



The Planning
Inspectorate

SCOPING OPINION

Proposed Woodside Connection



November 2012



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EXECUTIVE SUMMARY

This is the Scoping Opinion (the Opinion) provided by the Secretary of State in respect of the content of the Environmental Statement for the proposed Woodside Connection to provide a direct traffic route between the M1 motorway and the A5.

This report sets out the Secretary of State's opinion on the basis of the information provided in Central Bedfordshire Council's report entitled 'Environmental Statement, Scoping Report' (20 September 2012). The Opinion can only reflect the proposals as currently described by the Applicant.

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

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

- Geology and soils
- Road drainage and the water environment
- Cultural heritage
- Nature conservation
- Landscape and visual impact
- Air quality
- Noise and vibration

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

1.0 INTRODUCTION

Background

- 1.1 On 27 September 2012, the Secretary of State (SoS) received a scoping report submitted by Central Bedfordshire Council (the Applicant) under Regulation 8 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (SI 2263) (as amended) (the EIA Regulations) in order to request a scoping opinion for the proposed Woodside Connection. This Scoping Opinion is made in response to this request and should be read in conjunction with the Applicant's Scoping Report.
- 1.2 In submitting the information included in their request for a scoping opinion, the Applicant is deemed to have notified the SoS under Regulation 6(1)(b) of the EIA Regulations that it proposes to provide an ES in respect of the proposed Woodside Connection. Therefore the proposed development is determined to be EIA development in accordance with Regulation 4(2)(a) of the EIA Regulations.
- 1.3 The proposed development concerns highways. It falls within the description of a Schedule 2 development under the EIA Regulations as being an infrastructure project. An EIA is not mandatory for Schedule 2 development but depends upon the sensitivity of the receiving environment, the likelihood of significant environmental effects and the scale of the proposals.
- 1.4 Before adopting a scoping opinion the SoS must take into account:
 - (a) the specific characteristics of the particular development;
 - (b) the specific characteristics of the development of the type concerned; and
 - (c) environmental features likely to be affected by the development'.

(EIA Regulation 8 (9))
- 1.5 This Opinion sets out what information the SoS considers should be included in the ES for the proposed development. The Opinion has taken account of:
 - i the EIA Regulations
 - ii the nature and scale of the proposed development
 - iii the nature of the receiving environment, and
 - iv current best practice in the preparation of environmental statements.

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

The Secretary of State's Consultation

- 1.10 The SoS has a duty under Regulation 8(6) of the EIA Regulations to consult widely before adopting a scoping opinion. A full list of the consultation bodies is provided at Appendix 1. The list has been compiled by the SoS under their duty to notify the consultees in accordance with Regulation 9(1)(a). The Applicant should note that whilst the SoS's list can inform their consultation, it should not be relied upon for that purpose.
- 1.11 The list of respondents who replied within the statutory timeframe and whose comments have been taken into account in the preparation of this Opinion is provided at Appendix 2 along with

copies of their comments, to which the Applicant should refer in undertaking the EIA.

- 1.12 The ES submitted by the Applicant should demonstrate consideration of the points raised by the consultation bodies. It is recommended that a table is provided in the ES summarising the scoping responses from the consultation bodies and how they are, or are not, addressed in the ES.
- 1.13 Any consultation responses received after the statutory deadline for receipt of comments will not be taken into account within this Opinion. Late responses will be forwarded to the Applicant and will be made available on the Planning Inspectorate's website. The Applicant should also give due consideration to those comments in carrying out the EIA.

Structure of the Document

- 1.14 This Scoping Opinion is structured as follows:

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

The Scoping Opinion is accompanied by the following Appendices:

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

2.0 THE PROPOSED DEVELOPMENT

Introduction

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

The Applicant's Information

Overview of the Proposed Development

- 2.2 The proposed Woodside Connection is a 3.3km highway linking the M1 motorway with the A5. The road would connect into the Highways Agency's proposed roundabout which forms part of the M1 junction 11A scheme.
- 2.3 Section 2.3 of the Scoping Report has identified the following components to the proposed development:
- a total of 3.3km of highway
 - connection into existing road network at Poynters Road and construction of a new four arm roundabout to replace existing junction
 - a new priority junction to provide access to Wheatfield Road
 - diversion of Houghton Brook
 - provision for a future connection to Parkside Drive
 - 2.5m high embankment to carry the road while crossing Houghton Brook (Chainage 1700)
 - construction of a three arm roundabout at Chainage 2500, the northern arm of which would connect to the HA's proposed Junction 11A by means of a 350m length of dual carriageway
 - the west arm at the Chainage 2500 roundabout would consist of a 450m dual carriageway to connect into Sundon Road by means of a new roundabout
 - road lighting
 - noise barriers
 - provision for non motorised users
 - exchange land

Description of the site and surroundings

The Application Site

- 2.4 The area for the proposed Woodside Connection is to the north of Dunstable and Houghton Regis and will provide a direct link between the M1 motorway and the A5 at the Woodside area of Dunstable/Houghton Regis.
- 2.5 The proposed road would run from the existing junction of Park Road North, Sandringham Drive, Wheatfield Road, Poynters Road and Porz Avenue in Houghton Regis to the north east. The route runs through a broadly flat narrow corridor of mixed amenity woodland, developing scrub and rough grass that contains two overhead electricity lines. Where the electricity lines diverge; arable fields extend to the motorway to the east.
- 2.6 The scheme lies mainly within the administrative area of Central Bedfordshire Council within the parishes of Houghton Regis and Chalton with a small area at the south of the scheme within the area of Luton Borough Council.
- 2.7 The main watercourse at the site is Houghton Brook and tributaries. A number of minor drainage ditches are also within the site. The route lies within a groundwater Source Protection Zone III (SPZ) and Nitrate Vulnerable Zone (NVZ). The site overlies a principal aquifer and parts of the development would be built on floodplain.
- 2.8 The route would cross an area of open land currently used for informal recreation. The entire route runs through land which is within the green belt. There are no designated sites located within or immediately adjacent to the proposed route.
- 2.9 Parkside Drive forms part of the National Cycle Route Network Route 6 which connects with Luton to the east and Leighton Buzzard to the west. There is also a short section of cycleway along the south side of Sandringham Drive, close to the roundabout on Park Road North. A number of informal pedestrian routes are also present on the site and in the surrounding area.

The Surrounding Area

- 2.10 Land use along the line of the scheme is urban fringe open space with no formal usage to the south. To the north is open arable farmland.
- 2.11 The closest settlements to the site are Dunstable, Luton and Houghton Regis. The route runs past existing housing and there

are a large number of residential receptors within 2km of the route.

- 2.12 The Chilterns Area of Outstanding Natural Beauty (AONB) lies within 2km of the scheme to the south with an outlier of the AONB around 2km to the north east.
- 2.13 The closest statutory site, Sundon Chalk Quarry Site of Special Scientific Interest (SSSI) and County Wildlife Site (CWS) is located around 0.7km north of the site. There are a total of nine SSSIs within 5km of the site and seven CWSs lie within 2km of the route; the closest being the River Lea CWS, located 0.7km east of the site. The route crosses or passes close to 3 Archaeological Notification Areas (ANAs) in arable fields to the west of the M1.
- 2.14 Ouzel Brook is a major watercourse located in proximity to the proposed site.

Description of the Proposed Development

- 2.15 The proposed Woodside Connection comprises a total of 3.3km of highway, of which 2.8km will provide a more direct traffic route from the M1 motorway to the A5 Woodside area of Dunstable/Houghton Regis.
- 2.16 The preferred route for the proposed highway is from the existing junction of Park Road North, Sandringham Drive, Wheatfield Road, Poynters Road and Porz Avenue in Houghton Regis to the M1 motorway which is located north east of the site. The final route is expected to be adopted in October 2012. The scoping report is based on the preferred route shown in Figure 1 of the report.
- 2.17 The route would connect to the M1 motorway at the Highway Agency's proposed roundabout which forms part of the Junction 11A scheme.
- 2.18 The proposal includes a new four arm roundabout to replace the existing junction at Poynters Road, a new priority junction to serve Wheatfield Road, the north-west diversion of approximately 330m of Houghton Brook, a connection to Parkside Drive for possible future use, embankment allowing the road to cross Houghton Brook and a three arm roundabout at Chainage 2500.
- 2.19 The northern arm of the proposed roundabout at Chainage 2500 would be dual carriageway standard comprising of a 350m stretch of highway with 2.5m central reservation, two 3.35m lanes, 1.0m hardstrips and 2.5m verges and would connect at grade into the Highways Agency's Junction 11A proposals.
- 2.20 The remainder of the route is expected to be to wide single carriageway standard consisting of two 5.0m lanes, 1.0m

hardstrips and 2.5m minimum width verges. The design speed of the road is 85kph.

- 2.21 The western arm of the proposed roundabout at Chainage 2500 would connect into Sundon Road by means of a new roundabout. The length of this section of road would be around 0.5km.
- 2.22 The total length of proposed road would be 3.3km which comprises 0.5km for the connection into Sundon Road and 2.8km for the M1 to A5 connection.
- 2.23 Chainage measurements have been allocated to the route description and run from zero at the south western end of the scheme.
- 2.24 The proposal includes the lighting of the first 1.0km of the route due to the presence of priority junctions and pedestrian at-grade crossing facilities. Only the junctions would be lit at the north eastern end of the route. Lighting would consist of 10m high columns with full cut-off lanterns.
- 2.25 Noise barriers are proposed on each side of the road between Chainages 400 to 1000.
- 2.26 Significant pedestrian routes and at-grade crossing points would be provided where the route crosses existing public rights of way. The National Cycle Network Route 6 is likely to be diverted for part of its way.
- 2.27 An area of approximately 5.0 to 5.5 ha of Exchange land would be required. This area will be determined at a later stage.

Proposed Access

- 2.28 Access to the development has not been identified within the Scoping Report although it does, at paragraph 4.10.9, refer to designated construction traffic routes avoiding residential areas and further details to be provided within a Construction Environmental Management Plan to be produced as part of the next stage of the process.

Construction

- 2.29 A construction programme has not been included in the Scoping Report. The Scoping Report, paragraph 4.3.19 and 4.9.15 states that a Construction Environmental Management Plan (CEMP) will be prepared at a later stage.
- 2.30 The duration of the construction period has not been identified within the Scoping Report however paragraph 2.4.2 refers to a possible commencement of the project, subject to obtaining necessary approvals and finance, in 2015/2016.

Operation and Maintenance

- 2.31 The Scoping Report, at paragraph 2.4.3 states that once completed the road would be maintained by Bedfordshire Highways as part of the local highway network.

The Secretary of State's Comments

Description of the Application Site and Surrounding Area

- 2.32 In addition to detailed baseline information to be provided within topic specific chapters of the ES, the SoS would expect the ES to include a section that summarises the site and surroundings. This would identify the context of the proposed development, any relevant designations and sensitive receptors. This section should identify land that could be directly or indirectly affected by the proposed development and any associated auxiliary facilities, landscaping areas and potential off site mitigation or compensation schemes.

Description of the Proposed Development

- 2.33 The Applicant should ensure that the description of the proposed development that is being applied for is as accurate and firm as possible as this will form the basis of the environmental impact assessment. It is understood that at this stage in the evolution of the scheme the description of the proposals and even the location of the site may not be confirmed. The Applicant should be aware however, that the description of the development in the ES must be sufficiently certain to meet the requirements of paragraph 17 of Schedule 4 Part 1 of the EIA Regulations and there should therefore be more certainty by the time the ES is submitted with the DCO.
- 2.34 If a draft DCO is to be submitted, the Applicant should clearly define what elements of the proposed development are integral to the NSIP and which is 'associated development' under the Planning Act 2008 or is an ancillary matter.
- 2.35 Any proposed works and/or infrastructure required as associated development, or as an ancillary matter, (whether on or off-site) should be considered as part of an integrated approach to environmental assessment.
- 2.36 The SoS recommends that the ES should include a clear description of all aspects of the proposed development, at the construction and operational stages and include:
- Land use requirements

- Site preparation
- Construction processes and methods
- Transport routes
- Operational requirements including the main characteristics of the production process and the nature and quantity of materials used, as well as waste arisings and their disposal
- Maintenance activities, and
- Emissions- water, air and soil pollution, noise, vibration, light, heat, radiation.

2.37 The environmental effects of all wastes to be processed and removed from the site should be addressed. The ES will need to identify and describe the control processes and mitigation procedures for storing and transporting waste off site. All waste types should be quantified and classified.

Proposed Access

2.38 The SoS considers that information regarding site access routes for construction traffic and any vehicles carrying abnormal loads should be clearly indicated within the ES.

Construction

2.39 The SoS considers that information on construction including: phasing of programme; construction materials, methods and activities associated with each phase; siting of construction compounds (including on and off site); lighting equipment/requirements; and number, movements and parking of construction vehicles (both HGVs and staff) should be clearly indicated in the ES.

Operation and Maintenance

2.40 Information on the operation and maintenance of the proposed development should be included in the ES.

3.0 EIA APPROACH AND TOPIC AREAS

Introduction

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

ES Approach

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

Matters to be Scoped Out

- The Applicant's Scoping Report does not propose any matters to be 'scoped out'.

- 3.6 Matters are not scoped out unless specifically addressed and justified by the Applicant, and confirmed as being scoped out by the SoS.

ES Structure

- 3.7 The SoS notes from the Scoping Report that the EIA would cover a number of assessments under the broad headings of:
- Geology and soils
 - Road drainage and the water environment
 - Materials
 - Cultural heritage
 - Nature conservation
 - Landscape
 - Community and private assets
 - Air quality
 - Noise and vibration
 - Effects on all travellers
 - Cumulative effects
- 3.8 The SoS recommends that the ES should include a description of the proposed construction programme and methods as well as a section addressing likely wastes, estimated quantities, methods of removal from the site and methods of disposal.

Topic Areas

Geology and soils (see Scoping Report Chapter 4.2)

- 3.9 The baseline for the ES should explain in detail the extent of the study area and justify the reasons for this. The contaminative land assessment should cover a sufficiently large area to address all potential risks.
- 3.10 The applicant's attention is drawn to the Environment Agency (EA) comments on the hydrocarbon identified in trial pits and contaminants within boreholes and the need to consult the EA to determine whether formal approval or a discharge permit is required (see Appendix 2).
- 3.11 The applicant's attention is drawn to comments from the EA on contaminated soils requiring on-site treatment (see Appendix 2).
- 3.12

Road Drainage and the Water Environment (see Scoping Report Chapter 4.3)

- 3.13 The SoS welcomes the proposal to undertake a detailed assessment of the final route on flood risk assessment, and compensatory flood storage. Details of any mitigation measures and their predicted effectiveness should be included in the ES. The applicant's attention is drawn to the advice from the EA on mitigating the effects of structures on flood flow routes during construction and operation of the scheme, particularly in relation to the southern end of the route, and to the need to obtain Flood Defence Consent (see Appendix 2).
- 3.14 The SoS welcomes the proposal to undertake a detailed assessment of the final route in relation to impacts on water quality from surface water run-off and spillage. Details of any appropriate pollution prevention measures or other mitigation should be included within the ES with an assessment of its likely effectiveness. The applicant's attention is drawn to comments made by the EA on taking existing motorway drainage into account and the need to ensure that any pollution prevention devices have appropriate signage and are simple to operate and maintain by the emergency services (see Appendix 2).
- 3.15 The applicant's attention is drawn to the EA comment that there is a reference to the Water Framework Directive target of ecological potential which has shown signs of deterioration since the baseline assessment in 2009 but no mention of how this proposal might encourage better potential status (see Appendix 2).
- 3.16 The SoS is concerned that the use of Sustainable Drainage Systems should be effective and can be demonstrated as such within the ES. The applicant's attention is drawn to the advice from the EA regarding the difficulty of using infiltration Sustainable Drainage Systems on this scheme (see Appendix 2).
- 3.17 The applicant's attention is drawn to advice from the EA on the need to consider silt run-off that may occur during the construction phase and to explain in their ES the mitigation measures that will be implemented to prevent silt from polluting watercourses (see Appendix 2).
- 3.18 The applicant's attention is drawn to advice from Natural England regarding potential hydrological issues relating to Houghton Regis Marl Lakes SSSI, and the need to consider the potential hydrological impacts of the development on the SSSI and also the River Lea CWS.

Materials (see Scoping Report Chapter 4.4)

- 3.19 The ES should include a section addressing likely wastes, estimated quantities, methods of removal from the site and methods of disposal.. The SoS welcomes the commitment to produce a Site Waste Management Plan. The applicant's attention is drawn to the EA's comments on this point in Appendix 2.
- 3.20 The applicant's attention is drawn to the EA's comments on the need for early consultation regarding waste exemptions or permits (see Appendix 2).

Cultural Heritage (see Scoping Report Chapter 4.5)

- 3.21 The SoS welcomes the proposals to undertake trial trenching as part of a detailed archaeological assessment.. The SoS notes that there may be significant impacts on the settings of listed buildings and these should be taken into consideration in the ES. Cross reference should be made to the Landscape and Visual section of the ES. The applicant's attention is drawn to the comments from English Heritage on the need to consider the proximity of listed buildings to the north at Chalton and to the west around Houghton Hall (see Appendix 2).

Nature Conservation (see Scoping Report Chapter 4.6)

- 3.22 The SoS welcomes the proposal to undertake surveys for bats, badgers, reptiles and water voles. Any impacts on legally protected species should be taken into consideration in the ES. Details of any mitigation measures should be included within the ES with an assessment of their likely effectiveness.
- 3.23 The SoS welcomes the proposal to assess the significance of ecological effects in accordance with the IEEM guidelines. The applicant's attention is drawn to Natural England's advice on the need for the ES to consider potential adverse effects on County Wildlife Sites and Local Wildlife Sites (see Appendix 2). Details of any mitigation measures should be included within the ES with an assessment of their likely effectiveness along with a description of any residual effects.
- 3.24 The applicant's attention is drawn to the advice from EA and NE on the potential for developing the scheme in a way that would provide multi-functional green infrastructure (see Appendix 2).

Landscape (see Scoping Report Chapter 4.7)

- 3.25 The SoS draws the attention of the Applicant of the need to take account of the updates to legislation and policy together with the need to liaise with the Chilterns AONB to ensure reference is made in the ES of the most up to date policy documents.

- 3.26 The SoS welcomes the proposal to undertake a detailed landscape and visual assessment using methodology based on the 'Guidelines for Landscape and Visual Impact Assessment'. The effects of lighting during the construction phase, if any, should be assessed in the ES in addition to the assessment of impact during the operational phase.
- 3.27 The proposal includes a river crossing of Houghton Brook, and the SoS requests that careful consideration should be given to its form, the selection of materials and landscape treatment in terms of minimising the adverse visual impact of this structure. Any mitigation measures should be described in the ES along with an assessment of their likely effectiveness and a description of any residual effects.
- 3.28 The applicant's attention is drawn to the comments from the Chilterns Area of Outstanding Natural Beauty Conservation Board on the need to take into account various viewpoints within the ES. The Chilterns AONB Management Plan and the Guidelines for the Management of Highways in the Chilterns AONB should be referred to (see Appendix 2).
- 3.29 The applicant is advised to note the comments from NE on the need to map details of local landscape character areas at a scale appropriate to the development site as well as any relevant management plans or strategies pertaining to the area (see Appendix 2).

Community and Private Assets (see Scoping Report Chapter 4.8)

- 3.30 The SoS welcomes the proposals to review the Stage 2 assessment report on the effects on agricultural land and farming operation. Any mitigation proposals should be described in the ES along with an assessment of its likely effectiveness and a description of any residual effects.
- 3.31 The SoS welcomes the proposals to update the Stage 2 assessment of pedestrian and cycle usage and to include a full Non-Motorised Users Assessment. The details of any provisions to reduce effects of severance or loss of routes should be included in the ES.
- 3.32 The SoS notes that the project will involve the demolition of private property but there is no further information on the nature of this property and how it would be dealt with in the ES. This should be addressed.

Air Quality (see Scoping Report Chapter 4.9)

- 3.33 The assessment should take account of the air emissions from the proposed development and emissions related to vehicular

movements associated with the proposal. Consideration should be given to air quality standards that have been revised or introduced since 2007. The applicant should take note of Natural England's advice on the need for the ES to consider any potential adverse effects to all designated sites in the vicinity (see Appendix 2).

- 3.34 The SoS recommends that dispersion modelling considers a range of possibilities and seeks to ensure that the 'worst case' scenario is assessed, for example the 'worst case' may occur as a short term impact. Any data used in the Stage 2 assessment which supports the conclusions of the ES should be included in it.
- 3.35 Air quality and dust levels should be considered not only on site but also off site, including along access roads, local footpaths and other PROW. The SoS welcomes the measures proposed in the scoping report, particularly the use of a CEMP for control of air pollution including dust deposition during the construction period.

Noise and Vibration (see Scoping Report Chapter 4.10)

- 3.36 The SoS recommends that the methodology and choice of noise receptors should be agreed with the relevant Environmental Health Department of the Council and with the Environment Agency.
- 3.37 Information should be provided on the types of vehicles and plant to be used during the construction phase. Once operational, noise sources generated should be identified and assessed. Where appropriate, effective measures should be provided to mitigate against noise nuisance. Any mitigation should be described in the ES along with an assessment of its likely effectiveness and a description of any residual effects.
- 3.38 Noise impacts on people should be specifically addressed, and particularly any potential noise disturbance at night, and, during the construction period, potential noise disturbance during weekends and public holidays. The SoS recommends that noise contour maps are provided in the ES.
- 3.39 The noise and vibration assessments should take account of the traffic movements along access routes, especially during the construction phase. Any mitigation should be described in the ES along with an assessment of its likely effectiveness and a description of any residual effects.
- 3.40 Consideration should be given to monitoring noise complaints during construction and when the development is operational.

Effects on All Travellers (see Scoping Report Chapter 4.11)

- 3.41 The SoS notes the proposals to assess 'view from the road', 'driver stress' and effects on specific routes and general accessibility. The methodology used should be clearly described in the ES. Any mitigation measures should also be described and their likely effectiveness assessed and any residual effects identified.
- 3.42 The applicant's attention is drawn to the comments from the Highways Agency with regard to the decision by the relevant Secretaries of State on the A5-M1 link road and the need to refer to this in the project Environmental Statement (see Appendix 2).

Cumulative Effects (see Scoping Report Chapter 4.12)

- 3.43 The SoS notes the proposed approach to the assessment of cumulative effects. The methodology used to assess cumulative effects should be clearly explained in the ES. This should be clearly explained in the ES. The justification for assigning different cumulative effects to the significance criteria shown in table 4.12.2 should be clearly stated. Any mitigation measures should be described along with an assessment of their likely effectiveness and any residual effects.

Other (not covered in Scoping Report)

- 3.44 The applicant's attention is drawn to the advice from National Grid on the high voltage electricity overhead transmission line that lies within and in close proximity to the scheme boundary as shown in Figure 1 of the Scoping Report (see Appendix 2).
- 3.45 The applicant's attention is drawn to the advice from National Grid on the gas distribution pipelines located within and in close proximity to the development boundary.
- 3.46 The applicant's attention is drawn to the comments of the Civil Aviation Authority on the need to take note of the views of Luton Airport Aerodrome Licence Holder in respect of the Airport's Officially Safeguarded Status (See Appendix 2).
- 3.47 The applicant's attention is drawn to the comments of Fulcrum Pipelines on the need to consult them before any excavations are made (See Appendix 2).
- 3.48 The applicant's attention is drawn to the suggestion in the EA's response that there may be an opportunity to achieve common goals with regard to the flood storage area which could deliver substantial mutual savings and benefits in terms of costs, extra bunding, design and reductions in environmental damage (see Appendix 2).

- 3.49 The applicant's attention is drawn to the advice from the Health Protection Agency (see Appendix 2).

4.0 OTHER INFORMATION

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

Sites of Special Scientific Interest (SSSIs)

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

European Protected Species (EPS)

- 4.6 The Applicant should also be aware that the decision maker under the Planning Act 2008 (PA 2008) has, as the CA, a duty to engage with the Habitats Directive.

- 4.7 The SoS considers that there is potential for the presence of EPS within the study area for the proposed development. Where a potential risk to an EPS is identified and before making a decision to grant development consent the CA must, amongst other things, address the derogation tests in Regulation 53 of the Habitats Regulations. Therefore the Applicant may wish to provide information which will assist the decision maker to meet this duty. Where required the Applicant should, in consultation with NE, agree appropriate requirements to secure necessary mitigation.
- 4.8 If the Applicant has concluded (in consultation with NE) that an EPS licence is required the ExA will need to understand whether there is any impediment to the licence being granted. It would assist the examination if the Applicant could provide with the application confirmation from NE whether they intend to issue the licence in due course.

Health Impact Assessment

- 4.9 The SoS considers that it is a matter for the Applicant to decide whether or not to submit a stand-alone Health Impact Assessment (HIA). However, the Applicant should have regard to the responses received from the relevant consultees regarding health.
- 4.10 The methodology for the HIA, if prepared, should be agreed with the relevant statutory consultees and take into account mitigation measures for acute risks.

Other regulatory regimes

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

obtaining other permits, licences or consents, including any confirmation that there is no obvious reason why these will not subsequently be granted, will be helpful in supporting an application for development consent to the SoS.

Transboundary Impacts

- 4.13 The SoS has noted that the Applicant has not indicated whether the proposal is likely to have significant impacts on another European State.
- 4.14 Regulation 24 of the EIA Regulations, which *inter alia* require the SoS to publicise a DCO application if the SoS is of the view that the proposal is likely to have significant effects on the environment of another EEA state and where relevant to consult with the EEA state affected. The SoS considers that where Regulation 24 applies, this is likely to have implications for the examination of a DCO application.
- 4.15 The ES will also need to address this matter in each topic area and summarise the position on trans-boundary effects of the proposed development, taking into account inter-relationships between any impacts in each topic area.

APPENDIX 1

List of Consultees

APPENDIX 1

LIST OF BODIES FORMALLY CONSULTED DURING THE SCOPING EXERCISE

CONSULTEE	ORGANISATION
The Health and Safety Executive	Health and Safety Executive
The relevant Strategic Health Authority	NHS East of England
Natural England	Natural England
The Historic Buildings and Monuments Commission for England	English Heritage
The relevant fire and rescue authority	Bedfordshire and Luton Fire and Rescue Service
The relevant police authority	Bedfordshire Police Authority
The relevant Parish Council	Houghton Regis Town Council Chalton Parish Council King's Walden Parish Council Offley Parish Council Lilley Parish Council Totternhoe Parish Council Dunstable Town Council Caddington Parish Council Sundon Parish Council Toddington Parish Council Hyde Parish Council Streatley Parish Council Tilsworth Parish Council Chalgrave Parish Council Slip End Parish Council
The Environment Agency	The Environment Agency
The Commission for Architecture and the Built Environment	CABE Design Review
The Equality and Human Rights Commission	Equality and Human Rights Commission
The Commission for Sustainable Development	Sustainable Development Commission
The Homes and Communities Agency	HCA
AONB Conservation	Chilterns Conservation Board

CONSULTEE	ORGANISATION
Boards	
The Commission for Rural Communities	The Commission for Rural Communities
The Civil Aviation Authority	Civil Aviation Authority
The Highways Agency	The Highways Agency
The relevant Highways Authorities	Central Bedfordshire Council Luton Borough Council
The Passengers Council	Passenger Focus
The Disabled Persons Transport Advisory Committee	DPTAC
The Coal Authority	The Coal Authority
The Office of Rail Regulation	Office of Rail Regulation
Approved Operator	Network Rail Infrastructure Ltd Network Rail (CTRL) Ltd
The Gas and Electricity Markets Authority	OFGEM
The Water Services Regulation Authority	OFWAT
The Relevant Waste Regulation Authority	The Environment Agency
The Relevant Internal Drainage Board	Bedford Group of Internal Drainage Boards
The British Waterways Board	The Canal and River Trust
The Forestry Commission	The Forestry Commission
The Health Protection Agency	The Health Protection Agency
The Relevant Local Resilience Forum	Bedfordshire and Luton Local Resilience Forum
Relevant Statutory Undertakers	
Health Bodies (s.16 of the Acquisition of Land Act (ALA) 1981)	
Primary Care Trust (PCT)	Luton PCT Bedfordshire PCT
NHS Foundation Trust	Luton and Dunstable Hospital NHS Foundation Trust
Ambulance Trusts	East of England Ambulance
Relevant Statutory Undertakers (s.8 ALA 1981)	
Railways	BRB Residuary Limited
Universal Service	Royal Mail Group

CONSULTEE	ORGANISATION
Provider	
Licence Holder (Chapter 1 of Part 1 of Transport Act 2000)	NATS en Route plc
Water and Sewage Undertakers	Thames Water Anglian Water Veolia Water Central
Public Gas Transporters	British Gas Pipelines Ltd Energetics Gas Ltd ES Pipelines Ltd ESP Connections Ltd ESP Networks Ltd ESP Pipelines Ltd Fulcrum Pipelines Limited GTC Pipelines Limited Independent Pipelines Limited LNG Portable Pipeline Services National Grid Gas Plc Quadrant Pipelines Limited SSE Pipelines Ltd The Gas Transportation Company Limited Utility Grid Installations Limited
Electricity Licence Holders having CPO Powers	ESP Electricity Limited UK Power Networks Limited Energetics Electricity Limited Independent Power Networks Limited The Electricity Network Company Limited
Electricity Transmitters with CPO Powers	National Grid Electricity Transmission plc
Local Authorities (s.43)	
Central Bedfordshire Council Luton Borough Council Buckinghamshire County Council Cambridgeshire County Council Hertfordshire County Council Aylesbury Vale District Council South Cambridgeshire District Council Huntingdonshire District Council North Hertfordshire District Council Dacorum District Council St Albans City and District Council Bedford Borough Council Milton Keynes Council	

Note: the Prescribed Consultees have been consulted in accordance with the Planning Inspectorate's Advice Note 3

'Consultation and notification undertaken by the Planning Inspectorate' (April 2012).

APPENDIX 2

Respondents to Consultation and Copies of Replies

APPENDIX 2

LIST OF BODIES WHO REPLIED BY THE STATUTORY DEADLINE

Central Bedfordshire Council
Houghton Regis Town Council
Health Protection Agency
English Heritage
Natural England
Chilterns Conservation Board
National Grid
Health and Safety Executive
Environment Agency
Highways Agency
The Coal Authority
OFWAT
Fulcrum Pipelines
Homes and Communities Agency
Slipend Parish Council
Civil Aviation Authority
ES Pipelines Ltd/ ESP Networks Ltd/ ESP Pipelines Ltd/ ESP Electricity Ltd and ESP connections Ltd

Alan Ridley
EIA and Land Rights Advisor
The Planning Inspectorate
3/18 Eagle Wing
Temple Quay House
2 The Square
Bristol
BS1 6PN

Your ref: 120928_TR010011_1435608

Our ref:

Date: 25th October 2012

Dear Mr Ridley

Your Ref: 120928_TR010011_1435608
Proposed Woodside Connection, Houghton Regis
Proposal by Central Bedfordshire Council
Infrastructure Planning (Environmental Impact Assessment) Regulations
2009 SI 2263 (as amended)

I refer to your consultation letter dated 28th September 2012 seeking our views on the Scoping Report in connection with the above.

I can confirm that the Local Planning Authority has no comment to make at this time.

Yours sincerely



Jennie Selley
Major Applications Manager
Development Management

Direct telephone 0300 300 5535
Email jennie.selley@centralbedfordshire.gov.uk

From: [Colin White](#)
To: [Environmental Services;](#)
cc: Mark.Lewis2@amey.co.uk;
Subject: Woodside Connection
Date: 24 October 2012 10:48:50

FAO Alan Ridley
Your ref: 120928_TR010011_1435608

Dear Alan,

I am writing to thank you for your letter dated 28th September 2012, and for alerting the Chilterns Conservation Board to the project.

The website that we were alerted to has been visited and the documents that are available have been examined.

The Board notes the content of the Environmental Statement Scoping Report and the references (on pages 37 and 38) to the fact that the presence of the Chilterns AONB will be taken into account as part of the production of the Environmental Statement. Provided that this consideration takes full account of the implications for the protected landscape the Board is satisfied that the Scoping Report covers the relevant issues.

The Board would suggest that various viewpoints within the Chilterns AONB, both north east and south of the project, should form part of the consideration and formulation of the Environmental Statement. Similarly, the Chilterns AONB Management Plan and the Guidelines for the Management of Highways in the Chilterns AONB should be scoped into the consideration. These documents are available from the Chilterns AONB website, see the following [link](#) for more information.

Kind regards,
Colin White

Colin White MRTPI
Planning Officer

Direct dial tel: 01844 355507

Chilterns Conservation Board
The Lodge

90 Station Road
Chinnor
Oxfordshire OX39 4HA

Tel: 01844 355500
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www.chilternsaonb.org

Caring for the Chilterns

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From: [Smailes Baggy](#)
To: [Environmental Services:](#)
Subject: FW: Woodside Connection Scoping Consultation
Date: 01 October 2012 14:40:52
Attachments: [TR010011_Letter to stat consultees Scoping Letter AND Reg 9 Notification.pdf](#)

Dear Mr Ridley,

The Civil Aviation Authority has no comment related to the subject development (road connectivity between Poynters Road, Houghton Regis to J11a M1) other than to highlight the need for the planning process to establish and take note of the related viewpoint of the Luton Airport Aerodrome License Holder in respect the Airport's Officially Safeguarded Status. Note that in all cases responsibility for aerodrome safeguarding rests with the relevant aerodrome license holder / operator.

Mark Smailes
0207 453 6545
Off Route Airspace 5
Directorate of Airspace Policy
Civil Aviation Authority
CAA House
45-59 Kingsway
London WC2B 6TE

UNCLASSIFIED

The
COAL
AUTHORITY



200 Lichfield Lane
Berry Hill
Mansfield
Nottinghamshire
NG18 4RG

Tel: 01623 637 119 (Planning Enquiries)

Email: planningconsultation@coal.gov.uk

Web: www.coal.gov.uk/services/planning

National Infrastructure Directorate
The Planning Inspectorate

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

16 October 2012

For the Attention of: Mr Alan Ridley – EIA and Land Rights Adviser

Dear Mr Ridley

EIA SCOPING OPINION

Proposed Woodside Connection, Houghton Regis

Thank you for your consultation letter of the 28 September 2012 seeking the views of The Coal Authority on the EIA Scoping Opinion for the above proposal.

I have reviewed the proposals and confirm that the area is not within the defined coalfield: therefore The Coal Authority has no observations or specific comments to make on this proposal.

Yours sincerely

D Roberts

Deb Roberts
Technical Support Officer



ENGLISH HERITAGE

EAST OF ENGLAND

Alan Ridley
The Planning Inspectorate

Direct Dial: 01223 582775
Email: tom.gilbert-wooldridge@english-heritage.org.uk

Sent by email only

Our Ref: NSIP
Your Ref: 120928_TR010011_1435608

25 October 2012

Dear Mr Ridley

**Proposed Woodside Connection, Houghton Regis
Infrastructure Planning (Environmental Impact Assessment) Regulations
EIA Scoping Report**

Thank you for your letter dated 28 September 2012 (sent on behalf of the Secretary of State) regarding the above proposal. We note that the proposal is being promoted by Central Bedfordshire Council as a nationally significant infrastructure project. We have considered the EIA Scoping Report and would like to make the following comments. We have previously provided comments on an earlier version of the scoping report in our letter dated 27 April 2010.

Section 4.5: Cultural Heritage

We have no comments regarding the archaeological assessments carried out to date and hope that the archaeologist at Central Bedfordshire is content with what has been produced so far as part of Stages 1 and 2. We note that further assessment is due to take place as part of the Environmental Statement preparation (Stage 3).

As we pointed out with the earlier version of the scoping report, there is no mention of any designated heritage assets and the assessment to date has focussed on archaeological impacts. The report does not mention the proximity of listed buildings to the north at Chalton and to the west around Houghton Hall and the potential for the setting of these buildings to be affected. This includes the grounds of Houghton Hall (Historic Environment Record Number 7024), which arguably forms part of the curtilage of the Grade II* listed hall. Part of the grounds is also designated as a conservation area. Limiting the study area to a 100 metre wide corridor (Paragraph 4.5.1) is too restrictive when the impact on setting, including views, can be across greater distances. We note that the study area for other topics such as nature conservation is 2km and that the development boundary for the scheme is much larger than the proposed road itself (Figure 1).

BROOKLANDS, 24 BROOKLANDS AVENUE, CAMBRIDGE, CB2 8BU

Telephone 01223 582700 Facsimile 01223 582701

www.english-heritage.org.uk

The National Monuments Record is the public archive of English Heritage

We recommend that some assessment of the impact on the setting of the above listed buildings and conservation area is carried out as part of the Environmental Statement, which would include potential visual impacts. It may transpire that impacts are limited, but this needs to be demonstrated. It would also be helpful for the Environmental Statement to contain a map showing cultural heritage constraints (similar to Figures 3.1 to 3.5 in the Scoping Report) to enhance information shown in the Written Scheme of Investigation (Appendix B).

We hope that the above comments are of use. If you have any queries, please do not hesitate to contact me.

Yours sincerely

A black rectangular box redacting the signature of Tom Gilbert-Wooldridge.

Tom Gilbert-Wooldridge
Planner, East of England and East Midlands



**ENVIRONMENT
AGENCY**

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

Our ref: AC/2012/117826/01-L01
Your ref: 120928_TR010011_1435608
Date: 18 October 2012

Dear Sir/Madam

**PROPOSED WOODSIDE CONNECTION, HOUGHTON REGIS (THE PROJECT)
PROPOSAL BY CENTRAL BEDFORDSHIRE COUNCIL (THE DEVELOPER)
INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT)
REGULATIONS 2009 SA 2263 (AS AMENDED) (THE EIA REGULATIONS)**

We have reviewed the Scoping Report (ref: 300117/041/01) regarding the above mentioned site, which was received on 28 September 2012 and wish to make the following comments.

Flood Risk

We broadly welcome the approach outlined with regard to management of flood risk and surface water drainage. However, there is one aspect that should ideally be expanded upon, in relation to impacts on flood flows. Section 4.3.19 gives a methodology for addressing impacts on loss of floodplain storage capacity. This should be taken further with an approach outlined for mitigating the effects of the structure, when under construction and following completion on flood flow *routes* across the flood plain, which will be interrupted as a direct result of the proposals. This is of particular importance at the southern end of the connection, where as a result of the positioning of electricity infrastructure the route must cross Houghton Brook at three separate locations, and run very close to the bank. This is also the location where most residential property is at risk.

There is no mention of the need to obtain Flood Defence Consent from the Lead Local Flood Authority (LLFA) for any structures affecting flow on ordinary watercourses (those that are not Main River, or IDB drains).

There is a brief mention concerning the Water Framework Directive (WFD) target of ecological potential that has shown signs of deterioration since the baseline assessment in 2009. However, there is no mention of how this proposal might encourage better potential status. For example, some sympathetic channel re-profiling or re-alignment, and careful consideration of culvert design could go some way to potentially achieving some kind of betterment in ecological potential.

Environment Agency
Bromholme Lane, Brampton, Huntingdon, PE28 4NE.
Customer services line: 08708 506 506
Email: enquiries@environment-agency.gov.uk
www.environment-agency.gov.uk

Cont/d..

Notwithstanding the above-mentioned aspects, the Report details appropriately a methodology of ensuring appropriate assessment of flood risk and drainage.

There may be an opportunity to achieve common goals in regard to the flood storage area. Until now it has been assumed that the culvert underneath the M1 motorway would house the flow control for the proposed upstream flood storage area. However, this would necessitate the design and construction not only of a flow control chamber, but also an embankment adjacent to Kestrel Way to join in to the M1 embankment. As the roadway and the culvert have not yet been constructed, there may be a way to utilise the embanked road heading south, then turning west at the roundabout (as shown on figure 3.1), and designing the culvert under the north-south road to be the flow control for the Flood Storage Area (FSA), which could utilise the land within that "corner" of embanked roadway. Because this is still in the design stage, there may be substantial mutual savings and benefits in terms of costs, extra bunding construction, design, and reductions in environmental damage. It is worth raising at this stage, to determine where mutual benefits could be achieved.

Groundwater and Contaminated Land

The Scoping Report identifies the high vulnerability of the water environment (Source Protection Zone 3, Principal Aquifer and shallow groundwater) with some areas of land contamination. Therefore, the road drainage will need to be designed appropriately.

Infiltration systems will not be suitable in areas of shallow groundwater or areas affected by contamination. We require that infiltration Sustainable Drainage Systems (SuDS) have a minimum of 1.2m between the base of the SuDS and the peak seasonal groundwater level and are not greater than 2m below ground level. This is in order for infiltration SuDS to mimic natural infiltration as much as possible and to provide a distance for natural processes to occur. Infiltrative drainage is likely to be problematic at this site due to shallow groundwater (the report identifies 1 - 8m bgl). We would suggest other non-infiltrative SuDS options are explored.

The applicant should note that it is an offence under the Environmental Permitting Regulations to discharge contaminated waters directly to groundwater.

Ecology

An integrated approach is necessary to develop the site and river/flood storage areas. We would like to see the project fully implement WFD, and the developed flood plain as a priority wetlands BAP habitat, which will help to improve water quality, such as through filtration. This area should provide good public access and be an asset to development and the people that live there. We would need close integration with the developer to deliver this.

There is the potential for the presence of water voles on site. Therefore, we agree to the requirement for an updated water vole survey being undertaken as stated in the Scoping Report.

For further information on ecological issues, please contact John Bryden on 01707 632514

Environment Management

The applicant must consider silt run off that may occur during the construction phase and must explain in their Environmental Statement the mitigation measures that will be implemented to prevent silt from polluting watercourses.

An Environmental Permit may be required if waste is to be used during the construction phase. The Scoping Report states that land levels will need to be raised. There is guidance on Environmental Permits on our website at www.environment-agency.gov.uk/business/topics/permitting/default.aspx.

The applicant is advised to contact us on 03708 506506 to discuss any permits that may be required.

The Scoping Report indicates contamination of hydrocarbon in trial pits and contaminants within a boreholes. In the event that site dewatering is required, the contractor is advised to consult with us before doing so in order to determine whether formal approval or a discharge permit is required.

The site works may also require waste exemptions or permits for example mobile plant and early consultation with us is recommended.

Contaminated soils requiring on-site treatment or removal must be carried out in accordance with the Duty of Care. Waste materials classified as hazardous will require specialist handling and treatment.

The project will require a Site Waste Management Plan and the contractor is advised to submit the draft plan to us for consideration and comment.

The Highways Agency HAWRAT model will be used to inform the project of the WFD pollution prevention requirements for the road network. If possible the existing motorway drainage should be taken into consideration when designing the connecting road network to assist in reducing the overall risk of water pollution to receiving waters.

Highway related pollution prevention measures should be designed to embrace sustainable drainage practices. If pollution prevention devices are incorporated to facilitate the containment of spillages etc., it is important that the design ensures these devices have appropriate signage and are simple to operate and maintain by the emergency services.

Should you wish to discuss this matter further please do not hesitate to contact me.

Yours sincerely

Mr Neville Benn
Planning Liaison Officer

Direct dial 01480 483996

Direct fax 01480435193

Direct e-mail Planning_Liaison.Anglian_Central@environment-agency.gov.uk

End

From: [Alan Slee](#)
To: [Will Spencer](#)
Subject: RE: Woodside Connection Scoping Consultation
Date: 28 September 2012 16:25:22

Hi Will,

PROPOSED WOODSIDE CONNECTION, HOUGHTON REGIS (the project)
PROPOSAL BY CENTRAL BEDFORDSHIRE COUNCIL (the developer)

120928_TR010011_1435608

OS X (Eastings) 503448
OS Y (Northings) 224003
Nearest Post Code LU4 0TS

ESP Ref: Job Details: PE085356

Further to your email communication to E S Pipelines Ltd, ESP Networks Ltd, ESP Pipelines Ltd, ESP Electricity Ltd and ESP Connections Ltd dated 28 September 2012 I can confirm that our businesses have no comments at this stage.

Regards,

Alan Slee
Operations Manager

DD 01372 227567
Mobile 07766 802070
Fax 01372 386203
www.espipelines.com

From: [&box_FPLplantprotection_conx,](#)
To: [Will Spencer;](#)
Subject: RE: Woodside Connection Scoping Consultation
Date: 04 October 2012 16:09:47

Fulcrum Pipelines have no comments to make regarding this potential project other than to request that before any excavations are made we are consulted in order that we can check for any potential damage to our underground plant.

Kind Regards

Graham Penlington
Fulcrum Pipelines



Tel: 0114 280 4175

Email: graham.penlington@fulcrum.co.uk

Web: www.fulcrum.co.uk



FULCRUM NEWS

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Alan Ridley
The Planning Inspectorate
3/20 Eagle Wing
Temple Quay House
2 The Square
BRISTOL BS1 6PN

Health Protection Agency

Centre for Radiation,
Chemical and
Environmental Hazards

Chilton, Didcot
Oxfordshire OX11 0RQ

Tel +44 (0) 1235 822849
Fax: +44 (0) 1235 833891
www.hpa.org.uk/IPC

25 October 2012

Your Ref: 120928_TR010011_1435608
Our Ref: TR_HI_121001_179

Dear Mr Ridley

**PROPOSED WOODSIDE CONNECTION, HOUGHTON REGIS
PROPOSAL BY CENTRAL BEDFORDSHIRE COUNCIL
INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS
2009 SI 2263 (as amended) (the EIA Regulations)**

Central Bedfordshire Council has asked the Infrastructure Planning Commission (IPC) for its opinion ("scoping opinion") on the information to be provided in an Environmental Statement (ES) relating to a proposal for a New Highway corridor (connecting into M1 Junction 11A) at Houghton Regis. The request for a scoping opinion is a precursor to an intensive and detailed independent assessment of the environmental impact of the proposed development.

The HPA is a statutory consultee at the pre-application and application stages for nationally significant infrastructure projects (NSIPs) "which are likely to involve chemicals, poisons or radiation which could potentially cause harm to people."¹ For those NSIP applications subject to Environmental Impact Assessment (EIA) the HPA is a consultation body under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009.

The IPC must therefore consult the HPA on the information that the HPA considers should be provided in the ES (or confirm that the HPA has no comments) before the IPC adopts its scoping opinion.

The HPA's enclosed response focuses on health protection issues relating to chemicals and radiation. The advice offered by the HPA is impartial and independent. The scope of the HPA's response does not extend to wider health matters; these fall under the remit of other stakeholders.

¹ Cited in the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

The Appendix outlines generic considerations that the HPA advises are addressed by all promoters when they are preparing ESs for NSIPs. In terms of the level of detail to be included in ESs, the HPA recognises that the differing nature of projects is such that their impacts will vary. The HPA's view is that the assessments undertaken to inform the ES should be proportionate to the potential impacts of the proposal. Where a promoter determines that it is not necessary to undertake detailed assessment(s) (eg, undertakes qualitative rather than quantitative assessments); if the rationale for this is fully explained and justified within the application documents, then the HPA considers this to be an acceptable approach.

Yours sincerely

A black rectangular box redacting the signature of Ms Jane Simmonds.

Ms JANE SIMMONDS
Head, Environmental Assessments Department

CRCE.IPCCconsultations@HPA.org.uk

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

Appendix: HPA recommendations regarding the scoping document

General approach

The EIA should give consideration to best practice guidance such as the Government's Good Practice Guide for EIA². It is important that the EIA identifies and assesses the potential public health impacts of the activities at, and emissions from, the installation. Assessment should consider the development, operational, and decommissioning phases.

The EIA Directive³ requires that ESs include a description of the aspects of the environment likely to be significantly affected by the development, including "population". The EIA should provide sufficient information for the HPA to fully assess the potential impact of the development on public health. **The HPA will only consider information contained or referenced in a separate section of the ES summarising the impact of the proposed development on public health:** summarising risk assessments, proposed mitigation measures, and residual impacts. This section should summarise key information and conclusions relating to human health impacts contained in other sections of the application (eg, in the separate sections dealing with: air quality, emissions to water, waste, contaminated land etc) without undue duplication. Compliance with the requirements of National Policy Statements and relevant guidance and standards should be highlighted.

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

We note that the information provided states that the construction of the proposed link road between the A5 (north of its junction with the A505) and the M1 is associated with this development, and that this will be the subject to the findings of the Planning Inspectorate report due in Autumn 2012. We recommend that the EIA for the new highway corridor includes consideration of the impacts of associated development and that cumulative impacts are fully accounted for.

Consideration of alternatives (including alternative sites, choice of process, and the phasing of construction) is widely regarded as good practice. Ideally, EIA should start at the stage of site and process selection, so that the environmental merits of practicable alternatives can be properly considered. Where this is undertaken, the main alternatives considered should be outlined in the ES⁴.

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

Receptors

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

² Environmental Impact Assessment: A guide to good practice and procedures - A consultation paper; 2006; Department for Communities and Local Government. Available from:

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

³ Directive 85/337/EEC (as amended), on the assessment of the effects of certain public and private projects on the environment. Available from: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:1985L0337:20090625:EN:PDF>

⁴ DCLG guidance, 1999 <http://www.communities.gov.uk/documents/planningandbuilding/pdf/155958.pdf>

Impacts arising from construction and decommissioning

Any assessment of impacts arising from emissions due to construction and decommissioning should consider potential impacts on all receptors and describe monitoring and mitigation during these phases. Construction and decommissioning will be associated with vehicle movements and cumulative impacts should be accounted for.

We would expect the promoter to follow best practice guidance during all phases from construction to decommissioning to ensure appropriate measures are in place to mitigate any potential impact on health from emissions (point source, fugitive and traffic-related). An effective Construction Environmental Management Plan (CEMP) (and Decommissioning Environmental Management Plan (DEMP)) will help provide reassurance that activities are well managed. The promoter should ensure that there are robust mechanisms in place to respond to any complaints of traffic-related pollution, during construction, operation, and decommissioning of the facility.

Emissions to air and water

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

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

- should include appropriate screening assessments and detailed dispersion modelling where this is screened as necessary
- should encompass all pollutants which may be emitted by the installation in combination with all pollutants arising from associated development and transport, ideally these should be considered in a single holistic assessment
- should consider the construction, operational, and decommissioning phases
- should consider the typical operational emissions and emissions from start-up, shut-down, abnormal operation and accidents when assessing potential impacts and include an assessment of worst-case impacts
- should fully account for fugitive emissions
- should include appropriate estimates of background levels
- should identify cumulative and incremental impacts (ie, assess cumulative impacts from multiple sources), including those arising from associated development, other existing and proposed development in the local area, and new vehicle movements associated with the proposed development; associated transport emissions should include consideration of non-road impacts (ie, rail, sea, and air)
- should include consideration of local authority, Environment Agency, Defra national network, and any other local site-specific sources of monitoring data
- should compare predicted environmental concentrations to the applicable standard or guideline value for the affected medium (such as UK Air Quality Standards and Objectives and Environmental Assessment Levels)
 - If no standard or guideline value exists, the predicted exposure to humans should be estimated and compared to an appropriate health-based value (a Tolerable Daily Intake or equivalent). Further guidance is provided in Annex 1
 - This should consider all applicable routes of exposure, eg, include consideration of aspects such as the deposition of chemicals emitted to air and their uptake via ingestion
- should identify and consider impacts on residential areas and sensitive receptors (such as schools, nursing homes and healthcare facilities) in the area(s) which may be affected by emissions, this should include consideration of any new receptors arising from future development

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

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

Additional points specific to emissions to air

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

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

Additional points specific to emissions to water

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

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

Land quality

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

Emissions to and from the ground should be considered in terms of the previous history of the site and the potential of the site, once operational, to give rise to issues. Public health impacts associated with ground contamination and/or the migration of material off-site should be assessed⁵ and the potential impact on nearby receptors and control and mitigation measures should be outlined.

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

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

Waste

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

⁵ Following the approach outlined in the section above dealing with emissions to air and water, ie, comparing predicted environmental concentrations to the applicable standard or guideline value for the affected medium (such as Soil Guideline Values)

For wastes arising from the installation the EIA should consider:

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

Other aspects

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

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

There is evidence that, in some cases, perception of risk may have a greater impact on health than the hazard itself. A 2009 report⁶, jointly published by Liverpool John Moores University and the HPA, examined health risk perception and environmental problems using a number of case studies. As a point to consider, the report suggested: "Estimation of community anxiety and stress should be included as part of every risk or impact assessment of proposed plans that involve a potential environmental hazard. This is true even when the physical health risks may be negligible." The HPA supports the inclusion of this information within EIAs as good practice.

Liaison with other stakeholders, comments should be sought from:

- the local authority for matters relating to noise, odour, vermin and dust nuisance
- the local authority regarding any site investigation and subsequent construction (and remediation) proposals to ensure that the site could not be determined as 'contaminated land' under Part 2A of the Environmental Protection Act
- the local authority regarding any impacts on existing or proposed Air Quality Management Areas
- the Food Standards Agency for matters relating to the impact on human health of pollutants deposited on land used for growing food/ crops
- the Environment Agency for matters relating to flood risk and releases with the potential to impact on surface and groundwaters
- the Environment Agency for matters relating to waste characterisation and acceptance
- the Primary Care Trust(s)/Strategic Health Authority for matters relating to wider public health

⁶ Available from: <http://www.cph.org.uk/showPublication.aspx?pubid=538>

Annex 1

Human health risk assessment (chemical pollutants)

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

- The promoter should consider including Chemical Abstract Service (CAS) numbers alongside chemical names, where referenced in the ES
- Where available, the most recent United Kingdom standards for the appropriate media (eg, air, water, and/or soil) and health-based guideline values should be used when quantifying the risk to human health from chemical pollutants. Where UK standards or guideline values are not available, those recommended by the European Union or World Health Organisation can be used
- When assessing the human health risk of a chemical emitted from a facility or operation, the background exposure to the chemical from other sources should be taken into account
- When quantitatively assessing the health risk of genotoxic and carcinogenic chemical pollutants the HPA does not favour the use of mathematical models to extrapolate from high dose levels used in animal carcinogenicity studies to well below the observed region of a dose-response relationship. When only animal data are available, we recommend that the 'Margin of Exposure' (MOE) approach⁷ is used

⁷ Benford D et al. 2010. Application of the margin of exposure approach to substances in food that are genotoxic and carcinogenic. Food Chem Toxicol 48 Suppl 1: S2-24

HID Policy - Land Use Planning
NSIP Consultations
Building 5.S.2
Redgrave Court
Merton Road
Bootle
Merseyside
L20 7HS

Your ref: 120928_TR010011_1435608
Our ref: 4.2.1.

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

FAO Alan Ridley
The Planning Inspectorate
3/18 Eagle Wing
Temple Quay House
2 The Square
Bristol
BS1 6PN

Dear Mr Ridley,

22nd October 2012

**PROPOSED WOODSIDE CONNECTION, HOUGHTON REGIS (the project)
PROPOSAL BY CENTRAL BEDFORDSHIRE COUNCIL (the developer)
INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2009 SI
2263 (as amended) (the EIA Regulations)**

Thank you for your letter of 28th September 2012 regarding the information to be provided in an environmental statement relating to the above project. The HSE does not have any comments on the EIA however there are some observations which it would seem sensible to pass on to Central Bedfordshire Council.

Major Hazard installations and explosives sites within the vicinity of the proposed development

Major Hazard Installations

The following figures from the "*Environmental Statement Scoping Report – Woodside Connection, Houghton Regis*" dated 20th September 2012 have been used to determine the application site boundary:

- Figure 2.1 Proposed Route (Sheet 1 of 2) Rev 00.
- Figure 2.2 Proposed Route (Sheet 2 of 2) Rev 00.

The Woodside Connection Proposal does not fall within any of HSE's Consultation Distances of major hazard sites or major accident hazard pipelines.

As there are no references to storage in the Scoping Report, the pre-planning assessment makes no allowance for storage of substances.

Assuming that an application is submitted for the Woodside Connection with the route layout as per the above figures, on the basis of a preliminary assessment it is unlikely that HSE would advise against the proposal. We might need to review our position on the basis of a fresh assessment of the data available when a formal application is referred to us.

Please note that the above advice is based on HSE's existing policy for providing land-use planning advice and the information which has been provided. HSE's advice in response to a subsequent planning application may differ should HSE's policy or the developments have changed by the time the formal application is submitted.

Explosives sites

The proposed Woodside Connection Link Road does not impinge on the separation distances of any explosive site licensed by the HSE.

Please send any further electronic communication on this project directly to the HSE's designated e-mail account for NSIP applications. Alternatively any hard copy correspondence should be sent to:

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

Yours sincerely,


Laura Evans
HID Policy - Land Use Planning

From: [Volp, Jenny](#)
To: [Environmental Services;](#)
cc: [O'Driscoll, Sardia;](#)
Subject: FAO - Alan Ridley: Proposed Woodside Connection, Houghton Regis
Date: 23 October 2012 08:57:04

Dear Alan

Thank you for sending the Highways Agency a copy of the Scoping Opinion for the above application.

You may already be aware that the Secretaries of State for Transport and Communities and Local Government published their decision on the A5-M1 link road on 18 Oct 2012. The ES for the Woodside Connection should now refer to this, in particular para 4.11.5 where it discusses Public Footpaths as well as para 4.12.5 where it discusses potential interactions with other projects.

Also at para 4.12.5, the M1, Junction 11-12. The scoping opinion mentions that further improvements are proposed. These are already under construction.

I hope these comments are helpful.

Yours sincerely

Jenny Volp, Asset Manager - Area 8
Highways Agency | Woodlands | Manton Lane | Bedford | MK41 7LW
Tel: +44 (0) 1234 796590
Web: <http://www.highways.gov.uk>
GTN: 3013 6590

Safe roads, reliable journeys, informed travellers
Highways Agency, an executive agency of the Department for Transport.

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

Alan Ridley
The Planning Inspectorate
3/18 Eagle Wing
Temple Quay House
2 The Square
Bristol
BS1 6PN

11th October 2012

Dear Mr Ridley

**Reference: Proposed Woodside Connection, Houghton Regis (the project)
Proposal by Central Bedfordshire Council (the developer) Infrastructure
Planning (Environmental Impact Assessment) Regulations 2009 SI 2263 (as
amended) (the EIA Regulations)**

Thank you for your letter to Pat Richie, dated 28th September 2012 in reference to the above project. I can confirm that the Homes and Communities Agency have no comment to be made on the scoping opinion for the Environmental Statement.

Yours faithfully

A black rectangular box redacting the signature of Mrs Charlotte Hill.

Mrs Charlotte Hill
Head of Strategy, Programme and Performance
HCA Midlands

From: [Clare Evans](#)
To: [Environmental Services;](#)
Subject: FAO Alan Ridley
Date: 25 October 2012 12:57:25

Further to your letter dated 28th September I can confirm that Houghton Regis Town Council have considered the Environmental Statement Scoping Report relating to the proposed Woodside Connection at its meeting on 22nd October 2012. At the meeting it was resolved to:

To note the report in its draft format and welcome continued consultation as the scheme progresses.

Regards

Clare

Clare Evans
Town Clerk
Houghton Regis Town Council
Tel: 01582 708540
Fax: 01582 861102
e-mail: clare.evans@houghtonregis.org.uk
web: www.houghtonregis-tc.org.uk

SUBMITTED VIA EMAIL TO:

environmentalservices@infrastructure.gsi.gov.uk

Land and Development

Vicky Stirling

Town Planner

Land & Development

vicky.stirling@uk.ngrid.com

Direct tel: +44 (0)1926 653746

www.nationalgrid.com

24 October 2012

Our Ref: EA_TE_Z6_2F_03170

Your Ref:

Dear Sir/Madam,

**PROPOSED WOODSIDE CONNECTION, HOUGHTON REGIS (the project)
PROPOSAL BY CENTRAL BEDFORDSHIRE COUNCIL (the developer)
INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT)
REGULATIONS 2009 SI 2263 (as amended) (the EIA Regulations)**

I refer to your letter dated 28th September 2012 in connection with the above proposed DCO application. Having reviewed the Scoping Report I would like to make the following comments:

National Grid electricity infrastructure within the proposed area of works

A National Grid high voltage electricity overhead transmission line lies within and in close proximity to the scheme location development boundary as shown in Figure 1 of the Scoping Report. Details of the overhead transmission lines are as follows:

- ZA 400kV Elstree to Sundon Overhead Line Route

Please find enclosed a plan showing the location of these assets.

The following advice should be taken into account:

- The overhead electricity lines form essential parts of the electricity transmission network in England and Wales. National Grid's approach is always to seek to retain our existing transmission assets in situ.
- Our overhead lines are protected by permanent or renewable agreements with landowners which provide National Grid full right of access to retain, maintain, repair and inspect our asset. Access should be maintained at all times and National Grid will seek to protect its existing rights.
- Statutory electrical safety clearances must be maintained at all times. This includes safety clearances for buildings and other structures such as lighting columns, trees and landscaping, ground levels alterations and uses underneath or adjacent to overhead lines such as storage and parking. National Grid recommends that no permanent structures are built directly beneath our overhead lines. Safety distances are set out in EN 43 – 8 Technical Specification for "overhead line clearances Issue 3 (2004) outlined at the following webpage:

http://www.nationalgrid.com/uk/LandandDevelopment/DDC/devnearohl_final/appendixIII/applII-part2

- Relevant guidance on working safely near to existing overhead lines contained in the Health and Safety Executive's Guidance Note GS 6 "Avoidance of Danger from Overhead Electric Lines" (www.hse.gov.uk) should be followed.
- Plant, machinery, equipment, buildings or scaffolding should not encroach within 5.3 metres of any of our high voltage conductors at the point where the conductors are under their maximum 'sag' or 'swing' conditions. Overhead Line profile drawings can be obtained from the contact details below.
- If landscaping is proposed as part of the proposal, we request that only slow and low growing species of trees and shrubs are planted beneath and adjacent to the existing overhead line to reduce the risk of growth to a height which compromises statutory safety clearances.
- Drilling or excavation works should not be undertaken if they have the potential to disturb or adversely affect the foundations or "pillars of support" of our towers. These foundations extend beyond the base of the tower. Pillar of Support drawings should be obtained using the contact details above.
- Further guidance on development near electricity transmission overhead lines is available here: <http://www.nationalgrid.com/NR/rdonlyres/1E990EE5-D068-4DD6-8C9A-4D0B06A1BA79/31436/Developmentnearoverheadlines1.pdf>

National Grid gas infrastructure within the proposed area of works

National Grid has no gas transmission apparatus within the development area but there are gas distribution pipelines located within the development boundary and within close proximity, including the following:

- Intermediate Pressure (above 2 bar) pipelines
- Low Pressure mains

The following points should also be taken into consideration:

- Our underground pipelines are protected by permanent agreements with landowners or have been laid in the public highway under our licence. These grant us legal rights that enable us to achieve efficient and reliable operation, maintenance, repair and refurbishment of our gas transmission network. Hence we require that no permanent structures are built over or under pipelines or within the zone specified in the agreement, materials or soil are not stacked or stored on top of the pipeline route and that access to our pipelines is maintained at all times during and after construction.
- Please be aware that written permission is required before any works commence within the National Grid easement strip.
- The placing of heavy construction plant, equipment, materials or the passage of heavy vehicles over National Grid apparatus should be prevented unless specifically agreed with National Grid in advance.

- Where existing roads cannot be used, construction traffic should ONLY cross the pipeline at agreed locations.
- No protective measures including the installation of concrete slab protection shall be installed over or near to the National Grid pipeline without the prior permission of National Grid. National Grid will need to agree the material, the dimensions and method of installation of the proposed protective measure.
- The information supplied is given in good faith and only as a guide to the location of our underground pipelines. The accuracy of this information cannot be guaranteed. The person(s) responsible for planning, supervising and carrying out work in proximity to our pipeline(s) shall be liable to us, as pipeline(s) owner, as well as to any third party who may be affected in any way by any loss or damage resulting from their failure to locate and avoid any damage to such a pipeline(s).
- The relevant guidance in relation to working safely near to existing underground pipelines is contained within the Health and Safety Executive's (www.hse.gov.uk) Guidance HS(G)47 "Avoiding Danger From Underground Services" and all relevant site staff should make sure that they are both aware of and understand this guidance.
- A National Grid Gas representative shall monitor any works within close proximity to the pipeline to comply with National Grid specification T/SP/SSW22.

To view the SSW22 Document, please use the link below:

<http://www.nationalgrid.com/uk/LandandDevelopment/DDC/GasElectricNW/safeworking.htm>

National Grid requests to be consulted at the earliest stages to ensure that the most appropriate protective provisions are included within the DCO application to safeguard the integrity of our apparatus.

Further Advice

If we can be of any assistance to you in providing further information please do not hesitate to contact us at the address below.

National Grid
Town Planner - Asset Protection Team
Land & Development
National Grid House
Warwick Technology Park
Gallows Hill
Warwick
CV34 6DA

In addition, the following publications which are relevant to the issues outlined above are available from our web site:

- National Grid Electricity Transmission plc, Electricity Act 1989 – Schedule 9 Statement, preservation of amenity
- A sense of place – Design guidelines for development near high voltage overhead lines
- Development near overhead lines

www.nationalgrid.com/uk/landanddevelopment

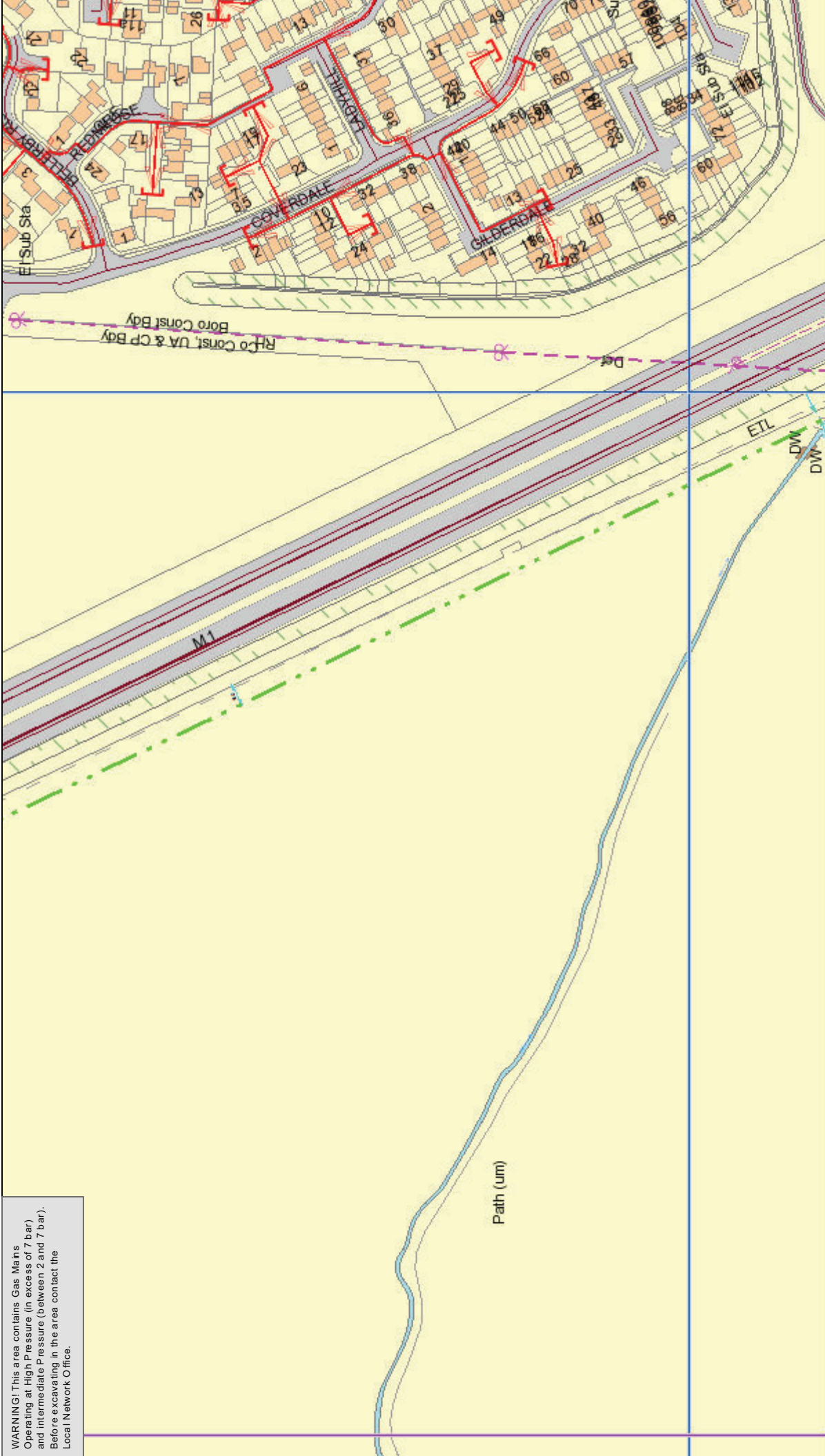
I hope the above information is useful. If you require any further information please do not hesitate to contact me.

Yours sincerely,

A black rectangular box redacting the signature of Vicky Stirling.

Vicky Stirling
Land and Development
(Submitted Electronically)

WARNING! This area contains Gas Mains
Operating at High Pressure (in excess of 7 bar)
and Intermediate Pressure (between 2 and 7 bar).
Before excavating in the area contact the
Local Network Office.



This plan shows those pipes owned by National Grid Gas plc in their role as a Licensed Gas Transporter (GT). Gas pipes owned by other GTs, or otherwise privately owned, may be present in this area. Information with regard to such pipes should be obtained from the relevant owners. The information shown on this plan is given without warranty, the accuracy thereof cannot be guaranteed. Service pipes, valves, syphons, stub connections, etc. are not shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by National Grid Gas plc or their agents, servants or contractors for any error or omission. Safe digging practices, in accordance with HSG47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near gas apparatus. The information included on this plan should not be referred to beyond a period of 28 days from the date of issue.

SCALE: 1:2500

USER ID: Vicky.Stirling

DATE: 10/24/2012

EXTRACT DATE: 10/24/2012

MAP REF: TL0424

CENTRE: 504341,224632

LP MAINS

MP MAINS

IP MAINS

LHP MAINS

NHP MAINS

HISTORY MAINS

GTs

SSSIs

Valve

Depth of Cover

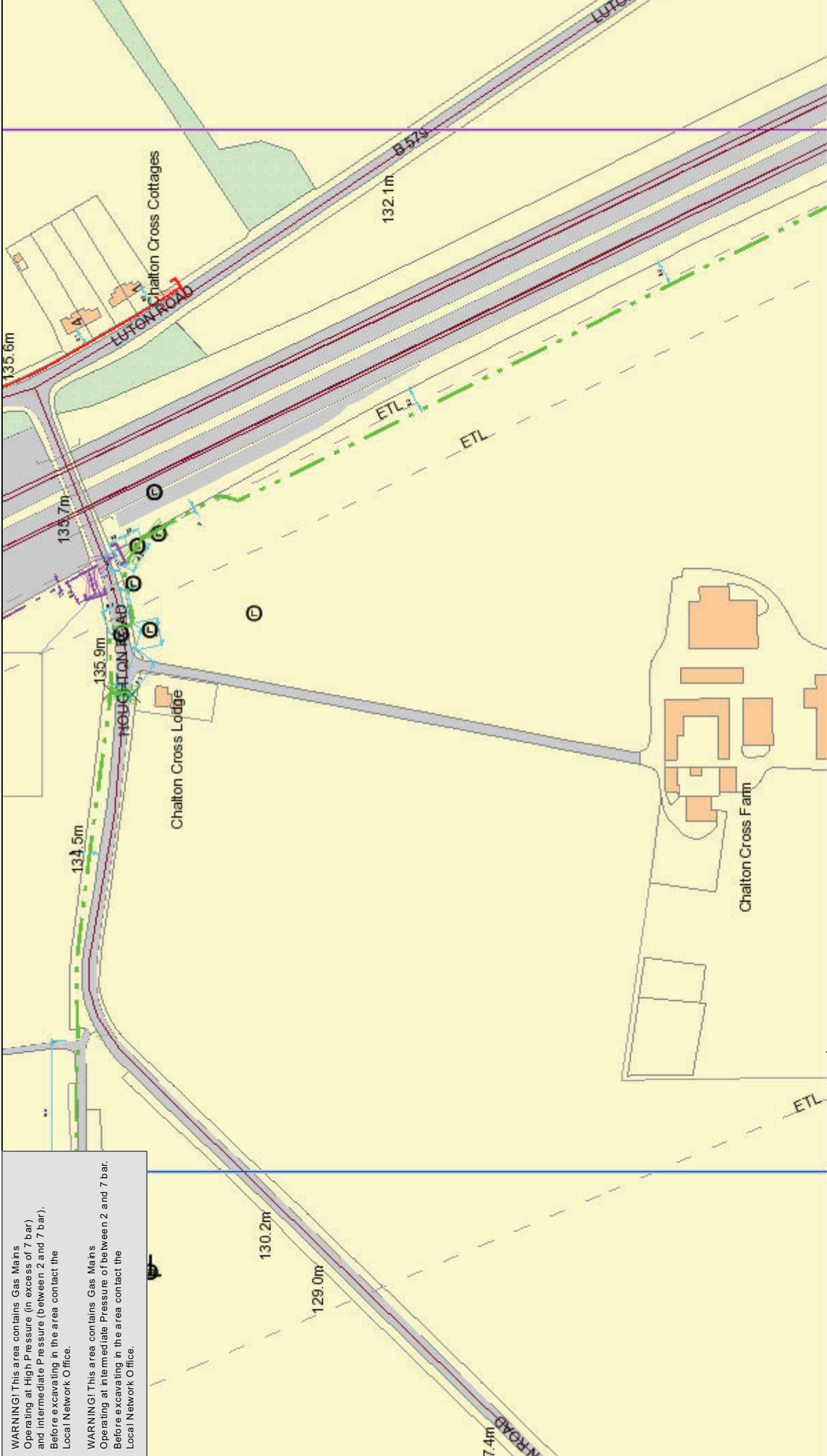
Syphon

Diameter Change

Material Change

WARNING! This area contains Gas Mains
Operating at High Pressure (in excess of 7 bar)
and Intermediate Pressure (between 2 and 7 bar).
Before excavating in the area contact the
Local Network Office.

WARNING! This area contains Gas Mains
Operating at Intermediate Pressure of between 2 and 7 bar.
Before excavating in the area contact the
Local Network Office.



SCALE: 1:2500

USER ID: Vicky.Stirling

DATE: 10/24/2012

EXTRACT DATE: 10/24/2012

MAP REF: TL0325

CENTRE: 503714.225723

LP MAINS

MP MAINS

IP MAINS

LHP MAINS

NHP MAINS

HISTORY MAINS

GTS

SSSS

Valve

Depth of Cover

Syphon

Diameter Change

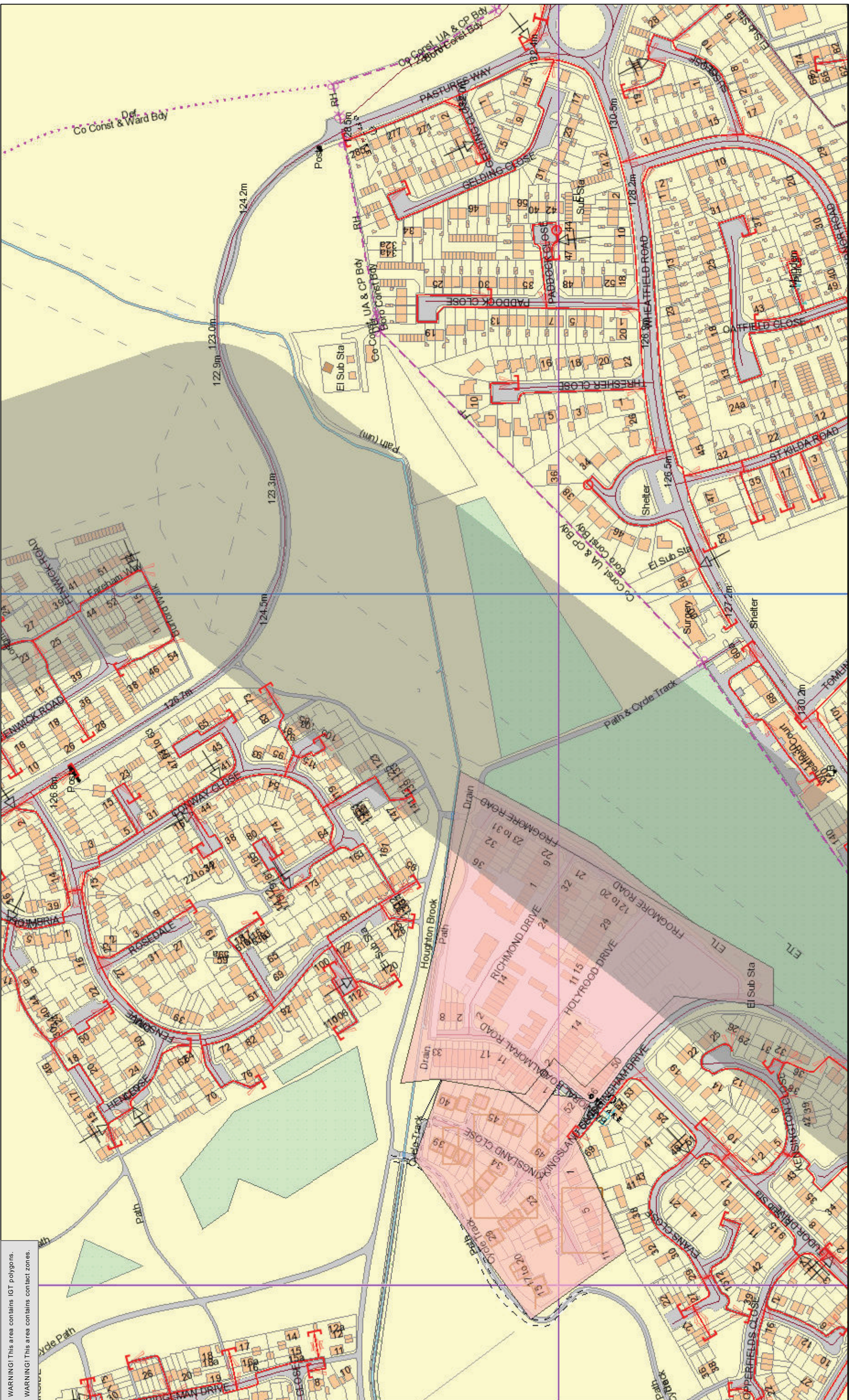
Material Change

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nationalgrid

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WARNING! This area contains IGT polygons.
WARNING! This area contains contact zones.



SCALE: 1:2500

USER ID: Veky Stirling

DATE: 10/24/2012

EXTRACT DATE: 10/24/2012

MAP REF: TL0324

CENTRE: 503421224097

LP MAINS

MP MAINS

IP MAINS

LHP MAINS

NHP MAINS

HISTORY MAINS

GTs

SSSIs

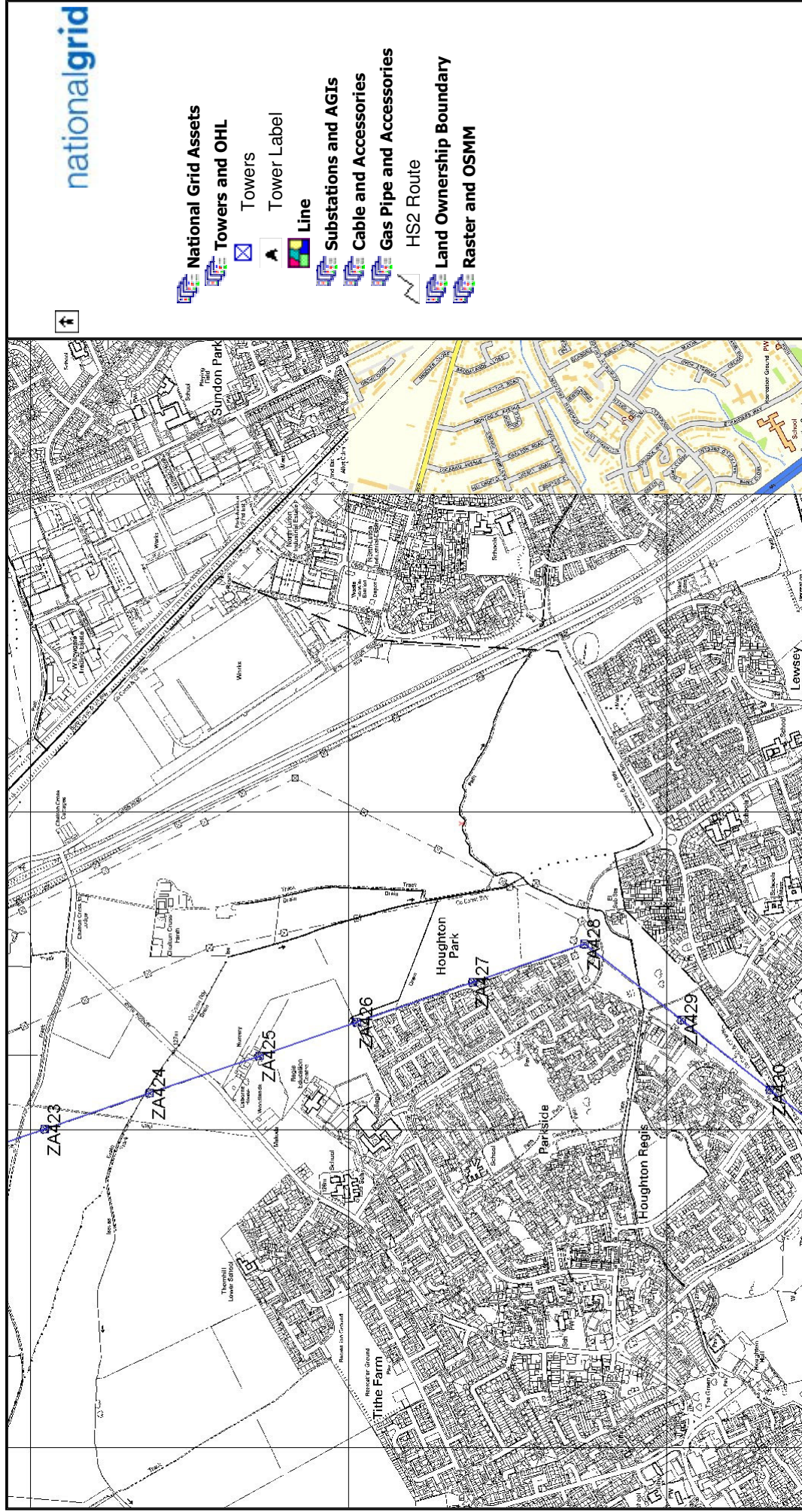
Value

Depth of Cover

Diameter Change

Material Change

This plan shows those pipes owned by National Grid Gas plc in their role as a Licensed Gas Transporter (GT). Gas pipes owned by other GTs, or otherwise privately owned, may be present in this area. Information with regard to such pipes should be obtained from the relevant owners. The information shown on this plan is given without warranty, the accuracy thereof cannot be guaranteed. Service pipes, valves, syphons, sub connections, etc. are not shown and should be obtained from the relevant owners. No liability of any kind whatsoever is accepted by National Grid Gas plc in connection with the use of this plan for any purpose or omission. Safe digging practices, in accordance with HSG47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near gas apparatus. The information included on this plan should not be referred to beyond a period of 28 days from the date of issue.



1 km

1 : 17717

Background Mapping information has been reproduced from the Ordnance Survey map by permission of Ordnance Survey on behalf of The controller of Her Majesty's Stationery Office. ©Crown Copyright Ordnance Survey, National Grid Electricity - 100024241. National Grid Gas - 100024886

Produced by UKVicky.Stirling 15:43 23/10/2012

National Grid UK Transmission. The asset position information represented on this map is the intellectual property of National Grid PLC, Warwick Technology Park, Warwick, CV346DA

Date: 24 October 2012
Our ref: 65894
Your ref: TR10011_1435608



Mr Alan Ridley
EIA and Land Rights Adviser
The Planning Inspectorate
3/18 Eagle Wing
Temple Quay House
2 The Square
Bristol, BS1 6PN

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

T 0300 060 3900

BY EMAIL ONLY

Dear Mr Ridley

Proposed Woodside Connection, Houghton Regis (the project) Proposal by Central Bedfordshire Council (the developer) Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 SI 2263 (as amended) (the EIA Regulations)

Thank you for your consultation dated 28 September 2012, which we received on the same date.

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

Natural England is broadly satisfied with the approach to ecology detailed in the scoping report in respect of identification of potential effects and proposed assessment methodology, as pertaining to our remit; the approach is appropriate and compliant with current best practice (ie in line with the Institute of Ecology and Environmental Management's (IEEEM) Guidelines for Ecological Impact Assessment in the UK). Our further recommendations are set out below.

Planning Context

We understand that whilst a number of consultation exercises have taken place with regard to this project, this further consultation relates to Stage 3 of the proposal, a detailed assessment of the preferred route. Natural England was previously consulted at Stage 2, the route options assessment, and we are pleased that our comments at that stage were taken account when selecting the route. We accept that any issues covered previously do not need to be included at Stage 3, unless a greater level of detail was required on a particular issue.

Sites of Special Scientific Interest (SSSI)

This application site is in close proximity to Sundon Chalk Quarry SSSI. However, given the fact that the quarry is separated from the proposed site by the M1, railway line and Luton Road, we do not consider adverse effects to the quarry are likely. Therefore this SSSI does not need to be given further consideration in the forthcoming Environmental Statement except within the air quality assessment.

During the Stage 2 consultation, Natural England raised concerns about hydrological issues relating to Houghton Regis Marl Lakes SSSI. Groundwater connectivity issues were largely addressed in the Stage 2 Environmental Assessment but we agree that, as this is a sensitive water area, a detailed hydrological assessment and contamination assessment should be included at Stage 3 as proposed.

As discussed, there are seven other SSSIs within 5km. The air quality assessment should consider any potential adverse effects to all designated sites in the vicinity.

County Wildlife Sites/Local Wildlife Sites

It is not currently within Natural England's remit to comment specifically on county or locally designated sites, but we recommend that an analysis of potential adverse effect to these sites is included in the Stage 3 Environmental Statement. This is particularly important given the potential for indirect hydrological impacts to the River Lea CWS. Effects to these sites should also be evaluated in the air quality assessment. We also recommend that the Bedfordshire Wildlife Trust be consulted on all the County Wildlife Sites (CWS) within 2km of the proposed development.

Please note that when Natural England chooses not to comment on any particular component of an application (e.g. Local Wildlife Sites, protected or UK / local Biodiversity Action Plan (BAP) Species), this in no way undermines (nor should be construed as undermining) the position which may be adopted by other parties such as the Bedfordshire Wildlife Trust.

Air Quality

A clear breakdown of the air quality pollutants to be emitted by the proposals, including secondary pollutants, and those generated by any traffic to and from the works, should be provided. In addition, a full assessment should be made of the impacts of the aforementioned pollutants on the Sites of Special scientific interest (SSSI) and County Wildlife Sites (CWS) above, including relevant water bodies linked to those sites. Information on the effects of nutrient nitrogen and acid deposition on standing waterbodies can be found at <http://www.apis.ac.uk/>.

Protected species

We are satisfied that all necessary protected species surveys (bat, reptile, water vole and badger) have been listed in the scoping report. The ecological section should include mitigation and enhancement measures (such as improving roadside verges and hedgerows for biodiversity purposes and/or including hibernacula) for these species where appropriate, and also consider mitigation and enhancement opportunities for breeding birds.

The Stage 3 ecological assessment should also consider effects to Biodiversity Action Plan species and provide mitigation and enhancements for these species where appropriate.

We note that the current cycle path 6 will have to be diverted. Areas affected by this diversion should be included in any surveys if not considered previously.

Green Infrastructure and UK BAP

The scoping report does not contain details on green infrastructure and we strongly recommend that this matter is covered within the Environmental Statement. Green infrastructure should be multifunctional, providing areas of native planting and habitat enhancements together within public open space, and including links to the wider countryside and routes for walking and cycling. The local authority may find it useful to consult our Green Infrastructure guidance¹ when putting together a relevant GI plan.

The creation or enhancement of any UK or local Biodiversity Action Plan (BAP) habitats should also be clearly set out within the ES, to ensure that the biodiversity and nature conservation merits of the proposal are suitably reported in the submission. These enhancements should be distinguished from mitigation and compensation measures, to demonstrate what has been provided over and above minimum requirements.

Since this area has several designated sites in the vicinity, we recommend that measures to increase ecological connectivity between sites should be given consideration in the ES.

It is clear that the developer will have to compensate for the loss of public land where it has been designated public land by the Local Authority (Exchange Land) and also provide a plan for moving cycle route 6; further details on these issues should be included in the ES.

1 : <http://publications.naturalengland.org.uk/publication/35033?category=49002>

Landscape

We agree that the baseline should be assessed against the existing landscape, unless a clear timetable of implementation is available for the various transport and residential developments planned for the open countryside to the north is available prior to the submission of the Woodside Connection application.

The Environmental Statement should be informed by local character assessments such as the South Bedfordshire District Landscape Character Assessment (2009) and Chalk Arc Landscape Character Assessment (2007). The assessment should be carried out in accordance with the Guidelines for Landscape and Visual Impact Assessment produced by the Landscape Institute and the Institute of Environmental Assessment and Management in 2002 (2nd edition).

Natural England would wish to see details of local landscape character areas mapped at a scale appropriate to the development site as well as any relevant management plans or strategies pertaining to the area. The EIA should include assessments of visual effects on the surrounding area and landscape together with any physical effects of the development, such as changes in topography.

The proposed development is within 2km of the Chiltern's Area of Outstanding Natural Beauty. However, given the AONB is separated from the proposed road by Dunstable and Houghton Regis, in our view this development is unlikely to cause an adverse effect to the AONB.

Cumulative Impacts

The Environmental Statement should also consider the cumulative effects of the proposed Woodside Connection in conjunction with the A5-M1 link, M1 Junction 11A and forthcoming Houghton Regis expansion, particularly in relation to air quality and hydrological matters.

We hope the above is helpful and we will be pleased to answer any queries you may have regarding this letter. We look forward to receiving the Environmental Statement (ES).

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours sincerely



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Mr A Riley
EIA and Land Rights Advisor
Planning Inspectorate
3/18 Eagle Wing
Temple Quay House
2 The Square
Bristol BS1 6PN



15 October 2012

Dear Mr Riley

Proposed Woodside Connection, Houghton Regis

I refer to your letter dated 28 September 2012 which has been passed to me for response.

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

I confirm that we therefore do not have any comments.

Yours faithfully

A solid black rectangular box used to redact the signature of the official representing Ofwat.

On behalf of Water Services Regulation Authority (OFWAT)

From: [Segal Peter](#)
To: [Environmental Services;](#)
Subject: Proposed Woodside Connection
Date: 02 October 2012 16:10:59

FAO Alan Ridley

The proposed development was discussed in detail at last nights Parish Council meeting and the Council asked me to inform you that they unanimously support the project as outlined.

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Many thanks

Peter Segal
Parish Clerk
clerk@slipend.co.uk

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APPENDIX 3

Presentation of the Environmental Statement

APPENDIX 3

PRESENTATION OF THE ENVIRONMENTAL STATEMENT

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

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

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

(EIA Regulations Regulation 2)

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

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

ES Indicative Contents

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

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

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

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

EIA Regulations Schedule 4 Part 1

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

4.17 Schedule 4 Part 2

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

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

Balance

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

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

Scheme Proposals

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

Flexibility

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

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

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

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

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

Scope

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

Physical Scope

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

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

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

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

Breadth of the Topic Area

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

Temporal Scope

The assessment should consider:

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

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

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

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

Baseline

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

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

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

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

Identification of Impacts and Method Statement

Legislation and Guidelines

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

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

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

Assessment of Effects and Impact Significance

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

As a matter of principle, the SoS applies the precautionary approach to follow the Court's¹ reasoning in judging 'significant effects'. In other words

¹ See Landelijke Vereniging tot Behoud van de Waddenzee and Nederlandse Vereniging tot Bescherming van Vogels v Staatssecretaris van Landbouw (Waddenzee Case No C 127/02/2004)

'likely to affect' will be taken as meaning that there is a probability or risk that the development will have an effect, and not that a development will definitely have an effect.

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

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

Inter-relationships between environmental factors

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

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

Cumulative Impacts

The potential cumulative impacts with other major developments will need to be identified, as required by the Directive. The significance of such impacts should be shown to have been assessed against the baseline position (which would include built and operational development). In assessing cumulative impacts, other major development should be identified through consultation with the local planning authorities and other relevant authorities on the basis of those that are:

- under construction
- permitted application(s), but not yet implemented
- submitted application(s) not yet determined
- projects on the National Infrastructure's programme of projects
- identified in the relevant development plan (and emerging development plans - with appropriate weight being given as they move closer to adoption) recognising that much information on any relevant proposals will be limited, and
- identified in other plans and programmes (as appropriate) which set the framework for future development consents/approvals, where such development is reasonably likely to come forward.

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

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

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

Related Development

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

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

Alternatives

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

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

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

Mitigation Measures

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

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

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

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

Cross References and Interactions

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

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

Consultation

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

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

Consultation with the local community should be carried out in accordance with the SoCC which will state how the applicant intends to consult on the

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

Transboundary Effects

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

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

Summary Tables

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

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

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

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

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

Terminology and Glossary of Technical Terms

The SoS recommends that a common terminology should be adopted. This will help to ensure consistency and ease of understanding for the decision making process. For example, 'the site' should be defined and used only in

terms of this definition so as to avoid confusion with, for example, the wider site area or the surrounding site.

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

Presentation

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

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

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

Bibliography

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

Non Technical Summary

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