SCOPING OPINION
Proposed
Heysham to M6 Link Road

6th May 2011

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Executive Summary

This is the Infrastructure Planning Commission’s (the Commission’s) Scoping Opinion (the Opinion) in respect of the content of the environmental statement for the Heysham to M6 Road Link, north Lancashire.

This report sets out the Commission’s Opinion on the basis of the information provided in Lancashire County Council’s report entitled ‘Completion of Heysham to M6 Link Road Environmental Scoping Report’ (March 2011). The Opinion can only reflect the proposals as currently described by the applicant.

The Commission is satisfied that, with the full consideration of air quality impacts during construction, flood risk, waste and materials, and socio-economic impacts including community severance and access to services and facilities, the topics 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. The applicant’s attention is drawn to the need to consider the additional potential impacts identified above.

The Commission draws attention both to the general points and those made in respect of each of the specialist topics in this Opinion. The main potential issues identified are:

- Transport impacts;
- Air quality impacts;
- Noise impacts;
- Landscape and visual impacts; and
- Drainage impacts.

Matters are not scoped out unless specifically addressed and justified by the Applicant and confirmed as being scoped out by the Commission.
1.0 INTRODUCTION

Background

1.1 On March 29th 2011, the Commission received a scoping report\(^1\) (hereafter referred to as ‘the Scoping Report’) submitted by Lancashire County Council (the Applicant) under Regulation 8 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (SI 2263) (the EIA Regulations) in order to request a scoping opinion for the proposed Heysham to M6 link road (hereafter referred to as ‘the proposed development’). This scoping opinion is made in response to this request and should be read in conjunction with the Scoping Report.

1.2 The EIA Regulations enable an applicant, before making an application for an order granting development consent, to ask the Commission to state in writing its formal opinion (a ‘scoping opinion’) on the information to be provided in an environmental statement (ES).

1.3 In submitting the information included in their request for a scoping opinion, Lancashire County Council (LCC) is deemed to have notified the Commission under Regulation 6(1)(b) of the EIA Regulations that it proposes to provide an ES in respect of the extension to the proposed Heysham to M6 link road. Therefore the proposed development is determined to be EIA development in accordance with Regulation 4.

1.4 Before adopting a scoping opinion the Commission (or the relevant authority) must take into account:

- ‘the specific characteristics of the particular development;
- the specific characteristics of the development of the type concerned;
- the environmental features likely to be affected by the development’.

(EIA Regulations 8 (9))

1.5 This scoping opinion sets out what information the Commission considers should be included in the ES for the proposed Heysham to M6 link road. The scoping 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.

\(^1\) Lancashire County Council (Environment Directorate, Special Projects) (March 2011) Completion of Heysham to M6 Link Road Scoping Report
1.6 The Commission has also taken account of the responses received from the statutory consultees. It has carefully considered the matters addressed by the Applicant and has used professional judgement and experience in order to come to this scoping opinion. The Commission will take account of relevant legislation and guidelines when considering the ES. The Commission 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 scoping opinion should not be construed as implying that the Commission agrees with the information or comments provided by the Applicant in their request for a scoping opinion from the Commission. In particular, comments from the Commission in this scoping opinion are without prejudice to any decision taken by the Commission (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, 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:

i. a plan sufficient to identify the land;
ii. a brief description of the nature and purpose of the development and of its possible effects on the environment;
iii. such other information or representations as the person making the request may wish to provide or make.

1.9 The Commission considers that this has been provided in the Applicant’s Scoping Report.

1.10 Information on possible effects on the environment is provided in the Scoping Report in the form of the 2005 Non-Technical Summary (NTS) which summarises the EIA of a previous planning permission for the Heysham to M6 link road (Reference 01/05/1584) which broadly follows the same route as the proposed development. The Scoping Report identifies the intention to update the 2005 ES to take account of differences between the proposed development and the development for which the 2005 ES was prepared.

Commission’s Consultation

1.11 The Commission has a duty under Regulation 8(6) of the EIA Regulations to consult widely before adopting a scoping opinion. A full list of the statutory consultation bodies is given at Appendix 1. The list of respondents, with copies of those comments, is given at Appendix 2 to which reference should be made.
1.12 The ES submitted by the Applicant must also demonstrate consideration of points raised by the statutory consultees. It is recommended that a table is provided in the ES summarising the scoping responses from the statutory consultees and how they are considered in the ES.

1.13 Any subsequent consultation responses, received after the statutory deadline for receipt of comments, will be forwarded to the Applicant and should be given due consideration by the Applicant in carrying out the EIA.

**Structure of the Document**

1.14 This document is structured as follows:

- **Section 2** The Proposed Development;
- **Section 3** EIA Approach and Topic Areas;
- **Section 4** Other Information;
- **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

Applicant’s Information

2.1 The following summarises information on the proposed development prepared by the Applicant. The Commission has not verified this information, and assumes that the information provided in the Scoping Report reflects the level of existing knowledge associated with the proposed development and the potential receptors/resources.

2.2 The Applicants’ Scoping Report includes a scheme description as well as information within a Non-Technical Summary (NTS) about the site and surrounding area. The Commission recognises that this information is now several years old and that significant changes could potentially have occurred at the local level. However, the Commission understands that the route alignment for the proposed development remains broadly the same as the previous development presented within the NTS. Therefore the information is generally still applicable for the purpose of scoping and has been used to inform the description of the site and surroundings within this section. Further comments on the currency of information used to support the preparation of the ES are provided in subsequent sections of this scoping opinion.

Background

2.3 The concept of a link between the Morecambe peninsula and the M6 has existed since the 1950s and various routes have been proposed, assessed and consulted upon.

2.4 Phase 1 of the Heysham to M6 Link between Morecambe and Heysham, also known as the Lancaster/Morecambe Bypass, was constructed and opened to traffic in 1994.

2.5 In 2004 the Highways and Transportation Cabinet of the County Council determined that, in light of environmental and technical assessments and advice received, the Council supports the Northern Route option to complete the Heysham to M6 Link.

2.6 Between 2002 and 2004 a full Environmental Impact Assessment (EIA) was undertaken in line with Design Manual for Roads and Bridges (DMRB) guidance. The Planning Application for the Completion of the Heysham to M6 Link, accompanied by a full Environmental Statement (ES), was submitted for Planning Consent on 14 December 2005. Further revisions to the application were outlined in the document ‘Completion of Heysham to M6 Link, Planning Application December 2005, Revised Planning Application Report 2006’, and the ES was also updated in 2006.
2.7 Following a call-in, the scheme was granted planning permission by the Secretary of State in February 2008 (Reference 01/05/1584, expires February 2013) after a five-week public inquiry held in Lancaster during the summer of 2007. As the scheme has progressed four other planning permissions have been granted by the Council, including two for the Park and Ride, a significant alteration to a retaining wall, and for additional parcels of land required in order to deliver the scheme.

2.8 In March 2008 a legal challenge was launched against the granting of planning permission but the challenge was overruled in the High Court in August 2008. Following the publication of legal orders in autumn 2009, there was to have been an inquiry to consider objections to the orders starting on 12 October 2010. However, procedures were postponed pending the Government spending review.

2.9 Subsequently, a decision was taken by the Department for Transport to accept the best and final funding bid, which incorporated changes to the scheme resulting in savings to the out-turn cost. These changes require amendments to the scheme for which planning permission has been granted, and LCC believes the scheme meets the criteria under the Planning Act 2008 of a nationally significant infrastructure project as it includes the construction of new slip roads on the M6 motorway. On this basis LCC have indicated that the proposal requires development consent and will be submitted to the Infrastructure Planning Commission (IPC).

Description of the Proposed Site and Surroundings

2.10 The proposed development site is located to the North of Lancaster, between the Morecambe-Heysham peninsula and the M6 Motorway to the east. The proposed link road runs from the eastern end of the A683 north-eastwards around the north of Lancaster to the north of Skerton and the River Lune, joining the M6 at Junction 34.

2.11 Road communications to and from the peninsula are currently via the five roads that cross the West Coast Main Line railway, with the vast majority of HGVs travelling to and from the peninsula on the A683 Morecambe Road and A5105 Coastal Road.

2.12 On a daily basis the operation of Heysham Port and its various facilities results in some 2,000 vehicle journeys to and from the port, composed of similar numbers of HGV and other vehicle journeys.

2.13 The two adjacent bridges over the River Lune, Skerton Bridge (eastbound) and Greyhound Bridge (westbound), located close to Lancaster City Centre, form the most westerly road crossings of the river and are currently the most appropriate route for much of the traffic travelling to and from the Morecambe–Heysham peninsula.
2.14 Traffic congestion on the road network around the Lune Bridges is a regular occurrence, affecting traffic utilising the A683 west and east of the bridges and on the A6 travelling between places north and south of the river.

2.15 An Air Quality Management Area (AQMA) has been declared for parts of central Lancaster, due to concerns about Nitrogen Dioxide ($NO_2$) levels resulting primarily from traffic exhaust emissions.

2.16 The M6 Motorway, A6, A589 and the A683 have all been identified as local sources of traffic noise. Where the M6 motorway crosses the River Lune at an elevated level it is particularly intrusive as far as those properties lying within shadow are concerned.

2.17 The proposed development passes through an area of farmland on the urban fringe, crossing the West Coast Main Line Railway, the Lancaster Canal and the A6. The proposed route would sever Lancaster and Morecambe College from part of its playing field.

2.18 The 2005 NTS identified that, at the time of writing, most of the fields along the route were agriculturally improved grassland, medium to large in size, with boundaries formed by an extensive and mostly intact hedgerow system.

2.19 The proposed route runs in proximity to areas of local, national and international importance for nature conservation, including a Site of Special Scientific Interest (SSSI) located to the north west, and four locally designated Biological Heritage Sites in the vicinity of the proposed route including the River Lune, the Lancaster Canal, Longbank Wood and Foundary Lane verges.

2.20 Species identified as being present within the route corridor and the wider landscape include bats, birds (including three national BAP species), brown hare, butterflies, deer, otter, fish (including four species listed in the European Habitats Directive), fungi, mosses and liverworts, aquatic and terrestrial invertebrates, lichens, moths and molluscs.

2.21 The 2005 NTS identifies a number of archaeological finds and built heritage receptors in the vicinity of the proposed development including Scheduled Monuments, listed buildings, two Conservation Areas, and a number of the Sites of Archaeological Interest.

2.22 There are a number of areas and features of potential landscape value in the vicinity including Low Coastal Drumlin and Drumlin Field Character Types, the North Lancashire Green Belt, the Lancaster Canal, the River Lune, parkland, narrow country lanes and well-managed species rich hedges.

2.23 Visual receptors have been identified in the Torrisholme area and at settlements at Lancaster Road, the A6, Beaumont Grange and
Shefferlands, as well as non-residential receptors at the Lancaster and Morecambe College and along linear recreation features such as public footpaths and the Lancaster Canal. The urban areas of Beaumont, Scale Hall, Hare Runs and Skerton are located to the south of the proposed development corridor.

2.24 The proposed route would run in a predominately east-west direction whilst the natural drainage of the area runs in a north-south direction. To the south of Morecambe Road the proposed new junction crosses the flood plain of the River Lune, which continues on the north side of Morecambe Road where the route crosses the Lancaster and Morecambe College playing field.

2.25 Other water bodies in the vicinity include Cote Beck, Long Bank Brook, and Howgill Brook, as well as a number of ditches and a major culvert. There are a number of existing highway drainage outfalls into the River Lune in the vicinity of the proposed development.

2.26 The majority of the route would run over a minor aquifer, which is variably permeable. The exception to this being the section between Torrisholme Road and the A6 Lancaster Road, which is a non-aquifer.

2.27 The topography along the proposed route reflects the underlying geology, with undulating terrain associated with large glacial drumlins dominating the eastern section from the M6 to the Lancaster Canal. The River Lune has cut a valley through the glacial deposits in the east. To the west of the Lancaster Canal the land slopes gently down to a flat plain extending to Torrisholme Road. From Torrisholme Road to the western end of the route the land remains flat, although on a lower level than the glacial gravels.

Description of the Proposed Development

2.28 At present the partly completed Heysham to M6 Link (A683), extends for 5.7km eastwards from Heysham as far as Morecambe Road (A589).

2.29 Lancashire County Council proposes to complete the Heysham to M6 Link Road, connecting the Heysham and Morecambe peninsula to the M6 motorway. The proposed link road will connect the existing A683 at Morecambe Road with M6 Junction 34 located to the northeast of the City of Lancaster, and will seek to:

a) Improve links and access between the peninsula and the motorway;
b) Remove traffic from the City of Lancaster reducing the high levels of congestion and bottlenecks currently experienced;
c) Remodel Junction 34 of the M6, which is currently considered to be substandard, to provide a more effective and safer junction;
d) Promote alternative transport with the construction of a park and ride facility at Junction 34 of the M6 with a dedicated bus service into the City centre and provision of a combined footway/cycleway along the length of the route.

2.30 The proposed route will be a 4.8km long dual carriageway with a combined footway/cycleway alongside its westbound carriageway; it will be part lit around the major junctions. The route will have two intermediate junctions and seven footway/cycleway connections with the existing local road network. The current M6 Junction 34 will be replaced.

2.31 The existing roundabout at Morecambe Road will be remodelled to a signalised crossroads. A new signalised ‘T’ junction connection will be made to Hadrian Road. Morecambe Road either side of the new junction will be widened and improved.

2.32 From Morecambe Road a bridge will carry the proposed route over a realigned Lancaster Road/Torrisholme Road before curving to run north-eastwards. Barley Cop Lane will be diverted to a new junction with Torrisholme Road south of the existing junction.

2.33 Continuing north-eastwards the proposed route will cross over the West Coast Main Line railway. The bridge formed will also span diversions of Powder House and Folly Lanes. Again continuing north-eastwards the route will bridge the Lancaster Canal before connecting with an intermediate roundabout junction linking to A6 Lancaster Road to the north of the Beaumont area of Lancaster.

2.34 The route will continue north-eastwards crossing under a diversion of Green Lane/Black Cat Lane and Kellet Lane before connecting with an intermediate roundabout junction located west of the M6 Motorway. This junction will connect the route with Halton Road and a new northbound entry slip road as part of the replacement of M6 Junction 34.

2.35 From the intermediate roundabout junction the route will run southwards crossing over Halton Road then bridging over the River Lune before connecting with Caton Road at a signalised crossroads west of the M6 Motorway.

2.36 Of the 3 remaining replacement slip roads, the northbound exit slip road will connect with Caton Road at the crossroads west of the M6 and the southbound exit and entry slip roads will connect with Caton Road at a signalised ‘T’ junction east of the M6.

2.37 A park and ride will be constructed as part of the Scheme between the M6 and the new northbound exit slip road.
Construction Programme

2.38 The current programme as indicated within the Scoping Report, would see construction starting in autumn 2012 with the road opened to traffic in spring 2015.

Commission’s Comment

General

2.39 The EIA Regulations identify information for inclusion in ESs, including the data required to identify and assess the main effects which the development is likely to have on the environment. It is important that this data is relevant and up to date, and that the ES describes the current condition of the area which could potentially be affected by the proposed development.

2.40 The Scoping Report indicates that the previous ES and accompanying documents will be updated and expanded as necessary to produce the ES for the current proposals. The report does not identify where baseline conditions may have changed during the time that has elapsed since the submission of the previous application, and therefore where specific baseline information would require updating or verifying.

2.41 The Commission recommends that the Applicant presents up to date information, and consults with the relevant statutory consultation bodies to agree on the methodologies for new or revised studies. In updating and expanding on the previous ES, the Commission recommends that the ES is updated to reflect the latest policy and best practice guidance.

2.42 It is important that any necessary updates apply to the whole of the proposed development and any associated development, and are not limited to areas which have been the subject of changes since the submission of the previous application.

Description of the Development

2.43 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 EIA. In line with best practice and case law, the proposed development will need to be defined in sufficient detail in the ES to enable a robust assessment of the adverse and positive impacts to be undertaken.

2.44 Within the draft DCO, the Applicant should clearly define what elements of the proposed development are integral to the nationally significant infrastructure project (NSIP), and which are considered to be ‘associated development’ under the Planning Act 2008 or ancillary matters.
2.45 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.

Description of the Site and Surrounding Area

2.46 In addition to detailed baseline information to be provided within topic specific chapters of the ES, the Commission 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.

Flexibility

2.47 The Commission recognises that the process of EIA is iterative and therefore the development proposals may change and evolve. There may be changes to the proposed development in response to consultation. Such changes should be addressed in the ES. Whilst the Commission acknowledges that it may be necessary for design parameters to be sufficient to allow for minor variations in the design, such parameters should not be so great that any variations would effectively constitute a material departure from the design assessed in the EIA or result in a different assessment outcome.

2.48 The design parameters for the proposed development will need to be clearly defined in the draft DCO and therefore in the accompanying ES. Once submitted, the application should not change in any substantive manner as the Commission is not able to entertain material changes to the proposed development once it is accepted.

2.49 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. However, the range should be sufficiently defined to enable the EIA to be carried out on as precisely defined proposed development as possible. The Applicant should then clearly explain which elements of the proposed development have yet to be finalised, and the reasons.

2.50 The EIA should be carried out on the basis of the maximum adverse scenario (the worst case) in terms of environmental impacts. The Applicant should note in defining the ‘worst case’ for the proposed development it may be required to apply different environmental parameters. It does not always necessarily follow that the worst case for one receptor or topic is the worst case for another. Care will need to be taken in preparing and demonstrating the worst case and
consultation on this issue should take place between the Applicant and the statutory consultation bodies.

2.51 The Commission does not consider it appropriate as part of this scoping opinion to address the content of a proposed draft DCO, since these are matters for applicants, but does draw the attention of the Applicant to Department for Communities and Local Government (DCLG) and the Commission's published guidance and advice on the preparation of a draft DCO and accompanying application documents. The ES should support the application for a DCO as described.

2.52 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.
3.0 EIA APPROACH AND TOPIC AREAS

3.1 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 Commission notes that the level of information provided at this stage is not always sufficient to allow for detailed comments from either the Commission or the statutory consultation bodies. The Commission would suggest that the Applicant ensures that appropriate and ongoing consultation is undertaken with the relevant consultees in order to agree wherever possible the timing and methodologies for survey work as well as the assessment methodologies to be applied.

3.2 The Commission acknowledges that a full EIA was undertaken in line with Design Manual for Roads and Bridges (DMRB) guidance for the previous Heysham to M6 proposal, between 2002 and 2004, and that a full ES was produced in 2005, expanded in 2006 and has been continually updated.

3.3 The Commission welcomes the Applicant’s intention to update and expand upon the environmental information compiled to date. The Applicant should produce a new ES for the current proposed development which should be a standalone and accessible document, and should include all appendices as well as any photographs or photomontages.

3.4 The Commission recommends that baseline data, including any survey work, is comprehensive, relevant and up-to-date. The timing and scope of all surveys should be agreed with the relevant statutory consultation bodies.

3.5 Where key issues relating to the EIA are discussed and agreed with the appropriate statutory consultation bodies this should be clearly stated in the relevant chapter of the ES. Where the relevant statutory consultation bodies have made recommendations that have not been adopted through the EIA, a reasoned justification should be provided within the ES.

3.6 The Applicant’s attention is drawn to Appendix 3 of this scoping opinion regarding the presentation of the ES.

3.7 Care should be taken in the preparation of the ES to ensure that all publications referred to within the technical reports are cited in the summary reference section of the ES.

3.8 The Applicant should note that Commission’s Guidance Note 2 on the preparation of application documents states in paragraph 10 that ‘in all
cases the application documents must be paginated and paragraphs must be numbered. The Commission recommends that both the headings and sub-headings are numbered throughout the ES, allowing for simple and accurate referencing.

3.9 The Scoping Report (Section 8: Key Topics Covered as part of the Scoping Exercise) details the scoping exercise previously undertaken under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 and provides useful background information. However as development consent is now being sought under the Planning Act 2008 (and will be subject to the requirements of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009) the Commission’s comments in this scoping opinion are based on the content of the current Scoping Report, submitted as part of the scoping opinion request in March 2011.

Structure and Content of the ES

3.10 The Scoping Report (Section 9: Outline of the structure of the proposed environmental statement) sets out the proposed contents list of the ES on which the Applicant seeks the scoping opinion of the Commission.

3.11 The proposed list of contents sets out the topics to be covered within the ES, and sub-headings describing the contents of each topic specific chapter. The sub-headings vary between topics. The Commission recognises that the way in which each element of the environment may be affected by the proposals can be approached in a number of ways but considers that it would be helpful, in terms of ease of understanding and clarity of presentation, to consider the impact assessment in a similar manner for each of the specialist topics. The Commission recommends that a consistent approach is taken and a common format is applied for all topics where feasible.

3.12 Each environmental topic chapter should clearly set out the background, assessment methodology, regulatory/policy framework, baseline conditions, assessment of effects, mitigation and monitoring requirements, and any residual effects.

3.13 The ES structure proposed in the Scoping Report is based upon the topic areas identified in DMRB Guidance as it was when the original ES was prepared in 2005. The Commission notes that since the previous ES was prepared, the Highways Agency have issued interim advice for users of DMRB Volume 11, setting out revised topic chapters for inclusion in the ES. The Commission recommends that the structure of the ES reflects this guidance and takes into consideration the requirements of the Commission and relevant consultation bodies.

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2 Highways Agency (2009) Interim Advice Note 125/09 Supplementary guidance for users of DMRB Volume 11 ‘Environmental Assessment’
Further topic specific comments are provided in sections 3.45 – 3.137 below.

3.14 Section 1 of the proposed contents, includes a subheading for defining the EIA study area. The Commission recommends that the physical scope of the study areas should be identified under each of the environmental topics and should be sufficiently robust in order to undertake the assessment. Where relevant, potential interactions between the topics should be considered when defining the study area for each topic. The study areas should be defined on the basis of recognised professional guidance where available, and should be agreed with the relevant statutory consultation bodies. Where this is not possible, this should be stated clearly in the ES and a reasoned justification provided.

EIA Methodology

3.15 The Scoping Report (Section 6: Methods to Predict Impacts) identifies that the Applicant intends to follow the approach to EIA set out in ‘DMRB Volume 11: Environmental Assessment’. In preparing a new ES and in addition to the guidance provided within ‘DMRB Volume 11’, the Commission would also expect that due regard is given to the requirements of the Commission and relevant statutory consultation bodies, and to the latest and most relevant guidance and advice available in relation EIA.

3.16 The EIA Methodology outlined in section 6 of the Scoping Report is not provided in great detail. The Applicant should be explicit in describing the survey and assessment methodologies to be applied for each topic. The methodologies for surveys and studies required to inform the EIA should be agreed with the relevant statutory consultation bodies, and due regard should be given to up to date legislation and guidance, and to any specific guidance identified by the statutory consultation bodies.

3.17 Methodologies should be outlined for each topic heading in the ES and should, as a minimum, clearly define the study area, sources of baseline information, survey methodologies, approach and criteria for classifying potential environmental impacts, any standards, legislation or guidance followed, and any data gaps or limitations to the study. Where a specific issue has been scoped out of the assessment, this should be clearly stated in the ES and a reasoned justification provided.

3.18 On the basis that the DMRB methodology is a recognised approach for Highway projects, and assuming that the latest guidance is fully adhered to, the Commission is satisfied with this approach and format.
Description of the Proposed Development

3.19 The Commission recommends that the ES includes a clear description of all aspects of the proposed development, at the construction and operation stages and throughout the lifecycle of the proposed development. Although not exhaustive, the following list provides an outline of the aspects of the proposed development which are expected to be clearly set out in the ES:

- Land use requirements for development and any associated auxiliary facilities, landscaping areas and potential off site mitigation or compensation schemes;
- Characteristics of the land required during the construction and operational phases;
- A description and relevant plans for the land corridor, horizontal and vertical alignments (embankments, cuttings, false cuttings etc.), structures such as bridges, crossings, and tunnels, junctions, lighting, drainage outfalls, large signs and gantries, and side roads;
- A programme and timeframe for the construction period;
- Locations of any construction compounds and parking areas;
- Construction processes and methods, including site preparation;
- Transport routes during construction;
- The types and quantities of materials used, as well as waste arisings and plans for disposal;
- A description of the reinstatement and after-use of landtake following construction;
- Any potential risk of accidents, having regard in particular to substances or technologies used;
- A representation / indication of the physical presence and appearance of the completed development within the receiving environment;
- A landscape plan;
- A lighting plan;
- An estimated lifespan and likely maintenance activities required throughout the lifecycle of the development;
- Emissions (water, air and soil pollution, noise, vibration, etc); and
- Details of any measures required to mitigate impacts that form part of the scheme design.
- Any other information requested by Statutory Consultees.

Alternatives

3.20 The Commission recognises the extensive design history of the Heysham to M6 Link Road, and the previous examination of alternative strategic routes that has been undertaken.
3.21 The ES should set out an outline of the main alternatives considered, such as alternative routes and alignment options, and should provide an indication of the main reason for the Applicant’s choice, taking account of the environmental effects (Schedule 4, Part 1, paragraph 18 of the EIA Regulations). The reasons for the preferred choice should be made clear and the comparative environmental effects identified in the ES.

Assessment of Effects

3.22 The Commission considers that each assessment should consider all phases of use – pre-construction, construction, operation and decommissioning where relevant. The findings of these assessments should be clearly presented within each topic specific chapter of the ES.

3.23 The Commission draws attention to the need to assess cumulative impacts and inter-relationships between impacts. The Scoping Report does not clearly identify the cumulative impacts and inter-relationship between impacts that will be assessed as part of the EIA. The Commission draws attention to the commentary at Appendix 3 of this report and in particular to the terminology regarding cumulative impacts and inter-relationship between impacts, which suggests a preferred approach to be adopted.

3.24 The Commission suggests that a clear terminology should be applied such that impacts resulting from a number of impacts on receptors can be addressed in the ES (termed inter-relationship) and that these are clearly differentiated from any impacts associated with those arising from other proposals in the area (cumulative impacts).

3.25 The inter-relationship between specialist topics is a requirement of the EIA Regulations (see Schedule 4 Part 1). Inter-relationship impacts occur where a number of separate impacts, such as noise and air quality, affect a single receptor, for example people or a protected species.

3.26 The Commission considers that details should be provided as to how inter-relationships will be assessed in order to address the environmental impacts of the proposed development 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 as a whole.

3.27 The potential combination of impacts with other developments will also need to be carefully identified such that the maximum adverse impacts can be shown to have been identified and assessed against the baseline position (which would include built and operational development). In 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:

- under construction;
- permitted application(s), but not yet implemented;
- submitted application(s) not yet determined;
- projects on the Commission’s Programme of 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; and
- identified in other plans and programmes (as appropriate) which set the framework for future development consents/approvals, where such development is reasonably likely to come forward.

3.28 Further discussion on the consideration of cumulative impacts is included in Appendix 3 of this scoping opinion.

Approach to mitigation

3.29 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. Only mitigation measures which are a firm commitment or are likely should be identified in the ES and taken into account as part of the assessment.

3.30 In addition to the identification of mitigation under each topic, the ES should include a section that summarises the potential impacts and mitigation measures required to prevent, reduce or offset any adverse effects. For further information on presentation, the Applicant should refer to Appendix 3.

3.31 The Commission notes that the outline proposed structure for the ES, set out in the Scoping Report, includes an Environmental Management Plan (EMP). The Commission welcomes the inclusion of an EMP which as a matter of good practice should include mitigation, enhancement and compensation measures required to avoid or reduce adverse impacts that are likely to arise during the pre-construction, construction, operation and decommissioning phases.

Matters Proposed to be Scoped Out by the Applicant

3.32 The Scoping Report identifies environmental topics to be included within the ES, but does not identify in any detail the studies and assessments to be undertaken in the EIA, or the methodologies to be applied.
3.33 The Commissions ‘Advice note seven: Environmental Impact Assessment, screening and scoping’, states that scoping reports should make clear what topics have been scoped out and for what reason. The Applicant has not clearly identified in the relevant sections of the Scoping Report the matters proposed to be ‘scoped out’ of the EIA.

3.34 There are a number of matters which have not been referred to in the Scoping Report, and no reasons have been identified for excluding these matters from the assessment. Matters are not scoped out unless specifically addressed and justified by the Applicant and confirmed as being scoped out by the Commission. Further advice is provided below in relation to scoping topics in or out of the EIA.

**Topic Areas**

**General Comments**

3.35 The EIA Regulations Schedule 4, Parts 1 and 2, set out the information for inclusion in an ES.

3.36 Schedule 4 Part 1 of the EIA Regulations sets out the aspects of the environment likely to be significantly affected by the development which should include ‘in particular, population, fauna, flora, soil, water, air, climatic factors, material assets, including the architectural and archaeological heritage, landscape and the inter-relationship between the above factors’ (paragraph 19).

3.37 Part 2 sets out the minimum requirements and 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 studies 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 [under the four paragraphs above].

3.38 The Scoping Report has considered the environment under a number of topic headings, and states that the structure of the ES will follow these headings:
3.39 The Commission is broadly satisfied that the topics identified in the Scoping Report encompass those matters identified in Schedule 4, Part 1, paragraph 19 of the EIA Regulations.

3.40 The Commission recommends that the Applicant bases the structure of the ES on the latest guidance and refers the Applicant to paragraph 3.13 of this report, which draws attention to the latest DMRB guidance on the structure of ESs.

3.41 In addition to the topic areas identified in the Scoping Report, the Applicant’s attention is drawn to the need for the ES to give full consideration to air quality impacts during construction, flood risk, waste and materials, and socio-economic impacts. The ES should also include sufficient information to aid decision making including visualisations of the proposed development.

3.42 Each of the specialist topics are considered in turn below in the order and under the headings presented in the Scoping Report. It should be noted that the general points made above and elsewhere in this scoping opinion are not repeated under each of the specialist topics. However the Applicant should ensure that such issues are addressed fully before the ES is submitted to the Commission.

3.43 The Commission has identified a number of additional topics that should be considered as part of the EIA which are set out below, following the topics presented under the headings in the Scoping Report.

3.44 Consideration should also be given to the scoping responses, copies of which are provided in Appendix 2.

Air quality

3.45 An Air Quality Management Area (AQMA) has been declared for parts of central Lancaster due to concerns about Nitrogen Dioxide (NO2) levels, resulting primarily from traffic exhaust emissions. The route of the proposed link road passes in close proximity to a number of
properties. The Commission considers that adverse change to air quality should be assessed in relation to compliance with European air quality limit values and AQMAs.

3.46 The Applicant intends to follow the approach to EIA set out in ‘DMRB Volume 11: Environmental Assessment’, however no detailed methodology is provided in the Scoping Report. The report does not specify whether a simple or detailed level of assessment, as defined in the DMRB guidance, is likely to be required.

3.47 The methodology for the air quality assessment should be agreed with relevant statutory consultation bodies including the relevant Local Authority Environmental Health Officer (EHO), and should be set out in detail in the ES providing clear justification for the methodology that is selected.

3.48 The methodology should clearly identify all existing and planned properties where people might experience a change in local air quality, and should identify any sensitive receptors, such as schools, which are likely to be affected. It should also identify the pollutants that will be assessed as part of the EIA.

3.49 The air quality assessment should be based on up to date baseline information including current pollutant levels and a description of the nearest receptors. The assessment of potential effects should be based on up to date traffic predictions.

3.50 The air quality assessment should take into account any potential impacts on air quality as a result of the development within the vicinity of the proposed development (including Lancaster City centre). Due consideration should be given to the cumulative impacts, taking into account any proposed complementary traffic management measures.

3.51 The air quality section of the Scoping Report makes no mention of the need to assess impacts during construction including any potential impacts due to dust. Particular attention is drawn to the need to consider construction impacts on receptors that are likely to be in close proximity to the works such as in the western end of the proposal where the road enters Torrisholme.

3.52 Consideration should be given to appropriate mitigation measures and to monitoring requirements during construction and operation.

**Cultural Heritage**

3.53 The Scoping Report identifies the potential for cultural heritage resources to be affected including historic buildings, historic landscapes and archaeological sites. The Commission considers that these potential impacts should be addressed in the ES, and in doing so
cross reference should be made to the Landscape and Visual section of the ES.

3.54 In updating the ES, due regard should be given to Planning Policy Statement 5: Planning for the Historic Environment and the latest cultural heritage impact assessment guidance.

3.55 The Commission draws the Applicant's attention to the response to consultation provided by English Heritage (EH), which states that, subsequent to a reassessment of the zone of visual influence, consideration should be given to the need to redefine the study area. EH also suggest the inclusion of visualisations of the proposed development. The Commission supports this approach and recommends that the study area and viewpoints for visualisations are agreed in consultation with EH and the relevant Council.

3.56 The EIA should include an assessment of potential impacts to built heritage, the historic landscape and archaeological remains, both visible and buried. The assessment should be based on an up to date evidence base including local historic environment records, geology, historic mapping, sites and monuments records, and assessment of potential ground disturbance. The assessment should also consider the potential effects of any proposed works required as associated development, ancillary matters on and off site mitigation or compensation schemes.

3.57 The Commission agrees with EH that in assessing the potential for impacts on built heritage interests; the context should be taken into consideration, including topography and views.

3.58 The Scoping Report identifies that a number of unknown sites of archaeological interest, of unknown date and significance, have the potential to be affected, and that further mitigation measures and investigation may reveal their actual importance or identity. The need to confirm the nature and importance prior to submission of an application for development consent should be agreed with EH. The need for any further investigations, including any field evaluation, and mitigation measures should also be agreed with EH and documented in the ES.

3.59 Attention is drawn to EH's consultation response on the scope of the EIA, requesting that the Cultural Heritage chapter includes specific sections for mitigation, compensation measures and residual impacts. EH draw attention to the need to consider potential impacts on local distinctiveness, character and appearance, and the mitigation required to minimise any impacts, including mitigation through design and use of locally appropriate materials. EH refer to mitigation that has previously been agreed and the need to retain this mitigation within the proposed scheme. The Commission recommends that the above issues are incorporated into the assessment.
Disruption Due to Construction

3.60 The Scoping Report provides a broad indication of the timing of construction activities, with construction starting in autumn 2012 and the road opened to traffic in spring 2015. The report defines the construction works commencing with the diversion of utilities prior to the main works, through to remedial works occurring up to 12 months following the opening of the road to traffic. The Commission recommends that a full and detailed programme for construction including any phasing is set out in the ES, on which a comprehensive assessment of effects can be based.

3.61 The Scoping Report identifies potential impacts during construction arising from noise, vibration, airborne dust, dirt, a loss of amenity due to presence of heavy, construction plant and traffic, disruption to land owners / farmers, and effects on the built and the natural environment.

3.62 The Commission recommends that construction impacts are fully considered within each of the relevant topic chapters.

Ecology and nature conservation

3.63 The proposed route runs in proximity to areas of local, national and international importance for nature conservation. These include the Lune Estuary SSSI, Heysham Moss SSSI, Morecambe Bay SPA and SAC and RAMSAR sites; and a number of locally designated Biological Heritage Sites including the River Lune, the Lancaster Canal, Longbank Wood and Foundary Lane verges.

3.64 The Commission notes that at the time of the previous planning application, surveys of plants, insects, reptiles, amphibians, birds and mammals had been conducted.

3.65 The Commission draws the Applicant’s attention to the NE’s response to the Scoping Report, which identifies a need to update detailed assessment work already undertaken on the ecological and nature conservation impacts of the proposed development.

3.66 The Commission recommends that all surveys should be comprehensive and up to date. Surveys should include up to date information for potential otter holts which could be impacted by the scheme as well as bat roosts and usage of bats and otters along the river corridor of River Lune and other watercourses along the scheme.

3.67 The scope, study areas and methodologies for any new or updated surveys should be reviewed and agreed with NE and other relevant statutory consultation bodies. All field surveys should be conducted at the optimal time of year. The ES should include a plan to illustrate the findings of baseline surveys.
3.68 Where referenced, details of the spatial scope and date at which surveys were undertaken should be provided.

3.69 The ES should include a full and up to date assessment that clearly identifies any potential direct and indirect impacts on protected or notable habitats and species; including loss of habitat, severance and fragmentation of habitat, road kill, disturbance and potential impacts from air pollution and run-off. In identifying impacts, attention should be given to the full lifecycle of any ecological receptors and any potential impacts on resources required for species to hunt/forage, for shelter and roosting, breeding, migration and dispersal. Any new protected or BAP priority species and habitats should be considered within the new ES.

3.70 When considering potential impacts on flora and fauna, the interrelationships with other topics such as noise, air quality, water and soils should be fully considered within the ES. The Commission draws the Applicant’s attention to comments received from NE requesting that air pollution effects from roads on biodiversity are fully considered. NE notes that the assessment should focus on the emissions of oxides of nitrogen; the modelling of resulting concentrations of NOx and deposition of nitrogen and comparison with critical levels and loads.

3.71 The ES should be updated to reflect the latest policy and guidance, including PPS 9 which was published after the previous application was submitted for consent. The Commission recommends that the proposals should address fully the needs of protecting and enhancing biodiversity. The assessment should cover habitats, species and processes within the site and surroundings.

3.72 The Scoping Report identifies that several species of bat are known to be present in the area, and the latest guidance should be applied in assessing potential impacts on these species. The Commission reiterates the need to consider the potential impacts of the introduction of permanent lighting on biodiversity, particularly bats, as identified by NE.

3.73 The ES should set out in full the potential risk to European Protected Species (EPS) and confirm if any EPS licences will be required. The Applicant should also be aware that the decision maker under the Planning Act 2008 has, as competent authority, a duty to engage with the Habitats Directive. Before making a decision to grant development consent the competent authority must, amongst other things, address the derogation tests in Regulation 53 of the Conservation of Habitats and Species Regulations 2010 where development might damage or destroy a breeding site or resting place of a EPS whether or not the decision maker is also licensing the activity. Therefore, the Applicant may wish to provide information within the ES which will assist the competent authority in meeting this duty. In this regard, the Applicant
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should adhere to the standing advice for protected species which is referred to in the scoping response received from NE.

3.74 The Commission notes that the Morecambe Bay Special Protection Area (SPA) is located several kilometres away from the proposed development to the north, and also to the south where the designation extends inland along the River Lune. The Scoping Report does not identify the potential for an adverse impact on the SPA. The ES should include sufficient information to support any conclusion that the development will/or will not result in a significant impact upon any European site, either alone or in combination with other plans and projects. Further guidance is provided in Section 4 of this Opinion, and the Applicant should also consider the advice in the Commission Advice Note on the Habitats Regulations Assessment process\(^3\) which explains the information which must be provided with the DCO application.

3.75 The ES should identify the presence of any invasive species and proposed treatment to eradicate and prevent the spread of such species if found to be present.

3.76 The Commission supports comments received from NE which propose that the local authority should maximise opportunities for protection, restoration and enhancement in and around the proposed development by building in beneficial features as part of good design and ensuring ecological connectivity is protected and enhanced wherever possible.

3.77 The Commission draws the Applicant’s attention to comments received from NE requesting that an up to date Environmental Management Plan (EMP) is submitted as part of the application, which includes any landscape and ecological features to be created and the methods of maintenance for the 20 year period and beyond. NE request that the ES includes mitigation and enhancement proposals for any impacts arising and that the EMP is based on up-to-date habitat and species survey information, and provides an indication of how mitigation measures will be adjusted if monitoring shows they are not having the desired effect.

3.78 Any necessary mitigation measures should be agreed with NE and other relevant consultees.

Landscape and visual

3.79 The Applicant intends to follow the approach to EIA set out in ‘DMRB Volume 11: Environmental Assessment’, however no detailed methodology is provided. The methodology should take account of the

\(^3\) Advice note ten: Habitat Regulations Assessment relevant to nationally significant infrastructure projects
3.80 A detailed methodology including the study area, timing of any survey work, survey methods, viewpoints and any model used to identify the zone of visual influence should be developed and agreed with the local authorities, and a description included in the ES.

3.81 The ES should clearly identify the landscape and visual baseline including the topography, nature of visual amenity in the area, landscape character, landscape designations or valuable landscapes, visual receptors and principal viewpoints that could be affected. The zone of visual influence should be identified in relation to the proposed development. The Commission supports inclusion of plans to inform and explain the findings of the assessment as is advocated by the Highways Agency Interim Advice Note on Landscape and Visual Effects Assessment. The ES should clearly define any increase in height above the current ground levels.

3.82 There is no information provided within the Scoping Report as to whether photographs or photomontages would be provided. The Commission recommends the inclusion of photographs from verified views along with photomontages from key viewpoints to assist stakeholders in visualising the scheme. In agreeing on locations from which to assess views and produce photomontages, consideration should be given to those sections of the proposed development that are likely to be the most intrusive such as bridges, raised areas and embankments. Photomontages should illustrate the views prior to development, upon completion and at an agreed future date where mitigation measures are fully established. In assessing the potential visual impact of the scheme, consideration should be given to both day and night time views, and should include an assessment of any road lighting.

3.83 The ES should clearly identify and assess any changes in the landform and loss of trees and vegetation.

3.84 The Commission notes the location of the Forest of Bowland Area of Outstanding Natural Beauty (AONB) to the east of proposed development. The Commission supports the advice received from NE that the ES should give adequate consideration to any visual and noise impacts on this protected landscape.

3.85 Landscaping and earthworks that have been integrated into the design of the proposed development, to reduce impacts where they cannot be avoided, should be identified on plans and photomontages.

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*Highways Agency (2010) Interim Advice Note 135/10 Landscape and Visual Effects Assessment*
Land use

3.86 The Commission considers that impacts on businesses and agriculture, community facilities and on local communities should be included in a chapter within the ES. This is an approach that is supported in the Highways Agency supplementary guidance for users of DMRB Volume 11.5.

3.87 When considering impacts on land use in the ES, the Commission recommends that, in addition to existing land use, due consideration is given to future land use as identified within relevant spatial plans.

Noise and Vibration

3.88 The Scoping Report separates the assessment of noise impacts during construction and operation into separate topic chapters. The Commission recommends that the noise chapter includes an assessment of impacts throughout the lifecycle of the proposal.

3.89 The Applicant intends to follow the approach to EIA set out in ‘DMRB Volume 11: Environmental Assessment’, however no detailed methodology is provided. The methodology should take account of the latest legislation, policy and guidelines in relation to noise assessment.

3.90 The methodology should be agreed with the relevant Environmental Health Department of the Local Authority and with the Environment Agency (EA), and presented within the ES. This should include methods for identifying relevant receptors, locations for ambient noise monitoring at sensitive receptors along the route, modelling noise impacts, and criteria for assessment, including any standards which are required to be met.

3.91 The noise assessment should be based on up to date traffic predictions. Information should be provided on the types of vehicles and also on the type of plant to be used during the construction phase. The assessment should identify any potential impacts associated with the proposed development and any other related changes in traffic flows across the wider network.

3.92 The assessment should take account of the traffic assessment and consider noise and vibration impacts along access routes, especially during the construction phase.

3.93 The Applicant should give adequate consideration to night time impacts, especially given that Heysham Port is in operation 24 hours.

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5 Highways Agency (2009) INTERIM ADVICE NOTE 125 /09 Supplementary guidance for users of DMRB Volume 11 ‘Environmental Assessment’
3.94 The ES should clearly identify receptors that are likely to experience noise impacts during construction and operation. Noise impacts on people should be specifically addressed and particularly any potential noise disturbance at night and other unsocial hours such as weekends and public holidays.

3.95 Notwithstanding the comments made a paragraph 3.35 the Commission considers that areas likely to require specific attention include receptors in urban areas such as at the western end of the proposed development where the road enters Torrisholme, and at settlements along the route.

3.96 Consideration should be given to mitigation measures and to monitoring noise complaints.

3.97 The noise and vibration assessment should also provide the necessary information to inform the ecological assessment.

Pedestrians, Cyclists, Equestrians and Community

3.98 The information provided in the Scoping Report indicates that the proposed route would cross a number of highways, footpaths, cycleways and bridleways, the Lancaster Canal and West Coast Main Line Railway. It would also sever Lancaster and Morecambe College from part of its playing field.

3.99 The Commission considers that impacts on community facilities and on local communities should be included in a specific chapter within the ES. This is an approach that is supported in the Highways Agency supplementary guidance for users of DMRB Volume 11.

3.100 The Commission recommends that the EIA includes a detailed assessment of effects including severance of communities, access to services for all groups, effects on recreation, employment, equality, community cohesion and well-being, and effects on the students, staff and the institution itself at the Lancaster and Morecambe College.

Vehicle Travellers

3.101 The Scoping Report identifies that the development is predicted to remove a significant level of longer distance traffic. The Commission recommends that the effects on all travellers forms part of a wider Transport chapter.

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6 Highways Agency (2009) INTERIM ADVICE NOTE 125 /09 Supplementary guidance for users of DMRB Volume 11 ‘Environmental Assessment’
Water Quality and Drainage

3.102 The Scoping Report identifies that Howgill Brook would be diverted in open channel and would be culverted under the proposed route. The majority of the route would run over a minor aquifer, which is variably permeable.

3.103 There are a number of existing highway drainage outfalls into the River Lune in the vicinity of the proposed development. The highway drainage from the new route would connect into an existing outfall in Halton Road, whilst a new outfall would be provided on the south bank of the River Lune immediately downstream of the new bridge.

3.104 The Scoping Report identifies the potential for impacts resulting from the lowering of the water table in particular sections of the development. However, from information included within the Scoping Report, it has not been possible to gain a full understanding of the groundwater environment and the potential for impacts on the water table and ground water. The ES should clearly identify the groundwater regime in the area, and any requirement for water abstraction or dewatering. A full assessment of the potential impacts on water quality and quantity / levels should be carried out.

3.105 The water quality assessment should identify the risk of pollution to surface and ground water, and any mitigation measures required to avoid or minimise the risk. Types of pollution requiring consideration are likely to include routine runoff, diffuse pollution, acute pollution, chronic pollution. Potential sources of pollution should be identified for the construction, operation and decommissioning phases of development.

3.106 Where relevant the EIA should assess any cumulative impacts to water resources, such as the impacts of outfalls to surface water features from the proposed development and other roads and infrastructure in the vicinity.

3.107 Particular attention is drawn to the need to assess potential impacts where the proposed route bridges over the River Lune, particularly where structures such as coffer dams may be required during construction. The Commission recommends that sediment disturbance and mobilisation of contaminants should be carefully considered.

3.108 Reference should be made to any relevant guidance such as PPS 23: 'Planning and Pollution Control'. On-going monitoring should also be addressed and agreed with the relevant authorities to ensure that any mitigation measures are effective.

3.109 The Commission recommends that the other sections which may be required to consider the water environment, such as ecology and soils and geology, should be cross referenced.
3.110 The proposed development will lead to areas of agricultural land and recreational fields being replaced with hard standing. The development will also require alterations to existing drainage infrastructure and culverts.

3.111 The Scoping Report does not identify whether the proposed development is located within an area at risk from flooding. The Commission recommends that the Applicant liaises with the EA on the scope of a Flood Risk Assessment to accompany the application for development consent.

3.112 A summary of both fluvial and surface water flooding should be included in the ES to inform other assessments where relevant. The ES should identify any local changes to surface water flows, catchment drainage patterns or to water bodies receiving run-off or outfalls. The FRA should identify where the proposed development may increase the risk of flooding off-site, including upstream of the development if relevant.

3.113 The ES should clearly set out any proposals for surface water attenuation features and sustainable drainage systems.

3.114 Mitigation measures should be addressed and the Commission advises that reference should be made to other regimes (such as pollution prevention from the EA).

Geology and Soils

3.115 The Scoping Report states that the route appears to cross natural ground for the majority of its length, with the possible exception of the grounds of Lancaster Morecambe College and other very localised areas.

3.116 The Commission recommends that the Applicant prepares a separate desk study to identify any contaminated land located in the vicinity of the development, the risks posed by any contaminated land, and any measures required to reduce risks. This study should inform the EIA, which should identify any potential impacts likely to arise from contaminated land as a result of the proposed development, and any measures necessary to avoid or minimise impacts. The Applicant should consult with the relevant Local Authority and the EA on the scope of the land quality study, and any requirement for further investigations that may be identified through the desk study.

3.117 The baseline for the ES should explain in detail the extent of the study area and justify the reasons for this.

3.118 The ES should include an assessment of any potential impact to soils during all phases of development, including the potential for pollution,
and loss and destruction of agricultural soils. Any potential effects on the organic farming area as a result of the proposed development and the movement of soils should be included in the ES.

3.119 Where identified, the treatment and disposal of any contaminated land should also be considered.

Transport

3.120 Traffic and transport is not specified as a topic for assessment under Schedule 4; although in line with good practice the Commission 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.

3.121 The Commission therefore recommends the inclusion of a traffic and transport chapter that summarises the findings of a more detailed Transport Assessment. The Transport Assessment (TA) should be based on revised and up to date modelling applying the latest best practice guidance.

3.122 The TA should identify any likely net change in vehicle trips as a result of the proposed development. The TA should identify any immediate changes to traffic flows resulting from the development as well as longer term changes, for example resulting from any additional capacity that may be created on the local network and complimentary traffic management measures. Future prediction of traffic flows should take into account other major development that is likely to occur in the area during the lifetime of the project, as well as any recent or projected changes in traffic flows through Heysham Port.

3.123 The transport and traffic chapter should clearly set out for use in other topic assessments, the changes in traffic flows in the centre of Lancaster and the Lune Bridges, on the proposed route itself, and in surrounding urban conurbations and more minor roads.

3.124 The traffic and transport chapter should identify the baseline and assess potential effects on all travellers including private vehicles and public transport. The Commission recommends that the ES should take account of the location of public rights of way (PROW), including footpaths, bridleways and byways and should clearly set out impacts on them, including within the wider area. It is important to minimise hindrance to them where possible. The assessment should take account of construction and operational phase disruption to footpaths, cycleways and bridleways in the development area.

3.125 The Commission recommends that the baseline for the existing movements for all forms of transport is up to date and based on current surveys which have been carried out in accordance with the latest guidance.
3.126 Where necessary the ES should identify measures to minimise vehicle trips and promote other means of sustainable transport, and should set out any measures required to minimise disruption to public rights of way during construction and operation. Where demand management measures are considered in the TA, the Applicant should clearly set out whether these are likely to form part of the DCO or to be provided through other programmes which are separate to the development proposal.

3.127 The Commission also recommends that a summary of any other relevant sections of the TA are included such as promoting alternative forms of transport, road safety, community safety, mobility, and traffic calming measures.

Socio-economics

3.128 The Commission recommends that the ES includes a thorough assessment of potential socio-economic effects including effects on local communities such as severance of communities, access to services for all groups, employment, equality, community cohesion and well-being, local business and the local economy, local amenity, effects on recreation, leisure and tourism, agriculture, and community facilities including schools and colleges. The full scope and methodologies for the assessment should be agreed with local authorities.

3.129 The Commission recommends that the assessment criteria should be locationally specific and consider the potential significance of the impacts of the proposal within the local and regional context.

Waste and materials

3.130 The Scoping Report does not identify the types of materials used in construction or provide any details of the likely waste generated during construction or the methods of treatment or disposal. The Commission advises that the ES should classify and quantify the types of all wastes to be processed and the materials used in construction, and the effect of the proposal, in terms of waste and materials, should be addressed in the ES. The ES will need to identify and describe the control processes and mitigation procedures for storing and transporting waste off site and for minimising the environmental impacts of materials.

3.131 When considering the waste arising and how waste is treated, the Applicant should cross refer to the assessment of effects on soil and geology to identify the extent of any contaminated material that may require treatment or disposal.

3.132 The ES should consider the potential to reuse material on site, and should indicate the volume and methods for disposing of any excess materials.
3.133 Schedule 4 of the EIA Regulations includes a number of factors some of which might be anticipated to have an impact upon climate change (‘expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation, etc) resulting from the operation of the proposed development’). The aspects of the environment likely to be significantly affected by the development include climatic factors.

3.134 Part 2 of the Schedule requires the Applicant to provide information that could relate to the consideration of climate change: ‘The data required to identify and assess the main effects which the development is likely to have on the environment’.

3.135 The Commission draws the applicant’s attention to comments received from Natural England identifying the need to calculate the greenhouse gas emissions associated with the proposed development.

3.136 The Commission considers that this information should be dealt with in the ES under relevant specialist topics and take into account good practice guidance and advice in determining methodologies.

3.137 The Commission considers that the ES should set out clearly the way in which climate change (including adaptation) and the potential significant effects resulting from the development and any cumulative effects with other development including complementary traffic management measures have been addressed.
4.0 OTHER INFORMATION

Habitats Regulations Assessment

4.1 The Applicant’s attention is drawn to the (Applications: Prescribed Forms and Procedure) Regulations 2009 (APFP) and the need to include information identifying European sites to which the Habitats Regulations applies or any Ramsar site which may be affected by a proposal.

4.2 The Commission notes that the Morecambe Bay Special Protection Area (SPA) is located several kilometres away from the proposed development to the north, and also to the south where the designation extends inland along the River Lune.

4.3 The Scoping Report does not identify the potential for an adverse impact on the SPA. However, the Scoping Report does not clearly state that there is no likely significant effect on a European site.

4.4 The Applicant should undertake a screening exercise to consider whether the proposal has the potential to significantly affect European sites. In doing so the Commission recommends that the Applicant refers to the IPC Advice Note on the Habitats Regulations Assessment process7 and the pre-application IPC Guidance Note 2 available via the Commission’s website. The Commission recommends that Applicant consult with the relevant nature conservation body at the earliest point in the pre-application process.

Sites of Special Scientific Interest

4.5 In relation to applications where there may be potential impacts on sites of special scientific interest (SSSIs), the Commission has duties under sections 28G and 28I of the Wildlife and Countryside Act 1981 (as amended) (the W&C Act). These are set out below for information.

4.6 Under s.28G, the Commission 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’.

4.7 Under s.28I, the Commission must notify the relevant nature conservation body (NCB) (Natural England) 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 Commission must take

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7 Advice note ten: Habitat Regulations Assessment relevant to nationally significant infrastructure projects
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.

4.8 If it is proposed to seek consent under Section 28 (1) (b) of the W&C Act applicants are advised to resolve any issues in relation to the consent before the DCO application is submitted to the Commission. 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) of the Infrastructure (Applications: Prescribed Forms and Procedure) Regulations 2009 could also provide this information. Applicants should seek to agree DCO requirements with Natural England which will provide protection for the SSSI before the DCO application is submitted.

**Applicant’s Consultation**

4.9 It is recommended that the Applicant provides preliminary environmental information\(^8\) to the local authority when presenting it with the draft Statement of Community Consultation (SoCC) for comment under s47 of the Planning Act 2008.

4.10 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. Where consultation responses have resulted in important changes affecting the EIA, such comments could usefully be reported and considered. This reporting could also assist the Applicant in the preparation of its consultation report required to be submitted with the application for development consent.

**Other Regulatory Regimes**

4.11 The Commission 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 environmental impact assessment (EIA).

4.12 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

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\(^8\) For an explanation see under ‘Interpretation’ in the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 SI2263
Planning Act 2008, the Applicant should note that a level of assurance or comfort from the relevant regulatory authorities that the design or plan is acceptable and likely to be approved by them will be required by the Commission before a recommendation or decision on any application is made.

4.13 Applicants are encouraged to make early contact with other regulators. Information from applicants about progress in obtaining other permits, licences or other consents and confirmation that there is no obvious reason why they will not subsequently be granted will be helpful in supporting an application for development consent to the Commission.

Additional Issues Raised by Statutory Consultees

4.14 The Commission draws the Applicant’s attention to comments received from the Health and Safety Executive (HSE), who raise concerns around the presence of existing utilities including a gas pipeline in the area of the proposed development. The Commission recommends that the Applicant continues to consult with the HSE to identify any risks or concerns, and to identify and incorporate any measures required to avoid or minimise potential risks and associated environmental impacts.
APPENDIX 1

CONSULTEES
APPENDIX 1

LIST OF CONSULTATION BODIES FORMALLY CONSULTED DURING THE SCOPING EXERCISE

Note: the Prescribed Consultees have been consulted in accordance with the Commission’s Advice Note 3 ‘Meeting the Commission’s Obligations’ (March 2010)

Whilst the Non-Prescribed Consultees have been consulted by the Commission, as they are not prescribed consultees the duty imposed under Regulation 9(3) of the EIA Regulations does not apply to these consultees.

<table>
<thead>
<tr>
<th>CONSULTEE</th>
<th>ORGANISATION NAME</th>
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<tbody>
<tr>
<td>The Relevant Regional Planning Body</td>
<td>North West Regional Leaders Board</td>
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<tr>
<td>The Health and Safety Executive</td>
<td>Health and Safety Executive</td>
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<td>The Relevant Strategic Health Authority</td>
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<td>Natural England</td>
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<td>Natural England</td>
<td>Natural England - North West</td>
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<td>The Historic Buildings and Monuments Commission for England</td>
<td>English Heritage</td>
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<tr>
<td>The Historic Buildings and Monuments Commission for England</td>
<td>English Heritage - North West</td>
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<tr>
<td>The Relevant Fire and Rescue Authority</td>
<td>Lancashire Fire &amp; Rescue Service</td>
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<tr>
<td>The Relevant Police Authority</td>
<td>Lancashire Police Authority</td>
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<tr>
<td>The Relevant Parish Council(s) or Relevant Community Council</td>
<td>Lower Holker Parish Council</td>
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<td>Lower Allithwaite Parish Council</td>
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<td>The Relevant Regional Development Agency</td>
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<td>The Commission for Sustainable Development</td>
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<td>The Disabled Persons Transport Advisory Committee</td>
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<td>The Coal Authority</td>
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<td>The Office Of Rail Regulation</td>
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<td>The Relevant Local Resilience forum</td>
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<td>The Environment Agency - North West (Central) Team</td>
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**RELEVANT STATUTORY UNDERTAKERS**

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### SECTION 43 CONSULTEES

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<td>Lancashire County Council</td>
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<td>North Yorkshire County Council</td>
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### NON STATUTORY CONSULTEES

| Local Authorities | Preston City Council |

*Please note that following the Coalition Government's spending review, the Sustainable Development Commission (SDC) who are prescribed as a statutory consultee for the purposes of the Planning Act 2008 ceased operations on 31 March 2011. Defra has taken on a small number of the SDC’s functions, including taking on the SDC’s stakeholder engagement function. Following correspondence dated 27 April 2011, the Sustainable Development Unit of Defra confirmed that they had not taken on the role of SDC as a prescribed consultee for the purposes of the Planning Act 2008.*
APPENDIX 2

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

**LIST OF BODIES WHO REPLIED BY THE STATUTORY DEADLINE**

<table>
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<tr>
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<tbody>
<tr>
<td>Chorley Council</td>
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<td>Coal Authority</td>
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<tr>
<td>Cumbria County Council</td>
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<td>English Heritage</td>
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<td>ES Pipelines</td>
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<td>Fulcrum Pipelines</td>
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<td>Health and Safety Executive</td>
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<tr>
<td>The Highways Agency</td>
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<tr>
<td>Hyndburn Borough Council</td>
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<tr>
<td>Independent Pipelines Power Networks, Independent Power Networks, and Quadrant Pipelines</td>
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<td>Lancaster Council</td>
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<td>Lower Allithwaite Parish Council</td>
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<td>Natural England</td>
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<td>North Yorkshire County Council</td>
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<td>Preston City Council</td>
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<td>Scotia Gas</td>
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<tr>
<td>Slyne with Hest Parish Council</td>
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<td>South Lakeland District Council</td>
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<td>SSE Pipelines</td>
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<td>University Hospitals of Morecambe Bay NHS Foundation Trust</td>
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<td>Wigan Metropolitan Borough Council</td>
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<td>Wyre Borough Council</td>
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<tr>
<td>Yorkshire Dales National Park Authority</td>
</tr>
</tbody>
</table>
Dear Sir/Madam,

Reference No: 2011/00297/PREAPP
Proposal: EIA Scoping Opinion
Location: Heysham To M6 Link

Thank you for your letter dated 30th March concerning the EIA Scoping opinion for the proposed Heysham to M6 link near Lancaster.

I can confirm that the Planning Section have no comments to make in this regard.

If you require any further assistance please do not hesitate to contact me on: (01257) 515214.

Yours faithfully,

Mrs Nicola Hopkins
Principal Development Control Officer

Email: dcon@chorley.gov.uk
Tel: (01257) 515214
Fax: (01257) 515297
For the Attention of Mike Harris  
Infrastructure Planning Commission

[By Email: ipcscopingopinion@infrastructure.gsi.gov.uk]

20 April 2011

Dear Mr Harris

**Proposed Heysham to M6 Link Scoping Opinion – Infrastructure Planning (Environmental Impact Assessment) Regulations 2009**

Thank you for your consultation letter of 30 March 2011 seeking the views of The Coal Authority on the above proposed development.

I have reviewed the proposals and confirm that the site of the proposed development is located outside of the defined coalfield. As such, The Coal Authority does not wish to make any specific comments or observations on the issues that should be addressed within the Environmental Statement for the proposed development.

Please do not hesitate to contact me if you would like to discuss this matter further.

Yours sincerely

*D Berry*

David Berry  B.Sc.(Hons), MA, MRTPI  
Planning Liaison Manager
11 April 2011
Our reference: gi/P0306

Mike Harris
Infrastructure Planning Commission
Temple Quay House
Temple Quay
Bristol
BS1 6PN

Dear Mr Harris

PROPOSED HEYSHAM TO M6 LINK NEAR LANCASTER ("the project") PROPOSAL BY LANCASHIRE COUNTY COUNCIL ("the applicant") INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2009 SI 2263 ("the EIA Regulations")

Thank you for your letter dated 30 March 2011. It is acknowledged that Cumbria County Council has been consulted appropriately as an adjoining county authority. However, due to the location of the proposed development Cumbria County Council does not wish to comment in this instance on the scope of the EIA.

Yours sincerely

Graeme Innes
Planning Officer
Infrastructure Planning Commission
Attn Mike Harris
Temple Quay House
Temple Quay
Bristol
BS1 6PN

Your ref: 110330_TR010008_54
4793
Our ref: 701
Telephone: 0161 242 1423

5th April 2011

Dear Mr Harris

Heysham to M6 link road: EIA scoping

Thank you for your letter dated 30th March 2011 consulting English Heritage on the above request to the IPC for a scoping opinion. I have read the scoping report, March 2011, and make the following suggestions.

The changes to the permitted scheme are set out in section 1.4 of the report and include raising the vertical alignment of the carriageway by approximately 14m from the current design level in deep cutting. It is not clear what the increase above current land levels will be from the scoping report but it is noted that the new carriageway will pass over Halton Road and not under. These changes and others proposed will clearly have a different impact upon the landscape and potentially upon cultural heritage and it is therefore suggested that some consideration is given to need for a redefined study area, based on a reassessment of the zone of visual impact. It is also suggested that the assessment includes visualisations of the revised scheme in order to be able to more clearly understand the impacts of the changes.

Chapter 9 of the report outlines the structure of the proposed environmental statement and includes at 7 Cultural Heritage Assessment. This section 7 should be amended to include a sub-section on mitigation, compensation measures and residual impacts to mirror section 9 on Ecology and Nature Conservation. Chapter 7 covers Cultural Heritage and paragraph 7.5 refers to mitigation measures, paragraph 10.11 on landscape effects also addresses mitigation. Mitigation and Residual Impacts are also covered at 7.2.1 for cultural heritage and 7.5.1 for landscape. It is therefore important that the structure of the new EIA covers these issues as well.

In earlier consultations with Lancashire County Council on this scheme we discussed mitigation of the impact of the proposal through design and the use of locally appropriate materials reflecting the local distinctiveness of the area. The revised scheme includes new bridges and retaining walls and it is important that the EIA
covers impact on local distinctiveness, character and appearance and the mitigation required to help maintain this. It is important that mitigation measures are not re-defined or reduced as part of the Value Engineering savings.

Please do not hesitate to contact me if you would like to discuss any of these comments or suggestions.

Yours sincerely

[Signature]

Judith Nelson
Regional Planner
Dear Andy,

PROPOSED HEYSHAM TO M6 LINK NEAR LANCASTER
110330_TR010008_544793
Post Codes LA3 6SG, LA2 6AD, 6AL, 6LU
Approx Grids 345762, 463220 – 349585, 464965

Further to your communication to E S Pipelines Ltd (ESP), ESP Networks Ltd, ESP Pipelines Ltd, ESP Electricity Ltd and ESP Connections Ltd dated 30 March 2011 I can confirm that E S Pipelines Limited owns and operates a low pressure gas main network called Grosvenor Park, Morcombe (ref: PPS6076) that was constructed in late 1999 and serves part of Lune Drive, Kent Way and Bishopdale Close with natural gas supplies.

The article and reference to the drawing on Page 20 (of 176) Scheme Plan shows your intended scheme boundary line in red dashed notation and provided that this boundary is not extended into the estate private domain then I do not consider, at this time, that our gas network will be affected by this proposal. The grid reference for this observation, for example is at E345755, N463165, E345793, N463175 and E345832, N463158 and you will also wish to note that as an independent gas transporter our ESP network connects to a National Grid upstream low pressure network at E345779, N463063. Presumably National Grid will respond independently to this scoping consultation.

The above statement includes an assessment that has been done on the alternative routes denoted by Orange, Green and Blue and the common Green/Blue route as shown on Page 27. Please keep us advised as to the progress of this proposal so that we can ensure that our asset is considered during the various processes.

If you have any questions relating to the above please do not hesitate to contact me quoting PE044478.

Regards,

Alan Slee
Operations Manager

DD 01372 227567
Mobile 07766 802070
Fax 01372 386203
www.espipeline.com
Dear Sir/Madam,

Please find attached an electronic version of the scoping consultation request for the Heysham to M6 Link Road.

<<110330_TR010008_544793_Letter_to_stat_consultees.doc>>

We look forward to receiving your response.

Kind regards,

Andy Luke
EIA and Land Rights Adviser
Infrastructure Planning Commission (IPC)
Temple Quay House
Temple Quay
Bristol
BS1 6PN

Direct Line: 030 3444 5049
Helpline: 0303 444 5000
Email: Andrew.Luke@infrastructure.gsi.gov.uk
www.independent.gov.uk/infrastructure

The IPC gives advice about applying for an order granting development consent or making representations about an application (or a proposed application). The IPC takes care to ensure that the advice we provide is accurate. This communication does not however constitute legal advice upon which you can rely and you should note that IPC lawyers are not covered by the compulsory professional indemnity insurance scheme. You should obtain your own legal advice and professional advice as required.

We are required by law to publish on our website a record of the advice we provide and to record on our website the name of the person or organisation who asked for the advice. We will however protect the privacy of any other personal information which you choose to share with us and we will not hold the information any longer than is necessary.

You should note that we have a Policy Commitment to Openness and Transparency and you should not provide us with confidential or commercial information which you do not wish to be put in the public domain.

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Correspondents should note that all communications to Department for Communities and Local Government may be automatically logged, monitored and/or recorded for lawful purposes.
Dear Andy,

RE: Heysham to M6 link road

Thank you for your request for information about Fulcrum Pipelines Limited’s pipes and equipment.

We can confirm that Fulcrum Pipelines Limited do not currently have any existing pipes or equipment on or around the above site address. It should be noted that we are continually installing underground plant and that a fresh plant protection enquiry should be made prior to any work commencing on this project.

Please note that other Gas Transporters may have plant in this locality which could be affected by your proposed works.

Fulcrum Pipelines 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 have any future requests for information about our plant, please email these to us at FPLplantprotection@fulcrum.co.uk.

Graham Penlington can be contacted on 01709 845375 if you require any further assistance or information.

Yours sincerely,

Paul Leighton
Network Integrity Manager IEng, MIGEM
Dear Mr. Price,

PROPOSED HEYSHAM TO M6 LINK NEAR LANCASTER ("the Project")
PROPOSAL BY LANCASHIRE COUNTY COUNCIL ("the Applicant")
INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2009 SI 2263 ("the EIA Regulations")

Thank you for your letter of 30th March 2011 regarding the information to be provided in an environmental statement relating to the above project.

Major Hazards' sites and explosives site within the vicinity of the proposed development

Explosives sites

The proposed Heysham to M6 Link Road does not impinge on the separation distances of any explosive site licensed by the HSE. This applies to either route.

Major Hazard sites
HSE has carried out a PADHI+ consultation on the proposed development and the outcome is that HSE would advise against it for the following reasons.

A dual carriageway is regarded as a sensitivity level 2 development within PADHI+.

The application site for the proposed link road lies within the inner, middle and outer zones of the following major hazards:

a) National Grid Gas plc pipeline 1109 - Walton-le-Dale/Slyne
The proposed new road runs across the route of this pipeline North of the River Lune. It crosses all three zones, including the inner zone which lies 9 metres either side of the pipeline.

b) Lancaster Synthesis Ltd, White Lund Industrial Estate, Eastgate, Morecambe (H3672)
The application boundary shown on the plans extends into all three zones of H3672. However, the scoping report refers to the link road starting 'from the junction of the existing A683 at Morecambe Road ...' (para 3.2.2) which lies outside the CD.

The proposed development area also lies within the outer zones of H3390 (WH Holmes (Transport) Ltd at Lansil Industrial Estate) and H3391 (WH Holmes (Transport) Ltd, Riverside Park).

The PADHI+ straddling rule does not apply to an SL2 transport link; the development must be considered as being in the innermost of the zones which it straddles. This development is therefore considered to lie within the inner zone of pipeline 1109 and site H3672. HSE advises against the granting of planning permission for an SL2 development in the inner zone.

The scoping report also refers to a 'Park and Ride' facility to be located off Caton Road, South of the River Lune. The route of the pipeline takes it through this area, but there is no information about the size of this facility, or its exact location to determine if it will lie within the CD and if so, within which zones.

I attach the standard PADHI+ advice letter and audit trail.

**Hazardous Substances Consent**

The presence on, under 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 particularly by The Planning (Hazardous Substances) (Amendment) (England)
Regulations 2009 and 2010, as well as Planning (Control of Major Accident Hazards) Regulations 1999.

If further clarification on the need of HSC is required, the matter could be discussed with the Hazardous Substances Authority for the proposal which we understand is the Infrastructure Planning Commission itself.

I hope this information is useful. HSE looks forward to receiving the formal consultation under Section 42 of the Planning Act 2008 from the promoter, when the plans are sufficiently developed.

Please note any further communication on this project can be sent directly to the HSE’s designated recipient, the details of which can be found at the top of this letter.

Yours sincerely,

Stephen Kinghorn-Perry
Head of Communications Policy Unit
This file note is produced by PADHI+ for HSE.

**Land Use Planning Consultation with Health and Safety Executive** [Town and Country Planning (General Development Procedure) Order 1995 (as amended), or Town and Country Planning (General Development Procedure) (Scotland) Order 1992 (as amended)]

The Health and Safety Executive (HSE) gives planning advice only for certain types of developments and then only if they are within specific consultation areas that have previously been advised to the appropriate Planning Authority (PA). Such areas are often identified by a PA on their ‘development constraint maps’.

This response from PADHI+ relates to a consultation for a pre-planning enquiry.

In the case of pre-planning consultations input into PADHI+, the response generated is how HSE might advise you should the development proposal be submitted for formal consultation in its present form. However, if a formal application is submitted later then a new consultation must be input into PADHI+. HSE’s response, and advice for the development will then be determined by PADHI+ based solely on the details in the formal consultation. This may result in a different response from HSE to that given below.

The following text is the likely response HSE would give you for a formal consultation, based on the pre-planning consultation details that you have input into PADHI+ at this time:

This file note refers to the proposed development Completion of Heysham to M6 Link road at A683 Morecambe Road to M6/Caton Road, Lancaster, input into PADHI+ on 14 Apr 2011 consultation input by HSE.
The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the Consultation Distance of Major Hazard Sites/ pipelines. This consultation, which is for such a development and also within at least one Consultation Distance, has been considered using PADHI+, HSE’s planning advice software tool, based on the details input by HSE. The assessment indicates that the risk of harm to people at the proposed development is such that HSE’s advice is that there are sufficient reasons, on safety grounds, for advising against the granting of planning permission in this case.

Major hazard sites/pipelines are subject to the requirements of the Health and Safety at Work etc. Act 1974, which specifically includes provisions for the protection of the public. However, the possibility remains that a major accident could occur at an installation and that this could have serious consequences for people in the vicinity. Although the likelihood of a major accident occurring is small, it is felt prudent for planning purposes to consider the risks to people in the vicinity of the hazardous installation. Where hazardous substances consent has been granted (by the Hazardous Substances Authority), then the maximum quantity of hazardous substance that is permitted to be on site is used as the basis of HSE’s assessment.

If you decide to refuse planning permission on grounds of safety, HSE will provide the necessary support in the event of an appeal.

If, nevertheless, you are minded to grant permission, your attention is drawn to paragraph A5 of the National Assembly for Wales Circular 20/01, or paragraph A5 of the DETR Circular 04/2000. These state that:

"...Where a local planning or hazardous substances authority is minded to grant planning permission or hazardous substances consent against HSE's advice, it should give HSE advance notice of that intention, and allow 21 days from that notice for HSE to give further consideration to the matter. During that period, HSE will consider whether or not to request the [Assembly / “Secretary of State for the Environment, Transport and the Regions] to call-in the application for [its / his] own determination" (* Now 'Communities and Local Government' in England.)

The advance notice to HSE should be sent to your local HSE office which deals with such planning issues. The advance notice should include full details of the planning application, to allow HSE to further consider its advice in this specific case.

As the proposed development is within the Consultation Distance of a major hazard pipeline you should consider contacting the pipeline operator before deciding the case. There are two particular reasons for this:
• The operator may have a legal interest (easement, wayleave, etc.) in the vicinity of the pipeline. This may restrict certain developments within a certain proximity of the pipeline.
• The standards to which the pipeline is designed and operated may restrict occupied buildings or major traffic routes within a certain proximity of the pipeline. Consequently there may be a need for the operator to modify the pipeline, or its operation, if the development proceeds.

HSE's advice is based on our assessment of the risks from the pipeline as originally notified to us. It may be that in the vicinity of the proposed development the operator has modified the pipeline to reduce risks by, for example, laying thick-walled pipe. **If you wish to contact the operator for this information then HSE is willing to reassess the risks from the pipeline,** relative to the proposed development, if all the following details are supplied to HSE by you:

• pipeline diameter, wall thickness and grade of steel.
• start and finish points of thick-walled sections (not required if it is confirmed that they are more than 750m from all parts of the development site).

These details to be clearly marked on a pipeline strip map, or other appropriate scale map, then included with the full consultation and submitted to HSE's Risk Assessment and Process Integrity Unit to allow it to be individually assessed (not run through PADHI+). **Please clearly identify on your covering letter that it is a resubmission with additional details of the major hazard pipeline.**

This advice is produced on behalf of the Head of the Hazardous Installations Directorate, HSE.
Below is a summary of the answers you have supplied, please check the following:

<table>
<thead>
<tr>
<th>Question</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>PADNI+ development type selected</td>
<td>Roads link to M6</td>
</tr>
<tr>
<td>Type of transport link</td>
<td>Motorway, dual carriageway</td>
</tr>
<tr>
<td>Determined (Proposed) Sensitivity Level</td>
<td>2</td>
</tr>
<tr>
<td>Zone details availability</td>
<td>Inner, Middle, Outer, Outside CD</td>
</tr>
<tr>
<td>Zone coverage of development at hazard H3672</td>
<td>Inner, Middle, Outer, Outside CD</td>
</tr>
<tr>
<td>Zone coverage of development at hazard H3393</td>
<td>Outer, Outside CD</td>
</tr>
<tr>
<td>Zone coverage of development at hazard H3671</td>
<td>Outer, Outside CD</td>
</tr>
<tr>
<td>Final resultant zone</td>
<td>Inner</td>
</tr>
<tr>
<td>Preliminary Development Result</td>
<td>AA</td>
</tr>
<tr>
<td>Is the proposed development an extension to an existing facility?</td>
<td>No</td>
</tr>
<tr>
<td>Modifier Development Result (Original Advice stands)</td>
<td>AA</td>
</tr>
</tbody>
</table>
Dear Sir,

PROPOSED HEYSHAM TO M6 LINK NEAR LANCASTER ("the Project")
PROPOSAL BY LANCASHIRE COUNTY COUNCIL ("the Applicant")
INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT)
REGULATIONS 2009 SI 2263 ("the EIA Regulations")

Thank you for your letter of 30th March 2011 formally consulting the Highways Agency about the Scoping Report submitted by Lancashire County Council for the above project.

I can confirm that Lancashire County Council (LCC) has fully involved the Highways Agency during the development of this project, and that the Highways Agency is content with the scope of the proposals. We are also continuing to liaise directly with LCC on the details of their project, in so far as it relates the motorway junction at M6 J34.

I trust that the above is of assistance and I confirm that the Highways Agency would wish to remain involved as the project moves forward with the Commission.

Yours sincerely,

David Wild
Network Delivery & Development - Asset Development Team
Email: david.wild@highways.gsi.gov.uk
Planning and Transportation
Scaitcliffe House
Ormerod Street
Accrington
Lancashire
BB5 0PF

Infrastructure Planning Commission
Temple Quay House
Temple Quay
Bristol
BS1 6PN
CB4 1WB

FAO Mr David Price

Dear Mr Grant,

Proposed Heysham – M6 link
EIA Regulations
Ref 110330 TR010008 5444793

Thank you for your letter dated 30 March 2011. I have no observations to make in relation to the scoping opinion for this project. Please could you keep me informed of progress.

Yours sincerely,

Simon Prideaux
Chief Planning and Transportation Officer.
Dear Mike Harris

With regard to your enquiry, I can confirm that Independent Pipelines, Independent Power Networks or Quadrant Pipelines DO NOT have any apparatus within the immediate proximity of your proposed works.

If you have any queries or require any further information, please do not hesitate to contact me on 08450 556 199 Ext. 2046 quoting Our Reference number.

Yours sincerely,

Vincent Powell
Asset Operations Maintenance
Tel: 0845 055 6199
Mr Mike Harris
Infrastructure Planning Commission
Temple Quay House
Temple Quay
Bristol
BS1 6PN

18th April 2011

Dear Mr Harris

REQUEST FOR SCOPING OPINION FOR HEYSHAM TO M6 LINK ROAD, LANCASTER.

Thank you for consulting the City Council on the request made by Lancashire County Council for a Scoping Opinion under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009.

Having examined the information presented by the County Council the only comment I would wish to make on behalf of the City Council is in relation to paragraph 2.1.2 I in the promotion and funding section.

It is a matter of fact that the Lancaster District Local Development Framework Core Strategy, which was adopted in July 2008, lists the Heysham M6 Link in Policy E2 as one of the transportation measures it supports to improve residents quality of life and minimise the environmental impacts of traffic.

The Local Development Framework Core Strategy supersedes the Lancaster District Local Plan, although there are a number of saved policies from the plan which form part of the Development Plan for the area, until they can be superseded by LDD’s.

Apart from this point I have no comments to make on the remainder of the submission.

Yours sincerely

Andrew Dobson
Head of Regeneration and Policy
Lower Allithwaite Parish Council have no comments to make with regard to the Proposed Heysham to M6 Link near Lancaster proposed by Lancashire County Council.

Mrs Rosemary Ballance
Clerk to Lower Allithwaite Parish Council

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Dear Mr Price

PROPOSED HEYSTHAM TO M6 LINK NEAR LANCASTER:
IPC CONSULTATION ON SCOPING REPORT

Thank you for your consultation on the above dated 30 March 2011 which was received by Natural England on 31 March 2011.

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.

Natural England has the following comments to make on the consultation:

1. Previous Consultations
Natural England’s predecessor body English Nature commented on Planning Application No 01/05/1584 for the proposed Completion of Heysham M6 Link Highway. We note that Value Engineering (VE) changes have been made to this scheme and that these require a new planning application for the whole scheme as part of its submission to the IPC. We would advise that the issues raised by English Nature in previous consultations be considered in the new Environmental Statement (ES).

2. Structure and Content of the Scoping Report
We have reviewed the Scoping Report and are happy with the proposed structure of the new Environmental Statement as outlined under Chapter 9, although there may be need for inclusion of additional subheadings to take account of our detailed comments at section 3 below.

We understand the need to make use of the detailed environmental assessments undertaken for the previous scheme. However the structure of the Scoping Report makes it difficult to separate past assessment work from that proposed under the scoping exercise for the new ES. For clarity it would be useful if past assessment work were included in annexes rather than in the body of the report.

The scoping exercise for the new ES needs to be explicit in describing the Environmental Impact Assessment (EIA) methodology it will employ and how it will take forward and incorporate the work already undertaken. In its current form it is difficult to ascertain what new work will be undertaken as part of this EIA and we consider that this needs to be made more explicit in the Scoping Report. We would recommend the separation out of past assessment work in the ES so that it is clear what new work has been undertaken as part of the new ES.
3. Comments on Scope of the new Environmental Statement

At this stage we would particularly like to emphasise the following issues for inclusion in the scope of the new ES. We would stress that this is not an exhaustive list and that Natural England may wish to raise other issues as the EIA process goes forward. In all areas we would expect the most up-to-date WebTAG and Design Manual for Roads and Bridges (DMRB) guidance to be followed.

Landscape and Visual Effects
The proposal site does not fall within any nationally designated landscapes. However it does lie within 5 km of the Forest of Bowland AONB and any visual and noise impacts on this protected landscape should be considered as part of the ES. We would recommend consultation with the Forest of Bowland AONB.

All proposals should complement and where possible enhance local distinctiveness. This should be guided by Natural England’s North West Landscape Character Framework http://www.naturalengland.org.uk/regions/north_west/ourwork/landscapecharacterframework.aspx and Lancashire’s Landscape Character Assessment.

Ecology and Nature Conservation
We are aware that detailed assessment work has already been undertaken on the ecological and nature conservation impacts of the proposed scheme in the 2005/6 ES and subsequently as part of the ongoing Environmental Management Plan. However we consider this needs updating within the proposed new ES and should include the following:

Protected Nature Conservation Sites

European Sites
We would expect an assessment in accordance with the requirements of the Conservation of Habitats and Species Regulations 2010 (known as “the Habitats Regulations”). This should would entail an Assessment of Implications on European Sites (AIES) covering all sites within 30km of the proposed link road in order to follow guidance on AIES in DMRB Volume 11, Section 4, Part 1. The local authority may be able to screen out any potential effects, in which case an appropriate assessment would not be required. However details of how any decision has been made should be provided in the Environmental Statement.

SSSIs
We also draw attention to the local authority’s duty, under S28G of the Wildlife and Countryside Act 1981, as incorporated by the Countryside and Rights of Way Act 2000, to take reasonable steps, consistent with the proper exercise of its functions, to further the conservation and enhancement of the SSSI. As such we would expect the ES to consider any impacts on SSSIs in a similar way to its consideration of implications on European Sites.

Other sites
We would also expect consideration of impacts on National Nature Reserves, local wildlife sites and/or local geological sites. Ongoing consultation with the county ecologist and/or local Wildlife Trust is advisable.

Protected Species
We note that species surveys have been undertaken as part of the previous ES. The presence of a
protected species is a material consideration when considering a development proposal that could result in harm to a species or its habitat. We would refer you to our standing advice for protected species at:
http://www.naturalengland.org.uk/ourwork/planningtransportlocalgov/spatialplanning/standingadvice/advice.aspx

This standing advice provides advice to planners on deciding if there is a ‘reasonable likelihood’ of protected species being present. It also provides advice on survey and mitigation requirements. As standing advice it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

**BAP Priority Species**
If Biodiversity Action Plan (BAP) priority species are recorded on the site, the Council should collect survey information as part of the ES. Paragraph 84 of ODPM Circular 06/2005 and Paragraph 16 of Planning Policy Statement 9 provide information on BAP species and their consideration in the planning system. Lancashire Wildlife Trust should be consulted in relation to these species.

Under the previous scheme the BAP priority species pink waxcap was found to be present on site and appropriate mitigation was planned involving a large area of additional permanent pasture (both north and south of the proposed road) coming into positive management. This was to be secured either through the purchase of the land by the County Council and/or managed sympathetically under a Management Agreement with the land owner under S39 of the Wildlife and Countryside Act 1981. We would seek confirmation of this as the proposed way forward under the new scheme.

**Environmental Management Plan**
We consider the Environmental Management Plan to be a thorough plan covering landscape and ecological features to be created and the methods of maintenance for the agreed 20 year period and beyond.

We would like to see this document updated within the new ES to include mitigation and enhancement proposals for any impacts arising from the changes under VE and for it to show that is based on up-to-date habitat and species survey information. We would also like the plan to show how mitigation measures will be adjusted if monitoring shows they are not having the desired effect. The implementation on any such plan would need to be secured as a requirement of the IPC’s development consent or a legal agreement.

**Biodiversity duty**
Under section 40(1) of the Natural Environment & Rural Communities Act 2006 a duty is placed on public authorities, including local planning authorities, to have regard to biodiversity in exercising their functions. This duty covers the protection, enhancement and restoration of habitats and species.

The local authority should maximise opportunities for protection, restoration and enhancement in and around the proposed development by building in beneficial features as part of good design and ensuring ecological connectivity is protected and enhanced wherever possible.

**Induced traffic**
Induced traffic on the proposed link road and its feeder roads could have an effect on ecological sites through increased noise, pollution or disturbance effects. This would need to be considered as part of the ES and the Habitat Regulations Assessment. This is particularly relevant where the A683 passes close to the Lune Estuary SSSI, Heysham Moss SSSI, Morecambe Bay SPA and SAC and RAMSAR sites. Our comments below on air pollution are also relevant.

**Air Pollution**
The main focus of an air quality assessment on nature conservation interests should be the emissions of oxides of nitrogen; the modelling of resulting concentrations of NOx and deposition of nitrogen and comparison with critical levels and loads. Dust during construction should also be considered. The air
pollution effects from roads on biodiversity can be significant for distances of up to 200m.

Critical loads for nutrient nitrogen deposition were revised in 2010. A table of the new critical loads is available on APIS (the Air Pollution Information System) at: http://www.apis.ac.uk/overview/issues/overview_Noordwijkerhout_text.html.

Greenhouse Gas Emissions
Webtag unit 3.3.5 (updated January 2010) identifies the need to calculate the greenhouse gas impact of transport intervention and provides a methodology for the calculation of carbon emissions. We would expect this to be included in the ES.

Water Quality and Drainage
The ES should identify any changes in the quality or quantity/levels of surface or ground water which could affect water quality and associated ecosystems.

Geodiversity and Soils
The ES should consider any impacts on geology and soils. We would recommend the inclusion of references to Lancashire’s Geodiversity Action Plan where appropriate.

Lighting
Impacts of the introduction of permanent lighting on landscape, tranquillity and biodiversity, particularly bats, should be considered.

Recreation and Access
As in the previous ES, impacts on nearby public rights of way, cycleways, national trails and non-motorised users should be considered, including noise and visual intrusion as well as physical severance.

Green Infrastructure
We would recommend that consideration is given to Lancashire’s Green Infrastructure Framework and how the scheme can help deliver GI benefits.

Noise
The noise impacts of the scheme on tranquillity/landscape and biodiversity eg for nesting sites and sensitive bird species should be considered. The VE vertical alignment changes could result in changes in the noise impacts of the scheme and this should be considered in the ES.

Sustainability
It may be helpful to include a new chapter in the ES on sustainability. This would describe how the scheme has been designed to take account of sustainable development principles, such as waste management, re-use of materials and sustainable transport.

We would recommend the following guidance in relation to road scheme design:

- Assessing the Effects of Road Schemes on Historic Landscape Character, English Heritage, DfT, March 2007
- Rural Routes and Networks, Institution of Civil Engineers, 2002 ISBN 072773203X

The advice given by Natural England in this letter is made for the purpose of the present consultation only. In accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England expects to be included as a consultee in relation to any additional matters that may arise as a result of, or are related to, the present proposal. Natural England retains its statutory discretion to modify its present advice or opinion in view of any and all such additional matters or any
additional information related to this consultation that may come to our attention.

Should you wish to discuss this response please do not hesitate to contact me at the above address.

Yours Sincerely

Clare Warburton

Clare Warburton
Senior Adviser
Land Use Operations Team
Direct dial: 0300 060 1843
Email: clare.warburton@naturalengland.org.uk
Andrew Luke

From: Carl Bunnage [Carl.Bunnage@northyorks.gov.uk]
Sent: 04 April 2011 09:53
To: IPC Scoping Opinion
Subject: Proposed Heysham to M6 Link Near Lancaster

Dear Sir/Madam,

Thank you for your letter dated 30 March 2011 (your ref: 110330_TR010008_544793) consulting North Yorkshire County Council for its scoping opinion in relation to the proposed Heysham to M6 Link near Lancaster.

I wish to confirm that North Yorkshire County Council does not have any specific comments to make at this stage.

Thank you once again however for consulting us on this matter.

Yours faithfully,

Carl Bunnage
Team Leader Regional and Strategic Policy,
Trading Standards and Planning Services,
North Yorkshire County Council.

E: Carl.Bunnage@northyorks.gov.uk
Tel: 01609 532523

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North Yorkshire County Council.

**********************************************************************
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Mr D Price  
Senior EIA and Land Rights Advisor  
Infrastructure Planning Commission  
Temple Quay House  
Temple Quay  
Bristol BS1 6PN

Your ref: 110330_TR010008_5793

Dear Mr Price

Subject: Proposed Heysham to M6 link near Lancashire County Council  
Proposal by Lancashire County Council  
Infrastructure Planning (Environmental Impact Assessment)  
Regulations 2009 SI 2263

I refer to your letter dated 30 March 2011 which has been passed to me for response.

The Water Services Regulation Authority (Ofwat) is the economic regulator for the water and sewerage companies of England and Wales. Your correspondence relates to essentially a local matter in respect of impacts on water and sewerage service provision and in this respect the relevant water company/companies local to the area and the Environment Agency are your key Statutory Consultees. We expect that normal commercial arrangements will apply and that planning matters related to water and sewerage service provision will be resolved locally.

I confirm that we therefore do not have any comments.

Yours faithfully

On behalf of Water Services Regulation Authority (OFWAT)
Andrew Luke

From: Alison Kershaw [A.Kershaw@preston.gov.uk]
Sent: 06 April 2011 09:27
To: IPC Scoping Opinion
Cc: Chris Hayward
Subject: Proposed Heysham to M6 link

Dear Sir

'POSED HEYSHAM TO M6 LINK NEAR LANCASTER (“the Project”)
'OSAL BY LANCASHIRE COUNTY COUNCIL (“the Applicant”)
INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2009 SI
2263 (“the EIA Regulations”)

I write further to your letter of 31st March 2011 in connection with the above and can confirm that Preston City Council has no comments to make in respect of the scoping request.

Yours faithfully

Alison Kershaw
Head of Development Management
tel: 01772 906580
a.kershaw@preston.gov.uk

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Correspondents should note that all communications to Department for Communities and Local Government may be automatically logged, monitored and/or recorded for lawful purposes.
Dear Sir / Madam,

Re:  Heysham To M6 Link Near Lancaster, .

I write with reference to the above site, please note that Southern Gas Networks do not cover this area. Please redirect your enquiry to:

Northern Gas Networks, 1 Emperor Way, Doxford International Business Park, Sunderland, SR3 3XR

Wales West Utilities, Spooner Close, Celtic Springs, Newport, NP10 8FZ

National Grid, Plant Protection, Block1, Floor 2, Brick Kiln Street, Hinckley LE10 0NA

National Grid, Asset Protection Team, PO Box 3484, Warwick, CV34 6TG

Regards,
Alison Mair
Support Assistant
0141 418 4093
Dear Sir

With reference to your recent letter, Slyne with Hest Parish Council does not have any further comments to add to those made in letters to The Secretary of State for Transport dated 2 December 2009 and 22 December 2009 which it assumes will have been made available to you.

Regards

Mrs D Brookes
Clerk to Slyne with Hest Parish Council
Telephone: 01524 825464

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Dear Mr Luke

In response to your comments I have attached the letters sent to the Secretary of State in December 2009 outlining some concerns about the impact of the proposed Heysham to M6 Link Road. As far as the Council is concerned there has been little change since then and in the parish opinion on the merits of the road is still divided.

Regards

Mrs D Brookes
Clerk to Slyne with Hest Parish Council

--- On Thu, 14/4/11, IPC Scoping Opinion <IPCScopingOpinion@infrastructure.gsi.gov.uk> wrote:

From: IPC Scoping Opinion <IPCScopingOpinion@infrastructure.gsi.gov.uk>
Subject: RE: Heysham to M6 Link
To: "DOREEN BROOKES" <brookes.slynewithhestpc@btinternet.com>, "IPC Scoping Opinion" <IPCScopingOpinion@infrastructure.gsi.gov.uk>
Date: Thursday, 14 April, 2011, 13:59

Dear Ms. Brookes,

Many thanks for your response provided in relation to the Environmental Impact Assessment (EIA) Scoping consultation request issued for the Heysham to M6 link road.

The Infrastructure Planning Commission was established under the Planning Act 2008 and is the independent body that examines applications for nationally significant infrastructure projects. Please be aware that our process is new and distinct from the process that was followed for previous applications for the Heysham to M6 Link Road. For this reason we are writing to inform you that in order for the IPC to take into consideration the letters you have
Dear Sir

Orders in respect of the Heysham-M6 Link Road

The above Orders were recently issued by Lancashire County Council and the Parish Council has received comments from residents, especially in the south of the parish, on various issues linked with these Orders and therefore has decided to bring to your attention a number of matters about which it has concerns.

Of great concern is the loss of a swathe of the North Lancashire Green Belt which was set up with the purpose to prevent the built-up areas of Lancaster, Morecambe and Carnforth merging into one urban area and absorbing the villages of Slyne, Hest Bank and Bolton-le-Sands. This was set out in central government, County and City Council policies. The building of the road gives the potential for ‘planning creep’, and development within the Green Belt, including the possible construction of a Park and Ride site near Beaumont Gate Farm. The concern is not only for the loss of green open space by commercial and industrial development but also for the loss of the parish’s identity.

It seems inevitable that there will be an increase in traffic not only along the A6 and commuter routes towards Lancaster and the link road but also along some of the narrower roads and lanes in the village itself. This linked with traffic speeds, new roundabouts and new traffic lights has the potential for an increase in congestion, delays and traffic accidents and could have an effect on life in the village community.

Major flooding occurred, in January 2008, in the area at the southern end of Hest Bank Lane, Slyne and, to date, in spite of meetings with the Authorities involved, many of the issues surrounding this have still not been resolved. However the Council is aware that investigation of the problems is on-going. The residents of this area are concerned that Lancashire County Council still has to demonstrate that the construction of the link road will not add to the flooding problems.
referenced in your response (or any other information you would like to include) it will need to be provided to us directly by 28th April 2011.

For your convenience you can either provide the information electronically to the IPC Scoping Opinion e-mail or you can issue it in hard copy to the address provided below, we will then be able to take this into consideration in the preparation of an EIA Scoping Opinion to be issued to the Applicant.

If you have any questions or queries please do not hesitate to contact us.

Kind regards

Andy Luke
EIA and Land Rights Adviser
Infrastructure Planning Commission (IPC)
Temple Quay House
Temple Quay
Bristol
BS1 6PN
Direct Line: 030 3444 5049
Helpline: 0303 444 5000
Email:Andrew.Luke@infrastructure.gsi.gov.uk
www.independent.gov.uk/infrastructure

The IPC gives advice about applying for an order granting development consent or making representations about an application (or a proposed application). The IPC takes care to ensure that the advice we provide is accurate. This communication does not however constitute legal advice upon which you can rely and you should note that IPC lawyers are not covered by the compulsory professional indemnity insurance scheme. You should obtain your own legal advice and professional advice as required.

We are required by law to publish on our website a record of the advice we provide and to record on our website the name of the person or organisation who asked for the advice. We will however protect the privacy of any other personal information which you choose to share with us and we will not hold the information any longer than is necessary.
You should note that we have a Policy Commitment to Openness and Transparency and you should not provide us with confidential or commercial information which you do not wish to be put in the public domain.
The Council has not sent any representations to previous consultations because it does not have a clear mandate from the electorate to either support or oppose the proposed link road but trusts that you will take into consideration the issues highlighted above.

Yours faithfully

Mrs D Brookes
Clerk to the Parish Council
Dear Sir

**Heysham-M6 Link Road**

With reference to my letter of the 2\textsuperscript{nd} December 2009, I believe that there has been some conversation between yourselves and Mr Steven McCreesh, the Project Manager, and that you have asked that I write to explain the intention of the letter. I confirm that this was not meant as an objection to the scheme for the Heysham-M6 Link or to any of the Orders issued. As I pointed out in the letter, the Parish Council does not have a clear mandate from the electorate of the parish to either support or oppose the scheme.

However the residents of the village had raised a number of matters with the Council and it was felt that some of the observations and concerns should be brought to your attention.

Yours faithfully

Mrs D Brookes
Clerk to the Parish Council
From: Shipman, Mark [M.Shipman@southlakeland.gov.uk]
Sent: 04 April 2011 15:46
To: IPC Scoping Opinion
Subject: Scoping of Heysham - M6 Link

Your Ref: 110330_TR010008_544793

Dear Sir

Infrastructure Planning (Environmental Impact Assessment) Regulations 2009
Project: Heysham - M6 Link
Applicant: Lancashire County Council

Thank you for your letter of 30 March 2011.

The project is within Lancaster City Council's administrative area and it has no visual impact to South Lakeland because it is masked by hills. It is not considered to have a significant adverse impact on the economic activity of South Lakeland and it is not considered to have any significant adverse impacts on the ecology, geology and hydrology of South Lakeland or create adverse noise, dust, traffic congestion or air quality issues in South Lakeland.

Any necessary diversions can be made via the Carnforth link to the M6.

It is not considered necessary to consult South Lakeland District Council further.

Yours sincerely

Mark A. Shipman
Development Management Group Manager
South Lakeland District Council
01539 979 7564

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Dear Sir,

RE: Proposed Heysham to M6 Link

I refer to your letter of 30 March 2011 concerning the above project.

The Authority has no comments to make.

Yours faithfully,

H. Hockenhull

Helen Hockenhull
Planning Manager
FTAO Mike Harris

I am writing to confirm that SSE Pipelines Ltd do not have any comments to make regarding the above proposal.

Regards

Janice Grant
Technical Support Officer

For and on behalf of
Kevin Bennett
SSE Pipelines General Manager
To confirm the Trust do not have any comments.

Regards
Tony Halsall
Chief Executive

Nicola Barnes
Trust HQ Team Leader
University Hospitals of Morecambe Bay NHS Foundation Trust
Tel: 01539 716695 (ext 46695)

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**********************************************************************
Dear Mr. Price

Proposed Heysham to M6 Link Near Lancaster ("the Project")
Proposal by Lancashire County Council ("the Applicant")
Infrastructure Planning (Environmental Impact Assessment)
Regulations 2009 SI 2263 ("the EIA Regulations")

I refer to your letter dated 30 March 2011 addressed to Head of Planning at Wigan Council requesting our comments on the above.

Wigan Council is not able to assist in providing comments on "the Project" as the area concerned is not within the Council's jurisdiction.

Yours sincerely

[N. J. Signature]

Mike Worden
Head of Planning and Transport
PROPOSED HEYSHAM TO M6 LINK NEAR LANCASTER

Further to your letter dated 30th March 2011 concerning the above and with the above reference, I can confirm that Wyre Council does not have any comments to make on the scoping opinion for the EIA Regulations.

Regards

Philippa Clarke
Development Manager (Policy)
Wyre Council
Email pclarke@wyrebc.gov.uk
Telephone 01253 887473
Website www.wyrebc.gov.uk

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******************************************************************
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www.wyrebc.gov.uk/find/elections

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******************************************************************
Andrew Luke

From:  Janet Bainbridge [Janet.Bainbridge@yorkshiredales.org.uk]
Sent:  06 April 2011 13:27
To:   IPC Scoping Opinion
Subject:  Proposed Heysham to M6 link near Lancaster

Thank you for your letter dated 30 March 2011, regarding the Scoping Opinion for Proposed Heysham to M6 link near Lancaster.

I can confirm that the Yorkshire Dales National Park Authority have no comments to make.

Regards

Janet Bainbridge
Planning Assistant
Yorkshire Dales National Park Authority
01969 652312
janet.bainbridge@yorkshiredales.org.uk

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APPENDIX 3

PRESENTATION OF ENVIRONMENTAL STATEMENT
Appendix 3

PRESENTATION OF THE ENVIRONMENTAL STATEMENT

An environmental statement is described under 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 EIA Regulations Schedule 4, Parts 1 and 2, set out the information for inclusion in an ES. Part 2 sets out the minimum requirements and 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 studies 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 [under the four paragraphs above].

The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 SI 2264 set out the requirements for information which must be provided as part of the DCO application. Applicants may also provide any other documents considered necessary to support the application. Information which is not environmental information (this is defined in Regulation 2 of the EIA Regulations) need not be replicated or included in the ES.

The Commission draws the attention of applicants to Advice Note Nine: Using the Rochdale Envelope (February 2011), which addresses the use of the Rochdale Envelope Approach under the Planning Act 2008.
The Commission 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 Commission recommends that the ES be concise with technical information placed in appendices.

**ES Indicative Contents**

The Commission emphasises that the ES should be a 'stand alone' document in line with best practice and case law.

Schedule 4 Part 1 of the EIA Regulations sets out the aspects of the environment likely to be significantly affected by the development which should include 'in particular, population, fauna, flora, soil, water, air, climatic factors, material assets, including the architectural and archaeological heritage, landscape and the inter-relationship between the above factors' (paragraph 19).

The content of the ES should include as a minimum those matters set out in Schedule 4 Part 2 of the EIA Regulations. This includes the consideration of 'Alternatives' which the Commission recommends could be addressed as a separate chapter in the ES.

Traffic and transport is not specified as a topic for assessment under Schedule 4; although in line with good practice the Commission 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 Commission 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 Commission 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.

**Physical Scope**

In general the Commission 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.

Therefore, the Commission recommends that the study area for the EIA 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 study area for each specialist topic should be clearly defined and determined by establishing the physical extent of the likely impacts in accordance with good practice.

The Commission considers that the study areas should be agreed, wherever possible, with the relevant statutory consultees and local authorities.

**Temporal Scope**

The assessment should consider:

• Environmental impact during construction works;
• Environmental impacts on completion/operation of the development;
• Environmental impacts a suitable number of years after completion of the development in order to allow for traffic growth or maturing of any landscape proposals; and
• Decommissioning.

In terms of decommissioning, the Commission 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 is to enable the decommissioning of the works to be taken into account in the design and use of materials such that structures can be taken down with the minimum of disruption, materials can be re-used and the site can be restored or put to a suitable new use. The Commission encourages consideration of such matters in the ES.

The Commission 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 Commission considers that the duration of effects should use a standard terminology, which should be defined.

**Baseline**

The Commission 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, where possible, be consistent between topics.

The identification of a single baseline is to be welcomed in terms of the approach to the assessment, although the Commission considers that care
should be taken to ensure that all the baseline data remains relevant and up to date. The Commission recommends that the baseline environment should be clearly explained in the ES, including any dates of surveys. Wherever possible the baseline should be agreed with the appropriate consultees.

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.

**Identification of Impacts and Method Statement**

**Legislation and Guidelines**

In terms of the EIA methodology, the Commission 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 Commission 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 Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 SI No. 2264.

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). Therefore, the Commission 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 Commission 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 Commission considers that this should also apply to the consideration of cumulative impacts and impact inter-relationships.

**Potential Environmental Impacts**

The Commission considers these under Section 3: the EIA Topic Areas of this Opinion.
Inter-relationship Impacts

The inter-relationship of impacts on the same receptor should be taken into account. These occur where a number of separate impacts, e.g. noise and air quality, affect a single receptor such as fauna.

The Commission considers that the inter-relationship between aspects of the proposed development should be assessed and that details should be provided as to how inter-relationships will be assessed in order to address the environmental impacts of the proposal as a whole.

Cumulative Impacts

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

The potential combination of impacts with other major developments will also need to be carefully identified such that the maximum adverse impacts can be shown to have been identified and assessed against the baseline position (which would include built and operational development). In 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:

- under construction;
- permitted application(s), but not yet implemented;
- submitted application(s) not yet determined;
- projects on the Commission’s Programme of 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; and
- identified in other plans and programmes (as appropriate) which set the framework for future development consents/approvals, where such development is reasonably likely to come forward.

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

Associated development

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

The Commission recommends that the Applicant should distinguish between 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 Commission 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; and should be identified as such in the specialist sections (Schedule 4 part 1 paragraph 21). Mitigation measures should not be developed in isolation as they may relate to more than one topic area.

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

The application itself will need to demonstrate how the mitigation would be delivered, and only mitigation which can be shown to be deliverable should be taken into account as part of the EIA.

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.
Presentation

The Commission recommends that all paragraphs in the ES should be numbered. This is for ease of reference. Appendices must be clearly referenced, again with all paragraphs numbered. All figures and drawings should be clearly referenced.

Cross References and Interactions

The Commission 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.

Terminology and Glossary of Technical Terms

The Commission 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.

Summary Tables

The Commission recommends that in order to assist the decision making process, the Applicant may wish to consider the use of tables to identify and collate the residual impacts after mitigation. This would include the EIA topics, and inter-relationship and cumulative impacts.

A table setting out the mitigation measures proposed would assist the reader and the Commission recommends that this would also enable the Applicant to cross refer mitigation to specific provisions proposed to be included within the draft Order.

The ES should also demonstrate how the assessment has taken account of this Opinion and other responses to consultation. The Commission recommends that this may be most simply expressed in a table.
Bibliography

A bibliography should be included in the ES. The author, date and publication title should be included for all references.

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.

Consultation

The Commission 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 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 (this term is defined in the EIA Regulations under regulation 2 ‘Interpretation’). This preliminary information could include results of detailed surveys and recommended mitigation actions. Where effective consultation is carried out in accordance with s47 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 preliminary environmental information. Attention is drawn to the duty upon Applicants under s50 of the Planning Act to have regard to the guidance on pre-application consultation.

Environmental Management

The Commission advises that it is considered best practice to outline in the ES, the structure of the environmental management and monitoring plan (EMMP) and safety procedures which will be adopted during construction and operation.