

M3 Junction 9 Improvement

Scheme Number: TR010055

6.1 Environmental Statement Chapter 1 Introduction

APFP Regulation 5(2)(a)

Planning Act 2008

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

Volume 6

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Infrastructure Planning

Planning Act 2008

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

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6.1 ENVIRONMENTAL STATEMENT - CHAPTER 1: INTRODUCTION
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1 Introduction

1.1 Purpose of the Environmental Statement

1.1.1 This document is the Environmental Statement (ES) for the M3 Junction 9 Improvement Scheme (the Scheme). This ES includes a description of the Scheme, the reasonable alternatives considered and the main reasons for the option chosen, the likely significant environmental effects of the Scheme and the measures to avoid or reduce such effects. The ES forms part of Volume 6 Environmental Information of the application for a Development Consent Order (DCO) for the Scheme under the Planning Act 2008 and has been prepared in accordance with the Infrastructure Planning (Environmental Impact Assessment (EIA)) Regulations 2017 (as amended) (the EIA Regulations).

1.1.2 Volume 6 Environmental Information includes:

- Environmental Statement – Main Report (**Document Reference 6.1**)
- Environmental Statement – Figures (**Document Reference 6.2**)
- Environmental Statement – Appendices (**Document Reference 6.3**)
- Environmental Statement – Non-Technical Summary (**Document Reference 6.4**)

1.2 Overview of the Scheme

1.2.1 The M3 Junction 9 is a key transport interchange which connects South Hampshire (facilitating an intensive freight generating industry) and the wider sub-region, with London via the M3 and the Midlands/North via the A34 (which also links to the principal east west A303 corridor).

1.2.2 Significant volumes of traffic use the grade separated, partially signalised gyratory (approximately 6,000 vehicles per hour during the peak periods) which acts as a bottleneck on the local highway network and causes significant delays throughout the day. Northbound and southbound movements between the M3 and the A34 are particularly intensive, with downstream queues on the northbound off-slip of the M3 often resulting in safety concerns during peak periods.

1.2.3 To address this, the Scheme (see **Chapter 2 (The Scheme and its Surroundings)** of the **ES (Document Reference 6.1)** for further detail) comprises the development and delivery of works for increasing capacity, enhancing journey time reliability and supporting development in line with Local Plans. The Scheme includes widening of the M3 at Junction 9 to create four lanes each way, reconfiguring the existing Junction 9 roundabout to make it more efficient, making provision for walkers, cyclists and horse-riders and improving the motorway slip roads. High environmental standards have been

applied to all works during design development, resulting in the production of a comprehensive package of environmental mitigation and enhancement measures to reduce the Scheme impacts to the environment where possible. This includes enhancement measures within the South Downs National Park, as the Scheme constitutes 'major development' within the South Downs National Park.

- 1.2.4 A location plan and an aerial photograph of the Scheme are shown in **Figures 1.1 (Location Plan)** and **1.2 (Scheme on Aerial Photography)** of the **ES (Document Reference 6.2)** respectively. An environmental constraints plan is shown in **Figure 1.3 (Environmental Constraints Plan)** of the **ES (Document Reference 6.2)**, and a comparison of the modelled indicative traffic flows resulting from the Scheme opening year (2026) compared to existing traffic is shown in **Figure 1.4 (Comparison of Indicative Traffic Flows)** of the **ES (Document Reference 6.2)**.
- 1.2.5 A detailed description of the Scheme and details of the embedded mitigation measures are provided in **Chapter 2 (The Scheme and its Surroundings)** of the **ES (Document Reference 6.1)**.

1.3 Legislative and policy framework

Overview

- 1.3.1 The preparation of the ES has been informed by a review of relevant national and local planning policies and legislation. It should be noted that all references are to legislation as amended and in force in England on the date of completion of the ES (October 2022). An overview of policies relevant to the Scheme is presented in this section. Further details on the legislative and policy framework are set out in the **Case for the Scheme (Document Reference 7.1)**, the **National Networks National Policy Statement Accordance Table (Document Reference 7.2)** and within **Chapters 1-15** of the **ES (Document Reference 6.1)**.

Planning Act 2008

- 1.3.2 The Scheme is a Nationally Significant Infrastructure Project (NSIP) under Section 14(1)(h) and Section 22(1)(b) of the Planning Act 2008.
- 1.3.3 Section 14(1)(h) of the Planning Act defines an NSIP as highway-related development falling within the criteria set out in Section 22 of the Planning Act 2008. Under Section 22(1) of the Planning Act 2008 an NSIP for highway-related development must fall within one of three specified categories, namely construction, improvement or alteration of a highway.
- 1.3.4 The Scheme constitutes an 'alteration' to a highway within the meaning of Section 22(1)(b) and meets the requirements of this definition under section 22(3) and 22(4) as follows:

- The highway is wholly in England (Section 22(3)(a)).
- The Applicant, (as the strategic highways company), is the highway authority for the highway (section 22(3)(b)).
- The area of development within the Application Boundary is greater than 15 hectares (Sections 22(3)(c) and 22(4)(a)).

1.3.5 As the Scheme is an NSIP, development consent must be obtained from the Secretary of State (SoS) for Transport to authorise it, and an application for a DCO must be made to the Planning Inspectorate who administer the DCO process on behalf of the SoS under Section 37 of the Planning Act 2008. If granted by the SoS, the DCO would provide the necessary authorisation to allow the Scheme to be constructed and operated.

The EIA Regulations

1.3.6 The EIA Regulations set out the legislative requirements for undertaking an EIA. EIA is described by Regulation 5 of the EIA Regulations as a process consisting of:

- (a) the preparation of an environmental statement or updated environmental statement, as appropriate, by the Applicant
- (b) the carrying out of any consultation, publication and notification as required under the EIA Regulations or, as necessary, any other enactment in respect of EIA development
- (c) the steps that are required to be undertaken by the SoS under Regulation 21 or by the relevant authority under Regulation 25, as appropriate, in determining an application

1.3.7 In October 2020, the Applicant notified the SoS under Regulation 8(1)(b) of the EIA Regulations, that they intended to provide an Environmental Statement (ES) in respect of the Scheme through the submission of a Scoping Report. Therefore, in accordance with Regulation 6(2)(a) of the EIA Regulations, the Scheme constitutes EIA development.

National Policy Statements

1.3.8 National Policy Statements are of primary importance to the decision-making process during DCO examination and determination. Section 104 of the Planning Act 2008 states that:

“(2) In deciding the application the Secretary of State must have regard to –

(a) any national policy statement which has effect in relation to development of the description to which the application relates (a “relevant national policy statement”) ...

(3) The Secretary of State must decide the application in accordance with any relevant national policy statement, except to the extent that one or more of subsections (4) to (8) applies.”

- 1.3.9 The Scheme is a highway-related development under the Planning Act 2008; subsequently the national policy of relevance is the National Policy Statement for National Networks (2014) (NPS NN)). The NPS NN sets out the ‘vision and strategic objectives for the national networks’. This recognises that there is a critical need to provide safe, expeditious and resilient networks that better support social and economic activity, and to provide a transport network that is capable of supporting economic growth and rebalancing the economy. Section 104(3) of the Planning Act 2008 states that the SoS must decide the application in accordance with any relevant national policy statement.
- 1.3.10 The NPS NN sets out the need for and the Government’s policies to deliver NSIPs on the national road and rail networks in England.
- 1.3.11 Given the Scheme is a road network NSIP, the adopted EIA approach is in accordance with the NPS NN. In particular, the EIA adheres to all of the methodology requirements cited within NPS NN section 5: Generic Impacts.
- 1.3.12 Mitigation measures have been developed in accordance with the mitigation requirements also set out in section 5 of the NPS NN.
- 1.3.13 The **National Networks National Policy Statement Accordance Table (Document Reference 7.2)** includes topic specific paragraphs from the NPS NN and where the requirements of those paragraphs are addressed within the DCO submission. The Scheme’s compliance with the NPS NN is set out in the compliance table submitted as part of the **Case for the Scheme (Document Reference 7.1)**.

National Planning Policy Framework (NPPF)

- 1.3.14 The NPPF originally published in March 2012 and updated in July 2021, sets out the Government’s planning policies for England. The NPPF is ‘*an important and relevant*’ matter to be considered in decision making for NSIPs. The NPPF is supplemented by the Planning Practice Guidance (PPG); a web-based resource launched in February 2014. The PPG is updated by the Department for Levelling Up, Housing and Communities as necessary.
- 1.3.15 If there is a conflict between the NPS NN and the NPPF, the NPS NN takes precedence.

Local Development Plans

- 1.3.16 It is important to understand that applications under the Planning Act 2008 are not subject to Section 38(6) of the Planning and Compulsory Purchase Act 2004, which states that determination of a planning application must be made in accordance with the local development plans, unless other material

considerations indicate otherwise. Local planning policy may be an important and relevant matter during the consideration of applications for development consent, but such applications do not have to be in accordance with the development plan.

1.3.17 If there is a conflict between the NPS NN and local policies, the NPS NN takes precedence.

1.3.18 Further details of the legislative and planning policy framework are provided in the **Case for the Scheme (Document Reference 7.1)** and a list of relevant legislative and planning policy framework is listed within **Chapters 1-15** of the **ES (Document Reference 6.1)**.

Relevant planning authorities

1.3.19 The Scheme is situated within the boundaries of three authorities:

- Hampshire County Council
- Winchester City Council
- South Downs National Park Authority

Relevant Local Development Plans

1.3.20 Taking account of the adopted plans of the three authorities, the local development plans of relevance include:

- Hampshire County Council:
 - Hampshire Minerals and Waste Plan (adopted October 2013)
 - Hampshire Local Transport Plan 2011-2031 (LPT3) (adopted 2011, reviewed 2013). Note Hampshire County Council are preparing a new Local Transport Plan (LPT4) which is proposed to be adopted in late 2022
- Winchester City Council:
 - Winchester District Local Plan Part 1 – Joint Core Strategy (adopted March 2013)
 - Winchester District Local Plan Part 2 – Development Management and Site Allocations (adopted April 2017)
 - Emerging Winchester District Local Plan 2018 – 2038
- South Downs National Park Authority:
 - South Downs Local Plan (adopted July 2019)

Non-statutory plans

1.3.21 The following non-statutory plans have been considered as part of the EIA. A list of relevant plans is provided within **Chapters 1-15** of the **ES (Document Reference 6.1)** and a non-exhaustive summary of policies pertinent to the Scheme has been outlined in the **Case for the Scheme (Document Reference 7.1)**.

- A Green Future: Our 25 Year Plan to Improve the Environment (HM Government Policy Paper, Published January 2018, last updated October 2021)
- Winchester Biodiversity Action Plan (2021)
- Winchester Carbon Neutrality Action Plan (2019)
- South Downs National Park Partnership Management Plan 2020-2025 (2020)
- South Downs National Park Authority Climate Change Strategy and Action Plan (2020)
- South Downs National Park Authority People and Nature Network: Green Infrastructure in the South Downs and wider South East (2020)

1.4 The Applicant

1.4.1 National Highways is the Applicant and the strategic highways company as defined in the Infrastructure Act 2015, and is charged with operating, maintaining and improving England's motorways and major A roads on behalf of the Department for Transport (DfT).

1.4.2 National Highways' Road network totals over 4,300 miles (6,920 kilometres). Whilst this represents only 2% of all roads in England by length, these roads carry a third of all traffic by mileage and two-thirds of all heavy goods traffic.

1.4.3 In summer 2021 Highways England rebranded to National Highways, therefore, all references to 'the Applicant' prior to summer 2021 will be to Highways England and all references post summer 2021 will be to National Highways.

1.5 Competent expert evidence

1.5.1 The EIA Regulations require that the ES is prepared by 'competent experts' (Regulation 14(4)(a)).

1.5.2 The EIA has been undertaken by competent experts with the relevant and appropriate experience in their respective topics. The EIA technical leads responsible for the individual chapters are provided in **Appendix 1.1 (Competent Expert Evidence)** of the **ES (Document Reference 6.3)**.

1.6 Stakeholder engagement

1.6.1 National Highways has sought to engage and consult with stakeholders during the development of the Scheme. This has included pre-application consultation, as required by the Planning Act 2008, and further consultation and engagement. National Highways has had regard to the feedback received through consultation and engagement during the Scheme design process.

1.6.2 The following paragraphs provide a summary of the key consultation activities undertaken. The **Consultation Report (Document Reference 5.1)** provides details on the consultation responses and how the Scheme design has responded accordingly.

Consultation

Non-statutory engagement (2017 to 2022)

1.6.3 National Highways carried out ongoing non-statutory engagement with a range of stakeholders between 2017 and 2022 outside of the formal statutory consultation periods. The primary aim of the non-statutory engagement was to inform and notify stakeholders about the proposals and gain an understanding of local issues and concerns relating to the ongoing design of the Scheme.

1.6.4 Engagement included a series of workshops and technical meetings with stakeholders including relevant local planning authorities, the Environment Agency, Historic England and Natural England.

1.6.5 Further details are provided in **Chapter 4** of the **Consultation Report (Document Reference 5.1)**.

Non-statutory public consultation (January 2018 – February 2018)

1.6.6 Between January and February 2018, National Highways carried out a public consultation on four different route options. Option 14 was presented as a preferred option and details of the three other options (Option 11, Option 16 and Option 18) were also presented with an explanation as to why these had been rejected. Further details on the options presented at public consultation are set out in **Chapter 3 (Assessment of Alternatives)** of the **ES (Document Reference 6.1)**.

1.6.7 Responses to the consultation in 2018 were taken into account in the identification of the preferred option. National Highways made a Preferred Route Announcement (PRA) in July 2018, in which Option 14 was identified as the preferred option and became the Scheme.

Statutory public consultation (July 2019 – August 2019)

1.6.8 Between 2 July 2019 and 27 August 2019, National Highways carried out a statutory public consultation in accordance with section 42, section 47 and

section 48 of the Planning Act. The aim of the consultation was to seek the views of statutory consultees and stakeholders on all aspects of the Scheme and preliminary environmental information.

1.6.9 A PEIR accompanied the statutory consultation to present the environmental information collected together with the preliminary findings of the assessment of likely significant environmental effects of the Scheme at that time.

1.6.10 Whilst feedback from this event showed a high level of support, concerns were raised regarding the road length available for vehicles to change lanes when joining the A34 from Junction 9, as well as the traffic capacity of the Scheme and the length of the construction period.

1.6.11 To address feedback received at the 2019 consultation alternative design solutions were considered. The issues highlighted by this consultation helped shape the objectives for the next stage of design and ongoing engagement.

Statutory public consultation (May 2021 – July 2021)

1.6.12 Between May 2021 and July 2021, National Highways carried out a further statutory consultation as a result changes to the design. The consultation exercise presented further environmental information (considered to be materially different to that presented in previous statutory consultation) to reflect the design changes made, together with preliminary findings of the assessment of likely significant environmental effects of the Scheme.

1.6.13 A second PEIR was prepared to accompany the 2021 consultation event. Changes to the Scheme were made to address the above comments, including:

- New highways and roundabout design to introduce better traffic flow between M3 and A34
- Extra space to build the Scheme in a safe, efficient and sensitive manner while keeping vehicles running through the junction
- New areas for environmental works and to place spare excavated material
- New areas for temporary construction compounds
- A new footbridge over the River Itchen
- Revised walking, cycling and horse-riding routes

1.6.14 More detail on these consultations is available to view and download on National Highway's Scheme website.

Further engagement undertaken since 2021 statutory public consultation

- 1.6.15 The Applicant undertook reviews of relevant responses received through the 2021 statutory consultation process to determine if comments resulted in the requirement to reconsider the design of the preferred option.
- 1.6.16 While comments were noted and have been responded to (see the **Consultation Report (Document Reference 5.1)**), comments received from South Downs National Park Authority and Natural England in particular, resulted in further development of the Scheme design.
- 1.6.17 Following a ministerial statement on 12 January 2022, the roll out of all lane running (ALR) schemes not yet constructed was paused. As the M3 Junction 9 to Junction 14 ALR Scheme tied into the Scheme on the south facing slips of the gyratory roundabout, some minor design refinement was undertaken.
- 1.6.18 The Applicant provided a Scheme update in September 2022 to provide further information about the minor design amendments and proposed timescales following the ALR pause. The Applicant also used the Scheme update to notify stakeholders about the design changes following the responses received from the 2021 statutory consultation.
- 1.6.19 The update was disseminated to stakeholders through various methods, including public information events, an online information portal and stakeholder briefings.
- 1.6.20 During the period of the Scheme update, engagement with prescribed bodies, relevant local authorities and landowners, as detailed in **Chapter 14** of the **Consultation Report (Document Reference 5.1)** was ongoing.

Responses to consultation and engagement

- 1.6.21 Responses received during consultation and engagement have been considered and are presented in the **Consultation Report (Document Reference 5.1)**. The Consultation Report demonstrates how National Highways has complied with the relevant requirements of the Planning Act. **Appendix K** of the **Consultation Report (Document Reference 5.1)** provides responses to comments received during the 2021 statutory consultation.

1.7 Structure of the ES

- 1.7.1 **Document 6.1** of this **ES** is divided into four parts:

- Chapters 1 to 4 describe the Scheme, the alternatives considered, and the approach taken to the EIA (including consideration of major accidents and disasters, referred to hereafter as Major Events)
- Chapter 5-14 present the likely significant effects of the Scheme in relation to ten specialist topics covering particular aspects of the environment

- Chapter 15 considers the cumulative effects of the Scheme with other development in the surrounding area together with combined cumulative effects on a single receptor
 - Chapter 16 presents a summary of all predicted significant environmental effects
- 1.7.2 The specialist topics covered in **Chapters 5 to 14** of the **ES (Document Reference 6.1)** comprise:
- Chapter 5 Air quality
 - Chapter 6 Cultural heritage
 - Chapter 7 Landscape and visual
 - Chapter 8 Biodiversity
 - Chapter 9 Geology and soils
 - Chapter 10 Material assets and waste
 - Chapter 11 Noise and vibration
 - Chapter 12 Population and human health
 - Chapter 13 Road drainage and the water environment
 - Chapter 14 Climate
- 1.7.3 As previously noted, the ES forms Volume 6 of the DCO application and has been split into four, the ES chapters **Document Reference 6.1**, the associated figures and drawings within **Document Reference 6.2**, the technical appendices within **Document Reference 6.3** and the Non-Technical Summary within **Document Reference 6.4**.
- 1.7.4 Abbreviations and a glossary of terms are provided in **Chapter 17 (Abbreviations and Glossary)** of the **ES (Document Reference 6.1)** and references are provided in **Chapter 18 (References)** of the **ES (Document Reference 6.1)**.
- 1.7.5 Schedule 4 of the EIA Regulations sets out the information which is to be included in the ES. **Table 1.1** identifies where the information defined by Schedule 4 can be found within this ES.

Table 1.1: Location of information required by the EIA Regulations within this ES

Location within this ES	Information for inclusion in environmental statements (as specified in Schedule 4 of the EIA Regulations)
<p>Chapter 2 (The Scheme and its Surroundings) of the ES (Document Reference 6.1)</p> <p>Chapters 5-14 of the ES (Document Reference 6.1)</p>	<p>1. A description of the development, including in particular—</p> <p>a) a description of the location of the development;</p> <p>b) a description of the physical characteristics of the whole development, including, where relevant, requisite demolition works, and the land-use requirements during the construction and operational phases;</p> <p>c) a description of the main characteristics of the operational phase of the development (in particular any production process), for instance, energy demand and energy used, nature and quantity of the materials and natural resources (including water, land, soil and biodiversity) used; and</p> <p>d) an estimate, by type and quantity, of expected residues and emissions (such as water, air, soil and subsoil pollution, noise, vibration, light, heat, radiation and quantities and types of waste produced during the construction and operation phases.</p>
<p>Chapter 3 (Assessment of Alternatives) of the ES (Document Reference 6.1)</p>	<p>2. 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.</p>
<p>Chapters 5-14 of the ES (Document Reference 6.1)</p>	<p>3. A description of the relevant aspects of the current state of the environment (baseline scenario) and an outline of the likely evolution thereof 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>Chapters 5-14 of the ES (Document Reference 6.1)</p>	<p>4. A description of the factors specified in Regulation 5(2) likely to be significantly affected by the development: population, human health, biodiversity (for example fauna and flora), land (for example land take), soil (for example organic matter, erosion, compaction, sealing), water (for example hydromorphological changes, quantity and quality), air, climate (for example greenhouse gas emissions, impacts relevant to adaptation), material assets, cultural heritage, including architectural and archaeological aspects, and landscape.</p>
<p>Chapters 5-15 of the ES (Document Reference 6.1)</p>	<p>5. A description of the likely significant effects of the development on the environment resulting from, inter alia—</p>

Location within this ES	Information for inclusion in environmental statements (as specified in Schedule 4 of the EIA Regulations)
	<p>a) the construction and existence of the development, including, where relevant, demolition works; b) the use of natural resources, in particular land, soil, water and biodiversity, considering as far as possible the sustainable availability of these resources;</p> <p>c) the emission of pollutants, noise, vibration, light, heat and radiation, the creation of nuisances, and the disposal and recovery of waste;</p> <p>d) the risks to human health, cultural heritage or the environment (for example due to incidents or disasters);</p> <p>e) the cumulation of effects with other existing and/or approved projects, taking into account any existing environmental problems relating to areas of particular environmental importance likely to be affected or the use of natural resources;</p> <p>f) the impact of the project on climate (for example the nature and magnitude of greenhouse gas emissions) and the vulnerability of the project to climate change;</p> <p>g) the technologies and the substances used. The description of the likely significant effects on the factors specified in Regulation 5(2) should cover the direct effects and any indirect, secondary, cumulative, transboundary, short-term, medium-term and long-term, permanent and temporary, positive and negative effects of the development. This description should take into account the environmental protection objectives established at Union level (as they had effect immediately before exit day) or United Kingdom level which are relevant to the project, including in particular those established under the law of any part of the United Kingdom that implemented Council Directive 92/43/EEC(1) and Directive 2009/147/EC(2).</p>
<p>Chapter 4 (Environmental Assessment Methodology) of the ES (Document Reference 6.1)</p> <p>Chapters 5-15 of the ES (Document Reference 6.1)</p>	<p>6. A description of the forecasting methods or evidence used to identify and assess the significant effects on the environment, including details of difficulties (for example technical deficiencies or lack of knowledge) encountered compiling the required information and the main uncertainties involved.</p>

Location within this ES	Information for inclusion in environmental statements (as specified in Schedule 4 of the EIA Regulations)
Chapters 2, 5-14 of the ES (Document Reference 6.1)	7. A description of the measures envisaged to avoid, prevent, reduce or, if possible, offset any identified significant adverse effects on the environment and, where appropriate, of any proposed monitoring arrangements (for example the preparation of a post-project analysis). That description should explain the extent, to which significant adverse effects on the environment are avoided, prevented, reduced or offset, and should cover both the construction and operational phases.
Chapter 4 (Environmental Assessment Methodology) of the ES (Document Reference 6.1) Chapters 5, 8, 9, 13 and 14 of the ES (Document Reference 6.1)	8. A description of the expected significant adverse effects of the development on the environment deriving from the vulnerability of the development to risks of major incidents and/or disasters which are relevant to the project concerned. Relevant information available and obtained through risk assessments pursuant to retained EU law such as any law that implemented Directive 2012/18/EU of the European Parliament and of the Council (3) or Council Directive 2009/71/Euratom (4) or UK environmental assessments may be used for this purpose provided that the requirements of any law that implemented 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.
Non-Technical Summary of the ES (Document Reference 6.4)	9. A non-technical summary of the information provided under paragraphs 1 to 8.
Chapter 18 (References) of the ES (Document Reference 6.1)	10. A reference list detailing the sources used for the descriptions and assessments included in the environmental statement.