SCOPING OPINION
Proposed Morpeth Northern Bypass

September 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 a bypass running from the A197 at the Whorral Bank roundabout to the A1, north of Morpeth, Northumberland.

This report sets out the Secretary of State’s Opinion on the basis of the information provided in Northumberland County Council’s report entitled ‘Environmental Impact Assessment Scoping Report’ (July 2012) (the Scoping Report). This Opinion can only reflect the proposals as currently described by Northumberland County Council.

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 not 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 (SI 2263) (as amended) (the EIA Regulations). The Regulations require the effects upon population to be considered within an EIA and within this context the EIA should consider the potential impacts of the development on the viability of Morpeth town centre.

Traffic and transport is not specified as a topic for assessment under Schedule 4 of the EIA Regulations; although in line with good practice the Secretary of State considers it is an important consideration per se, as well as being the source of potential impacts in terms of both air quality and noise and vibration and therefore should be assessed in the EIA.

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:

- Landscape and visual impacts;
- Impact upon the water environment; and
- Severance, in terms of public rights of way, agricultural land and nature conservation, in particular the Cotting Burn Wildlife Corridor.

Matters are not scoped out unless specifically addressed and justified by Northumberland County Council, and confirmed as being scoped out by the Secretary of State.
1.0 INTRODUCTION

Background

1.1 On 16 July 2012, the Secretary of State (SoS) received the Scoping Report submitted by Northumberland County Council (the Applicant) under Regulation 8 of the EIA Regulations in order to request a scoping opinion for the proposed Morpeth Northern Bypass (the proposed Development). The SoS submitted a request for additional information to the Applicant under Regulation 8(5) of the EIA Regulations requesting a plan sufficient to identify the land. The Applicant provided a revised plan identifying the amended scheme layout plan (Figure 3 in the Scoping Report) to the SoS on 3 August 2012. This Opinion is made in response to the Scoping Report which has been amended to include the revised plan provided on 3 August 2012.

1.2 In a letter dated 13 July 2012, the Applicant formally notified the SoS, under Regulation 6(1)(b) of the EIA Regulations, that it proposed to provide an Environmental Statement (ES) in respect of the proposed Development. Therefore, in accordance with Regulation 4(2)(a) of the EIA Regulations, the proposed Development is determined to be EIA development. The EIA Regulations enable an applicant, before making an application for an order granting development consent, to ask the SoS to state in writing their formal opinion (a ‘scoping opinion’) on the information to be provided in the ES.

1.3 The proposed Development concerns a highways development. It falls within the description of a Schedule 2(10(f)) 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 ES.

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 a scoping 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 information 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 Opinion is structured as follows:

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

This 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 ES
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 Development is for a link road connecting the A1 trunk road to the A197 which will form a northern by-pass to Morpeth. The proposed bypass would comprise of a 3.8km single carriageway 7.3m wide, with a separate 2.5m wide combined cycleway/footpath.

2.3 Section 1.6 of the Scoping Report has identified the following components of the proposed Development:

- completion of the fifth leg to the existing Whorral Bank Roundabout where the A197 meets the B1337;
- roundabout at the proposed St George's development;
- roundabout at the A192 Northgate;
- a grade separated junction at St Leonards with underpass and dumbbell roundabouts onto the A1;
- West Lane End Farm Stock underpass, a 4.5m span corrugated steel structure;
- three bridges; Cotting Burn Bridge, Fulbeck Lane Bridge and How Burn Bridge;
- drainage system; and
- landscaping works.

Description of the site and surroundings

The Application Site

2.4 The proposed Development would be located approximately 1.5km to the north of Morpeth, a market town situated on the River Wansbeck. The A1 trunk road bypasses Morpeth to the west. The proposed Development would primarily be constructed on grade 4 and 3b agricultural land grazed by mixed livestock, with cereals as the dominant arable crop and a former mineral extraction site.
Hedgerows within the proposed Development site are mostly located along field boundaries.

2.5 A section of the bypass would pass through the Castle Morpeth Area of High Landscape Value which is predominantly located to the south of the proposed Development site. A further area of land take is from the proposed Pegswood Community Park, which would be located on the site of the former Banks Quarry. This site would be located to the north of the Whorral Bank roundabout at the western end of the proposed bypass. However, the area of potential land take from the Pegswood Community Park is unclear in the Scoping Report.

2.6 The bypass would cross through How Burn Wood local Site of Nature Conservation Importance (SNCI) and an Ancient Woodland site, as well as Cotting Burn Wildlife Corridor.

2.7 The River Wansbeck is designated as a Main River and as a local SNCI, including its tributaries. The proposed bypass would cross four tributaries of the River Wansbeck; Cotting Burn, Fulbeck tributary of Cotting Burn, How Burn and How Burn tributary.

2.8 The proposed Development site is underlain by the Northumberland Carboniferous Secondary Aquifer, which is a Drinking Water Protected Area under the Water Framework Directive and designated as Nitrate sensitive. The proposed bypass route is located within Flood Zone 1.

2.9 Five public rights of way cross the proposed bypass route.

The Surrounding Area

2.10 There are a number of settlements within the vicinity of the site, including Morpeth, (1.5km to the south) Fulbeck (200m to the south), Hebron (1.5km to the north), Pegswood (1km to the east), Mitford (1km to the southwest) and Northgate (0.5km to the northwest). A total of 9 residential properties, as well as farms and farmland, are located within 200m of the proposed bypass.

2.11 Northgate Hospital is located 0.5km to the north of the proposed bypass, King Edward VI School is located 0.5km to the south and the Lancaster Park housing development is located 0.2km to the south.

2.12 The Northumberland Coast Area of Outstanding Natural Beauty (AONB) is located 18km to the north east of the proposed Development site and Northumberland National Park is located 15km to the northwest. The nearest registered park and garden is located at St Mary’s Hospital in Stannington, 5km to the south.

2.13 A Scheduled Ancient Monument comprising of two pill boxes is located 0.2km to the west of the proposed bypass. The nearest
listed structures are located 0.2m to the north of the bypass and comprise a Grade II listed farmhouse and Grade II listed stone bridge. These are identified in Figure 4 but not named. Morpeth Conservation Area is located within Morpeth town centre, 1.5km to the south of the site and includes a number of listed buildings.

2.14 There are no international or nationally designated nature conservation sites within 2km of the proposed Development. In addition to the local SNCIs at How Burn Wood and River Wansbeck, there are a further 11 non-statutory designated sites of consideration interest within a 1.5km radius of the proposed Development site, including SNCI’s, Local Nature Reserves (LNR’s) and ancient/semi-natural woodland.

2.15 There is one water abstraction licence within 1km of the proposed Development. Historical activities within the nearby area include potentially contaminative site uses at Pegswood Opencast site.

Description of the Proposed Development

2.16 The proposed Development would be a bypass road some 3.8km in length. As identified in Figure 3 of the Scoping Report, the route would be from the A1 in the west at St. Leonards Grade Separated Junction, passing to the north of the St. George’s development site to the A197/B1337 in the east at the Whorral Bank roundabout. The bypass is expected to comprise a 7.3m wide single carriageway with a separate 2.5m wide combined cycleway/footpath. The anticipated speed limit on the full length of the bypass would be 60mph, conforming to the national standard for a road of this type.

2.17 A pipe structure would be constructed at How Burn to allow the watercourse to drain under the proposed bypass. The pipe would have an 8m diameter and would measure 51m in length.

2.18 A three leg roundabout would be constructed to the east of Fulbeck Grange to facilitate the proposed residential and employment development at St Georges. At Fulbeck Grange, a bridge measuring 27m in length would be constructed to carry an existing minor road over the bypass.

2.19 Further west, a structure consisting of a steel arch and concrete walls measuring 58.4m in length would be built to allow the Cotting Burn tributary to pass through a 10m high embankment that would support the bypass.

2.20 A roundabout would be built on the A192 between Morpeth to the south and Northgate to the north. The roundabout would have five legs to accommodate east-west bypass traffic, north-south traffic along the A192 and a fifth leg to facilitate a proposed light industrial site to the north of the bypass. Two bus layouts would
be built to the west of this roundabout to service the anticipated light industrial site.

2.21 Further west, an underpass would be constructed near West Lane End Farm to facilitate the movement of agricultural stock. The underpass would be a buried steel structure measuring 4.5m in width.

2.22 At the A1, a grade separated junction with dumbbell roundabouts would be constructed to provide access and egress via slip roads. An underpass would be constructed underneath the A1 to connect the roundabouts at the junction.

2.23 A 2.5m combined cycleway/footway would be provided for the complete length of the bypass, crossing the roundabouts en route via crossing points and islands. The proposed shared cycle/footpath would provide a new connection between the existing advisory cycle routes extending to St. Leonard’s Lane with additional and new on and off road advisory routes provided along the A192.

2.24 The road would be drained using over edge drainage and swales along the road, and kerbs and gullies at the roundabouts. Two drainage ponds would be constructed at Pegswood Moor and St Georges, and an open grassed drainage channel would be built off St Leonards Lane to drain into the Benridge Burn.

2.25 Landscaping measures would be incorporated along the line of the bypass, including woodland, tree, shrub, hedgerow, and species rich grassland planting.

2.26 The proposed Development would result in the closure of a section of the existing Mitford public footpath (PF13), between Lancaster Park and the A1. A new section of public footpath linking the existing path to the proposed cycle path adjacent to St. Leonard’s Underpass, is proposed as part of the scheme. This new public footpath would provide connections to St. Leonard’s Land to the west and to the wider path network in the east.

2.27 Street lighting would only be provided at the junctions and between Northgate and the A1 on the bypass.

2.28 Diversion of public utilities, including a large 900mm diameter potable water main, located in fields east of Cotting Burn on Kater Dene Farm, would also be required by the proposed Development.

2.29 Following completion of the bypass, minor works are proposed on the A1 trunk road in Fairmoor to improve junction arrangements, once the A1 trunk road traffic has been permanently diverted.
**Construction**

2.30 Section 14.2 of the Scoping Report describes some of the key construction activities that would occur as part of the Development which include:

- site clearance and demolition of structures;
- earthworks operations;
- stockpile and site compound creation;
- creation of haul roads; and
- construction of highway structures.

2.31 It is stated within the Scoping Report that a Construction Environmental Management Plan (CEMP) would be provided as part of the DCO and would include information on the methods and controls proposed to safeguard the environment during construction, including project specific method statements to describe how certain construction activities would be carried out.

**Operation and Maintenance**

2.32 No details of maintenance requirements or a schedule for the operation of the Development has been provided within the Scoping Report.

**The Secretary of State’s Comments**

**Description of the Application Site and Surrounding Area**

2.33 In addition to detailed baseline information to be provided within the individual chapters of the ES, a clear description of the site and surroundings should be included. This should identify any relevant designations and sensitive receptors both within the DCO boundary and within the surrounding area. This section should identify the land that could be directly or indirectly affected by the proposed Development and clearly identify any associated auxiliary facilities.

**Description of the Proposed Development**

2.34 It is understood that a planning application and accompanying ES for a similar scheme was previously submitted by the Applicant to Northumberland County Council in August 2011. It is recognised that the description and design of the proposed Development could evolve throughout the DCO pre-application process and it is important that the ES prepared for the DCO application reflects this evolution.
2.35 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;
- Maintenance activities including any potential environmental impacts; and
- Emissions – water and air pollution, noise and vibration.

2.36 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. This information should be used to inform the content of the Waste Management Plan which the Applicant states would be agreed prior to the commencement of the proposed Development.

**Amendments to the Proposed Development**

2.37 It should be noted that if the proposed Development changes substantially during the EIA process, prior to submission of the DCO application, the Applicant may wish to consider the need to request a new scoping opinion from the SoS.

**Construction**

2.38 The SoS welcomes the Applicant’s approach to providing a CEMP as part of the application. The CEMP should provide information on construction including: duration and phasing of programme; working days; construction methods, activities and material requirements and quantities associated with the development; 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.

2.39 It is expected that the CEMP would also include details of the number of workers required during construction, if they are full/part time, and if shift work is required.

2.40 Arrangements for construction access to the site including the location of the temporary site compounds have not been described within the Scoping Report. The ES should include a detailed description of the construction access arrangements with a clear indication of the transport routes and access to construction compounds.
2.41 The SoS is pleased to note that the Applicant is liaising with stakeholders in the production of the CEMP to ensure that the mitigation put forward meets the necessary requirements.

**Operation and Maintenance**

2.42 Information on the operation and maintenance of the proposed Development should be included in the ES. This could include details of routine maintenance work and the proposed approaches to maintenance.
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 Opinion and should be read in conjunction with this Section.

3.2 Applicants are advised that the physical and temporal scope of the DCO application should be clearly addressed and the topic areas assessed consistently within the ES.

ES Approach

3.3 The SoS advises 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 baseline year used within the assessment should be clearly identified, be up to date and, wherever possible, be consistent throughout the ES.

3.4 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

3.5 The Applicant has identified in the relevant sections of the Scoping Report the matters proposed to be ‘scoped out’. These include:

- The assessment of reptiles (Scoping Report Section 6.2.5) is proposed to be scoped out, as the bypass would be located on land that is not an optimal habitat for reptiles;
- The assessment of road traffic ground borne vibration (Scoping Report Section 9.3.3) is proposed to be scoped out, as there are no problems with vibration on the existing road network and vibration is not likely to occur on a new smooth road;
- The assessment of tidal flooding (Scoping Report Section 12.2.4) is proposed to be scoped out because the proposal is not near the coast;
• The assessment of groundwater flooding during operation (Scoping Report Section 12.2.4) is proposed to be scoped out because the groundwater levels on the site are low; and

• The assessment of flooding from artificial sources (Scoping Report Section 12.2.4) would relate to the two small ponds that form an overflow route for the Pegswood Community Park Pond. It is proposed to be scope this element out of the ES because although there would be some changes to the ponds the overflow route into the How Burn would be maintained.

3.6 The SoS has not identified any other matters within the Scoping Report which the Applicant proposes to scope out of the ES. Matters are not scoped out unless specifically addressed and justified by the Applicant, and confirmed as being scoped out by the SoS. The SoS agrees that only the following matter can be scoped out of the ES:

• The assessment of tidal flooding can be scoped out the ES as the site is not located close to the coast.

3.7 For the avoidance of doubt, the following matters are not scoped out:

• The assessment of reptiles: it is noted in the Scoping Report that the bypass is not located on land that is optimal for reptile habitats. However, it is important that appropriate survey work is carried out to confirm that there would be no adverse impact on reptiles that may be present;

• The assessment road traffic ground borne vibration: the proposed Development would introduce a new road into the landscape that is within 200m of a number of residential properties. The ES should assess the potential impact of ground borne vibration in the opening year and future assessment year, taking into account the degradation of the road surface over time and any increases in traffic numbers. Road traffic ground borne vibration cannot be scoped out of the ES;

• The assessment of groundwater flooding during operation: it is recognised within the Scoping Report that groundwater flooding could be affected by the construction works. There may be potential changes caused by the proposals during the operational phase. Therefore groundwater flooding during operation cannot be scoped of the ES; and

• The assessment of flooding from artificial sources: it is noted that the two ponds that form part of an overflow route to How Burn would be affected by the proposed Development, one being removed and the other reduced in size. The ES should assess these impacts upon the water environment and
therefore flooding from artificial sources cannot be scoped out of the ES.

3.8 Where topics are scoped out prior to submission of the DCO application, the ES should still explain the reasoning and justify the approach taken, in order to demonstrate that topics have not simply been overlooked.

ES Structure

3.9 The Scoping Report does not set out a proposed contents list for the ES. The SoS notes from Table 15.1 of the Scoping Report that the ES would cover a number of assessments under the broad headings of:

- Air Quality;
- Heritage;
- Ecology and Nature Conservation;
- Landscape and Visual;
- Land Use;
- Noise and Vibration;
- Non-motorised Users;
- Vehicle Travellers;
- Water Quality and Flood Risk; and
- Geology and Soils.

3.10 Care should be taken as the SoS has noted that the terminology used to identify the broad headings is not consistent with the wording in the headings in the text of the Scoping Report, for example Air Quality as against Air Quality and Dust; and Heritage as against Archaeology and Cultural Heritage.

General Comments

3.11 The ES methodology should describe and explain impact significance. This information could be provided in a separate chapter within the ES, if a consistent approach is to be adopted for every specialist topic, or should be set out under each topic chapter.

3.12 The ES should assess the interrelationship between the different topics.

3.13 The ES should consider potential cumulative impacts of the proposed Development with other development. The Applicant is advised to consult with the planning department of their Council to identify the type of development and their location and key
aspects of the proposals that may affect the EIA. Further comments in relation to cumulative assessment are given in Appendix 3.

3.14 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.

3.15 It is noted within the scheme description of the Scoping Report that lighting will be installed at the junctions along the bypass route and on the stretch of road between the A1 and Northgate. The ES should identify the anticipated number and type of lighting proposed and assess the potential impact, particularly in the context of landscape and visual impacts and impacts upon nature conservation.

3.16 Section 1.6.5 of the Scoping Report states that a number of public utilities will require diversion. The ES should consider the impact of the Development upon utility infrastructure, for example: electricity pylons, gas pipelines, water mains and sewers. The location of such infrastructure should be identified with the ES and the potential impact upon the utility infrastructure assessed.

**Topic Areas**

**Traffic and Transport**

3.17 The SoS has noted that the Scoping Report does not propose a section in the ES on traffic and transport. It is recommended that a traffic and transport chapter is provided in the ES that summarises the findings of a more detailed Transport Assessment. The Transport Assessment (TA) should be based on revised and up to date modelling applying the latest best practice guidance.

3.18 It may be appropriate in the assessment to consider the ‘do nothing’ scenario, in order to assess the impact on traffic and transport of not developing the proposed Development.

**Air Quality and Dust** (see Scoping Report Section 4)

3.19 The extent of the study area for the Detailed Local Level Assessment and the Regional Simple Level Assessment should be clarified within the ES. Sensitive receptors including residential properties and the other land uses listed in Table 4.3 in the Scoping Report should be illustrated in a Figure. This list should be extended to include sensitive ecological receptors. The assessment should consider the impact of dust generation and vehicle emissions on these receptors during the construction and operational phases of the Development. The assessment should consider both existing receptors and any proposed development within the study area that may be sensitive to emissions.
3.20 The Scoping Report acknowledges that air quality and dust levels on local access roads could be affected as a result of the construction traffic. In addition to assessing these elements, the ES should also consider the impact upon local footpaths and other PROW.

3.21 The SoS welcomes the Applicant’s consideration of mitigation measures and advises that this is extended to incorporate an approach to monitoring and managing dust complaints.

3.22 The Scoping Report does not make reference to cumulative air quality impacts. The Scoping Report should identify any proposed development which is likely to cause an increase in traffic flows along the bypass and take account of the potential cumulative impacts on air quality.

3.23 The Applicant’s attention is drawn to the comments in Appendix 2 made by the Health Protection Agency relating to air quality and emissions.

**Archaeology and Cultural Heritage** (see Scoping Report Section 5)

3.24 The extent of the study area is illustrated in Figure 4 of the Scoping Report. Care should be taken to ensure that the Figure illustrates the full extent of the study area as Figure 4 does not include Morpeth town centre which is mentioned in the text (Section 5.3.1 of the Scoping Report) as being part of the study area.

3.25 The SoS welcomes the Applicant’s liaison with the County Archaeologist in agreeing the archaeological works and suitable mitigation measures. The ES should detail the methodologies used to carry out the survey work.

3.26 The Scoping Report identifies two Scheduled Ancient Monuments (pill boxes) west of the A1 and two listed structures (farmhouse and stone bridge) north of the proposed bypass as sensitive cultural heritage receptors. The impacts of the proposed Development upon the setting of these assets should be assessed within the ES.

**Ecology and Nature Conservation** (see Scoping Report Section 6)

3.27 The SoS welcomes the applicant’s approach to updating ecological surveys during 2012. The SoS recommends that the assessment should take account of other proposed development within the area to ensure that cumulative impacts upon nature conservation are assessed.

3.28 The water environment chapter recognises the risk of pollutants discharging into the watercourses which cross the bypass route via surface water and groundwater pathways. The ES should assess
the potential impact of pollutants upon ecology within the watercourse environment.

3.29 The watercourses noted above flow into the River Wansbeck, 1.5km to the south of the proposed bypass. The River is an important habitat for white clawed crayfish. The ecological study area should be sufficient in scope to ensure that the potential impacts on ecology downstream of the Development within the River Wansbeck are captured.

3.30 The Scoping Report identifies that proposed Development would result in the loss of part of How Burn Wood SNCI/LNR/Ancient Woodland, and hedgerows and hedgerow trees that cross the line of the bypass. The ES should assess the impact of the loss of these habitats, in particular in relation to severance of habitats such as the Cotting Burn Wildlife Corridor. The effect of severing these wildlife corridors should be carefully assessed and should take into account the impact on animal movement and migration in the wider area, including the loss of life as a result of wildlife attempting to cross the bypass once operational and the need for appropriate mitigation measures.

3.31 The Scoping Report notes that there is a strong presence of bats across the development site. The SoS advises that the Applicant liaises closely with Natural England and the County Ecologist to ensure that appropriate survey work is carried out, and suitable mitigation measures are proposed where necessary.

3.32 The impact of temporary and permanent lighting upon nature conservation should be assessed within the ES.

3.33 The Development would involve the construction of structures and culverts to allow the bypass to cross watercourses along the route. The Scoping Report notes the potential impact of culverting upon ecology, such as white clawed crayfish and otters, within the water environment. An assessment of these impacts should be carried out as part of the EIA and appropriate mitigation proposed to reduce any significant adverse effects.

3.34 The SoS is pleased to note that the Applicant has considered the opportunities for habitat creation and biodiversity enhancement as part of the proposal and welcomes the inclusion of an appropriate scheme developed in liaison with Natural England and the County Ecologist within the ES.

3.35 The Applicant’s attention is drawn to the comments made by Natural England and the Environment Agency in relation to this topic set out in Appendix 2.
Landscape and Visual (see Scoping Report Section 7)

3.36 The study area for the Landscape and Visual assessment is defined as 1km in Figure 9 of the Scoping Report. The Zone of Visual Influence (ZVI) is only illustrated within the study area and stops at the 1km radius. The SoS advises that the study area should be extended to include the full extent of the area of visual influence to ensure all visual receptors are identified and assessed where appropriate.

3.37 The Scoping Report identifies likely visual receptors and viewpoints in Table 7.2. Receptor locations within the ZVI should be illustrated on a figure in the ES.

3.38 The SoS notes that the Applicant will agree viewpoint locations in liaison with the planning department of their Council. The SoS advises that viewpoint locations are also identified on the basis of discussions with other statutory consultees. The SoS agrees that the landscape and visual assessment should cover year 1 and year 15 against the current baseline; and should include both summer and winter assessments.

3.39 With respect to the Zone of Theoretical Visibility (ZTV) modelling, the SoS advises that the ES should describe the model used, provide information on the area covered, the timing of any survey work and the methodology used.

3.40 The ES should assess how the introduction of road lighting into the landscape will affect the landscape character and visual appearance.

3.41 The SoS notes that an extensive list of proposed mitigation has been provided within the Scoping Report. It would assist if the mitigation strategy could be agreed with relevant statutory consultees. The mitigation should also seek to address any interrelationships with other topic areas, such as cultural heritage and nature conservation.

3.42 The SoS advises that landscape character and visual impact assessment should also include the cumulative impact as a result of other proposed development within the area.

Land Use (see Scoping Report Section 8)

3.43 The ES should assess the loss of land and impact on farm viability as a result of severing agricultural land along the bypass route. The Land Use Chapter of the Scoping Report includes a Table (Table 8.2) showing the Summary of Impacts with Mitigation and Land Loss, but no indication of proposed mitigation is given within the chapter. Whilst this may be expected at this stage in the process, the ES should clearly outline the mitigation proposed to
reduce the significance of adverse impacts identified, and clarify the residual impacts.

**Noise and Vibration** (see Scoping Report Section 9)

3.44 The noise and vibration assessment should take into account the proposed construction methods and plant which would be involved during the construction phase to assess the impact of construction activities.

3.45 The ES should fully consider the impact of the Development upon residential properties. In Section 9.4.1 of the Scoping Report, nine properties have been identified as potentially suffering an adverse noise impact as a result of the Development. The Applicant should consider appropriate mitigation to minimise the adverse noise impacts of the Development.

3.46 The Scoping Report does not make reference to the impacts of noise and vibration upon nature conservation and agricultural livestock and this should be assessed within the ES.

3.47 The ES should consider how changing traffic flows both on the proposed bypass and the wider area including Morpeth town centre may affect levels of traffic noise and vibration.

3.48 The cumulative impacts arising from noise and vibration should be considered, taking into account proposed Development within the local area and the potential for changes in traffic flows.

**Pedestrians, Cyclists, Equestrians and Community Effects** (see Scoping Report Section 10)

3.49 The terminology in the environmental statement should be consistent. The Applicant should clarify whether the information provided within the ‘Pedestrians, Cyclists, Equestrians and Community Effects’ section of the Scoping Report corresponds with the ‘Non-motorised Users’ Topic identified within the Scope of Environmental Assessment (Table 15.1 of the Scoping Report).

3.50 The ES should define and justify the extent of the study area, mapping out public rights of way, and access to community facilities which could be affected by the proposed Development.

3.51 Paragraph 1.6.6 of the Scoping Report states that one footpath (PF9) that crosses the line of the bypass will be fitted with an at-grade crossing. To improve the safety of another footpath (PF13) that currently crosses the A1 at-grade, the Scoping Report proposes that this is diverted under the St Leonards underpass. The ES should assess the impact upon the users of these footpaths.
3.52 The ES should assess the impact of the Development upon public transport and community vehicle services including existing transport routes for public buses, school buses and community transport services.

3.53 The ES should consider impacts caused as a result of the bypass construction, for example: temporary diversions, road closures, traffic lights, speed restrictions and their effect on public and community transport facilities. Consideration should be given to the potential impact upon emergency services and healthcare facilities.

3.54 The SoS welcomes the Applicant’s approach to considering opportunities to enhance the footpath network as part of the proposal by diverting footpath PF13 under the proposed St Leonards underpass to avoid the need for footpath users to cross the A1 at grade. It is noted and welcomed that the opportunities for improvements to the public transport infrastructure within the area will be taken into account, for example the bus lay-bys at the proposed Northgate Roundabout (Figure 3 of the Scoping Report).

**Vehicle Travellers** (see Scoping Report Section 11)

3.55 The extent of the study area, including the roads that will be assessed, should be identified and justified within the ES.

3.56 The impact of the proposed Development should be assessed for both the construction and operational phases. Within the construction phase this should include the impact as a result of temporary diversions, road closures, traffic lights and speed restrictions. The construction programme should indicate the duration of the works and identify which areas will be affected at different times, and for how long.

**Water Environment** (see Scoping Report Section 12)

3.57 The Scoping Report should define and justify the study area that will be used for the water environment.

3.58 It is noted that part of the scheme is located in a Zone III Source Protection Zone, and therefore the assessment should give careful consideration to the effects and risks the Development could have upon local water resources. In discussion with Northumberland County Council’s planning department, the Applicant should consider the need for a Hydrological Risk Assessment (see consultation response from the planning department of Northumberland County Council in Appendix 2).

3.59 The SoS welcomes the intention of the Applicant to assess the implications of constructing water crossings and culverts on the River Wansbeck tributaries, with particular reference to ecological impacts.
3.60 The SoS welcomes the consideration of opportunities to enhance the water environment and draws the Applicant’s attention to the comments made by the Environment Agency (see Appendix 2) in relation to suitable mitigation and enhancement measures.

3.61 The Applicant’s attention is also drawn to the comments in Appendix 2 made by the Health Protection Agency with regard to pollution of the water environment.

**Geology and Soils** (see Scoping Report Section 13)

3.62 The SoS is pleased to note that the interrelationship between the ground conditions and the water environment will be assessed within the ES.

**Disruption Due to Construction** (see Scoping Report Section 14)

3.63 The SoS is pleased to note that the Applicant has considered the potential impacts of construction. Section 14.2 of the Scoping Report lists the potential disruption that could occur during the construction phase. It is important that the issues raised within this section are included within the technical assessment chapters of the ES.

**Population**

3.64 The Applicant should consider the potential impacts of the Development on the viability of Morpeth Town Centre as a result of traffic being diverted away from the centre. A study area for the assessment should be identified and justified within the ES. Both the construction period and Year 1 of operation should be considered as part of the assessment.

3.65 The ES should consider the positive and negative impacts of changing traffic flows upon businesses within the area, including accessibility to workplaces, disturbance on businesses in the area, and reduced congestion in Morpeth Town Centre.
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 ES. 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.

European Protected Species (EPS)

4.2 The Applicant should also be aware that the decision maker under the Planning Act 2008 (as amended) (PA 2008) has, as the Competent Authority (CA), a duty to engage with the ‘Habitats Directive’ which is the European Council Directive 93/43/EEC on the Conservation of natural habitats and of wild fauna and flora.

4.3 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 Natural England, agree appropriate requirements to secure necessary mitigation.

4.4 If the Applicant has concluded (in consultation with Natural England) that an EPS licence is required the SoS 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 Natural England whether they intend to issue the licence in due course.

Other regulatory regimes

4.5 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.

4.6 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.
APPENDIX 1

List of Consultees
APPENDIX 1

LIST OF BODIES FORMALLY CONSULTED DURING THE SCOPING EXERCISE

<table>
<thead>
<tr>
<th>CONSULTEE</th>
<th>ORGANISATION</th>
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<tbody>
<tr>
<td>The Health and Safety Executive</td>
<td>Health and Safety Executive</td>
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<tr>
<td>The relevant Strategic Health Authority</td>
<td>NHS North of England</td>
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<tr>
<td>Natural England</td>
<td>Natural England</td>
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<tr>
<td>The Historic Buildings and Monuments Commission for England</td>
<td>English Heritage</td>
</tr>
<tr>
<td>The relevant fire and rescue authority</td>
<td>Northumberland Fire and Rescue Service</td>
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<tr>
<td>The relevant police authority</td>
<td>Northumbria Police Authority</td>
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<td>The relevant Parish Council</td>
<td>Ashington Town Council</td>
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<td></td>
<td>Hebron Parish Council</td>
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<td>Hepscott Parish Council</td>
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<td>Meldon Parish Council</td>
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<td>Mitford Parish Council</td>
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<td>Pegswood Parish Council</td>
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<td>Stannington Parish Council</td>
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<td>Tritington and West Chevington Parish Council</td>
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<td>Ulgham Parish Council</td>
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<td></td>
<td>Whalton Parish Council</td>
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<tr>
<td>The Environment Agency</td>
<td>The Environment Agency</td>
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<tr>
<td>The Commission for Architecture and the Built Environment</td>
<td>CABE at Design Council</td>
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<tr>
<td>The Equality and Human Rights Commission</td>
<td>Equality and Human Rights Commission</td>
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<tr>
<td>The Homes and Communities Agency</td>
<td>HCA</td>
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<td>Commission for Rural Communities</td>
<td>Commission for Rural Communities</td>
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<td>The Highways Agency</td>
<td>The Highways Agency</td>
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</tbody>
</table>
### CONSULTEE | ORGANISATION
---|---
The relevant Highways Authority | Northumberland County Council
The Rail Passengers Council | Rail Passenger Council
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 | Environment Agency
The Relevant Local Resilience Forum | Northumbria LRF
The Crown Estate Commissioners | The Crown Estate
Forestry Commission | North East Forestry Commission

### Relevant Statutory Undertakers

#### Health Bodies (s.16 of the Acquisition of Land Act (ALA) 1981)

<table>
<thead>
<tr>
<th>Health Bodies</th>
<th>Undertakers</th>
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<tbody>
<tr>
<td>Primary Care Trust (PCT)</td>
<td>NHS North of Tyne</td>
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<tr>
<td>NHS Foundation Trust</td>
<td>Northumbria Healthcare NHS Foundation Trust Northumberland Tyne and Wear NHS Foundation Trust</td>
</tr>
<tr>
<td>Ambulance Trusts</td>
<td>North East Ambulance Service</td>
</tr>
</tbody>
</table>

#### Relevant Statutory Undertakers (s.8 ALA 1981)

| Railways | BRB Residuary Limited |
| Universal Service Provider | Royal Mail Group |
| Water and Sewage Undertakers | Northumbrian Water |
| Public Gas Transports | 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 |

Appendix 1
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<tr>
<th>CONSULTEE</th>
<th>ORGANISATION</th>
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<tr>
<td>LNG Portable Pipeline Services</td>
<td>National Grid Gas Plc</td>
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<td>National Grid Gas Plc</td>
<td>Northern Gas Networks Limited</td>
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<tr>
<td>Quadrant Pipelines Limited</td>
<td>Scotland Gas Networks Plc</td>
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<td>Southern Gas Networks Plc</td>
<td>SSE Pipelines Ltd</td>
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<tr>
<td>The Gas Transportation Company Limited</td>
<td>Wales and West Utilities Limited</td>
</tr>
<tr>
<td>Utility Grid Installations Limited</td>
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</tbody>
</table>

| Electricity Licence Holders having CPO Powers | Energetics Electricity Limited |
|Independent Power Networks Limited | ESP Electricity Limited |
|Northern Powergrid (Northeast) Limited | The Electricity Network Company Limited |

| Electricity Transmitters with CPO Powers | National Grid Electricity plc |

**Local Authorities (s.43)**

<table>
<thead>
<tr>
<th>Carlisle City Council</th>
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<tbody>
<tr>
<td>Cumbria County Council</td>
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<td>Durham County Council</td>
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<td>Eden District Council</td>
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<td>Gateshead Borough Council</td>
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<td>Newcastle City Council</td>
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<td>North Tyneside Council</td>
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<tr>
<td>Northumberland National Park</td>
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<tr>
<td>Northumberland County Council</td>
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<tr>
<td>Scottish Borders Council</td>
</tr>
</tbody>
</table>

**Non Prescribed Consultees**

None

**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' (May 2012).
APPENDIX 2

Respondents to Consultation and Copies of Replies
APPENDIX 2

LIST OF BODIES WHO REPLIED BY THE STATUTORY DEADLINE

| CABE Design Council                  |
| Carlisle City Council                |
| Eden District Council                |
| English Heritage                    |
| Environment Agency                  |
| ES Pipelines                        |
| Fulcrum Pipelines                   |
| Health Protection Agency            |
| Health and Safety Executive         |
| Hepscott Parish Council             |
| Morpeth Town Council                |
| Natural England                     |
| North Tyneside Council              |
| Northumberland County Council       |
| Northumberland Fire and Rescue      |
| Northumberland National Park Authority |
| Northumberland Tyne and Wear NHS Foundation Trust |
| Northumbrian Water                  |
| Ofwat                               |
| Pegswood Parish Council             |
| Scottish Borders Council            |
| The Coal Authority                  |
Dear Hannah,

I write in response to your letter addressed to my colleague Thomas Bender dated 3 August 2012 regarding the environmental statement scoping opinion for the proposed Morpeth Northern bypass.

I can confirm that we do not have any comments to make on the request for a scoping opinion.

Kind regards

Faye

Faye Tomlinson
Design Council Cabe Advisor | Design Council | Angel Building | 407 St John Street | London | EC1V 4AB | m: | t: 020 7420 5238 | f: 020 7420 5300 | www.designcouncil.org.uk | map
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Correspondents should note that all communications to Department for Communities and Local Government may be automatically logged, monitored and/or recorded for lawful purposes.
Proposed Morpeth Northern Bypass
Proposal by Northumberland County Council
Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 S! 2263 )as amended)

Dear Ms Nelson,

Thank you for your letter of the 17th July and subsequent amended letter of the 3 August regarding the applicant’s scoping report for the above project.

I confirm that Carlisle City Council has no comments to make on the Report.

Yours sincerely

Chris Hardman
Planning Manager
Economic Development
Carlisle City Council
Civic Centre
Carlisle   CA3 8QG
Direct Dial: (01228) 817502
Email: christopherh@carlisle.gov.uk
Hannah Nelson

From: Kayleigh Lancaster [Kayleigh.Lancaster@eden.gov.uk]
Sent: 17 August 2012 10:26
To: Environmental Services
Subject: Ref: 120801_TR010010_1350292

Dear Sir/Madam

Ref: 120801_TR010010_1350292
Proposal: Morpeth Northern Bypass

I can confirm that Eden District Council do not wish to comment on this proposal.

Kindest Regards

Kayleigh Lancaster
Planning Technician
Eden District Council
Mansion House
Penrith CA11 7YG

Telephone: 01768 212480
Facsimile: 01768 890470
kayleigh.lancaster@eden.gov.uk

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Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.

Correspondents should note that all communications to Department for Communities and Local Government may be automatically logged, monitored and/or recorded for lawful purposes.
Ms Hannah Nelson
EIA and Land Rights Adviser
The Planning Inspectorate
3/18 Eagle Wing
Temple Quay House
2 The Square
Bristol
BS1 6PN

Your Ref: 12081_TR010010_1350292

Our Ref: AWH/ND
Morpeth Northern Bypass
EIA scoping

Date: 10 August 2012

Dear Ms Nelson

Proposed Morpeth Northern Bypass
Proposal by Northumberland County Council (the developer)
Infrastructure Planning - Environmental Impact Assessment (EIA) Regulations 2009
Request for Scoping Opinion

Thank you for your letter of 3 August 2012 inviting English Heritage to comment on the scoping of the EIA in connection with the proposed Northern Bypass for Morpeth, Northumberland. We are pleased to do so. We have discussed the revised planning proposal and the EIA scoping document within our team in the North East and I offer the following comments.

Statement of Interest
English Heritage would confirm its view that it is a consultation body as defined by the EIA Regulations. We have an ongoing interest in this proposed development and would wish to be recorded as an Interested Party.

General Policy Position
Government policy in respect of the historic environment is now contained in the National Planning Policy Framework (NPPF) published in March 2012.

Paragraph 7 advises that in order for development to be sustainable it must contribute to protecting and enhancing the historic environment. If development does not do this it will not be sustainable and will not satisfy government policy.

Paragraphs 128 and 129 require local planning authorities and developers to identify, describe and assess the particular significance of any element of the historic environment that may be affected by a proposal. Paragraph 128 also advises that significance may additionally be derived from the setting of a heritage asset – either within a townscape or, as is the case with the present proposal, a landscape. Our guidelines on setting, in draft
when we commented previously, have now been published and are downloadable from http://www.english-heritage.org.uk/publications/heritage-assets-draft/.

Paragraph 132 advises that any loss of significance affecting a grade II listed building ....should be exceptional. Paragraph 133 advises that where a proposal will lead to substantial harm to, or loss of, significance local planning authorities (or in this case the Secretary of State) should refuse consent unless it can be demonstrated that the substantial harm to, or loss of, significance is necessary in order to deliver substantial public benefits that outweigh that harm or loss. Paragraph 134 advises that where a proposal has a harmful impact on the significance of a heritage asset which is less than substantial harm, in all cases local planning authorities or the Secretary of State should weigh the public benefit against the harm. In both cases a decision should be reached on whether or not any public benefit could be met in other ways.

In essence the EIA should, in its scope, clearly identify the location, nature, status and significance of all heritage assets within the area under investigation, or otherwise likely to be impacted upon by the proposals, define the setting of those assets, explain both the direct and indirect impacts of the proposed development upon them (and where necessary their setting), and outline measures planned to avoid, minimise, or compensate for those impacts.

**Specific comments and observations on the Scoping Report**

Paragraph 5.3 identifies the presence of 83 previously recorded heritage assets in the heritage study area (HAS), with others being identified during the course of various investigations. None but a few of these are statutorily designated as heritage assets.

As regards the remit of English Heritage, there is only one in respect of which we would be a statutory consultee. This is a Scheduled Monument consisting of two lozenge-shaped pillboxes dating from World War II as part of a larger complex of four. The other two lie outwith the HAS. Elsewhere within the HAS lie two other designated heritage assets - a Grade II listed 18th century farmhouse and a Grade II listed stone bridge.

To the south of the proposed route of the bypass lies the historic market town of Morpeth. Morpeth town centre is designated as a conservation area. English Heritage is a statutory consultee for large scale developments (in excess of 1000 sq m or over 20m in height which might affect their character (significance). This requirement to consult extends to proposals for sites outwith the conservation area which may also affect its character. Paragraph 5.3.1 opines that the proposed bypass may have an indirect positive effect upon the town centre by removing traffic from it. English Heritage would respectfully suggest that the consequences of removing traffic from the town should also be examined as having a potentially negative impact in respect of trade within it.

Paragraph 5.6 contains a summary of the section of the Scoping Report dealing with heritage. We are informed that the subsequent revised Environmental Statement will include an assessment of the potential effects on heritage assets and unknown archaeology based on the information set out in the chapter. English Heritage is broadly content that the proposed handling of archaeology within the HAS is satisfactory. A number of geophysical surveys have been undertaken following discussion with the County Archaeologist, and we are content to defer on this matter.
Summary
Although there are numerous matters that need consideration, especially in terms of the setting of designated heritage assets, our initial view is that no substantial harm would be caused to the historic environment by the latest proposals. This would, of course, need confirmation through the preparation of appropriately detailed application documentation and careful consideration of heritage issues in the EIA.

I trust the above information clarifies the English Heritage position for the Secretary of State.

Yours sincerely

Alan Hunter
Planning Adviser: North East
E-mail: alan.hunter@english-heritage.org.uk
Dear Ms Nelson

PROPOSED MORPETH NORTHERN BYPASS
PROPOSAL BY NORTHUMBERLAND COUNTY COUNCIL (the developer)
INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT)
REGULATIONS 2009 SI 2263 (as amended) (the EIA Regulations)

Thank you for your EIA Scoping consultation letter dated 03 August 2012 concerning the above development proposal.

We are of the general view that the EIA Scoping report has comprehensively considered the potential environmental impacts of the scheme, and welcome the proposed mitigation measures relating to water quality, flood risk and biodiversity.

We do however wish to make some comments in relation to the following matters identified in the Scoping Report:

Chapter 6: Ecology and Nature Conservation
The scheme presents opportunities to ensure that any remaining adverse ecological impacts could be offset by enhancement of watercourses and riverine habitat in the vicinity. The Water Framework Directive requires as a minimum no deterioration to the status of watercourses, but also requires the restoration and enhancement of watercourses wherever possible. The Scoping Report proposes ecological mitigation and also enhancement measures, and this stance is welcomed. The Environment Agency seeks to restore and enhance watercourses wherever possible, as required under the Water Framework Directive.

In addition, the Scoping Report has identified that the bypass will have an overall ‘slight adverse’ impact on ecology and nature conservation, even with the mitigation measures proposed in the Scoping Report. Securing mitigation and enhancement measures to provide ecological improvements are therefore considered particularly important as part of this development proposal.

One of the enhancement measures that is considered within the Scoping Report is the introduction of white-clawed crayfish to the How Burn, although this is subject to a detailed pre-feasibility study and would therefore need further work before it could be implemented.
However, and whilst consideration of enhancement measures targeted at protected species is welcomed, we also consider that it may be more useful to target enhancement towards improving the catchment as a whole. These could include, for example, targeted measures which would address the current poor habitat (in-stream and riparian) and reduced water quality in the Cotting, How and Benridge Burns and the Ful Beck, particularly the signs of detrimental nutrient and silt loading. By improving the quality of the catchments, the existing watercourses will be better placed to support the recolonisation of crayfish, water vole etc.

As such, we previously recommended in our response to planning application 11/02267/CCDEIA that the Council undertake further investigation into feasible mitigation and enhancement measures and implementation of these wherever possible. If relevant this could now be included in the forthcoming Environmental Statement. It may, for example, be possible to develop a partnership approach with bodies such as the Northumberland Rivers Trust to deliver suitable enhancements. We would be happy to provide further guidance and to work with the Council to develop an enhancement strategy which will address the failing elements of these watercourses.

Chapter 12: Water Environment
In relation to groundwater quality, the indicative drainage scheme includes some areas where surface water will be discharged to ground via grass swales or other infiltration methods. As recognised in the Scoping Report (paragraph 12.2.3) the environmental setting of the site is sensitive as it lies within Zone III of a Source Protection Zone, and it is important that any road runoff which will infiltrate into the ground is sufficiently treated to prevent pollution of this groundwater receptor. Our previous comments on this matter, which we made in relation to planning application 11/02267/CCDEIA, have been taken into consideration and any swales in areas where the groundwater is vulnerable will be lined with a clay-rich soil matrix, which we welcome. We do however recommend that the forthcoming Environmental Statement makes specific reference to the Source Protection Zone designation in paragraph 12.4.1, as well as the principal aquifer, as this is the sensitive groundwater receptor which the lining will help to protect.

Chapter 13: Geology and Soils
Whilst we agree with the assessment that it is unlikely that the land on which the bypass will be built is affected by contamination, we do note that a diesel oil storage tank is to be removed from a domestic premises (Rose Cottage) as part of the development. We cannot confirm whether there is any contamination likely to be associated with this tank, therefore we would suggest that a planning condition is imposed requiring that any unsuspected contamination found at the site is appropriately dealt with – we do not require further investigation of this matter through the EIA process.

We also have the following advice to offer in relation to separate regulatory requirements which may affect this scheme:

General Regulatory Requirements
Works to watercourses
Under the Water Resources Act 1991 and the Land Drainage byelaws any structures or works carried out in, over, under or within 5 metres of the top of a “Main River” bank may require written consent from the Environment Agency.

Under the terms of the Land Drainage Act 1991, the prior written consent of the Local Authority is required for any proposal to divert, culvert or otherwise obstruct the flow in any watercourse (including the provision of a connection to a culvert).

Grouting of mine workings
The Environmental Permitting Regulations 2010 (Regulations 38 and 12) make it an offence “to cause or knowingly permit a groundwater activity” except under and in accordance with an Environmental Permit. Civil engineering activities that involve the injection of grouts or
other media for the purpose of sealing (such as around tunnel linings or in boreholes) or ground stabilisation (such as infilling adits or mineshafts) may constitute a groundwater activity if the materials being used contain leachable pollutants and they will be in contact with or otherwise discharge into groundwater.

However, some activities involving grouts may be able to take place without the need for an Environmental Permit, providing the relevant requirements are complied with. To this effect, we have published a regulatory position statement for “Civil engineering activities involving grouts or other media for the purpose of sealing or ground stabilisation (issues June 2011)”. A copy of this statement can be found on our website: http://www.environment-agency.gov.uk/business/regulation/99685.aspx - scroll down to ‘Construction and maintenance activities’ and click on the first link to load the relevant PDF.

The developer is advised to review this document and ensure all regulatory requirements are adhered to, or to apply for an Environmental Permit if required. In particular, they should ensure that an assessment is made of the groundwater flow and level implications of grouting underground mine workings before activities commence.

**Waste**

Under the Environmental Permitting Regulations 2010 any proposals to deposit, treat, store or dispose of any waste material may require an Environmental Permit or specific Exemption from the Environment Agency.

Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2010
- The Waste (England and Wales) Regulations 2011

The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution
- treated materials can be transferred between sites as part of a hub and cluster project
- some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standards BS EN 14899:2005 'Characterisation of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer. Refer to our website at www.environment-agency.gov.uk for more information.

The Environment Agency recommends that developers should refer to our:

- Position statement on the Definition of Waste: Development Industry Code of Practice and;
- website at www.environment-agency.gov.uk for further guidance.
Waste water
Under the terms of the Environmental Permitting Regulations (England and Wales) 2010, anyone intending to discharge volumes of sewage effluent of 5 cubic metres per day or less to controlled waters or 2 cubic metres per day or less to ground may be eligible for an exemption and will need to register before they commence making the discharge. An Environmental Permit from the Environment Agency is normally required for discharges above this volume. It is illegal to discharge sewage effluent without either an exemption registration or an environmental permit. In addition no discharge to an aquifer should be made without prior consultation with the Environment Agency.

Abstraction
Under the Water Resources Act 1991 (as amended by the Water Act 2003) any abstraction of water or de-watering from underground strata may require an Abstraction Licence from the Environment Agency.

Habitats
Under the E.C. Habitat Directive any Environmental Impact Assessment should seek to address the requirements of the 1994 Habitat Regulations. We would advise the developer to contact Natural England for further information on this matter.

If you have any queries or require any additional information, please do not hesitate to contact me on the details below.

Yours sincerely

Sophie Evans
Planning Officer - Sustainable Places Team

Direct dial 0191 203 4179
Direct fax 0191 203 4004
Direct e-mail sophie.evans@environment-agency.gov.uk
Hi Hannah,

PROPOSED MORPETH NORTHERN BYPASS
PROPOSAL BY NORTHUMBERLAND COUNTY COUNCIL (the developer)

Approx post codes NE61 3ST, NE61 3JU, NE61 3AD

Further to your email communication to E S Pipelines Ltd, ESP Networks Ltd, ESP Pipelines Ltd, ESP Electricity Ltd and ESP Connections Ltd dated 17 July 2012 I can confirm that our businesses have no comments at this stage.

Regards,

Alan Slee
Operations Manager

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

From: Hannah Nelson [mailto:Hannah.Nelson@infrastructure.gsi.gov.uk]
Sent: 17 July 2012 17:09
To: Alan Slee
Subject: Scoping Consultation: Morpeth Northern Bypass

<<120717_TR010010 Morpeth Northern Bypass Scoping Consultation.pdf>>

Dear Sir/Madam

Please see the attached correspondence regarding the Scoping Consultation for the Morpeth Northern Bypass.

Kind regards

Hannah Nelson
EIA and Land Rights Adviser
National Infrastructure Directorate,
The Planning Inspectorate, 3/18 Eagle Wing
Temple Quay House,
Temple Quay,
Bristol,
BS1 6PN
Direct Line: 0303 444 5040
Helpline: 0303 444 5000
Email:hannah.nelson@infrastructure.gsi.gov.uk
Web: www.planningportal.gov.uk/planninginspectorate (Planning Inspectorate casework and appeals)
Web: www.planningportal.gov.uk/infrastructure (Planning Inspectorate’s National Infrastructure Planning portal)
Advice may be given about applying for an order granting development consent or making representations about an application (or a proposed application). This communication does not however constitute legal advice upon which you can rely and you should obtain your own legal advice and
Thank you for asking Fulcrum Pipelines Limited to examine your consultation document for the above project.

We can confirm that Fulcrum Pipelines Limited do not currently have any existing pipes or equipment on or around the above site address at this time. Please note that we are constantly adding to our underground assets and would strongly advise that you consult us again prior to undertaking any excavations.

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

We will always make every effort to help you where we can, but Fulcrum Pipelines Limited will not be held responsible for any incident or accident arising from the use of the information associated with this search. The details provided are given in good faith, but no liability whatsoever can be accepted in respect thereof.

If you need any help or information simply contact Graham Penlington directly on 01142 804175

Kind regards

Graham Penlington
Fulcrum Pipelines
Thank you for asking Fulcrum Pipelines Limited to examine your consultation document for the above project.

We can confirm that Fulcrum Pipelines Limited do not currently have any existing pipes or equipment on or around the above site address at this time. Please note that we are constantly adding to our underground assets and would strongly advise that you consult us again prior to undertaking any excavations.

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

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If you need any help or information simply contact Graham Penlington directly on 01142 804175.

To save you time, any future requests for information about our plant, can be emailed to FPLplantprotection@fulcrum.co.uk

Kind Regards

Graham Penlington
Fulcrum Pipelines
Dear Ms Nelson

Morpeth Northern Bypass, Environmental Impact Assessment Scoping Report

Northumberland County Council has asked the Planning Inspectorate (PINS) (formerly 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 transport route, north of Morpeth, between the A1 and South East Northumberland. 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 PINS 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 PINS 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.

The Appendix outlines generic considerations that the HPA advises promoters to address 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) (e.g. undertakes qualitative rather than quantitative assessments), if the rationale for this is fully

¹ Cited in the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009
explained and justified within the application documents, then the HPA considers this to be an acceptable approach.

Yours sincerely

Dr Naima Bradley
Head of Department
Environmental Hazards & Emergencies Department

CRCE. Consultations@HPA.org.uk
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 EIA\(^2\). 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 Directive\(^3\) 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 (e.g. 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.

Consideration of alternatives (including alternative sites, choice of process, and the phasing of construction) is widely regarded as good practice. Ideally, EIA should start at the stage of site and process selection, so that the environmental merits of practicable alternatives can be properly considered. Where this is undertaken, the main alternatives considered should be outlined in the ES\(^4\).

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.

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 (i.e. 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 (i.e. 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 e.g. 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 (e.g. 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 e.g. existing or proposed local authority Air Quality Management Areas (AQMAs)
- should include modelling using appropriate meteorological data (i.e. 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 (e.g. surface watercourses; recreational waters; sewers; geological routes etc.)
- should assess the potential off-site effects of emissions to groundwater (e.g. 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 (e.g. 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 assessed 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 (e.g. with respect to re-use, recycling or recovery and disposal).

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5 Following the approach outlined in the section above dealing with emissions to air and water i.e. 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 e.g. 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 report, 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) and Strategic Health Authority for matters relating to wider public health

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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 (e.g. air, water, and/or soil) and health-based guideline values should be used when quantifying the risk to human health from chemical pollutants. Where UK standards or guideline values are not available, those recommended by the European Union or World Health Organisation can be used.
- 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.

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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
Dear Ms Nelson,

PROPOSED MORPETH NORTHERN BYPASS (the project)
PROPOSAL BY NORTHUMBERLAND COUNTY COUNCIL (the developer)
INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2009 SI 2263 (as amended) (the EIA Regulations)

Thank you for your letter of 17th July 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 Northumberland County Council.

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

Major Hazard Installations

HSE has examined its databases and has found no consultation zones around major hazard sites/pipelines in the vicinity of the proposed Morpeth Northern Bypass, therefore HSE has no further comments to make on this application in respect to the proximity of the development to major hazard installations.

Explosives sites

The proposed development 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
5.5.2 Redgrave Court
Merton Road
Bootle
Merseyside
L20 7HS

Yours sincerely,

Laura Evans
HID Policy - Land Use Planning
Dear Sirs,

We are in receipt of your correspondence dated 17th July regarding the proposed Morpeth Northern Bypass (Your reference 120717_TR010010)

We wish to confirm that we have no comments on make on this.

Yours faithfully,
Angela Parr (Parish Clerk)
For and on behalf of HEPSCOTT PARISH COUNCIL.

This email was received from the INTERNET and scanned by the Government Secure Intranet anti-virus service supplied by Cable&Wheless Worldwide in partnership with MessageLabs. (CCTM Certificate Number 2009/09/0052.) In case of problems, please call your organisation’s IT Helpdesk. Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.

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

**********************************************************************
Ms Hannah Nelson  
EIA and Land Rights Adviser on behalf of  
The Secretary of State  
Planning Inspectorate  
3/18 Temple Quay House  
2 The Square  
Bristol BS1 6PN

Dear Ms Nelson,

Re: Proposed Morpeth North Bypass – Proposal by Northumberland County Council (the Developer)  
Infrastructure Planning (Environmental Impact Assessment)  
Regulations 2009 SI 2263 (as amended) (the EIA Regulations)

Thank you for the invitation to submit comments for inclusion in an environmental statement in respect of the above. Morpeth Town Council re-iterates its previous comments of 7th November 2011, as shown below. The Town Council would also ask for an explanation of how the issues raised will be mitigated in the proposal.

The following concerns were identified by Morpeth Town Council when considering plans for the construction of the Morpeth Northern Bypass:

- The possible increase in noise levels for residents of Lancaster Park, who are already subjected to this problem from the A1. There should be no increase in the cumulative level of the existing and proposed roads.

- There should be an examination in respect of the interference the new road will have on wildlife corridors (notably at Cottingwood and Howburn), possibly by the Wildlife Trust, CPRE or equivalent Authority. If areas are rendered inhabitable to wildlife, then the Town Council’s view would constitute a formal objection.

- Access to Fairmoor Cemetery should be as good as or better than the current approach to the site.

The Town Council also welcomed the following aspects of the development:

Winners
NORTHUMBRIA in BLOOM

QUALITY TOWN COUNCIL
• Mixed development; strategic reduction of congestion.

• Relieves the pressure of traffic from King Edward VI School.

• Opens up the potential for housing development.

• The cutting into the land at Fulbeck should address visual impact and partially address noise levels.

Yours sincerely,

Miss Gillian Turner
Clerk to Morpeth Town Council
Dear Hannah

PROPOSED MORPETH NORTHERN BYPASS
PROPOSAL BY NORTHUMBERLAND COUNTY COUNCIL (the developer)
INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT)
REGULATIONS 2009 SI 2263 (as amended)(the EIA Regulations)

Thank you for your consultation dated 17 July 2012 which was received by Natural England on 17 July 2012.

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.

Case law¹ and guidance² has stressed the need for a full set of environmental information to be available for consideration prior to a decision being taken on whether or not to grant planning permission. Natural England therefore advises that the Environmental Impact Assessment (EIA) should give full consideration to:

1. Sites of Special Scientific Interest (SSSIs) and sites of European or international importance (Special Areas of Conservation, Special Protection Areas and Ramsar sites).

The Environmental Statement should include a full assessment of the direct and indirect effects of the development on the features of special interest within any relevant SSSIs and should identify such mitigation measures as may be required in order to avoid, minimise or reduce any adverse significant effects.

European sites (e.g. designated Special Areas or Conservation, Special Protection Areas and/or Ramsar Sites) fall within the scope of the Conservation of Habitats and Species Regulations 2010. Paragraph 169 of the National Planning Policy Framework requires that potential Special Protection Areas, possible Special Areas of Conservation, listed or proposed Ramsar sites, and any site identified as being necessary to compensate for adverse impacts on classified, potential or possible SPAs, SACs and Ramsar sites be treated in the same way as classified sites.

Under Regulation 61 of the Conservation of Habitats and Species Regulations 2010 an appropriate

¹ Harrison, J in R. v. Cornwall County Council ex parte Hardy (2001)
assessment needs to be undertaken in respect of any plan or project which is (a) likely to have a significant effect on a European site (either alone or in combination with other plans or projects) and (b) not directly connected with or necessary to the management of the site.

2. Designated Landscapes and Landscape Character

Landscape and visual impacts
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 European Landscape Convention places a duty on Local Planning Authorities to consider the impacts of landscape when exercising their functions.

The EIA should include a full assessment of the potential impacts of the development on local landscape character using landscape assessment methodologies. We strongly advocate the use of Landscape Character Assessment (LCA), based on the good practice guidelines produced jointly by the Landscape Institute and Institute of Environmental Assessment in 2002. LCA provides a sound basis for guiding, informing and understanding the ability of any location to accommodate change and to make positive proposals for conserving, enhancing or regenerating character, as detailed proposals are developed. Guidance on LCA is available here.

Natural England supports the publication Guidelines for Landscape and Visual Impact Assessment, produced by the Landscape Institute and the Institute of Environmental Assessment and Management in 2002 (2nd edition). The methodology set out is almost universally used for landscape and visual impact assessment.

In order to foster high quality development that respects, maintains, or enhances, local landscape character and distinctiveness, Natural England encourages all new development to consider the character and distinctiveness of the area, with the siting and design of the proposed development reflecting local design characteristics and, wherever possible, using local materials. The Environmental Impact Assessment process should detail the measures to be taken to ensure the building design will be of a high standard, as well as detail of layout alternatives together with justification of the selected option in terms of landscape impact and benefit.

Heritage Landscapes
You should consider whether there is land in the area affected by the development qualifying for conditional exemption from capital taxes on the grounds of outstanding scenic, scientific or historic interest. These are considered to be designated landscapes of national importance and the impact of your plan on these should be assessed where appropriate. An up-to-date list may be obtained at www.hmrc.gov.uk/heritage/lbsearch.htm and further information can be found on Natural England’s landscape pages here.

3. Access and Recreation
Natural England encourages any proposal to incorporate measures to help encourage people to access the countryside for quiet enjoyment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways are to be encouraged. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be incorporated where appropriate.

Rights of Way, Access land, Coastal access and National Trails
The EIA should consider potential impacts on access land, public open land, rights of way and coastal access routes in the vicinity of the development.
4. Local Wildlife or Geological Sites
The EIA will need to consider any impacts upon local wildlife and geological sites. Local Sites are identified by the County ecologist, local wildlife trust or a local forum established for the purposes of identifying and selecting local sites; they are of county importance for wildlife or geodiversity. The Environmental Statement should therefore include an assessment of the likely impacts on the wildlife interests of the site[s] identified above. The assessment should include proposals for mitigation of any impacts and if appropriate, compensation measures. Contact the County ecologist, local wildlife trust or Local Sites body in your area for further information.

5. Species protected by the Wildlife and Countryside Act 1981 (as amended) and by the Conservation of Habitats and Species Regulations 2010
We strongly recommend that surveys for protected species (including, for example, great crested newts, reptiles, birds, water voles, badgers and bats) should be carried out within the area affected by the development.

If any protected species are found the Environmental Statement should include details of:
- The species concerned;
- The population level at the site affected by the proposal;
- The direct and indirect effects of the development upon that species;
- Full details of any mitigation or compensation that might be required;
- Whether the impact is acceptable and/or licensable.

In order to provide this information there may be a requirement for a survey at a particular time of year. Surveys should always be carried out in optimal survey time periods and to current guidance by suitably qualified and where necessary, licensed, consultants.

6. Other features of nature conservation interest, e.g. habitats and species identified within the UK and County Biodiversity Action Plans.
Natural England advises that a habitat survey (equivalent to Phase 2) is carried out on the site, in order to identify any important habitats present. In addition, ornithological, botanical and invertebrate surveys should be carried out at appropriate times in the year, to establish whether any scarce or priority species are present. The Environmental Statement should include details of:
- Any historical data for the site affected by the proposal (e.g. from previous surveys);
- Additional surveys carried out as part of this proposal;
- The habitats and species present;
- The status of these habitats and species (e.g. whether BAP priority habitat);
- The direct and indirect effects of the development upon those habitats and species;
- Full details of any mitigation or compensation that might be required.

The development should avoid adversely impacting sensitive areas for wildlife within the site, and should if possible provide opportunities for overall wildlife gain.

7. Cumulative and in-combination effects.
The EIA should include an impact assessment to identify, describe and evaluate the effects that are likely to result from the project in combination with other projects and activities that are being, have been or will be carried out. The following types of projects should be included in such an assessment. (Subject to available information):

a. Existing completed projects
b. Approved but uncompleted projects
c. Ongoing activities
d. Plans or projects for which an application has been made and which are under consideration by the consenting authorities
e. Plans and projects which are reasonably foreseeable, i.e. projects for which an application has not yet been submitted, but which are likely to progress before completion of the development.
and for which sufficient information is available to assess the likelihood of cumulative and in-
combination effects.

Should the proposal be amended in a way which significantly affects its impact on the natural
environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act
2006, Natural England should be consulted again.

For clarification of any points in this letter, please contact Colin Godfrey on 0300 0601164. For any
new consultations or issues, please contact consultations@naturalengland.org.uk.

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

Colin Godfrey
Land Use Operations
Dear Hannah

PROPOSED MORPETH NORTHERN BYPASS
PROPOSAL BY NORTHUMBERLAND COUNTY COUNCIL (the developer)
INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT)
REGULATIONS 2009 SI 2263 (as amended)(the EIA Regulations)

Thank you for your re-consultation dated 3 August 2012 which was received by Natural England on 3 August 2012.

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.

I can confirm that Natural England has no addition comments to make in respect of the revised Scoping Report over and above those included in our response of 3rd August 2012 (copy attached)

For clarification of any points in this letter, please contact Colin Godfrey on 0300 0601164. For any new consultations or issues, please contact consultations@naturalengland.org.uk.

Yours sincerely

Colin Godfrey
Land Use Operations
Dear Sir/Madam

Notification of receipt of request for scoping opinion

Location: Morpeth Northern Bypass
Proposal: Proposed Bypass

Under the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 (as amended):

1) Your submission requesting a scoping opinion for information to be included within an environmental statement was received on the 8 August 2012 by North Tyneside Council.

2) If by 12 September 2012
   a) You have not been given the scoping opinion; or
   b) You have not agreed in writing to extend the period in which the decision may be given

then you can request the Secretary of State under Regulations 10 & 11 of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 (as amended) to make a scoping direction as to the information to be provided in the environmental statement. Any such request shall be copied, by you, to North Tyneside Council, as the relevant planning authority.

Yours faithfully
Note: Building Regulations consent may be required for development involving the extension or construction of a building for which an application may be required. For further information telephone Building Control on 0191 219 2194.
Dear Ms Nelson

Proposed Morpeth Northern Bypass
Proposal by Northumberland County Council (the developer)
Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 SI 2263 (as amended) (the EIA Regulations)

I refer to the above application and your letter dated 17 July 2012.

Background

The Morpeth Northern Bypass road scheme forms part of a wider scheme for this area. The wider scheme originally comprised the recently constructed Pegswood bypass (A197 section) (Planning permission reference number 03/00014/CCDEIA), St Leonards and Northgate carriageway and roundabouts (A1-A192 section) (approved in 2006 under Planning permission reference: 03/00015/CCDEIA, not constructed) and the A192 – A197 section (no permission granted). This scoping response includes amendments to the A1 –A192 section and the new A192-A197 section.

The proposed site is located to the north of Morpeth Town, adjacent to the A1 Trunk Road and on the northern fringe of south east Northumberland between the Tyneside Conurbation and rural Northumberland. The application site lies within an area allocated as Green Belt by Saved Policy S5 of the Northumberland and National Park Joint Structure Plan. There are no statutory landscape designations along the route. The proposed site is essentially rural in character and comprises largely of a gently undulating landscape with agricultural land, hedgerows and hedgerow trees. The proposed route cuts through How Burn Woods, the Cotting Burn, How Burn and Benbridge Burn. The former Pegswood OCCs is located to the east. The landscape in this area is recently restored. The Pegswood Community Park is located to the east of the Whorral Bank Roundabout.

Proposal

The proposed Morpeth Northern Bypass (MNB) site comprises the A1 –A192 and the A192-A197 road sections. The route runs west/east from the A1 north of Lancaster Park, north of Fulbeck, Fulbeck Grange, St George’s, over the How Burn, through part of the former Pegswood Open Cast Coal site (OCCs) and to the roundabout at Whorral Bank on the A197. The length of the road would be approximately 3km. It would be a
single carriageway road with a shared footpath/cycle/bridleway. The scheme would comprise 2 roundabouts with slip roads linking north/south on the A1 (St Leonard’s), a further roundabout about with 5 legs linking to A192 (Northgate) and proposed development site at Northgate and a final 3 leg roundabout (St George’s) The proposed road would link to the existing roundabout on the A197 at Whorral Bank.

Scoping

I would generally concur with the proposed scope of the Environmental Statement as set out in your scoping report subject to the comments set out below.

Principle of the development

The Environmental Statement should contain a full assessment of the proposal against relevant planning policies, including national guidance. Particular reference should be made to the National Planning Policy Framework sections:

- 3 - Supporting a prosperous rural economy
- 4 - Promoting sustainable transport
- 7 - Requiring good design
- 9 - Protecting Green Belt land
- 11 - Conserving and enhancing the natural environment

In respect of this development the relevant Development Plan documents are the saved policies in the Castle Morpeth District Local Plan (2003) and the Regional Spatial Strategy (RSS). Policy MT1 of the Castle Morpeth District Local Plan supports the bypass with the provision of suitable mitigation. Other relevant Local Plan Policies include C3 and MC2 – areas of high landscape value, C9 and MC4 – nature conservation, C15 – trees in countryside and urban areas, R10 – potential nature reserve, C12 and MC6 – wildlife corridors, C4 and MC3 – landscape corridors, T6 – provision for cyclists, T1 A1-South East Northumberland Link Road and R8 – public footpaths and bridleways. Table 4 of the RSS lists the MNB as a spatially specific objective to improve accessibility to regeneration priority areas.

The Environmental Statement would have to demonstrate that there would be suitable mitigation in terms of the impacts of the bypass. Information should be submitted in terms of the highway and traffic benefits, the wider economic benefits and other mitigation particularly in terms of landscape and ecological benefits.

Landscape and Visual Impact

Any planning application would have to address the potential impact of the construction of the MNB and the completed road scheme on the surrounding landscape, taking into account the existing landscape character and how this can be retained or improved. Careful consideration would therefore have to be given to the landscape impact and the screening of the construction and completed road scheme.

The proposed scheme would also have to take account of the existing and proposed visual receptors in the area. This would include the existing residents properties, other land users and rights of way, together with proposed receptors at the development sites of St George’s and Northgate. I consider that the proposed approach as set out in the Landscape and Visual Assessment is appropriate.
Impact on Archaeology

The scoping document provides a summary of the known archaeological baseline in the area. Previous archaeological investigations around the area have identified evidence of Iron Age / Romano-British period features. The Cultural and Historic Chapter of the Environmental Statement should include a staged approach to archaeological assessment comprising the preparation of an archaeological desk based assessment, the results of a programme of targeted archaeological evaluation (e.g. trial trenching, geophysical survey etc), and further targeted assessment if required.

Impact on Nature Conservation

The scoping report sets out a number of surveys that have been carried out by the applicants in the last 5 years with some older supporting information. It is essential that up to date ecological information is provided by the applicant.

The ecological assessments should be undertaken in accordance with the Guidelines for Ecological Impact Assessment produced by the Institute of Ecology and Environmental Management. The protected species surveys should be carried out using recognised methodologies at appropriate times of the year. Consideration should be given to the UK Bio-diversity Action Plan (BAP) and the Northumberland BAP. Surveys, assessments and recommendations for mitigation measures should be undertaken by suitably qualified and experienced persons.

Water Environment

Flood risk

The proposal highlights a number of water courses would be crossed as part of the proposals. These crossings where possible should be span bridges rather than culverts. Where span bridges cannot be accommodated, an explanation of why a culvert is the best option should be set out. In addition, culverts should be as short as possible and suitable to accommodate a 1/100 year flood, factoring in climate change and freeboard. The use of Sustainable Urban Drainage Schemes (SUDs) is supported. A full flood risk assessment would be required for both the construction phase and the completed road scheme,

Ground Water

A comprehensive Hydrological Risk Assessment should be included within the environmental statement as there are a number of ground water abstractions in and around the local area. Other assessments include hydro-geological and drainage assessments.
Contaminated land

A Contaminated Land Preliminary Risk Assessment should be included within an environmental statement.

Soils

The construction requirements of the road scheme, the actual route would be located in areas of agricultural land. The Environmental statement should address issues relating to agricultural land quality, rationalisation of field boundaries, provision for existing and proposed agricultural drainage systems, movement of agricultural traffic, including livestock, and access to fields.

Other Issues

An assessment of the impact on air quality locally, regionally and globally, including the impacts of emissions from fixed and mobile plant and vehicles should be included in the Environmental Statement.

The Environmental Statement should also promote Sustainable Construction and consider opportunities for maximising the use of secondary and recycled materials, minimising non-renewable resources and water and energy conservation during construction together with the longer term benefits of reducing traffic congestion and promoting other ways of travel, e.g. cycling, walking, public transport.

Careful consideration should be given to assessing impacts of noise, dust, vibration during construction and end use.

A geological and hydro-geological assessment should be carried out as part of the environmental statement together with detailed information regarding road stability particularly around the previous opencast area.

In summary the proposal road scheme is generally supported by development plan policies subject to suitable mitigation in terms of landscape and visual amenity, residential amenity and ecology. Specific consideration should be given to the landscaping of the road scheme in terms of promoting the aspirations of the Northumberland BAP together with other sustainable benefits such as SUDs. In terms of the construction of the road scheme, a careful assessment of the impacts from engineering operations should also be considered.

Yours sincerely

John Dowsett
Principal Planning Officer
Strategic and Urban Development Management Team
To whom it may concern,

Having accessed and viewed the request and report regarding the proposed Morpeth Northern Bypass from a Fire and Rescue perspective I have nothing further to add to the environmental statement. NFRS recognise that construction of this size and nature will necessitate the movement of large vehicles and heavy plant during the construction phase. However, the much improved access to the A1 from Pegswood Community Fire Station on completion will enhance Fire Service response times to this major arterial roadway. Completion of this work will also eliminate the current requirement for large fire appliances to pass through Morpeth Town and/or Hebron Village to access incidents on the A1.

Regards

**Darren Nelson**  
Station Manager  
**Pegswood Community Fire Station**  
**Northumberland Fire and Rescue Service**  
e-mail - Darren.Nelson@northumberland.gov.uk  
Tel: 01670 620572  
Mob: [Redacted]

Northumberland made the following annotations

---------------------------------------------------------------------
Northumberland added fact: Now You Can Do It Online!
We are committed to making all of our services easy to access and easy to use online. We have grouped together our most popular online requests: Library Books, School Admissions, Household Waste Pass, Reporting Road Issues and more...  
Go to: http://www.northumberland.gov.uk

Northumberland added disclaimer: This email is intended solely for the individual or individuals to whom it is addressed, and may contain confidential and/or privileged material. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking...
Dear Ms Nelson

Proposed Morpeth Northern Bypass, proposal by Northumberland County Council. Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 SI 2263 (as amended)

Thank you for your letter received on the 6th August 2012

The Authority wishes to make no comments on this occasion.

Yours faithfully,

Jessica Taylor
Planning Officer
Dear Ms Nelson,

I would be grateful if you could add the comments below to any you may previously have received from the Northumberland Tyne and Wear NHS Foundation Trust. The Trust is in support of the by-pass but, in wishing to protect its interests and the safe and effective operation of the Hospitals, the comments below are submitted. The Trust owns and operates two hospitals in the area: Northgate Hospital (to the north of Morpeth) and St Georges Hospital at the northern edge of the town itself.

Northgate

Northgate Hospital is adjacent to the A1 and is currently accessed either via the southbound slip road of the A1, or from Pottery Bank/the A192 north out of Morpeth. During construction of the proposed roundabout junction to the A1 (known as Northgate Roundabout) the route north to the hospital will be blocked and presumably traffic will be diverted. In order to ensure the continuous safe and efficient operation of the hospital, the effects of road closures and diversions on access to the hospital should be covered in Northumberland Council's Environmental Impact Assessment to be submitted with the DCO. All effects should be assessed and mitigation measures clearly described in the context of the timeline for the development i.e. periods of disruption should be described and any risk of delay to the timeline identified and mitigation proposed. This should be considered in the context of assessments in Chapters 14 and 10, Disruption Due to Construction, and Community Effects respectively.

St Georges

In respect of the St Georges and surrounding land, the Trust would comment that the Environmental Impact Assessment should fully assess likely effects upon easements for private utilities, and the utilities themselves. Some private utilities in the area supply mains water etc to residential and commercial property and need to be thoroughly assessed and any necessary mitigation measures described.

Notwithstanding the above, the Trust reserves the right to comment fully on the technical submission in the DCO and its accompanying Environmental Statement.

Please let me know if you require anything further at this time.

Kind regards,

Katherine
24 July 2012

FAO: Hannah Nelson

Dear Ms Nelson,

Subject: Scoping Opinion, Morpeth Northern Bypass.

Thank you for consulting Northumbrian Water on the above request for a scoping opinion.

In making our response Northumbrian Water assess the impact of the proposed development on our assets. We do not offer comment on aspects of planning applications that are outside of our area of control.

Having assessed the current proposed development against the context outlined above we would have no comments to make at this stage.

I note that consultation requests from the planning inspectorate are currently being sent to our office at Abbey Road, Pity Me, Durham DH15FJ. I would be most grateful if you could update your records to send all planning inspectorate consultations to New Development Team, Northumbrian Water, Leat House, Pattinson Road, Washington, Tyne and Wear NE38 8LB You can also consult us via e-mail at planning@nwl.co.uk

I trust this information is helpful to you, if you should require any further information please do not hesitate to contact me.

Yours sincerely

Claire Megginson
New Development
Hannah Nelson
EIA and Land Rights Adviser
The Planning Inspectorate
2 The Square
Bristol
BS1 6PN

Dear Ms Nelson

Proposed Morpeth Northern Bypass

I refer to your letter dated 17 July 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

Pat Cooper
Business Support Officer
Policy and Communications Division
On behalf of Water Services Regulation Authority (Ofwat)
Good morning

The Parish Council welcome the opportunity, again, to comment on the above scheme

In November last year the council met and resolved the following, which was passed to the County Council

It was resolved that the Parish Council is unanimously and strongly in favour of the development. However it believes the following issues should be considered

- All movements of cut and fill materials should be contained within the site perimeter i.e. along the propose route
- Any materials excavated and deemed unsuitable for reuse on the site should be used to infill the “lake” in Pegswood Community Park Phase II, in liaison with Banks Mining
- The drainage ponds should be fenced off for safety reasons
- The drainage ponds at St George’s roundabout should, if possible, be drained into the Howburn rather than the Fulbeck. This would ensure that the Howburn does not run dry and reduce any potential flooding risk in Morpeth via the Fulbeck
- Consideration should be given to the creation of a bridle path from under Howburn Wood Bridge along to Fulbeck Grange and onto St Leonards Lane via the PRoW at Lancaster Park

Many thanks
Kevin

Kevin Cassie, Parish Clerk and Finance Officer
Pegswood Parish Council
Uniun Buildings, Pegswood
Northumberland, NE61 6RG
Dear Hannah

PROPOSAL: Proposed Morpeth Northern Bypass
Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 SI 2263 (as amended) (the EIA Regulations)

I refer to your letter dated 3 August 2012 regarding the above and confirm that, from a planning perspective, Scottish Borders Council has no comments to make.

Yours sincerely

Barry Fotheringham
Principal Planning Officer
National Infrastructure Directorate  
The Planning Inspectorate

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

6 August 2012

For the Attention of: Ms Hannah Nelson – EIA and Land Rights Advisor

Dear Ms Nelson

**Proposed Morpeth Northern Bypass**

**Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 SI 2263 (as amended)**

Thank you for your consultation letter of 17 July 2012 seeking the views of The Coal Authority on the EIA Scoping Opinion for the above proposal.

The Coal Authority is a non-departmental public body sponsored by the Department of Energy and Climate Change. As a statutory consultee, The Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.

**The Coal Authority Response**

The proposed EIA development is located within the defined Coal Mining Development Referral Area; the eastern part of the site therefore has been subject to past coal mining activity and is located within an area of surface coal resource.

In accordance with the agreed risk-based approach to development management in Coal Mining Development Referral Areas, the past coal mining activities and the presence of surface coal resources within the site should be fully considered as part of the Environmental Statement (ES); this should take the form of a risk assessment, together with any necessary mitigation measures.

The Coal Authority is therefore pleased to note that Section 13: Geology and Soils of the Scoping Report has been informed by an appropriate range of sources of coal

**Protecting the public and the environment in coal mining areas**
mining information, in the form of a specific report entitled Supplementary Desk Study – Mining & Site Conceptual Model, and indicates that the ES will afford due consideration to this issue.

Consideration of Coal Mining Issues in the ES

There are a number of coal mining legacy issues that can potentially pose a risk to new development and therefore should be considered as part of an Environmental Statement for development proposals within coalfield areas:

- The location and stability of abandoned mine entries
- The extent and stability of shallow mine workings
- Outcropping coal seams and unrecorded mine workings
- Hydrogeology, minewater and minegas

In addition, consideration should be afforded as part of development proposals and the ES to the following:

- If surface coal resources are present, whether prior extraction of the mineral resource is practicable and viable
- Whether Coal Authority permission is required to intersect, enter, or disturb any coal or coal workings during site investigation or development work

Coal Mining Information

Information on these issues can be obtained from The Coal Authority's Property Search Services Team (Tel: 0845 762 6848 or via The Coal Authority’s website: http://coal.decc.gov.uk/en/coal/cms/services/reports/reports.aspx) or book an appointment to visit The Coal Authority’s Mining Records Centre in Mansfield to view our mining information (Tel: 01623 637 233).

An assessment of the risks associated with the presence of coal mining legacy issues on a proposed development should be prepared by a “competent body”. Links to the relevant professional institutions of competent bodies can be found at: http://coal.decc.gov.uk/en/coal/cms/services/planning/strategy/strategy.aspx

In accordance with our consultation requirements, we look forward to receiving the planning application and Environmental Statement for comment in due course.

I trust this is acceptable, please do not hesitate to contact me if you require any additional information or would like to discuss this matter further.

Yours sincerely

Mark Harrison

Mark E. N. Harrison  B.A.(Hons), DipTP, MRTPI
Planning Liaison Manager

Protecting the public and the environment in coal mining areas
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 (as amended). 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

4.7 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:

4.8 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’s reasoning in judging ‘significant effects’. In other words

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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.