

# **A38 Derby Junctions**

**TR010022**

**Volume 6**

## **6.3 Environmental Statement Appendices**

### **Appendix 4.2: Scoping Option Response Tables (Chapters 1-4)**

Regulation 5(2)(a)

Planning Act 2008

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

April 2019

## Infrastructure Planning

### Planning Act 2008

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

### A38 Derby Junctions Development Consent Order 202[ ]

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#### **6.3 Environmental Statement Appendices**

##### **Appendix 4.2: Scoping Opinion Response Tables (Chapters 1-4)**

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<b>Regulation Number</b>	Regulation 5(2)(a)
<b>Planning Inspectorate Scheme Reference</b>	TR010022
<b>Application Document Reference</b>	6.3
<b>Author</b>	A38 Derby Junctions Project Team, Highways England

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## APPENDIX 4.2: A38 Derby Junctions: EIA Scoping Opinion – Response Tables (of relevance to ES Chapters 1 – 4)[TR010022/APP/6.1]

Planning Inspectorate Scoping Opinion				
Topic or aspect	Comment	Scoping Opinion reference	Response to Scoping Opinion	Where covered in the Environmental Statement [TR010022/APP/6.1]
EIA Regulations	In accordance with Regulation 14(3)(a), where a scoping opinion has been issued in accordance with Regulation 10 an ES accompanying an application for an order granting development consent should be based on ' <i>the most recent scoping opinion adopted (so far as the proposed development remains materially the same as the proposed development which was subject to that opinion)</i> '.	1.1.12	The EIA of the Scheme has been based on the formal Scoping Opinion (refer to Appendix 4.1 [TR010022/APP/6.3]) provided to Highways England by The Inspectorate on 25 April 2018.	Para. 1.3.7 and 4.1.4.
Consultation responses	The ES submitted by the Applicant should demonstrate consideration of the points raised by the consultation bodies. It is recommended that a table is provided in the ES summarising the scoping responses from the consultation bodies and how they are, or are not, addressed in the ES.	1.2.3	The Applicant has reviewed and considered all of the comments. Together this table and the topic chapter scoping opinion response tables make reference to all consultation body comments and respond to them in turn.	This table and ES topic chapters
Consultation responses	Any consultation responses received after the statutory deadline for receipt of comments will not be taken into account within this Opinion. Late responses will be forwarded to the Applicant and will be made available on the Inspectorate's website. The Applicant should also give due consideration to those comments in preparing their ES.	1.2.4	The Applicant has reviewed and taken into account the late comments. These comments are considered within the relevant topic chapter scoping opinion response tables.	This table and ES topic chapters
Project Description	The ES should include the following: a description of the Proposed Development comprising information on the site, design, size and other relevant features of the development; a description of the location of the development, the physical characteristics of the whole development, including any requisite demolition works and the land-use requirements during construction and operation phases.	2.3.1	A detailed description of the site, anticipated works and activities that would be undertaken during the construction, operation, any demolition works, and long-term maintenance of the Scheme has been presented within the ES.	Chapter 2: The Scheme and site description details presented in the ES topic chapters
Project Description	The Inspectorate notes that detailed information regarding biodiversity mitigation/ compensation sites and flood mitigation sites is not currently available but should be provided within the ES.	2.3.2	Details regarding biodiversity mitigation/ compensation sites and flood mitigation sites are provided within the ES.	Chapter 8: Biodiversity and Chapter 13: Road Drainage and the Water Environment

Planning Inspectorate Scoping Opinion				
Topic or aspect	Comment	Scoping Opinion reference	Response to Scoping Opinion	Where covered in the Environmental Statement [TR010022/APP/6.1]
Alternatives	The EIA Regulations require that the Applicant provide a 'description of the reasonable alternatives' (for example in terms of development design, technology, location, size and scale) studies by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects'.	2.3.3	Chapter 3: Scheme History and Assessment of Alternatives includes an assessment of the alternatives in accordance with the EIA Regulations.	Chapter 3: Scheme History and Assessment of Alternatives
Alternatives	The Inspectorate would expect to see a discrete section in the ES that provides details of the reasonable alternatives studied and the reasoning for the selection of the chosen option(s), including a comparison of the environmental effects.	2.3.4	Chapter 3: Scheme History and Assessment of Alternatives includes an assessment of the alternatives in accordance with the EIA Regulations.	Chapter 3: Scheme History and Assessment of Alternatives
Flexibility	The Applicant should make every attempt to narrow the range of options and explain clearly in the ES which elements of the Proposed Development have yet to be finalised and provide the reasons. At the time of application, any Proposed Development parameters should not be so wide-ranging as to represent effectively different developments. The development parameters will need to be clearly defined in the DCO and in the accompanying ES. It is a matter for the Applicant, in preparing an ES, to consider whether it is possible to robustly assess a range of impacts resulting from a large number of undecided parameters. The description of the Proposed Development in the ES must not be so wide that it is insufficiently certain to comply with the requirements of Regulation 14 of the EIA Regulations.  A new scoping opinion may need to be requested if the Proposed Development materially changes prior to submission of the DCO application.	2.3.6	Chapter 2: The Scheme and Chapter 4: Environmental Impact Assessment Methodology set out how the ES has assessed the development parameters applied for in the DCO and describes the approach to assessment.	Chapter 2: The Scheme and Chapter 4: Environmental Impact Assessment Methodology
ES Approach	This section contains the Inspectorate's specific comments on the scope and level of detail of information to be provided in the Applicant's ES. General advice on the presentation of an ES is provided in the Inspectorate's Advice Note Seven 'Environmental Impact Assessment: Process, Preliminary Environmental Information and Environmental Statements' and associated appendices. Aspects/ matters (as defined in Advice Note Seven) are not scoped out unless specifically addressed and justified by the Applicant, and confirmed as being scoped out by the Inspectorate. The ES should be based on the Scoping Opinion in so far as the Proposed Development remains materially the same as the Proposed Development described in the Applicant's Scoping Report. The Inspectorate has set out in this Opinion where it has/ has not agreed to scope out certain aspects/ matters on the basis of the	3.1.1 to 3.1.3	This scoping opinion response table and the scoping opinion response tables contained within each of the ES topic chapters includes a response from The Applicant to all of the comments raised in the scoping opinion, both from The Inspectorate and the statutory consultees. Where topics (or more likely parts of topics) have been scoped out or a scoping opinion comments departed from, the reason for this has been clearly set out and details of engagement and agreement with relevant statutory consultees demonstrated.	This table and the topic chapter scoping opinion response tables

Planning Inspectorate Scoping Opinion				
Topic or aspect	Comment	Scoping Opinion reference	Response to Scoping Opinion	Where covered in the Environmental Statement [TR010022/APP/6.1]
	information available at this time. The Inspectorate is content that the receipt of a Scoping Opinion should not prevent the Applicant from subsequently agreeing with the relevant consultees to scope such aspects/matters out of the ES, where further evidence has been provided to justify this approach. However, in order to demonstrate that the aspects/matters have been appropriately addressed, the ES should explain the reasoning for scoping them out and justify the approach taken.			
ES Approach	Where relevant, the ES should provide reference to how the delivery of measures proposed to prevent/minimise adverse effects is secured through DCO requirements (or other suitably robust methods) and whether relevant consultees agree on the adequacy of the measures proposed.	3.1.4	The approach to mitigation, including the definitions of different types of mitigation, is described in ES Chapter 4: Environmental Impact Assessment Methodology. The mechanisms for securing and delivering these measures are outlined in ES paras. 2.5.76 – 2.5.80, and are detailed in the Outline Environmental Management Plan (OEMP) (Appendix 2.1 [TR010022/APP/6.3]) and the Environmental Mitigation Schedule (Appendix 2.2 [TR010022/APP/6.3]).	Chapter 2: The Scheme and Chapter 4: Environmental Impact Assessment Methodology  OEMP (Appendix 2.1 [TR010022/APP/6.3]) and the Environmental Mitigation Schedule (Appendix 2.2 [TR010022/APP/6.3])
ES Approach	Sector-specific NPSs are produced by the relevant Government Departments and set out national policy for NSIPs. They provide the framework within which the Examining Authority (ExA) will make their recommendation to the SoS and include the Government's objectives for the development of NSIPs. The NPSs may include environmental requirements for NSIPs, which Applicants should address within their ES.	3.2.1	Each ES topic chapter includes a short table demonstrating how specific National Policy Statement for National Networks (NPSNN) (Department for Transport (DfT), 2014) requirements of relevant to that topic assessment have been met. Full details of NPSNN requirements and how they have been addressed through the EIA are captured in the Planning Statement/NPSNN Accordance Table [TR010022/APP/7.2]).	ES topic chapters
ES Approach	The Inspectorate recommends that in order to assist the decision-making process, the Applicant uses tables: <ul style="list-style-type: none"> <li>to demonstrate how the assessment has taken account of the Scoping Opinion;</li> <li>to identify and collate the residual effects after mitigation for each of the aspect chapters, including the relevant interrelationships and cumulative effects;</li> <li>to set out the proposed mitigation and/ or monitoring measures including cross-reference to the means of securing such measures (e.g. a DCO requirement);</li> </ul>	3.3.1	This scoping opinion response table and the topic specific response tables found in each topic chapter demonstrate how the assessment has taken account of the scoping opinion. Where topics (or more likely parts of topics) have been scoped out or a scoping opinion comment departed from, the reason for this has been clearly set out and details of engagement and agreement with relevant statutory consultees demonstrated.	ES topic chapters  Chapter 4: Environmental Impact Assessment

Planning Inspectorate Scoping Opinion				
Topic or aspect	Comment	Scoping Opinion reference	Response to Scoping Opinion	Where covered in the Environmental Statement [TR010022/APP/6.1]
	<ul style="list-style-type: none"> <li>to describe remedial measures that are identified as being necessary following monitoring;</li> <li>to identify where details contained in the Habitats Regulations Assessment (HRA) report (where relevant), such as descriptions of European sites and their locations, together with any mitigation or compensation measures, are to be found in the ES.</li> </ul>		<p>Each topic chapter includes a collated table of likely significant residual effects.</p> <p>The approach to mitigation, including the definitions of different types of mitigation, is described in ES Chapter 4: Environmental Impact Assessment Methodology. The mechanisms for securing and delivering these measures are outlined in ES paras. 2.5.76 – 2.5.80, and are detailed in the Outline Environmental Management Plan (OEMP) (Appendix 2.1 [TR010022/APP/6.3]) and the Environmental Mitigation Schedule (Appendix 2.2 [TR010022/APP/6.3]).</p> <p>The Habitats Regulations Assessment (HRA) is provided in Appendix 8.2 [TR010022/APP/6.3].</p>	<p>Methodology</p> <p>OEMP (Appendix 2.1 [TR010022/APP/6.3]) and the Environmental Mitigation Schedule (Appendix 2.2 [TR010022/APP/6.3])</p> <p>Appendix 8.2 [TR010022/APP/6.3]</p>
ES Approach	The Inspectorate considers that where a DCO application includes works described as 'Associated Development', that could themselves be defined as an improvement of a highway, the Applicant should ensure that the ES accompanying that application distinguishes between; effects that primarily derive from the integral works which form the proposed (or part of the proposed) NSIP and those that primarily derive from the works described as Associated Development. This could be presented in a suitably compiled summary table. This will have the benefit of giving greater confidence to the Inspectorate that what is proposed is not in fact an additional NSIP defined in accordance with s22 of the PA2008.	3.3.2	The ES assesses effects from the works which form the Scheme as listed in Schedule 1 (authorised development) of the draft DCO. There is no associated development that could be defined as an additional NSIP as defined by s22 of the Planning Act 2008.	Draft DCO [TR010022/APP/3.1]
ES Approach	The Scoping Report makes multiple references to Highways England Project Control Framework (PCF) process. Whilst it is helpful to understand the context of Highways England's options selection and development process, the description of the PCF process sometimes hinders understanding of the proposed ES scope. For example, paragraph 12.9.38 of the Scoping Report refers to the Noise Insulation Regulations (NIR) and states that "A complete assessment under the NIR is beyond the scope of the assessment at PCF Stage 3, however, the results presented will provide a useful initial indication of the number of potentially qualifying buildings." It is therefore unclear precisely what information the Applicant proposes to submit as part of the ES. The Applicant should take care to ensure that the information provided in ES is sufficient to identify the likely significant environmental effects.	3.3.3	<p>A description of the PCF process is provided in Section 3.2 and Illustration 3.1 therein.</p> <p>The content and scope of the EIA is detailed in Chapter 1: Introduction and Chapter 4: Environmental Impact Assessment Methodology. It is considered that content and scope of the ES is sufficient to identify the likely significant effects of the Scheme.</p>	<p>Section 3.2 and Illustration 3.1 therein</p> <p>Chapter 1: Introduction;</p> <p>Chapter 4: Environmental Impact Assessment Methodology; Chapter 16 Summary of Significant Effects</p>

Planning Inspectorate Scoping Opinion				
Topic or aspect	Comment	Scoping Opinion reference	Response to Scoping Opinion	Where covered in the Environmental Statement [TR010022/APP/6.1]
ES Approach – Baseline Scenario	The ES should include a description of the baseline scenario with and without implementation of the development as far as natural changes from the baseline scenario can be assessed with reasonable effort on the basis of the availability of environmental information and scientific knowledge.	3.3.4	Each of the topic chapters presents a clear baseline with and without implementation of the Scheme. The Applicant understands that a clear baseline is essential to the accurate assessment of the Scheme.	ES topic chapters
ES Approach – Forecasting Methods of Evidence	The ES should contain the timescales upon which the surveys which underpin the technical assessments have been based. For clarity, this information should be provided either in the introductory chapters of the ES (with confirmation that these timescales apply to all chapters), or in each aspect chapter.	3.3.5	Timescales for the surveys undertaken as part of the EIA and those which underpin the technical assessments are included in each of the topic chapters.	ES topic chapters
ES Approach – Forecasting Methods of Evidence	The Inspectorate expects the ES to include a chapter setting out the overarching methodology for the assessment, which clearly distinguishes effects that are 'significant' from 'non-significant' effects. Any departure from that methodology should be described in individual aspect assessment chapters.	3.3.6	The overarching methodology for the EIA is set out in ES Chapter 4: Environmental Impact Assessment Methodology. Where deviations from the general methodology have been necessary, this is explained within the topic-specific assessments.	Chapter 4: Environmental Impact Assessment Methodology and ES topic chapters
ES Approach – Forecasting Methods of Evidence	The ES should include details of difficulties (for example technical deficiencies or lack of knowledge) encountered compiling the required information and the main uncertainties involved.	3.3.7	Each technical chapter in the ES includes a section on 'assumptions and limitations'.	ES topic chapters
ES Approach – Residues and Emissions	The EIA Regulations require an estimate, by type and quantity, of expected residues and emissions. Specific reference should be made to water, air, soil and subsoil pollution, noise, vibration, light, heat, radiation and quantities and types of waste produced during the construction and operation phases, where relevant. This information should be provided in a clear and consistent fashion and may be integrated into the relevant aspect assessments.	3.3.8	Information on the type and quantity of residues and emissions is included, but split between the various technical chapters, where that residue or emission is of relevance to a technical chapter's assessment.	ES topic chapters



Planning Inspectorate Scoping Opinion				
Topic or aspect	Comment	Scoping Opinion reference	Response to Scoping Opinion	Where covered in the Environmental Statement [TR010022/APP/6.1]
ES Approach - Mitigation	Any mitigation relied upon for the purposes of the assessment should be explained in detail within the ES. The likely efficacy of the mitigation proposed should be explained with reference to residual effects. The ES should also address how any mitigation proposed is secured, with reference to specific DCO requirements or other legally binding agreements.	3.3.9	The approach to mitigation, including the definitions of different types of mitigation, is described in ES Chapter 4: Environmental Impact Assessment Methodology. The mechanisms for securing and delivering these measures are outlined in ES paras. 2.5.76 – 2.5.80, and are detailed in the Outline Environmental Management Plan (OEMP) (Appendix 2.1 [TR010022/APP/6.3]) and the Environmental Mitigation Schedule (Appendix 2.2 [TR010022/APP/6.3]).	Chapter 4: Environmental Impact Assessment Methodology ES topic Chapters OEMP (Appendix 2.1 [TR010022/APP/6.3]) and the Environmental Mitigation Schedule (Appendix 2.2 [TR010022/APP/6.3])
ES Approach – Risks of Major Accidents and/or Disasters	<p>The ES should include a description and assessment (where relevant) of the likely significant effects resulting from accidents and disasters applicable to the Proposed Development. The Applicant should make use of appropriate guidance (e.g. that referenced in the Health and Safety Executives (HSE) Annex to Advice Note 11) to better understand the likelihood of an occurrence and the Proposed Development's susceptibility to potential major accidents and hazards. The description and assessment should consider the vulnerability of the Proposed Development to a potential accident or disaster and also the Proposed Development's potential to cause an accident or disaster. The assessment should specifically assess significant effects resulting from the risks to human health, cultural heritage or the environment. Any measures that will be employed to prevent and control significant effects should be presented in the ES.</p> <p>Relevant information available and obtained through risk assessments pursuant to European Union legislation such as Directive 2012/18/EU of the European Parliament and of the Council or Council Directive 2009/71/Euratom or relevant assessments carried out pursuant to national legislation may be used for this purpose provided that the requirements of this Directive are met. Where appropriate, this description should include measures envisaged to prevent or mitigate the significant adverse effects of such events on the environment and details of the preparedness for and proposed response to such emergencies.</p>	3.3.10 and 3.3.11	Section 4.1 and the accompanying Appendix 4.4 [TR010022/APP/6.3] provides an assessment of the major accidents and/ or disasters of relevance to the Scheme, including the vulnerability of the Scheme to climate change. Appendix 4.4 [TR010022/APP/6.3] includes measures to prevent and mitigate potential major accidents and/ or disasters.	Section 4.1 and Appendix 4.4 [TR010022/APP/6.3]



Planning Inspectorate Scoping Opinion				
Topic or aspect	Comment	Scoping Opinion reference	Response to Scoping Opinion	Where covered in the Environmental Statement [TR010022/APP/6.1]
ES Approach – Climate and Climate Change	The ES should include a description and assessment (where relevant) of the likely significant effects the Proposed Development has on climate (for example having regard to the nature and magnitude of greenhouse gas emissions) and the vulnerability of the project to climate change. Where relevant, the ES should describe and assess the adaptive capacity that has been incorporated into the design of the Proposed Development. This may include, for example, alternative measures such as changes in the use of materials or construction and design techniques that will be more resilient to risks from climate change.	3.3.13	An assessment of the potential climate impacts of relevance to the Scheme is detailed in Chapter 14: Climate, together with an assessment of the Scheme's vulnerability to climate change.	Chapter 14: Climate
ES Approach - Transboundary Effects	The Scoping Report concludes that the Proposed Development is not likely to have significant effects on another European Economic Area (EEA) State and proposes that transboundary effects do not need to be considered within the ES. The Inspectorate notes the Applicant's conclusion in the Scoping Report; however recommends that, for the avoidance of doubt, the ES details and justifies this conclusion.	3.3.15	Appendix 1.2: Transboundary Effects Screening Matrix of the Scoping Report provided justification for the scoping out of transboundary effects. Also refer to Section 4.1. For the avoidance of doubt, the view of the Applicant is that the Scheme does not have the potential for likely significant transboundary effects and so no EEA States would be affected – this is confirmed in the Transboundary Effects Screening Matrix provided Appendix 4.3 [TR010022/APP/6.3].	Section 4.1 and Appendix 4.3: Transboundary Effects Screening Matrix [TR010022/APP/6.3]
ES Approach – A Reference List	A reference list detailing the sources used for descriptions and assessments must be included in the ES.	3.3.16	A reference list is included in the 'References' section of each ES chapter.	References section within each ES chapter
ES Approach	In some circumstances it will be appropriate for information to be kept confidential. In particular, this may relate to information about the presence and locations of rare or sensitive species such as badgers, rare birds and plants where disturbance, damage, persecution or commercial exploitation may result from publication of the information. Where documents are intended to remain confidential the Applicant should provide these as separate paper and electronic documents with their confidential nature clearly indicated in the title, and watermarked as such on each page. The information should not be incorporated within other documents that are intended for publication or which the Inspectorate would be required to disclose under the Environmental Information Regulations 2014.	3.4.1	Confidential information has been separated out from the main body of the ES. Confidential information has been provided to The Inspectorate, but will not be made available in the public domain.	-

Planning Inspectorate Scoping Opinion				
Topic or aspect	Comment	Scoping Opinion reference	Response to Scoping Opinion	Where covered in the Environmental Statement [TR010022/APP/6.1]
Other aspects – Table 17.2	Proposed scheme Decommissioning - Based on the nature of the scheme and its likely longevity the Inspectorate considers that proposed scheme decommissioning effects may be scoped out from further consideration.	Table 17.2	As detailed in Section 2.8 it is highly unlikely that the Scheme would be demolished after its design life as the road would have become an integral part of nationally important infrastructure. In the event of the Scheme needing to be demolished, this would conform to the statutory process at that time, including EIA as appropriate. Demolition of the Scheme is not, therefore, considered further in this ES (as confirmed in the Scoping Opinion – refer to Appendix 4.1 [TR010022/APP/6.3]. Also refer to Chapter 4: Environmental Impact Assessment Methodology).	Section 2.8 (and para. 4.1.18)
Other aspects – Table 17.2	Dismantling of proposed scheme components during maintenance/ operation - In the absence of a definition of 'maintain' in the Scoping Report the Inspectorate does not consider it appropriate to scope out an assessment of dismantling during maintenance at this point in time. If the powers for maintenance sought in the draft DCO include works that may result in likely significant effects, these should be assessed in the ES.	Table 17.2	As detailed in Section 2.7, the Scheme would be appropriately managed during its operational phase. Should any particular elements of the Scheme need to be dismantled and/ or replaced once they reach the end of their design life, such works would be undertaken by the East Midlands Asset Delivery team (Highways England) in accordance with their existing environmental management plan. This environmental management plan requires the consideration of existing environmental conditions in the vicinity of the asset, the potential environmental effects of associated works, and the specification of applicable environmental mitigation requirements. Through this process it is considered that maintaining activities that entail asset dismantled and/ or replaced would be undertaken in a manner that would avoid the potential for significant environmental effects.	Section 2.7

Derby City Council			
Topic or aspect	Comment	Response to Scoping Opinion	Where covered in the Environmental Statement
Policy	Certain policies in the local plan are incorrectly referenced both in the City of Derby Local Plan Review and the Derby City Local Plan Part 1.	Noted – references to policy in the local plan have been checked where included in the ES.	Chapters 1 to 15 of the ES

Derbyshire County Council			
Topic or aspect	Comment	Response to Scoping Opinion	Where covered in the Environmental Statement
Highways Impact	Derbyshire County Council (DCC) fully understands the key objective of the scheme. DCC have expressed disappointment that the Scoping Report provides little reference to or detail of the transport works which are currently being undertaken by AECOM on behalf of Highways England to assess the changes in traffic flows on the road network likely as a consequence of the construction and operational phases of the scheme.	The ES assesses the potential environmental impacts associated with the traffic flow changes likely as a consequence of the Scheme construction and operation. Details regarding traffic effects can be found in the Transport Assessment Report [TR010022/APP/7.3].	Transport Assessment Report [TR010022/APP/7.3]
Highways Impact	The Scoping Report does not contain detail about the proposed phasing of the construction works i.e. whether all three junctions will be constructed simultaneously, or whether one of the schemes will be commenced in advance of the others. DCC commented that a phasing programme of construction should be included within the Environmental Statement.	Details regarding the phasing of the Scheme construction phase are included in Chapter 2: The Scheme (refer to Section 2.6) and the Traffic Management Plan [TR010022/APP/7.4].	Chapter 2: The Scheme (refer to Section 2.6) and the Traffic Management Plan [TR010022/APP/7.4]
Highways Impact	DCC considers it very important that extensive transport modelling works are carried out to assess the likely impacts of during the construction phases along with the operational phase since a number of sites that may be required for use as construction compounds and soil storage.	Details regarding the construction and operation of the Scheme construction are included in Chapter 2: The Scheme. Traffic modelling of the Scheme construction phases and Scheme operation has been undertaken and support a number of technical assessments presented in the ES.	Chapters 1 to 15 of the ES
Green Belt	DCC have concerns that the Scoping Report includes very little reference to the assessment of the proposed Little Eaton junction scheme on the Green Belt. DCC commented that local transport infrastructure is identified as one of the forms of development that are not appropriate within the Green Belt.  DCC have expressed concern that the Scoping Report does not provide any indication that an assessment will be provided within the Environmental Statement of the likely impacts of the Little Eaton junction part of the scheme on the openness of the Green Belt and the main purposes for including land within the Green Belt in this location.	The Planning Statement [TR010022/APP/7.2] includes an assessment as related to green belt.	Planning Statement [TR010022/APP/7.2]

Public Health England			
Topic or aspect	Comment	Response to Scoping Opinion	Where covered in the Environmental Statement
General – EIA Methodology	The EIA should give consideration to best practice guidance such as the Government's Good Practice Guide for EIA. It is important that the EIA identifies and assesses the potential public health impacts of the activities at, and emissions from, the installation. Assessment should consider the development, operational, and decommissioning phases.	The EIA has been undertaken in accordance with the EIA Regulations. The potential for impacts relating to public health are considered as part of ES Chapter 12: People and Communities.	Chapter 12: People and Communities
General - Alternatives	Consideration of alternatives (including alternative sites, choice of process, and the phasing of construction) is widely regarded as good practice. Ideally, EIA should start at the stage of site and process selection, so that the environmental merits of practicable alternatives can be properly considered. Where this is undertaken, the main alternatives considered should be outlined in the ES.	Chapter 3: Scheme History and Assessment of Alternatives includes an assessment of the alternatives considered in accordance with the EIA Regulations.	Chapter 3: Scheme History and Assessment of Alternatives
Receptors	The ES should clearly identify the development's location and the location and distance of the development of off-site human receptors that may be affected by emissions from, or activities at, the development. Off-site human receptors may include people living at residential premises, people working in commercial, and industrial premises, and people using transport infrastructure (such as roads and railways), recreational areas, and publicly-accessible land. Consideration should also be given to environmental receptors such as surrounding land, watercourses, surface and groundwater, and drinking water supplies such as wells, boreholes and water abstraction plants.	Scheme location details are provided in Chapter 2: The Scheme, whilst human and environmental receptors are referred to as applicable in the baseline sections of the various technical topic chapters.	Chapter 2: The Scheme ES topic chapters
Construction and Decommissioning	Any assessment of impacts arising from emissions due to construction and decommissioning should consider potential impacts on all receptors and describe monitoring and mitigation during these phases. Construction and decommissioning will be associated with vehicle movements and cumulative impacts should be accounted for.  We would expect the promoter to follow best practice guidance during all phases from construction to decommissioning to ensure appropriate measures are in place to mitigate any potential impact on health from emissions (point source, fugitive and traffic-related). An effective Construction Environmental Management Plan (CEMP) (and Decommissioning Environmental Management Plan (DEMP)) will help provide reassurance that activities are well managed. The promoter should ensure that there are robust mechanisms in place to respond to any complaints of traffic-related pollution, during construction, operation, and decommissioning of the facility.	The EIA includes a detailed assessment of construction effects, including in relation to emissions. As detailed in Scoping Opinion, Scheme decommissioning has been scoped out of the assessment.  The approach to mitigation, including the definitions of different types of mitigation, is described in ES Chapter 4: Environmental Impact Assessment Methodology. The mechanisms for securing and delivering these measures are outlined in ES paras. 2.5.76 – 2.5.80, and are detailed in the Outline Environmental Management Plan (OEMP) (Appendix 2.1 [TR010022/APP/6.3]) and the Environmental Mitigation Schedule (Appendix 2.2 [TR010022/APP/6.3]).	Chapter 4: Environmental Impact Assessment Methodology OEMP (Appendix 2.1 [TR010022/APP/6.3]) and the Environmental Mitigation Schedule (Appendix 2.2 [TR010022/APP/6.3])

Public Health England			
Topic or aspect	Comment	Response to Scoping Opinion	Where covered in the Environmental Statement
Other Aspects	Within the EIA PHE would expect to see information about how the accidents with potential off-site emissions would be responded to e.g. flooding or fires, spills, leaks or releases off-site. Assessments of accidents should: identify all potential hazards in relation to construction, operation and decommissioning; including an assessment of the risks posed; and identify risk management measures and contingency actions that will be reemployed in the event of an accident in order to mitigate off-site effects.	Section 4.1 and the accompanying Appendix 4.4 [TR010022/APP/6.3] provides an assessment of the major accidents and/or disasters of relevance to the Scheme, including the vulnerability of the Scheme to climate change. Appendix 4.4 [TR010022/APP/6.3] includes measures to prevent and mitigate potential major accidents and/or disasters.	Section 4.1 and Appendix 4.4 [TR010022/APP/6.3]
Other Aspects	The EIA should include consideration of the COMAH Regulations (Control of Major Accident Hazards) and the Major Accident Off-Site Emergency Plan (Management of Waste from Extractive Industries) (England and Wales) Regulations 2009: both in terms of their applicability to the installation itself, and the installation's potential to impact on, or be impacted by, any nearby installations themselves subject to these Regulations.	Section 4.1 and the accompanying Appendix 4.4 [TR010022/APP/6.3] provides an assessment of the major accidents and/or disasters of relevance to the Scheme, including the vulnerability of the Scheme to climate change. Appendix 4.4 [TR010022/APP/6.3] includes measures to prevent and mitigate potential major accidents and/or disasters.	Section 4.1 and Appendix 4.4 [TR010022/APP/6.3]
Other Aspects	PHE commented that estimation of community anxiety and stress should be included as part of every risk or impact assessment of proposed plans that involve a potential environmental hazard.	Section 4.1 and the accompanying Appendix 4.4 [TR010022/APP/6.3] provides an assessment of the major accidents and/or disasters of relevance to the Scheme, including the vulnerability of the Scheme to climate change. Appendix 4.4 [TR010022/APP/6.3] includes measures to prevent and mitigate potential major accidents and/or disasters.	Section 4.1 and Appendix 4.4 [TR010022/APP/6.3]
Human Health	<p>The following should be considered when undertaking a human health risk assessment:</p> <ul style="list-style-type: none"> <li>Chemical Abstract Service (CAS) numbers alongside chemical names, should be considered where referenced in the ES</li> <li>Where available, the most recent United Kingdom standards for the appropriate media (e.g. air, water, and/or soil) and health-based guideline values should be used when quantifying the risk to human health from chemical pollutants. Where UK standards or guideline values are not available, those recommended by the European Union or World Health Organisation can be used</li> <li>When assessing the human health risk of a chemical emitted from a facility or operation, the background exposure to the chemical from other sources should be taken into account</li> <li>When quantitatively assessing the health risk of genotoxic and carcinogenic chemical pollutants PHE does not favour the use of mathematical models to extrapolate from high dose levels used in animal carcinogenicity studies to well below the observed region of a dose-response relationship. When only animal</li> </ul>	In order to undertake a consideration of the Scheme's effects on human health, the collated findings of the following topics, which are conducted principally in isolation as is required by their methodologies, have been utilised; air quality, noise and vibration, landscape and visual, people and communities, and climate. The collated findings and associated human health assessment is summarised within Chapter 12: People and Communities and detailed in Appendix 12.2 [TR010022/APP/6.3].	Section 4.1; Chapter 12: People and Communities; and Appendix 12.2 [TR010022/APP/6.3].

Public Health England			
Topic or aspect	Comment	Response to Scoping Opinion	Where covered in the Environmental Statement
	data are available, we recommend that the 'Margin of Exposure' (MOE) approach <sup>10</sup> is used.		