

A1.2 – EIA Scoping Responses



Department for Transport

Jon Colclough, Environment Manager
Bank Station Capacity Upgrade Project
Transport for London
4th Floor
84 Eccleston Square
London
SW1V 1PX

Robert J Fox
Transport and Works Act Orders Unit
General Counsel's Office
Department for Transport
Zone 1/18
Great Minster House
33 Horseferry Road
London
SW1P 4DR

Direct Line: 020 7944 3293
Fax: 020 7944 9637
Email : robert.fox@dft.gsi.gov.uk

Web Site: www.gov.uk/dft/twa

Our Ref: TWA/2/2/116
Your Ref: LUSTN-0008798-RPT-002916

12 November 2013

Dear Mr Colclough,

**TRANSPORT AND WORKS ACT 1992
TRANSPORT AND WORKS (APPLICATIONS AND OBJECTIONS PROCEDURE)
(ENGLAND AND WALES) RULES 2006**

**PROPOSED BANK STATION CAPACITY UPGRADE WORKS - REQUEST FOR A
SCOPING OPINION**

Thank you for your letter of 30 September requesting a scoping opinion in connection with the above proposed scheme. I enclose the scoping opinion as requested.

You may also find it helpful to see the comments we received from those we consulted, and copies of these are enclosed. We consider that some of the comments are not strictly about the scope of the ES for the above works but related, for example, to the design of new buildings, including the Over Site Development, and construction methods and practices. You may nevertheless wish to be aware of these comments in taking forward the environmental impact assessment and development of these proposals.

Yours sincerely,

Robert J Fox



Department for Transport

Bank Station Capacity Upgrade Project
Transport for London
4th Floor
84 Eccleston Square
London
SW1V 1PX

For the attention of: Jon Colclough, Environment
Manager

Martin Woods
Head of TWA Orders Unit
General Counsel's Office
Department for Transport
Zone 1/18
Great Minster House
33 Horseferry Road
London
SW1P 4DR
Direct Line: 020 7944 2488
Fax: 020 7944 9637
Email:
transportandworksact@dft.gsi.gov.uk

Web Site: www.gov.uk/dft

Our Ref: TWA/2/2/116
Your Ref: LUSTN-0008798-RPT-002916

12 November 2013

Dear Sir,

TRANSPORT AND WORKS ACT 1992 BANK STATION CAPACITY UPGRADE WORKS – EIA SCOPING REPORT

I refer to your letter of 30 September 2013 requesting a scoping opinion under rule 8 of the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006.

You enclosed with your email an EIA Scoping Report dated 30 September 2013 (URS-8798-RPT-G-000051 BSCU). The Scoping Report describes the proposed scope and methodology for the Environmental Impact Assessment ("EIA"), which will be reported in the Environmental Statement ("ES") to accompany an application for a Transport and Works Act ("TWA") Order to authorise the Bank Station Capacity Upgrade Project ("the project").

We have considered your request for an opinion on the proposed content of the ES in accordance with rule 8 of the above Rules. In formulating the scoping opinion, we have consulted the following organisations -

- English Heritage
- Environment Agency
- Natural England
- City of London Corporation

Scoping Opinion

The Secretary of State considers that the environmental issues identified in the Scoping Report are properly ones that should be addressed in the ES for the project. He agrees that the topics considered in sections 16 (Ecology), 17 (Daylight, Sunlight, Overshadowing and Microclimate) and 18 (Electromagnetic Compatibility) of the Scoping Report can be scoped out of the EIA for the reasons given in those sections. In addition, he considers that the matters below should also be addressed in the EIA.

Please note that this scoping opinion is given without prejudice to our consideration of any TWA Order application which may be made for the project. The giving of the opinion implies no view on the Department's part about the merits or otherwise of the project.

3 – The Proposed Development

The EIA should consider potential construction access arrangements to the Whole Block Site from all four sides not just from Cannon Street (3.3.1).

5 - EIA – Proposed Approach

The assessment of cumulative effects in relation to transport and highways should also take account of non-development related activity such as transportation and streetscene enhancement schemes, major planned utility work programmes and major known special events (5.6.4).

7 – Transport and Movement

The EIA for the project should specifically address the issues referred to by the City of London Corporation in its comments on the Scoping Report (7.4.3).

The Surface Level Study Area should include New Change and Ludgate Hill (7.5.8, figure 7.1).

The EIA should include an assessment of footway widths and existing/future levels of footway crowding on routes leading to and from existing and new station entrances (7.7.5).

8 – Noise and Vibration

The monitoring locations and the monitoring protocol referred to at 8.4.4 should include all residential locations referred to by the City of London Corporation in their comments on the Scoping Report.

11 – Air Quality

The duration of and methods for measuring nitrogen dioxide in the immediate vicinity of the project should be sufficient to establish reliable baseline data, in consultation with the Environmental Health Officer for the City of London Corporation (11.2.9).

The assessment and mitigation of the construction and demolition phase of the project should be undertaken in line with the Greater London Authority Supplementary Planning Guidance 'The control of dust and emissions during construction and demolition' which is currently in draft (11.4).

12 – Water Resources and Flood Risk

The EIA should address the implications of any dewatering of the alluvium/river terrace deposits of the shallow aquifer that is required in connection with tunnelling and shaft construction.

The EIA should consider the tidal influence of the River Thames on groundwater levels in the shallow aquifer.

15 – Socio-Economic and Community Effects

The EIA should take account of the effects of the project on the operational requirements of the Mansion House.

19 – Construction Environmental Management

The ES should also refer to the City of London's Guidance Notes for Activities on the Public Highway (in relation to scaffolding and hoarding designs) and to London Underground Limited's involvement in the City's Considerate Contractor Scheme (19.1.3).

Distribution

Copies of this letter are being sent to those organisations which were consulted on the request for a scoping opinion, as listed at the beginning of this letter.

Yours faithfully,

Martin Woods

Department of the Built Environment

Philip Everett, BSc, CEng, MICE
Director of the Built Environment



Mr Robert J Fox
Transport and Works Act Orders Unit
General Counsel's Office
DfT, Zone 1/18
33 Horseferry Road
London SW1P 4DR

Telephone 020 7332 3229
Fax 020 7332 1806
Email andrew.phipps
@cityoflondon.gov.uk

Your ref TWA2/2/116

Date 29 October 2013

Dear Mr Fox

Transport and Works Act 1992

The proposed Bank Station Capacity Upgrade

I refer to your letter dated 1st October 2013. I am pleased to provide a consolidated reply to the Secretary of State's formal consultation under AOPR rule 8(4).

Environmental Matters

Noise and Vibration

Section 8.4.4 should include all residential locations such as:

- Abchurch Yard, 129 Cannon Street.
- Travel Lodge, Abchurch Yard, 21-23 St Swithins Lane.
- Fish Mongers Hall, London Bridge.
- 6 Laurence Pountney Lane.

Air quality

The City of London has been declared an AQMA and as such requires Best Practicable means for controlling pollution.

Section 11.2.9 - Three months monitoring using diffusion tubes is not sufficient to obtain reliable baseline levels of nitrogen dioxide. Three months data cannot be annualised accurately and should not be used to verify model predictions. Diffusion tubes are not accurate enough to verify a model.

The City of London has been declared an AQMA and as such requires Best Practicable means of controlling pollution.

Assessment and mitigation of the construction and demolition phase of the project should be undertaken in line with the Greater London Authority Supplementary Planning Guidance 'The control of dust and emissions during construction and demolition' (currently in draft format).

The fuel for the energy plant is not specified. The developers should avoid biomass or biofuels due to their on-going impact on local air quality.

Monitoring methods

The site must provide real time monitoring for dust, air and vibrations. A text alert system should be setup for this. Real time monitoring should be carried out and the site management team should have system set in place to receive a text + email alert when any trigger value is breached.

Cooking smells from new buildings

We are receiving more and more complaints of smell nuisance from cooking, from A1 and A3 units. We would request that a satisfactory system of ventilation must be provided which should include:-

Adequate access to ventilation fans, equipment and ductwork should be provided to permit routine cleaning and maintenance. Flues should terminate at roof level in a location which will not give rise to nuisance to other occupiers of the building or adjacent buildings.

City concrete crusher

Consideration should be given to providing a unit on site whereby the necessary back filling materials are reused from the demolition works. This will in turn save the removal of concrete from site and the bringing back to site crushed concrete for filling materials. This will reduce vehicle movements to and from site.

Ventilation of Sewers Gases

The sewers in the City historically vent at low level in the road, the area of your development has suffered smell problems from sewer smells entering buildings. A number of these ventilation grills have been blocked up by Thames Water Utilities. These have now reached a point where no further blocking up can be carried out, it is therefore paramount that you ensure no low level ventilation or entrances are adjacent to these vents. We are lead to believe that the current sewer system is to be modified, this will require the low level vents to be provided in the modified sewers. We would request that a sewer vent pipe is installed in your building and terminating at a safe outlet at roof level atmosphere. This would benefit your development and surrounding areas whereby any venting of the sewers is at high level away from air intakes and building entrances, allowing possible closing off the low level ventilation grills in any problem areas.

The use of generators on site for general power sources

Companies are currently having difficulties obtaining suitable power sources to run their plant in the demolition and construction phases. We would request applications for permanent power are made to the power companies, as soon as possible, whereby the use of generators on sites is eliminated. The use of generators is strongly discouraged in the City of London Corporation, for building processes.

NRMM Plant

All Non-Road Mobile Machinery (NRMM) should meet Stage IIIB emission criteria, unless it can be demonstrated that Stage IIIB equipment is not available. If Stage IIIB equipment is not available, NRMM must be fitted with particle traps and/ or catalytic exhaust treatment wherever possible. An inventory of all NRMM must be kept on site and all machinery should be regularly serviced and service logs kept on site for inspection. Records should be kept on site which details proof of emission limits for all equipment.

Waste collection

Section 14 of the EIA scoping report indicates that the provision of waste storage and collection facilities in the completed development will be covered.

Archaeology

The EIA should include an archaeological desk based assessment as set out. The results of the assessment should inform a programme of archaeological evaluation of trial work to an agreed method statement to provide additional information on the nature, character, condition and date of surviving archaeological remains and supplement the findings of the assessment.

Transport and Highways matters

Section 3.3.1 – The City would expect the EIA to consider potential access arrangements from all four sides of the site rather than just focussing on Cannon Street.

Section 5.6.4 - In addition to development activity, ‘Cumulative effects’ need to include non-development related activity in LUL’s assessment e.g. transportation and streetscene enhancement schemes like Aldgate. These could be identified through the LIP process or the City’s major works / gateway project plan. Also, there is a need to include major planned utility work programmes and major known special events.

Section 7.4 – The EIA needs to specifically address questions of:

- road safety
- the control of mud on the highway
- the needs of the emergency services (see 7.6.1 as well)
- the impact on the City’s Traffic & Environment Zone (Ring of Steel).
- the need to facilitate other activities on the highway e.g. special events
- the needs and impact on utilities
- the impact on the junction of Cannon St / King William St / Gracechurch St / Eastcheap, and the need to address the Monument subway weight restriction due to the closure of Arthur St

Section 7.5.6 - The images of the new station entrance on Cannon Street show footway security bollards. This issue needs to be specifically addressed in terms of the design of the OSD, and in the context of the EIA, in terms of the impact that a sea of bollards would have on pedestrians, cyclists and the highway. The EIA should acknowledge that the City’s policy is that any necessary security measures for new buildings must be on the private realm and not on the public highway. Note that 7.6.2 says that ‘there will be no detrimental impact on the road layout in relation to its baseline (current) situation’. Clearly the introduction of footway bollards would conflict with this statement.

Section 7.5.8 and Figure 7.1 – The study area should be extended to cover the missing wedge containing New Change and Ludgate Hill, both heavily used bus routes.

Section 7.7.5 – The EIA should include an assessment of footway widths and existing/future levels of footway crowding on routes leading to and from existing and new station entrances.

Section 19.1.3 - Reference needs to be made to the City's Guidance Notes for Activities on the Public Highway (re scaffold & hoarding designs) which we consider to be Best Practice, and LUL's involvement in the City's Considerate Contractor Scheme.

Footways in the City can be challenging to everyone particularly disabled people, never more so than when they are disrupted by proposed major works such as this. The impact of footway disturbance cannot be underestimated and it's vital that it is kept to a minimum through efficient coordination, management and good practice.

Socio-Economic and Community Effects

In section 16 there could be some mention of the impact on businesses image/reputation, and the 'cost' of this, as well as deliveries and access by staff. The works have the potential to affect strategic decisions about a business's operations and location (especially if they coincide with a major lease break for example), and this could have a wider knock-on effect on the City's reputation and success as a global financial centre. Of course the flip side to this is that the City becomes more attractive due to an enhanced transport offer at Bank.

Property matters

The ability for TfL to undertake the development pre-disposes that the sale of the City's freehold at 10 King William Street has occurred (either through the current negotiation, or by subsequent compulsory purchase).

The main City owned property that would be affected by the proposals (following the transfer of 10 King William St) is Phoenix House, 14/20 King William Street, which is immediately the other side to Nicholas Lane. The City owns the freehold of the site (City's Estate) jointly with the Mercers Company. Any redevelopment of 10 King William Street should take account of the amenity to Phoenix House, both during construction, and in the design of the final development. Issues relating to its amenity include having consideration to current access ways into the building, particularly from Nicholas Lane. Noise, dust and vibration transfer are also considerations during the proposed development. The City also reserves its position in relation to any impingement of rights of light in relation to Phoenix House.

The tunnelling proposals will need to protect the integrity of any buildings it could affect, again with regard to the investment estates this relates to Phoenix House, but also to Candlewick House, 116/126 Cannon Street, (a Bridge House Estates freehold subject to a modern ground lease) which is close to the proposed tunnel works. The City would likely incur engineering consultant fees (or in house costs) in monitoring the effect of the tunnelling on these buildings, and would anticipate reimbursement by TfL.

The EIA must also take account of the impact of the construction and operation of the enlarged station on the operational requirements of the Mansion House.

Yours sincerely



Andrew Phipps
Strategic Transportation Team Leader
Transportation and Public Realm

LONDON OFFICE

Ms Annie Hampson
Corporation of London
PO Box 270
Guildhall
London
EC2P 2EJ

Direct Dial: 020 7973 3774
Direct Fax: 020 7973 3792

Our ref: **W:** PA00199705

29 October 2013

Dear Ms Hampson

Request for Pre-application Advice

LAND BOUNDED BY KING WILLIAM STREET, NICHOLAS LANE, CANNON STREET AND ABCHURCH LANE

Thank you for your consultation of 9 October 2013 seeking our pre-application advice on plans for the above site. On the basis of the information provided, detailed below, it appears that the proposals are likely to lead to an application/s for which English Heritage would be a statutory consultee. We have viewed the Scoping Report and have no comments to make. I recommend that you include a copy of this letter with any application made for these works.

Please contact me if you would like to discuss any matter further.

Yours sincerely

Claire Brady

Inspector of Historic Buildings and Areas
E-mail: claire.brady@english-heritage.org.uk



1 WATERHOUSE SQUARE 138-142 HOLBORN LONDON EC1N 2ST

Telephone 020 7973 3000 Facsimile 020 7973 3001
www.english-heritage.org.uk

English Heritage is subject to the Freedom of Information Act 2000 (FOIA) and Environmental Information Regulations 2004 (EIR). All Information held by the organisation will be accessible in response to an information request, unless one of the exemptions in the FOIA or EIR applies.

English Heritage will use the information provided by you to evaluate any applications you make for statutory or quasi-statutory consent, or for grant or other funding. Information provided by you and any information obtained from other sources will be retained in all cases in hard copy form and/or on computer for administration purposes and future consideration where applicable.

LONDON OFFICE

**LAND BOUNDED BY KING WILLIAM STREET, NICHOLAS LANE, CANNON
STREET AND ABCHURCH LANE
Request for Pre-Application Advice**

Information Provided

Report entitled 'Bank Station Capacity Upgrade Project Over Site Development EIA Scoping Report September 2013'



1 WATERHOUSE SQUARE 138-142 HOLBORN LONDON EC1N 2ST

Telephone 020 7973 3000 Facsimile 020 7973 3001
www.english-heritage.org.uk

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English Heritage will use the information provided by you to evaluate any applications you make for statutory or quasi-statutory consent, or for grant or other funding. Information provided by you and any information obtained from other sources will be retained in all cases in hard copy form and/or on computer for administration purposes and future consideration where applicable.

Jon Colclough
Transport for London

Via email:
joncolclough@tfl.gov.uk

Our ref: NE/2013/118884/01
Your ref: URS-8798-RPT-G-000051
BSCU

Date: 29 October 2013

Dear Jon

Bank Station, Cornhill, London.

Submission of EIA Scoping Report for Bank Station Capacity Upgrade Works.

Thank you for consulting us on the above EIA Scoping Report. Following our review of the report, our comments are as follows:

Flood Risk

The area covered by the Bank Upgrade Works falls within Flood Zone 1 and the scale of the overground works is minimal. As a result we do not consider that the proposals will have any adverse impact on fluvial flood risk or have a significant impact on site surface water runoff rates. As such we consider the proposed scope of the EIA to sufficiently cover flood risk related issues.

Waste

Based on the information submitted, we consider that the scope of the EIA to be sufficient and appropriate, although, at this stage, with the Site Waste Management Plan not having been produced yet, it is not possible for us to determine whether the waste management procedures will be appropriate. We ask that once the SWMP has been completed, it is submitted to us for further review.

The SWMP should show what waste would be created (types), how much would be created (quantity) and where the waste would be going (transfer and storage).

All waste removed from site should be accompanied by waste transfer notes and sent to a permitted facility. If the site are going under WRAP or the CL:AIRE code of practice then a detailed plan of how this will be achieved will need to be submitted. The site may need an exemption or permit if waste is to be stored or transferred. We recommend that if such a proposal is likely, that the applicant contacts our relevant Environment Management Team to discuss further.



Water Resources

The on-site works will include tunnelling and shaft construction. Such works may therefore require dewatering of the alluvium/river terrace deposits of the shallow aquifer system. We consider that the implications of this should be addressed within the scope of the EIA. A permit would be required for this activity if discharge of water into a surface water body was planned. A discharge of this type would need to meet strict environmental limits and so testing prior to discharge and possibly also on site treatment of the water could be required.

Guidance related to water discharge permits can be found at:

<http://www.environment-agency.gov.uk/business/topics/water/117697.aspx> End 2

We would expect the applicants to completed a utility search which includes how the tunnelling/dewatering may impact water abstractions in the area. This should include abstraction for public water supply and private licensed abstractions in the area. This is normally done as part of the utilities search.

Groundwater and Contaminated Land

We have reviewed the document: Project Note: TWAO ES Water Resources and Flood Risk Chapter, Ref: 47067969.E0033.

The Dragados scheme proposals do not significantly change the groundwater issues previously looked at with the Motts scheme. The Project Note mentions that there isn't really any data, at this stage, on tidal influence from the Thames on groundwater levels. This is something that should be addressed within the scope of the EIA, to improve the conceptual model, as it can be significant in some areas. This is essential to the developing of a satisfactory conceptual site model, which in turn is fundamental to a comprehensive understanding. It should be noted that Dragados are one of the main contractors on the Crossrail project and are working on similar issues. Our main technical contact with Dragados is Bruno Guillaume and we suggest that internally, Dragados get his input. We are willing to meet with Dragados to discuss groundwater issues at an appropriate time, but consider that at this stage there is more work that is required first. Much of this work will be very similar to what is already in place for the Crossrail project.

The attached piling guidance should be considered, as this sets out the risks associated with different piling construction methods, but essentially if all works are terminating in London Clay then the risks to sensitive groundwater receptors are greatly reduced.

I hope that the above comments are of use to you in determining the appropriate scope of the EIA.

If I can be of any further assistance, please don't hesitate to contact me.

Yours sincerely

Nick Beyer
Major Projects Officer

Telephone: 0203 263 8051

E-mail: northlondonplanning@environment-agency.gov.uk

Address: Ergon House, Horseferry Road, London, SW1P 2AL

Date: 14 October 2013
Our ref: 99209
Your ref: TWA 2/2/116



Mr R J Fox
Transport and Works Act Orders Unit
General Counsel's Office
Department for Transport
Zone 1/18
Great Minster House
33 Horseferry Road
LONDON SW1P 4DR

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

T 0300 060 3900

BY EMAIL ONLY

Robert.Fox@dft.gsi.gov.uk

Dear Mr Fox,

Environmental Impact Assessment Scoping consultation (Regulation 15 (3) (i) of the EIA Regulations 2011): Transport and Works Order Application for Bank Station Capacity Upgrade Project
Location: London Underground Bank Station

Thank you for your consultation dated and received by Natural England on 1 October 2013.

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.

The scoping request is for a proposal that does not appear, from the information provided, to affect any nationally designated geological or ecological sites (SAC, Ramsar, SPA, SAC, SSSI, NNR) or landscapes (National Parks, AONB's, Heritage Coasts, National Trails), or have significant impacts on the protection of soils (particularly of sites over 20ha of best or most versatile land), nor is the development for a mineral or waste site of over 5ha.

At present therefore it is not a priority for Natural England to advise on the detail of this EIA. We would, however, like to draw your attention to some key points of advice, presented in annex to this letter, and we would expect the final Environmental Statement (ES) to include all necessary information as outlined in Schedule 4 of the Town & Country Planning (Environmental Impact Assessment) Regulations 2011. If you believe that the development does affect one of the features listed in paragraph 3 above, please contact Natural England at consultations@naturalengland.org.uk, and we may be able to provide further information.

Yours sincerely,

Amy Herford

Customer Service Consultation Team

Annex A – Advice related to EIA Scoping Requirements

1. General Principles

Schedule 4 of the Town & Country Planning (Environmental Impact Assessment) Regulations 2011, sets out the necessary information to assess impacts on the natural environment to be included in an ES, specifically:

- A description of the development – including physical characteristics and the full land use requirements of the site during construction and operational phases.
- Expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation, etc.) resulting from the operation of the proposed development.
- An assessment of alternatives and clear reasoning as to why the preferred option has been chosen.
- 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.
- A description of the likely significant effects of the development on the environment – this should cover direct effects but also any indirect, secondary, cumulative, short, medium and long term, permanent and temporary, positive and negative effects. Effects should relate to the existence of the development, the use of natural resources and the emissions from pollutants. This should also include a description of the forecasting methods to predict the likely effects on the environment
- A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment.
- A non-technical summary of the information.
- An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the applicant in compiling the required information.

It will be important for any assessment to consider the potential cumulative effects of this proposal, including all supporting infrastructure, with other similar proposals and a thorough assessment of the ‘in combination’ effects of the proposed development with any existing developments and current applications. A full consideration of the implications of the whole scheme should be included in the ES. All supporting infrastructure should be included within the assessment.

2. Biodiversity and Geology

2.1. Ecological Aspects of an Environmental Statement

Natural England advises that the potential impact of the proposal upon features of nature conservation interest and opportunities for habitat creation/enhancement should be included within this assessment in accordance with appropriate guidance on such matters. [Guidelines for Ecological Impact Assessment \(EclA\)](#) have been developed by the Institute of Ecology and Environmental Management (IEEM) and are available on their website.

EclA is the process of identifying, quantifying and evaluating the potential impacts of defined actions on ecosystems or their components. EclA may be carried out as part of the EIA process or to support other forms of environmental assessment or appraisal.

The National Planning Policy Framework ([NPFF](#)) sets out guidance in S.118 on how to take account of biodiversity interests in planning decisions and the framework that local authorities should provide to assist developers.

2.2. Internationally and Nationally Designated Sites

Natural England undertakes an initial assessment of all development consultations, by determining whether the location to which they relate falls within geographical ‘buffer’ areas within which development is likely to affect designated sites. The proposal is located outside these buffer areas and therefore appears unlikely to affect an Internationally or Nationally designated site. However, it should be recognised that the specific nature of a proposal may have the potential to lead to significant impacts arising at a greater distance than is encompassed by Natural England’s buffers for designated

sites. The ES should therefore thoroughly assess the potential for the proposal to affect designated sites, including Special Areas of Conservation (SAC), Special Protection Areas (SPA), Ramsar sites and Sites of Special Scientific Interest (SSSI). Should the proposal result in an emission to air or discharge to the ground or surface water catchment of a designated site then the potential effects and impact of this would need to be considered in the Environmental Statement

Local Planning Authorities, as competent authorities under the provisions of the Conservation of Habitats and Species Regulations 2010 (the 'Habitats Regulations'), should have regard to the Habitats Regulations Assessment process set out in Regulation 61 of the Habitats Regulations in their determination of a planning application. Should a Likely Significant Effect on a European/Internationally designated site be identified or be uncertain, the competent authority (in this case the Local Planning Authority) may need to prepare an Appropriate Assessment, in addition to consideration of impacts through the EIA process.

Statutory site locations can be found at www.magic.gov.uk. Further information concerning particular statutory sites can be found on the [Natural England website](#).

2.3. Protected Species

The ES should assess the impact of all phases of the proposal on protected species. Records of protected species should be sought from appropriate local biological record centres, nature conservation organisations, groups and individuals; and consideration should be given to the wider context of the site for example in terms of habitat linkages and protected species populations in the wider area, to assist in the impact assessment.

The conservation of species protected by law is explained in Part IV and Annex A of Government Circular 06/2005 *Biodiversity and Geological Conservation: Statutory Obligations and their Impact within the Planning System*. The area likely to be affected by the proposal should be thoroughly surveyed by competent ecologists at appropriate times of year for relevant species and the survey results, impact assessments and appropriate accompanying mitigation strategies included as part of the ES.

Natural England has adopted [standing advice](#) for protected species. It provides a consistent level of basic advice which can be applied to any planning application that could affect protected species. It also includes links to guidance on survey and mitigation.

Natural England does not hold comprehensive information regarding the locations of species protected by law, but advises on the procedures and legislation relevant to such species.

2.4. Regionally and Locally Important Sites

The ES should thoroughly assess the impact of the proposals on non-statutory sites, for example Local Wildlife Sites (LoWS), Local Nature Reserves (LNR) and Regionally Important Geological and Geomorphological Sites (RIGS). Natural England does not hold comprehensive information on these sites. We therefore advise that the appropriate local biological record centres, nature conservation organisations, Local Planning Authority and local RIGS group should be contacted with respect to this matter.

2.5. Biodiversity Action Plan Habitats and Species

The ES should thoroughly assess the impact of the proposals on habitats and/or species listed in the UK Biodiversity Action Plan (BAP). These Priority Habitats and Species are listed as 'Habitats and Species of Principal Importance' within the England Biodiversity List, recently [published](#) under the requirements of S14 of the Natural Environment and Rural Communities (NERC) Act 2006. Section 40 of the NERC Act 2006 places a general duty on all public authorities, including local planning authorities, to conserve and enhance biodiversity. Further information on this duty is available in the Defra publication '[Guidance for Local Authorities on Implementing the Biodiversity Duty](#)'.

Government Circular 06/2005 states that BAP species and habitats, 'are capable of being a material consideration...in the making of planning decisions'. Natural England therefore advises that survey,

impact assessment and mitigation proposals for Habitats and Species of Principal Importance should be included in the ES. Consideration should also be given to those species and habitats included in the relevant Local BAP.

The record centre for the relevant Local Authorities should be able to provide the relevant information on the location and type of BAP habitat for the area under consideration.

3. Landscape, Access and Recreation

3.1. Landscape and Visual Impacts

The consideration of landscape impacts should reflect the approach set out in the *Guidelines for Landscape and Visual Impact Assessment* (Landscape Institute and the Institute of Environmental Assessment and Management, 2013, 3rd edition), the *Landscape Character Assessment Guidance for England and Scotland* (Scottish Natural Heritage and The Countryside Agency, 2002) and good practice. The assessment should also include the cumulative effect of the development with other relevant existing or proposed developments in the area. In this context Natural England would expect the cumulative impact assessment to include those proposals currently at Scoping stage. Due to the overlapping timescale of their progress through the planning system, cumulative impact of the proposed development with those proposals currently at Scoping stage would be likely to be a material consideration at the time of determination of the planning application.

The assessment should refer to the relevant [National Character Areas](#) which can be found on our website. Links for Landscape Character Assessment at a local level are also available on the same page.

3.2. Access and Recreation

The ES should include a thorough assessment of the development's effects upon public rights of way and access to the countryside and its enjoyment through recreation. With this in mind and in addition to consideration of public rights of way, the landscape and visual effects on Open Access land, whether direct or indirect, should be included in the ES.

Natural England would also expect to see consideration of opportunities for improved or new public access provision on the site, to include linking existing public rights of way and/or providing new circular routes and interpretation. We also recommend reference to relevant Right of Way Improvement Plans (ROWIP) to identify public rights of way within or adjacent to the proposed site that should be maintained or enhanced.

4. Land use and soils

Impacts from the development should be considered in light of the Government's policy for the protection of the best and most versatile (BMV) agricultural land as set out in paragraph 112 of the NPPF. We also recommend that soils should be considered under a more general heading of sustainable use of land and the valuing of the ecosystem services they provide as a natural resource in line with paragraph 109 of the NPPF.

Soil is a finite resource that fulfils many important functions and services (ecosystem services) for society; for instance as a growing medium for food, timber and other crops, as a store for carbon and water, as a reservoir of biodiversity and as a buffer against pollution. It is therefore important that the soil resources are protected and used sustainably. The Natural Environment White Paper (NEWP) '*The Natural Choice: securing the value of nature*' (Defra, June 2011), emphasises the importance of natural resource protection, including the conservation and sustainable management of soils and the protection of BMV agricultural land.

Development of buildings and infrastructure prevents alternative uses for those soils that are permanently covered, and also often results in degradation of soils around the development as result of construction activities. This affects their functionality as wildlife habitat, and reduces their ability to

support landscape works and green infrastructure. Sealing and compaction can also contribute to increased surface run-off, ponding of water and localised erosion, flooding and pollution. Defra published a Construction [Code of Practice for the sustainable use of soils on construction sites](#) (2009). The purpose of the Code of Practice is to provide a practical guide to assist anyone involved in the construction industry to protect the soil resources with which they work.

As identified in the NPPF new sites or extensions to new sites for Peat extraction should not be granted permission by Local Planning Authorities or proposed in development plans.

General advice on the agricultural aspects of site working and reclamation can be found in the Defra [Guidance for successful reclamation of mineral and waste sites](#).

5. Air Quality

Air quality in the UK has improved over recent decades but air pollution remains a significant issue; for example over 97% of sensitive habitat area in England is predicted to exceed the critical loads for ecosystem protection from atmospheric nitrogen deposition ([England Biodiversity Strategy](#), Defra 2011). A priority action in the England Biodiversity Strategy is to reduce air pollution impacts on biodiversity. The planning system plays a key role in determining the location of developments which may give rise to pollution, either directly or from traffic generation, and hence planning decisions can have a significant impact on the quality of air, water and land. The assessment should take account of the risks of air pollution and how these can be managed or reduced. Further information on air pollution impacts and the sensitivity of different habitats/designated sites can be found on the Air Pollution Information System (www.apis.ac.uk). Further information on air pollution modelling and assessment can be found on the Environment Agency website.

6. Climate Change Adaptation

The [England Biodiversity Strategy](#) published by Defra establishes principles for the consideration of biodiversity and the effects of climate change. The ES should reflect these principles and identify how the development's effects on the natural environment will be influenced by climate change, and how ecological networks will be maintained. The NPPF requires that the planning system should contribute to the enhancement of the natural environment "by establishing coherent ecological networks that are more resilient to current and future pressures" ([NPPF](#) Para 109), which should be demonstrated through the ES.