

**M42 Junction 6 Improvement  
Scheme Number TR010027  
Volume 6**

**6.3 Environmental Statement**  
Appendix 5.3 EIA scoping opinion:  
Response Table

Regulation 5(2)(a)

Planning Act 2008

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

January 2019

Infrastructure Planning

Planning Act 2008

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

**M42 Junction 6 Improvement  
Development Consent Order 202[-]**

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**6.3 Environmental Statement  
Appendix 5.3 EIA scoping opinion: Response Table**

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<b>Regulation Number</b>	Regulation 5(2)(a)
<b>Planning Inspectorate Scheme Reference</b>	TR010027
<b>Application Document Reference</b>	6.3
<b>Author</b>	M42 Junction 6 Improvement Project Team and Highways England

<b>Version</b>	<b>Date</b>	<b>Status of Version</b>
1	January 2019	DCO Application

## Appendix 5.3 – EIA scoping opinion: response table

### Planning Inspectorate Scoping Opinion

Topic or aspect	Comment	Scoping opinion reference	Response to scoping opinion	Where covered in the Environmental Statement (or in other application documents)
General	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> .	1.11.12	The EIA of the Scheme has been based on the formal scoping opinion provided to Highways England by the Planning Inspectorate (dated December 2017).	[TR010027/APP/6.1] [TR010027/APP/6.2] [TR010027/APP/6.3]
General	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 Environmental Impact Assessment of the Scheme has fully taken account of the points raised by the consultation bodies engaged by the Planning Inspectorate to inform the Scoping Opinion.	Appendix 5.3 [TR010027/APP/6.3]

Topic or aspect	Comment	Scoping opinion reference	Response to scoping opinion	Where covered in the Environmental Statement (or in other application documents)
			This EIA scoping opinion: response table presents a summary of all responses received as part of the scoping process and sets out whether or not a particular matter has been addressed, and where in the Environmental Statement the relevant information or justification can be found.	
General	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 carrying out the EIA.	1.2.4	<p>Late responses to the scoping opinion were received from Natural England, and North West Leicestershire District Council.</p> <p>Due consideration has been given in the EIA to the points raised in these late responses, the relevant details of</p>	Appendix 5.3 [TR010027/APP/6.3]

Topic or aspect	Comment	Scoping opinion reference	Response to scoping opinion	Where covered in the Environmental Statement (or in other application documents)
			which have been summarised in this EIA scoping opinion: response table.	
Project Description	The Inspectorate notes that at this time precise information regarding the size of the whole development, including landtake, vertical, and horizontal dimensions is not provided. The Inspectorate considers that this information should be provided in the ES. If precise information relating to the design is not known at the point of application the ES should clearly explain the parameters used to address this and explain why flexibility is required.	2.3.1	A detailed project description has been included within the Environmental Statement. This presents, amongst other things, details relating to the size of the Scheme, its landtake, and its vertical and horizontal dimensions. This information has been used as the basis of the EIA.	Chapter 3 The project [TR010027/APP/6.1]
Project Description	The Scoping Report explains that the precise land-take to be included in the DCO boundary will be refined in light of construction land take requirements, earthworks design, ecological compensation areas and flood compensation areas. The Scoping Report states that the 'red line boundary' (taken to mean the proposed application site) figure (see 2.3.1 above) is intended to	2.3.2	The temporary and permanent landtake requirements of the Scheme were subject to further refinement as part of the design-development process post scoping, and are described within the project description. The Order Limits	Chapter 3 The project [TR010027/APP/6.1]  Chapter 16 Assessment of cumulative effects [TR010027/APP/6.1]

Topic or aspect	Comment	Scoping opinion reference	Response to scoping opinion	Where covered in the Environmental Statement (or in other application documents)
	<p>show the worst case scenario and 'aims to capture candidate sites associated with these requirements'.</p> <p>The Scoping Report also mentions that an application for a motorway service area (MSA) is known to have been submitted to Solihull Metropolitan Borough Council (SMBC). The Inspectorate is not clear what is meant by the statement in Chapter 1 paragraph 1.2.3 that if the MSA is granted consent it would '...integrate into the proposed scheme works'. The Inspectorate considers that the interaction between the Proposed Development and the proposed MSA should be assessed in the cumulative effects assessment in the ES.</p>		<p>include all land required to construct and operate the Scheme, including areas required for environmental measures.</p> <p>The potential for interactions to occur between the Scheme and the Motorway Service Area have been considered within the EIA as part of the assessment of cumulative effects.</p>	
Project Description  All Assessments	There is very limited information provided in the Scoping Report relating to the physical characteristics of the Proposed Development in terms of demolition works and construction land-take, and the use and removal of soils and other materials. The	2.3.3	A detailed description of the anticipated works and activities that would be undertaken during the construction, operation and long-term maintenance of	Chapter 3 The project [TR010027/APP/6.1]  Chapters 6 – 15 [TR010027/APP/6.1]

Topic or aspect	Comment	Scoping opinion reference	Response to scoping opinion	Where covered in the Environmental Statement (or in other application documents)
	Inspectorate notes that Section 4 of the Scoping Report (EIA Approach) does identify demolition works, construction facilities and accesses, site clearance activities, ground and excavation works, works to services and utilities, and construction emissions as being part of the Proposed Development (and as potential sources of environmental impact). The Inspectorate considers that the ES should take these activities into account within the various aspect assessments where relevant.		<p>the Scheme are presented within the project description.</p> <p>The EIA has been based on this information, and any assumptions adopted or limitations encountered with this information have been recorded within the topic-specific assessments.</p>	
General	However, the Inspectorate considers that any decommissioning associated with dismantling and replacing particular elements of the Proposed Development once they reach the end of their design life should be assessed where significant effects are likely to occur.	2.3.4	Information regarding the future dismantling and replacement of highways infrastructure associated with the Scheme has been included within the project description and assessed within the individual assessments. The nature of these works are such that they would involve	<p>Chapter 3 The project [TR010027/APP/6.1]</p> <p>Chapters 6 – 15 [TR010027/APP/6.1]</p>

Topic or aspect	Comment	Scoping opinion reference	Response to scoping opinion	Where covered in the Environmental Statement (or in other application documents)
			<p>geographically focused maintenance and renewal operations which would be undertaken by Highways England's appointed maintenance contractors using standard best practice construction management methods, some of which would be subject to their own environmental assessment or appraisal.</p> <p>The individual assessments within the Environmental Statement have taken account, where possible, all reasonably foreseeable future maintenance activities that could feasibly be required</p>	



Topic or aspect	Comment	Scoping opinion reference	Response to scoping opinion	Where covered in the Environmental Statement (or in other application documents)
			within the first 15 years after opening of the Scheme (this being the time period in which some degree of certainty exists as to the nature, scale and location on the highway network).	
Project Description  All Assessments	The ES should include a description of the nature and quantity of the materials and natural resources (including water, land, soil and biodiversity) to be used during construction. The ES should describe and assess the likely significant effects associated with any particular technologies or substances proposed to be used for the construction phase.	2.3.5	<p>The Environmental Impact Assessment has addressed matters relating to these particular subjects within the topic-specific assessments of Material assets and waste, Biodiversity, Road drainage and the water environment, population and health, and geology and soils.</p> <p>Information relating to technologies or substances proposed to be used during the</p>	<p>Chapter 9 Biodiversity [TR010027/APP/6.1] Chapter 10 Geology and soils [TR010027/APP/6.1] Chapter 11 Material assets and waste [TR010027/APP/6.1] Chapter 13 Population and health [TR010027/APP/6.1] Chapter 14 Road drainage and the water environment [TR010027/APP/6.1]</p> <p>OEMP [TR010027/APP/6.11]</p>

Topic or aspect	Comment	Scoping opinion reference	Response to scoping opinion	Where covered in the Environmental Statement (or in other application documents)
			construction of the Scheme is detailed in the project description, and where relevant in the OEMP.	
All Figures	The Inspectorate requests the Applicant to ensure that all relevant figures in the ES are labelled clearly and include a north arrow and map scale.	2.3.6	All figures forming part of the Environmental Statement include clear and appropriate labelling, north points and map scales.	[TR010027/APP/6.2] [TR010027/APP/6.3]
Alternatives	The Inspectorate would expect to see a discrete section in the ES that provides details of the alternatives considered and the reasoning for the selection of the chosen option(s), including a comparison of the environmental effects.	2.3.8	A chapter covering the reasonable alternative designs, locations, technologies and construction methodologies studied by Highways England (and the reasons for selection of a preferred option (that forms the basis of the Scheme assessed within the Environmental Statement), taking account of their	Chapter 4 Scheme history and alternatives [TR010027/APP/6.1]

Topic or aspect	Comment	Scoping opinion reference	Response to scoping opinion	Where covered in the Environmental Statement (or in other application documents)
			environmental effects)) has been provided within the Environmental Statement.	
Alternatives	Where environmental effects have informed the choice of options this should be clearly explained; for example, when comparing options in paragraph 3.5.5 it is not clear why the only option which would have a direct effect on the GAA sports fields is the one taken forward. The ES should set out the main reasons for selecting the chosen option taking into account the effects of the Proposed Development on the environment.	2.3.9	The consideration of environmental effects has been an integral part of the design-development of the Scheme. This has resulted in the identification and discounting of alternatives in pursuit of a preferred solution, the details of which are summarised within the Environmental Statement.	Chapter 4 Scheme history and alternatives [TR010027/APP/6.1]
Project Description	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.	2.3.11	The Scheme has been subjected to continued design-development since undertaking scoping in order to reduce optionality and progress towards a preferred solution, as	Chapter 3 The project [TR010027/APP/6.1]  Chapter 4 Scheme history and alternatives [TR010027/APP/6.1]

Topic or aspect	Comment	Scoping opinion reference	Response to scoping opinion	Where covered in the Environmental Statement (or in other application documents)
			summarised within the Environmental Statement.	
Project Description	The Proposed Development parameters will need to be consistently and clearly defined in both the draft DCO (dDCO) and in the accompanying ES. At the time of application, any Proposed Development parameters should not be so wide-ranging as to effectively represent different developments. 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.	2.3.12	A detailed project description has been included within the Environmental Statement on which the Environmental Impact Assessment of the Scheme has been based. This presents any remaining optionality within defined parameters, which have enabled robust assessments to be undertaken of the potential effects of the Scheme.	Chapter 3 The project [TR010027/APP/6.1]
Scope and Methodology	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 Scoping Report.	3.1.2	The Environmental Impact Assessment of the Scheme has been based on the formal Scoping Opinion provided to	[TR010027/APP/6.1] [TR010027/APP/6.2] [TR010027/APP/6.3]

Topic or aspect	Comment	Scoping opinion reference	Response to scoping opinion	Where covered in the Environmental Statement (or in other application documents)
			<p>Highways England by the Planning Inspectorate in December 2017.</p> <p>Although the Scheme has been subjected to continued design-development to reduce its likely environmental effects, its form and characteristics are comparable to those upon which the Scoping Opinion was based.</p> <p>Any changes undertaken to the scope of environmental assessments in response to the design-development process are described within the topic-specific assessments presented within the</p>	

Topic or aspect	Comment	Scoping opinion reference	Response to scoping opinion	Where covered in the Environmental Statement (or in other application documents)
			Environmental Statement.	
Scope and Methodology	<p>The Inspectorate notes that it is the Applicant's intention to include all of the aspects/matters detailed in IAN 125/15 in the ES, along with a number of relevant aspect/matters set out in the EIA Regulations. This approach is explained in paragraph 4.4.2 of the Scoping Report (please note this paragraph incorrectly refers to Schedule 5, rather than Schedule 4, of the EIA Regulations).</p> <p>The Inspectorate is content that this should not prevent the Applicant from subsequently agreeing with the relevant consultees to scope such aspects/matters out of the ES, where further evidence has been provided to justify this approach. However, in order to demonstrate that the aspects/matters have been appropriately addressed, the ES should explain the reasoning for scoping them out and justify the approach taken.</p>	3.1.2	Any agreed changes to the scope of environmental assessments arising from post-scoping engagement with relevant consultees are described within the topic-specific assessments presented within the Environmental Statement.	Chapter 5 EIA methodology and consultation [TR010027/APP/6.1] Chapters 6 – 15 [TR010027/APP/6.1]
Scope and	Where relevant, the ES should	3.1.3	A number of	Chapter 3 The project [TR010027/APP/6.1]

Topic or aspect	Comment	Scoping opinion reference	Response to scoping opinion	Where covered in the Environmental Statement (or in other application documents)
Methodology	provide reference to how the delivery of measures proposed to prevent/minimise adverse effects is secured through DCO requirements (or other suitably robust methods) and whether relevant consultees agree on the adequacy of the measures proposed.		<p>measures have been embedded into the design of the Scheme, and are presented as part of the project description and summarised within each individual topic assessment.</p> <p>A Register of Environmental Actions and Commitments (REAC) recording embedded and standard construction measures forms part of the Environmental Statement. This summarises each measure and the way in which it will be secured as part of the Scheme.</p> <p>An outline Environmental Management Plan</p>	<p>Chapter 5 EIA methodology and consultation <b>TR010027/APP/6.1]</b> Chapters 6 – 16 [<b>TR010027/APP/6.1]</b></p> <p>Appendix 3.1 [<b>TR010027/APP/6.3]</b></p> <p>OEMP [<b>TR010027/APP/6.11]</b></p>

Topic or aspect	Comment	Scoping opinion reference	Response to scoping opinion	Where covered in the Environmental Statement (or in other application documents)
			(OEMP) has been prepared which provides a framework for the appointed Contractor's Construction Environmental Management Plan (CEMP), and provides further details of mitigation measures in the form of specific management and control plans.	
Scope and Methodology	<p>The Inspectorate recommends that in order to assist the decision-making process, the Applicant uses tables:</p> <ul style="list-style-type: none"> <li>to demonstrate how the assessment has taken account of this 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</li> </ul>	3.3.1	<p>This table provides a summary of how Highways England has responded to the specific matters raised in the Scoping Opinion as part of the Environmental Impact Assessment process.</p> <p>Tables have been used elsewhere in the Environmental Statement to summarise</p>	<p>[TR010027/APP/6.1] [TR010027/APP/6.3]</p>



Topic or aspect	Comment	Scoping opinion reference	Response to scoping opinion	Where covered in the Environmental Statement (or in other application documents)
	<p>measures including cross-reference to the means of securing such measures (eg a dDCO requirement); and</p> <ul style="list-style-type: none"> <li>to describe any remedial measures that are identified as being necessary following monitoring.</li> </ul>		<p>environmental impacts and effects (both in isolation and cumulatively), details of environmental mitigation measures and commitments made (and the way in which these will be secured), and any requirements for the long-term monitoring of environmental effects.</p>	
Scope and Methodology	<p>The ES should clearly explain how traffic and transport modelling has been applied to the assessments in the ES.</p>	3.3.2	<p>The topic-specific assessments of: Air quality; Noise and vibration; Road drainage and the water environment; and Population and health have taken account of different scenarios derived from traffic modelling undertaken as part of the Environmental Impact Assessment.</p> <p>Full details of the</p>	<p>Chapter 6 Air quality [TR010027/APP/6.1] Chapter 12 Noise and vibration [TR010027/APP/6.1] Chapter 13 Population and health [TR010027/APP/6.1] Chapter 14 Road drainage and the water environment [TR010027/APP/6.1]</p> <p>TAR [TR010027/APP/7.2]</p>

Topic or aspect	Comment	Scoping opinion reference	Response to scoping opinion	Where covered in the Environmental Statement (or in other application documents)
			traffic modelling undertaken as part of the assessment of the Scheme are presented in Transport Assessment Report (TAR) which forms part of the DCO application documentation.	
Project Description	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 (or part of the) proposed NSIP; and those that primarily derive from the works described as associated development.	3.3.3	The project description confirms that the Scheme does not include any associated development.	Chapter 3 The project [TR010027/APP/6.1]
Health	The Inspectorate notes that it is proposed in Chapter 4 Table 4.1 to consider effects on human health in the Air Quality, Noise and	3.3.4	The scope of the Geology and soils and Material assets and waste	Chapter 10 Geology and soils [TR010027/APP/6.1] Chapter 11 Material assets and waste [TR010027/APP/6.1]

Topic or aspect	Comment	Scoping opinion reference	Response to scoping opinion	Where covered in the Environmental Statement (or in other application documents)
	Vibration, People and Communities, and Road Drainage and Water Environment ES aspect chapters. The Inspectorate has had regard to the information provided in the Scoping Report and has taken into account the nature and characteristics of the Proposed Development and is generally content with this approach but considers that human health effects may also be relevant to soil handling and waste management, which is understood to be assessed within the 'Geology and Soils' and the 'Materials' chapters respectively. Public Health England (PHE) have also provided comment in their scoping consultation response, contained in Appendix 2 of this Opinion, on the approach to assessing effects on human health.		assessments reported within the Environmental Statement have been modified to take account of potential effects on human health arising from soil handling and waste management.  The specific matters raised by Public Health England with regard to the assessment of health effects have been dealt with separately (see below).	
All Assessments	National Grid, in their scoping consultation response, have supplied plans showing where high voltage electricity overhead transmission lines exist in the vicinity of the Proposed development. In addition, Cadent Gas Limited, in their scoping	3.3.5	The form and location of existing utilities and their relationship to the Scheme have principally been taken account of in the design-development process, the objective	Chapter 3 The project [TR010027/APP/6.1]  Chapter 5 EIA Methodology and consultation [TR010027/APP/6.1]

Topic or aspect	Comment	Scoping opinion reference	Response to scoping opinion	Where covered in the Environmental Statement (or in other application documents)
	consultation response, have supplied plans showing where gas pipelines and equipment are present. The Applicant should take the location of these assets into account in relevant assessments to the ES.		being to avoid potential effects on, or conflicts with, this infrastructure.  Cognisance has been given to utilities within the EIA methodology and consultation chapter within the Environmental Statement.	
Limitations and Assumptions	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. The ES should also identify where assumptions have been made with respect to any modelling carried out, for example the traffic modelling, and the implications for the outcome of the assessments.	3.3.6	Uncertainty, technical deficiencies and lack of knowledge have been encountered during the Environmental Impact Assessment. Where these have placed limitations on the assessments undertaken or have necessitated the adoption of assumptions, this has been described within the topic-specific assessments reported in the	Chapter 5 EIA Methodology and consultation [TR010027/APP/6.1] Chapters 6 – 15 (technical assessments) [TR010027/APP/6.1] Chapter 16 Assessment of cumulative effects [TR010027/APP/6.1]

Topic or aspect	Comment	Scoping opinion reference	Response to scoping opinion	Where covered in the Environmental Statement (or in other application documents)
			Environmental Statement.	
Scope and Approach	<p>With reference to Table 16.2 in the concluding chapter of the Scoping Report which sets out the proposed ES structure, key structural elements that would be expected in the ES have been omitted. For example, under 'Chapter 5: EIA methodology and Consultation' only the consultation is mentioned, and under Chapters 6 to 16 no mention is made of scope or study area, or aspect-specific methodologies.</p> <p>In addition, the text suggests that only significant effects will be described rather than the identification of all potential effects followed by a determination of significance. The Inspectorate considers that the ES should follow a logical and consistent structure and these elements should be taken into account within that structure.</p>	3.3.7	<p>The reporting structure adopted within the Environmental Statement sets out both the generic approach to Environmental Impact Assessment adopted, and the topic-specific assessment methodologies applied to establish the likely effects of the Scheme. These are accordingly set out the study areas adopted within each assessment, the scope of the assessment, and the methodologies applied.</p> <p>The reporting of effects within the Environmental Statement has</p>	<p>Chapter 5 EIA Methodology and consultation [TR010027/APP/6.1] Chapters 6 – 15 (technical assessments) [TR010027/APP/6.1] Chapter 16 Assessment of cumulative effects [TR010027/APP/6.1]</p>

Topic or aspect	Comment	Scoping opinion reference	Response to scoping opinion	Where covered in the Environmental Statement (or in other application documents)
			<p>appropriately focused on those which have the potential to be significant, in accordance with the requirements of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017. The reporting of non-significant effects is not required under these Regulations.</p> <p>The process of scoping has served to identify all matters of genuine relevance to decision-making, resulting in the scoping out of non-issues.</p>	
Glossary and Abbreviations	The ES should ensure that acronyms used are appropriately explained on first use.	3.3.8	The Environmental Statement includes a glossary of terms and acronyms used in the document, and each term is presented in	[TR010027/APP/6.1]

Topic or aspect	Comment	Scoping opinion reference	Response to scoping opinion	Where covered in the Environmental Statement (or in other application documents)
			full on its first use.	
Habitats Regulations Assessment	As a general recommendation, an up to date Habitats Regulations Assessment (HRA) screening report should be produced (the Inspectorate notes the assessment referred to in paragraph 8.9.2) and should be referenced in the ES. The HRA report should in turn contain references to where the information on which it is based is to be found in the ES.	3.3.9	Appropriate cross-referencing has been included to the Habitats Regulations Assessment: No significant effects report to identify what information has been used to inform the screening exercise.	Habitats Regulations Assessment: No significant effects report [TR010027/APP/6.8]
Baseline Definition	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.	3.3.10	The Environmental Statement describes the changes to the baseline environment that would likely occur in the absence of the Scheme, including the information relied upon to forecast future changes and its accuracy and reliability.	Chapter 3 The project [TR010027/APP/6.1] Chapters 6 – 15 (technical assessments) [TR010027/APP/6.1] Chapter 16 Assessment of cumulative effects [TR010027/APP/6.1]
Scenario Definition	The Inspectorate notes the information within Section 4.7 of the Scoping Report, which sets out the baseline year and 'future baseline' years and provides	3.3.11	The EIA methodology explains the terms used to define the baseline scenario (both existing and	Chapter 5 EIA methodology and consultation [TR010027/APP/6.1]

Topic or aspect	Comment	Scoping opinion reference	Response to scoping opinion	Where covered in the Environmental Statement (or in other application documents)
	<p>explanation for how the changing baseline between the time of assessment and anticipated time of operation will be taken into account in the assessments.</p> <p>However, in subsequent sections of the Scoping Report the future baselines are alternatively described in terms of the 'opening year and design year. Do-Minimum and Do-Something'. The intended approach should be defined in the ES and carefully followed and adopted consistently across each aspect chapter of the ES. Where any individual aspect assessments depart from that approach it should be explained in the ES.</p>		<p>future), including the Do-Minimum and Do-Something scenarios.</p> <p>A glossary of terms is included in the Environmental Statement which defines the scenarios adopted in the Environmental Impact Assessment.</p>	Chapter 18 Glossary [TR010027/APP/6.1]
All Assessments	The ES should contain the timescales upon which the surveys which underpin the technical assessments have been based.	3.3.13	The topic-specific assessments presented within the Environmental Statement record the dates and periods when site-based surveys were undertaken as part of the Environmental Impact Assessment.	<p>Chapter 5 EIA Methodology and consultation [TR010027/APP/6.1]</p> <p>Chapters 6 – 15 (technical assessments) [TR010027/APP/6.1]</p> <p>Chapter 16 Assessment of cumulative effects [TR010027/APP/6.1]</p>



Topic or aspect	Comment	Scoping opinion reference	Response to scoping opinion	Where covered in the Environmental Statement (or in other application documents)
Scope and Methodology	The Inspectorate expects the ES to include a chapter setting out the overarching methodology for the EIA, which clearly states which effects are determined to be 'significant' and 'non-significant' for the purposes of the EIA. Any departure from that methodology should be described in individual aspect assessment chapters.	3.3.14	<p>The Environmental Statement contains an overarching methodology which sets out the general approach to the Environmental Impact Assessment, including generic assessment criteria and a description of what constitutes a significant environmental effect.</p> <p>Where deviation from the general methodology has been necessary, this is explained within the topic-specific assessments.</p>	<p>Chapter 5 EIA methodology and consultation [TR010027/APP/6.1]</p> <p>Chapters 6 – 15 (technical assessments) [TR010027/APP/6.1]</p>
Scope and Methodology  All Assessments	The Inspectorate recommends that the Applicant fully describes and justifies in the ES the methodologies they have used for the assessments, in particular where these depart from standard guidance or where no standard guidance exists. The Inspectorate	3.3.15	The topic-specific assessments presented within the Environmental Statement each include a description of the methodology applied in the	<p>Chapter 5 EIA Methodology and consultation [TR010027/APP/6.1]</p> <p>Chapters 6 – 15 (technical assessments) [TR010027/APP/6.1]</p> <p>[TR010027/APP/6.2]</p>

Topic or aspect	Comment	Scoping opinion reference	Response to scoping opinion	Where covered in the Environmental Statement (or in other application documents)
	considers that the ES should present the specific assessment methodology relevant to each individual aspect/matter assessed. If an overarching methodology is applied this should be explained with relevant cross reference, and any departures from the prescribed methodology should be explained and justified. It would also be of benefit to provide figures in the ES that show the extent of the study areas used for the assessments and identify the receptors.		Environmental Impact Assessment. Any deviation from the general assessment methodology as set out in Chapter 5 of the Environmental Statement is also recorded.  Figures supporting the written content of the Environmental Statement are also provided in a separate volume; where relevant these depict the adopted study areas and sensitive receptors by assessment topic.	
Appendices	The Inspectorate considers that relevant surveys which inform the assessments should be appended to the ES.	3.3.16	Where not included in the main text of the Environmental Statement, appendices containing survey details are presented in a separate document. These	[TR010027/APP/6.3]

Topic or aspect	Comment	Scoping opinion reference	Response to scoping opinion	Where covered in the Environmental Statement (or in other application documents)
			include the applicable baseline survey and data records for environmental assessment topics that relay on the data.	
Project Description  All Assessments	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 relevant aspect assessments.	3.3.17	<p>A detailed project description has been included in the Environmental Statement which presents the anticipated types and volumes of construction materials and waste, and includes information on the stripping, reuse and disposal of soils.</p> <p>The topic-specific assessments presented within the Environmental Statement give due regard to expected residues and emissions, identifying where significant</p>	<p>Chapter 3 The project [TR010027/APP/6.1]</p> <p>Chapter 6 – 15 (technical assessments) [TR010027/APP/6.1]</p>

Topic or aspect	Comment	Scoping opinion reference	Response to scoping opinion	Where covered in the Environmental Statement (or in other application documents)
			effects are likely to arise from the Scheme.	
Project Description  All Assessments	The Inspectorate notes the proposal in Table 4.1 to scope out heat and radiation, according to the Applicant's conclusion that they are not relevant due to the characteristics of the proposed scheme. The Inspectorate has taken into account the nature and characteristics of the Proposed Development and agrees significant effects resulting from heat and radiation are unlikely to arise and therefore agrees that this aspect may be scoped out.	3.3.18	Not response required.	Chapter 5 EIA methodology and consultation [TR010027/APP/6.1]
All Assessments	Any mitigation relied upon for the purposes of the assessment should be explained in detail within the ES.  The predicted significance of effects both prior to and following the implementation of proposed mitigation measures should be identified. The likely efficacy of the mitigation proposed should be explained with reference to residual effects.	3.3.19	In accordance with the Scoping Opinion, it was confirmed through a meeting with the Inspectorate in December 2017 that the EIA should take account of any embedded and best/standard practice mitigation from the outset, as these constitute	Meeting minutes <a href="https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010027/TR010027-Advice-00002-1-171214_M42%20J6%20PINS%20Meeting%20note%20FINAL.pdf">https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010027/TR010027-Advice-00002-1-171214_M42%20J6%20PINS%20Meeting%20note%20FINAL.pdf</a>  Chapter 5 EIA methodology and consultation

Topic or aspect	Comment	Scoping opinion reference	Response to scoping opinion	Where covered in the Environmental Statement (or in other application documents)
			<p>measures that either form an integral part of the design or would be implemented during construction as standard. Pre- and post-mitigation effects would be reported only where the need for additional mitigation is identified, in order to demonstrate the efficacy of such measures.</p> <p>The types of mitigation measures applied are explained and presented within the EIA methodology and consultation chapter.</p> <p>No additional mitigation measures have been identified as being applicable; therefore no pre- and</p>	[TR010027/APP/6.1]

Topic or aspect	Comment	Scoping opinion reference	Response to scoping opinion	Where covered in the Environmental Statement (or in other application documents)
			post-mitigation effects are reported in the Environmental Statement.	
All Assessments Outline EMP	The ES should also address how any mitigation proposed is secured, ideally with reference to specific DCO requirements or other legally binding agreements.	3.3.20	<p>The EIA methodology and consultation chapter identifies how mitigation would be secured.</p> <p>A REAC recording standard construction measures and additional measures forms part of the Environmental Statement. This summarises each measure and the way in which it will be secured as part of the Scheme.</p> <p>An OEMP has been prepared which provides a framework for the contractor's Construction Environmental Management Plan</p>	<p>Chapter 5 EIA methodology and consultation [TR010027/APP/6.1]</p> <p>Appendix 3.1[TR010027/APP/3.1]</p> <p>OEMP [TR010027/APP/6.11]</p>

Topic or aspect	Comment	Scoping opinion reference	Response to scoping opinion	Where covered in the Environmental Statement (or in other application documents)
			(CEMP), and provides further details of mitigation measures.	
Major Events	<p>The ES should include a description of the potential vulnerability of the Proposed Development to risks of major accidents and/or disasters, including vulnerability to climate change, which are relevant to the Proposed Development.</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 these Directives 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</p>	3.3.21	<p>The potential vulnerability of the Scheme to risks of major accidents and/or disasters has been screened.</p> <p>The potential vulnerability of the Scheme to climate change has been considered in a separate Climate assessment within the Environmental Statement.</p> <p>The project description and Scheme history and alternatives chapters explain how both these factors have been taken account of in the design-development</p>	<p>Appendix 5.2 [TR010027/APP/6.3]</p> <p>Chapter 15 Climate [TR010027/APP/6.1]</p> <p>Chapter 3 The project [TR010027/APP/6.1] Chapter 4 Scheme history and alternatives [TR010027/APP/6.1]</p>

Topic or aspect	Comment	Scoping opinion reference	Response to scoping opinion	Where covered in the Environmental Statement (or in other application documents)
	preparedness for and proposed response to such emergencies.		process.	
Major Events	The Inspectorate notes that it is proposed in Chapter 4 Section 4.13 not to provide a separate chapter in the ES on major accidents and disasters on the basis that the potential effects on receptors resulting from major events will be reported in relevant aspect chapters. It is noted that there is a commitment to assess the vulnerability of the Proposed Development to major accidents and disasters, and to assess if the proposals could exacerbate major accidents or disaster events (paragraph 4.13.5). The Inspectorate has had regard to the information provided in the Scoping Report and considers that this is appropriate given the nature and characteristics of the Proposed Development.	3.3.22	The potential vulnerability of the Scheme to risks of major accidents and/or disasters has been screened.	Appendix 5.2 [TR010027/APP/6.3]
Transboundary Effects	The Inspectorate recommends that the ES should identify whether the Proposed Development has the potential for significant transboundary impacts and if so, what these are and which EEA	3.3.25	Transboundary effects were initially considered as part of the scoping of the Environmental Impact Assessment, which	Appendix 5.1 [TR010027/APP/6.3]



Topic or aspect	Comment	Scoping opinion reference	Response to scoping opinion	Where covered in the Environmental Statement (or in other application documents)
	States would be affected.		confirmed a very low potential for the proposed scheme to have effects on other EEA States.  The conclusions of this exercise have been reviewed against the final form of the Scheme as part of an updated screening exercise.	
References	A reference list detailing the sources used for the descriptions and assessments must be included in the ES.	3.3.26	A list of all referenced documents for each environmental topic assessed has been included within the respective assessment chapters in the Environmental Statement.	Chapters 1 – 17 [TR010027/APP/6.1]
Appendices	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	3.4.1	All confidential reports forming part of the Environmental Statement have been separated out from the main body of the document and form technical appendices.	[TR010027/APP/6.3]

Topic or aspect	Comment	Scoping opinion reference	Response to scoping opinion	Where covered in the Environmental Statement (or in other application documents)
	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.		These documents have been clearly marked as 'confidential' and will not be released into the public domain.	
Air Quality	The Inspectorate notes that the Applicant proposes to scope this out in the event that the traffic data shows that there are unlikely to be more than 200 HGV (movements) per day during construction, on the basis that the air quality effects would not be significant. However, DMRB instructs that impacts from construction vehicles should be assessed if the construction period is expected to be longer than 6 months. Accordingly the ES should include an assessment of impacts resulting from additional construction.	ID 1	The assessment of Air quality has considered construction traffic movements and the potential for these to result in effects, alongside other activities during this phase of the Scheme.	Chapter 6 Air quality [TR010027/APP/6.1]
Air Quality	The scoping consultation responses from Public Health England and Solihull Clinical Commissioning Group (contained in Appendix 2 of this Opinion) raise concerns regarding the potential impacts of fine particulate matter	ID 2	The assessment of PM <sub>2.5</sub> was considered to be unnecessary as part of the assessment of road traffic emissions, as background	Chapter 6 Air quality [TR010027/APP/6.1]

Topic or aspect	Comment	Scoping opinion reference	Response to scoping opinion	Where covered in the Environmental Statement (or in other application documents)
	<p>(PM<sub>2.5</sub>) generated by the Proposed Development. The Scoping Report does not state if/how impacts resulting from increased PM<sub>2.5</sub> emissions will be taken into account.</p> <p>The Inspectorate considers that the ES should include an assessment of impacts associated with increased PM<sub>2.5</sub> resulting from the Proposed Development. In determining significance, the assessment should take into account performance against relevant target/limit values.</p>		<p>concentrations of PM<sub>2.5</sub> are well below the objective criteria of 25 µg/m<sup>3</sup>.</p> <p>Accordingly, no assessment has been made within the Environmental Statement of this particular pollutant.</p>	
Air Quality	A number of differing study areas are referenced in this section. The ES should clearly and consistently define the assessment study area(s) for each phase of the Proposed Development.	ID 3	The Air Quality assessment clearly defines and explains the spatial extents of the adopted study areas in respect of each phase of the Scheme.	Chapter 6 Air quality [TR010027/APP/6.1]
Air Quality	No information is provided in the Scoping Report on VISSIM, which it is noted has been utilised for the purposes of scoping, or ADMS, both of which will be utilised for the EIA. All models utilised for the	ID 4	Information has been included within the Environmental Statement explaining the background and approach to traffic	Chapter 6 Air quality [TR010027/APP/6.1] Appendix 6.1 [TR010027/APP/6.3]

Topic or aspect	Comment	Scoping opinion reference	Response to scoping opinion	Where covered in the Environmental Statement (or in other application documents)
	assessments should be justified and described in the ES.		modelling, and where outputs from this process have been used in the assessments undertaken as part of the Environmental Impact Assessment.	
Air Quality	It is noted that it is proposed that this is carried out over a six month period. Baseline surveys undertaken for the ES should be in accordance with the most relevant Defra guidance relating to diffusion tube monitoring.	ID 5	Six months of monitoring data has been collected and used within the air quality assessment. Baseline surveys have been conducted in line with DEFRA guidance.	Chapter 6 Air quality [TR010027/APP/6.1] Appendix 6.2 [TR010027/APP/6.3]
Air Quality Biodiversity	It is noted that only internationally and nationally designated sites are identified as 'main' receptors. The Applicant should additionally assess locally and non-designated sites, and species, that could be significantly affected by the Proposed Development. Paragraph 5.9.6 refers to 'special' ecological sites; it is unclear to what this refers. The Inspectorate notes that it is indicated in Chapter 4 Section 4.16 that the Applicant is	ID 6	The Air Quality assessment has considered the potential for significant environmental effects to occur on locally and non-designated sites as part of the assessment process; this is reported within the assessment chapter.	Chapter 6 Air quality [TR010027/APP/6.1]  Chapter 9 Biodiversity [TR010027/APP/6.1]

Topic or aspect	Comment	Scoping opinion reference	Response to scoping opinion	Where covered in the Environmental Statement (or in other application documents)
	undertaking ongoing consultation with Natural England (NE), and recommends that the relevant ecological receptors to be included in the assessment are agreed with NE and SMBC.		Consultation with Natural England has been undertaken to identify which receptors should be considered in the assessment, a summary of which is also provided in the Air quality and Biodiversity assessments.	
Air Quality	It is noted that the Applicant proposes to undertake a qualitative assessment only of demolition and construction plant emissions. This approach should be fully explained and justified within the ES and agreed with SMBC.	ID 7	A qualitative assessment has been undertaken to identify emissions from demolition and construction plant, the approach to which is fully explained in the Air Quality assessment chapter.	Chapter 6 Air quality [TR010027/APP/6.1]
Air Quality	The Inspectorate notes the proposal that mitigation measures to address effects from dust generated during construction and demolition activities would be recorded in a Construction	ID 8	An outline dust management plan has been submitted as part of the OEMP. This document outlines the	OEMP [TR010027/APP/6.11]

Topic or aspect	Comment	Scoping opinion reference	Response to scoping opinion	Where covered in the Environmental Statement (or in other application documents)
	Environmental Management Plan (CEMP). However, Chapter 4 paragraph 4.8.6 states that an outline EMP will be submitted with the DCO application and will be developed into a CEMP post-consent. All mitigation measures proposed to address identified potential significant effects must be capable of being delivered, and secured in the DCO or by other equally robust means, so such measures must be included within the DCO application.		measures to be implemented throughout construction of the Scheme to mitigate the air quality effects generated. The OEMP will be developed by the appointed Contractor into a CEMP.	
Air Quality	It is stated that Birmingham Airport 2016 hourly sequential meteorological data will be used for the dispersion modelling on the basis that the airport station is a 'representative meteorological station'. The rationale for determining that to be a representative location should be clearly set out in the ES.	ID 9	The justification for the selection of representative meteorological data has been provided within the Air quality chapter and supporting appendices.	Chapter 6 Air quality [TR010027/APP/6.1] Appendix 6.1 [TR010027/APP/6.3]
Air Quality	The Inspectorate notes that it is proposed to consider such effects within the ES Biodiversity chapter rather than the Air Quality chapter. The Inspectorate considers this to be an acceptable approach but	ID 10	Appropriate cross-references have been included in the Air quality assessment to direct the reader to related information	Chapter 6 Air quality [TR010027/APP/6.1]

Topic or aspect	Comment	Scoping opinion reference	Response to scoping opinion	Where covered in the Environmental Statement (or in other application documents)
	advises that it must be clearly referenced from the Air Quality chapter, as should consideration of effects on non-designated sites.		within the Biodiversity assessment within the Environmental Statement.	
Air Quality	It is stated that the information contained in Table 5.4 is taken from IAN 174/13. The methodology and criteria used to determine a significant effect must be clearly explained in the ES.	ID 11	The Air quality assessment explains the methodologies and criteria applied in the assessment to identify likely significant effects, referencing and reproducing published guidance where relevant.	Chapter 6 Air quality [TR010027/APP/6.1]
Air Quality	The Inspectorate notes that it is stated that there are no criteria in the DMRB for assessing the significance of such effects, and therefore none are set out in the Scoping Report. It is unclear therefore how appropriate mitigation measures proposed to avoid significant effects will be identified in the absence of a definition of what constitutes a significant effect. If it is considered that there is potential for construction dust to generate significant effects, this should be	ID 12	The Air quality assessment explains the methodologies and criteria applied in the assessment to identify likely significant effects, referencing and reproducing published guidance where relevant.	Chapter 6 Air quality [TR010027/APP/6.1] Appendix 6.1 [TR010027/APP/6.3]

Topic or aspect	Comment	Scoping opinion reference	Response to scoping opinion	Where covered in the Environmental Statement (or in other application documents)
	assessed using an evidence based methodology, which is described in the ES.			
Cultural Heritage	Chapter 4 of the Scoping Report provides a useful explanation of the terms 'impacts' and 'effects' and how they will be used in undertaking the EIA. It is not clear that Chapter 6 has followed this approach as the terms appear to be used interchangeably. The overarching methodology to the ES should be consistent with the approach specified therein. Any deviation considered necessary should be fully explained and justified to support the understanding of the reader.	ID 1	<p>The EIA methodology and consultation chapter sets out the general approach to the EIA, which defines the terms impact and effect.</p> <p>Where deviation from the general methodology has been necessary, this is explained within the methodology presented within the Cultural heritage assessment.</p>	<p>Chapter 5 EIA methodology and consultation [TR010027/APP/6.1]</p> <p>Chapter 7 Cultural heritage [TR010027/APP/6.1]</p>
Cultural Heritage	The detailed mitigation strategy should be reported in the ES. The mitigation described in the ES should include embedded mitigation measures and any specific measures required. The Applicant should make effort to agree the strategy with the local authority archaeologist and other relevant consultees.	ID 2	An archaeological watching brief has been included as part of the application which sets out the current approach and extent of proposed trenching regime to inform the extent of specific monitoring as	<p>Chapter 7 Cultural heritage [TR010027/APP/6.1]</p> <p>Appendix 7.1 [TR010027/APP/6.3]</p>



Topic or aspect	Comment	Scoping opinion reference	Response to scoping opinion	Where covered in the Environmental Statement (or in other application documents)
			part construction phase of the Scheme. The WSI that forms part of the application has been agreed in consultation with Warwickshire County Council's archaeologist for the Scheme.	
Cultural Heritage	The Inspectorate notes the references to industry guidance, and advises that the ES should describe any guidance documents that have been used, and where methods have been implemented or adapted/changed from this guidance if applicable.	ID 3	Guidance specific to the assessment is presented within the Cultural heritage assessment, including where any deviation from this has been necessary and/or professional judgement has been used.	Chapter 7 Cultural heritage [TR010027/APP/6.1]
Cultural Heritage Landscape and Visual Effects	The Inspectorate notes the intention to take candidate sites for construction and ecological compensation into account in the ZVI/ZTV applied in the ES.  The ES should clearly describe the ZVI and ZTV, specifically in context to the relevant aspect considered.	ID 4	The Landscape assessment explains the process of generating the ZVI/ZTV and how the maximum extents of land associated with the Scheme have been taken account	Chapter 8 Landscape [TR010027/APP/6.1]  Chapter 7 Cultural heritage [TR010027/APP/6.1]

Topic or aspect	Comment	Scoping opinion reference	Response to scoping opinion	Where covered in the Environmental Statement (or in other application documents)
	Having regard to comments received from Historic England on known significant designated assets which could be affected by the Proposed Development, the Inspectorate advises that the study area and ZVI applied must be of sufficient extent to assess impacts to these.		of.  The extents of the ZVI/ZTV extend outward to include those designated heritage assets that have important settings that could be affected by the Scheme, as identified within the Cultural heritage assessment.	
EIA Methodology  Landscape and Visual Effects	The ES should clearly describe the specific methodology and criteria used for the assessment. In particular the ES should explain how the sensitivity of the receptor and the magnitude of the impact will combine to inform the significance of effect. The significance levels shown in Table 7.2 of the Scoping Report are not defined so the approach that will be taken to determining whether an effect is, for example, minor or moderate, is not clear. In addition, it is not explained what level(s) of effect will be determined to constitute a significant effect.	ID 1	The EIA methodology and consultation chapter sets out the general approach to the EIA and defines what constitutes a significant environmental effect.  The Landscape assessment sets out the methodology followed and the criteria used to determine sensitivity and magnitude, and defines the level at	Chapter 7 Cultural heritage [TR010027/APP/6.1]  Chapter 8 Landscape [TR010027/APP/6.1]

Topic or aspect	Comment	Scoping opinion reference	Response to scoping opinion	Where covered in the Environmental Statement (or in other application documents)
			which an effect is deemed significant.	
Landscape and Visual Effects	<p>The Scoping Report states that the study area is a 1km corridor, which broadens to capture areas beyond that which are within the ZTV. However, paragraph 7.4.22 indicates that 23 viewpoints within the preliminary ZTV have been identified for the purposes of the visual assessment and these are shown on Figures 7.1 and 7.2, which present only a 500m study area.</p> <p>The Scoping Report also states that the Proposed Development is located in LCAs 1 (Arden Farmland), 2 and 3. However, Figures 7.1 and 7.2 show LCA 1, which is identified as Solihull Fringe, and LCA 9 (Motorway Corridor), which is not referenced elsewhere in the text.</p> <p>The extent of the study area must be clearly and accurately identified in the ES and consistently applied in undertaking the assessments. The study area should be</p>	ID 2	<p>The extents of the study area adopted within the Landscape assessment are fully defined and explained within the assessment chapter. This extends outward to a distance sufficient to capture all landscape and visual receptors that are likely to experience significant environmental effects from the Scheme.</p> <p>The assessment accurately records all Landscape Character Areas associated with the Scheme and adopted study area; these are accurately depicted on the supporting figures to the assessment.</p>	Chapter 8 Landscape [TR010027/APP/6.1]

Topic or aspect	Comment	Scoping opinion reference	Response to scoping opinion	Where covered in the Environmental Statement (or in other application documents)
	<p>sufficiently broad to capture all receptors that are likely to be significantly affected by the Proposed Development.</p> <p>In their scoping consultation response the Canal and River Trust (contained in Appendix 2 of this Opinion) have identified potential landscape and visual impacts on the Grand Union Canal. The ES should assess these impacts having regard to the canal and relevant affected Public Rights of Way as a potential receptor.</p>		<p>The assessment has identified and assessed Public Rights of Way within the study area from which users would experience likely significant effects.</p> <p>Justification has been provided within the assessment chapter and through interrogation of the ZVI/ZTV to explain why users of the Grand Union Canal (receptors) would be unlikely to experience significant effects from the Scheme.</p>	
Landscape and Visual Effects	The ES should describe the model/method used to define the ZTV and include the dates of the ZTV surveys.	ID 3	The Landscape assessment includes details of the approaches used to define the extents of the ZVI/ZTV, including the design information, dates and any assumptions	Chapter 8 Landscape [TR010027/APP/6.1]

Topic or aspect	Comment	Scoping opinion reference	Response to scoping opinion	Where covered in the Environmental Statement (or in other application documents)
			used during the modelling process.	
Biodiversity	<p>The Scoping Report states that no evidence of water vole, reptiles or white-clawed crayfish has been found by the surveys to date. On that basis these species/species groups are proposed to be scoped out of further assessment. The information in the Scoping Report is not sufficiently detailed to understand the extent of data collection carried out in order to reach this position.</p> <p>In the absence of this information (or any evidence of agreement with relevant statutory bodies), the Inspectorate cannot agree to scope out these features. Accordingly the ES should include an assessment of these matters and/or demonstrate agreement with the relevant consultees that significant effects are not likely to occur. The Applicant's attention is drawn to the scoping consultation response from the Environment Agency with respect to these species, and the information in the response</p>	ID 1	<p>The assessment of Biodiversity has considered the potential for the Scheme to result in effects on white-clawed crayfish, water vole and reptiles. Potential effects on otter have also been considered in the assessment.</p> <p>Full details of the surveys, evidence, assumptions and conclusions relating to white-clawed crayfish, water vole and reptiles are presented within appendices supporting the chapter.</p>	<p>Chapter 6 Biodiversity [TR010027/APP/6.1]</p> <p>Appendix 9.10 [TR010027/APP/6.3] Appendix 9.13 [TR010027/APP/6.3] Appendix 9.14 [TR010027/APP/6.3]</p>

Topic or aspect	Comment	Scoping opinion reference	Response to scoping opinion	Where covered in the Environmental Statement (or in other application documents)
	regarding otter records in the area.			
Biodiversity	The Inspectorate asks that the terms 'impact' and 'effect' are used consistently through the ES for clarity and asks that the Applicant considers whether the heading of the right hand column of this table should be 'Likely/Potential Effect' rather than 'Likely/Potential Impact'.	ID 2	The Biodiversity assessment applies the terms impact and effect in a consistent manner.	Chapter 9 Biodiversity [TR010027/APP/6.1]
Biodiversity	This feature is mentioned in Chapter 12 of the Scoping Report but not reported as a designated feature within Chapter 8. The ES should assess impacts to Shadowbrook Meadows Nature Reserve.	ID 3	The biodiversity assessment has considered potential effects on this designated site.	Chapter 9 Biodiversity [TR010027/APP/6.1]
Biodiversity	The desk study areas applied are described and a 2km buffer is shown on Figures 8.1 and 8.2, but the 'zone of influence' is not clearly explained. The study area(s) applied to the assessment should be clearly described and justified in the ES, including any figures used.	ID 4	The study areas adopted in the assessment are fully defined and explained within Biodiversity chapter, and are depicted visually on the supporting figures within the appendices.	Chapter 9 Biodiversity [TR010027/APP/6.1] Appendix 9.1 [TR010027/APP/6.3] Appendix 9.2 [TR010027/APP/6.3]
Biodiversity	The Inspectorate considers that any potentially significant air quality	ID 5	The Biodiversity assessment has	Chapter 9 Biodiversity [TR010027/APP/6.1]

Topic or aspect	Comment	Scoping opinion reference	Response to scoping opinion	Where covered in the Environmental Statement (or in other application documents)
Air Quality	effects to non-designated habitats should be assessed.		<p>considered the potential for significant environmental effects to occur on locally and non-designated sites as part of the assessment process; this is reported within the assessment chapter</p> <p>Consultation with Natural England has been undertaken to identify which sites should be considered in the assessment, a summary of which is also provided in an appendix.</p>	Appendix 9.17 [TR010027/APP/6.3]
Biodiversity	The table does not mention collision risk during the operational phase as a potential impact on barn owl. Given the nature of the Proposed Development and the existing baseline environment the Inspectorate considers that this should be assessed.	ID 6	The Biodiversity assessment has considered collision risk for barn owl; this is reported within the assessment chapter.	Chapter 9 Biodiversity [TR010027/APP/6.1]

Topic or aspect	Comment	Scoping opinion reference	Response to scoping opinion	Where covered in the Environmental Statement (or in other application documents)
Biodiversity	<p>The Inspectorate acknowledges the intention for measures to be identified in relation to specific ecological effects (paragraph 8.7.5). The detailed mitigation strategy should be reported in the ES and should include embedded mitigation measures and any specific measures designed to address identified adverse effects.</p> <p>The mitigation options for the Proposed Development should take into account advice from the Environment Agency (Appendix 2), with respect to the River Blythe SSSI, and have regard to any other sensitive watercourses potentially affected.</p> <p>The Inspectorate recommends that mitigation and enhancement are treated separately in the ES to provide greater clarity as to the efficacy of mitigation and the presentation of residual effects.</p>	ID 7	<p>Embedded mitigation measures, compensation measures, enhancements and other improvements and for biodiversity are presented within the Biodiversity chapter.</p> <p>Standard best practice measures required to address likely significant effects on biodiversity are presented within the assessment chapter and in the OEMP.</p> <p>Cognisance has been given to the advice provide by the Environment Agency, and advice provide by Natural England, during the development of embedded, standard</p>	<p>Chapter 9 Biodiversity [TR010027/APP/6.1]</p> <p>OEMP [TR010027/APP/6.11]</p> <p>Appendix 9.17 [TR010027/APP/6.3]</p>



Topic or aspect	Comment	Scoping opinion reference	Response to scoping opinion	Where covered in the Environmental Statement (or in other application documents)
			ecological mitigation measures and there overlap to other applicable environmental statement topic assessments.	
Biodiversity	<p>Paragraph 8.1.11 (first bullet point) highlights that the ecological assessment at this stage has not considered the candidate sites for construction and ecological compensation.</p> <p>The Inspectorate understands this to be relevant to the 'zone of influence' or study area applied to the assessment of ecological effects. Some contradiction appears in that Figures 8.1 and 8.2 are provided to illustrate the study area and described as including these sites. The Inspectorate notes the statement in Section 8.11 that accordingly the assessment in the ES may differ and asks the applicant to clearly describe the study area applied to the assessment in the ES.</p>	ID 8	The Biodiversity assessment chapter describes the study areas used to identify impacts and effects on ecological features, and provides justification for their definition.	Chapter 9 Biodiversity [TR010027/APP/6.1]
Geology and	The Inspectorate agrees that	ID 1	The Geology and	Chapter 10 Geology and soils [TR010027/APP/6.1]

Topic or aspect	Comment	Scoping opinion reference	Response to scoping opinion	Where covered in the Environmental Statement (or in other application documents)
Soils	<p>construction materials in existing and proposed structures associated with the Proposed Development may be scoped out of the assessment for this aspect as these are more appropriately addressed elsewhere (see Table 4.6 below).</p> <p>It is not agreed that effects on construction and maintenance workers may be scoped out as insufficient information has been provided to support this approach, and, for example, the risks associated with potential contamination sources are unknown at this stage.</p>		<p>soils chapter includes information regarding the potential for effects to occur on construction and maintenance workers as a result of disturbing contamination materials during the construction phase of the Scheme.</p> <p>An outline plan has been included within the OEMP that details the measures to be applied during construction to control the potential exposure to contamination. Comparable measures would be adopted during future maintenance events.</p>	OEMP [TR010027/APP/6.11]
Geology and Soils	It is unclear from the information in the table whether it is proposed to scope this out. Paragraph 9.6.4 states that there is agricultural land	ID 2	The Geology and soils chapter includes an assessment of the loss of BMV	Chapter 10 Geology and soils [TR010027/APP/6.1]

Topic or aspect	Comment	Scoping opinion reference	Response to scoping opinion	Where covered in the Environmental Statement (or in other application documents)
	in the area which is predominantly classed as ALC Grade 3 and paragraph 9.4.10 notes that some land is Grade 3a, which therefore falls under the definition of best and most versatile land (BMVL). In light of this, and in the absence of a clear approach, the Inspectorate does not agree that this matter may be scoped out.		agricultural land.	
Geology and Soils	The study area for the desk-based surveys undertaken to-date is described as 'along the route of the proposed scheme' or 'within 250m of the proposed scheme boundary'. Paragraph 9.4.7 refers to a 1km buffer zone, which is not explained further. The Inspectorate expects the study area used for the assessment to be clearly defined in the ES. The study area should reflect the extent of any potential impacts and have regard to the Proposed Development area.	ID 3	The Geology and soils chapter fully explains and describes the study areas used to identify impacts and effects, and provides justification for their definition.	Chapter 10 Geology and soils [TR010027/APP/6.1]
Geology and Soils	Tables (9.4 – 9.6) of the Scoping Report sets out the criteria that will be used to determine the sensitivity of a receptor/resource, the magnitude of an impact, and the level of significance resulting from	ID 4	The Geology and soils chapter sets out the methodology applied and any guidelines followed, and describes the	Chapter 10 Geology and soils [TR010027/APP/6.1]

Topic or aspect	Comment	Scoping opinion reference	Response to scoping opinion	Where covered in the Environmental Statement (or in other application documents)
	the combination of the two. Definitions of the significance levels are not provided, nor a statement about which level(s) would constitute a significant effect. The ES should clearly explain how significance of effect is derived. Any specific guidance documents used to establish the significance criteria should be referenced.		different levels of effect including the level at which an effect is deemed significant.	
Geology and Soils	<p>The Scoping Report states that the prevention of pollution of controlled waters would be achieved through the mitigation measures outlined in Chapter 13.</p> <p>The Inspectorate requires that any measures proposed to mitigate effects specific to Geology and Soils should be described in the relevant chapter of the ES. If there are other relevant measures set out elsewhere in the ES then an explicit cross-reference should be provided.</p>	ID 5	<p>The Geology and soils chapter includes the measures required to address significant environmental effects, and appropriate cross-references have been included where measures included within other chapters have been relied upon in the assessment.</p> <p>A number of outline plans relating to environmental protection have been</p>	<p>Chapter 10 Geology and soils [TR010027/APP/6.1]</p> <p>OEMP [TR010027/APP/6.11]</p>

Topic or aspect	Comment	Scoping opinion reference	Response to scoping opinion	Where covered in the Environmental Statement (or in other application documents)
			included within the OEMP for inclusion within appointed Contractor's CEMP.	
Geology and Soils	Potential effects on Bickenhill SSSI are identified in relation to surface water run-off during construction, although this receptor is not identified within the baseline information in Section 9.4. The Applicant should ensure that all receptors and resources that could be significantly affected by the Proposed Development are identified and assessed in the ES.	ID 6	Bickenhill SSSI has been considered as a receptor within the Biodiversity assessment and the Road drainage and the water environment assessment.	Chapter 9 Biodiversity [TR010027/APP/6.1] Chapter 14 Road drainage and the water environment [TR010027/APP/6.1]
Materials	The Inspectorate accepts that waste generation during operation is likely to be on a small scale, and unlikely to generate significant effects and is content that this matter can be scoped out of the assessment.	ID 1	No response required.	Chapter 11 Material assets and waste [TR010027/APP/6.1]
Materials	The Scoping Report states that environmental effects associated with these activities is outside of the scope of the EIA. The Inspectorate is content that significant effects associated with raw material extraction and	ID 2	No response required.	Chapter 11 Material assets and waste [TR010027/APP/6.1]

Topic or aspect	Comment	Scoping opinion reference	Response to scoping opinion	Where covered in the Environmental Statement (or in other application documents)
	manufactures are not likely and that this can be scoped out of the assessment.			
Materials	The intention to include the region in which construction materials may be sourced could be construed as an extremely large area (perhaps global) and it is not clear how this fits with the DMRB methodology referred to in the Scoping Report. The Inspectorate notes the limitations described in Section 10.11 which affect the definition of the study area, and recommends that it is clear in the ES how these have affected the robustness of the assessment.	ID 3	Limitations placed on the assessment regarding study area definition and material source locations are fully explained within the material assets and waste chapter, including the relationship to published DMRB Interim Advice Note guidance on assessing materials.	Chapter 11 Material assets and waste [TR010027/APP/6.1]
Materials Health	The Inspectorate considers that impacts to human health in relation to handling, storage and exposure to waste from historic landfill sites should be assessed in the ES. Cross reference should be made to the information in Chapter 9 in this regard. The Applicant's attention is drawn to comments from the Health and Safety Executive.	ID 4	The assessments of Geology and soils and Population and health provide an assessment of human health effects arising from the construction, operation and future maintenance of the Scheme.	Chapter 10 Geology and soils [TR010027/APP/6.1] Chapter 13 Population and health [TR010027/APP/6.1]  OEMP [TR010027/APP/6.11]

Topic or aspect	Comment	Scoping opinion reference	Response to scoping opinion	Where covered in the Environmental Statement (or in other application documents)
			Outline plans have been included within the OEMP that detail the measures to be applied during construction to control the potential exposure to contamination.	
Materials	It is acknowledged that consideration of any precise quantities or residues has not been possible at the scoping stage, and the Inspectorate notes the intention to undertake this in the ES subject to the limitations identified with respect to the availability of information. Chapter 10 acknowledges the need for transportation of materials to and from the site. It is not clear how information gathered in this regard will be used to inform other assessments within the EIA (for example air and noise effects). Data used to underpin separate assessments should be cross referenced appropriately in the ES.	ID 5	<p>Information regarding materials quantities or residues associated with the construction and operation of the Scheme are presented as part of the project description.</p> <p>This information is considered in more detail in the Material assets and waste chapter, with appropriate cross references added to other chapters of the Environmental Statement where</p>	<p>Chapter 3 The project [TR010027/APP/6.1]</p> <p>Chapter 11 Material assets and waste [TR010027/APP/6.1]</p>

Topic or aspect	Comment	Scoping opinion reference	Response to scoping opinion	Where covered in the Environmental Statement (or in other application documents)
			relevant and any limitations or assumptions clearly recorded.	
Noise and Vibration	<p>The study area for the assessment of construction phase noise impacts is unclear, as is the reference to including only the closest identified potentially sensitive receptors to the Proposed Development. The study area should be clearly defined, based on the likely impacts and where significant effects might be experienced, in the ES and should be sufficiently broad to capture all receptors that could potentially be significantly affected.</p> <p>In their scoping consultation response the Canal and River Trust (contained in Appendix 2 of this Opinion) identifies potential impacts on the Grand Union Canal and its associated receptors resulting from noise during the construction and operational phases. The ES should assess the impact of noise on these receptors.</p>	ID 1	The Noise and vibration assessment chapter defines the study area extents, based on the area over which likely significant effects would occur during the construction phase. This has revisited the potential for likely significant effects on receptors associated with the Grand Union Canal.	Chapter 12 Noise and vibration [TR010027/APP/6.1]
Noise and	It is stated that the sensitivity of the	ID 2	The Noise and	Chapter 12 Noise and vibration [TR010027/APP/6.1]



Topic or aspect	Comment	Scoping opinion reference	Response to scoping opinion	Where covered in the Environmental Statement (or in other application documents)
Vibration	<p>noise sensitive receptors identified in Table 11.2 is based on the values set out in Table 11.12; however the National Exhibition Centre is described as being of 'medium' sensitivity. This is despite concert halls being determined to be of 'very high' sensitivity in the same table (Table 11.12).</p> <p>The impact magnitude criteria for residential receptors provided in Table 11.6 does not reflect the magnitude criteria provided in Table 11.13 used to determine the level of significance of an effect (although it is not defined what level of effect would constitute a significant effect). The Applicant should ensure that the values and criteria used are consistently applied throughout the assessments and informed by professional judgement where necessary.</p>		vibration chapter includes specific methodologies and criteria for the sensitivity of receptors and the magnitude of impact ratings applied in the assessment.	
Noise and Vibration	Very little information is provided in this chapter on the approach that will be taken to the assessment of impacts on ecological receptors. It is noted that such receptors will be	ID 3	Information has been included within the Noise and vibration and Biodiversity assessments	Chapter 9 Biodiversity [TR010027/APP/6.1] Chapter 12 Noise and vibration [TR010027/APP/6.1]

Topic or aspect	Comment	Scoping opinion reference	Response to scoping opinion	Where covered in the Environmental Statement (or in other application documents)
	selected in conjunction with the Proposed Development ecologists. The Inspectorate advises that NE should be consulted in relation to potential impacts on nature conservation sites, protected species, and other wildlife features. In addition to the ecological receptors identified in paragraph 11.9.29, the ES should report where potential impacts on other habitats and species have been assessed. The ES should explain the regard given to the findings of the ecological surveys. Cross reference should be made from the ES Noise and Vibration chapter to the Biodiversity chapter (as appropriate).		<p>regarding potential effects on ecological receptors, setting out the methodologies and criteria applied and providing appropriate cross-referencing between both chapters.</p> <p>Consultation has been undertaken with Natural England regarding the scope of the assessment of effects on ecological features.</p>	Appendix 9.17 [TR010027/APP/6.3]
Noise and Vibration	It should be made clear in the ES which mitigation measures are embedded in the Proposed Development design and which are additional. The Inspectorate notes that the proposed CEMP would include measures to address noise and vibration impacts. The Applicant must ensure that the CEMP is secured in the DCO and the measures are capable of being	ID 4	<p>Embedded mitigation measures incorporated into the design of the Scheme are presented within the Noise and vibration chapter.</p> <p>Standard mitigation measures that would be used to control</p>	<p>Chapter 12 Noise and vibration [TR010027/APP/6.1]</p> <p>OEMP [TR010027/APP/6.11]</p>

Topic or aspect	Comment	Scoping opinion reference	Response to scoping opinion	Where covered in the Environmental Statement (or in other application documents)
	delivered.		<p>noise and vibration during construction are presented within the OEMP which would be used as a basis for the CEMP for the Scheme.</p> <p>No additional mitigation measures have been identified through the EIA process.</p>	
Noise and Vibration	<p>It is indicated that the level of assessment of the construction noise and vibration effects will depend on the information available about the proposed construction works at the time the assessment is made. Similar comments are made elsewhere in the chapter in relation to limitations on available information.</p> <p>The Inspectorate reminds the Applicant that the ES should assess all likely significant effects associated with the Proposed Development. The assessment should be undertaken having</p>	ID 5	<p>Information upon which the Noise and Vibration assessment has been undertaken is presented and described within the project description.</p> <p>Assumptions applied and limitations encountered in the assessment are recorded within the Noise and vibration chapter, including where worst-case scenarios have been</p>	<p>Chapter 3 The project [TR010027/APP/6.1]</p> <p>Chapter 12 Noise and vibration [TR010027/APP/6.1]</p>

Topic or aspect	Comment	Scoping opinion reference	Response to scoping opinion	Where covered in the Environmental Statement (or in other application documents)
	regard to the specific characteristics of the Proposed Development. Effort should be made to identify and describe these characteristics; however, where information is limited the assessment should be based on a worst case scenario. The ES should include a clear description of the worst case scenario which should also be appropriately justified.		assumed.	
Noise and Vibration	The Scoping Report refers to the DMRB 'Method 3' approach to calculating night-time traffic noise levels. It is unclear whether that is the method proposed to be used for the assessment. The selected methodology for each assessment should be clearly described and justified in the ES.	ID 6	The approach and methodologies applied in the Noise and vibration assessment to identify significant environmental effects during construction and operation of the Scheme has been clearly defined and explained within the assessment chapter.	Chapter 12 Noise and vibration [TR010027/APP/6.1]
Noise and Vibration	Only single values, rather than a range, are provided in these tables, so the methodology that will be applied to the assessment is unclear. The ES should include a	ID 7	The approach and methodologies applied in the Noise and vibration assessment to	Chapter 12 Noise and vibration [TR010027/APP/6.1]

Topic or aspect	Comment	Scoping opinion reference	Response to scoping opinion	Where covered in the Environmental Statement (or in other application documents)
	clear definition of methodology applied in the assessment.		identify significant environmental effects during construction and operation of the Scheme has been clearly defined and explained.	
Noise and Vibration	No information is provided on the models proposed to be used. Paragraph 11.9.29 refers to SoundPLAN or CadnaA in relation to noise modelling, however some text appears to be missing. The models used to inform the EIA should be clearly described in the ES.	ID 8	The software used in the predictive modelling of changes in noise and vibration, and the use of traffic model outputs, has been described within the assessment chapter and in an appendix.	Chapter 12 Noise and vibration [TR010027/APP/6.1] Appendix 12.2 [TR010027/APP/6.3]
Noise and Vibration	Although it is stated that the DMRB notes that no methodology has yet been developed to assign significance according to both resource value and impact magnitude, Table 11.12 identifies a number of receptor types to which sensitivity values are assigned. However, the table does not include fauna, and it is not explained from where the criteria are derived.	ID 9	The approach and methodologies applied in the Noise and vibration assessment to identify significant environmental effects during construction and operation of the Scheme has been clearly defined and explained	Chapter 12 Noise and vibration [TR010027/APP/6.1]  Chapter 9 Biodiversity [TR010027/APP/6.1]

Topic or aspect	Comment	Scoping opinion reference	Response to scoping opinion	Where covered in the Environmental Statement (or in other application documents)
	The Inspectorate advises that information on sensitivity values should be provided in the ES and advises that alternative sources of guidance to the DMRB are available.		The potential effects on ecological receptors have been presented within the Biodiversity assessment.	
Population & Health  Outline EMP	The Inspectorate notes that this chapter does not include reference to an assessment of changes in traffic conditions, either during the construction period or operational period. There is no reference to the consideration of road closures or other traffic management measures during construction. It is not apparent that there is intention to use the information in the Transport Assessment produced for the Proposed Development (or equivalent study) to inform the assessment of effects in this chapter. The impacts associated with changes to traffic conditions should be assessed and presented in the ES with respect to all the relevant aspects/matters in this chapter.	ID 1	Outputs from traffic modelling have been used as the basis for several assessments that rely on traffic forecasts. Where such information has been relied upon this is set out within the respective assessment chapters which consider both the construction and operational periods.  The EIA methodology and consultation chapter summarises the types of traffic data used in the assessment.	Chapter 6 Air quality [TR010027/APP/6.1] Chapter 12 Noise and vibration [TR010027/APP/6.1] Chapter 13 Population and health [TR010027/APP/6.1] Chapter 14 Road drainage and the water environment [TR010027/APP/6.1]  Chapter 5 EIA methodology and consultation [TR010027/APP/6.1]
Population & Health	The Scoping Report proposes to scope out effects on equestrians as no adverse effects are anticipated.	ID 2	Attempts were made to undertake NMU surveys (comprising	Chapter 13 Population and health [TR010027/APP/6.1]

Topic or aspect	Comment	Scoping opinion reference	Response to scoping opinion	Where covered in the Environmental Statement (or in other application documents)
	No evidence is supplied to support this request, and the baseline conditions report identifies two livery stables in the vicinity of Bickenhill (the precise locations are not provided) and paragraph 12.5.1 identifies the need for further surveys of equestrian use in the area. In light of this, the Inspectorate cannot agree to scope an assessment of impacts to equestrians out of the assessment.		<p>both static camera surveys and origin-destination surveys) to establish current movements of NMUs, including equestrians, as part of the Population and health assessment; however these could not be completed due to the theft of equipment and the timing of the surveys. These limitations are described within the Population and health chapter.</p> <p>The assessment has, however, identified that there are no bridleways in the area, and has considered the potential for effects on local livery businesses.</p>	
Population & Health	The ES should explain any of the assumptions and limitations to the	ID 3	Full details of the traffic modelling	TAR [TR010027/APP/7.2]

Topic or aspect	Comment	Scoping opinion reference	Response to scoping opinion	Where covered in the Environmental Statement (or in other application documents)
	traffic modelling used in the assessment and how they affect the outcome.		undertaken (and any limitations encountered or assumptions applied) as part of the assessment of the Scheme are presented in the TAR, which forms part of the DCO application documentation.  Details of how any such limitations or assumptions have influenced the environmental assessments are reported within the Environmental Statement.	Chapters 6 – 16 [TR010027/APP/6.1]
Population & Health	It is not clear why the area of 500m has been chosen, and whether this is sufficient to capture all facilities potentially affected by the Proposed Development. It is not apparent if other information, for example information on the changes to traffic conditions on the local road network, has been taken	ID 4	The basis on which the assessment study areas have been defined is explained within the Population and health assessment. This assessment takes into account how	Chapter 13 Population and health [TR010027/APP/6.1]



Topic or aspect	Comment	Scoping opinion reference	Response to scoping opinion	Where covered in the Environmental Statement (or in other application documents)
	into account. The Inspectorate advises the Applicant to engage with all relevant consultees in order to ensure the study area is adequate with regard to its geographical extent. The study area should be defined in the ES.		existing traffic conditions influence driver stress levels and form a barrier to the movement of people (severance), and how these conditions would change as a result of the Scheme.	
Population & Health	This assessment is linked to the Landscape and Visual Impact Assessment. As such, where the assessments draw on each other, appropriate cross referencing should be made.	ID 5	Cross-referencing has been included throughout the Population and health assessment to related assessments, where relevant.	Chapter 13 Population and health [TR010027/APP/6.1]
Population & Health	The Scoping Report acknowledges gaps in the DMRB with respect to methodology, and states that professional judgement will be applied. The Inspectorate advises the Applicant to consider guidance outside of the DMRB where applicable and to ensure that if a methodology, for data collection and assessment, departs from standard guidance that it is fully explained and justified. With reference to Table 12.3 and Table	ID 6	Full details regarding the methodologies and criteria applied in the assessment, including where professional judgement has been used in the absence of defined approaches, are presented within the Population and health assessment.	Chapter 13 Population and health [TR010027/APP/6.1]

Topic or aspect	Comment	Scoping opinion reference	Response to scoping opinion	Where covered in the Environmental Statement (or in other application documents)
	12.4, the criteria for assessing significant of effects on NMUs and driver stress are given. Very little information is given about the methodologies used to arrive at these criteria, which appear to be largely based on judgement.			
Population & Health	It is not clear why the area of 250m has been chosen, and whether this is adequate. It is not apparent if other information, for example, changes to traffic conditions on the local road network, has been taken into account. The Inspectorate acknowledges the intention to refine the study area through consultation and advises the Applicant to engage with all relevant consultees including non-statutory consultees.	ID 7	The basis on which the assessment study area has been defined is explained within the Population and health assessment, which also explains its relationship to the local road network and existing/predicted traffic conditions.	Chapter 13 Population and health [TR010027/APP/6.1]
Road Drainage and the Water Environment	It is noted that professional judgment has been applied to identify water features for inclusion in the assessment that are located outside the study area, where it appears that there is hydraulic connectivity to features within the study area and a possibility that they could be significantly affected. The approach to determining which	ID 1	The basis on which existing hydrological features and receptors have been identified and considered in the assessment is explained in the Road drainage and the water environment	Chapter 14 Road drainage and the water environment [TR010027/APP/6.1]

Topic or aspect	Comment	Scoping opinion reference	Response to scoping opinion	Where covered in the Environmental Statement (or in other application documents)
	features should be considered should be explained and the ES should explicitly state how and where professional judgement has been used.		assessment, noting how and where professional judgement has been applied.	
Road Drainage and the Water Environment	The Canal and River Trust in their scoping consultation response have identified potential impacts on the canal and its associated receptors resulting from the drainage arrangements for the Proposed Development. The Inspectorate advises that these impacts should be assessed in the ES.	ID 2	Consideration has been given in the assessment to the Grand Union Canal as a feature that is used by different receptors, with due regard given to its status, importance and geographical relationship to the Scheme.	Chapter 14 Road drainage and the water environment [TR010027/APP/6.1]
Road Drainage and the Water Environment	The extent of the site underlain by either the Secondary A or Secondary B aquifers is not clear from the description provided. This ES should clearly state and depict the location of these sensitive receptors.	ID 3	The relationship between the Scheme and existing aquifers is described in the Road drainage and the water environment assessment.  The locations of sensitive receptors are illustrated within the figures supporting	Chapter 14 Road drainage and the water environment [TR010027/APP/6.1]  [TR010027/APP/6.2]

Topic or aspect	Comment	Scoping opinion reference	Response to scoping opinion	Where covered in the Environmental Statement (or in other application documents)
			the main text of the Environmental Statement.	
Road Drainage and the Water Environment	This paragraph refers to Table 13.7, which it is assumed, from the preceding text, was intended to provide information on the criteria used to determine the importance of a receptor, however it has been omitted. The ES should clearly state the criteria by which sensitivity/importance of a receptor will be defined.	ID 4	The criteria applied in the assessment to determine receptor sensitivity and/or importance are described in the Road drainage and the water environment assessment.	Chapter 14 Road drainage and the water environment [TR010027/APP/6.1]
Road Drainage and the Water Environment	The Inspectorate welcomes the stated intention to review the watercourses and ponds ecological surveys to determine the potential for relevant protected species, in relation to establishing the importance of the water resources receptors. The outcomes of the ecological surveys should be cross referenced from this aspect chapter.	ID 5	Appropriate cross-referencing to related assessments has been included in the Road Drainage and the Water Environment assessment, and where applicable, to the Biodiversity assessment.	Chapter 14 Road drainage and the water environment [TR010027/APP/6.1] Chapter 9 Biodiversity [TR010027/APP/6.1]
Road Drainage and the Water Environment Outline EMP	Proposed construction mitigation measures, which it is indicated will be contained within the CEMP, should be identified in the ES, and must be secured within the DCO.	ID 6	Embedded and standard mitigation measures are presented within the Road drainage and water environment	Chapter 14 Road drainage and the water environment [TR010027/APP/6.1]  OEMP [TR010027/APP/7.2]

Topic or aspect	Comment	Scoping opinion reference	Response to scoping opinion	Where covered in the Environmental Statement (or in other application documents)
			assessment.  An outline plan for surface water management has been generated which captures the standard best practice measures for the Scheme. This is included with the OEMP for the construction works and will form part of the appointed Contractor's CEMP.	
Road Drainage and the Water Environment	Reference is made to the use of the Highways Agency Water Risk Assessment Tool (HAWRAT) to assess operational impacts, which should be described in the ES.	ID 7	The use of HAWRAT to assess potential risks to water bodies has been described in the Road drainage and the water environment assessment.	Chapter 14 Road drainage and the water environment [TR010027/APP/6.1]  Appendix 14.3 [TR010027/APP/6.3]
Road Drainage and the Water Environment	The Inspectorate notes that a WFD assessment will be prepared, which will explain how the requirements of the WFD have been met, and welcomes that the EA will be consulted. The Applicant's attention	ID 8	The WFD assessment has been undertaken as part of the assessment on the water environment, taking	Chapter 14 Road drainage and the water environment [TR010027/APP/6.1]  Appendix 14.1 [TR010027/APP/6.3]

Topic or aspect	Comment	Scoping opinion reference	Response to scoping opinion	Where covered in the Environmental Statement (or in other application documents)
	is drawn to the Inspectorate's Advice Note about the WFD, published on the National Infrastructure Planning website.		account of the latest Advice Note from the Planning Inspectorate.  A preliminary WFD assessment has also been prepared as part of the Environmental Statement.	
Road Drainage and the Water Environment	It is recommended that SMBC are consulted in addition to the EA in relation to the assessment of flood risk. The Applicant is referred to the comments made by the EA in their consultation response in relation to the scope of the flood risk assessment and also the need to take into account increased peak river flow allowances.	ID 9	Both the EA and SMBC have been consulted on hydrological matters, where required. Details of their involvement have been summarised within the Flood risk assessment, the Drainage strategy and the Road drainage and water environment assessment.	Chapter 14 Road drainage and the water environment [TR010027/APP/6.1]  Flood risk assessment [TR010027/APP/6.10]  Appendix 14.5 [TR010027/APP/6.3]
Road Drainage and the Water Environment	The Scoping Report refers to the January 2014 Department for Transport TAG Unit A3 which was	ID 10	The Road drainage and the water environment chapter	Chapter 14 Road drainage and the water environment [TR010027/APP/6.1]

Topic or aspect	Comment	Scoping opinion reference	Response to scoping opinion	Where covered in the Environmental Statement (or in other application documents)
	superseded in December 2015. The Applicant is advised to ensure that all guidance relied upon for the purposes of undertaking the EIA is current.		details the methodologies applied in the assessment.	
Road Drainage and the Water Environment	The Inspectorate notes that liaison with the EA is to be undertaken in relation to identifying any permits/licences that may be required. The Applicant is referred in this regard to EA advice contained in Annex D of the Inspectorate's Advice Note eleven: Working with public bodies in the infrastructure planning process.	ID 11	Consultation has been undertaken with the Environment Agency as part of the design-development and assessment processes, with due regard given to the Inspectorate's Advice Note eleven.	Chapter 14 Road drainage and the water environment [TR010027/APP/6.1]
Road Drainage and the Water Environment	Reference is made to using either DMRB 'Method A' or 'C' in relation to assessing potential impacts to water resources from routine run off, and to 'Method D' in respect of the risk of a serious spillage incident occurring. The final methodologies chosen for the assessment should be fully explained in the ES.	ID 12	The DMRB assessment methodologies applied in the assessment are defined and explained within the Road drainage and the water environment assessment.	Chapter 14 Road drainage and the water environment [TR010027/APP/6.1]
Climate	Given the nature of the Proposed Development and the assertion in the Scoping Report that the decommissioning of the Proposed	ID 1	No response required.	Chapter 15 Climate [TR010027/APP/6.1]

Topic or aspect	Comment	Scoping opinion reference	Response to scoping opinion	Where covered in the Environmental Statement (or in other application documents)
	Development is not reasonably foreseeable, the Inspectorate is content to scope this matter out of the ES.			
Climate	There is a link between the climate change resilience assessment and the assessment within Chapter 13 in relation to flood risk. Appropriate cross-referencing to relevant chapters should be made in the ES.	ID 2	Cross-references have been added where relevant to acknowledge the link between the Road drainage and the water environment assessment chapter and other related assessments.	Chapter 14 Road drainage and the water environment [TR010027/APP/6.1] Chapter 15 Climate [TR010027/APP/6.1]
Climate	The Inspectorate notes that the climate change resilience assessment will be undertaken with regard to the NPSNN. As set out in the NPSNN the Applicant should take into account the potential impacts of climate change using the latest UK Climate Projections (UKCP); this should include the anticipated UKCP18 where appropriate.	ID 3	The assessment of climate change has taken account of the latest UK Climate Projections (2009). UKCP18 has not been published at time of submission of this Environmental Statement.	Chapter 15 Climate [TR010027/APP/6.1]
Climate	It is noted from paragraph 14.8.7 that the methodology described will place GHG emissions for the Proposed Development in the context of UK carbon budgets and	ID 4	The sensitivity of receptors is based on the magnitude of emissions calculated over each five year	Chapter 15 Climate [TR010027/APP/6.1]



Topic or aspect	Comment	Scoping opinion reference	Response to scoping opinion	Where covered in the Environmental Statement (or in other application documents)
	associated reduction targets in order to determine significance. The Scoping report states earlier (paragraph 14.5.3) that when determining sensitivity of receptors the magnitude of emissions will be used. It should be clear in the ES if this takes into account the temporal duration of the emissions and the relevance to emission reduction targets.		carbon budget period, as outlined within the methodology of the climate assessment.	
Climate	The approach and aim of the climate change resilience assessment is described here, however the Inspectorate would expect to see information on how the assessment has actually been carried out reported in the ES. This would be expected to comprise detail on how the information about the Proposed Development has been used to assess its vulnerability, and how the risk of changes to climate and magnitude of these changes has been evaluated and informed the assessment of significant effects.	ID 5	The approach to the Climate assessment and the methodologies and significance criteria applied are described within the assessment chapter. The assessment has considered the vulnerability of the Scheme to climate change and whether the Scheme could give rise to climate change.	Chapter 15 Climate [TR010027/APP/6.1]
Cumulative Effects	No information is provided in relation to criteria used to determine receptor value and	ID 1	The approach to the assessment and the methodologies and	Chapter 16 Assessment of cumulative effects [TR010027/APP/6.1]

Topic or aspect	Comment	Scoping opinion reference	Response to scoping opinion	Where covered in the Environmental Statement (or in other application documents)
	impact magnitude, or what level of effect would constitute a significant effect. The Inspectorate expects this to be provided in the ES. The Applicant is referred to the advice contained in the Inspectorate's Advice Note seventeen in relation to the tiered approach.		significance criteria applied are described within the Assessment of cumulative effects chapter.	