

A585 Windy Harbour to Skippool Improvement Scheme

TR010035

6.5.1 ES Appendix 5.1: The Inspectorate's Scoping Opinion and Response

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

**A585 Windy Harbour to Skippool
Improvement Scheme**
Development Consent Order 201[]

**ES APPENDIX 5.1: THE INSPECTORATES SCOPING OPINION
AND RESPONSE**

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1 SUMMARY OF THE PLANNING INSPECTORATE'S SCOPING OPINION AND HIGHWAYS ENGLAND RESPONSES

- 1.1.1 Table 1-1 provides a comment-by-comment copy of the Planning Inspectorate's Scoping Opinion (December 2017). A response is provided against each comment to explain how the comment has been addressed in the Environmental Statement (ES).

Table 1-1: The Inspectorate's Scoping Opinion Comments and Highways England Responses

Paragraph in section 3.3	Comment	Highways England Response
General		
3.3.1	<p>The Inspectorate recommends that in order to assist the decision-making process, the Applicant uses tables:</p> <ul style="list-style-type: none"> • To demonstrate how the assessment has taken account of this Opinion; • To identify and collate the residual effects after mitigation for each of the aspect topics, including the relevant interrelationships and cumulative effects; • To set out the proposed mitigation and/or monitoring measures including cross-reference to the means of securing such measures (e.g. a DCO requirement); • To describe any remedial measures that are identified as being necessary following monitoring; and • To identify where details are contained in the HRA report (where relevant), such as descriptions of European sites and their locations, together with any mitigation or compensation measures, are to be found in the ES. 	<p>The following provides detail of where we have included these items.</p> <ul style="list-style-type: none"> • Appendix 5.1 (this appendix) (document reference TR010035/APP/6.5.1) details how the ES has taken account of the Scoping Opinion. • Chapter 17: Summary (document reference TR010035/APP/6.17) presents a table summarising all residual effects. • Specific mitigation and how it is secured is outlined within Chapters 6 – 16 (document reference TR010035/APP/6.6 - 6.16) and in Section 6. • Chapter 8: Biodiversity (document reference TR010035/APP/6.8) and the HRA Report (document reference TR010035/APP/5.4) present baseline information regarding European Sites together with mitigation measures proposed.
3.3.2	<p>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</p>	<p>The Scheme description clearly identifies what is included in the DCO. No associated development is proposed.</p>

Paragraph in section 3.3	Comment	Highways England Response
	form the proposed (or part of the proposed) NSIP and those that primarily derive from the works described as associated development, for example through a suitably compiled summary table. This will have the benefit of giving greater confidence to the Inspectorate that what is proposed is not in fact an additional NSIP defined in accordance with s22 of the PA2008.	
3.3.3	Chapter 5 of the Scoping Report outlines the general approach to the EIA. The Design Manual for Roads and Bridges (DMRB) and accompanying Interim Advice Notes (IANs) will be used as the main source of guidance, with relevant aspect-specific guidance used as appropriate.	Noted.
3.3.4	Paragraph 5.11.3 of the Scoping Report explains that due to the long design life of the Proposed Development (40 years for a new carriageway), it is not considered appropriate for decommissioning to form part of each environmental aspect assessment in the ES. The Inspectorate considers this to be an acceptable approach taking into account the nature and characteristics of the Proposed Development. However, the Inspectorate considers that any decommissioning associated with dismantling and replacing particular elements of the Proposed Development (e.g. lighting columns) once they reach the end of their design life should be assessed if significant effects are likely to occur. The approximate design life of the various development components should be explained in the ES.	Noted, decommissioning has been scoped out of the ES. The design life of key elements has been identified in Chapter 2: Description of the Scheme Section 2.19 Decommissioning (document reference TR010035/APP/6.2) and a note provided as to whether the decommissioning could result in a significant effect or otherwise.
3.3.6	Paragraph 2.10.1 of the Scoping Report explains that the existing A585 would be de-trunked as part of the scheme. As part of the de-trunking a number of alterations and other works are proposed along the existing A585. Where relevant, these alterations and works should be considered in the aspect topics.	Further detail of de-trunking is provided within Chapter 2: Description of the Scheme Section 2.12 and on Figure 2.3 (document reference TR010035/APP/6.2). All topic specific ES chapters have assessed the Scheme as presented in

Paragraph in section 3.3	Comment	Highways England Response
		Chapter 2.
3.3.7	It is not clear from all of the aspect chapters in the Scoping Report whether the study areas proposed for the ES assessments are the same as those identified for the purposes of scoping. The Applicant is advised to clearly define the study areas adopted for each aspect assessment in the ES.	The study areas for each topic are defined in the ES and justified within Chapters 6 – 16 (document reference TR010035/APP/6.2 - TR010035/APP/6.16) and in Section 4.
Baseline Scenario		
3.3.8	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.	Each topic chapter in the ES gives consideration to the baseline evolution without the Scheme within Chapters 6 – 16 (document reference TR010035/APP/6.2 - TR010035/APP/6.16) and in Section 5.
Forecasting Methods or Evidence		
3.3.9	The ES should contain the timescales upon which the surveys that underpin the technical assessments have been based. For clarity, this information should be provided either in the introductory chapters of the ES (with confirmation that these timescales apply to all chapters), or in each aspect chapter.	A number of environmental surveys have been undertaken to inform the baseline and assessments undertaken. Details and dates surveys were undertaken are provided within each environmental topic chapter - Chapters 6 – 16 (document reference TR010035/APP/6.6 – 6.16).
3.3.10	The Inspectorate expects the ES to include a chapter setting out the overarching methodology for the EIA, which clearly states which effects are 'significant' and 'non-significant' for the purposes of the EIA. Any departure from that methodology should be described in individual aspect assessment chapters.	The ES includes an identification of which effects are significant or otherwise. This is covered in Chapter 5: Approach to Environmental Impact Assessment (document reference TR010035/APP/6.5), Table 5-5.
3.3.11	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.	ES Chapters 6 – 16 (document reference TR010035/APP/6.6 – 6.16), Section 3 provide details of limitations and uncertainties.

Paragraph in section 3.3	Comment	Highways England Response
Residues and Emissions		
3.3.12	The EIA Regulations require an estimate, by type and quantity, of expected residues and emissions. Specific reference should be made to water, air, soil and subsoil pollution, noise, vibration, light, heat, radiation and quantities and types of waste produced during the construction and operation phases, where relevant. This information should be provided in a clear and consistent fashion and may be integrated into the relevant aspect assessments.	These emissions are discussed in each of the topic chapters as appropriate, primarily Chapter 6: Air Quality (document reference TR010035/APP/6.6), Chapter 11: Noise and Vibration (document reference TR010035/APP/6.11), Chapter 12: Road Drainage and the Water Environment (document reference TR010035/APP/6.12) and Chapter 13: Geology and Contaminated Land (document reference TR010035/APP/6.13).
Mitigation		
3.3.13	Any mitigation relied upon for the purposes of the assessment should be explained in detail within the ES. The likely efficacy of the mitigation proposed should be explained with reference to residual effects. The ES should also address how any mitigation proposed is secured, ideally with reference to specific DCO requirements or other legally binding agreements.	Mitigation is outlined in ES Chapters 6-16 (document reference TR010035/APP/6.6 – 6.16) of the ES and in Section 6. Each topic chapter of the ES also gives consideration to the efficacy of mitigation in regard to residual effects and can be located in Chapters 6-16 (document reference TR010035/APP/6.6 – 6.16), the mechanism to secure mitigation is also outlined.
3.3.14	The Inspectorate notes that a Construction Environmental Management Plan (CEMP) (which would include a Pollution Prevention Plan) is to be produced. Where the ES relies upon mitigation measures which would be secured through the CEMP, it should be demonstrated (with clear cross-referencing) where each measure is set out in the CEMP. The Applicant should provide draft copies of this document appended to the ES and/or demonstrate how	Cross references to the Outline CEMP (document reference TR010035/APP/7.2) are provided in the ES (document reference TR010035/APP/6.1-6.16) as appropriate.

Paragraph in section 3.3	Comment	Highways England Response
	it will be secured.	
Vulnerability of the development to risks of major accidents and/or disasters		
3.3.15	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. Relevant information available and obtained through risk assessments pursuant to European Union legislation such as Directive 2012/18/EU of the European Parliament and of the Council or Council Directive 2009/71/Euratom or relevant assessments carried out pursuant to national legislation may be used for this purpose, provided that the requirements of this Directive are met. Where appropriate, this description should include measures envisaged to prevent or mitigate the significant adverse effects of such events on the environment and details of the preparedness for and proposed response to such emergencies.	The ES includes a section on major accidents and / or disasters included in Chapter 5: Approach to Environmental Impact Assessment (document reference TR010035/APP/6.5).
3.3.16	Section 5.13 of the Scoping Report briefly explains how the Applicant intends to approach the assessment of major accidents and disasters in the ES. The Inspectorate welcomes that both man-made and naturally occurring major accidents and disasters would be identified and considered in the ES. The Inspectorate considers that the Proposed Development is potentially vulnerable to severe weather (such as storms and floods, the risk of which may be exacerbated by climate change) and road accidents, which could also potentially result in environmental pollution incidents. The potential for major accidents and disasters to occur as a consequence of the Proposed Development (such as the collapse of structures) should also be assessed.	Noted, this has been included in the ES in Chapter 5: Approach to Environmental Impact Assessment (document reference TR010035/APP/6.5), and in Section 5.3. The potential vulnerability of the Scheme to severe weather (such as storms and floods, the risk of which may be exacerbated by climate change) and road accidents, which could also potentially result in environmental pollution incidents has been considered and assessed in Chapter 12: Road Drainage and the Water Environment (document reference TR010035/APP/6.12).

Paragraph in section 3.3	Comment	Highways England Response
3.3.17	A qualitative assessment is proposed and the conclusions would be reported in the relevant environmental aspect chapters. The Inspectorate agrees with this approach and advises that the ES should clearly set out the approach to the assessment and explain how the conclusions have been reached.	Noted, the approach has been clearly laid out in the ES in Chapter 5: Approach to Environmental Impact Assessment (document reference TR010035/APP/6.5), and in Table 5-3.
Transboundary effects		
3.3.18	Schedule 4 Part 5 of the EIA Regulations requires a description of the likely significant transboundary effects to be provided in an ES. The Inspectorate notes from Appendix C of the Scoping Report that the Applicant has not identified any likely significant effects on another European Economic Area (EEA) State. Appendix C states that the Applicant will confirm this position in the ES.	Transboundary effects are presented in Appendix 5.3 (document reference TR010035/APP/6.5.3).
3.3.19	Regulation 32 of the EIA Regulations inter alia requires the Inspectorate to publicise a DCO application on behalf of the SoS if it is of the view that the proposal is likely to have significant effects on the environment of another EEA State, and where relevant, to consult with the EEA State affected.	Noted, no impacts on other member states are predicted, refer to Appendix 5.3 (document reference TR010035/APP/6.5.3).
3.3.20	The Inspectorate considers that where Regulation 32 applies, this is likely to have implications for the examination of a DCO application. The Inspectorate welcomes the Applicant's intention for the ES to confirm whether the Proposed Development has the potential for significant transboundary impacts and if so, what these are and which EEA States would be affected.	Noted, as above.
A reference list		
3.3.21	A reference list detailing the sources used for the descriptions and assessments must be included in the ES.	A reference list is included within each ES Chapter (document reference TR010035/APP/6.1-6.17).

Para	Other points /Applicant's proposed matters to scope out	Inspectorate's comments	Highways England Response
Health (Scoping Report Insert 5-1)			
5.3.3	Assessment of health effects	<p>The Inspectorate is content with the proposed approach to assess impacts on human health in the relevant aspect chapters of the ES. The Applicant should ensure the survey methodologies relevant to health impacts are clearly defined in the relevant aspect chapters.</p> <p>For clarity, the introductory section of the ES should contain a table which provides a clear cross-reference to where the relevant information on human health is located in the ES.</p>	<p>Noted, a desk-study was undertaken to obtain the population and human health baseline conditions and included in the ES in Chapter 5: Approach to Environmental Impact Assessment (document reference TR010035/APP/6.5) and Section 5.1.</p> <p>An assessment of human health is covered within Chapter 6: Air Quality (document reference TR010035/APP/6.6), Chapter 11: Noise and Vibration (document reference TR010035/APP/6.11), Chapter 12: Road Drainage and the Water Environment (document reference TR010035/APP/6.12), Chapter 10: People and Communities (document reference TR010035/APP/6.10) and supplemented with information from Chapter 13: Geology and Contaminated Land (document reference TR010035/APP/6.13). A summary is provided in Chapter 17: Summary (document reference TR010035/APP/6.17).</p>
Insert	Human health	Insert 5-1 of the Scoping Report indicates that impacts on	Chapter 5: Approach to Environmental

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5-1	and water	<p>human health as a result of pollution incidents and flooding will be assessed in the Road Drainage and the Water Environment Chapter of the ES.</p> <p>However, Chapter 13 of the Scoping Report (Road Drainage and the Water Environment) does not specifically refer to impacts on human health or how they will be assessed. The Inspectorate considers that the Road Drainage and the Water Environment chapter of the ES should include assessment of impacts on human health resulting from emissions to water. Surface water, groundwater and drinking water supplies should be considered, including how flood risk may affect this. The Applicant's attention is drawn to Public Health England's scoping consultation response in this regard.</p> <p>The assessment should assess impacts during both construction and operation of the Proposed Development and it should be clear how all necessary mitigation measures are secured through the DCO or other legally binding mechanisms.</p>	<p>Impact Assessment (document reference TR010035/APP/6.5) presents a paragraph and a diagram (Insert 5-1) outlining how human health has been covered and assessed in the ES.</p> <p>Chapter 12: Road Drainage and the Water Environment (document reference TR010035/APP/6.12), Section 12.7 includes the relevant assessment of human health.</p>
Insert 5-1	Human health and air quality	In relation to the assessment of potential impacts on human health resulting from changes in air quality, the Inspectorate advises that the assessment should include consideration of impacts from construction dust.	Chapter 6: Air Quality (document reference TR010035/APP/6.6), Section 6.7 includes the relevant assessment of human health.
7.6.4	Human health and air quality	It is noted that impacts associated with fine particulate matter (PM2.5) would not be assessed as part of the air quality assessment. No evidence of the existing PM2.5	In accordance with DMRB, PM2.5 would not be reported. Highways England has reviewed the latest measured PM2.5

Para	Other points /Applicant's proposed matters to scope out	Inspectorate's comments	Highways England Response
		<p>levels has been provided within the Scoping Report.</p> <p>The Inspectorate considers that the ES should include an assessment of human health impacts associated with increased PM2.5 resulting from the Proposed Development. Such an assessment has also been requested by Public Health England in their scoping consultation response. In determining significance of effect, the assessment should take into account performance against relevant target/ limit values.</p> <p>For the avoidance of doubt, the Inspectorate's comments on this matter are also included in Table 4.3 of this Opinion (Air Quality).</p>	<p>concentrations collected across the UK and calculated increases in PM2.5 associated with an example of a large increase in vehicles by the edge of a motorway. On the basis of this, Highways England determined that there is no risk that an individual scheme would exceed the PM2.5 EU limit value and consequently, Highways England has not undertaken an assessment of PM2.5 for this Scheme.</p>
14.6.3	Impacts on construction/ maintenance workers	<p>Paragraph 14.6.3 of the Scoping Report explains that construction and maintenance workers have not been considered as receptors in the Geology and Contaminated Land aspect assessment, as they are governed by other Health and Safety legislation.</p> <p>The Inspectorate considers that there is insufficient evidence at this stage to confirm that there would not be significant effects on the health of construction/maintenance workers.</p> <p>Therefore, the Inspectorate does not agree that this matter can be scoped out and considers that construction/maintenance workers should be assessed as receptors in the ES. The Inspectorate notes paragraph 4.81</p>	<p>The impact on construction workers has now been included in the ES in Chapter 13: Geology and Contaminated Land (document reference TR010035/APP/6.13) and in Section 13.7.</p>

Para	Other points /Applicant's proposed matters to scope out	Inspectorate's comments	Highways England Response
		of the NPSNN in this regard. For the avoidance of doubt, the Inspectorate's comments on this matter are also included in Table 4.10 of this Scoping Opinion (Geology and Contaminated Land).	
Table 6-1	Heat and radiation emissions.	The Applicant proposes to scope out consideration of heat and radiation emissions. The Inspectorate does not anticipate significant effects from heat and radiation and is content that this matter can be scoped out of the EIA.	Noted, this has not been included in the ES.
Air Quality (Scoping Report Section 7)			
7.8.2	Air quality impacts during construction	The Scoping Report proposes to scope out an assessment of air quality impacts during construction as significant effects are considered unlikely. The Inspectorate does not consider that there is sufficient evidence provided in the Scoping Report to support a decision to scope this matter out of the assessment. The Applicant proposes to apply the DMRB HA207/07 methodology to the assessment. The Inspectorate notes DMRB HA207/07 requires an assessment of air quality impacts from construction traffic if the activity is anticipated to last for more than 6 months. Therefore, the Inspectorate considers that an assessment of air quality impacts during the construction phase, including impacts from construction traffic, should be provided in the ES.	Impacts as a result of construction traffic is presented in Chapter 6: Air Quality (document reference TR010035/APP/6.6).
7.6.4	Methodology	It is noted that impacts associated with fine particulate matter (PM2.5) would not be assessed as part of the air quality assessment. No evidence of the existing PM2.5	Highways England has reviewed the latest measured PM2.5 concentrations collected across the UK and calculated increases in

Para	Other points /Applicant's proposed matters to scope out	Inspectorate's comments	Highways England Response
		levels has been provided within the Scoping Report. The Inspectorate considers that the ES should include an assessment of human health impacts associated with increased PM2.5 resulting from the Proposed Development. Such an assessment has also been requested by Public Health England in their scoping consultation response. In determining significance of effect, the assessment should take into account performance against relevant target/ limit values.	PM2.5 associated with an example of a large increase in vehicles by the edge of a motorway. On the basis of this, Highways England determined that there is no risk that an individual scheme would exceed the PM2.5 EU limit value and consequently, Highways England has not undertaken an assessment of PM2.5 for this Scheme.
7.2.1	Study area	The extent of the study area for the assessment should be illustrated on a plan in the ES.	The affected road network is presented on Figure 6.1 (document reference TR010035/APP/6.6).
7.5.1	Baseline data	The Inspectorate notes that local planning authority and Highways England data will be used to establish the baseline information, along with diffusion tube monitoring data which has been collected at the locations depicted on Figure 7.1 of the Scoping Report. The assessment in the ES should be undertaken on the basis of relevant and up to date baseline information and the extent of any likely changes within the study area. The Scoping Report does not state if additional diffusion tube sampling is considered necessary. The Applicant should discuss and agree with relevant consultees the need for additional diffusion tube monitoring to inform the baseline assessment.	Due to the extensive baseline data available indicating concentrations well below the AQS objectives, it is considered that no further monitoring is required.
7.6.5	Sensitive receptors	The Applicant outlines receptors that are potentially sensitive to changes in air quality in paragraph 7.6.5 of the	A selection of 41 representative receptors potentially sensitive to changes in air

Para	Other points /Applicant's proposed matters to scope out	Inspectorate's comments	Highways England Response
		<p>Scoping Report, with reference to DMRB HA 207/07. The Inspectorate notes that in addition to those receptors referenced in paragraph 7.6.5, DMRB HA 207/07 states that particular attention should be paid to the location of the young, elderly and other susceptible populations. The Applicant should therefore include an assessment of impacts to relevant community facilities (in accordance with DMRB Volume 11, Section 2, Part 8) as sensitive receptors where they appear within the study area. The assessment should include impacts at both construction and operational stages of the Proposed Development.</p> <p>The ES should clearly define and justify the approach to identifying sensitive receptors in the assessment (both human and ecological). It is recommended that these are agreed with the relevant local planning authorities. Relevant ecological receptors responsive to impacts to air quality should be agreed with Natural England.</p>	<p>quality, as defined in DMRB HA207/07, have been identified throughout the study area of 200m from the Affected Road Network (ARN). These receptors have been chosen as they will experience the largest changes in pollutant concentrations as a result of the Scheme and experience the highest predicted pollutant concentrations (as they will be located closest to roads/junctions and next to roads with the largest change in traffic flows). These receptors include a care home, and residential properties. Although there are designated ecological sites in close proximity to the Scheme, none are in the air quality study area.</p>
7.6.5	Sensitive receptors	The location of all sensitive receptors should be identified on a plan within the ES.	This has been included in the ES and presented on the figures in Chapter 6: Air Quality (document reference TR010035/APP/6.6).
7.8.1	Proposed level and scope of assessment	The Scoping Report does not state whether the approach to the assessment will be on a simple or detailed basis (in accordance with HA 207/07). The Applicant should discuss and agree with relevant consultees whether a simple or detailed level of assessment should be undertaken, having	A detailed assessment (in accordance with HA 207/07) has been included in Chapter 6: Air Quality (document reference TR010035/APP/6.6).

Para	Other points /Applicant's proposed matters to scope out	Inspectorate's comments	Highways England Response
		regard to existing background pollutant levels.	
7.9.1	Methodology	The Scoping Report references a number of guidance documents which will inform the assessment methodology. The methodology should be clearly explained in the ES including how significance of effect will be determined.	The methodology has been clearly explained in the ES including how significant effects are determined. This can be found in Chapter 6: Air Quality (document reference TR010035/APP/6.6), Section 6.3.
7.10.1	Assumptions and limitations	The Applicant should set out assumptions relating to the A585 traffic model and the inclusion of committed developments. The details of the traffic modelling should be agreed with the relevant local authorities.	Traffic model assumptions are outlined in the ES within Chapter 6: Air Quality (document reference TR010035/APP/6.6), Section 6.3. With regards to committed developments included in the traffic model these are highlighted in Appendix 16.1 (document reference TR010035/APP/6.16.1).
n/a	Methodology	The existing A585 between Windy Harbour and Skippool would be de-trunked and retained as a local route, which would require a number of alterations and other works. The ES should assess the potential air quality impacts associated with the construction and operation of the new bypass and the changes to the existing A585.	The potential air quality impacts associated with the construction and operation of the Scheme are included in the ES in Chapter 6: Air Quality (document reference TR010035/APP/6.6), Section 6.7.
Cultural Heritage (Scoping Report Section 8)			
Table 6.1; para 8.8.3	Potential effects on the historic landscape	It is proposed that an assessment of impacts on the historic landscape is scoped out of the ES, as significant effects are considered unlikely based on assessment work undertaken at the Options stage. Evidence of this assessment work has	Effects on the historic landscape have been included in the ES in Chapter 7: Cultural Heritage (document reference TR010035/APP/6.7), Section 7.7.

Para	Other points /Applicant's proposed matters to scope out	Inspectorate's comments	Highways England Response
		<p>not been provided as part of the Scoping Report. The Inspectorate considers that the rural landscape within which the proposed bypass would be located is largely without modern intervention and does have historic landscape character relating to the designated and non-designated heritage assets identified in the Scoping Report. On the basis of the evidence provided, the Inspectorate does not consider that likely significant effects on historic landscapes can be ruled out. Accordingly, the ES should consider potential effects on historic landscapes, unless evidence is provided to demonstrate the absence of significant effects and it is agreed with Historic England that this matter can be scoped out of the ES.</p> <p>The Applicant should note the requirements of the NPSNN, which sets out at paragraph 5.145 that the Applicant's assessment should include any significant effects on landscape components and landscape character (including historic landscape characterisation).</p>	
Table 6.1; para 8.8.4	Effects on statutory designated heritage assets	<p>The Scoping Report explains that the impact on designated heritage assets within the study area is anticipated to be at worst slight adverse (not significant) in respect to the Grade II listed Ice House at Singleton Hall. The Applicant therefore proposes to scope out an assessment of impacts to designated heritage assets out of the ES.</p> <p>The Inspectorate acknowledges that intervening vegetation is present which may limit the degree of impact to the</p>	An assessment of the effects on the Ice House has been included in the ES and has given consideration to noise and setting issues. The assessment can be found in Chapter 7: Cultural Heritage (document reference TR010035/APP/6.7), Section 7.7.

Para	Other points /Applicant's proposed matters to scope out	Inspectorate's comments	Highways England Response
		<p>setting of the Ice House. However due to the proximity of the proposed bypass to the Ice House, the Inspectorate considers that there is potential for significant effects to the setting of this asset (particularly from increased noise, vibration and pollution). Impacts on the setting of the Ice House should therefore be assessed in the ES.</p> <p>In line with this, the Inspectorate notes the potential for increased levels of noise from the proposed bypass and the potential for this to impact settings on other relevant statutory designated heritage assets identified to the south of the bypass route (for example, the listed buildings on the edge of Little Poulton and Singleton Conservation Area). The ES should assess the anticipated impact to the settings of these assets.</p>	
8.2.1	Study area	<p>The ES should provide a robust justification as to why the 1km study area is appropriate and sufficient to capture all heritage assets which could experience impacts on their setting – taking into account for example, visual intrusion and or increased noise emissions.</p> <p>To support this justification, the Applicant is advised to refer to the Zone of Visual Influence (ZVI) developed for the Landscape and Visual Impact Assessment and the conclusions of the noise impact assessment.</p>	The justification for the study area is included in the ES in Chapter 7: Cultural Heritage (document reference TR010035/APP/6.7), Section 7.4. with reference to the ZVI and the conclusions of the noise assessment have also been taken into account.
8.7.	Potential effects	The Inspectorate notes the potential for impacts on buried archaeological resource. In addition to the guidance set out in paragraph 8.9.1 of the Scoping Report, the Inspectorate	A geophysical investigation has been undertaken and is reported in Chapter 7: Cultural Heritage (document reference

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		<p>considers that the ES assessment of impacts on buried archaeology should take into account the guidance contained in Historic England's guidance document 'Preserving Archaeological Remains'8.</p> <p>The Inspectorate considers that investigation strategies should be produced for areas of new land take to ensure a robust assessment of likely significant effects. If the investigation strategies demonstrate the need for further archaeological investigations, these should be completed (and the assessment reported in the ES) prior to submission of the DCO application, unless otherwise agreed with relevant statutory consultees.</p>	<p>TR010035/APP/6.7), Section 7.7 and Appendix 7.2 (document reference TR010035/APP/6.7.2). An analysis of the ground investigation samples has also been undertaken and is reported in Chapter 7: Cultural Heritage (document reference TR010035/APP/6.7), Section 7.7 and also in Appendix 7.3:</p> <p>Geoarchaeological Assessment (document reference TR010035/APP/6.7.3). These assessments have informed baseline knowledge. Intrusive trial trenching is proposed in 2019 after the submission of the DCO application. This approach has been agreed with the consultant Archaeological Advisor to Lancashire County Council (LCC). Following trial trenching it is anticipated that a Mitigation Strategy and draft Written Scheme of Investigation (WSI) would be prepared and agreed with LCC. This is proposed to be submitted to the Inspectorate prior to the close of the Examination. This approach has been agreed with consultant Archaeological Advisor to LCC.</p>
8.7.6-7	Mitigation	The ES should set out the proposals for the recording of any	The Record of Environmental Actions and

Para	Other points /Applicant's proposed matters to scope out	Inspectorate's comments	Highways England Response
		archaeological resource which would be permanently lost as a result of the Proposed Development and seek to agree the approach with relevant consultees.	Commitments (REAC) (document reference TR010035/APP/7.3) outlines proposals for recording archaeological resource which would be permanently lost as a result of the Scheme. Following trial trenching further detail would be included within the Mitigation Strategy and draft WSI.
8.9.2	Level of assessment	Paragraph 8.9.2 of the Scoping Report refers to a detailed assessment (as defined in DMRB HA 208/07) for archaeological remains and non-designated assets; whereas Table 6.1 states that a simple assessment is proposed. For the avoidance of doubt, the Inspectorate considers that the level of assessment should be detailed particularly on the basis that there are potential direct physical impacts on non-designated cultural heritage assets.	A detail assessment is presented in Chapter 7: Cultural Heritage (document reference TR010035/APP/6.7).
8.9.9	Assessment methodology	The ES should expand upon the information provided in paragraph 8.9.9 of the Scoping Report to clearly explain how the significance of effect has been determined, with reference to relevant guidance. It should be clear how professional judgement has been applied.	The methodology for determining significance and the role of professional judgement has been included in the ES in Chapter 7: Cultural Heritage (document reference TR010035/APP/6.7), Section 7.4.
8.10.2	Archaeological potential	The ES should confirm whether the Proposed Development falls within any areas designated as being of high archaeological potential/areas of archaeological importance.	The level of archaeological potential (medium) has been discussed in the ES in Chapter 7: Cultural Heritage (document

Para	Other points /Applicant's proposed matters to scope out	Inspectorate's comments	Highways England Response
		These areas should be illustrated on a plan accompanying the ES.	reference TR010035/APP/6.7), Section 7.5. and accompanying Appendix 7.1: Cultural Heritage Desk-Based Assessment (document reference TR010035/APP/6.7.1).
Biodiversity (Scoping Report Section 9)			
9.8.5 & Table 6-1	River Wyre – S41 Habitat	The assessment of impacts to River Wyre S41 habitat are proposed to be scoped out on the basis that any impacts would be largely restricted to pollution and would be mitigated by water management processes. The Inspectorate agrees that an assessment of impacts to the River Wyre from pollution can be scoped out. However as this is based on the successful delivery of mitigation measures, the ES must clearly explain the methods to be used and how they are secured. The measures put forward should address impacts during both the construction and operational phases of the development.	Noted. The use of appropriate mitigation measures for both construction and operation have been included in Chapter 8: Biodiversity (document reference TR010035/APP/6.8), Section 8.6 and the REAC (document reference TR010035/APP/7.3).
9.8.5 & Table 6-1	Other (non S41) habitats	On the basis of the evidence provided in the Scoping Report, the Inspectorate agrees that significant effects on non-S41 habitat within the study area are not likely and agrees that this matter can be scoped out.	Noted.
9.8.4 & Table 6-1	Reptiles & water vole	Further assessment of impacts to these species has been scoped out on the basis of desk studies and targeted surveys which mean it is likely that they are absent from the study area. However Table 6-1 of the Scoping Report also states that	We disagree with this statement. The statements within the Scoping Report are not contradictory as potential presence still allows for probable absence.

Para	Other points /Applicant's proposed matters to scope out	Inspectorate's comments	Highways England Response
		<p>these species may be present within the study area but due to their low status, low ecological value or distance from the Proposed Development, significant effects are unlikely and therefore they are proposed to be scoped out of further assessment.</p> <p>The two statements in the Scoping Report are contradictory. The information is ambiguous and therefore not sufficiently certain to support the conclusions reached about the presence or absence of these species in the study area. The Inspectorate cannot agree to scope out effects on these features with the information provided. 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.</p>	<p>There is potential for these receptors to be present in the survey area, but targeted surveys identified that they are likely to be absent.</p> <p>Chapter 8: Biodiversity (document reference TR010035/APP/6.8), Section 8.3 of the ES describes how receptors were scoped in and out and this has been agreed with Natural England.</p>
9.8.5	Aquatic invertebrates, terrestrial invertebrates, badger, brown hare, hedgehog, fish, amphibian species other than great crested newt, invasive flora,	<p>The information in the Scoping Report is not sufficiently detailed to understand the extent of data collection carried out in order to reach the conclusions about the presence or absence of these species in the study area.</p> <p>In the absence of sufficient evidence to demonstrate the absence of likely significant effects, the Inspectorate cannot agree to scope out effects on these features. Accordingly, the ES should include either an assessment of these matters, or the evidence that supports the decision to scope them out together with agreement with the relevant consultees that significant effects are not likely to occur. If mitigation is being relied on to avoid significant effects, then</p>	<p>Agreement of the scope of receptors to be subject to detailed assessment has been reached with Natural England. The scope agreed with Natural England is the same as that presented in the Scoping Report.</p>

Para	Other points /Applicant's proposed matters to scope out	Inspectorate's comments	Highways England Response
	protected and notable plants and fungi.	the measures should be clearly described in the ES and it should be clear how these would be delivered and secured.	
9.2	Study area	The study area has been defined on the basis of the guidance contained in the DMRB. However, the DMRB guidance uses set distances which are potentially distinct from the zone of influence for the Proposed Development. The ES should clearly demonstrate how the assessment of effects reflects the area which will actually be affected by the Proposed Development.	The justification for the study area has been included in the ES in Chapter 8: Biodiversity (document reference TR010035/APP/6.8), Section 8.4.
9.7.1	Impacts from construction	If it is likely that construction work will take place during the hours of darkness, then the effects of lighting should also be assessed in the ES.	Effects of lighting have been included in Chapter 8: Biodiversity (document reference TR010035/APP/6.8), Section 8.7.
9.7.1	Impacts from construction	This paragraph refers to potential indirect impacts on ecological features as a result of changes to air quality during construction. However, Table 6-1 of the Scoping Report proposes that the assessment of air quality impacts during construction will be scoped out. As set out in Table 4.3 of this Opinion (Air Quality), the Inspectorate considers that the Scoping Report does not provide sufficient evidence to demonstrate that air quality impacts during construction can be scoped out of the assessment. An assessment of air quality impacts during the construction phase and the resultant likely significant effects on sensitive ecological receptors should therefore be	No particularly sensitive ecological receptors with respect to air quality have been identified. The requirement or not to include air quality impacts on ecological receptors is outlined in Chapter 6: Air Quality (document reference TR010035/APP/6.6).

Para	Other points /Applicant's proposed matters to scope out	Inspectorate's comments	Highways England Response
		provided in the ES (as appropriate). Relevant ecological receptors responsive to impacts to air quality should be discussed and agreed with Natural England.	
9.7.18	Impacts from operation	The Inspectorate notes that Skippool Marsh and Thornton Bank Biological Heritage Site (BHS) is adjacent to the application site (as shown on Figure 9.2 of the Scoping Report). On the basis of the evidence provided, a likely significant effect on the BHS as a result of changes to air quality cannot be excluded. This matter should be assessed in the ES.	We disagree with this comment. The Skippool Marsh and Thornton Bank BHS does not comprise habitats which are sensitive to nitrogen deposition as defined in Table F1 UNECE Critical Loads for Nitrogen of DMRB Volume 11 Section 3 Part 1 HA 207/07 Air Quality. Therefore, despite the BHS's close proximity to the Scheme, a likely significant effect is sufficiently unlikely.
9.7.19	Impacts from operation	This paragraph states that 'Effects on species would be addressed during construction...and it is not anticipated that any further impacts would arise during operation'. This appears to contradict paragraph 9.7.18 of the Scoping Report, which identifies potential impacts on ecological receptors during operation which are different to the impacts identified in relation to construction. The ES must assess all the impacts which could result in likely significant effects through all phases of the Proposed Development.	Effects during both construction and operation are included in Chapter 8: Biodiversity (document reference TR010035/APP/6.8), Section 8.7.
9.7.23	Ancient woodland	The Inspectorate notes the reference to ancient woodland in paragraph 9.7.23 of the Scoping Report. The ES should identify and assess any ancient woodland which would be impacted by the Proposed Development.	Ancient Woodland has been considered. No Ancient Woodland is present in the study area.

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9.7.24	Enhancement considerations	If enhancement measures are to be delivered, then the ES should make clear what these measures are and how they will be delivered. It should also make a clear distinction between measures which are required to mitigate or compensate for significant effects and those which represent genuine enhancement to ecological receptors.	The ES has made a clear distinction between mitigation and enhancement measures in in Chapter 8: Biodiversity (document reference TR010035/APP/6.8), Section 8.6. A separate Enhancement Strategy has also been prepared and is an Appendix to the Outline CEMP (document reference TR010035/APP/7.2).
Appendix B	Location of breeding bird surveys	Table 1.2 states that breeding bird surveys will be carried out using transects within 200m of the scheme options. However, barn owl populations have been recorded as being affected by collision risk mortality up to 1.5km from road boundaries. If barn owls are likely to be present, then the assessment should include consideration of impacts to this species. The Applicant should liaise with Natural England to ensure the assessment appropriately addresses the risk to barn owls.	Barn owls are considered within Chapter 8: Biodiversity (document reference TR010035/APP/6.8), Section 8.7.
Landscape (Scoping Report Section 10)			
10.2.1; Figure 10.1	Study Area	The Proposed Development would introduce a new road bypass and new structures into a generally flat, rural landscape setting. Considering this, together with the extent of the Zone of Theoretical Visibility (ZTV) (as illustrated on Figure 10.1 of the Scoping Report), the Inspectorate considers that landscape and visual impacts could occur beyond 1km from the application site. The ES should fully justify the study areas used for the	The study area and ZTV has been fully justified in the ES in Chapter 9: Landscape (document reference TR010035/APP/6.9), Section 9.4. The range of visual receptors has also been discussed with the local authorities.

Para	Other points /Applicant's proposed matters to scope out	Inspectorate's comments	Highways England Response
		landscape and visual assessment. For visual effects, the study area should extend to the whole of the area from which the Proposed Development could be visible. It should be clear how this area has been defined with reference to the ZTV and site visits. Relevant long-distance views should also be identified and assessed where significant effects may occur.	
10.5.12	Viewpoints and photomontages	The Inspectorate notes that the representative viewpoints and photomontages will be discussed and agreed in consultation with the relevant planning authorities. The Inspectorate advises that these should capture views between the Proposed Development and the Ice House at Singleton Hall, Singleton Park, Singleton Conservation Area, the Wyre Estuary Country Park and Poulton New Cemetery. From Figure 10.1 of the Scoping Report it appears there is a lack of viewpoints in the eastern section of the Proposed Development. The ES should cover the range of views of the Proposed Development which would be possible; the Applicant should ensure that appropriate viewpoints in the eastern section are discussed and agreed in consultation with the relevant planning authorities.	The viewpoints have been agreed with Wyre and Fylde Councils as outlined in paragraph 9.3.7 of Chapter 9: Landscape (document reference TR010035/APP/6.9).
10.7.3	Reinstatement of land	The ES should include clear proposals for the reinstatement of land which is required following construction, with reference to accompanying plan(s). This should include proposals for the restoration and aftercare of the borrowpits which are to be located south of	The Environmental Masterplan (document reference TR010035/APP/6.19) presents how land will be reinstated. There is also a Borrowpits Reinstatement and Aftercare Plan appended to the Outline CEMP

Para	Other points /Applicant's proposed matters to scope out	Inspectorate's comments	Highways England Response
		Little Singleton. If the land bridge option (as described in paragraph 2.7.2 of the Scoping Report) is pursued, proposals for returning the area above the bypass to pasture land should also be included in the ES.	(document reference TR010035/APP/7.2). The land bridge option was discounted by Highways England – further explanation is provided in the Consultation Report (document reference TR010035/APP/5.1).
10.7.1-2	Potential effects	To support a robust assessment of likely significant effects, the Proposed Development should be illustrated using plans and visualisations which highlight the elements of the Proposed Development which would impact on landscape character and be visually prominent to visual and amenity receptors (for example the new bypass, structures, bridges, cuttings and embankments). Cross sections and photomontages should be included for this purpose. The landscape and visual assessment should reflect any parameters within the dDCO and if necessary the assessment should be undertaken based on the worst-case scenario, for example during the interim period where the new Skippool Bridge has been constructed but the existing bridge has not yet been demolished.	Landscape planting plans are included in the ES in Chapter 9: Landscape (document reference TR010035/APP/6.9), Section 9.6, together with a series of photomontages (Figure 9.10: Landscape – Photomontages (Year 1 summer and Year 15 summer)) from representative viewpoints agreed with the local authorities. A worst-case approach to assessment has been taken including winter views in line with the published guidance.
10.7.4	Mitigation	New tree and shrub planting is proposed, which would form part of an Environmental Masterplan. The Applicant should discuss and agree the planting specification/species mix with the relevant local planning authorities. An appropriate aftercare period for the proposed landscaping should also be agreed. It should be clear how the proposed landscaping would	New planting is presented on the Environmental Masterplan (document reference TR010035/APP/6.19). The assessment covers both opening year and year 15 in line with guidance. Beneficial effects on ecology are described in the ES in Chapter 8: Biodiversity

Para	Other points /Applicant's proposed matters to scope out	Inspectorate's comments	Highways England Response
		mitigate the impacts on landscape and visual receptors, and how these impacts would change as the proposed planting matures. Interactions with other ES aspects, for example beneficial impacts on local ecology, should be explained.	(document reference TR010035/APP/6.8), Section 6.7. An appropriate aftercare period has been agreed and set out in the ES in Chapter 9: Landscape (document reference TR010035/APP/6.9), Section 9.8.
n/a	Design	The ES should provide details of the design and materials of the new structures (identified in Table 2-3). It should be explained how the design and materials have been selected with the aim of minimising the potential landscape and visual impacts.	This has been included in the ES in Chapter 9: Landscape (document reference TR010035/APP/6.9), Section 9.6.
n/a	Potential effects	If the land bridge option (as described in paragraph 2.7.2 of the Scoping Report) is pursued, the ES assessment should assess both positive and negative impacts associated.	The land bridge option was not taken forward. Further explanation is provided in the Consultation Report (document reference TR010035/APP/5.1).
Noise and Vibration (Scoping Report Section 11)			
11.10.4	Ground borne vibration from road traffic	The Scoping Report does not provide sufficient justification to support groundborne vibration from road traffic being scoped out of the ES. In particular, the Inspectorate considers that ground-borne vibration from road traffic associated with the Proposed Development has the potential to impact on existing residential receptors in proximity to the application site. The ES should either include evidence that ground-borne vibration from road traffic would not result in significant effects on sensitive receptors or provide an assessment.	Further justification for this has been provided in the ES in Chapter 11: Noise and Vibration (document reference TR010035/APP/6.11), Section 11.3.

Para	Other points /Applicant's proposed matters to scope out	Inspectorate's comments	Highways England Response
11.2.2	Methodology	The Scoping Report does not set out how sensitive receptors will be identified. This should be clearly explained in the ES. The Applicant should seek to obtain agreement of the assessment methodology with the relevant local planning authorities as stated in DMRB.	Chapter 11: Noise and Vibration (document reference TR010035/APP/6.11) explains how sensitive receptors have been identified for construction noise in line with the published guidance and agreed with Wyre Council and Fylde Borough Council. For operational noise, all receptors are considered to be sensitive.
11.2.1	Study area	The study area used to identify the sensitive receptors should be determined on the basis of the extent of the likely impacts rather than set distances, which may result in receptors being omitted from consideration in the assessment.	The study area has been defined in relation to the affected road network and degree of traffic change.
11.2.6; 11.5.3	NIAs	The Scoping Report states only those Noise Important Areas (NIAs) within the DMRB defined study area would be included in the assessment and identifies NIAs 'relevant' to the assessment on Figure 11.1. The Inspectorate considers that any NIAs likely to experience impacts from construction or operation of the Proposed Development should be included in the ES assessment. The design and mitigation measures which are incorporated into the Proposed Development in relation to the NIAs should be clearly set out in the ES.	All NIAs that could be affected and are covered in the traffic model affected road network have been considered in Chapter 11: Noise and Vibration (document reference TR010035/APP/6.11).
11.5.2	Baseline	To provide confidence that the ES assessment is supported by adequate baseline data, the ES should clearly set out the sources of the information reviewed as part of the desk top	The sources of data are provided in Chapter 11: Noise and Vibration (document reference

Para	Other points /Applicant's proposed matters to scope out	Inspectorate's comments	Highways England Response
		study.	TR010035/APP/6.11), Section 11.5.
11.5.5	Baseline	<p>The Scoping Report does not outline any site surveys which will be undertaken to determine the baseline conditions. Table 11-1 and paragraph 11.5.7 of the Scoping Report note that this matter will be discussed with the local planning authorities, but no specific details are provided.</p> <p>The ES should identify the locations where monitoring has been undertaken, explain how these locations were selected, confirm when this monitoring was undertaken and the time period covered. The Inspectorate would expect these details to have been discussed and agreed with the relevant local authority planning authorities. The ES should include a justification to support the extent of the survey effort.</p>	Locations were agreed with the local authorities and presented on Figure 11.1 (document reference TR010035/APP/6.11).
11.6.1	Sensitive receptors	The Inspectorate considers that relevant community facilities should be regarded as sensitive receptors for assessment during both construction and operational activities. In particular the Inspectorate requires that impacts to Poulton New Cemetery should be assessed. This approach accords with that described in DMRB Volume 11, Section 2, Part 8.	Relevant community facilities have been included in the ES in accordance with the DMRB. This includes the Poulton New Cemetery. Sensitive receptors are identified in Chapter 11: Noise and Vibration (document reference TR010035/APP/6.11), Section 11.5 including Figure 11.2: Noise and Vibration - Noise Study Area and Other Sensitive Receptors.
11.6.6	Significant Observed	Reference is made to both SOAEL and LOAEL. Consistent with the Noise Policy Statement for England, LOAEL and	SOAEL and LOAEL have been defined in the ES in Chapter 11: Noise and Vibration

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	Adverse Effect Level (SOAEL) and Lowest Observed Adverse Effect Level (LOAEL).	SOAEL should be defined for all of the construction and operational noise and vibration matters assessed (eg airborne noise, groundborne vibration etc). Mitigation measures should be set out accordingly.	(document reference TR010035/APP/6.11), Section 11.3. Mitigation measures are set out in Chapter 11: Noise and Vibration (document reference TR010035/APP/6.11), Section 11.6.
11.7.4	Potential effects	The Scoping Report does not identify the anticipated construction working hours. The ES should provide details of the anticipated working hours (including any night time working required) and incorporate this into the assessment of likely significant effects. This should be consistent with the working hours specified in the dDCO.	Working hours are identified in the ES – Appendix 6.1: Construction Information (document reference TR010035/APP/6.2.1).
11-7.1 – 11.7.4	Potential effects	Noise impacts associated with works at the borrowpits should be assessed in the ES.	Noise impacts associated with the borrowpits have been considered in the ES.
11.10.1	Assumptions and limitations	The ES should clearly explain any assumptions made and relevant to the assessment, particularly those that relate to the traffic model and the inclusion of committed developments.	Assumptions have been included in paragraph 11.3.77 of Chapter 11: Noise and Vibration (document reference TR010035/APP/6.11). With regards to committed developments included in the traffic model these are highlighted in Appendix 16.1 (document reference TR010035/APP/6.16.1).
n/a	Methodology	The noise and vibration chapter of the Scoping Report does not make any reference to the 'land bridge' and how the impacts associated with the structure will be assessed. If the	The land bridge option was not taken forward. Further explanation is provided in the Consultation Report (document

Para	Other points /Applicant's proposed matters to scope out	Inspectorate's comments	Highways England Response
		land bridge option is carried forward, the impacts associated with construction and operation should be assessed in the ES.	reference TR010035/APP/5.1).
n/a	Monitoring	The Scoping Report does not reference the need for monitoring of noise during construction or operation to ensure the appropriateness of mitigation. The need for and scope of monitoring during construction and operation of the Proposed Development should be agreed with relevant consultees and presented in the ES along with a clear statement explaining how it is secured (if it is necessary).	Chapter 11: Noise and Vibration (document reference TR010035/APP/6.11) provides more detail on this.
People and Communities (Scoping Report Section 12)			
n/a	Land use – operational phase	The Inspectorate notes that in Section 12.7 of the Scoping Report, 'Land Use – Operation Phase' has not been identified as a potential impact. The Inspectorate considers there is potential for agricultural operations to be disrupted due to land take or severance of land parcels. In the absence of evidence to demonstrate that operation of the Proposed Development would not result in significant effects on agricultural operations, the Inspectorate considers that this matter should be assessed in the ES.	Operational land-use effects are scoped in as construction phase impacts – essentially the land is taken / severed at construction stage and would continue. This has been explained and clarified further in the ES in Chapter 10: People and Communities (document reference TR010035/APP/6.10), Section 10.8.
12.2.1-5	Study area	The ES should include a clear justification in support of the study areas and ensure they are depicted on corresponding figures to aid understanding. The Inspectorate notes that DMRB Volume 11, Section 3, Part 8, Para 2.2, states that community facilities 'and their	Chapter 10: People and Communities (document reference TR010035/APP/6.10), Section 10.5, provides justification of study areas. This includes consideration of the catchment of

Para	Other points /Applicant's proposed matters to scope out	Inspectorate's comments	Highways England Response
		catchment areas' should be addressed by the assessment. The ES should clearly explain how this requirement has been taken into account in the selection of appropriate study areas.	community facilities.
12.5.8	Baseline information	The Inspectorate notes that Wyre Way Recreational Route provides access to Wyre Estuary Country Park. The Country Park should be identified as a community facility for the purposes of the ES assessment.	This has been identified in Chapter 10: People and Communities (document reference TR010035/APP/6.10), Section 10.6.
Table 12-1	Value of receptors	The Inspectorate notes from Table 12-1 that PRow have been valued as 'low' and National and Regional recreational routes have been valued as 'medium'. Given the important recreational function of such routes, the Inspectorate considers that these receptors may have been undervalued. The ES should justify the value afforded to each given receptor.	These values have been justified in the ES in Chapter 10: People and Communities (document reference TR010035/APP/6.10), Section 10.6.
Table 12-1	Value of receptors	The Inspectorate notes from Table 12-1 that Grade 1 agricultural land has been valued as 'high', and Grades 2 and 3a agricultural land have been valued as 'medium'. With Grades 1, 2 and 3a all defined as the 'best and most versatile agricultural land (BMV)', the Inspectorate considers that all BMV agricultural land should be valued as 'high'.	All BMV has been valued as 'high'.
12.5.4; 12.5.13 ;12.7.4	Baseline information and potential impacts	Agricultural land classification (ALC) surveys are proposed, which would follow the Ministry of Agriculture, Fisheries and Food (MAFF) guidelines ¹⁴ . The Inspectorate advises that the guidance within Natural England's TIN04915 should also be followed.	ALC surveys were not undertaken to inform the ES. A desk-based study based on available information was undertaken and it was considered that the majority of the land affected would be BMV land

Para	Other points /Applicant's proposed matters to scope out	Inspectorate's comments	Highways England Response
		The ES should quantify the agricultural land which would be temporarily and permanently lost as a result of the Proposed Development (by ALC grade) and assess any impacts that may result in likely significant effects.	(Grade 2). As such, further surveys at this stage would not change the outcome of the assessment (this approach is being discussed further with Natural England). The outcome of the assessment is presented within Chapter 10: People and Communities (document reference TR010035/APP/6.10), Section 10.8.
12.7.5-6	Impacts	The Scoping Report notes that temporary diversions of non-motorised user (NMU) routes and PRoW would be put in place. It should be clear in the ES how long these temporary diversions are anticipated to be in place and how provision of the diversions would be secured through the DCO or other mechanism.	Permanent diversions are outlined in Chapter 10: People and Communities (document reference TR010035/APP/6.10), Paragraph 10.8.27.
12.10.1	Assumptions and Limitations	The ES should explain any assumptions used to underpin the People and Communities assessment including those that relate to the traffic model and the inclusion of committed developments.	All assumptions have been identified in the ES in Chapter 10: People and Communities (document reference TR010035/APP/6.10), Paragraphs 10.4.10-10.4.13. With regards to committed developments included in the traffic model these are highlighted in Appendix 16.1 (document reference TR010035/APP/6.16.1).
Figure 12.1	Figures	Figure 12.1 usefully illustrates footpaths and bridleways in the vicinity of the Proposed Development. A similar figure should be provided within the ES, with the	This figure has been included in the ES in Chapter 10: People and Communities (document reference TR010035/APP/6.10)

Para	Other points /Applicant's proposed matters to scope out	Inspectorate's comments	Highways England Response
		footpaths/bridleways labelled on the figure (e.g. 'FP 2') to allow for cross-reference with the main text of the ES.	with appropriate cross-referencing.
n/a	Impacts on tourism	The Inspectorate notes the presence of three caravan parks within 500m of the application site. The Scoping Report does not set out if/how potential impacts on tourism would be assessed in the ES. The Inspectorate considers that construction of the Proposed Development could present impacts on tourism (and therefore tourism revenue) in the local area. Impacts on tourism should be assessed in the ES. The assessment should include an explanation of how an appropriate study area has been selected.	Effects on tourism have been covered in the ES in Chapter 10: People and Communities (document reference TR010035/APP/6.10), Section 10.8. Justification for the choice of study area can be found in Section 10.5.
Road Drainage and the Water Environment (Scoping Report Section 13)			
Table 6-1	Adverse effects on the water quality and flow conveyance attributes of surface water as a CEMP will be adopted that will document 'best practice pollution prevention measures and	As the information provided in the Scoping Report provides limited information on the receptors that could be impacted, the likely nature of the impacts and the degree of confidence in the mitigation measures proposed, the Inspectorate does not agree to this aspect being scoped out. The ES should clearly assess the impacts that could occur and how the proposed mitigation would avoid/prevent significant effects.	Water quality and flow conveyance have been considered in Chapter 12: Road Drainage and the Water Environment (document reference TR010035/APP/6.13) Section 13.7. Mitigation measures are outlined in the chapter and replicated in the REAC (document reference TR010035/APP/7.3).

Para	Other points /Applicant's proposed matters to scope out	Inspectorate's comments	Highways England Response
	construction site drainage management proposals'.		
2.5.3 & 2.5.10	Works to Skippool Bridge	The Environment Agency has highlighted the need to ensure that the flow capacity beneath the new bridge will be maintained and requested confirmation of the proposed location of the road in relation to the relevant Flood Zone. The Inspectorate agrees that these points must be addressed by the description of the proposed development in the ES and taken into account in the aspect assessment.	The ES has considered (through the FRA (document reference TR010035/APP/5.2)) the flow capacity beneath the new bridge.
2.6.1	Earthworks design	Paragraph 2.6.1 states that in order to remain at grade the route will need to go into cutting or require fill (Table 2-1 lists the location of the embankments and cuttings and their maximum height). Paragraph 2.6.4 states that parts of the embankment would be constructed with granular material. The ES (or any Flood Risk Assessment (FRA) which provides supporting evidence) should demonstrate what effects the presence of the cuttings and embankments would have on the flow and storage of flood water within the floodplain. The effects of any haul routes should also be considered. The EA has also advised that these points should be covered in the ES (see their scoping consultation response in Appendix 2).	The ES has considered the effect of earthworks on flood water storage and flow in Chapter 12: Road Drainage and the Water Environment (document reference TR010035/APP/6.12), Section 12.7. The effect of haul roads has also been considered. These two points are also covered within the FRA (document reference TR010035/APP/5.2).
2.8.1	Scheme design	The Scoping Report states that only the principle of the drainage design has been decided so far. The Inspectorate	The drainage design is appended to the FRA (document reference

Para	Other points /Applicant's proposed matters to scope out	Inspectorate's comments	Highways England Response
		considers that the drainage design should be sufficiently developed at the point of application to support a robust assessment of likely significant effects. The Applicant should discuss and agree the details of the drainage system with relevant consultees.	TR010035/APP/5.2) and has been submitted to the Environment Agency for review and comment.
13.2.1	Study area	The Scoping Report states that the proposed study area (a 500m buffer either side of the proposed route) is sufficient to capture all potentially affected water resources but does not provide reasons to support this statement. The ES should provide a clear justification as to why the proposed buffer zone is sufficient to capture the zone of influence of the Proposed Development on the water environment.	A more detailed justification of the study area is provided in Chapter 12: Road Drainage and the Water Environment (document reference TR010035/APP/6.12), Section 12.4.
13.4; Table 13-1	Consultation undertaken	The list of consultees in Table 13-1 of the Scoping Report does not include the Marine Management Organisation (MMO). As the River Wyre is tidal and the red line boundary appears to extend below mean high water to the north of Bankfield Farm, the Inspectorate advises that the MMO should be consulted.	The MMO has been consulted and a Deemed marine license is included within the draft DCO (document reference TR010035/APP/3.1).
13.5.19	Flood modelling	Modelling used to inform the assessment in the ES should be agreed with the EA and the Lead Local Flood Authority. The FRA must demonstrate that the Proposed Development would not lead to increased flood risk elsewhere and that floodplain connectivity is maintained during construction and operation.	The FRA (document reference TR010035/APP/5.2) has been issued to the Environment Agency for review and comment.
13.8.2	Water Framework	The ES should explain the relationship between the Proposed Development and any relevant water bodies in	The ES has explained the relationship with RBMPs in Chapter 12: Road Drainage and

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	Directive (WFD)	relation to the current relevant River Basin Management Plan (RBMP), in this case the North West RBMP. If the Proposed Development has the potential to impact upon any WFD water bodies these should be assessed. Impacts during construction and operation, as well as any maintenance activities, should be assessed. The Applicant's attention is drawn to the Inspectorate's Advice Note Eighteen: The WFD.	the Water Environment (document reference TR010035/APP/6.12), Section 12.5. A WFD assessment document reference TR010035/APP/5.6) has been undertaken and issued to the Environment Agency for review and comment.
13.9.2	Guidance	The Scoping Report states that reference will be made to Defra/EA Groundwater protection position statements and 'various CIRIA publications'. The ES should clearly identify all the guidance that has been relied on in the assessment of effects.	The relevant CIRIA publications have been identified in Chapter 12: Road Drainage and the Water Environment (document reference TR010035/APP/6.12), Sections 12.3 and 12.6.
13.7.5	Potential mitigation measures	One of the potential measures referred to is the provision of storage to attenuate rates of discharge from the Proposed Development when it is operating. Paragraph 2.8.3 of the Scoping Report states that a number of highway wetland areas would be constructed to provide storage of run-off which would then be discharged into adjoining watercourses. However, the advice from the Environment Agency (see Appendix 2) is that any storage ponds cannot be located within Flood Zone 3 as they may already be full when storage is required. The ES should identify the location and size of any storage ponds in relation to Flood Zone 3. It should also clearly evaluate their effectiveness as mitigation measures.	The size and location of storage ponds are identified in the drainage design appended to the FRA (document reference TR010035/APP/5.2) and referenced in Chapter 12: Road Drainage and the Water Environment (document reference TR010035/APP/6.12). The drainage design has been issued to the Environment Agency for review / comment.

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Geology and Contaminated Land (Scoping Report Section 14)			
14.6.3	Construction and Maintenance Workers	<p>The Scoping Report explains that construction and maintenance workers have not been considered as receptors, as they are governed by other Health and Safety legislation.</p> <p>The Inspectorate considers that there is insufficient evidence at this stage to confirm that there would not be significant effects on the health of construction/maintenance workers.</p> <p>Therefore, the Inspectorate does not agree that this matter can be scoped out and considers that construction/maintenance workers should be assessed as receptors in the ES. The Inspectorate notes paragraph 4.81 of the NPSNN in this regard.</p>	Effects on construction workers are included in Chapter 13: Geology and Contaminated Land (document reference TR010035/APP/6.13).
14.8.2	Impacts on geology	<p>The Inspectorate agrees that an assessment of effects on Regionally Important Geology Sites (RIGS) and geological SSSIs can be scoped out on the basis that none are located within the study area.</p> <p>The Inspectorate notes from Table 14-1 that Local Geological Groups would be consulted to obtain information about local geological resources/features. If any impacts on local geological resources/features could occur as a result of construction or operation of the Proposed Development, the likely significant effects on these should be assessed in the ES.</p>	Noted, these have been scoped out. This has been confirmed by responses from Fylde Borough Council (Appendix 13.1: Consultation (document reference TR010035/APP/6.13.1)) and The Lancashire Group of the Geologists Association, whose response is included in Appendix 13.1: Consultation (document reference TR010035/APP/6.13.1).
14.8.3	All operational	Table 6-1 and paragraph 14.8.3 of the Scoping Report	Noted, operational effects have been

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	impacts	propose to scope out an assessment of operational impacts relevant to Geology and Contaminated Land from the ES. The Inspectorate notes paragraph 14.9.4 of the Scoping Report, which states that the 'operation period would be assessed', which appears to contradict Table 6-1 and paragraph 14.8.3. The Inspectorate's opinion on this matter has been based on the request in Table 6-1 and paragraph 14.8.3 to scope all operational impacts out of the ES. The Scoping Report explains that potential operational impacts (primarily contaminated land and effects on hydrogeology) would be addressed via mitigation measures designed and implemented during the construction phase. Subject to suitable mitigation measures being demonstrably delivered and secured through the CEMP (or other legal mechanism), the Inspectorate agrees that significant effects during operation are unlikely to occur and that this matter can be scoped out of the assessment.	scoped out. Mitigation measures are outlined in the REAC (document reference TR010035/APP/7.3).
1.1.2 [sic] 14.1.3	Introduction	The Inspectorate notes from the introductory section of the Geology and Contaminated Land chapter of the Scoping Report that soils are not covered in this chapter. This approach differs from the aspect 'Geology and Soils' specified in DMRB Volume 11. The Scoping Report explains that impacts to soils are instead to be assessed in 'People and Communities'. However, the Inspectorate notes that the Geology and Contaminated Land chapter does contain reference to	Soils have been included in the People and Communities chapter due to the relationship with agricultural land quality. Further clarification about the overlap between this and the geology chapter has been included in the ES in Chapter 13: Geology and Contaminated Land (document reference TR010035/APP/6.13), Paragraph 13.1.2.

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		impacts on soils, so this is less than clear. The ES should provide an assessment of impacts to soils and where necessary cross refer to other aspect assessments within the ES.	
14.2.1	Study area	The Scoping Report justifies the use of a 50m study area, but the reasons for selection of the 1km study area for identification of Environment Agency registered waste sites, abstraction points and geological features are not explained. The selection of the study area should be established in accordance with the extent of the impacts, agreed with relevant consultees and justified in the ES. The study areas and identified features should be shown on a figure accompanying the ES.	The ES provides further detail on the justification for the choice of study area in Chapter 13: Geology and Contaminated Land (document reference TR010035/APP/6.13), Section 13.4. This is also included on Figure 13.1.
14.5.3	Ground investigation and land stability assessment	The Scoping Report states that a ground investigation and land stability assessment would be undertaken to inform the design of the Proposed Development. It appears that the ground investigation may not be completed prior to construction as the Scoping Report states 'this would be investigated at a later stage of the Scheme Design'. The Applicant should ensure that sufficient data is obtained to inform the design of the Proposed Development and to enable a robust assessment of the impacts necessary to identify likely significant effects, as well as to allow for appropriate mitigation methods (if required) to be defined. It is recommended that the scope of the required ground	The Ground Investigation (document reference TR010035/APP/7.6) has been undertaken already and was used to inform the ES.

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		investigation works is agreed with relevant consultees, including the local planning authorities and the Environment Agency.	
14.7.4	Potential effects	The Scoping Report explains that dewatering may be required during construction, which could lead to the migration of contamination across a 'wider area'. The ES should confirm the area over which impacts may occur and provide a robust assessment of the impacts.	The ES has included consideration of dewatering and its effect on contaminant mobilisation in Chapter 13: Geology and Contaminated Land (document reference TR010035/APP/6.13).
n/a	Potential effects	The ES should assess any impacts/risks to and from the Proposed Development in relation to the historic landfill sites in proximity to the application site.	Risks are considered in Chapter 13: Geology and Contaminated Land (document reference TR010035/APP/6.13), Section 13.7.
Materials (Scoping Report Section 15)			
n/a	Potential impacts - construction	The Applicant proposes to scope out the aspect materials from the ES. It is proposed that information regarding waste and materials during construction would instead be included in the Project Description section of the ES. The Proposed Development is a nationally significant infrastructure project and construction would require the use of large amounts of materials and would generate waste that would need to be reused, recycled or disposed of. Large amounts of earth would be moved during construction and borrowpits and imported granular material would be used to supplement the fill requirement. The Inspectorate considers that particular elements of the construction works	Chapter 14: Materials (document reference TR010035/APP/6.14) provides an assessment on materials and waste.

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		<p>will have impacts with the potential to generate significant effects in terms of materials and waste, including:</p> <ul style="list-style-type: none"> • Waste generated by demolition of the existing Skippool Bridge; • Use of borrowpits and soil stockpiles; • Import of granular material for construction of the embankment between Skippool Bridge Junction and Poulton Junction; • Materials required for construction of the land bridge (if this option is taken forward); and • Potential presence of contaminated soils and asbestos on the site and associated impacts on human health; removal and disposal of this material. <p>The Inspectorate therefore considers that an assessment of the likely significant effects associated with these impacts should be included in the ES. The type and quantities of materials proposed to be used, the sources/types of waste and suitable disposal sites should be clearly identified within the assessment.</p>	
n/a	Potential impacts operation	<p>During operation of the Proposed Development, it is anticipated that only minor quantities of resources would be used, and minor quantities of waste produced. The Inspectorate agrees that significant effects are unlikely to occur and that this matter can be scoped out of the assessment.</p>	Noted, operational materials impacts have been scoped out.

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2.17.1	Mitigation	The Inspectorate welcomes that a Site Waste Management Plan and a Materials Management Plan would be prepared. The Applicant is advised that a Soils Management Plan should also be prepared, to set out how potential impacts on soil quality would be minimised in accordance with the NPSNN. Drafts of these documents should be appended to the ES and their relationships with the assessment of likely significant effects should be explained.	A draft Soils Management Plan is appended to the Outline CEMP (document reference TR010035/APP/7.2).
15.9.1	Assumptions and Limitations	The Inspectorate notes various assumptions and limitations relevant to the materials assessment (for example at paragraphs 15.5.2; 15.5.4 and 15.5.8), although these are not reflected in paragraph 15.9.1 of the Scoping Report. All assumptions and limitations relevant to the Materials assessment should be clearly set out in the ES.	Assumptions are noted in Chapter 14: Materials (document reference TR010035/APP/6.14).
n/a	Guidance	The guidance followed should be detailed in the ES assessment, including how significance of effects has been determined.	Methodology on how the materials assessment was undertaken is outlined in Chapter 14: Materials (document reference TR010035/APP/6.14).
Climate (Scoping Report Section 16)			
Table 16.5	Product manufacturing, preliminary desk studies and transport of construction plant and	The proposed scope out of product manufacturing and transport of plant and equipment to site appears to contradict the assessment methodology set out in paragraph 16.9.13 of the Scoping Report, which states that the assessment will consider embodied CO2 equivalent emissions (CO2e). The Inspectorate considers that these matters are already in the proposed scope of the ES and	An assessment on climate is provided in Chapter 15: Climate (document reference TR010035/APP/6.15).

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	equipment to site	should be assessed.	
Table 16.5	Operational water use	Considering the nature of the scheme, the Inspectorate considers that significant effects in respect to GHG emissions are unlikely to occur from operational water use. This matter can be scoped out from further assessment.	Noted.
Table 16.5	Other operational processes	The Applicant proposes to scope out 'other operational processes' but does not define what the other processes are (except for management of operational waste). Based on the current level of detail, the Inspectorate does not consider that it has sufficient information to understand what the other processes are and therefore whether it is appropriate to scope them out or not. The Inspectorate considers that this matter cannot be scoped out without further justification.	The scope of Chapter 14: Materials (document reference TR010035/APP/6.15) is clearly defined within the chapter.
Table 16.5	Post-operational effects	The Applicant proposes to scope out an assessment of GHG emissions associated with post-operation effects (e.g. deconstruction, demolition and decommissioning). On the basis that road schemes are intended to be permanent infrastructure and that effects associated with replacement of the proposed road (such as resurfacing) would be addressed under the assessment of operational effects, the Inspectorate considers that significant effects are unlikely to occur. The Inspectorate agrees that this matter can be scoped out from further assessment.	Noted.
16.3.1	UKCP09	As set out in the NPSNN the assessment of potential	The latest climate change projections have

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	projections	impacts of climate change should use the latest UK Climate Projections, this should include the anticipated UKCP18 projections where appropriate.	been used to inform Chapter 15: Climate (document reference TR010035/APP/6.15).
16.8.1	Numerically quantified or employ a qualitative judgement	The Scoping Report states that impacts on receptors would be 'numerically quantified or employ a qualitative judgement'. The Inspectorate considers that this wording introduces uncertainty regarding the final assessment method. The Applicant should assess climate change adaptation effects qualitatively and GHG emissions quantitatively. Any use of professional judgement to assess significance should be fully justified within the Applicant's ES.	The method to undertake an assessment on climate change is clearly outlined in Chapter 15: Climate (document reference TR010035/APP/6.15).
16.9.15	GHG emissions coefficients	Coefficients used to calculate GHG emissions should be set out in the ES and fully justified.	The method to calculate GHGs is outlined in Chapter 15: Climate (document reference TR010035/APP/6.15).
16.9.18	Carbon sequestration	The Applicant should set out how variations in the sequestration capability of landscape planting as it matures will be taken into account in the assessment.	This is considered in Chapter 15: Climate (document reference TR010035/APP/6.15).
16.9.19-20	No recognised significance criteria	The Scoping Report states that there are no significance criteria for climate change adaptation or GHG emissions. Whilst the Inspectorate considers that climate change adaptation effects may be assessed at an aspect level, it considers that the Applicant must set out its basis for assessment of significant GHG emissions (e.g. is this based on comparison with regional or national carbon budgets) as identified in paragraph 16.3.1 bullet point 7.	The method used to undertake the climate assessment is outlined in Chapter 15: Climate (document reference TR010035/APP/6.15).

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Cumulative Effects (Scoping Report Section 17)			
17.2.4	Inter-scheme effects	The relationship between the other developments identified and considered in the CEA and the 'local developments' (as referenced in paragraph 2.18.14 of the Scoping Report) which have been built into the traffic modelling should be clearly explained in the ES.	The long list of cumulative schemes presented in Appendix 16.1 (document reference TR010035/APP/6.16.1) includes all development considered within the traffic model. This is clarified in the methodology section in Chapter 16: Cumulative Effects (document reference TR010035/APP/6.16). With regards to committed developments included in the traffic model these are highlighted in Appendix 16.1 (document reference TR010035/APP/6.16.1).
Table 17-1	ZoI for environmental topics	The Inspectorate advises that the ZoI for each environmental aspect should be defined in the ES with reference to the extent of the likely impact and the sensitivity of the relevant receptors. If reference is made to the traffic modelling when defining the ZoI, it should be clear whether this relates to the fully modelled area or the area of detailed modelling. The list of 'other developments' (Table D1 of the Scoping Report) may need to be reviewed accordingly.	Chapter 16: Cumulative Effects (document reference TR010035/APP/6.16) clarifies how Zois were identified for each environmental topic.
17.2.8	Method	The Inspectorate advises that the sources of information utilised in the desk study for the assessment are clearly stated in the ES.	Chapter 16: Cumulative Effects (document reference TR010035/APP/6.16) clearly identifies where desk study information was gathered from.
17.2.11	Method	The Inspectorate notes that the proposed	Chapter 16: Cumulative Effects (document

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		exclusion/inclusion criteria to identify the shortlist of 'other development', has not been presented within the Scoping Report. The ES should present the proposed exclusion/inclusion criteria and provide justification for the decision to exclude any 'other development' from further assessment.	reference TR010035/APP/6.16) provides details of the criteria used.

