

# Preliminary Environmental Information Report

## Chapter 4: Approach to the EIA

June 2021

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with energy.**



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## Report for

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## 4. Approach to the EIA

### 4.1 Introduction

- 4.1.1 Environmental Impact Assessment (EIA) is a process for identifying the likely significant environmental effects (positive and negative) of a Proposed Development to inform the decision-making process when considering an application for development consent.
- 4.1.2 As part of the EIA, the Preliminary Environmental Information Report (PEIR) provides the latest information obtained and assessed in relation the Proposed Development. In so doing it provides a preliminary assessment of likely significant effects arising from the construction, operation and decommissioning phases of the Proposed Development consistent with paragraph 3.3.2 of the Scoping Opinion (**Chapter 1: Introduction, Appendix 1D: EIA Scoping Opinion**).
- 4.1.3 The EIA process culminates in the provision of an Environmental Statement (ES) written in accordance with the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations). The ES would accompany the DCO application and would follow a similar approach to EIA and project design as set out in this PEIR. It would help inform the determination of the DCO application for the Proposed Development. In particular, the ES would provide a final assessment of the likely significant effects associated with the Proposed Development during its construction, operation and decommissioning.
- 4.1.4 This chapter sets out the approach to the EIA for the Proposed Development. This represents the approach upon which the environmental topic chapters (**Chapters 6 to 18** - see the full list at paragraph 4.4.7) are based to support consultation being undertaken under Sections 42 and 47 of the Planning Act 2008. This consultation would inform the evolution of the Proposed Development before the DCO application is submitted.
- 4.1.5 The environmental topic assessments (**Chapters 6 to 18**) have been carried out using the general approach and processes set out in this chapter. Where required, specific topics have refined the approach set out in this chapter in order to properly address particular requirements in a suitable manner. Any changes to the approach set out here are set out in the appropriate environmental topic chapter (**Chapters 6 to 18**).
- 4.1.6 This enables the PEIR to provide a preliminary assessment of the 'likely significant environmental effects' of the Proposed Development, using information available at this time. The EIA has been developed to include the information reasonably required to enable an informed response to the consultation.
- 4.1.7 Terms and abbreviations used within this chapter are defined in **Appendix 1F: Terms and Abbreviations**.



## 4.2 The EIA process

4.2.1 The EIA Regulations set out the procedures to be followed in relation to EIAs undertaken for NSIPs in England and Wales. The environmental information for a DCO is reported formally in two stages i.e. the PEIR (to inform the consultation with the public and other stakeholders) and the ES (to accompany the DCO Application).

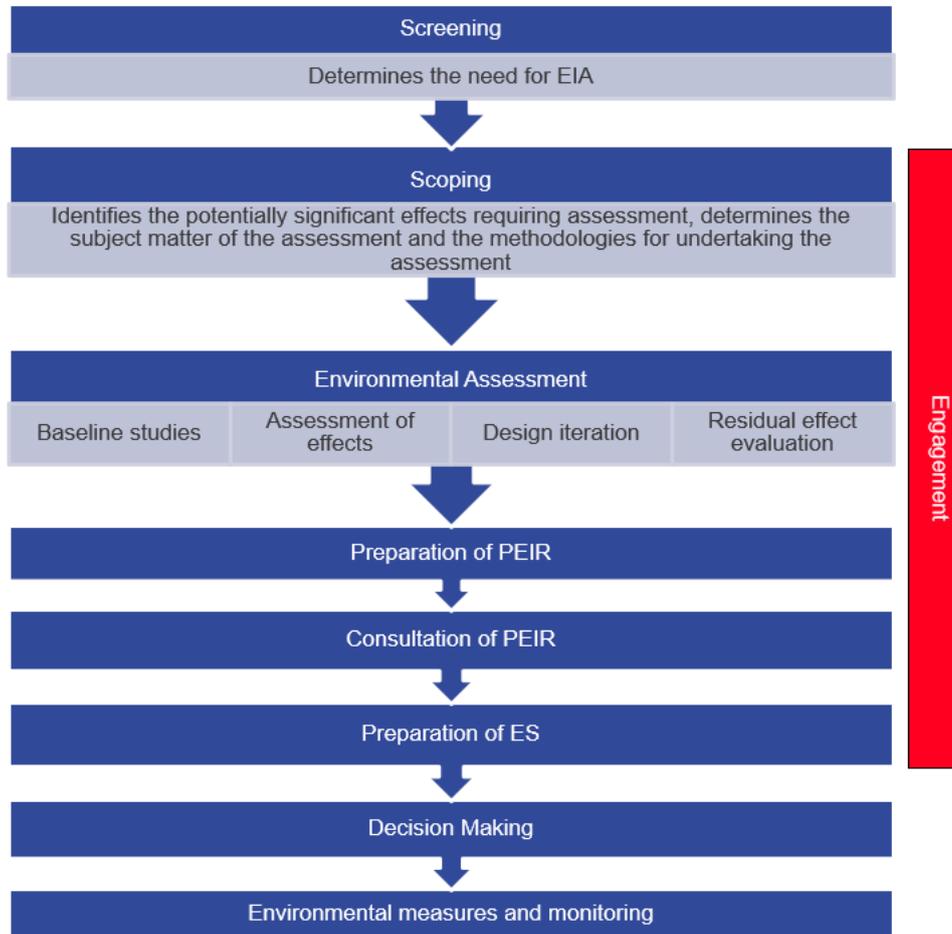
4.2.2 It should be noted that, more broadly, there are several key components to the EIA which ultimately lead to the finalisation of the PEIR and the ES, to include:

- Ongoing project design and the development of a scheme throughout the EIA process. This includes taking account of feedback from consultation and stakeholder engagement;
- Scoping and consultation, to include taking account of related responses;
- Technical environmental impact assessments to include baseline studies and identification of potential significant environmental effects.
- Consultation on the PEIR;
- Submission of the ES to accompany the DCO application.

4.2.3 This process is summarised in more detail in **Graphic 4.1** below. The remainder of this chapter provides further detail around the key stages in this process with a focus on those stages most relevant to this preliminary stage of the assessment.



**Graphic 4.1 The EIA Process**



4.2.4 The EIA undertaken to date has, and would continue to, focus on aspects and matters where a likely significant effect may occur. This approach ensures that the EIA process is proportionate and focuses effort in those areas where significant effects are likely.

4.2.5 Regulation 12 of the EIA Regulations defines preliminary environmental information as information referred to in Regulation 14(2) which:

*'a) has been compiled by the applicant; and*

*b) is reasonably required for the consultation bodies to develop an informed view of the likely significant environmental effects of the development and any associated development.'*

4.2.6 In line with EIA Regulations and the PINS Advice Note 7, the PEIR presents a level of preliminary assessment appropriate to enable consultees to develop an informed view of likely environmental effects of the Proposed Development and help inform their consultation responses during the statutory consultations as part of the pre-application stage. This would then enable both the design of the Proposed Development and the EIA to take into consideration comments received through consultation.

4.2.7 The findings presented in this PEIR are based on a preliminary assessment and reflect the current stage in the design process of the Proposed Development and



understanding of baseline conditions, allowing for conclusions as to the likely significant effects to be drawn. Where the design is still evolving or further information on baseline conditions is still to be obtained, a precautionary approach is applied to ensure that a reasonable worst-case or maximum design scenario is assessed in the PEIR. In using this precautionary approach to the assessment, the level of effect may be overstated and subsequently reduced in the ES that would accompany the DCO application. Each environmental topic chapter (**Chapters 6 to 18**) provides commentary on the appropriate reasonable worst-case scenario adopted for the individual assessments.

- 4.2.8 The ES supporting the forthcoming DCO Application would have to comply, as a minimum, with Regulation 14 and Schedule 4 of the EIA Regulations. This PEIR is designed to accord with the requirements of the EIA Regulations in relation to ESs as far as possible. However, as explained above, it is important to note that this PEIR represents a preliminary assessment of environmental effects, based on the current stage in the design process. **Table 1.2 in Chapter 1: Introduction** signposts to where the information is provided in the PEIR pursuant to Regulation 14 and Schedule 4 of the EIA Regulations.

## 4.3 Technical Guidance

- 4.3.1 The approach to the EIA to date, and this PEIR, has been informed by the following sources of guidance:
- IEMA Environmental Impact Assessment Guide to Delivering Quality Development<sup>1</sup>;
  - MHCLG EIA Planning Practice Guidance<sup>2</sup>;
  - Planning Inspectorate Advice Note 3: EIA Notification and Consultation;<sup>3</sup>
  - Planning Inspectorate Advice Note 7: EIA: Process, Preliminary Environmental Information and Environmental Statements<sup>4</sup>;
  - Planning Inspectorate Advice Note 9: Rochdale Envelope;<sup>5</sup>
  - Planning Inspectorate Advice Note 11: Working with Public Bodies in the Infrastructure Planning Process;<sup>6</sup> and
  - PINS Advice Note 17: Cumulative Effects Assessment<sup>7</sup>.
- 4.3.2 These guidance documents are referenced within this Chapter and throughout the PEIR where relevant.

<sup>3</sup> The Planning Inspectorate (2017). Advice Note 3: EIA consultation and notification

<sup>4</sup> The Planning Inspectorate (2020). Advice Note 7: EIA: Process, Preliminary Environmental Information and Environmental Statements

<sup>5</sup> The Planning Inspectorate (2018). Advice Note 9: Rochdale Envelope

<sup>6</sup> The Planning Inspectorate (2017). Advice Note 11: Working with Public Bodies in the Infrastructure Planning Process

<sup>7</sup> The Planning Inspectorate (2015). Advice note seventeen: Cumulative effects assessment relevant to nationally significant infrastructure projects.



## 4.4 EIA Scoping

4.4.1 In accordance with good practice, a Scoping Report was prepared for the Proposed Development in accordance with Regulation 10 of the EIA Regulations to identify:

- The people and environmental resources (collectively known as 'receptors') that could be significantly affected by the Proposed Development; and
- The work required to take forward the assessment of these potential likely significant effects.

4.4.2 Of these effects, those that were identified as being likely to be significant were proposed for further assessment in the EIA. This reflects the requirement of the EIA Regulations for the ES to only discuss in depth those effects that are likely to be significant. The preparation of the Scoping Report was also informed by information about the legislative and policy context to the scheme.

4.4.3 The Scoping Report was issued to the Planning Inspectorate, acting on behalf of the Secretary of State, on 3 December 2019 together with a request for a scoping opinion under the EIA Regulations. Under these Regulations the Secretary of State is required to consult with the 'consultation bodies' (as defined in the EIA Regulations). The Planning Inspectorate, on behalf of the Secretary of State, issued a formal Scoping Opinion on 13 January 2020 (**Appendix 1D**). A number of late Scoping consultation responses were also received (**Appendix 1E**).

4.4.4 The Scoping Opinion and the responses from the consultation bodies have informed the assessment work and further design evolution undertaken to date on the Proposed Development. Responses from the Applicant to the Scoping Opinion comments, detailing how they have been addressed within this PEIR are provided within each of the topic environmental chapters where relevant. Given the preliminary nature of the PEIR, any comments that are pending a full response are identified, with next steps clarified, and any actions to be concluded within the ES set out.

4.4.5 Details of ongoing technical engagement with consultees on topic specific matters are also set out in each of the environmental topic chapters (**Chapters 6 to 18**).

4.4.6 Regulation 14(3)(a) of the EIA Regulations requires an ES to "be based on the most recent scoping opinion or direction issued (so far as the proposed development remains materially the same as the proposed development which was subject to that opinion or direction)". The iterative assessment process and stakeholder engagement has resulted in minor changes to the scope of the assessment and the methods of assessment from that which was provided for in the Scoping Report / Scoping Opinion. Any changes and a record of agreement on these with the relevant stakeholders are set out in each of the environmental topic chapters (**Chapters 6 to 18**).

4.4.7 In view of the Scoping Opinion, this PEIR includes assessments for the following environmental topics:

- **Chapter 6 – Traffic and Transport;**
- **Chapter 7 – Noise and Vibration;**



- **Chapter 8 - Air Quality;**
- **Chapter 9 - Landscape and Visual;**
- **Chapter 10 – Historic Environment;**
- **Chapter 11 - Biodiversity;**
- **Chapter 12 - Hydrology;**
- **Chapter 13 – Geology, Hydrogeology and Contaminated Land;**
- **Chapter 14 – Climate Change;**
- **Chapter 15 - Socio-economics;**
- **Chapter 16 – Health; and**
- **Chapter 17 - Major Accidents and Disasters;**
- **Chapter 18 – Cumulative Effects Assessment.**

4.4.8 The Scoping Opinion requested that the assessment should consider health under the topic of Major Accidents and/or Disasters (**Appendix 1D: Scoping Opinion** paragraph 3.3.15). Subsequent consultation with the host authorities and with Public Health England concluded with agreement that Health should be the topic of a specific chapter. Details of the consultation undertaken on this matter and subsequent to the Scoping Opinion are provided in **Chapter 16: Health, Appendix 16A**.

4.4.9 The Scoping Opinion also requested that the ES should assess the likely significant effects resulting from the introduction of pests and set out any measures that would be used to manage such pests (paragraph 3.3.5) and also reference consideration of residues and emissions (paragraphs 3.3.11 and 3.3.12) residues are addressed in Chapters 3 and with emissions in **Chapter 7: Noise, Chapter 8: Air Quality, Chapter 12: Hydrology** and **Chapter 13: Geology, Hydrogeology and Contaminated Land** whilst **Chapter 16: Health** assesses the likely significant effects arising from electro-magnetic fields. Pests are addressed in **Chapter 3: Description of the Proposed Development, Section 3.7**.

4.4.10 All the topic assessments presented in the PEIR have been undertaken on the basis of a common understanding of the nature of the Proposed Development, as described in **Chapter 3: Description of the Proposed Development**.

4.4.11 With a few exceptions, each environmental topic chapter follows a common format, as outlined below:

1. Introduction;
2. Consultation and stakeholder engagement;
3. Relevant legislation, planning policy and technical guidance;
4. Data gathering methodology;
5. Baseline;
6. Scope of the assessment;



7. Embedded environmental measures;
8. Assessment methodology;
9. Preliminary Assessment of effects;
10. Consideration of optional additional mitigation;
11. Implementation of environmental measures; and
12. Next steps.

4.4.12 The exceptions to this structure are where only a limited amount of assessment work was necessary to demonstrate that effects would not be significant (i.e. all effects under a particular topic are 'scoped-out'). This is relevant to **Chapter 17: Major Accidents and Disasters**. **Chapter 18: Cumulative Effects Assessment** also follows an alternative structure in that it uses the individual topic chapter conclusions to provide a preliminary assessment of inter-related effects. On the matter of inter-project effects, it identifies a short list of projects consistent with the methodology established by PINs in Advice Note 17. It then seeks consultee comment on the approach and projects listed.

4.4.13 The structure summarised in paragraph 4.4.11 would be used for the ES.

## 4.5 Consultation and stakeholder engagement

4.5.1 The approach to the EIA has been, and continues to be, informed by public consultation and stakeholder engagement. This has been ongoing throughout the pre-application phase of the DCO application. A summary of the EIA Scoping Opinion and additional consultee comments contained within its Appendix 2 which are relevant to the overarching approach to the assessment is provided in **Appendix 4A**.

4.5.2 Each environmental topic chapter (**Chapters 6 to 18**) includes a 'Consultation and stakeholder engagement' section which provides a record of all relevant comments received in relation to that topic from:

- The EIA Scoping Opinion;
- Consultation Reports from stage 1a and 1b of the non-statutory consultation; and
- Ongoing technical engagement with prescribed consultees, including the host local planning authorities.

## 4.6 Design parameters and Limits of Deviation

4.6.1 In order to establish the scope of environmental assessment, the PEIR adopts what is termed a 'Rochdale Envelope' or parameter-based design envelope approach. The ES would also adopt this approach to ensure that there is a robust assessment of the likely significant environmental effects of the Proposed Development. PINS has produced Advice Note Nine: Using the Rochdale Envelope<sup>8</sup> which outlines the approach that can be taken, in accordance with the requirements of the EIA

<sup>8</sup> The Planning Inspectorate (2018). Advice Note Nine: Rochdale Envelope.



Regulations, where certain details of the Proposed Development have not yet been confirmed when an application is submitted. Essentially this entails assessing the maximum (and minimum, where relevant) parameters for the elements where flexibility is required to be maintained. The relevant technical chapters of the PEIR set out where this has been applied.

- 4.6.2 A parameter-based design envelope approach means that the assessment would consider a maximum design scenario whilst allowing the flexibility to make improvements to the Proposed Development in the future in ways that cannot be predicted at the time of submission of the DCO Application. The drafting of the DCO would ensure that the development permitted would not extend beyond the clearly defined parameters assessed in the ES. The design parameters and limits of deviation applied to the Proposed Development at the PEIR stage are set out in **Chapter 3: Description of the Proposed Development**.

## 4.7 Assessment scope

### Identification of baseline conditions

- 4.7.1 Determining the existing environmental conditions is an important part of the EIA process. This is established through desk-based studies and/or surveys of the relevant study area for each environmental topic / receptor and provides a 'baseline' against which changes, potentially caused by the Proposed Development, can be compared. The timescales over which the baseline studies have been undertaken to inform the PEIR are identified within the relevant environmental topic chapters. The baseline environment encompasses the entire Proposed Development site and wider study areas. The scope of the baseline environment and study areas relevant to the environmental topics is also within the environmental topic chapters (**Chapters 6 to 18**).
- 4.7.2 Each topic chapter also provides a description of the 'future baseline', which considers whether in the absence of the Proposed Development, there is likely to be a change in the baseline conditions (relating to particular aspects or receptors), over the lifetime of the Proposed Development. For some aspects such as transport, there may be traffic growth based on regional or national trends, and this would normally be applied consistently across all road transport-related receptors. However, for other aspects, it is possible that a specific part of a study area is predicted to change, by virtue of other potential developments being likely to take place and introducing new future receptors.
- 4.7.3 Detailed methodologies for baseline data gathering specific to each topic assessment can be found in **Chapters 6 to 18**.

### Spatial scope

- 4.7.4 The geographical context within which the Proposed Development is located (the red line boundary) is shown in **Figure 1.1: Site Location**. The red line boundary defined for the PEIR assessment has developed since the scoping stage as a result of the iterative project design process. Information on the iteration of the design of the Proposed Development is provided in **Chapter 2: Alternatives**.



- 4.7.5 The spatial scope for each aspect assessment would depend on the nature of the potential effects and the location of receptors that could be affected. Relevant topic-specific study areas (or 'zone of influence') are described for each of the environmental topic chapters (**Chapter 6 to 17**). The spatial scope of the technical assessments takes account of the:
- Physical area of the Proposed Development;
  - Nature of the existing baseline conditions; and
  - Manner and extent to which environmental effects may occur.
- 4.7.6 The study areas adopted for each environmental topic have also taken account of comments received from key stakeholders.

## Temporal scope

- 4.7.7 The temporal scope refers to the time periods over which impacts and effects may be experienced by sensitive receptors and these may be permanent, temporary, long term or short term. The temporal scope for each topic-based assessment is defined in **Chapters 6 to 18**. The EIA would assess effects during the construction (2023-2026), operation and maintenance (2026-2066) of the Proposed Development.
- 4.7.8 The environmental effects associated with the decommissioning phase are expected to be of a similar or lower level to those reported for the construction phase works, albeit with a lesser duration of one year (see **Chapter 3: Description of the Proposed Development, Section 3.14: Decommissioning**). The likely significance of effects relating to the construction phase assessment reported in the topic chapters are therefore applicable to the decommissioning phase, unless otherwise indicated in the environmental topic chapters in this PEIR (**Chapters 6 to 18**).

## 4.8 Approach to environmental measures

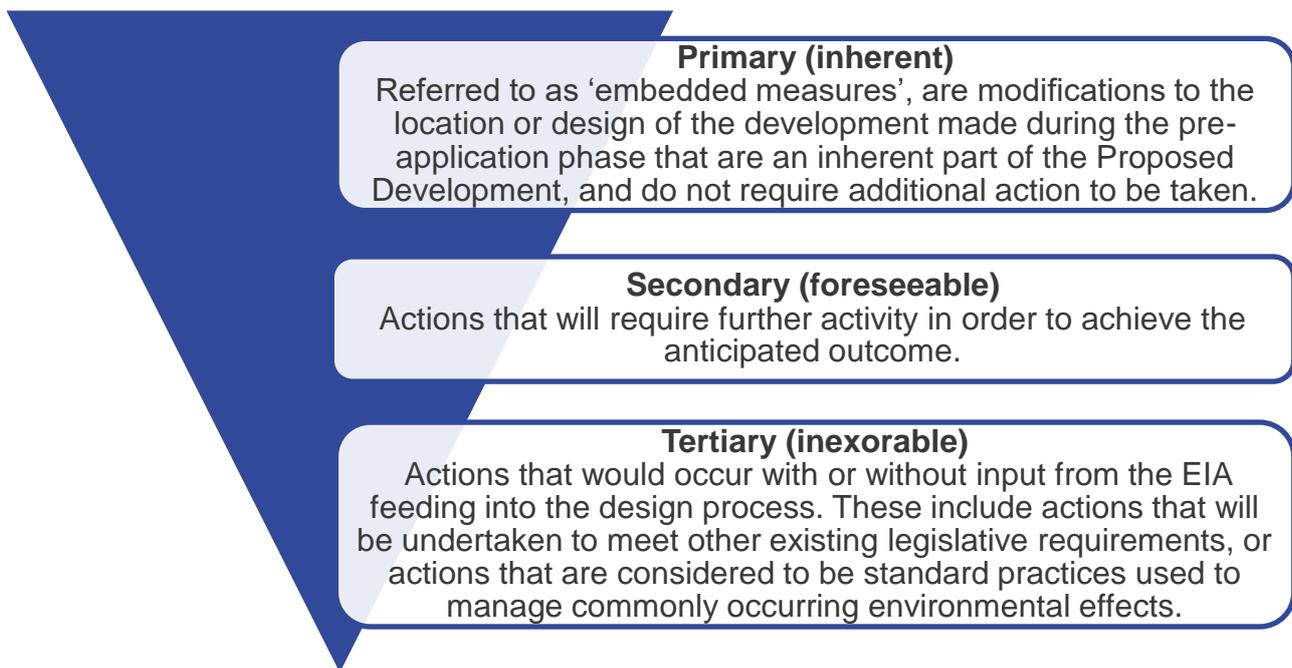
### Embedded environmental measures

- 4.8.1 EIA is an iterative process and opportunities for embedded mitigation, referred to as 'embedded environmental measures', have been considered throughout the design process of the Proposed Development and in the assessment undertaken for the PEIR where likely significant effects have been identified. Where possible, these measures have been developed with input from key stakeholders together with taking account of appropriate legislation, technical standards, policies and guidance.
- 4.8.2 These embedded environmental measures include both avoidance, and best practice and design commitments, which are classified into primary or tertiary measures in accordance with the IEMA 'Delivering Quality Development' definitions and set out in **Graphic 4.2**. Good practice consideration and application of environmental measures involves a hierarchal approach, considering avoidance of negative effects as the primary objective.



4.8.3 In the context of this PEIR and the ES that would follow, embedded environmental measures incorporate all of the types of measures as set out in **Graphic 4.2**. The iterative design evolution process followed has been driven by collaborative working between the design, environment and landowner teams, and in consultation with key stakeholders. This may have been through the consideration and adoption of alternatives or through measures incorporated within the design itself.

#### Graphic 4.2 Types of embedded environmental mitigation measures



### Monitoring measures

4.8.4 Monitoring measures may be required in relation to any significant negative effects on the environment caused by the Proposed Development and imposed as a DCO requirement. Whilst the need for and type of monitoring is still evolving as part of the iterative design process, any monitoring proposed at this stage with respect to significant adverse effects would be identified in the environmental topic chapters (**Chapters 6 to 18**).

### Securing mitigation and monitoring measures

4.8.5 A Mitigation Register would be produced as part of the ES. This would act as the primary tool to capture and agree all embedded environmental mitigation measures, and the mechanisms for securing them. As the intention is to implement all measures as part of the Proposed Development, the preliminary assessment of likely significant effects is based on this assumption. Implementation of the embedded environmental measures relied upon in the assessment would be secured in the DCO. For example, this may be done either through the setting of limits of deviation or specifying mitigation measures via a DCO requirement.



## 4.9 Approach to assessment of significance

4.9.1 One of the requirements of an ES is to set out the conclusions that have been reached about the likely significant environmental effects that are predicted to occur as a result of the Proposed Development. Reaching a conclusion about which effects, if any, are likely to be significant is the culmination of an iterative process that involves the following stages:

- Identifying those effects that could be likely to be significant;
- Assessing the effects of the Proposed Development against the baseline (current or future, as appropriate); and
- Concluding whether these resultant effects are likely to be significant.

4.9.2 **Chapters 6 to 18** of the PEIR describe the approaches that have been used for each of the environmental topics scoped into the assessment, in relation to the stages outlined in the bullet points above. These chapters also describe how environmental changes and resulting effects for different environmental topics are assessed, together with the topic specific approaches that have been used to identify the receptors that could be significantly affected by the Proposed Development.

### Types of effects

4.9.3 Paragraph 5 of Schedule 4 of the EIA Regulations states that *“The description of the likely significant effects on the factors specified in regulation 5(2) should cover the direct effects and any indirect, secondary, cumulative, transboundary, short-term, medium-term and long-term, permanent and temporary, positive and negative effects of the development.”*

4.9.4 A description of each category of effect is provided below, with the exception of cumulative effects which are addressed separately in **Chapter 18: Cumulative Effects Assessment**.

#### *Direct effects*

4.9.5 Direct effects are those that result directly from a Proposed Development. For example, where a machine disturbs an area of habitat; the associated physical activity could result in a change to the receptor.

#### *Indirect and secondary effects*

4.9.6 Indirect and secondary effects are those that result from consequential change caused by the Proposed Development. As such they would normally occur later in time or at locations farther away than direct effects. An example would be where water or gas pipes are damaged as a result of the development, and the consequence of that damage is fire or flood risk to other receptors.

#### *Transboundary effects*

4.9.7 Transboundary effects are those that would affect the environment in another state within the European Economic Area (EEA). PINS have undertaken a transboundary



screening exercise in accordance with Regulation 32 of the EIA Regulations at the EIA Scoping Stage. The screening exercise<sup>9</sup> concluded that the Proposed Development is unlikely to have a significant effect either alone or cumulatively on the environment in another European Economic Area State. As such, the PEIR does not specifically consider transboundary effects.

### *Temporal effects*

4.9.8 Temporal effects are typically defined as being permanent or temporary as follows:

- Permanent - these are effects that would remain even when the Proposed Development is complete, although these effects may be caused by environmental changes that are permanent or temporary. For example, an excavator that is temporarily driven over an area of valuable habitat could cause so much damage that the effect on this vegetation would be permanent.
- Temporary – these are effects that are related to environmental changes associated with a particular activity and that would cease when that activity finishes.

### *Significance evaluation*

4.9.9 The receptors that could be significantly affected by the Proposed Development are identified within each topic chapter. The approach that is adopted to determine whether the effects on these receptors are significant is to apply a combination of professional judgement and a topic-specific significance evaluation methodology that draws on the results of the assessment work that has been carried out.

4.9.10 In applying this approach to significance evaluation, it is necessary to ensure that there is consistency between each environmental topic at the level at which effects are considered to be significant. Therefore, in general, it is inappropriate for the assessment of one topic to conclude that minor effects are significant, when, for another topic, only comparatively major effects are significant.

4.9.11 The conclusion regarding significance is arrived at using the relevant topic-specific significance evaluation methodology and professional judgement, with reference to the project description, and available information about the magnitude and other characteristics of the potential changes that are expected to be caused by the Proposed Development, receptors' sensitivity to these changes and the effects of these changes on relevant receptors.

4.9.12 Due to the lack of certain baseline data at this stage of the PEIR some assessments have relied upon professional judgement to arrive at a qualitative assessment of significance. This is explained within relevant chapters along with the reasons for not being able to undertake and/or complete baseline surveys. Uncertainty is also noted where relevant.

4.9.13 The overall approach to significance is summarised in more detail below.

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<sup>9</sup> The Planning Inspectorate (2020). Transboundary screening undertaken by the Planning Inspectorate (the Inspectorate) on behalf of the Secretary of State (SoS) for the purposes of Regulation 32 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.



### *Evaluation matrices*

- 4.9.14 Significance evaluation involves combining information about the sensitivity, importance or value of a receptor, and the magnitude and other characteristics of the changes that affect the receptor. The approach to using this information for significance evaluation is outlined below.

#### *Receptor sensitivity, importance, or value*

- 4.9.15 The sensitivity or value of a receptor is largely a product of the importance of an asset, as may be informed by legislation and policy, and as qualified by professional judgement. For example, receptors for landscape, biodiversity or the historic environment may be defined as being of international or national importance. Lower value resources may be defined as being sensitive or important at a county or district level. For each environmental topic, it is necessary to provide a detailed rationale that explains how the categories of sensitivity/importance/value have been used.
- 4.9.16 The use of a location or physical element that may be representative of receptors, e.g. human beings, would also play a part in its classification in terms of sensitivity, importance, or value. For example, when considering effects on the amenity of a human population, a location used for recreational purposes may be valued more than a place of work.

#### *Magnitude of change*

- 4.9.17 The magnitude of change affecting a receptor that would be affected by the Proposed Development would be identified on a scale from very low to very high. As with receptor sensitivity and value, a rationale is provided in each topic chapter that explains how the categories of environmental change are defined. For certain topics, the magnitude of change would be related to guidance on what levels of change are acceptable (e.g. for air quality or noise), and be based on numerical parameters. For other changes, it would be a matter of professional judgement to determine the magnitude of change, using descriptive terms.

#### *Determination of significance*

- 4.9.18 The significance of effects is determined with reference to information about the nature of the development, the receptors that could be significantly affected and their sensitivity, importance or value, together with the magnitudes of environmental change that are likely to occur.
- 4.9.19 Other than for certain environmental topics, for which significance evaluation does not involve the use of matrices, sensitivity/value and the characteristics of environmental changes can be combined using a matrix (see **Table 4.1**). In addition, professional judgement is applied because, for certain environmental topics, the lines between the sensitivities or magnitudes of change may not be clearly defined and the resulting assessment conclusions may need clarifying.
- 4.9.20 Variations to this approach, which may be applicable to specific environmental topics, would be detailed in the relevant 'Significance evaluation methodology' sub-section contained in each environmental topic chapter.



4.9.21 Definitions of how the categories that are used in the matrix are derived for each topic are also set out in each applicable environmental topic chapter, along with the relevant explanation and descriptions of receptor sensitivity, magnitude of change and levels of effect that are considered significant under the EIA Regulations.

4.9.22 Within the matrix that is used in most significance evaluation exercises, reference is made to:

- Major effects (a combination of sensitivity and magnitude), which would always be determined as being significant in EIA terms. These can be beneficial or adverse;
- Moderate effects (a combination of sensitivity and magnitude) which are likely to be significant, although there may be circumstances where such effects are considered not significant on the basis of professional judgement. These can be beneficial or adverse; and
- Minor or negligible effects, which would always be determined as not significant whether beneficial or adverse.

**Table 4.1 Significance evaluation matrix**

		Magnitude of change				
		Very high	High	Medium	Low	Very low
Sensitivity/importance/value	Very high	Major (Significant)	Major (Significant)	Major (Significant)	Major (Significant)	Moderate (Probably significant)
	High	Major (Significant)	Major (Significant)	Major (Significant)	Moderate (Probably significant)	Minor (Not significant)
	Medium	Major (Significant)	Major (Significant)	Moderate (Probably significant)	Minor (Not significant)	Negligible (Not significant)
	Low	Major (Significant)	Moderate (Probably significant)	Minor (Not significant)	Negligible (Not significant)	Negligible (Not significant)
	Very Low	Moderate (Probably significant)	Minor (Not significant)	Negligible (Not significant)	Negligible (Not significant)	Negligible (Not significant)

## 4.10 Additional mitigation and residual effects

4.10.1 With environmental measures being embedded within the development, there is often no need to include additional mitigation measures within a project such that significant effects have not been identified. However, for receptors where significant effects have been concluded additional mitigation may be appropriate. In such



instances these additional measures are identified and an assessment of the residual effects, with this mitigation in place, is undertaken.

## 4.11 Assessment limitations

4.11.1 Overarching limitations of the assessment at this stage are outlined within this section. Each individual environmental topic chapter (**Chapters 6 to 18**) would describe any specific limitations that have affected the assessment, and the means to address these.

## COVID-19 assessment implications

4.11.2 The restrictions imposed during the COVID-19 pandemic have had implications for the Proposed Development, in particular with regard to traditional consultation activities and conducting EIA site surveys. The Developer and project team have taken the following measures to achieve as much as possible during the EIA programme to date whilst working entirely within the Government's COVID-19 guidance.

- EIA surveys requiring land access have proceeded as far as possible within appropriate seasons of the calendar year in 2019 - 2021, whilst applying social distancing measures to keep surveyors and members of the public safe.
- EIA surveys that may not require land access but rely on the baseline environment to reflect the normal situation such as noise, air quality and traffic surveys, or that have been significantly hindered in 2020 - 2021 because of the restrictions imposed by the pandemic, would be planned for a time when survey results would reflect a more normal pattern (likely to commence May/June 2021). As such, the results of these surveys may not be available at the time of PEIR publication. The timing of specific surveys has and would continue to be discussed with the relevant stakeholders such as the host local authorities to reach agreement on when the baseline conditions are likely to be representative. Limitations as a result of the COVID-19 pandemic are set out in **Chapters 6 to 17** along with further details regarding planned surveys.
- In accordance with the PINS Advice Note 7, the Developer and the project team have conducted early and ongoing targeted consultation with some stakeholders regarding the implications of COVID-19 on the EIA process. The purpose of this engagement was to share and seek agreement on survey and assessment approaches and to obtain as much relevant environmental information as possible in advance of the PEIR publication.
- The non-statutory consultation was planned for spring 2020 and subsequently held in two stages to take into account the impact of the COVID-19 pandemic. The planned public exhibitions were postponed in spring 2020 (Stage 1a), although feedback was collected online and an initial Consultation Feedback Report<sup>10</sup> produced. The Non-Statutory consultation was then continued (Stage 1b) in autumn 2020, when COVID-secure public exhibitions could be arranged. Precautions were taken to ensure that these were legal and safe, with social

<sup>10</sup> <file:///C:/Users/david.kenyon/Downloads/medworth-consultation-feedback-report-web.pdf> [accessed 09 June 2021]



distancing measures, masks, hand sanitiser and a booking system in place. Recognising that some people would still be reluctant to visit public exhibitions, the consultation (featuring public exhibitions) was also accompanied by a virtual consultation platform to ensure stakeholders and the general public had access to information in order to provide comments. The Consultation feedback report Stage 1b would be published with the PEIR for statutory consultation.

- 4.11.3 The approach to the assessment would continue to be monitored in line with advice issued with regard to site surveys and consultation activities from organisations such as Natural England, Chartered Institute of Ecology and Environmental Management (CIEEM) and PINS. In addition, all activity would follow the latest Government guidance on COVID-19 as this emerges.

## 4.12 Other Assessments, Consents and Licences

### Assessments

- 4.12.1 In addition to the EIA, the DCO application would also include the following assessments:

- Draft Habitat Regulations Assessment (HRA) Screening Assessment; and
- Draft Waste Fuel Availability Assessment.

- 4.12.2 Draft versions of these assessments have been provided as part of the PEIR.

### Consents and Licences

- 4.12.3 A summary of the potential consents and licences which may or would be required in addition to the DCO are set out in **Table 4.2** below. This list would remain under review during the pre-application process and would be subject to agreement with the relevant consenting or licencing bodies.

**Table 4.2 Summary of consents and licences**

Interest feature/ activity	Summary of legislative context	Consenting / Licencing body	Requirement
Environmental Permit	The operation of an Energy from Waste CHP Facility requires an Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2016 (SI 2016 No 1154).	Environment Agency	A draft permit licence application is currently under preparation and is expected to be submitted to the Environmental Agency shortly after the DCO Application is submitted to PINS.



Interest feature/ activity	Summary of legislative context	Consenting / Licencing body	Requirement
Legally protected and controlled species	<p>Many species of animal and plant are protected by law and works that could affect any of these species require special consent. For species protected under <i>The Conservation of Habitats and Species Regulations 2017 (SI 2017 No. 1012)</i> (e.g. bats, great crested newt or otter), licences are required from Natural England for any activities that would injure or kill an animal of a protected species or damage or destroy its breeding site or resting place. For European protected species of plants a licence is required for an activity which results in cutting, uprooting or destroying a plant of that species. Under the <i>Protection of Badgers Act 1992</i>, a licence is required, from Natural England, for any activity that would disturb badgers or their setts. Works that affect species that are protected solely under the <i>Wildlife &amp; Countryside Act 1981</i> may require a licence from Natural England. The <i>Wildlife &amp; Countryside Act 1981</i> also includes controls over specified non-native species.</p>	Natural England	<p>The need for protected and controlled species licences would be confirmed following the completion of the 2021 ecology surveys.</p>
Land drainage (ordinary watercourse)	<p>Certain works that may affect an 'ordinary watercourse' (i.e. a watercourse which is not designated as a main river) require consent under Section 23 of the <i>Land Drainage Act 1991</i>.</p>	<p>Hundred of Wisbech Internal Drainage Board (IDB) and King's Lynn IDB (under the powers vested in them by Section 66 of the <i>Land Drainage Act 1991</i>).</p>	<p>Land Drainage Consents are required for:</p> <ul style="list-style-type: none"> <li>a) works within 9m of the edge (both sides) of IDB adopted drains;</li> <li>b) crossing of IDB drains;</li> <li>c) water discharge into IDB drains.</li> </ul>

