

PORTISHEAD BRANCH LINE PRELIMINARY  
ENVIRONMENTAL INFORMATION REPORT  
VOLUME 2

CHAPTER 5

# Approach to the Environmental Statement





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CHAPTER 5

# Approach to the Environmental Statement

## 5.1 The Environmental Impact Assessment Process

- 5.1.1 The objective of environmental impact assessment (“EIA”) is to provide information to the decision-makers on the potential impact of the scheme on people, affected communities, and the environment. These matters can then be taken into consideration by the relevant authorities during the examination of the application for the scheme.
- 5.1.2 The EIA process is intended to ensure that development consent for public and private projects which are likely to have significant effects on the environment should be granted only after an assessment of the likely significant environmental effects of those projects has been carried out. The assessment should be conducted on the basis of the appropriate information supplied by the developer, which may be supplemented by the authorities and by the public likely to be concerned by the project in question. The decision-maker can refuse consent or grant consent conditionally or unconditionally.
- 5.1.3 The information that the developer is required to provide is presented in the Environmental Statement (“ES”) submitted with the application for development consent. The process of identifying and assessing environmental effects is iterative and is undertaken in parallel with the development of the engineering design. This approach allows the incorporation of measures into the project design to mitigate adverse effects.
- 5.1.4 The general approach to the preparation of the ES, once the project design has been determined, is based on the following steps:
- Data review to draw together readily available information about the study area, the project and likely environmental effects;
  - Screening to determine whether an EIA is required under the regulations;
  - Scoping to identify the issues to be addressed and how they are to be assessed;
  - Baseline data collection and specially commissioned surveys to characterise the existing conditions;
  - Consultation with the local authorities, the statutory environmental bodies, namely the Environment Agency, Natural England and Historic England, other consultee bodies and the general public, to request data, inform third parties of the proposals, and seek feedback on the scheme;
  - Identification and assessment of the magnitude of predicted impacts of the DCO Scheme on identified receptors to evaluate the significance of the impacts;
  - Describe measures proposed to mitigate likely significant effects as well as any measures proposed to reduce or avoid effects that are not significant;
  - Assess the significance of the residual effects of the mitigated DCO Scheme; and conclude whether there are likely significant effects for the purposes of the EIA Regulations;
  - Present the assessment in the ES.
- 5.1.5 This report presents the information required to be provided by the applicant, so far as available at this stage, to inform stakeholders about the Portishead Branch Line (MetroWest Phase 1) Development Consent Order Scheme (“the DCO Scheme”) during the statutory consultation being undertaken in October to December 2017. This preliminary

environmental information report ("PEI Report") will form the basis of the ES, which will be submitted to The Planning Inspectorate as part of the DCO application for the Scheme in 2018.

- 5.1.6 To-date, the EIA process for the DCO Scheme has been undertaken in accordance with The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended) ("the EIA Regulations"). EIA Directive (2014/52/EU) amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment was published in the European Union's Official Journal in April 2014. Directive 2014/52/EU amends Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment. The requirements of Directive 2014/52/EU were formally implemented in England insofar as relevant to nationally significant infrastructure projects ("NSIP") in the form of a revised set of regulations entitled, 'The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017' ("the EIA Regulations 2017"). Under Article 3(2) of the Directive, transposed by Regulation 37 the EIA Regulations 2017, where an Environmental Statement is submitted or where a scoping opinion has been sought before 16 May 2017, the project can benefit from transitional provisions to continue under the provisions of the EIA Regulations 2009. However, the DCO Scheme is giving consideration to – and will seek to apply, where possible – the new Directive. This will be fully detailed and documented in the final ES prepared and submitted with the DCO Application.

## 5.2 Standards and Guidance

- 5.2.1 The approach to the impact assessment is largely based on the Highways Agency's<sup>1</sup> Design Manual for Roads and Bridges ("DMRB") Volume 11 Environmental Assessment and Volume 10 Environmental Design and Management. Although the DMRB is for highway schemes, it provides a useful basis for the environmental assessment of other linear transport schemes including railways<sup>2</sup>. The approach set out in DMRB is supplemented by advice in the Highways Agency's Interim Advice Notes ("IAN"), as well as other widely accepted methodologies published by British Standards ("BS") and professional organisations such as the Institute of Environmental Management and Assessment ("IEMA"), the Construction Industry Research Information Association ("CIRIA"), the Landscape Institute ("LI"), and the Institute of Ecology and Environmental Management ("IEEM"). The specific methodologies to be used are referenced in the topic assessment chapters 7 to 17.
- 5.2.2 DMRB Volume 11, Section 2, Part 1, *General Principles and Guidance on Environmental Impact Assessment* identifies a phased, consequential approach to assessment - scoping, simple assessment and detailed assessment. The assessment only passes from one stage to the next if sufficient risk for significant effects is identified. Otherwise the topic is scoped out or completed at the simple stage. This approach is particularly relevant for air quality and noise.
- 5.2.3 The ES will also accord with the requirements of Network Rail's requirements for environmental assessment and their Governance for Rail Investment Projects ("GRIP") procedures.

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<sup>1</sup> On 1 April 2015 the Highways Agency became the Highways England Company Limited, to be known as "Highways England"

<sup>2</sup> The DfT's TAG Unit A3 *Environmental Impact Appraisal* paragraph 1.2.3 confirms that much of the guidance in DMRB is suitable for other transport modes and should be used unless more appropriate alternatives are available.

## 5.3 Screening and Scoping

- 5.3.1 The DCO Scheme is a type of development listed in Schedule 2 10 (d) to the EIA Regulations which is likely to have significant effects on the environment by virtue of factors such as its nature, size, or location.
- 5.3.2 Under Regulation 8 of the EIA Regulations, the promoter may request The Planning Inspectorate to provide their written opinion on the information to be included in the ES (“the scoping opinion”). The applicant North Somerset District Council (“NSDC”) wrote to The Planning Inspectorate on 22 June 2015 to inform them of the Council’s intention to submit an application for a DCO to re-open the Portishead Branch Line for passenger services. Under Regulation 4(2)(a) of the EIA Regulations, where the developer informs The Planning Inspectorate of their intention to submit an ES, the scheme is considered EIA Development. The Council also notified the Inspectorate of their intention to prepare an ES under Regulation 6(1)(b) of the EIA Regulations and requested a scoping opinion on the information to be included in the ES. In support of this request, NSDC provided a Scoping Report and a Baseline Report relating to the DCO Scheme. The Scoping Report identified the potential for environmental impacts on:
- Air quality and carbon
  - Cultural heritage
  - Ecology and nature conservation
  - Geology, hydrogeology, ground conditions and contaminated land
  - Landscape and views
  - Materials and waste
  - Noise and vibration
  - Socio-economics and economic regeneration
  - Soils, agriculture, land use and assets
  - Transport, access and non-motorised users (pedestrians and cyclists), and
  - Water resources, drainage and flood risk.
- 5.3.3 The Scoping Report provided an outline approach to the identification of potentially adverse and beneficial effects for each of the identified topics.
- 5.3.4 In formulating their response, The Planning Inspectorate liaised with 66 stakeholders, of whom 11 replied within the deadline and a further three after the deadline. These organisations are listed in Appendices 1 and 2 to the Scoping Opinion. The Planning Inspectorate published their Scoping Opinion on 4 August 2015. A copy of the Scoping Opinion is available for inspection and can be download from the National Infrastructure Planning website at <https://infrastructure.planninginspectorate.gov.uk/projects/south-west/portishead-branch-line-metrowest-phase-1/?ipcsection=docs>. The comments from The Planning Inspectorate and statutory stakeholders have framed the scope of the EIA.
- 5.3.5 In addition to the topics set out above, the environmental studies have also included the following studies:
- Equality Impact Assessment (“EqIA”): under the Equalities Act 2010 local authorities and public bodies are required to identify and consider the potential adverse impacts of major developments, strategies and policies on equality of opportunity. Equality groups may be defined by: age, race, religion or belief, disability, pregnancy and maternity, gender, gender reassignment and sexual orientation. An EqIA has been undertaken for this DCO Scheme and is presented in Appendix 14.1.
  - Health Impact Assessment (“HIA”): the National Policy Statement for National Networks (“NPS NN”) notes in paragraph 4.79 that rail networks have the potential to

affect the health, well-being and quality of life of the population, because of traffic, noise, vibration, air quality and emissions, light pollution, community severance, dust, odour, polluting water, hazardous waste and pests. An HIA has been undertaken for this DCO Scheme and is presented in Appendix 14.2.

- A Flood Risk Assessment: The NPS NN and the National Policy Planning Framework (“NPPF”) require applications for projects in flood zones to be accompanied by a Flood Risk Assessment (“FRA”). A FRA is being undertaken for the DCO Scheme and will be presented in Appendix 17.1 of the ES.
- A Water Framework Directive (“WFD”) Assessment: The Water Framework Directive requires that environmental objectives are set for all surface waters and groundwaters, so that management measures are put in place to achieve Good Ecological Potential / Status by a defined date. A WFD assessment is being undertaken for the DCO Scheme and will be presented in Appendix 17.2.

5.3.6 The following matters have been scoped out of the ES, as agreed with The Planning Inspectorate (see paragraph 3.28 of the Scoping Opinion):

- **Geology, Hydrogeology, Ground Conditions and Contaminated Land:** The impact of new and additional services on the railway lines on geology, as there will be no further significant impacts on the underlying ground conditions following construction.
- **Materials and Waste:** The use of materials and disposal of waste for the operations phase of the Portishead Branch Line. The volumes involved will be relatively small, and will be handled in accordance with Network Rail's procedures, in the same way as all existing operational railways.
- **Soils, Agriculture, Land Use and Assets:** The risk of livestock straying onto the railway line. This risk will be mitigated through security fencing.

5.3.7 Further explanation of the reasons for scoping out the above matters is provided in the relevant topic assessment chapters 7 to 17 in this PEI Report.

## 5.4 Study Area

5.4.1 The Order limits showing the extent of temporary and permanent land-take required for the DCO Scheme are shown by the red line boundary on Figure 4.2 Sheets 0 to 22 in the PEI Report Volume 3 Book of Figures.

5.4.2 The study area for the collection of baseline data and the assessment of effects is based on the predicted limits of likely significant effects. This will include the DCO Scheme footprint as defined by the Order limits as well as land and assets lying outside the Order limits. The extent of the likely limits of effect vary according to the type of effects and the environmental or social receptor under consideration. Consequently there is no one single study area which is applicable to all the topic assessment areas.

5.4.3 The individual study areas for each environmental topic are described in the topic assessment chapters 7 to 17. Many of the accompanying maps include a corridor 0.5 km on either side of the centreline of the DCO Scheme. Many direct and indirect impacts associated with the DCO Scheme are likely to occur within this area.

## 5.5 Baseline Data Collection and Interpretation

5.5.1 Existing baseline data have been collected from various sources including NSDC and other local authorities, Network Rail, the statutory environmental bodies, the Historic Environment Records (“HER”), the Bristol Regional Environmental Records Centre

("BRERC"), and other organisations with an interest in the study area, as identified in the relevant topic assessment chapters.

- 5.5.2 Specially commissioned surveys were undertaken to identify land use, farm management, habitats and species of flora and fauna, landscape, views of the DCO Scheme, and noise levels.
- 5.5.3 Network Rail and their consultants have undertaken a large number of surveys of the existing route and associated assets to inform the design. These include asset condition surveys of the railway lines and structures, geotechnical and contamination investigations, trackbed investigations and drainage.
- 5.5.4 The existing environmental baseline, together with on-going trends that may affect future baseline without the DCO Scheme, is described in each of the technical topic chapters. Where appropriate, a description of ongoing railway maintenance and the associated effects on the environment are also described.

## 5.6 Assessment of Effects

### Defining Assessment Years and Scenarios

- 5.6.1 The assessment of effects is concerned with evaluating the impact of the DCO Scheme (Do Something scenario) on the environment compared to the conditions without the DCO Scheme (Do Nothing scenario) during construction and operations. The assessment has been undertaken for the following scenarios:
- during the construction period (currently programmed to be spring 2020 to autumn 2021),
  - the year of opening (opening is forecast for late 2021), and
  - the design year, typically 15 years from project opening.
- 5.6.2 The noise study, completed before the change in the DCO Scheme from a half hourly to an hourly scheme, is based on an opening year of 2020 and future year of 2035. A review of the difference in traffic flows and noise levels indicated that the incremental increase in noise for the later opening year to be very small. It was decided to present the assessment in this PEI Report, which represents a worse case than the updated assessment for the later opening year. The noise study will be updated for the new opening year once the final GRIP 3 design has been completed and will be presented in the ES.
- 5.6.3 The Planning Inspectorate has requested that the assessment also considers the decommissioning phase. Such whole life considerations could lead to different choices in the design, for example in the selection of materials and construction strategy which would aid dismantling of valuable assets in the future.
- 5.6.4 The DCO Scheme is likely to stay in operation for as long as there is a business case. If the service is no longer viable, the passenger train services will cease and the existing infrastructure will remain in place. Vegetation will re-colonise the railway alignment, much as at present between Portishead and Pill. Road overbridges would be maintained again much as they are today on the dis-used railway alignment. Other structures such as culverts would also be maintained. At present Network Rail considers that it is unlikely that there would be any proactive decommissioning of the assets.
- 5.6.5 The design life of different components of the DCO Scheme will vary from a few years to decades. Details on the design life of different aspects are provided in Chapter 4. During the operation phase, components will be replaced as and when required. These works would be done under Network Rail's permitted development rights and following Network Rail's own requirements for environmental appraisal and management.

5.6.6 Further details on the assessment scenarios are presented in the topic assessment chapters.

## Identifying Potential Effects

5.6.7 Schedule 4 of the EIA Regulations requires “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:

- the existence of the development;
- the use of natural resources;
- 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.”

## Assessing Significance

5.6.8 Where suitable, the assessment of the significance of effects will follow the approach in DMRB. This is a three step process, which requires setting a value or sensitivity on the environmental receptor, evaluating the magnitude of the change on the environment brought about by the DCO Scheme, and then assessing the significance of the effect based on a combination of the value of the resource and the magnitude of the impact.

5.6.9 Tables 5-1 to 5-3 provide generic descriptions of the value of the receptor, the magnitude of impact, and the significance of the effect. Where appropriate, these definitions have been refined to reflect the assessment topics in Chapters 7 to 17.

**Table 5-1: Value of Environmental Receptors**

<b>Value (Sensitivity)</b>	<b>Typical Descriptors</b>
Very high	Very high importance and rarity, international scale and very limited potential for substitution.
High	High importance and rarity, national scale, and limited potential for substitution.
Medium	High or medium importance and rarity, regional scale, limited potential for substitution.
Low (or lower)	Low or medium importance and rarity, local scale.
Negligible	Very low importance and rarity, local scale.

Source: DMRB, Volume 11, Section 2, Part 5, HA 205/08, Table 2.1

Table 5-2: Magnitude of the Impact

Magnitude	Typical Descriptors
Major	<ul style="list-style-type: none"> <li>Loss of resource and/or quality and integrity of resource; severe damage to key characteristics, features or elements (Adverse).</li> <li>Large scale or major improvement of resource quality; extensive restoration or enhancement; major improvement of attribute quality (Beneficial).</li> </ul>
Moderate	<ul style="list-style-type: none"> <li>Loss of resource, but not adversely affecting the integrity; partial loss of/damage to key characteristics, features or elements (Adverse).</li> <li>Benefit to, or addition of, key characteristics, features or elements; improvement of attribute quality (Beneficial).</li> </ul>
Minor	<ul style="list-style-type: none"> <li>Some measurable change in attributes, quality or vulnerability; minor loss of, or alteration to, one (maybe more) key characteristics, features or elements (Adverse).</li> <li>Minor benefit to, or addition of, one (maybe more) key characteristics, features or elements; some beneficial impact on attribute or a reduced risk of negative impact occurring (Beneficial).</li> </ul>
Negligible	<ul style="list-style-type: none"> <li>Very minor loss or detrimental alteration to one or more characteristics, features or elements (Adverse).</li> <li>Very minor benefit to or positive addition of one or more characteristics, features or elements (Beneficial).</li> </ul>
No Change	<ul style="list-style-type: none"> <li>No loss or alteration of characteristics, features or elements; no observable impact in either direction.</li> </ul>

Source: DMRB, Volume 11, Section 2, Part 5, HA 205/08, Table 2.2

Table 5-3: Significance of Effects

Magnitude of Change	Value/Sensitivity of Receptor				
	<i>Very High</i>	<i>High</i>	<i>Medium</i>	<i>Low</i>	<i>Negligible</i>
<b>Major</b>	Very Large	Large/Very Large	Moderate/Large	Moderate	Slight
<b>Moderate</b>	Large/Very Large	Moderate/Large	Moderate	Slight	Neutral
<b>Minor</b>	Moderate/Large	Moderate	Slight	Neutral	Neutral
<b>Negligible</b>	Slight	Slight	Neutral	Neutral	Neutral
<b>No Change</b>	Neutral	Neutral	Neutral	Neutral	Neutral

Source: DMRB, Volume 11, Section 2, Part 5, HA 205/08, Table 2.4

5.6.10 DMRB also provides definitions for the significance criteria which are provided in Table 5-4 below.

Table 5-4: Definition of the Significance Categories

Significance Category	Typical Descriptors of Effect
Very large	Only adverse effects are normally assigned this level of significance. They represent key factors in the decision-making process. These effects are generally, but not exclusively, associated with sites or features of international, national or regional importance that are

Table 5-4: Definition of the Significance Categories

Significance Category	Typical Descriptors of Effect
	likely to suffer a most damaging impact and loss of resource integrity. However, a major change in a site or feature of local importance may also enter this category.
Large	These beneficial or adverse effects are considered to be very important considerations and are likely to be material in the decision-making process.
Moderate	These beneficial or adverse effects may be important, but are not likely to be key decision-making factors. The cumulative effects of such factors may influence decision-making if they lead to an increase in the overall adverse effect on a particular resource or receptor.
Slight	These beneficial or adverse effects may be raised as local factors. They are unlikely to be critical in the decision-making process, but are important in enhancing the subsequent design of the project.
Neutral	No effects or those that are beneath levels of perception, within normal bounds of variation or within the margin of forecasting error.

Source: DMRB, Volume 11, Section 2, Part 5, HA 205/08, Table 2.3

- 5.6.11 A likely significant effect for the purposes of the EIA Regulations, is taken to mean an adverse or beneficial effect of moderate, large, or very large significance of effect.
- 5.6.12 Not all environmental topics follow this three staged process and further details of the proposed assessment approach are presented in the topic assessment chapters.

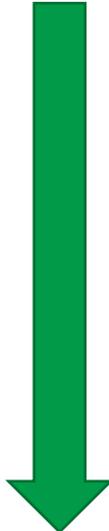
## 5.7 Development of Mitigation, Enhancements and Residual Effects

- 5.7.1 As the likely significant environmental impacts have been identified, options for mitigation are being developed. Pending final detailed design work, the PEI Report has been undertaken on the basis that a number of measures will be included as part of the project design in order to minimise certain environmental effects. These include:
- careful designing of the project to ensure key receptors are avoided where possible;
  - construction adopting best practices techniques, which will be set out in Code of Construction Practice ("COCP") - this document is still being finalised and will be submitted with the DCO application; and
  - compliance with regulatory and legislative regimes as required by law.
- 5.7.2 The final ES will fully set out and detail those embedded mitigation measures within the description of the proposed works and within each of the topic chapters. These measures will have been agreed with NSDC and Network Rail.
- 5.7.3 The proposals for mitigation follow the mitigation hierarchy of avoid, reduce, remedy, compensate and offset. Consideration is being given to the potential for enhancements where possible.
- 5.7.4 The ES will present the residual effects, taking into account measures incorporated into the DCO Scheme and mitigation measures.

## 5.8 Assessment of In-combination and Cumulative Effects

- 5.8.1 The EIA Regulations require the assessment of cumulative effects. Two types of effects are recognised, in-combination and the cumulative effects, which are defined by the Institute of Environmental Management and Assessment (IEMA, 2011, page 63) as follows.
- In-combination effects: *“These effects occur between different environmental topics within the same proposal, as a result of that development’s direct effects.”*
  - Cumulative effects: *“This form of cumulative effect occurs as a result of the likely impacts of the proposed development interacting with the impacts of other developments in the vicinity.”*
- 5.8.2 The in-combination effects have been identified by reviewing the assessments presented in the assessment topic chapters 7 to 17 and identifying those receptors affected by two or more types of effects.
- 5.8.3 The approach to the assessment of cumulative effects with other projects follows The Planning Inspectorate’s Advice Note seventeen *Cumulative effects assessment relevant to nationally significant infrastructure projects*. This sets out a four stage approach, to identify a long list of possible developments within the wider area, from this develop a short list of projects to be considered, collate information for the short listed projects and then assess the cumulative impacts.
- 5.8.4 The Planning Inspectorate recognises that the amount of information available on development proposals decreases with the stage of the project as illustrated in Table 5-5.

Table 5-5: Summary of other development to be included in the assessment

Tier 1	<p>Under construction</p> <hr/> <p>Permitted application(s), whether under the Planning Act 2008 or other regimes, but not yet implemented.</p> <hr/> <p>Submitted applications(s), whether under the Planning Act 2008 or other regimes, but not yet determined.</p>	<p>Decreasing level of detail likely to be available</p> 
Tier 2	<p>Projects on the Planning Inspectorate’s Programme of Projects where a scoping report has been submitted.</p>	
Tier 3	<p>Projects on the Planning Inspectorate’s Programme of Projects where a scoping report has not been submitted.</p> <hr/> <p>Identified in the relevant Development Plan (and emerging Development Plans - with appropriate weight being given as they move close to adoption) recognising that much information on any relevant proposals will be limited.</p> <hr/> <p>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.</p>	

Source: The Planning Inspectorate advice note 17

- 5.8.5 The short-listed projects selected for the cumulative impacts assessment have been agreed with North Somerset District Council and Bristol City Council and include:
- NSIPs within a 5 km radius of the DCO Scheme
  - Committed and reasonably foreseeable developments within approximately 0.5 km of the DCO Scheme identified from the local planning authorities’ planning portals

- Network Rail projects to be undertaken permitted development rights:
  - Great Western Mainline Electrification
  - Bristol Area Signalling Renewal and Enhancement (“BASRE”)
  - Bristol East Junction
- Other works for MetroWest Phase 1
  - Parson Street Junction
  - Bedminster Down Relief Line
  - Bathampton Turnback
  - Avonmouth / Severn Beach Signalling

5.8.6 The potential modal shift from road transport to the railway has been considered in the traffic modelling and incorporated into the future scenarios for the air quality and noise impact assessments.

## 5.9 Limits of Deviation and Use of the Rochdale Envelope

5.9.1 This PEI Report is based on the emerging design for the DCO Scheme. However, not all the design aspects have been fixed at this point and further details will be developed over the coming months.

5.9.2 The DCO process provides a power of deviation, which allows for variations in the DCO Scheme within strictly controlled parameters specified in the DCO. Variations may include changes to the position of features such as signals or telecommunications mast, railway junctions, minor changes in alignment of the railway, or changes to the dimensions of new structures. Where deviations are identified, the ES will present information on the environmental impact of the relevant feature within the volume or locations defined by the deviation.

5.9.3 There may be aspects of the DCO Scheme that have not been decided or where options are still under consideration at the time of submission of the DCO Application. The Planning Inspectorate Advice note nine *Rochdale Envelope* provides guidance on the approach to the assessment of the DCO Scheme where uncertainty remains over certain aspects and to provide flexibility in the future for design changes. If a Rochdale Envelope approach is taken for assessment of any part of the DCO Scheme the ES will identify a realistic worst case scenario and that will be assessed within the technical topic chapters. In the event that any such aspects of the DCO Scheme change in the future, provided that the worst case has been assessed, any revised impact would be of a magnitude that is lower or no greater than the environmental information taken into account by the Secretary of State in the determination of the DCO Application.

## 5.10 Consultation and Engagement

5.10.1 The Planning Act 2008 requires extensive consultation with the local authorities, persons with an interest in the land and affected communities.

5.10.2 To date considerable non-statutory consultations have been undertaken, including:

- Public exhibitions in 2014 on options for the location of Portishead station.
- Public exhibitions in 2015 focusing on initial proposals for the railway between Portishead and Pill.
- Micro-consultations held in Pill and Ashton Gate in March 2016.
- Micro-consultation at Ashton Gate in November / December 2016.

- 5.10.3 Furthermore considerable engagement with specific organisations has taken place, including:
- Land owners directly affected by temporary and permanent land-take, including Bristol Port.
  - Environmental and planning organisations, including North Somerset District Council (Local Planning Authority), Bristol City Council (Local Planning Authority), The Environment Agency, Highways England, Inland Drainage Boards, and Natural England.
  - Utility companies.
- 5.10.4 A summary of issues arising out of engagement with various parties, including the Environmental Scoping Opinion process and how these concerns are being addressed is provided in each of the assessment topic chapters.
- 5.10.5 Statutory consultation as required under the Planning Act 2008 under Section 42 ("s42") with statutory consultees, local authorities, landowners and significantly affected persons, and s47 with local communities, is being undertaken from 23<sup>rd</sup> October 2017 to 4<sup>th</sup> December 2017 and in accordance with the Planning Inspectorate's Advice note fourteen: *Consultation report* and 16 *The developer's pre-application consultation, publicity and notification duties*. NSDC has prepared a Statement of Community Consultation ("SoCC") setting out how they propose to consult with local communities, which will be incorporated into the Consultation Report to be submitted to the Inspectorate as part of the DCO application. The issues coming out of the consultation relating to the people, communities and the environment will be considered and the findings will be presented in the ES setting out the key issues, how they were assessed, and the outcome of the assessment.

## 5.11 Habitats Regulations Assessment

- 5.11.1 Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Flora and Fauna ("the Habitats Directive") provides legal protection for habitats and species of European importance. Article 2 of the Directive requires the maintenance or restoration of habitats and species of interest to the EU in a favourable condition. This is implemented through a network of protected areas referred to as Natura 2000 sites.
- 5.11.2 Articles 6(3) and 6(4) of the Habitats Directive requires "appropriate assessment" of plans and projects likely to have a significant effect on a European site. This means that the effects of such plans/projects on Natura 2000 sites need to be assessed to ensure that the integrity of these sites is maintained.
- 5.11.3 The Natura 2000 sites comprise Special Areas of Conservation ("SAC") and Special Protection Areas ("SPA"). Each Natura 2000 site has a number of qualifying features, for which conservation objectives have been developed. It is Government policy to afford to Ramsar sites (which support internationally important wetland habitats and are listed under the Convention on Wetlands of International Importance) the same level of protection as that afforded to Natura 2000 sites. Accordingly, Ramsar sites are included within a Habitats Regulations Assessment ("HRA").
- 5.11.4 The purpose of HRA is to ensure the maintenance of the overall coherence of a European site or the integrity of the European site network when applications for development consent are proposed. The scope of the HRA is dependent on the location, size and significance of the proposed plan or project. The outcome of a stage in the HRA process will determine whether it is necessary to proceed to the next stage of the HRA process.
- 5.11.5 The main stages of the HRA process are as follows.

- 5.11.6 Stage 1- Screening. This stage identifies the likely impacts upon a European site of a project or plan, either alone or in combination with other projects or plans, and considers whether these impacts are likely to be significant. A conclusion that there are no “*likely significant effects*” completes the HRA and the decision-maker is not required to undertake any further stage.
- 5.11.7 Stage 2 - Appropriate Assessment. Where there are likely significant effects, this stage considers the impacts of the plan or project on the integrity of the relevant European sites, either alone or in combination with other projects or plans, with respect to the structure and function of the site and the conservation objectives. Where there are adverse impacts, it also includes an assessment of potential mitigation for those impacts.
- 5.11.8 Stage 3 - Assessment of alternative solutions. Where adverse impacts are predicted, this stage examines alternative ways of achieving the objectives of the project or plan that avoid adverse impacts on the integrity of European sites.
- 5.11.9 Stage 4 - Assessment where no alternative solutions exist and where adverse impacts remain. This stage assesses compensatory measures where it is deemed that the project or plan should proceed for imperative reasons of overriding public interest.
- 5.11.10 The DCO Scheme crosses the Avon Gorge Woodlands SAC, passes within 80 m of the Severn Estuary SPA, SAC, and Ramsar site, and there are two other SACs within 30 km of the DCO Scheme with bats as a qualifying feature.
- 5.11.11 The draft Screening Report provided in the Scoping Report to The Planning Inspectorate is being updated and will be provided in Appendix 9.12 to the ES. Discussion with statutory consultees will continue in the meantime. The Screening Report is being prepared in accordance with the Planning Inspectorate's Advice note ten: *Habitats Regulations Assessment relevant to nationally significant infrastructure projects*.

## 5.12 Drafting the PEI Report

- 5.12.1 The PEI Report presents the information available at this time on the likely significant environmental effects of the DCO Scheme, based on the emerging design prepared by Network Rail. The PEI Report is being made publically available to inform the local authorities, environmental regulatory authorities, persons with an interest in the land and affected communities about the DCO Scheme and the potential impacts on them and the environment.
- 5.12.2 Stakeholders are invited to comment on the DCO Scheme proposals, including the PEI Report, the proposed mitigation measures (to the extent available) and the residual effects. These comments will be taken into consideration in the iterative design of the DCO Scheme and in the information to be presented in the ES, which will be submitted to The Planning Inspectorate as part of the DCO Application in 2018.

## 5.13 References

Highways Agency. Design Manual for Roads and Bridges, Volume 10. Environmental Design and Management.

Highways Agency. Design Manual for Roads and Bridges, Volume 11. Environmental Assessment.

IEMA, 2011. The State of Environmental Impact Assessment Practice in the UK. Special Report. 98pp.

The Planning Inspectorate Advice note nine *Rochdale Envelope*.

The Planning Inspectorate, Advice note ten: *Habitats Regulations Assessment relevant to nationally significant infrastructure projects.*

The Planning Inspectorate, Advice note fourteen: *Consultation report.*

The Planning Inspectorate, Advice note sixteen: *The developer's pre-application consultation, publicity and notification duties.*

The Planning Inspectorate, Advice Note seventeen: *Cumulative effects assessment relevant to nationally significant infrastructure projects.*

## 5.14 Abbreviations

BASRE	Bristol Area Signalling Renewal and Enhancement
BS	British Standard
BRERC	Bristol Regional Environmental Records Centre
CIRIA	Construction Industry Research Information Association
DCO	Development Consent Order
DMRB	Design Manual for Roads and Bridges
EIA	Environmental impact assessment
EqIA	Equality impact assessment
ES	Environmental Statement
FRA	Flood risk assessment
GRIP	Governance for Rail Investment Projects
HER	Historic Environment Records
HIA	Health Impact Assessment
HRA	Habitats Regulations Assessment
IAN	Interim Advice Note (prepared by Highways England)
IEEM	Institute of Ecology and Environmental Management
IEMA	Institute of Environmental Management and Assessment
LI	Landscape Institute
NPPF	National Policy Planning Framework
NPSNN	National Policy Statement for National Networks
NSDC	North Somerset District Council
NSIP	Nationally significant infrastructure project
PEI Report	preliminary environmental information report
SAC	Special Area of Conservation
SoCC	Statement of Community Consultation
SPA	Special Protection Area
WFD	Water Framework Directive

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