



SCOPING OPINION

Proposed Tavistock to Bere Alston railway reinstatement and associated trails



December 2014



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EXECUTIVE SUMMARY

This is the Scoping Opinion (the Opinion) provided by the Secretary of State in respect of the content of the Environmental Statement for the proposed Tavistock to Bere Alston railway reinstatement and associated trail routes project.

This report sets out the Secretary of State's opinion on the basis of the information provided in the Devon County Council ('the applicant') report entitled Environmental Impact Assessment Screening and Scoping Report (October 2014) ('the Scoping Report'). The Opinion can only reflect the proposals as currently described by the applicant.

The Secretary of State has consulted on the Scoping Report and the responses received have been taken into account in adopting this Opinion. The Secretary of State is satisfied that the topic areas identified in the Scoping Report encompass those matters identified in Schedule 4, Part 1, paragraph 19 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended).

The Secretary of State draws attention both to the general points and those made in respect of each of the specialist topic areas in this Opinion. The main potential impacts identified relate to the following aspects of the environment (in no particular order):

- Traffic and transport during construction;
- Cultural heritage;
- Noise and vibration;
- Existing ground contamination and the potential for this to be mobilised and adversely affect soil or water quality;
- Loss, disturbance or displacement of ecological species and habitats; and

Matters are not scoped out unless specifically addressed and justified by the applicant, and confirmed as being scoped out by the Secretary of State.

The Secretary of State notes the potential need to carry out an assessment under the Habitats Regulations¹.

¹ The Conservation of Habitats and Species Regulations 2010 (as amended)

1.0 INTRODUCTION

Background

- 1.1 On 3 November 2014 the applicant requested a screening opinion from the Secretary of State on the need for an Environmental Impact Assessment (EIA) for the proposed development. The Secretary of State completed the screening process and issued the screening opinion to the applicant on 21 November 2014 confirming that an EIA is required.
- 1.2 At the same time as the screening request the applicant asked the Secretary of State for a scoping opinion in the event the proposed development did require EIA. The joint screening and scoping request is in accordance with Regulation 8 (7) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (SI 2263) (as amended) (the EIA Regulations). This Opinion is made in response to this request and should be read in conjunction with the applicant's Screening and Scoping Report ('the Scoping Report').
- 1.3 The EIA Regulations enable an applicant, before making an application for an order granting development consent, to ask the Secretary of State to state in writing their formal opinion (a 'scoping opinion') on the information to be provided in the environmental statement (ES).
- 1.4 Before adopting a scoping opinion the Secretary of State must take into account:
 - (a) the specific characteristics of the particular development;
 - (b) the specific characteristics of the development of the type concerned; and
 - (c) environmental features likely to be affected by the development'.(EIA Regulation 8 (9))
- 1.5 This Opinion sets out what information the Secretary of State considers should be included in the ES for the proposed development. The Opinion has taken account of:
 - i the EIA Regulations
 - ii the nature and scale of the proposed development
 - iii the nature of the receiving environment, and
 - iv current best practice in the preparation of environmental statements.

- 1.6 The Secretary of State has also taken account of the responses received from the statutory consultees (see Appendix 2 of this Opinion). The matters addressed by the applicant have been carefully considered and use has been made of professional judgement and experience in order to adopt this Opinion. It should be noted that when it comes to consider the ES, the Secretary of State will take account of relevant legislation and guidelines (as appropriate). The Secretary of State will not be precluded from requiring additional information if it is considered necessary in connection with the ES submitted with that application when considering the application for a development consent order (DCO).
- 1.7 This Opinion should not be construed as implying that the Secretary of State agrees with the information or comments provided by the applicant in their request for an opinion from the Secretary of State. In particular, comments from the Secretary of State in this Opinion are without prejudice to any decision taken by the Secretary of State (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.
- 1.8 Regulation 8(3) of the EIA Regulations states that a request for a scoping opinion must include:
- (a) 'a plan sufficient to identify the land;
 - (b) a brief description of the nature and purpose of the development and of its possible effects on the environment; and
 - (c) such other information or representations as the person making the request may wish to provide or make'.
- (EIA Regulation 8 (3))*
- 1.9 The Secretary of State considers that this has been provided in the applicant's Scoping Report.

The Secretary of State's Consultation

- 1.10 The Secretary of State has a duty under Regulation 8(6) of the EIA Regulations to consult widely before adopting a scoping opinion. A full list of the consultation bodies is provided at Appendix 1. The applicant should note that whilst the Secretary of State's list can inform their consultation, it should not be relied upon for that purpose.
- 1.11 The list of respondents who replied within the statutory timeframe and whose comments have been taken into account in the

preparation of this Opinion is provided at Appendix 2 along with copies of their comments, to which the applicant should refer in undertaking the EIA.

- 1.12 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.
- 1.13 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 Planning Inspectorate's website. The applicant should also give due consideration to those comments in carrying out the EIA.

Structure of the Document

- 1.14 This Opinion is structured as follows:

- Section 1 Introduction
- Section 2 The proposed development
- Section 3 EIA approach and topic areas
- Section 4 Other information.

This Opinion is accompanied by the following Appendices:

- Appendix 1 List of consultees
- Appendix 2 Respondents to consultation and copies of replies
- Appendix 3 Presentation of the environmental statement.

2.0 THE PROPOSED DEVELOPMENT

Introduction

- 2.1 The following is a summary of the information on the proposed development and its site and surroundings prepared by the applicant and included in their Scoping Report. The information has not been verified and it has been assumed that the information provided reflects the existing knowledge of the proposed development and the potential receptors/resources.

The Applicant's Information

Overview of the proposed development

- 2.2 The proposed development comprises works associated with the re-instatement of approximately 5.5 miles of decommissioned single track railway between Tavistock and Bere Alston in the West Devon Borough. At Bere Alston the new line would meet with an existing railway that operates between Gunnislake and Plymouth, effectively meaning that the works would result in a new rail link between Tavistock and Plymouth.
- 2.3 A series of trail routes are proposed in the area surrounding the reinstated railway. The aim is for the trails to increase access to the Tamar Valley Area of Outstanding Natural Beauty (AONB) and to possibly re-use some of the material that arises from the reinstatement works.

Description of the site and surrounding area

The Application Site

- 2.4 The existing railway line to be re-instated is located between the south-west of Tavistock (south of Callington Road) and the existing Bere Alston station approximately 5.5 miles to the south west (see Appendix B of the Scoping Report). The proposed trail routes would be constructed in the area surrounding the railway re-instatement, the locations of which are shown at Appendix C of the Scoping Report.
- 2.5 The site is located within a rural landscape comprising the Middle Tamar and Tavy valleys. The decommissioned railway is designated as a Conservation Area and has been left largely unused since the 1960s. Vegetation, including large broadleaved trees, has grown along and adjacent to the length of the track. The Shillamill Viaduct, a Grade II listed structure, forms part of the rail route.

- 2.6 The ecological surveys have identified records of, or the potential for, various protected species to be present along or around the proposed rail re-instatement route, including badgers, bats, breeding birds, dormice, reptiles and otter.
- 2.7 The invasive plant species Rhododendron, Cherry Laurel, Cotoneaster and Japanese Knotweed have been recorded adjacent to the proposed rail re-instatement route.
- 2.8 Figure 15 of the Scoping Report illustrates that the project spans areas of Grade 2, 3 and 4 agricultural land. There are also a number of capped and open mineshafts within the site and nearby.

The Surrounding Area

- 2.9 The Scoping Report identifies three European sites within proximity to the site:
- Plymouth Sound and Estuaries Special Area of Conservation (SAC);
 - Dartmoor SAC; and
 - Tamar Estuary Special Protection Area (SPA).
- 2.10 Other features and designations identified on or within proximity to the site include:
- AONB;
 - World Heritage Site (WHS);
 - National Park;
 - Conservation Areas, listed buildings and Scheduled Monuments;
 - Sites of Special Scientific Interest (SSSIs);
 - Unimproved County Wildlife Site (CWS);
 - County Geological Site (CGS);
 - Ancient Woodland (UK BAP Habitat);
 - Flood Zones 2 & 3.
- 2.11 The River Tavy and the disused Tavistock Canal lie to the east of the proposed re-instatement route. The River Tamar lies to the west of Bere Alston and south of Calstock.
- 2.12 Residential receptors likely to be affected by the proposed re-instatement are identified in Paragraph 13.2.2 of the Scoping Report. Paragraph 13.2.3 identifies the residential receptors likely to be affected by construction and operation of the trail routes.

- 2.13 The Scoping Report identifies three quarries close to Tavistock – Mill Hill (operational), Hurdwick and Buddle (both disused). Mineral consultation areas in the vicinity of the site are illustrated in Figure 14 of the Scoping Report.
- 2.14 There are Public Rights of Way in the vicinity of the project and these are identified in Figure 16 of the Scoping Report.

Alternatives

- 2.15 Chapter 3 of the Scoping Report describes the options considered as alternatives to the proposal. These include:
- A highway improvement scheme focussing on the A386 between Tavistock and Plymouth;
 - Alternative transport schemes for the former Tavistock to Bere Alston rail route, including a light railway, tram-train, guided bus link, bus-only link and a new all-vehicle road link; and
 - Alternative trail routes, which are illustrated in Figure 6 of the Scoping Report. A table is provided at Paragraph 4.3.3 to summarise and justify the chosen trail routes.

Description of the proposed development

- 2.16 Section 2.1.2 of the Scoping Report identifies the following project components:
- Railway re-instatement including a new station at south west Tavistock;
 - Trail Route A – Tavistock to Shillamill Viaduct;
 - Trail Route B – Shillamill Viaduct to A390 at Lumburn;
 - Trail Route C – Canal to Crowndale Road via Buctor;
 - Trail Route D – Lumburn to Tamar Trails Centre; and
 - Trail Route E – Crowndale Road to Hocklake via Broadwell Woods.
- 2.17 The new station would include a platform and associated structures. This is likely to be situated in the centre of an allocated mixed use development off Callington Road (Paragraph 2.2.12 of the Scoping Report).
- 2.18 The applicant anticipates that existing infrastructure at Bere Alston station, including the platform and access arrangements, would need amending as part of the proposal.
- 2.19 Other existing infrastructure along the proposed rail re-instatement route, including bridges and embankments, would be

upgraded or replaced as part of the proposal. The location of existing infrastructure is illustrated in Appendix D of the Scoping Report. The existing track bed (ballast of stone) would also be replaced.

- 2.20 Four new masts, up to 20m high, would be installed to provide sufficient telecommunications to the re-instated railway. Appendix E of the Scoping Report illustrates the locations of search areas for these masts.
- 2.21 The new trail routes would be approximately 3m wide, reducing to 2m wide where necessary. The trails are anticipated to reach gradients of up to 1:20, although in some areas a steeper gradient may be necessary.
- 2.22 Some existing roads linking to the proposed trails may need to be upgraded to be suitable for the increase in pedestrian/trail/horse traffic. The applicant states that these works would not require development consent given their location on or directly adjoining the highway (and therefore constitute permitted development) but would be considered as part of the cumulative effects assessment.

Construction

- 2.23 Construction is anticipated to take place in three phases, commencing in early 2020:
- Pre-construction – site readying, clearance and ecological mitigation (approximately 1 year);
 - Construction (approximately 1-2 years); and
 - Operation (permanent).
- 2.24 Temporary construction compounds would be required for storage of plant and other materials. Following construction, the compounds may be utilised for other purposes, including environmental mitigation.
- 2.25 Material removed from the existing railway infrastructure may be used in the construction of the trail routes. There is potential that some of this material could be contaminated and the Scoping Report states that the risks involved in the movement and reuse of this material will be assessed.
- 2.26 Vegetation on and around the railway track and proposed trails would be removed to accommodate the proposal.
- 2.27 The anticipated number of construction workers, construction vehicles and staff vehicles required during construction is not specified within the Scoping Report. Anticipated construction

working hours are not specified. Limited information is also provided on how the development would be constructed.

Operation and maintenance

- 2.28 It is anticipated that between two and three trains per hour would operate on the line between Tavistock and Bere Alston, each likely to be formed of two carriages and be diesel powered. The Scoping Report states that further timetabling details are still under development.
- 2.29 Details of full/part time jobs anticipated to be generated by the operation and maintenance of the proposed development are not included within the Scoping Report.

Decommissioning

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

The Secretary of State's Comments

Description of the application site and surrounding area

- 2.31 In addition to detailed baseline information to be provided within topic specific chapters of the ES, the Secretary of State would expect the ES to include a section that summarises the site and surroundings. This would identify the context of the proposed development, any relevant designations and sensitive receptors. This section should identify land that could be directly or indirectly affected by the proposed development and any associated auxiliary facilities, landscaping areas and potential off site mitigation or compensation schemes.
- 2.32 The ES should include a clear description of the application site which is to be the subject of the DCO, including detailed land levels, hard surfaces and existing vegetation species.
- 2.33 Approximate lengths of the proposed trails are not included within the Scoping Report and the Secretary of State recommends that this information be included in the ES.
- 2.34 The Secretary of State welcomes the use of figures in the Scoping Report to support the description of the application site and surrounding area. Red line plans are provided at Appendices B and C of the Scoping Report, illustrating the land affected by the rail re-instatement and by the trail routes respectively. For clarity however the following approach is recommended:

- A single red line plan should be provided to illustrate all land affected by the proposed works, including the rail reinstatement route, trail routes and any temporary works.
- All figures should be clear and legible; where there is a lot of environmental information to present, this should be arranged over a number of figures to limit the amount of overlaid information and to avoid confusion.
- All features on figures should be clearly labelled, identifying not only the location of certain designations, but also the specific name.

Description of the proposed development

- 2.35 The applicant should ensure that the description of the proposed development that is being applied for is as accurate and firm as possible as this will form the basis of the environmental impact assessment. It is understood that at this stage in the evolution of the scheme the description of the proposals and even the locations of the various development components may not be confirmed. The applicant should be aware however, that the description of the development in the ES must be sufficiently certain to meet the requirements of paragraph 17 of Schedule 4 Part 1 of the EIA Regulations and there should therefore be more certainty by the time the ES is submitted with the DCO.
- 2.36 If a draft DCO is to be submitted, the applicant should clearly define what elements of the proposed development are integral to the NSIP and which is 'associated development' under the Planning Act 2008 (PA 2008) or is an ancillary matter.
- 2.37 Any proposed works and/or infrastructure required as associated development, or as an ancillary matter, (whether on or off-site) should be considered as part of an integrated approach to environmental assessment.
- 2.38 The Secretary of State recommends that the ES should include a clear description of all aspects of the proposed development, at the construction, operation and decommissioning stages, and include:
- Land use requirements;
 - Site preparation;
 - Construction processes and methods;
 - Transport routes;
 - Operational requirements including the nature and quantity of materials used, as well as waste arisings and its disposal;
 - Hours of operation and the proposed operational timetable;

- The types of trains that would operate on the line and their associated emissions (e.g. noise, vibration, air);
 - Drainage;
 - Maintenance activities including any potential environmental impacts; and
- 2.39 Paragraph 2.2.12 of the Scoping Report refers to a car park, associated with the proposed new station at Tavistock. It is unclear whether this car park already exists or forms part of the proposal.
- 2.40 The locations of the four proposed telecommunications masts should be defined. If this is not possible, all potential locations should be fully described and assessed as part of the EIA.
- 2.41 Appendix F of the Scoping Report refers to proposed alterations to bridges and other structures. The ES should contain further details of these changes (e.g. in terms of type, size and scale) and should reference relevant technical drawings (upon which the assessment is based) where appropriate.
- 2.42 Given that the existing railway is designated as a Conservation Area and a range of other heritage assets are along or near the route, the applicant should consult English Heritage and the relevant local officer regarding the design of the proposed development.
- 2.43 Chapter 10 of the Scoping Report indicates that parts of the proposal would be located on agricultural land. The ES should describe the amount and classification of agricultural land which would be lost as a result of the proposed development. The relationship between this land and its associated agricultural unit should also be described (to determine the potential for severance impacts).
- 2.44 Paragraph 2.1.12 of the Scoping Report states that material from the existing railway infrastructure, such as ballast and spoil, may be re-used for construction of the trail routes. The ES should clearly describe how the potential for the re-use of this material would be determined (e.g. through on site testing) and how the re-use of the material would be undertaken. The suitability of the material for re-use should be considered having regard to potential contamination in particular.
- 2.45 The environmental effects of all wastes to be processed and removed from the site should be addressed. The ES will need to identify and describe the control processes and mitigation procedures for storing and transporting waste off site. All waste types should be quantified and classified.

- 2.46 The Secretary of State notes that it is likely that Devon County Council would not be the operator of rail services on the proposed line. The Secretary of State therefore recommends that the applicant should liaise closely with Network Rail to ensure the design of the proposed development satisfies any necessary operational requirements (e.g. clearance distances, signalling etc).
- 2.47 Paragraph 2.3.8 of the Scoping Report states that while some improvements to highways surrounding the trail routes may be proposed, these would be delivered through permitted development rights (rather than through the DCO). The Secretary of State welcomes the proposal for these works to be considered in the cumulative effects assessment. The assessment should consider potential impacts during both construction and operation.

Alternatives

- 2.48 The Secretary of State notes and welcomes the reviews of alternative options included in Chapters 3 & 4 of the Scoping Report. The ES requires that the applicant provide 'An outline of the main alternatives studied by the applicant and an indication of the main *reasons for the applicant's choice, taking into account the environmental effects*' (See Appendix 3).

Flexibility

- 2.49 The Secretary of State notes that details of various elements of the proposed development have not yet been finalised. Where the details of the scheme cannot be precisely defined, the applicant's attention is drawn to Advice Note 9 'Using the 'Rochdale Envelope' which is available on the Planning Inspectorate's website and to the 'Flexibility' section in Appendix 3 of this Opinion which provides additional details on the recommended approach.
- 2.50 The applicant should make every attempt to narrow the range of options and explain clearly in the ES which elements of the scheme have yet to be finalised and provide the reasons. At the time of application, any proposed scheme parameters should not be so wide ranging as to represent effectively different schemes. The scheme parameters will need to be clearly defined in the draft DCO and therefore 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 requirements of paragraph 17 of Schedule 4 Part 1 of the EIA Regulations.
- 2.51 It should be noted that if the proposed development changes substantially during the EIA process, prior to application

submission, the applicant may wish to consider the need to request a new scoping opinion.

Proposed access

- 2.52 All access points under consideration for construction and operational phases of the proposal should be detailed in the ES. The ES should detail the impacts of each option considered, including the worst-case impacts. The ES should also describe the likely type, nature and extent of any other works necessary to construct the accesses (e.g. demolition works, widening, road closures, footpath/pipeline diversions and tree felling).

Construction

- 2.53 The number of full time equivalent construction jobs expected to be generated by the proposal is not included in the Scoping Report. The Secretary of State requests that this figure, along with an explanation of how it was calculated, is provided in the ES.
- 2.54 The size and location of construction compounds is not clarified in the Scoping Report. Whilst it is appreciated that this information may not be available at this stage in the evolution of the project, applicants are reminded that this information will be required and should be included in the DCO boundary.
- 2.55 The Secretary of State considers that information on construction including: phasing of programme; construction methods and activities associated with each phase; siting of construction compounds (including on and off site); lighting equipment/requirements; and number, movements and parking of construction vehicles (both HGVs and staff) should be clearly indicated in the ES.

3.0 EIA APPROACH AND TOPIC AREAS

Introduction

- 3.1 This section contains the Secretary of State's specific comments on the approach to the ES and topic areas as set out in the Scoping Report. General advice on the presentation of an ES is provided at Appendix 3 of this Opinion and should be read in conjunction with this Section.
- 3.2 Applicants are advised that the extent of the DCO application should be clearly addressed and assessed consistently within the ES.

Environmental Statement (ES) - approach

- 3.3 The information provided in the Scoping Report sets out the proposed approach to the preparation of the ES. Whilst early engagement on the scope of the ES is to be welcomed, the Secretary of State notes that the level of information provided at this stage is not always sufficient to allow for detailed comments from either the Secretary of State or the consultees.
- 3.4 The Secretary of State would suggest that the applicant ensures appropriate consultation is undertaken with the relevant consultees in order to agree wherever possible the timing and relevance of survey work as well as the methodologies to be used. The Secretary of State notes and welcomes the intention to finalise the scope of investigations in conjunction with ongoing stakeholder liaison and consultation with the relevant regulatory authorities and their advisors.
- 3.5 The Secretary of State recommends that the physical scope of the study areas should be identified under all the environmental topics and should be sufficiently robust in order to undertake the assessment. The extent of the study areas should be on the basis of recognised professional guidance, whenever such guidance is available. The study areas should also be agreed with the relevant consultees and, where this is not possible, this should be stated clearly in the ES and a reasoned justification given. The scope should also cover the breadth of the topic area and the temporal scope, and these aspects should be described and justified.

Matters to be scoped out

- 3.6 The applicant has identified in the Scoping Report certain matters which are proposed to be 'scoped out' of the assessment of potential impacts. These are:

- Impacts of decommissioning and landscape restoration (Paragraph 7.2.7 of the Scoping Report). This is on the basis that the proposals constitute a permanent change with an unknown life expectancy.
- Impacts on water related infrastructure (Paragraph 9.2.14 of the Scoping Report).
- Impacts on minerals as a resource (Paragraph 10.3.4 of the Scoping Report).
- Impacts on agricultural land (Paragraph 10.3.7 of the Scoping Report).
- Air quality impacts from the operation of the trails (Paragraph 12.3.1 of the Scoping Report).
- Air quality impacts from the proposed new railway station on existing residents at Tavistock (Paragraph 12.4.5 of the Scoping Report).
- Nitrogen levels beyond 200m of the proposed development (Paragraph 12.4.5 of the Scoping Report). The table in Section 21 of the Scoping Report explains that this approach is supported by Design Manual for Roads and Bridges.
- The potential for increased human activities and their associated health benefits (Paragraph 17.4.1 of the Scoping Report).
- Impacts on climate change during construction (Paragraph 18.4.5 of the Scoping Report).

3.7 The Secretary of State is not in all cases satisfied that sufficient evidence has been provided in the Scoping Report to agree that the identified topics can be scoped out of the EIA. The Secretary of State does agree however, that the following matters can be scoped out, on the basis that potential impacts from any related works/activities are unlikely to be significant:

- Impacts on minerals as a resource. The ES should however provide evidence to support the statement in Paragraph 10.3.2 of the Scoping Report that previous mining uses within the site have long ceased.
- Air quality impacts from the operation of the trails.
- Nitrogen levels beyond 200m of the proposed development. This is provided the ES demonstrates how the approach complies with best practice guidance such as the Design Manual for Roads and Bridges. All other potential impacts on air quality (including those identified in Paragraph 12.4.1 of the Scoping Report) should still be assessed.
- The potential for increased human activities and their associated health benefits. This does not preclude the

applicant from identifying the benefits of the development (provided this is supported with evidence).

- Impacts on climate change during construction. This is provided the ES demonstrates that potential construction traffic flows fall below those required to undertake such an assessment. A justification for this approach should also be provided (e.g. in respect of the DfT screening levels referred to in Paragraph 18.4.4 of the Scoping Report). There is still a need for all assessments to take account of climate change factors (for example when forecasting potential flood risk impacts).

3.8 The impacts from decommissioning and landscape restoration can also be scoped out of the assessment on the basis they are unlikely to occur. The ES should however include an assessment of potential long term impacts of the proposals (e.g. associated with ongoing management and maintenance work).

3.9 The Secretary of State considers that the Scoping Report does not provide sufficient evidence to justify scoping out the other potential effects identified. The reasons for this are as follows:

- **Impacts on water related infrastructure:** the Scoping Report states that the nature of the project means that the 'most significant' water resource infrastructure (a waste water treatment facility approximately 200m south of the site) is unlikely to be affected. The reasons for this are not provided however, meaning the Secretary of State cannot be certain that potential effects will not be significant. The Scoping Report also does not address the potential for significant effects on other water infrastructure (e.g. pipelines, the public water supply or the proposed changes to the existing drainage system including culverts) that could be affected by the proposed development.
- **Impacts on agricultural land:** the justification to scope impacts on agricultural land is confusing and does not provide sufficient certainty that potential effects would not be significant. Paragraphs 10.3.7 – 10.3.9 of the Scoping Report seek to explain why impacts would be minimal and would not be assessed, however the last of these paragraphs also states that there may be social/economic impacts of losing small areas of farmland and that these would be assessed. The area of agricultural land that would be lost is also not clear at this stage and the Report does not address the potential for significant effects that could arise from the mobilisation of contaminants onto agricultural land or from access, severance, or disturbance/disruption issues threatening the operation or viability of farming units.
- **Air quality impacts from the proposed new railway station on existing residents at Tavistock:** the

justification for scoping this out of the assessment is that existing development is over 60m from the proposed railway station. No evidence is provided to justify this threshold therefore the Secretary of State does not have sufficient certainty to know that potential effects would not be significant.

- 3.10 Matters are not scoped out unless specifically addressed and justified by the applicant, and confirmed as being scoped out by the Secretary of State.
- 3.11 Whilst the Secretary of State has not agreed to scope out certain topics or matters within the Opinion on the basis of the information available at the time, this does not prevent the applicant from subsequently agreeing with the relevant consultees to scope matters out of the ES, where further evidence has been provided to justify this approach. This approach should be explained fully in the ES.
- 3.12 In order to demonstrate that topics have not simply been overlooked, where topics are scoped out prior to submission of the DCO application, the ES should still explain the reasoning and justify the approach taken. This should include reference to how the delivery of measures proposed to prevent/minimise adverse effects is secured through DCO requirements and whether relevant consultees agree on the adequacy of the measures proposed. Draft versions of documents (e.g. a draft Method Statement or Code of Construction Practice) relied upon in the assessment should be appended to the ES.

National Policy Statements (NPSs)

- 3.13 Sector specific NPSs are produced by the relevant Government Departments and set out national policy for nationally significant infrastructure projects (NSIPs). They provide the framework within which the Examining Authority will make their recommendations to the Secretary of State and include the Government's objectives for the development of NSIPs.
- 3.14 The Secretary of State must have regard to any matter that the Secretary of State thinks is important and relevant to the Secretary of State's decision. This could include the draft NPS if the relevant NPS has not been formally designated.
- 3.15 A draft National Policy Statement for National Road and Rail Networks was published for consultation in December 2013. This sets out assessment principles that should be considered in the EIA for the proposed development. When undertaking the EIA, the applicant must have regard to the NPS and identify how the principles have been assessed in the ES. Any such requirements in

relevant local planning policy documents should also be taken into account.

Environmental Statement - Structure

3.16 Appendix G of the Scoping Report sets out the proposed contents list for the ES on which the applicant seeks the opinion of the Secretary of State. This identifies that the EIA would cover a number of assessments under the broad headings of:

- Biodiversity and geodiversity;
- Landscape and visual impact
- Cultural heritage
- Water environment and flooding
- Natural resources (minerals and agricultural land)
- Land contamination
- Air quality
- Living and working conditions (noise and vibration)
- Waste management
- Use of natural resources
- Social impacts – health, equalities and economy
- Leisure and public rights of way
- Climate change

3.17 The list of headings differs slightly from that set out on Pages 3-5 of the Scoping Report. It does not include a sub-heading for potential cumulative effects, although the Secretary of State notes that such an assessment will be undertaken. Further information on the recommended approach to assessing potential cumulative impacts is provided in Appendix 3 of this Opinion.

3.18 The ES should also include a standalone chapter which describes and assesses the potential traffic and transport impacts of the proposed development. The reasons for this are described under the 'Other Environmental Effects' sub-heading below.

Topic Areas

Biodiversity and geodiversity (see Scoping Report Section 6)

3.19 The Secretary of State is not clear why the assessment of potential impacts on biodiversity and geodiversity are proposed to be presented in a single chapter of the ES. There does not appear to be a clear relationship between the two types of impacts

therefore it may be more helpful if the assessment is provided in two separate chapters.

- 3.20 Notwithstanding the above the Secretary of State recommends that the proposals should address fully the needs of protecting and enhancing biodiversity. The site is within or near to various sensitive ecological receptors that could be affected by the project, including internationally, nationally and locally designated sites, records of protected species and habitat which is or may be suitable for other types of wildlife. The potential for impacts (e.g. loss/disturbance/displacement/fragmentation) on these receptors should therefore be carefully assessed.
- 3.21 The applicant should agree the assessment methodology with Natural England and other relevant consultees, including the ecological receptors which should be the focus of the assessment and the types/characteristics of the surveys required to establish the baseline. Attention is drawn to the consultation response from Natural England in this regard (see Appendix 2 of this Opinion).
- 3.22 The Secretary of State notes that the existing rail route may have a significant role as part of a wider ecological network of routes which link various habitats and species. The proposed assessment of potential impacts on this network is therefore welcomed.
- 3.23 The Secretary of State notes the development site's location in relation to the Plymouth Sound and Estuaries Special Area of Conservation (SAC) as well as the South Dartmoor Woods SAC and the Tamar Estuary Special Protection Area (SPA). The applicant will need to consider and address requirements in respect of the Habitats Regulations Assessment (HRA) (see Section 4 of this Opinion for more detail regarding the information requirements for this).
- 3.24 The Scoping Report indicates the need to remove large broad-leaved trees within a certain distance of the line. The Secretary of State therefore welcomes the proposed arboricultural surveys to assess the potential impacts upon trees along the rail reinstatement and trail routes. The methodology for the surveys and assessment should be agreed with the relevant local tree officer and the results of these should be included in the ES. It should also be made clear whether any of the trees that could be affected by the project are subject to any Tree Preservation Orders.
- 3.25 The Secretary of State notes the presence of Japanese Knotweed and other invasive species adjacent to the existing railway. The assessment should therefore address the potential (particularly during construction) for these species to colonise in other areas (e.g. due to the proposed reuse of material from the track bed) and the implications this might have for ecological habitats and species within these areas.

- 3.26 The Scoping Report refers to possible mitigation measures to address the potential adverse effects on ecology. The applicant should liaise closely with Natural England and other relevant consultees regarding the need and likely effectiveness of such measures and the ES should explain whether these measures and/or the conclusions of the assessment are agreed (and how their delivery is secured through the DCO). Where reliance is placed on management plans to be implemented post-consent the ES should include draft copies of such plans and provide a full explanation of how they will address the potentially significant adverse effects.
- 3.27 The assessment should take account of the inter-relationships between impacts on noise, vibration, air quality (including dust), soil quality and water quality on ecological receptors. Appropriate cross reference should be made to these topic chapters when considering the magnitude and significance of potential effects.
- 3.28 In respect of potential impacts on geodiversity the Scoping Report refers only to Virtuous Lady Mine which is approximately 250m from the railway reinstatement route and 80m from proposed Trail Route E. The potential likely type and extent of such impacts are not described. Indeed the Scoping Report provides very limited information on how potential impacts on geology will be described or assessed. The Secretary of State notes the presence of various sensitive geological features within or near the site which could be affected by the proposed development (e.g. in respect of the proposed earthworks). The potential for significant effects on these features should therefore be assessed as part of the EIA and the outcomes of this should be presented in the ES.
- 3.29 The applicant is encouraged to refine and agree the scope of the assessment on geology with relevant consultees (e.g. the Coal Authority and/or officers at the County Council).
- 3.30 The potential for any piling works to disturb underlying geology should be assessed. Where piling works are proposed close to existing structures (e.g. buildings or bridges) the ES should assess whether these might be affected by changes in the stability of the land.

Landscape and visual impact (see Scoping Report Section 7)

- 3.31 The proposed development is of a significant scale and extent, involving large earthworks, removal of trees/vegetation, changes in levels and the development of large structures (including the new railway station and telecommunication masts) over a wide area. The proposed routes also pass through or near areas which are highly sensitive to the landscape and visual impacts of development. These include the Mining Landscape World Heritage Site, the Tamar Valley AONB and Dartmoor National Park, as well

as nearby residents, pedestrians or recreational users and the generally open character of the landscape. The Secretary of State therefore requests that careful consideration should be given to the form, siting, and use of materials and colours in the design of the proposed development to help minimise the landscape and visual impacts of the development.

- 3.32 Replacement screen planting should be provided where appropriate. Where potential impacts can be avoided or minimised through changes in the location, size or design of the proposals these should be considered with relevant receptors.
- 3.33 The Secretary of State welcomes the proposed assessment in respect of the following potential landscape and visual impacts and that the methodology will be agreed with West Devon Borough Council, Natural England and Tamar Valley AONB. The Secretary of State considers that the potential landscape and visual impacts as a result of the following should be assessed:
- Construction phase impacts on the character and appearance of the landscape, including as a result of noise, movement, dust, site accesses and working areas.
 - Removal of trees, hedgerows and other vegetation.
 - Changes to existing bridges and other structures (including retaining walls and embankments) which contribute to the character and appearance of the landscape.
 - Noise and movement of people using the proposed trails, where it is likely to create cumulative impacts (on the character/appearance of the landscape) with the railway reinstatement.
 - Noise and movement of trains during operation.
- 3.34 The Secretary of State advises that the ES should describe the models used (for example in defining the Zone of Visual Influence (ZVI)), provide information on the area it covers and the Timing/methodology of any survey work undertaken. The Secretary of State recommends that the location of viewpoints should be agreed with the local authorities and the other relevant consultees identified above. The ES should explain how comments from consultees have been taken into account.
- 3.35 The likely change in views should be described and assessed in the ES. This should be supported by suitable illustrations to describe the potential worst case impacts on relevant receptors (e.g. photomontages, wireframe views).
- 3.36 Cross-reference should be made to other relevant parts of the ES where appropriate (e.g. in respect of the noise that is expected to

be generated by the diesel trains and other assumptions used in the assessment).

Cultural heritage (see Scoping Report Section 8)

- 3.37 The proposed routes are on or in proximity to a range of historic assets, as identified on Figure 12 of the Scoping Report. The impacts of the project on these assets and their settings should be carefully considered and assessed. This includes potential impacts on historic buildings and landscapes associated with the old railway, the conservation area and historic landscapes, archaeological sites and the Mining Landscape World Heritage Site (WHS). The assessment should consider the physical impacts on the line and other historic assets but also the impacts of the operational train service (e.g. in respect of changes in noise, vibration and other impacts which could affect the cultural/historic character of the area).
- 3.38 Attention is drawn to the consultation response from English Heritage regarding the need for a detailed assessment of potential impacts on heritage assets (see Appendix 2).
- 3.39 The applicant should engage closely with the heritage officers at Devon County Council together with English Heritage and other relevant consultees. This engagement should seek to agree the assessment methodology, including the assets and viewpoints to be assessed and how potential adverse effects can be minimised or avoided (e.g. through design/siting changes and/or mitigation measures). The scope of the proposed survey data to determine the assessment baseline should also be discussed and agreed with these bodies.
- 3.40 Copies of draft management plans to be implemented post-consent to mitigate potentially significant adverse effects should be appended to the ES.
- 3.41 Cross reference should be made to the Landscape and Visual section of the ES as appropriate.

Water environment and flooding (see Scoping Report Section 9)

- 3.42 Groundwater is a potential pathway for discharge of liquids to surface and coastal waters. Given the proximity of various sensitive watercourses the Secretary of State considers that these potential effects should be assessed.
- 3.43 The assessment should address the potential for mobilisation/runoff of contaminants during construction or operation to affect nearby designated ecological sites (e.g. the Plymouth Sound and Estuaries SAC) or the public water supply.

- 3.44 The ES should describe the water-related infrastructure within the site or which could be affected by the proposed development (e.g. related to the potential need to remove or divert pipelines and upgrade/replace existing drainage infrastructure). The applicant should consult with the relevant statutory undertakers (e.g. South West Water) regarding the works necessary to address potential adverse effects and to ensure these are considered as part of the assessment.
- 3.45 The applicant should engage with the Environment Agency and other relevant consultees to determine the scope of the assessment as the proposed development design progresses.
- 3.46 The Secretary of State welcomes the applicant's acknowledgement of their obligations under the Water Framework Directive (WFD) to protect and prevent deterioration of local surface water bodies. The applicant is encouraged to review the relevant River Basin Management Plan to determine how the project can contribute to WFD objectives.
- 3.47 The Secretary of State welcomes the provision of a Flood Risk Assessment (FRA). The FRA should form an appendix to the ES and should be cross referred as applicable in support of the relevant ES chapters. The assessment should assess the impacts of flooding from and to the proposed development (including the proposed changes to the drainage system).
- 3.48 Given the inter-relationship between some of the EIA topic areas in respect of water resources (e.g. resulting from impacts on soil quality/agriculture, ecology and hydrogeology) appropriate cross-reference should be made between the relevant topic chapters of the ES.
- 3.49 Mitigation measures should be adequately described and secured. The need for and characteristics of any on-going monitoring should be discussed and agreed with the relevant authorities. Monitoring is an important method to identify the effectiveness of implemented design measures and any need for additional measures.

Natural resources (minerals and agricultural land) (see Scoping Report Section 10)

- 3.50 The Secretary of State has agreed that potential impacts on minerals as a resource can be scoped out of the assessment (see Paragraph 3.7 above). The assessment should however still consider the potential impacts resulting from the use of existing quarries in the vicinity of the site as a source for building materials. Given the scale and extent of the proposed development it is possible that a significant volume of material from these quarries could be required.

- 3.51 The potential for the proposed development to affect agricultural land should be assessed. The ES should include a description of the amount of land that would be lost as a result of the proposed development. The assessment should consider the potential for significant effects resulting from the loss of this land, the contamination of surrounding land, disturbance (e.g. from noise/vibration during construction/operation) and from other potential impacts (e.g. severance) which could make agricultural land unviable.
- 3.52 Cross reference should be made to the assessment of effects on ecology, the water environment and socio-economics.

Land contamination (see Scoping Report Section 11)

- 3.53 The Secretary of State notes the potential for contaminants to be present within or near the site given the previous use of the old railway and mining history of the area. The ES should explain in detail and justify the extent of the study area used for the assessment, ensuring that potential impacts are considered over a sufficiently wide area.
- 3.54 The Secretary of State notes the potential for significant effects from the proposed re-use of ballast/spoil material, as this may be contaminated from its previous use. Paragraph 11.1.4 of the Scoping Report states that some core samples of the spoil/ballast on the railway line have been taken but that the results are not yet available. The ES should describe the methods used to identify the type, magnitude and extent of contaminants present and should present the results of this work. The measures proposed to remediate or address contaminants within the site should be discussed and agreed with relevant consultees (e.g. the Environment Agency) and described in the ES. The potential impacts from implementing any proposed remediation measures should also be assessed.

Air quality (see Scoping Report Section 12)

- 3.55 The proposed approach to assessing the potential air quality impacts of the proposed development appears comprehensive and is welcomed by the Secretary of State.
- 3.56 The Scoping Report acknowledges the potential for effects on human and ecological receptors within or near the site. The potential impacts on these receptors due to any predicted increase in airborne pollutant emissions during construction and operation should be considered in the EIA. Section 4 of this Opinion provides specific advice on considering and assessing impacts on designated sites and protected species.

- 3.57 The assessment should address potential impacts from increases in airborne pollution including fugitive dust during site preparation and construction, from construction and operational traffic as well as emissions from the diesel trains. The impact of these emissions both on site and off site should be assessed, including along access roads, local footpaths and other PRoW. The methods and parameters used to model emissions should be clearly explained and justified.
- 3.58 The Secretary of State notes that the characteristics of the trains that would operate on the line has not yet been finalised, nor has the timetable for their operation. Should this be the case (or there is any uncertainty on potential emissions) at the time of submission the Secretary of State recommends that the assessment modelling should consider a range of scenarios, including the potential worst case.
- 3.59 The need for appropriate mitigation and monitoring measures should also be considered and to this end the Secretary of State encourages the applicant to agree these with relevant consultees.

Living and working conditions (noise and vibration) (see Scoping Report Section 13)

- 3.60 The Secretary of State notes and welcomes the range of potential impacts that are proposed to be considered in the assessment and that the detailed modelling required will be agreed with West Devon Borough Council. The choice of noise receptors should also be agreed with relevant officers at the Council.
- 3.61 Information should be provided on the types of vehicles and plant to be used during the construction phase. Potential noise sources should be identified and assessed and information should be provided on the type, magnitude, duration and extent of noise impacts. The Secretary of State advises that the potential for noise impacts from the train wheels should be considered in the assessment particularly if there is potential for any wheel squeal emissions.
- 3.62 The Secretary of State has already noted the uncertainty regarding the characteristics and timetabling of the trains that would operate on the line. Should any such uncertainty remain at the time of submission the Secretary of State recommends that the noises modelling should consider a range of scenarios, including the potential worst case.
- 3.63 The assessment should take account of the traffic movements along access routes, especially during the construction phase. The results from the noise and vibration assessments will also provide information to inform the ecological assessment and there should be cross references between these chapters.

- 3.64 Given the type and scale of the proposed development the Secretary of State notes the potential need for piling techniques to be required during construction. The potential noise and vibration effects of this activity should be assessed.
- 3.65 Measures should be provided to mitigate potential significant noise effects and evidence should be provided to explain how and why they are effective. The ES should also describe how noise and vibration impacts during construction and operation will be monitored and how the need for additional mitigation will be determined and delivered.

Waste management (see Scoping Report Section 14)

- 3.66 The proposed development will result in the production of a range of different types of waste, principally during construction.
- 3.67 The applicant is encouraged to prepare a Site Waste Management Plan (SWMP) and this should be appended to the ES. The proposed approach should be discussed with the Environment Agency and the Council, to establish an appropriate methodology and evaluation criteria and ensure that all types of wastes and their effects are considered.
- 3.68 The assessment should account for the number and routes of vehicles involved in the removal of waste from the site. Such details should also be reflected in relevant supporting documents (e.g. the SWMP).
- 3.69 Some of the potential impacts linked to waste (e.g. on soil/air/water quality or ecology) would be covered in other chapters of the ES. The interrelationship between the chapter on waste and these other chapters should be clearly explained in the ES and cross-referenced, where appropriate.
- 3.70 The ES should describe any mitigation measures necessary to deal with adverse impacts and identify any residual effects. The ES should also make it clear how mitigation measures would be secured and delivered in the DCO.

Use of natural resources (see Scoping Report Section 15)

- 3.71 The Secretary of State notes the potential for the matters raised in this section of the Scoping Report to overlap with the proposed assessments of impacts on natural resources (e.g. biodiversity, water environment or land contamination). The applicant should therefore consider whether a separate chapter is required.
- 3.72 Paragraph 15.3.1 of the Scoping Report explains that the ES will describe the proposed use of natural resources and how such use will be minimised during construction and operation of the

proposed development. Should the ES rely upon management plans to achieve this aim the ES should include draft copies of such plans and provide a full explanation of how they will address the potentially significant adverse effects.

Social impacts – health, equalities and economy (see Scoping Report Section 16)

- 3.73 The Secretary of State notes and welcomes that the potential social impacts of the proposed development will be considered as part of the EIA. The assessment methodology should be fully described and justified.
- 3.74 Potential impacts (e.g. job creation) should be quantified where possible. Where a qualitative judgement is relied upon this should be supported with robust evidence, including the identified potential indirect impacts. The likely significance of potential effects should be considered in their local and regional context.
- 3.75 Paragraph 2.2.6 of the Scoping Report states that some of the former track alignment is used as an access road for forestry and by local land owners. The potential impacts on these land uses should therefore be described and assessed in the ES.

Leisure and public rights of way (see Scoping Report Section 17)

- 3.76 The Scoping Report notes the presence of a number of Public Rights of Way (PRoW) and other footpath/bridleways that may be temporarily affected during the construction phase (e.g. from temporary closure). The applicant is encouraged to minimise or avoid hindrance to these routes where possible, however where temporary or permanent diversions are necessary these should be clearly described (and illustrated) and their impacts should be assessed.
- 3.77 Paragraph 17.1.1 of the Scoping Report states that the proposed trails could result in a greater use of the PRoW network. The Secretary of State considers that the ES should assess the potential for this increased use to adversely affect existing users.

Climate change (see Scoping Report Section 18)

- 3.78 The Secretary of State welcomes the proposed climate change assessment and notes that this will be undertaken using the Department for Transport (DfT) Local Authority Basic Carbon Tool. The assumptions used in the assessment should be fully described and justified.

Transboundary effects (see Scoping Report Section 19)

- 3.79 The Secretary of State has notes and welcomes the consideration given to the potential transboundary effects of the proposed development on other European Economic Area (EEA) States.
- 3.80 Regulation 24 of the EIA Regulations, which inter alia require the Secretary of State to publicise a DCO application if the Secretary of State is of the view that the proposal is likely to have significant effects on the environment of another EEA state and where relevant to consult with the EEA state affected. The Secretary of State considers that where Regulation 24 applies, this is likely to have implications for the examination of a DCO application.
- 3.81 The Secretary of State recommends that the ES should include a section which considers the potential for significant transboundary impacts. The EEA States which could be affected by these impacts should be identified.

Cumulative effects (see Scoping Report Section 20)

- 3.82 The projects considered in the cumulative effects assessment should be discussed and agreed with the relevant local planning authority. The assessment should consider the relationship and timing between the stages of works associated with these projects and ensure that the assessment is based on the worst case scenario for potential effects.
- 3.83 Appendix 3 of this Opinion provides further details regarding the recommended approach to the assessment of potential cumulative impacts.

Other potential environmental effects

Telecommunications

- 3.84 The Scoping Report does not describe how the potential environmental effects associated with the proposed telecommunications masts are to be assessed as part of the EIA. The Secretary of State is aware that this type of infrastructure has potential to interfere with existing telecommunications signals (e.g. associated with other transport networks, mobile phone/broadband masts and radar installations) and these impacts should therefore be assessed. The applicant should discuss and agree the scope of the assessment with relevant consultees (e.g. mobile phone operators, NATS and/or the Civil Aviation Authority).

Traffic and Transport

- 3.85 The Scoping Report does not describe how the potential impacts of the proposed development on traffic and transport will be assessed. The Secretary of State considers that the proposed development has the potential result in significant effects from

impacts to traffic and transport and these should be assessed (under a topic specific chapter) in the ES. The potential impacts also provide an important source of information for determining the likely effects of the proposed development on other aspects of the environment (e.g. air quality; noise and vibration; landscape and visual; and cultural heritage). Indeed the Scoping Report explains that the potential traffic impacts will inform these assessments.

- 3.86 The Secretary of State encourages the applicant to discuss and agree the methodology (including the study area) for predicting and modelling potential traffic impacts with the relevant highways authority.
- 3.87 The ES should describe the baseline for the assessment of potential impacts on traffic and how this could be affected during construction and operation.
- 3.88 The impacts resulting from the delivery of materials and the removal of waste during construction (including existing vegetation/trees requiring removal) from the site should be assessed. This should include consideration of the likely modes of transport and the vehicle routes. Where certain routes are proposed to minimise/avoid adverse effects the ES should explain how use of these will be achieved.
- 3.89 The Secretary of State notes that the proposed development will encounter existing infrastructure, including railway lines, roads and bridges. The applicant is therefore encouraged to consult with Network Rail and other relevant bodies regarding any potential impacts on these assets and their users, for example in terms of potential disruption or should the assets need to be redesigned or relocated. The methodology for any assessment required should be discussed and agreed, together with the design and likely effectiveness of measures proposed to mitigate any significant adverse effects identified.
- 3.90 Paragraph 16.3.10 of the Scoping Report states that additional indirect impacts of the railway and trail project are likely to include a reduction in growth of traffic on the A386. It is argued that this will facilitate the maintenance of bus punctuality and journey times between Tavistock and Plymouth, although the potential for adverse effects on existing public transport services is also acknowledged (e.g. in terms of their popularity or timing). These potential effects should therefore be considered as part of the EIA and described in the ES.
- 3.91 The assessment should consider the relationship with other potential impacts of the proposed development (e.g. on recreation, noise/vibration and air quality) and cross reference should be made to the relevant chapters of the ES.

- 3.92 Potential cumulative impacts (including those associated with the mixed use development within which the proposed railway station would be located) should be assessed. This should include the proposed changes to existing roads to facilitate the proposed development which will be delivered through permitted development rights (as stated in Paragraph 2.3.8 of the Scoping Report).

4.0 OTHER INFORMATION

- 4.1 This section does not form part of the Secretary of State's Opinion as to the information to be provided in the environmental statement. However, it does respond to other issues that the Secretary of State has identified which may help to inform the preparation of the application for the DCO.

Habitats Regulations Assessment (HRA)

- 4.2 The applicant's attention is drawn to The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended) (The APFP Regulations) and the need to include information identifying European sites to which the Habitats Regulations applies or any Ramsar site or potential SPA which may be affected by a proposal. The submitted information should be sufficient for the competent authority (CA) to make an appropriate assessment (AA) of the implications for the site if required by Regulation 61(1) of the Habitats Regulations.
- 4.3 The report to be submitted under Regulation 5(2)(g) of the APFP Regulations with the application must deal with two issues: the first is to enable a formal assessment by the CA of whether there is a likely significant effect; and the second, should it be required, is to enable the carrying out of an AA by the CA. The applicant should note that the CA is the Secretary of State.
- 4.4 When considering aspects of the environment likely to be affected by the proposed development; including flora, fauna, soil, water, air and the inter-relationship between these, consideration should be given to the designated sites in the vicinity of the proposed development.
- 4.5 The Secretary of State notes that European sites are located close to the proposed development. The Secretary of State therefore welcomes the consideration given in Section 6 of the Scoping Report to the requirements of the Habitats Regulations.
- 4.6 The Secretary of State advises that information submitted by the applicant to support the HRA should comply with guidance from the Planning Inspectorate, as set out in Advice Note 10 (August 2013). Please note however that this guidance may be subject to change prior to submission of the application. Section 4 of this Opinion provides further information on the recommended approach.

Evidence Plans

- 4.7 An evidence plan is a formal mechanism to agree upfront what information the applicant needs to supply to the Planning

Inspectorate as part of a DCO application. An evidence plan will help to ensure compliance with the Habitats Regulations. It will be particularly relevant to NSIPs where impacts may be complex, large amounts of evidence may be needed or there are a number of uncertainties. It will also help applicants meet the requirement to provide sufficient information (as explained in Advice Note 10) in their application, so the Examining Authority can recommend to the Secretary of State whether or not to accept the application for examination and whether an appropriate assessment is required.

- 4.8 Any applicant of a proposed NSIP in England, or England and Wales, can request an evidence plan. A request for an evidence plan should be made at the start of pre-application (e.g. after notifying the Planning Inspectorate on an informal basis) by contacting the Major Infrastructure and Environment Unit (MIEU) in Defra (MIEU@defra.gsi.gov.uk).

Sites of Special Scientific Interest (SSSIs)

- 4.9 The Secretary of State notes that a number of SSSIs are located close to or within the proposed development. Where there may be potential impacts on the SSSIs, the Secretary of State has duties under sections 28(G) and 28(I) of the Wildlife and Countryside Act 1981 (as amended) (the W&C Act). These are set out below for information.
- 4.10 Under s28(G), the Secretary of State has a general duty ‘... to take reasonable steps, consistent with the proper exercise of the authority’s functions, to further the conservation and enhancement of the flora, fauna or geological or physiographical features by reason of which the site is of special scientific interest’.
- 4.11 Under s28(I), the Secretary of State must notify the relevant nature conservation body (NCB), NE in this case, before authorising the carrying out of operations likely to damage the special interest features of a SSSI. Under these circumstances 28 days must elapse before deciding whether to grant consent, and the Secretary of State must take account of any advice received from the NCB, including advice on attaching conditions to the consent. The NCB will be notified during the examination period.
- 4.12 If applicants consider it likely that notification may be necessary under s28(I), they are advised to resolve any issues with the NCB before the DCO application is submitted to the Secretary of State. If, following assessment by applicants, it is considered that operations affecting the SSSI will not lead to damage of the special interest features, applicants should make this clear in the ES. The application documents submitted in accordance with Regulation 5(2)(I) could also provide this information. Applicants should seek to agree with the NCB the DCO requirements which

will provide protection for the SSSI before the DCO application is submitted.

European Protected Species (EPS)

- 4.13 Applicants should be aware that the decision maker under the Planning Act 2008 (PA 2008) has, as the CA, a duty to engage with the Habitats Directive. Where a potential risk to an EPS is identified, and before making a decision to grant development consent, the CA must, amongst other things, address the derogation tests² in Regulation 53 of the Habitats Regulations. Therefore the applicant may wish to provide information which will assist the decision maker to meet this duty.
- 4.14 If an applicant has concluded that an EPS licence is required the ExA will need to understand whether there is any impediment to the licence being granted. The decision to apply for a licence or not will rest with the applicant as the person responsible for commissioning the proposed activity by taking into account the advice of their consultant ecologist.
- 4.15 Applicants are encouraged to consult with NE and, where required, to agree appropriate requirements to secure necessary mitigation. It would assist the examination if applicants could provide, with the application documents, confirmation from NE whether any issues have been identified which would prevent the EPS licence being granted.
- 4.16 Generally, NE are unable to grant an EPS licence in respect of any development until all the necessary consents required have been secured in order to proceed. For NSIPs, NE will assess a draft licence application in order to ensure that all the relevant issues have been addressed. Within 30 working days of receipt, NE will either issue 'a letter of no impediment' stating that it is satisfied, insofar as it can make a judgement, that the proposals presented comply with the regulations or will issue a letter outlining why NE consider the proposals do not meet licensing requirements and what further information is required before a 'letter of no impediment' can be issued. The applicant is responsible for ensure draft licence applications are satisfactory for the purposes of informing formal pre-application assessment by NE.
- 4.17 Ecological conditions on the site may change over time. It will be the applicant's responsibility to ensure information is satisfactory for the purposes of informing the assessment of no detriment to the maintenance of favourable conservation status (FCS) of the

² Key case law re need to consider Article 16 of the Habitats Directive: Woolley vs East Cheshire County Council 2009 and Morge v Hampshire County Council 2010.

population of EPS affected by the proposals³. Applicants are advised that current conservation status of populations may or may not be favourable. Demonstration of no detriment to favourable populations may require further survey and/or submission of revised short or long term mitigation or compensation proposals. In England the focus concerns the provision of up to date survey information which is then made available to NE (along with any resulting amendments to the draft licence application). This approach will help to ensure no delay in issuing the licence should the DCO application be successful. Applicants with projects in England or English waters can find further information on Natural England's protected species licensing procedures in relation to NSIP's by clicking on the following link:

<https://www.gov.uk/wildlife-licences>

- 4.18 In England or English Waters, assistance may be obtained from the Consents Service Unit. The Unit works with applicants to coordinate key non-planning consents associated with nationally significant infrastructure projects. The Unit's remit includes EPS licences. The service is free of charge and entirely voluntary. Further information is available from the following link:

<http://infrastructure.planningportal.gov.uk/legislation-and-advice/consents-service-unit/>

Other regulatory regimes

- 4.19 The Secretary of State recommends that the applicant should state clearly what regulatory areas are addressed in the ES and that the applicant should ensure that all relevant authorisations, licences, permits and consents that are necessary to enable operations to proceed are described in the ES. Also it should be clear that any likely significant effects of the proposed development which may be regulated by other statutory regimes have been properly taken into account in the ES.
- 4.20 It will not necessarily follow that the granting of consent under one regime will ensure consent under another regime. For those consents not capable of being included in an application for consent under the PA 2008, the Secretary of State will require a level of assurance or comfort from the relevant regulatory authorities that the proposal is acceptable and likely to be approved, before they make a recommendation or decision on an application. The applicant is encouraged to make early contact

³ Key case law in respect of the application of the FCS test at a site level: Hafod Quarry Land Tribunal (Mersey Waste (Holdings) Limited v Wrexham County Borough Council) 2012, and Court of Appeal 2012.

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with other regulators. Information from the applicant about progress in obtaining other permits, licences or consents, including any confirmation that there is no obvious reason why these will not subsequently be granted, will be helpful in supporting an application for development consent to the Secretary of State.

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APPENDIX 1

List of Consultees

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APPENDIX 1

LIST OF BODIES FORMALLY CONSULTED DURING THE SCOPING EXERCISE

CONSULTEE	ORGANISATION
SCHEDULE 1	
The Health and Safety Executive	Health and Safety Executive
The National Health Service Commissioning Board	NHS England
The relevant Clinical Commissioning Group	NHS Northern Eastern and Western Devon Clinical Commissioning Group
Natural England	Natural England
The Historic Buildings and Monuments Commission for England	English Heritage
The Historic Buildings and Monuments Commission for England	English Heritage - South West
The Relevant Fire and Rescue Authority	Devon and Somerset Fire and Rescue Service
The Relevant Police and Crime Commissioner	Devon and Cornwall Police and Crime Commissioner
The Relevant Parish Council(s) or Relevant Community Council	Bere Ferrers Parish Council
The Relevant Parish Council(s) or Relevant Community Council	Gulworthy Parish Council
The Relevant Parish Council(s) or Relevant Community Council	Tavistock Town Council
The Environment Agency	The Environment Agency
The Environment Agency	The Environment Agency - Devon and Cornwall
The Highways Agency	The Highways Agency - South West
The Relevant Highways Authority	Devon County Council
The Canal and River Trust	The Canal and River Trust
Public Health England, an executive agency to the Department of Health	Public Health England
The Forestry Commission	Forestry Commission
The Secretary of State for Defence	Ministry of Defence
RELEVANT STATUTORY UNDERTAKERS	
Health Bodies (s.16 of the Acquisition of Land Act (ALA) 1981)	
The National Health Service Commissioning Board	NHS England
The relevant Clinical Commissioning Group	NHS Northern Eastern and Western Devon Clinical Commissioning Group

Local Area Team	Devon, Cornwall and Isles of Scilly Area Team
Ambulance Trusts	South Western Ambulance Services NHS Foundation Trust
Relevant Statutory Undertakers (s.8 ALA 1981)	
Railways	Network Rail Infrastructure Ltd
Railways	Highways Agency Historical Railways Estate
Universal Service Provider	Royal Mail Group
Relevant Environment Agency	Environment Agency - South West
Water and Sewage Undertakers	South West Water
Public Gas Transporter	Energetics Gas Limited
Public Gas Transporter	ES Pipelines Ltd
Public Gas Transporter	ESP Connections Ltd
Public Gas Transporter	ESP Networks Ltd
Public Gas Transporter	ESP Pipelines Ltd
Public Gas Transporter	Fulcrum Pipelines Limited
Public Gas Transporter	GTC Pipelines Limited
Public Gas Transporter	Independent Pipelines Limited
Public Gas Transporter	LNG Portable Pipeline Services Limited
Public Gas Transporter	National Grid Gas Plc
Public Gas Transporter	National Grid Plc
Public Gas Transporter	Quadrant Pipelines Limited
Public Gas Transporter	SSE Pipelines Ltd
Public Gas Transporter	Scotland Gas Networks Plc
Public Gas Transporter	Southern Gas Networks Plc
Public Gas Transporter	Wales and West Utilities Ltd
Electricity Distributors With CPO Powers	Energetics Electricity Limited
Electricity Distributors With CPO Powers	ESP Electricity Limited
Electricity Distributors With CPO Powers	Independent Power Networks Limited
Electricity Distributors With CPO Powers	The Electricity Network Company Limited
Electricity Distributors With CPO Powers	Utility Assets Limited
Electricity Distributors With CPO Powers	Western Power Distribution (South West) Plc
Electricity Transmitters With CPO Powers	National Grid Electricity Transmission Plc
Electricity Transmitters With CPO Powers	National Grid Plc
LOCAL AUTHORITIES (SECTION 43)	
National Park Authority	Exmoor National Park Authority

National Park Authority	Dartmoor National Park Authority
Local Authority	West Devon Borough Council
Local Authority	South Hams District Council
Local Authority	Teignbridge District Council
Local Authority	Mid Devon District Council
Local Authority	Torrige District Council
Local Authority	Cornwall County Council
Local Authority	Devon County Council
Local Authority	Plymouth City Council
Local Authority	Torbay Council
Local Authority	Dorset County Council
Local Authority	Somerset County Council

APPENDIX 2

Respondents to Consultation and Copies of Replies

APPENDIX 2

LIST OF BODIES WHO REPLIED BY THE STATUTORY DEADLINE

NHS Northern, Eastern and Western Devon Clinical Commissioning Group
Devon County Council
English Heritage
ESP Gas Group Limited
Fulcrum Pipelines Limited
GTC Pipelines Limited
Health and Safety Executive
Natural England
Public Health England
South West Water
Torrige District Council

From: [Whiting Debbie \(NHS NORTHERN, EASTERN AND WESTERN DEVON CCG\)](#)
To: [Environmental Services](#)
Subject: FW: Tavistock to Bere Alston railway reinstatement and associated trails
Date: 27 November 2014 15:26:47

To whom it may concern

Thank you for your email regarding the Tavistock to Bere Alston railway reinstatement and associated rails. I can confirm that the Western Locality of NEW Devon Clinical Commissioning Group have no comments to make on the Environmental impact assessment.

Regards

Debbie Whiting
Head of Locality Office
Western Locality
NEW Devon CCG
Windsor House
Tavistock Road
Plymouth PL6 5UF
Tel: 01752 398705 (office)
07941 896988 (mobile)

“we confirm that we have no comments to make on the Environmental impact assessment”

From: Environmental Services [<mailto:EnvironmentalServices@infrastructure.gsi.gov.uk>]
Sent: 24 November 2014 16:46
To: CorporateServices (NHS NORTHERN, EASTERN AND WESTERN DEVON CCG)
Subject: Tavistock to Bere Alston railway reinstatement and associated trails

Dear Sir/Madam,

Tavistock to Bere Alston railway reinstatement and associated trails

Please follow the link below in respect of the EIA scoping consultation for the above project:

http://infrastructure.planningportal.gov.uk/wp-content/uploads/2014/11/scoping_reg9_notification_tavistock.pdf

If this link does not open automatically, please cut and paste it into your browser

Will Spencer
EIA & Land Rights Advisor
Major Applications and Plans, The Planning Inspectorate, Temple Quay House, Temple Quay, Bristol, BS1 6PN

Direct Line: 0303 444 5048

Helpline: 0303 444 5000

Email: will.spencer@pins.gsi.gov.uk

Web: www.planningportal.gov.uk/planninginspectorate (Planning Inspectorate casework and appeals)

Web: www.planningportal.gov.uk/infrastructure (Planning Inspectorate's National Infrastructure Planning portal)

Twitter: [@PINSgov](#)

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Planning, Transportation and Environment

3/18 Eagle Wing
Temple Quay House
2 The Square
Bristol
BS1 6PN

County Hall
Topsham Road
Exeter
EX2 4QD

Tel: 01392 383000
Email: planning@devon.gov.uk

Our Ref: CP/SCR/9339/2014

2 December 2014

Dear Sir,

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

Application by Devon County Council for an Order Granting Development Consent for the Tavistock to Bere Alston railway reinstatement and associated trails

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 24 November 2014. In this letter you have identified Devon County Council as a consultation body which is to be consulted by the Secretary of State before adopting its scoping opinion.

The Authority has been invited to provide comments on the scope of the Environment Impact Assessment in respect of the application to be submitted by Devon County Council for an Order Granting Development Consent for the Tavistock to Bere Alston railway reinstatement and associated trails.

Devon County Council is the applicant for this scheme. I have been asked to comment as I have not had involvement in the preparation of the Screening and Scoping Report.

The topics and assessment methodology identified for the Environment Impact Assessment are considered to be appropriate; however the Authority would wish to see the following additional information considered as part of the Environment Impact Assessment.

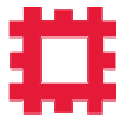
- An assessment of the proposals road transport related impacts should be carried out and prepared in accordance with the Guidance on Transport Assessments. The baseline and proposed traffic should be identified and any appropriate mitigation proposed.
- Environmental impact arising from any disruption during construction, traffic volume, composition or routing change and transport infrastructure modification should be fully assessment and reported.

- Consideration should be given to any adverse change to noise and to air quality.

Yours faithfully,



Mike Deaton
Planning Development Manager



ENGLISH HERITAGE

SOUTH WEST OFFICE

Mr Will Spencer
The Planning Inspectorate
3/18 Eagle Wing
Temple Quay House
2 The Square
Bristol
BS1 6PN

Direct Dial: 0117 975 0617
Direct Fax: 0117 975 0701

Our ref: PA00357166
Your ref: TR040010

5 December 2014

Dear Mr Spencer

TAVISTOCK TO BERE ALSTON RAILWAY RE-INSTATEMENT AND ASSOCIATED TRAIL ROUTES, DEVON ENVIRONMENTAL IMPACT ASSESSMENT (EIA) - SCOPING REPORT

Thank you for your letter of 24th November consulting English Heritage 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.

Our initial assessment shows the attached list of designated heritage assets close to the proposed rebuilt railway and associated new trails to replace those displaced by the closure of those currently using the railway trackbed. We would draw your attention, in particular, to the following:

World Heritage Site

The town of Tavistock is within the Cornwall and West Devon Mining World Heritage Site, although the alignment of the former railway proposed for rebuilding is not. However, the EIA will need to consider any impacts the reopening of the railway and construction of trails may have on the Outstanding Universal Value (OUV) of the World Heritage Site.

Bere Alston to Tavistock Railway Conservation Area

Unusually, the disused railway line from Bere Alston to Tavistock which is proposed for reopening under these proposals is designated as a Conservation Area. The EIA will



29 QUEEN SQUARE BRISTOL BS1 4ND

Telephone 0117 975 0700 Facsimile 0117 975 0701
www.english-heritage.org.uk

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

English Heritage will use the information provided by you to evaluate any applications you make for statutory or quasi-statutory consent, or for grant or other funding. Information provided by you and any information obtained from other sources will be retained in all cases in hard copy form and/or on computer for administration purposes and future consideration where applicable.



ENGLISH HERITAGE

SOUTH WEST OFFICE

need to consider whether the change of use back to operational railway land will have any effect on its character and appearance.

Shillamill Viaduct

The alignment includes the Grade II listed Shillamill viaduct, and the environmental statement will need to consider upgrading works to make the viaduct safe for the passage of trains again and whether those works will impact upon the special architectural and historic interest of the structure.

Walreddon Manor

Walreddon Manor complex includes a number of highly graded heritage assets, and is within a short distance of the proposed railway and associated trails. An EIA should consider the effect of the proposals on how the complex is experienced. The individual listed assets include the Manor House (Grade I), a wall with Gateway and attached cottage South West of Walreddon Manor (Grade II*), a barn attached to North West of Walreddon Manor (Grade II*), a stable and cart shed 5m southeast of the manor (Grade II*), and the grounds of the complex's walls and gatepiers (Grade II*).

Nearby scheduled Ancient Monuments

Including Berra Tor Camp, Gawton Mine, and Okeltor Mine.

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) and relevant local authority staff.

We would strongly recommend that you involve the Conservation Officer of West Devon District Council and the archaeological staff at the Devon Historic Environment Record 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



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www.english-heritage.org.uk

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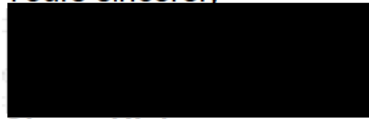
ENGLISH HERITAGE

SOUTH WEST 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



Simon Hickman

Principal Inspector of Historic Buildings and Areas

E-mail: simon.hickman@english-heritage.org.uk



29 QUEEN SQUARE BRISTOL BS1 4ND

Telephone 0117 975 0700 Facsimile 0117 975 0701
www.english-heritage.org.uk

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

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From: [ESP Utilities Group](#)
To: [Environmental Services](#)
Subject: Reference: PE127349. Plant Not Affected Notice from ES Pipelines
Date: 25 November 2014 10:39:27

Environmental Services
The Planning Inspectorate

25 November 2014

Reference: Tavistock to Bere Alston Railway

Dear Sir/Madam,

Thank you for your recent plant enquiry at: Tavistock to Bere Alston Railway

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

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

Important Notice

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

Yours faithfully,

Alan Slee
Operations Manager

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From: [&box_FPLplantprotection_conx](#).
To: [Environmental Services](#)
Subject: RE: Tavistock to Bere Alston railway reinstatement and associated trails
Date: 26 November 2014 14:45:07
Attachments: [image003.png](#)

Thank you for asking Fulcrum Pipelines Limited to examine your consultation document for the above project.

We can confirm that Fulcrum Pipelines Limited have no comments to make on this scoping report. Please note that we are constantly adding to our underground assets and would strongly advise that you consult us again prior to undertaking any excavations.

Please note that other gas transporters may have plant in this locality which could be affected.

We will always make every effort to help you where we can, but Fulcrum Pipelines Limited will not be held responsible for any incident or accident arising from the use of the information associated with this search. The details provided are given in good faith, but no liability whatsoever can be accepted in respect thereof.

If you need any help or information simply contact Fulcrum on 03330 146 455

Yours sincerely,

SUE BEESLEY
Technical Administrator



Tel: 03330 146 455

Direct Dial: 01142 804 110

Email: Sue.Beesley@fulcrum.co.uk

Web: www.fulcrum.co.uk



FULCRUM NEWS

FULCRUM GAS PIPELINE PROJECT SHORTLISTED FOR UTILITY INDUSTRY AWARD

Historic 16 mile Speyside Gas Pipeline project sees Fulcrum short-listed for the Capital Project Management accolade at this year's Utility Week Achievement Awards. [Learn more.](#)

From: Environmental Services [mailto:EnvironmentalServices@infrastructure.gsi.gov.uk]

Sent: 24 November 2014 16:45

To: &box_FPLplantprotection_conx,

Subject: Tavistock to Bere Alston railway reinstatement and associated trails

Dear Sir/Madam,

Tavistock to Bere Alston railway reinstatement and associated trails

Please follow the link below in respect of the EIA scoping consultation for the above project:

http://infrastructure.planningportal.gov.uk/wp-content/uploads/2014/11/scoping_reg9_notification_tavistock.pdf

If this link does not open automatically, please cut and paste it into your browser

Will Spencer
EIA & Land Rights Advisor
Major Applications and Plans, The Planning Inspectorate, Temple Quay House, Temple Quay, Bristol, BS1 6PN

Direct Line: 0303 444 5048

Helpline: 0303 444 5000

Email: will.spencer@pins.gsi.gov.uk

Web: www.planningportal.gov.uk/planninginspectorate (Planning Inspectorate casework and appeals)

Web: www.planningportal.gov.uk/infrastructure (Planning Inspectorate's National Infrastructure Planning portal)

Twitter: [@PINSgov](https://twitter.com/PINSgov)

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From: Margaret.Ketteridge@gtc-uk.co.uk
To: [Environmental Services](#)
Subject: TR040010
Date: 25 November 2014 13:45:23

Dear Sirs

With reference to the above I can confirm that the following have no comments to make at this moment in time.: -

GTC Pipelines Limited
Quadrant Pipelines Limited
Independent Pipelines Limited
The Electricity Network Company Limited
Independent Power Networks Limited.

Kind Regards

Maggie

Maggie Ketteridge
Engineering Support Officer
GTC
Energy House
Woolpit Business Park
Woolpit
Bury St Edmunds
Suffolk, IP30 9UP
Tel: 01359 245406
Fax: 01359 243377
E-mail: margaret.ketteridge@gtc-uk.co.uk
Web: www.gtc-uk.co.uk

NOTE:

This E-Mail originates from GTC, Energy House, Woolpit Business Park, Woolpit, Bury St Edmunds, Suffolk, IP30 9UP
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HID Policy - Land Use Planning
NSIP Consultations
Building 5S.2, Redgrave Court
Merton Road, Bootle
Merseyside, L20 7HS

Your ref: TR040010
Our ref: 4.2.1.4410

HSE email: NSIP.applications@hse.gsi.gov.uk

FAO Will Spencer
EIA & Land Rights Advisor
Major Applications & Plans
The Planning Inspectorate
Temple Quay House
Temple Quay
Bristol
BS1 6PN

18th December 2014

Dear Mr Spencer

**PROPOSED TAVISTOCK TO BERE ALSTON RAILWAY REINSTATEMENT AND ASSOCIATED TRAILS
(the project)
PROPOSAL BY DEVON COUNTY COUNCIL (the applicant)
INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2009 (as
amended) – Regulations 8 and 9**

Thank you for your letter of 24 November 2014 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 document titled 'Tavistock to Bere Alston Railway Re-instatement and Associated Trail Routes, Environmental Impact Assessment Screening and Scoping Report October 2014' and plan titled 'Figure 2 Project Component', the proposal will not pass over a Major Accident Hazard Pipeline and does not fall within the consultation distances of any current Major Hazard Installations.

The project in its current form does not meet HSE Land Use Planning criteria that would lead to an Advise Against response.

Hazardous Substance Consent

The presence on, over or above land of certain hazardous substances, at or above set threshold quantities (Controlled Quantities), may require Hazardous Substances Consent (HSC) under the Planning (Hazardous Substances) Act 1990 as amended. The substances, alone or when aggregated with others, for which HSC is required, and the associated Controlled Quantities, are set out in The Planning (Hazardous Substances) Regulations 1992 as amended by The Planning (Hazardous Substances) (Amendment) (England) Regulations 2009 and 2010.

Hazardous Substances Consent would be required if the site is intending to store or use any of the Named Hazardous Substances or Categories of Substances and Preparations at or above the controlled quantities set out in Schedule 1 of these Regulations.

Further information on HSC should be sought from the relevant Hazardous Substances Authority.

Explosives sites

The proposed Tavistock to Bere Alston Railway reinstatement and associated trail routes does not impinge on the separation distances of any licensed explosives site as there are none in the vicinity of the application.

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:

Miss Laura Evans
NSIP Consultations
5S.2 Redgrave Court
Merton Road
Bootle, Merseyside
L20 7HS

Yours sincerely,


Laura Evans
HID Policy - Land Use Planning

Date: 10 December 2014
Our ref: 138078
Your ref: TR040010



Will Spencer
EIA & Land Rights Advisor
Major Applications and Plans
The Planning Inspectorate
Temple Quay House
Temple Quay
Bristol
BS1 6PN

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

will.spencer@pins.gsi.gov.uk
EnvironmentalServices@infrastructure.gsi.gov.uk

BY EMAIL ONLY

Dear Will

INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2009 SI 2263 (as amended) (the EIA Regulations):

EIA Scoping Consultation: Tavistock to Bere Alston railway reinstatement and associated trails.

Location: Tavistock to Bere Alston, West Devon.

Thank you for seeking our advice on the scope of the Environmental Statement (ES) in your consultation dated 24 November 2014 which we received on the same date.

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

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

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

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us. For any queries relating to the specific advice in this letter only please contact Moira Manners on 0300 060 0467. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

We really value your feedback to help us improve the service we offer. We have attached a

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

² *Note on Environmental Impact Assessment Directive for Local Planning Authorities* Office of the Deputy Prime Minister (April 2004) available from

<http://webarchive.nationalarchives.gov.uk/+http://www.communities.gov.uk/planningandbuilding/planning/sustainability/environmental/environmentalimpactassessment/noteenvironmental/>



feedback form to this letter and welcome any comments you might have about our service.

Yours sincerely

Moira Manners
Lead Advisor

Annex A – Advice related to EIA Scoping Requirements

1. General Principles

SCHEDULE 4 Regulation 2(1) Schedule 4 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009, sets out the necessary information to assess impacts on the natural environment to be included in an ES, specifically:

- Description of the development, including in particular—
 - (a) a description of the physical characteristics of the whole development and the land-use requirements during the construction and operational phases;
 - (b) a description of the main characteristics of the production processes, for instance, nature and quantity of the materials used;
 - (c) an estimate, by type and quantity, of expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation, etc) resulting from the operation of the proposed development.
- An outline of the main alternatives studied by the applicant and an indication of the main reasons for the applicant's choice, taking into account the environmental effects.
- 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, which should cover the direct effects and any indirect, secondary, cumulative, short, medium and longterm, permanent and temporary, positive and negative effects of the development, resulting from:
 - (a) the existence of the development;
 - (b) the use of natural resources;
 - (c) the emission of pollutants, the creation of nuisances and the elimination of waste, and the description by the applicant of the forecasting methods used to assess the effects on the environment.
- A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment.
- An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the applicant in compiling the required information.
- A description of the development comprising information on the site, design and size of the development.
- A description of the measures envisaged in order to avoid, reduce and, if possible, remedy significant adverse effects.
- The data required to identify and assess the main effects which the development is likely to have on the environment.
- An outline of the main alternatives studied by the applicant and an indication of the main reasons for the applicant's choice, taking into account the environmental effects.
- A non-technical summary of the information provided above.

2. Biodiversity and Geology

2.1 Ecological Aspects of an Environmental Statement

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

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

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

2.2 Internationally and Nationally Designated Sites

The ES should thoroughly assess the potential for the proposal to affect designated sites. European sites (eg designated Special Areas of Conservation and Special Protection Areas) fall within the scope of the Conservation of Habitats and Species Regulations 2010. In addition paragraph 118 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 61 of the Conservation of Habitats and Species Regulations 2010 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.

Sites of Special Scientific Interest (SSSIs) and sites of European or international importance (Special Areas of Conservation, Special Protection Areas and Ramsar sites)

The development site is near to the following designated nature conservation sites:

- Tamar Estuaries Complex SPA; Plymouth Sound and Estuaries SAC; South Dartmoor Woods SAC; Dartmoor SAC; Grenofen Woods and West Down SSSI and the Tamar-Tavy Estuary SSSI.
- Further information on the SSSI and its special interest features can be found at www.magic.gov. The Environmental Statement should include a full assessment of the direct and indirect effects of the development on the features of special interest within these sites and should identify such mitigation measures as may be required in order to avoid, minimise or reduce any adverse significant effects.
- Natura 2000 network site conservation objectives are available on our internet site <http://publications.naturalengland.org.uk/category/6490068894089216>

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 2010

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

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

In order to provide this information there may be a requirement for a survey at a particular time of year. Surveys should always be carried out in optimal survey time periods and to current guidance by suitably qualified and where necessary, licensed, consultants. Natural England has adopted <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals#standing-advice-for-protected-species> 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 in the Defra publication '[Guidance for Local Authorities on Implementing the Biodiversity Duty](#)'.

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

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

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

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

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

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

Nationally Designated Landscapes

As the development site is within Tamar Valley AONB and near to Dartmoor National Park, consideration should be given to the direct and indirect effects upon the designated landscapes and in particular the effect upon the purposes for designation within the environmental impact assessment, as well as the content of the relevant management plans for Tamar Valley and Dartmoor National Park.

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 European Landscape Convention places a duty on Local Planning Authorities to consider the impacts of landscape when exercising their functions.

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 and further information can be found on Natural England's landscape pages [here](#).

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 the adjacent/nearby [Click here to enter text](#). National Trail. The National Trails website 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 112 of the NPPF. We also recommend that soils should be considered under a more general heading of sustainable use of land and the ecosystem services they provide as a natural resource in line with paragraph 109 of the NPPF.

- Soil is a finite resource that fulfils many important functions and services (ecosystem services) for society, for example as a growing medium for food, timber and other crops, as a store for carbon and water, as a reservoir of biodiversity and as a buffer against pollution. It is therefore important that the soil resources are protected and used sustainably.
- 1. The applicant should consider the following issues as part of the Environmental Statement:
 - The degree to which soils are going to be disturbed/harmed as part of this development and whether 'best and most versatile' agricultural land is involved.
- This may require a detailed survey if one is not already available. For further information on the availability of existing agricultural land classification (ALC) information see

www.magic.gov.uk. Natural England Technical Information Note 049 - [Agricultural Land Classification: protecting the best and most versatile agricultural land](#) also contains useful background information.

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

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). Further information on air pollution modelling and assessment can be found on the Environment Agency website.

It should be noted that any potential impacts of water or air quality need to be assessed against the conservation objectives of the designated sites, not Water Framework Directive waterbody status, as suggested in the EIA scoping document.

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 109), 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, ie projects for which an application has not yet been submitted, but which are likely to progress before completion of the development and for which sufficient information is available to assess the likelihood of cumulative and in-combination effects.

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.

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. 118)² which states:

'Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.'



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Your Ref : TR040010
Our Ref : CIRIS 12400
TRRA 141124 369

22nd December 2014

Dear Will,

**Re: Scoping Consultation
Application by Devon County Council for an Order Granting Development
Consent for the Tavistock to Bere Alston railway reinstatement and associated
trails.**

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

In order to ensure that health is fully and comprehensively considered the Environmental Statement (ES) should provide sufficient information to allow the potential impact of the development on public health to be fully assessed.

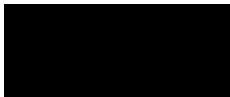
We understand that the promoter will wish to avoid unnecessary duplication and that many issues including air quality, emissions to water, waste, contaminated land etc. will be covered elsewhere in the ES. PHE however believes the summation of relevant issues into a specific section of the report provides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

In terms of the level of detail to be included in an ES, we recognise that the differing nature of projects is such that their impacts will vary. Any assessments undertaken to inform the ES should be proportionate to the potential impacts of the proposal,

therefore we accept that, in some circumstances particular assessments may not be relevant to an application, or that an assessment may be adequately completed using a qualitative rather than quantitative methodology. In cases where this decision is made the promoters should fully explain and justify their rationale in the submitted documentation.

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

Yours sincerely



Environmental Public Health Scientist

nsipconsultations@phe.gov.uk

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

Appendix: PHE recommendations regarding the scoping document

General approach

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

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

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

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

Receptors

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

¹ Environmental Impact Assessment: A guide to good practice and procedures - A consultation paper; 2006; Department for Communities and Local Government. Available from:

<http://www.communities.gov.uk/archived/publications/planningandbuilding/environmentalimpactassessment>

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

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

Emissions to air and water

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

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

- should include appropriate screening assessments and detailed dispersion modelling where this is screened as necessary
- should encompass all pollutants which may be emitted by the installation in combination with all pollutants arising from associated development and transport, ideally these should be considered in a single holistic assessment
- should consider the construction, operational, and decommissioning phases
- should consider the typical operational emissions and emissions from start-up, shut-down, abnormal operation and accidents when assessing potential impacts and include an assessment of worst-case impacts

- should fully account for fugitive emissions
- should include appropriate estimates of background levels
- should identify cumulative and incremental impacts (i.e. assess cumulative impacts from multiple sources), including those arising from associated development, other existing and proposed development in the local area, and new vehicle movements associated with the proposed development; associated transport emissions should include consideration of non-road impacts (i.e. rail, sea, and air)
- should include consideration of local authority, Environment Agency, Defra national network, and any other local site-specific sources of monitoring data
- should compare predicted environmental concentrations to the applicable standard or guideline value for the affected medium (such as UK Air Quality Standards and Objectives and Environmental Assessment Levels)
 - If no standard or guideline value exists, the predicted exposure to humans should be estimated and compared to an appropriate health-based value (a Tolerable Daily Intake or equivalent). Further guidance is provided in Annex 1
 - This should consider all applicable routes of exposure e.g. include consideration of aspects such as the deposition of chemicals emitted to air and their uptake via ingestion
- should identify and consider impacts on residential areas and sensitive receptors (such as schools, nursing homes and healthcare facilities) in the area(s) which may be affected by emissions, this should include consideration of any new receptors arising from future development

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

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

Additional points specific to emissions to air

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

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

Additional points specific to emissions to water

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

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

Land quality

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

Emissions to and from the ground should be considered in terms of the previous history of the site and the potential of the site, once operational, to give rise to issues. Public health impacts associated with ground contamination and/or the

migration of material off-site should be assessed³ and the potential impact on nearby receptors and control and mitigation measures should be outlined.

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

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

Waste

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

For wastes arising from the installation the EIA should consider:

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

Other aspects

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

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

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

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

There is a potential health impact associated with the electric and magnetic fields around substations and the connecting cables or lines. The following information provides a framework for considering the potential health impact.

In March 2004, the National Radiological Protection Board, NRPB (now part of PHE), published advice on limiting public exposure to electromagnetic fields. The advice was based on an extensive review of the science and a public consultation on its website, and recommended the adoption in the UK of the EMF exposure guidelines published by the International Commission on Non-ionizing Radiation Protection (ICNIRP):-

<http://webarchive.nationalarchives.gov.uk/20140629102627/http://www.hpa.org.uk/Publications/Radiation/NPRBArchive/DocumentsOfTheNRPB/Abisd1502/>

The ICNIRP guidelines are based on the avoidance of known adverse effects of exposure to electromagnetic fields (EMF) at frequencies up to 300 GHz (gigahertz), which includes static magnetic fields and 50 Hz electric and magnetic fields associated with electricity transmission.

PHE notes the current Government policy is that the ICNIRP guidelines are implemented in line with the terms of the 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

For static magnetic fields, the latest ICNIRP guidelines (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 as advised by the International Electrotechnical Commission.

⁴ Available from: <http://www.cph.org.uk/showPublication.aspx?pubid=538>

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 give reference levels for public exposure to 50 Hz electric and magnetic fields, and these are respectively 5 kV m^{-1} (kilovolts per metre) and $100 \text{ } \mu\text{T}$ (microtesla). If people are not exposed to field strengths above these levels, direct effects on the CNS should be avoided and indirect effects such as the risk of painful spark discharge will be small. The reference levels are not in themselves limits but provide guidance for assessing compliance with the basic restrictions and reducing the risk of indirect effects. Further clarification on advice on exposure guidelines for 50 Hz electric and magnetic fields is provided in the following note on the HPA website:

http://webarchive.nationalarchives.gov.uk/20140714084352/http://www.hpa.org.uk/Topics/Radiation/UnderstandingRadiation/InformationSheets/info_IcnirpExpGuidelines/

The Department of Energy and Climate Change has also published voluntary code of practices which set out key principles for complying with the ICNIRP guidelines for the industry.

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

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

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) was then set up to take this recommendation forward, explore the implications for a precautionary approach to extremely low frequency electric and magnetic fields (ELF EMFs), and to make practical recommendations to Government. In the First Interim Assessment of the Group, consideration was given to mitigation options such as the 'corridor option' near power lines, and optimal phasing to reduce electric and magnetic fields. A Second Interim Assessment addresses electricity distribution systems up to 66 kV. The SAGE reports can be found at the following link:

<http://sagedialogue.org.uk/> (go to “Document Index” and Scroll to SAGE/Formal reports with recommendations)

The Agency has given advice to Health Ministers on the First Interim Assessment of SAGE regarding precautionary approaches to ELF EMFs and specifically regarding power lines and property, wiring and electrical equipment in homes:

http://webarchive.nationalarchives.gov.uk/20140629102627/http://www.hpa.org.uk/Publications/Radiation/HPAResponseStatementsOnRadiationTopics/rpdadvice_sage/

The evidence to date suggests that in general there are no adverse effects on the health of the population of the UK caused by exposure to ELF EMFs below the guideline levels. The scientific evidence, as reviewed by PHE, supports the view that precautionary measures should address solely the possible association with childhood leukaemia and not other more speculative health effects. The measures should be proportionate in that overall benefits outweigh the fiscal and social costs, have a convincing evidence base to show that they will be successful in reducing exposure, and be effective in providing reassurance to the public.

The Government response to the First SAGE Interim Assessment is given in the written Ministerial Statement by Gillian Merron, then Minister of State, Department of Health, published on 16th October 2009:

<http://www.publications.parliament.uk/pa/cm200809/cmhansrd/cm091016/wmstext/91016m0001.htm>

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

HPA and Government responses to the Second Interim Assessment of SAGE are available at the following links:

http://webarchive.nationalarchives.gov.uk/20140629102627/http://www.hpa.org.uk/Publications/Radiation/HPAResponseStatementsOnRadiationTopics/rpdadvice_sage2/

http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_130703

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

Liaison with other stakeholders, comments should be sought from:

- the local authority for matters relating to noise, odour, vermin and dust nuisance

- the local authority regarding any site investigation and subsequent construction (and remediation) proposals to ensure that the site could not be determined as 'contaminated land' under Part 2A of the Environmental Protection Act
- the local authority regarding any impacts on existing or proposed Air Quality Management Areas
- the Food Standards Agency for matters relating to the impact on human health of pollutants deposited on land used for growing food/ crops
- the Environment Agency for matters relating to flood risk and releases with the potential to impact on surface and groundwaters
- the Environment Agency for matters relating to waste characterisation and acceptance
- the Clinical Commissioning Groups, NHS commissioning Boards and Local Planning Authority for matters relating to wider public health

Environmental Permitting

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

Annex 1

Human health risk assessment (chemical pollutants)

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

- The promoter should consider including Chemical Abstract Service (CAS) numbers alongside chemical names, where referenced in the ES
- Where available, the most recent United Kingdom standards for the appropriate media (e.g. air, water, and/or soil) and health-based guideline values should be used when quantifying the risk to human health from chemical pollutants. Where UK standards or guideline values are not available, those recommended by the European Union or World Health Organisation can be used
- When assessing the human health risk of a chemical emitted from a facility or operation, the background exposure to the chemical from other sources should be taken into account
- When quantitatively assessing the health risk of genotoxic and carcinogenic chemical pollutants PHE does not favour the use of mathematical models to extrapolate from high dose levels used in animal carcinogenicity studies to well below the observed region of a dose-response relationship. When only animal data are available, we recommend that the 'Margin of Exposure' (MOE) approach⁵ is used

⁵ 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

From: [Development Planning](#)
To: [Environmental Services](#)
Subject: Tavistock to Bere Alston railway reinstatement Scoping consultation Ref TR040010 f.a.o. Will Spencer
Date: 27 November 2014 14:48:05

Dear Will regarding the above I would advise that South West Water has no comment.

Yours

Martyn Dunn
Development Coordinator
01392 443702
South West Water, Peninsula House, Rydon Lane, Exeter, EX2 7HR

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From: [Lewis Andrews](#)
To: [Environmental Services](#)
Subject: Tavistock to Bere Alston Railway Reinstatement - Ref: TR040010 - FAO Will Spencer
Date: 10 December 2014 14:17:16

Dear Sir/Madam

Thank you for your email of 24th November 2014 regarding the above.

Although the proposal does not directly affect this Council, we would hope that this development would increase the prospects of the reinstatement of the whole railway from Tavistock across Dartmoor to Meldon Quarry, thereby providing a new rail route across Devon.

This link would benefit the residents of the south of our district and provide a much needed rail route for the county and the south-west.

Regards

Lewis Andrews

Lewis Andrews BA (Hons) BTP MRTPI Planning Executive Torridge District Council, Riverbank House, Bideford, Devon EX39 2QG

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APPENDIX 3

Presentation of the Environmental Statement

APPENDIX 3

PRESENTATION OF THE ENVIRONMENTAL STATEMENT

The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (SI 2264) (as amended) sets out the information which must be provided for an application for a development consent order (DCO) for nationally significant infrastructure under the Planning Act 2008. Where required, this includes an environmental statement. Applicants may also provide any other documents considered necessary to support the application. Information which is not environmental information need not be replicated or included in the ES.

An environmental statement (ES) is described under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (SI 2263) (as amended) (the EIA Regulations) as a statement:

- a) 'that includes such of the information referred to in Part 1 of Schedule 4 as is reasonably required to assess the environmental effects of the development and of any associated development and which the applicant can, having regard in particular to current knowledge and methods of assessment, reasonably be required to compile; but
- b) that includes at least the information required in Part 2 of Schedule 4'.

(EIA Regulations Regulation 2)

The purpose of an ES is to ensure that the environmental effects of a proposed development are fully considered, together with the economic or social benefits of the development, before the development consent application under the Planning Act 2008 is determined. The ES should be an aid to decision making.

The Secretary of State advises that the ES should be laid out clearly with a minimum amount of technical terms and should provide a clear objective and realistic description of the likely significant impacts of the proposed development. The information should be presented so as to be comprehensible to the specialist and non-specialist alike. The Secretary of State recommends that the ES be concise with technical information placed in appendices.

ES Indicative Contents

The Secretary of State emphasises that the ES should be a 'stand alone' document in line with best practice and case law. The EIA Regulations Schedule 4, Parts 1 and 2, set out the information for inclusion in environmental statements.

Schedule 4 Part 1 of the EIA Regulations states this information includes:

- '17. *Description of the development, including in particular—*

- (a) *a description of the physical characteristics of the whole development and the land-use requirements during the construction and operational phases;*
 - (b) *a description of the main characteristics of the production processes, for instance, nature and quantity of the materials used;*
 - (c) *an estimate, by type and quantity, of expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation, etc) resulting from the operation of the proposed development.*
18. *An outline of the main alternatives studied by the applicant and an indication of the main reasons for the applicant's choice, taking into account the environmental effects.*
19. *A description of the aspects of the environment likely to be significantly affected by the development, including, in particular, population, fauna, flora, soil, water, air, climatic factors, material assets, including the architectural and archaeological heritage, landscape and the interrelationship between the above factors.*
20. *A description of the likely significant effects of the development on the environment, which should cover the direct effects and any indirect, secondary, cumulative, short, medium and long-term, permanent and temporary, positive and negative effects of the development, resulting from:*
- (a) *the existence of the development;*
 - (b) *the use of natural resources;*
 - (c) *the emission of pollutants, the creation of nuisances and the elimination of waste,*
- and the description by the applicant of the forecasting methods used to assess the effects on the environment.*
21. *A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment.*
22. *A non-technical summary of the information provided under paragraphs 1 to 5 of this Part.*
23. *An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the applicant in compiling the required information'.*

EIA Regulations Schedule 4 Part 1

The content of the ES must include as a minimum those matters set out in Schedule 4 Part 2 of the EIA Regulations. This includes the consideration of 'the main alternatives studied by the applicant' which the Secretary of State recommends could be addressed as a separate chapter in the ES. Part 2 is included below for reference:

Schedule 4 Part 2

- A description of the development comprising information on the site, design and size of the development
- A description of the measures envisaged in order to avoid, reduce and, if possible, remedy significant adverse effects
- The data required to identify and assess the main effects which the development is likely to have on the environment
- An outline of the main alternatives studied by the applicant and an indication of the main reasons for the applicant's choice, taking into account the environmental effects, and
- A non-technical summary of the information provided [*under the four paragraphs above*].

Traffic and transport is not specified as a topic for assessment under Schedule 4; although in line with good practice the Secretary of State considers it is an important consideration *per se*, as well as being the source of further impacts in terms of air quality and noise and vibration.

Balance

The Secretary of State recommends that the ES should be balanced, with matters which give rise to a greater number or more significant impacts being given greater prominence. Where few or no impacts are identified, the technical section may be much shorter, with greater use of information in appendices as appropriate.

The Secretary of State considers that the ES should not be a series of disparate reports and stresses the importance of considering inter-relationships between factors and cumulative impacts.

Scheme Proposals

The scheme parameters will need to be clearly defined in the draft DCO and therefore in the accompanying ES which should support the application as described. The Secretary of State is not able to entertain material changes to a project once an application is submitted. The Secretary of State draws the attention of the applicant to the DCLG and the Planning Inspectorate's published advice on the preparation of a draft DCO and accompanying application documents.

Flexibility

The Secretary of State acknowledges that the EIA process is iterative, and therefore the proposals may change and evolve. For example, there may be changes to the scheme design in response to consultation. Such changes should be addressed in the ES. However, at the time of the application for a DCO, any proposed scheme parameters should not be so wide ranging as to represent effectively different schemes.

It is a matter for the applicant, in preparing an ES, to consider whether it is possible to assess robustly a range of impacts resulting from a large number of undecided parameters. The description of the proposed development in the ES must not be so wide that it is insufficiently certain to comply with requirements of paragraph 17 of Schedule 4 Part 1 of the EIA Regulations.

The Rochdale Envelope principle (see *R v Rochdale MBC ex parte Tew (1999)* and *R v Rochdale MBC ex parte Milne (2000)*) is an accepted way of dealing with uncertainty in preparing development applications. The applicant's attention is drawn to the Planning Inspectorate's Advice Note 9 'Rochdale Envelope' which is available on the Advice Note's page of the National Infrastructure Planning website.

The applicant should make every attempt to narrow the range of options and explain clearly in the ES which elements of the scheme have yet to be finalised and provide the reasons. Where some flexibility is sought and the precise details are not known, the applicant should assess the maximum potential adverse impacts the project could have to ensure that the project as it may be constructed has been properly assessed.

The ES should be able to confirm that any changes to the development within any proposed parameters would not result in significant impacts not previously identified and assessed. The maximum and other dimensions of the proposed development should be clearly described in the ES, with appropriate justification. It will also be important to consider choice of materials, colour and the form of the structures and of any buildings. Lighting proposals should also be described.

Scope

The Secretary of State recommends that the physical scope of the study areas should be identified under all the environmental topics and should be sufficiently robust in order to undertake the assessment. The extent of the study areas should be on the basis of recognised professional guidance, whenever such guidance is available. The study areas should also be agreed with the relevant consultees and local authorities and, where this is not possible, this should be stated clearly in the ES and a reasoned justification given. The scope should also cover the breadth of the topic area and the temporal scope, and these aspects should be described and justified.

Physical Scope

In general the Secretary of State recommends that the physical scope for the EIA should be determined in the light of:

- the nature of the proposal being considered
- the relevance in terms of the specialist topic

- the breadth of the topic
- the physical extent of any surveys or the study area, and
- the potential significant impacts.

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

Breadth of the Topic Area

The ES should explain the range of matters to be considered under each topic and this may respond partly to the type of project being considered. If the range considered is drawn narrowly then a justification for the approach should be provided.

Temporal Scope

The assessment should consider:

- environmental impacts during construction works
- environmental impacts on completion/operation of the proposed development
- where appropriate, environmental impacts a suitable number of years after completion of the proposed development (for example, in order to allow for traffic growth or maturing of any landscape proposals), and
- environmental impacts during decommissioning.

In terms of decommissioning, the Secretary of State acknowledges that the further into the future any assessment is made, the less reliance may be placed on the outcome. However, the purpose of such a long term assessment, as well as to enable the decommissioning of the works to be taken into account, is to encourage early consideration as to how structures can be taken down. The purpose of this is to seek to minimise disruption, to re-use materials and to restore the site or put it to a suitable new use. The Secretary of State encourages consideration of such matters in the ES.

The Secretary of State recommends that these matters should be set out clearly in the ES and that the suitable time period for the assessment should be agreed with the relevant statutory consultees.

The Secretary of State recommends that throughout the ES a standard terminology for time periods should be defined, such that for example, 'short term' always refers to the same period of time.

Baseline

The Secretary of State recommends that the baseline should describe the position from which the impacts of the proposed development are measured. The baseline should be chosen carefully and, whenever possible, be consistent between topics. The identification of a single baseline is to be welcomed in terms of the approach to the assessment, although it is recognised that this may not always be possible.

The Secretary of State recommends that the baseline environment should be clearly explained in the ES, including any dates of surveys, and care should be taken to ensure that all the baseline data remains relevant and up to date.

For each of the environmental topics, the data source(s) for the baseline should be set out together with any survey work undertaken with the dates. The timing and scope of all surveys should be agreed with the relevant statutory bodies and appropriate consultees, wherever possible.

The baseline situation and the proposed development should be described within the context of the site and any other proposals in the vicinity.

Identification of Impacts and Method Statement

Legislation and Guidelines

In terms of the EIA methodology, the Secretary of State recommends that reference should be made to best practice and any standards, guidelines and legislation that have been used to inform the assessment. This should include guidelines prepared by relevant professional bodies.

In terms of other regulatory regimes, the Secretary of State recommends that relevant legislation and all permit and licences required should be listed in the ES where relevant to each topic. This information should also be submitted with the application in accordance with the APFP Regulations.

In terms of assessing the impacts, the ES should approach all relevant planning and environmental policy – local, regional and national (and where appropriate international) – in a consistent manner.

Assessment of Effects and Impact Significance

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

As a matter of principle, the Secretary of State applies the precautionary approach to follow the Court's⁴ reasoning in judging 'significant effects'. In other words 'likely to affect' will be taken as meaning that there is a probability or risk that the proposed development will have an effect, and not that a development will definitely have an effect.

The Secretary of State considers it is imperative for the ES to define the meaning of 'significant' in the context of each of the specialist topics and for significant impacts to be clearly identified. The Secretary of State recommends that the criteria should be set out fully and that the ES should set out clearly the interpretation of 'significant' in terms of each of the EIA topics. Quantitative criteria should be used where available. The Secretary of State considers that this should also apply to the consideration of cumulative impacts and impact inter-relationships.

The Secretary of State recognises that the way in which each element of the environment may be affected by the proposed development can be approached in a number of ways. However it considers that it would be helpful, in terms of ease of understanding and in terms of clarity of presentation, to consider the impact assessment in a similar manner for each of the specialist topic areas. The Secretary of State recommends that a common format should be applied where possible.

Inter-relationships between environmental factors

The inter-relationship between aspects of the environments likely to be significantly affected is a requirement of the EIA Regulations (see Schedule 4 Part 1 of the EIA Regulations). These occur where a number of separate impacts, e.g. noise and air quality, affect a single receptor such as fauna.

The Secretary of State considers that the inter-relationships between factors must be assessed in order to address the environmental impacts of the proposal as a whole. This will help to ensure that the ES is not a series of separate reports collated into one document, but rather a comprehensive assessment drawing together the environmental impacts of the proposed development. This is particularly important when considering impacts in terms of any permutations or parameters to the proposed development.

Cumulative Impacts

The potential cumulative impacts with other major developments will need to be identified, as required by the Directive. The significance of such impacts should be shown to have been assessed against the baseline position (which would include built and operational development). In

⁴ See Landelijke Vereniging tot Behoud van de Waddenzee and Nederlandse Vereniging tot Bescherming van Vogels v Staatssecretaris van Landbouw (Waddenzee Case No C 127/02/2004)

assessing cumulative impacts, other major development should be identified through consultation with the local planning authorities and other relevant authorities on the basis of those that are:

- projects that are under construction
- permitted application(s) not yet implemented
- submitted application(s) not yet determined
- all refusals subject to appeal procedures not yet determined
- projects on the National Infrastructure's programme of projects, and
- projects identified in the relevant development plan (and emerging development plans - with appropriate weight being given as they move closer to adoption) recognising that much information on any relevant proposals will be limited.

Details should be provided in the ES, including the types of development, location and key aspects that may affect the EIA and how these have been taken into account as part of the assessment.

The Secretary of State recommends that offshore wind farms should also take account of any offshore licensed and consented activities in the area, for the purposes of assessing cumulative effects, through consultation with the relevant licensing/consenting bodies.

For the purposes of identifying any cumulative effects with other developments in the area, applicants should also consult consenting bodies in other EU states to assist in identifying those developments (see commentary on Transboundary Effects below).

Related Development

The ES should give equal prominence to any development which is related with the proposed development to ensure that all the impacts of the proposal are assessed.

The Secretary of State recommends that the applicant should distinguish between the proposed development for which development consent will be sought and any other development. This distinction should be clear in the ES.

Alternatives

The ES must set out an outline of the main alternatives studied by the applicant and provide an indication of the main reasons for the applicant's choice, taking account of the environmental effect (Schedule 4 Part 1 paragraph 18).

Matters should be included, such as *inter alia* alternative design options and alternative mitigation measures. The justification for the final choice and evolution of the scheme development should be made clear. Where other sites have been considered, the reasons for the final choice should be addressed.

The Secretary of State advises that the ES should give sufficient attention to the alternative forms and locations for the off-site proposals, where appropriate, and justify the needs and choices made in terms of the form of the development proposed and the sites chosen.

Mitigation Measures

Mitigation measures may fall into certain categories namely: avoid; reduce; compensate or enhance (see Schedule 4 Part 1 paragraph 21); and should be identified as such in the specialist topics. Mitigation measures should not be developed in isolation as they may relate to more than one topic area. For each topic, the ES should set out any mitigation measures required to prevent, reduce and where possible offset any significant adverse effects, and to identify any residual effects with mitigation in place. Any proposed mitigation should be discussed and agreed with the relevant consultees.

The effectiveness of mitigation should be apparent. Only mitigation measures which are a firm commitment and can be shown to be deliverable should be taken into account as part of the assessment.

It would be helpful if the mitigation measures proposed could be cross referred to specific provisions and/or requirements proposed within the draft development consent order. This could be achieved by means of describing the mitigation measures proposed either in each of the specialist reports or collating these within a summary section on mitigation.

The Secretary of State advises that it is considered best practice to outline in the ES, the structure of the environmental management and monitoring plan and safety procedures which will be adopted during construction and operation and may be adopted during decommissioning.

Cross References and Interactions

The Secretary of State recommends that all the specialist topics in the ES should cross reference their text to other relevant disciplines. Interactions between the specialist topics is essential to the production of a robust assessment, as the ES should not be a collection of separate specialist topics, but a comprehensive assessment of the environmental impacts of the proposal and how these impacts can be mitigated.

As set out in EIA Regulations Schedule 4 Part 1 paragraph 23, the ES should include an indication of any technical difficulties (technical deficiencies or lack of know-how) encountered by the applicant in compiling the required information.

Consultation

The Secretary of State recommends that any changes to the scheme design in response to consultation should be addressed in the ES.

It is recommended that the applicant provides preliminary environmental information (PEI) (this term is defined in the EIA Regulations under regulation 2 'Interpretation') to the local authorities.

Consultation with the local community should be carried out in accordance with the SoCC which will state how the applicant intends to consult on the preliminary environmental information (PEI). This PEI could include results of detailed surveys and recommended mitigation actions. Where effective consultation is carried out in accordance with Section 47 of the Planning Act, this could usefully assist the applicant in the EIA process – for example the local community may be able to identify possible mitigation measures to address the impacts identified in the PEI. Attention is drawn to the duty upon applicants under Section 50 of the Planning Act to have regard to the guidance on pre-application consultation.

Transboundary Effects

The Secretary of State recommends that consideration should be given in the ES to any likely significant effects on the environment of another Member State of the European Economic Area. In particular, the Secretary of State recommends consideration should be given to discharges to the air and water and to potential impacts on migratory species and to impacts on shipping and fishing areas.

The Applicant's attention is also drawn to the Planning Inspectorate's Advice Note 12 'Development with significant transboundary impacts consultation' which is available on the Advice Notes Page of the National Infrastructure Planning website

Summary Tables

The Secretary of State recommends that in order to assist the decision making process, the applicant may wish to consider the use of tables:

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

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

Table XXX to set out the mitigation measures proposed, as well as assisting the reader, the Secretary of State considers that this would also enable the applicant to cross refer mitigation to specific provisions proposed to be included within the draft Development Consent Order.

Table XXXX to cross reference where details in the HRA (where one is provided) such as descriptions of sites and their locations, together with any mitigation or compensation measures, are to be found in the ES.

Terminology and Glossary of Technical Terms

The Secretary of State recommends that a common terminology should be adopted. This will help to ensure consistency and ease of understanding for the decision making process. For example, 'the site' should be defined and used only in terms of this definition so as to avoid confusion with, for example, the wider site area or the surrounding site.

A glossary of technical terms should be included in the ES.

Presentation

The ES should have all of its paragraphs numbered, as this makes referencing easier as well as accurate.

Appendices must be clearly referenced, again with all paragraphs numbered.

All figures and drawings, photographs and photomontages should be clearly referenced. Figures should clearly show the proposed site application boundary.

Bibliography

A bibliography should be included in the ES. The author, date and publication title should be included for all references. All publications referred to within the technical reports should be included.

Non-Technical Summary

The EIA Regulations require a Non-Technical Summary (EIA Regulations Schedule 4 Part 1 paragraph 22). This should be a summary of the assessment in simple language. It should be supported by appropriate figures, photographs and photomontages.