Plan (CEMP).

Paragraph 7.8.4 - As noted above, we very much agree that a review of previous archaeological fieldwork undertaken within the study area will be required to inform the appropriate level of evaluation and mitigation. It is recommended that the relevant Historic Environment Assessments for this part of South Staffordshire and studies such as the Staffordshire Historic Farmsteads Study should also be utilised in this exercise.

Paragraph 7.8.4 - Agreed that a geophysical survey should be undertaken in the first instance, the results of this combined with the understanding provided by a review of previous archaeological work in the area should be used to inform further mitigation. A cultural heritage site walkover, as suggested in 7.9.2 would be a useful exercise in advance of geophysical survey work.

At Fig 7.1. Moseley Old Hall Cottage (B25) does not appear to be on the map.

Appendix 7.1. Only sites A1 to A25 are included here, what about A27 to A28? Likewise, the list of historic buildings only runs to B17- there are a lot more B numbers of the map.

### **Biodiversity (Chapter 9)**

We agree with the broad conclusions of this section regarding species and habitat surveys to be scoped in and scoped out, with the following comments:

Hedgerow assessment is scoped in – this should use the HEGS methodology as it is more reliable in Staffordshire than the Hedgerow Regulations.

We cannot find a reference to assessment of veteran trees in their own right, rather than as bat roost potential, which is covered. This should be included and may indicate the need to have additional terrestrial invertebrate assessment.

Lesser horseshoe bat is now found further north in the county than previously understood and data searches will not necessarily pick this up. All bat surveys should now consider this species.

At paragraph 9.6.2 we remain concerned about possible effects on Lower Pool and Brookfield Farm Local Wildlife Sites (also known as SBIs) through permanent loss of habitat. This may also apply to woodlands that have not yet been confirmed as ancient. If avoidance is not possible, then mitigation effort should be excellent, including translocation and habitat creation with appropriate long-term aftercare. This also applies to indirect effects such as those mentioned for Oxden Leasow Wood.

At paragraph 9.7.4 the inclusion of possible enhancement measures is welcome. It would be particularly helpful to have a pond / pond created that precludes use for fishing and can act as an offline white-clawed crayfish refuge for a local population that is under threat.

At paragraph 9.8.3 the intention to comply with the avoid – mitigate - compensate hierarchy is welcomed. A biodiversity metric should also be employed to demonstrate that the scheme achieves net gain in line with NPPF. This should use realistic timescales and target conditions for any compensation habitat, for example the target time for new woodland to achieve reasonable condition should be 30+ years.

### **Flooding**

The Scoping Report includes a section on Road Drainage & The Water Environment (S14), which identifies the key watercourses and relevant issues. It confirms that a detailed Flood Risk Assessment, including surface water drainage

strategy, will be undertaken in consultation with the Lead Local Flood Authority (LLFA) and EA. This will be presented separately, with summary text included in the Environmental Statement. We are content with this approach from an LLFA perspective.

## **Minerals & Waste**

The extent of the draft DCO affects a Mineral Safeguarding Area (MSA) for bedrock sand and gravel; and east of the M6, the prospective application site encroaches within a MSA for clay (Etruria Marl).

In addition, the application site would also affect a small part of a safeguarded mineral infrastructure site zone. This zone has been defined to safeguard permitted mineral operations at the dormant Hilton Park sand and gravel site. This site has been non-operational for many years but there remain permitted reserves. The mineral site is split by the M54 and there is an underpass that could connect the two parts of the site.

Section 11 of the scoping report acknowledges that the proposed Scheme has the potential to affect material resources which includes underlying minerals. Paragraph 11.4.6 states: There are no active or allocated minerals extraction sites within the draft DCO site boundary. This is correct but the impact of the proposed Scheme on potential operations on the Hilton Main site should be assessed as well as its impact on land adjoining the mineral site and within the MSA. In this matter, the applicant should consider the requirements of the relevant NPS (paragraph 5.182) which states: Where a proposed development has an impact on a Mineral Safeguarding Area (MSA), the Secretary of State should ensure that the applicant has put forward appropriate mitigation measures to safeguard mineral resources. Furthermore, the assessment should consider the requirements of Policy 3 of the [Minerals Local Plan for Staffordshire \(2015 – 2030\)](#) which relates to safeguarding minerals of local and national importance and important infrastructure.

Proposals to assess the impact of material use (including primary aggregates and alternative sources of aggregate) and waste arising during construction are welcomed.

With regard to material (mineral) use, an assessment should be undertaken on the impact on existing provision from quarries and whether provision of construction aggregates can be achieved with material extracted from within the area of the Scheme. Similarly, regarding the disposal of construction / excavation wastes, an assessment should include whether there are opportunities to use such wastes within the Scheme for the purposes of landscaping if not suitable for engineering uses. These assessments should consider the cumulative impacts of mineral use/ waste management of other significant projects in the area i.e. the West Midlands Interchange project and HS2.

## **Transport**

In relation to Provision for Pedestrians, Cyclists and Equestrians. Paragraph 2.4.11 suggests enhancements to provision for Non-motorised users (NMUs) would be supported with consideration of the needs of mobility impaired users.

At 2.4.12 the improved facilities for NMUs at M54 junction 1 and M6 junction 11 would also be supported as these significant junctions tend to cause severance and connectivity issues, especially for local residents and communities.

At 2.4.13 alternative routes, where necessary, should not be significantly longer or more onerous than existing RoW to avoid reduced connectivity.

At 2.4.14 access for NMUs throughout the construction period should be maintained wherever possible.

In relation to the Lighting and Signing Strategy:

Paragraph 2.4.15 - Lighting should be used where appropriate to improve and maintain safety for road users without negatively impacting significantly on local communities or the local environment.

Paragraph 2.4.16 - a review of local and strategic signage of the network should be undertaken as part of the scheme with amendments/improvements implemented where appropriate and where routing improvements can be delivered.

In relation to the Assessment of Alternatives:

The preferred option should offer significant capacity and travel time improvements whilst avoiding significant negative impacts on the local environment and communities. It should enable significant quality of life enhancements to existing communities.

In relation to Population and Health:

The effects on local communities of severance either caused or reduced by the scheme should be considered both in terms of motorised and NMUs. At 13.4.16 residents of Hilton could utilise primary schools in either Featherstone or Shareshill and therefore both movements should be assessed. Bus stops should be considered as community facilities so that any temporary impact in accessing those during construction can be included in the assessment

There may be potential for permanent changes to driver stress as a result to changes in the types of junction to be navigated and any changes to how complex they are.

There may be potential for permanent increases to severance at isolated properties as a result of the scheme – if this is included in the scope it can be easily proved not to occur if that is the case. Paragraphs 13.5.1 or 13.5.4 consider changes in severance due to changes in route length – temporary or permanent, changes in severance due to changes in pedestrian delay because of changes to

number/ types of crossings. Table 13.3 sensitivity of NMU routes – could also be classified in terms of the importance of destination served e.g. walking/ cycling route to primary school, walking route to bus stops to enable access to destinations further afield could be considered as high or very high

Diversions to Rights of Way should be identified and distances stated.

At 13.4.5 Connectivity of local cycling and walking routes is important and should be improved where possible. The advisory cycle routes in the area should be maintained or improved where possible and form an important part of the local NMU network. Any amendments to this network should be detailed i.e. increased/reduced distances, new facilities and new links.

13.5.1 During closures or diversions the impacts on NMU connectivity should be identified and minimised. Length of closure and distance of diversions/closures should be stipulated. Any realignments should be made clear and maintain or provide a connected network. Permanent reductions in severance would be supported.

13.5.2 Likely points/locations of delay and congestion should be identified and how long these temporary issues are likely to be experienced. Improvements should be quantified.

13.5.4 Temporary community severance issues should be quantified where possible and how long will these last. Access to key community facilities such as health and social care facilities should not be permanently reduced, and any temporary severance issues should be identified.

Communities should be kept fully informed of temporary and permanent changes to RoW and route alignments, including effects on severance, air quality, noise and vibration.

Yours sincerely

James Chadwick  
Spatial Planning Policy Officer

**From:** [Boswell, Cain A.](#)  
**To:** [M54 to M6/M6 Toll](#)  
**Subject:** TR010054-000027 M54/M6/M6 Toll Link Road  
**Date:** 15 January 2019 09:03:26

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**RE: TR010054-000027 –M54/M6/M6 Toll Link Road**

Dear Sir/Madam

There are WPD assets in the vicinity of the proposed works and this may have an impact on one or more teams in the WPD area. WPD would suggest that the developer/contractor contacts the mapping team or the records team in the first instance prior to any works commencing. This is in order to avoid any inadvertent contact with any live apparatus including underground cables and overhead lines during any stage of the development.

Any works in the vicinity of electricity conductors (cables or overhead lines) should be undertaken in accordance with HSE documents GS6 and HS(G)47 - all excavation works shall be undertaken by hand around electricity apparatus and any striking of cables or overhead lines should be reported to WPD on 105 immediately or as soon as it is safe to do so.

All electricity apparatus must be treated as Live until proven dead.

In order that connections or reconnections following diversionary works can be made in a timely manner – any proposed scheme must be applied for by the customer or appointed contractor in order ascertain the scope and associated costs of those works.

Many thanks

Regards

Cain Boswell  
Western Power Distribution

## Cain Boswell

Planner (Cannock-Rugeley)  
Stoke DC  
Tel: 01782 403668  
Mob:07525704381  
E-mail: [cboswell@westernpower.co.uk](mailto:cboswell@westernpower.co.uk)

Western Power Distribution (South West) plc / Western Power Distribution (South Wales) plc / Western Power Distribution (East Midlands) plc / Western Power Distribution (West Midlands) plc  
Registered in England and Wales  
Registered number: 2366894 (South West) / 2366985 (South Wales) / 2366923 (East Midlands) / 3600574 (West Midlands)



Registered Office: Avonbank, Feeder Road, Bristol, BS2 0TB

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7<sup>th</sup> February 2019

**Gail Boyle**

Senior EIA and Land Rights Advisor  
Major Casework Directorate  
Temple Quay House  
2 The Square  
Bristol, BS1 6PN

**M54-M6/M6 Toll Link Road scoping report consultation**

Dear Gail,

The West Midlands welcomed plans to develop and build the proposed M54-M6/M6 Toll Link Road in early 2015 and has supported the principle of the scheme for many years.

I am writing to you to re-confirm my support for this scheme and the PCF Stage 3 EIA Scoping Report.

As we enter a key phase of new infrastructure investment in addition to an extensive programme of maintenance works to the existing network, we urge Highways England to deliver this scheme as quickly as possible, whilst mitigating the environmental impacts, to provide additional network capacity. This acceleration would provide benefits to businesses in the Black Country and Staffordshire (including the i54 Enterprise Zone) as well as improving traffic speeds, journey reliability, access and connectivity across the wider Combined Authority area.

The completion of the M54 - M6/M6 Toll link road is a high priority and will ensure the delivery of our policy to secure better utilisation of the M6 Toll.

I am supportive of the Planning Inspectorate adopting its Scoping Opinion and do not have any further comments.

Yours sincerely,

**Carl Beet**

Head of Strategy & Intelligence  
TfWM (part of the West Midlands Combined Authority)

**From:** [Jonathan Elmer](#)  
**To:** [M54 to M6/M6 Toll](#)  
**Cc:** [Paul Round](#)  
**Subject:** M54-M6/ M6 Toll Link Road: Scoping consultation - Response from Wyre Forest District Council  
**Date:** 18 January 2019 15:29:50  
**Attachments:** [NorthWorcestershireEconomicDevelopmentAndRegeneration128x128\\_7ca35918-0da6-4b3c-b040-45c87a99b052.png](#)

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Dear Sir/Madam,

Thank you for consulting Wyre Forest District Council on the scoping report submitted for the proposed M54-M6/ M6 Toll Link Road

We have reviewed the documentation on your website and do not wish to make any comments at this juncture.

Kind regards,  
Jon



**Jonathan Elmer**  
Economic Development and Regeneration Manager (Place)  
North Worcestershire Economic Development and Regeneration  
01562 732552 / 07718695315  
Wyre Forest House, Finepoint Way, Kidderminster, Worcestershire, DY11 7WF  
[Jonathan.Elmer@nwedr.org.uk](mailto:Jonathan.Elmer@nwedr.org.uk)

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Date: 14 February 2019  
Our ref: 270225  
Your ref: M54 to M6/M6 Toll Link Road



Ms Gail Boyle  
The Planning Inspectorate  
Major Casework Directorate  
Temple Quay house  
2 The Square  
Bristol  
BS1 6PN

Hornbeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire  
C W1 6GJ

T 0300 060 3900

**BY EMAIL ONLY**

[M54toM6/M6Toll@pins.gsi.gov.uk](mailto:M54toM6/M6Toll@pins.gsi.gov.uk)

Dear Ms Boyle

**Environmental Impact Assessment Scoping consultation (Regulation 15 (4) of the Town & Country Planning EIA Regulations 2017): M54 to M6/M6 Toll Link Road**

**Location:** South Staffordshire

Thank you for seeking our advice on the scope of the Environmental Statement (ES) in your consultation dated 11 January 2019 which we received on the same date.

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

Case law<sup>1</sup> and guidance<sup>2</sup> has stressed the need for a full set of environmental information to be available for consideration prior to a decision being taken on whether or not to grant planning permission. Annex A to this letter provides Natural England's advice on the scope of the Environmental Impact Assessment (EIA) for this development.

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

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

Yours sincerely

Victoria Kirkham  
Consultation Team

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

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

## **Annex A – Advice related to EIA Scoping Requirements**

### **1. General Principles**

Schedule 4 of the Town & Country Planning (Environmental Impact Assessment) Regulations 2017, sets out the necessary information to assess impacts on the natural environment to be included in an ES, specifically:

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

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

### **2. Biodiversity and Geology**

#### **2.1 Ecological Aspects of an Environmental Statement**

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

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

The National Planning Policy Framework sets out guidance in S.174-177 on how to take account of biodiversity interests in planning decisions and the framework that local authorities should provide to assist developers.

#### **2.2 Internationally and Nationally Designated Sites**

The ES should thoroughly assess the potential for the proposal to affect designated sites. European sites (e.g. designated Special Areas of Conservation and Special Protection Areas) fall within the scope of the Conservation of Habitats and Species Regulations 2017 (as amended). In addition paragraph 176 of the National Planning Policy Framework requires that potential Special

Protection Areas, possible Special Areas of Conservation, listed or proposed Ramsar sites, and any site identified as being necessary to compensate for adverse impacts on classified, potential or possible SPAs, SACs and Ramsar sites be treated in the same way as classified sites.

Under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) an appropriate assessment needs to be undertaken in respect of any plan or project which is (a) likely to have a significant effect on a European site (either alone or in combination with other plans or projects) and (b) not directly connected with or necessary to the management of the site.

Should a Likely Significant Effect on a European/Internationally designated site be identified or be uncertain, the competent authority (in this case the Local Planning Authority) may need to prepare an Appropriate Assessment, in addition to consideration of impacts through the EIA process.

### **2.3 Regionally and Locally Important Sites**

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

### **2.4 Protected Species - Species protected by the Wildlife and Countryside Act 1981 (as amended) and by the Conservation of Habitats and Species Regulations 2017 (as amended)**

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

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

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

### **2.5 Habitats and Species of Principal Importance**

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

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

species and habitats included in the relevant Local BAP.

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

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

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

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

### **2.6 Contacts for Local Records**

Natural England does not hold local information on local sites, local landscape character and local or national biodiversity priority habitats and species. We recommend that you seek further information from the appropriate bodies (which may include the local records centre, the local wildlife trust, local geoconservation group or other recording society and a local landscape characterisation document).

## **3. Designated Landscapes and Landscape Character**

### **Landscape and visual impacts**

Natural England would wish to see details of local landscape character areas mapped at a scale appropriate to the development site as well as any relevant management plans or strategies pertaining to the area. The EIA should include assessments of visual effects on the surrounding area and landscape together with any physical effects of the development, such as changes in topography.

The EIA should include a full assessment of the potential impacts of the development on local landscape character using [landscape assessment methodologies](#). We encourage the use of Landscape Character Assessment (LCA), based on the good practice guidelines produced jointly by the Landscape Institute and Institute of Environmental Assessment in 2013. LCA provides a sound basis for guiding, informing and understanding the ability of any location to accommodate change and to make positive proposals for conserving, enhancing or regenerating character, as detailed proposals are developed.

Natural England supports the publication *Guidelines for Landscape and Visual Impact Assessment*, produced by the Landscape Institute and the Institute of Environmental Assessment and Management in 2013 (3rd edition). The methodology set out is almost universally used for landscape and visual impact assessment.

In order to foster high quality development that respects, maintains, or enhances, local landscape character and distinctiveness, Natural England encourages all new development to consider the character and distinctiveness of the area, with the siting and design of the proposed development reflecting local design characteristics and, wherever possible, using local materials. The Environmental Impact Assessment process should detail the measures to be taken to ensure the building design will be of a high standard, as well as detail of layout alternatives together with justification of the selected option in terms of landscape impact and benefit.

The assessment should also include the cumulative effect of the development with other relevant existing or proposed developments in the area. In this context Natural England advises that the cumulative impact assessment should include other proposals currently at Scoping stage. Due to the overlapping timescale of their progress through the planning system, cumulative impact of the proposed development with those proposals currently at Scoping stage would be likely to be a material consideration at the time of determination of the planning application.

The assessment should refer to the relevant [National Character Areas](#) which can be found on our website. Links for Landscape Character Assessment at a local level are also available on the same page.

### **Heritage Landscapes**

You should consider whether there is land in the area affected by the development which qualifies for conditional exemption from capital taxes on the grounds of outstanding scenic, scientific or historic interest. An up-to-date list may be obtained at [www.hmrc.gov.uk/heritage/lbsearch.htm](http://www.hmrc.gov.uk/heritage/lbsearch.htm).

### **4. Access and Recreation**

Natural England encourages any proposal to incorporate measures to help encourage people to access the countryside for quiet enjoyment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways are to be encouraged. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be incorporated where appropriate.

### **Rights of Way, Access land, Coastal access and National Trails**

The EIA should consider potential impacts on access land, public open land, rights of way and coastal access routes in the vicinity of the development. Consideration should also be given to the potential impacts on any nearby National Trails. The National Trails website [www.nationaltrail.co.uk](http://www.nationaltrail.co.uk) provides information including contact details for the National Trail Officer. Appropriate mitigation measures should be incorporated for any adverse impacts. We also recommend reference to the relevant Right of Way Improvement Plans (ROWIP) to identify public rights of way within or adjacent to the proposed site that should be maintained or enhanced.

### **5. Soil and Agricultural Land Quality**

Impacts from the development should be considered in light of the Government's policy for the protection of the best and most versatile (BMV) agricultural land as set out in paragraph 170 of the NPPF. We also recommend that soils should be considered in the context of the sustainable use of land and the ecosystem services they provide as a natural resource, as also highlighted in paragraph 170 of the NPPF.

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

### **6. Air Quality**

Air quality in the UK has improved over recent decades but air pollution remains a significant issue; for example over 97% of sensitive habitat area in England is predicted to exceed the critical loads for ecosystem protection from atmospheric nitrogen deposition ([England Biodiversity Strategy](#), Defra 2011). A priority action in the England Biodiversity Strategy is to reduce air pollution impacts on biodiversity. The planning system plays a key role in determining the location of developments which may give rise to pollution, either directly or from traffic generation, and hence planning decisions can have a significant impact on the quality of air, water and land. The assessment should take account of the risks of air pollution and how these can be managed or reduced. Further information on air pollution impacts and the sensitivity of different habitats/designated sites can be found on the Air Pollution Information System ([www.apis.ac.uk](http://www.apis.ac.uk)). Further information on air pollution modelling and assessment can be found on the Environment Agency website.

### **7. Climate Change Adaptation**

The [England Biodiversity Strategy](#) published by Defra establishes principles for the consideration of



biodiversity and the effects of climate change. The ES should reflect these principles and identify how the development's effects on the natural environment will be influenced by climate change, and how ecological networks will be maintained. The NPPF requires that the planning system should contribute to the enhancement of the natural environment 'by establishing coherent ecological networks that are more resilient to current and future pressures' ([NPPF](#) Para 174), which should be demonstrated through the ES.

## **8. Cumulative and in-combination effects**

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

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

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

### **Ancient Woodland – addition to the S41 NERC Act paragraph**

The S41 list includes six priority woodland habitats, which will often be ancient woodland, with all ancient semi-natural woodland in the South East falling into one or more of the six types.

Information about ancient woodland can be found in Natural England's standing advice [http://www.naturalengland.org.uk/Images/standing-advice-ancient-woodland\\_tcm6-32633.pdf](http://www.naturalengland.org.uk/Images/standing-advice-ancient-woodland_tcm6-32633.pdf).

Ancient woodland is an irreplaceable resource of great importance for its wildlife, its history and the contribution it makes to our diverse landscapes. Local authorities have a vital role in ensuring its conservation, in particular through the planning system. The ES should have regard to the requirements under the NPPF (Para. 175)<sup>2</sup> which states:

When determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts); adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.