

M54 to M6 Link Road

TR010054

Volume 6

6.3 Environmental Statement

Appendices

**Appendix 4.2 Scoping Opinion
Response Table (Chapters 1-4)**

APFP 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[]**

**6.3 Environmental Statement Appendices
Appendix 4.2 Scoping Opinion Response Table (Chapters 1-4)**

| | |
|---|---|
| Regulation Number | Regulation 5(2)(a) |
| Planning Inspectorate Scheme Reference | TR010054 |
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| Author | M54 to M6 Link Road Project Team and Highways England |

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| 1 | January 2020 | DCO application |

Appendix 4.2: Scoping Opinion Response Table (Chapters 1 - 4)

The Scoping Opinion and the comments from consultees have been considered in undertaking the Environmental Impact Assessment (EIA) and in preparing the Environmental Statement (ES). Responses to the Inspectorate's comments on Chapters 1 - 5 of the EIA Scoping Report are provided in Table 1. The technical chapters (Chapter 5 to 15) within the ES [TR010054/APP/6.1] provide a tabulated summary of Scoping Opinion comments received from the Inspectorate (4. Aspect Based Scoping Tables) and the statutory consultees relating to the chapter and where they have been addressed in the ES.

Table 1: Planning Inspectorate Scoping Opinion

| Topic or aspect and Scoping Opinion paragraph reference. | Scoping response | Where addressed in ES |
|---|--|--|
| 1. Introduction (1.1 The Planning Inspectorate's Consultation) | | |
| Paragraph 1.1.3 <i>Consultation</i> | 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. | This appendix provides responses to comments on the introductory chapters, Chapters 1 to 5, of the EIA Scoping Report (Chapters 1 to 4 of Environmental Statement (ES)). Topic specific scoping responses are addressed in the technical chapters, Chapters 5 to 15, of the ES as appropriate [TR010054/APP/6.1]. |
| Paragraph 1.1.4 <i>Consultation</i> | 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. | Consideration has been given to comments from Natural England received after the statutory deadline. Refer to Chapter 8: Biodiversity, Section 8.3 of the ES [TR010054/APP/6.1]. |
| 2. The Proposed Development (2.2 The Planning Inspectorate's Comments) | | |
| Description of the Proposed Development | 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 | Temporary and permanent land take is shown on the Land Plans [TR010054/APP/2.2]. |

| Topic or aspect and Scoping Opinion paragraph reference. | Scoping response | Where addressed in ES |
|---|---|--|
| (Paragraph 2.2.1) <i>Land- take</i> | 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. | |
| Description of the Proposed Development (Paragraph 2.2.2) <i>Earthworks</i> | 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. | A description of vertical and horizontal dimensions of the Scheme are provided in Chapter 2: The Scheme, Section 2.5 of the ES [TR010054/APP/6.1]. |
| Description of the Proposed Development (Paragraph 2.2.3) <i>Drainage, NMU routes, lighting, material storage</i> | 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. | A Scheme description is provided in Chapter 2: The Scheme, Section 2.5 of the ES [TR010054/APP/6.1]. This includes a description of drainage design, flood storage provisions, NMU diversions, lighting and signage. |
| Description of the Proposed Development (Paragraph 2.2.4) <i>Programme</i> | 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. | Details of construction phasing are described in Chapter 2: The Scheme, Section 2.6 of the ES [TR010054/APP/6.1]. |

| Topic or aspect and Scoping Opinion paragraph reference. | Scoping response | Where addressed in ES |
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| Description of the Proposed Development (Paragraph 2.2.5) <i>Demolition</i> | 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. | Description of demolition and retention of structures is provided in Chapter 2: The Scheme, Section 2.6 of the ES [TR010054/APP/6.1]. |
| Description of the Proposed Development (Paragraph 2.2.6) <i>Cut/fill balance</i> | 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. | The estimated cut and fill balance is provided in Chapter 2: The Scheme, Section 2.6, Table 2.4 of the ES [TR010054/APP/6.1]. |
| Alternatives (Paragraph 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. | Chapter 3: Assessment of Alternatives [TR010054/APP/6.1], Figure 3.1 and 3.2 [TR010054/APP/6.2] and Appendix 3.1 and 3.2 [TR010054/APP/6.3] of the ES reports on the consideration of reasonable alternatives including a comparison of environmental effects. |
| Flexibility (Paragraph 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 DCO 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 | Chapter 2: The Scheme and Chapter 4: Environmental Assessment Methodology of the ES [TR010054/APP/6.1] set out how the ES has assessed the development parameters applied for in the DCO and describes the approach taken. The Works Plans [TR010054/APP/2.4] illustrate the limits of deviation. |

| Topic or aspect and Scoping Opinion paragraph reference. | Scoping response | Where addressed in ES |
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| | <p>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.</p> <p>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.</p> | |
| 3. ES Approach (3.1 Introduction) | | |
| <p>Paragraphs 3.1.2 to 3.1.3 <i>Scope</i></p> | <p>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.</p> <p>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.</p> | <p>The assessment has been undertaken in line with the Scoping Opinion. Changes to the scope and methodology are outlined in Appendix 4.5 [TR010054/APP/6.3].</p> <p>Justification for the scoping out of aspects/ matters is provided as appropriate in the technical chapters, Chapter 5 to 15 of the ES [TR010054/APP/6.1].</p> |
| <p>Paragraph 3.1.4 <i>Mitigation</i></p> | <p>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.</p> | <p>Refer to the OEMP [TR010054/APP/6.11] and Appendix 2.1 Environmental Mitigation Schedule [TR010054/APP/6.3] which provide reference to how mitigation measures will be secured.</p> |

| Topic or aspect and Scoping Opinion paragraph reference. | Scoping response | Where addressed in ES |
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| 3. ES Approach (3.2 Relevant National Policy Statements (NPSs)) | | |
| Paragraphs 3.2.1 to 3.2.2 | 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. The designated NPS relevant to the Proposed Development is the NPS for National Networks (NPSNN). | Each technical chapter in the ES, Chapter 5 to 14, outlines where the requirements of the NPSNN are considered [TR010054/APP/6.1]. |
| 3. ES Approach (3.3 Scope of Assessment) | | |
| Paragraphs 3.3.1 <i>ES Approach</i> | <p>The Inspectorate recommends that in order to assist the decision-making process, the Applicant uses tables:</p> <ul style="list-style-type: none"> • 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. | <p>A scoping opinion response table is provided in this appendix and each of the technical chapters of the ES [TR010054/APP/6.1] to demonstrate how the assessment has taken into the account the scoping opinion.</p> <p>A summary of likely significant residual effects are collated in a table in Chapter 16: Summary of the ES [TR010054/APP/6.1].</p> <p>The approach to mitigation, including the definitions of different types of mitigation, is described in ES Chapter 4: Environmental Assessment Methodology [TR010054/APP/6.1]. The mechanisms for securing and delivering these measures are outlined in ES paragraphs 4.3.18 to 4.3.22 and are detailed in the OEMP, [TR010054/APP/6.11] and the Environmental Mitigation Schedule, Appendix 2.1 [TR010054/APP/6.3].</p> <p>The Habitats Regulations Assessment (HRA) is provided in application document [TR010054/APP/6.9].</p> |

| Topic or aspect and Scoping Opinion paragraph reference. | Scoping response | Where addressed in ES |
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| <p>Paragraph 3.3.2</p> <p><i>Associated Development</i></p> | <p>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.</p> | <p>The DCO application does not include any 'Associated Development'.</p> |
| <p>Paragraph 3.3.3</p> <p><i>Scope</i></p> | <p>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.</p> | <p>Refer to Chapter 2: The Scheme, Section 2.8 of the ES [TR010054/APP/6.1]</p> |
| <p>Baseline scenarios Paragraph 3.3.5 to 3.3.6</p> | <p>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.</p> <p>The ES should describe the baseline and future baseline scenarios (where applicable) which have been applied in each aspect.</p> | <p>Details of the baseline and future baseline considered for each assessment are provided in Chapter 2: The Scheme, Section 2.4 and Section X.3 'Assessment Methodology' and Section X.6 'Baseline' of each technical chapter (Chapters 5 to 14).</p> |

| Topic or aspect and Scoping Opinion paragraph reference. | Scoping response | Where addressed in ES |
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| Forecasting Methods or Evidence Paragraph 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. | Survey timescales included in each aspect chapter (or appendix where appropriate) under Section X.3 'Assessment Methodology' or Section X.6 'Baseline Conditions'. |
| Forecasting Methods or Evidence Paragraph 3.3.8 | 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 'nonsignificant' effects. Any departure from that methodology should be described in individual aspect assessment chapters. | Chapter 4: Environmental Assessment Methodology, sets out the overarching methodology for the assessment which clearly distinguishes effects that are significant from non-significant. Any departure from this methodology is described in the individual aspect chapters, Chapters 5 to 15, Section X.3 'Assessment Methodology' [TR010054/APP/6.1]. Further details of methodologies are provided as an appendix to the ES where required [TR010054/APP/6.3]. Since the submission of the Scoping Report the Design Manual for Roads and Bridges environmental standards have been updated. Where possible these new standards have been utilised in undertaking the EIA. Appendix 4.5 [TR010054/APP/6.3] outlines the changes in scope and methodology since the submission of the Scoping Report in January 2019. |
| Forecasting Methods or Evidence Paragraph 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. | Each aspect chapter lists assumptions and limitations of the assessment in Section X.4 'Assumptions and Limitations' [TR010054/APP/6.1]. |
| Residues and Emissions Paragraph 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 on the type and quantity of residues and emissions is included, split between the various technical chapters, where that residue or emission is of relevance to a technical chapter's assessment. |

| Topic or aspect and Scoping Opinion paragraph reference. | Scoping response | Where addressed in ES |
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| | information should be provided in a clear and consistent fashion and may be integrated into the relevant aspect assessments. | |
| Residues and Emissions Paragraph 3.3.11 <i>Heat and radiation</i> | 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. | Noted. |
| Mitigation Paragraph 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. | A summary of embedded mitigation is provided in Chapter 2: The Scheme [TR010054/APP/6.1] of the ES. Essential mitigation is detailed in Section X.8 'Design, Mitigation and Enhancement' of the technical chapters, Chapters 5 to 15 of the ES. The Outline Environmental Management Plan [TR010054/APP/6.11] and Appendix 2.1 Environmental Mitigation Schedule [TR010054/APP/6.3] outline the mitigation measures and how these will be secured. |
| Major accidents and disasters Paragraph 3.3.13 to 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 | Refer to Appendix 4.3 Screening of Major Accidents and Disasters [TR010054/APP/6.3]. |

| Topic or aspect and Scoping Opinion paragraph reference. | Scoping response | Where addressed in ES |
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| | <p>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.</p> <p>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.</p> <p>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.</p> | |
| <p>Climate and Climate Change Paragraph 3.3.15</p> | <p>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.</p> | <p>Chapter 14: Climate presents an assessment of the likely effects the Scheme on climate and the vulnerability of the Scheme to climate change [TR010054/APP/6.1].</p> |
| <p>Transboundary effects Paragraph 3.3.16 to 3.3.19</p> | <p>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.</p> | <p>Refer to Chapter 4: Environmental Assessment Methodology, Section 4.1, paragraphs 4.1.9 to 4.1.11 [TR010054/APP/6.1]. Appendix 4.4 presents a transboundary screening exercise [TR010054/APP/6.3].</p> |

| Topic or aspect and Scoping Opinion paragraph reference. | Scoping response | Where addressed in ES |
|---|---|---|
| | <p>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.</p> <p>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.</p> | |
| <p>A Reference List Paragraph 3.3.19</p> | <p>A reference list detailing the sources used for the descriptions and assessments must be included in the ES.</p> | <p>A reference list is provided at the end of each chapter of the Environmental Statement [TR010054/APP/6.1].</p> |
| <p>3. ES Approach (3.4 Confidential Information)</p> | | |
| <p>Paragraph 3.4.1</p> | <p>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.</p> | <p>Separate electronic documents have been provided for confidential information, clearly titled and watermarked. These include Appendix 8.5 Badger Report and Appendix 8.6 Barn Owl Report [TR010054/APP/6.3].</p> |