
CHAPTER 2

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Appendices (Volume 3 – Bound Separately)

Appendix 2.1 Scoping Report

2.0 APPROACH TO THE ENVIRONMENTAL STATEMENT

2.1 Introduction

2.1.1 This chapter sets out the legislative requirement for the application to be accompanied by an ES; the scoping process undertaken; the broad assessment approach that has been adopted in relation to the topics that have been identified as being likely to result in significant environmental effects; and finally how the ES complies with the requirements of the EIA Regulations.

2.2 Need for EIA

2.2.1 The requirement for EIA was prescribed by European law under Council Directive 85/337/EEC. This Directive has been amended four times, with the latest amendment, the Environmental Impact Assessment (EIA) Directive (2014/52/EU) entering into force on 15 May 2014. Member States were required to apply the 2014 EIA Directive from 16 May 2017.

2.2.2 2014/52/EU has been enacted most recently into UK law by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 [SSI 2017 No. 139] (hereafter referred to as the 2017 Regulations). As described in Chapter 1.0 of this ES, Regulation 78 of the 2017 Regulations describe the transitional provisions for projects which were started prior to the enactment of this legislation.

2.2.3 Regulation 78 sets out that the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) continue to apply where an applicant has requested a scoping opinion before the commencement of the 2017 Regulations i.e. before 16th May 2017.

2.2.4 The applicant submitted a scoping request to HBC on the 18th April 2017. On this basis the ES has been prepared in accordance with the 2011 EIA Regulations - referred to hereafter as 'the EIA Regulations'.

2.2.5 MSA's are included within Schedule 2 of the EIA Regulations, under Part 10(p) as a Motorway Service Areas in excess of 0.5 hectares. The proposed Vale of York MSA would be over 0.5 hectares in size and is therefore a Schedule 2 development.

2.2.6 In instances where a development is considered to fall within Schedule 2, the tests set out in Schedule 3 (i.e. the criteria for determining whether Schedule 2

development is EIA development) should be employed to establish if significant environmental effects are likely to arise as a result of the development.

2.2.7 Ordinarily in the case of Schedule 2 development the applicant would carry out formal EIA screening with the local planning authority (LPA) to determine (in accordance with the tests set out within Schedule 3) whether the proposed project is EIA development. However, due to its scale, nature and surroundings, the Applicant is content that there is a need to fully assess the environmental impacts of the Proposed Development. As a consequence, a Screening Opinion has not been sought from Harrogate Borough Council (HBC) and by virtue of submitting an ES the development constitutes EIA development.

2.3 Scoping

2.3.1 The information to be included in an ES is set out in Schedule 4 of the EIA Regulations. Part 1 of Schedule 4 details the information that is reasonably required to assess the environmental effects of the development and which the applicant can, having regard in particular to current knowledge and methods of assessment reasonably be required to compile. Part 2 of Schedule 4 specifies the information that the applicant must provide, these are set out below. References to chapters in the ES where information relevant to these requirements can be found are also listed within Table 2.1.

Table 2.1 - Review of Schedule 4 Requirements

<i>PART I</i>	
<i>1. Description of the development, including in particular:</i>	
<ul style="list-style-type: none"> <i>a description of the physical characteristics of the whole development and the land-use requirements during the construction and operational phases;</i> 	<i>Chapter 4</i>
<ul style="list-style-type: none"> <i>a description of the main characteristics of the production processes, for instance, nature and quantity of the materials used;</i> 	<i>Chapter 4</i>
<ul style="list-style-type: none"> <i>an estimate, by type and quantity, of expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation, etc.) resulting</i> 	<i>Chapter 4, 7, 8 & 9</i>

<i>from the operation of the proposed development.</i>	
<i>2. An outline of the main alternatives studied by the applicant or appellant and an indication of the main reasons for his choice, taking into account the environmental effects.</i>	<i>Chapter 3</i>
<i>3. 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 inter-relationship between the above factors.</i>	<i>Chapters 5 to 14</i>
<i>4. 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:</i>	<i>Chapters 5 to 14</i>
<i>(a) the existence of the development;</i>	
<i>(b) the use of natural resources;</i>	
<i>(c) the emission of pollutants, the creation of nuisances and the elimination of waste, and the description by the applicant of the forecasting methods used to assess the effects on the environment.</i>	
<i>5. A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment.</i>	<i>Chapters 5 to 14</i>
<i>6. A non-technical summary of the information provided under paragraphs 1 to 5 of this Part.</i>	<i>Volume 4</i>
<i>7. An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the applicant in compiling</i>	<i>Chapters 5 to 14</i>

<i>the required information.</i>	
<i>PART II</i>	
<i>1. A description of the development comprising information on the site, design and size of the development.</i>	<i>Chapter 4</i>
<i>2. A description of the measures envisaged in order to avoid, reduce and, if possible, remedy significant adverse effects.</i>	<i>Chapters 5 to 14</i>
<i>3. The data required to identify and assess the main effects which the development is likely to have on the environment.</i>	<i>Chapters 5 to 14</i>
<i>4. An outline of the main alternatives studied by the applicant or appellant and an indication of the main reasons for his choice, taking into account the environmental effects.</i>	<i>Chapter 3</i>
<i>5. A non-technical summary of the information provided under paragraphs 1 to 4 of this Part.</i>	<i>Volume 4</i>

Consultation

- 2.3.2 Under Regulation 13 of the EIA Regulations, prospective applicants may request a Scoping Opinion from the Local Planning Authority (LPA). This is a written confirmation as to the information that, in the opinion of the LPA, ought to be provided within the ES.
- 2.3.3 On the 18th April 2017 the applicant submitted a formal request for a Scoping Opinion from HBC. The request was accompanied by an Environmental Scoping Report which set out the issues that the applicant considered would need to be covered in the ES. The Scoping Report is contained within Appendix 2.1.
- 2.3.4 At the time of writing (July 2017) a Scoping Opinion had not been issued by HBC. As such the scope of this ES conforms with that set out in the aforementioned Scoping Report.
- 2.3.5 In addition to the formal scoping exercise referred to above, informal scoping was conducted with technical officers from HBC and other technical consultees. This

process has further informed the scope of the subjects to be addressed within the EIA and the methods and assumptions used to undertake assessments.

2.3.6 The information and knowledge required to produce this ES was acquired from a number of varied sources to ensure that all effects, whether explicit from the outset, or coming to light during the project's development, were assessed. These sources included:

- discussions with technical consultees;
- review of public files and records;
- review of historical mapping and aerial photography;
- site surveys undertaken by the applicant;
- surveys and assessments undertaken previously on the Site;
- specialist studies, such as computer modelling of potential noise impacts; and
- expert knowledge from the consultancy team.

2.4 EIA Methodology

2.4.1 The approach to EIA is not standardised, but there are established and recognised approaches set out by professional institutions as to methods to be used for the assessment of environmental effects. Where appropriate, the environmental effects of the Proposed Development have been assessed quantitatively using definitive standards, legislation and guidance applicable to each of the technical areas covered within this ES.

2.4.2 In order to provide a clear and robust assessment each of the technical chapters presented within the ES follow the structure set out in the following paragraphs.

Introduction

2.4.3 A brief summary of the approach to the topic is provided outlining any key issues relevant to the subject area being assessed.

Methodology

2.4.4 This section provides details of the assessment method followed and provides the following information:

- a description of any relevant legislation, policy or guidance which has been taken into account in the assessment;

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- the findings from any consultations undertaken when compiling the assessment;
 - the approach taken to gathering of any desk based or field data. Where specific surveys have been undertaken an outline of the assessment methodology is provided;
 - the approach to the impact assessment is defined. This includes how the particular topic has defined impact magnitude, receptor sensitivity and how these relate to the overall level effect / significance; and
 - any limitations or assumptions made in the assessment.

Baseline

2.4.5 This section of the chapter provides a description of the baseline conditions of the Site relevant to the topic being assessed. The baseline conditions have been established through consultation, collation and analysis of existing datasets and reports, and gathering of site specific field data. The baseline assessment identifies any particularly sensitive receptors that will require to be evaluated in the assessment.

Assessment of Effects

2.4.6 This section of the chapter describes the likely significant environmental effects of the Proposed Development on the baseline condition of the Site and the surrounding area relevant to the assessment topic. The assessment includes a description of the nature, extent and significance of these effects. The assessment takes into account any mitigation measures that have been specifically incorporated into the Proposed Development to reduce environmental effects of the project.

2.4.7 As described in Chapter 1.0, the applicant is applying for permanent development and as such the assessment of effects will consider the construction and operational phases of the development only. This approach was set out within the Scoping Report. As such a detailed assessment of decommissioning has not been provided. Any effects associated with decommissioning works are considered likely to be similar in nature to construction phase effects.

Rochdale Envelope

- 2.4.8 The application is for outline planning permission. As such not all elements of the Proposed Development are defined in absolute detail and matters such as scale, design, layout and appearance have been left for subsequent approval. In such cases there is an established principle called the 'Rochdale Envelope'¹ which enables a degree of flexibility to be introduced into an outline permission subject to EIA.
- 2.4.9 The case law establishes that the level of detail relating to the proposal must be sufficient to enable a proper assessment of the likely environmental effects, and any resultant mitigation measures – particularly if considering a range of possibilities or development parameters. Any assumptions used in the assessment must be clearly stated. The assumptions applied to the assessment then create parameters within which the development must take place.
- 2.4.10 In this respect the ES has been undertaken with reference to the parameters set out in Table 4.1. Additionally, the layout illustrated on the indicative masterplan, Figure 1.2 and 1.3, has been used as a reference point for the various technical assessments. Chapter 4.0 of the ES provides a description of the scheme and an outline description of the construction methods used to assess the environmental effects of the Proposed Development.
- 2.4.11 On this basis, any reserved matters applications that come forward within the envelope of the defined parameters will be deemed to have been subject to EIA. However, if a reserved matters application was submitted that fell outside the defined parameters it would be necessary to establish if those elements of the development were likely to give rise to significant environmental impacts, either alone or in combination with the development assessed within this ES. If this was deemed to be the case, either by the applicant or by HBC, then the application would need to be accompanied by an ES in relation to those effects.

Assessment of Significance

- 2.4.12 The EIA Regulations do not provide definitive methods for the assessment of significance and a variety of methods are employed within Environmental Statements. The method used to assess the effects is specific to each discipline.

¹ *R. v Rochdale MBC ex parte Milne (No. 1) and R. v Rochdale MBC ex parte Tew [1999] and R. v Rochdale MBC ex parte Milne (No. 2) [2000]*

Where available and appropriate, the assessments follow impact assessment criteria and methodology set out by relevant professional institutions e.g. Institute of Ecology and Environmental Management, Landscape Institute etc. Where such guidance is not available, or prescriptive methods are not set out by the relevant professional body, then assessment criteria have been developed by the technical specialists to enable a clear and structured assessment to be undertaken.

2.4.13 The level of the effect of the Proposed Development is, in general, derived by considering the magnitude of the impact and the sensitivity of the receptor to a change resulting from the Proposed Development.

2.4.14 Depending on the discipline there are a number of factors that need to be taken into account when establishing the type and magnitude of an effect, including:

- whether the effect is adverse or beneficial;
- whether it is temporary or permanent;
- extent or spatial scale of the effect;
- duration of the effect;
- whether the effect is reversible; and
- probability/likelihood of the effect.

2.4.15 Similarly, the sensitivity of a receptor is the function of a number of elements dependent on the discipline and effect being assessed, these could include:

- designation and legal status;
- quality;
- rarity; and
- ability to adapt to change;

2.4.16 Having established the magnitude of the effect and the sensitivity of the receptor, the level of the effect is then defined. For some disciplines a matrix is used to classify the level of effect by correlating magnitude and sensitivity, as shown in Table 2.2 below.

Table 2.2 – Example Level of Effect Matrix

		Magnitude of Impact			
		High	Medium	Low	Negligible
Receptor Sensitivity	High	Major	Moderate	Minor to Moderate	Negligible or Minor
	Medium	Moderate	Minor to Moderate	Minor	Negligible
	Low	Minor to Moderate	Minor	Negligible or Minor	Negligible
	Negligible	Negligible or Minor	Negligible	Negligible	Negligible

- 2.4.17 Where a matrix is not used, the magnitude of change and the sensitivity of the receptor is used to make a reasoned professional judgement to establish the level of the effect and whether it is considered to be significant or not significant.
- 2.4.18 There is no statutory definition of what level of effect is to be regarded as significant and there is often not a single, definitive, correct answer as to whether an effect is significant or not. A significant effect does not necessarily mean that such an effect is unacceptable to decision-makers nor necessarily results in a breach of any particular planning policy. This is a matter to be weighed in the planning judgement / balance alongside other material considerations. What is important is that the likely significant environmental effects of any proposal are transparently assessed and described in sufficient detail to enable the determining authority to make a balanced and well-informed judgement as part of the decision-making process.
- 2.4.19 Where the findings of an assessment are set out as different levels of effect (e.g. major, moderate, minor, etc) the assessment clearly sets out where an effect is considered to be significant. This may vary between disciplines and the threshold is defined within each chapter. This approach is used to assist the decision maker, consultees and other interested parties in establishing the most important environmental effects of the Proposed Development.
- 2.4.20 In all instances the assessment sets out the basis of the judgements made so that the readers of the ES can see the weight attached to the different factors and can understand the rationale of the assessment. In this sense the ES clearly explains how the significance of effects has been derived.

Mitigation

2.4.21 It is a requirement of the EIA Regulations to describe the measures envisaged to prevent, reduce and where possible offset any significant effects on the environment. Whilst not a requirement of the EIA Regulations, mitigation measures can be used to reduce or avoid any adverse effect, whether or not that effect is deemed to be 'significant'. Mitigation can be achieved in a number of ways as listed below, this approach is often referred to as the mitigation hierarchy with mitigation being selected as high up the hierarchy as possible.



2.4.22 Many of the mitigation measures within the Proposed Development have been incorporated into the Proposed Development as a result of decisions undertaken during the design of the scheme. These measures are described in detail within Chapter 4.0 Alternatives Considered. On the basis that these mitigation measures are considered to be imbedded into the project they have been taken into account when coming to a judgement of the significance of the effects of the Proposed Development.

2.4.23 Where additional mitigation, compensation or enhancement measures are proposed to prevent, reduce or offset adverse effects unavoidable through design, or to provide benefits to the scheme / local environment these are described separately within the mitigation section of each chapter. Where such measures have been defined an explanation is provided of how these measures will mitigate / reduce the identified effects of the Proposed Development.

Cumulative Effects

2.4.24 The EIA Regulations require that a description of the likely significant effects of the development on the environment should be included in the ES, including cumulative effects.

2.4.25 The EIA Regulations do not define cumulative effects, however, a commonly accepted description is:

“Impacts that result from incremental changes caused by other past, present or reasonably foreseeable actions together with the project” (European Commission, 1999)

2.4.26 For the purposes of the scoping exercise it was proposed that an assessment of cumulative impacts would be undertaken in combination with:

- development under construction;
- approved development, awaiting implementation; and
- proposals awaiting determination within the planning process with design information in the public domain.

2.4.27 The cumulative effects of operational projects already form part of the baseline and as such are assessed within each of the discipline chapters.

2.4.28 Projects to be considered for inclusion in the cumulative assessment were developments of 10,000m² in size or greater and developments that have been subject to EIA. Projects that fall outside the above criteria were only to be considered if specifically identified by the LPA or other statutory consultees.

2.4.29 A search area of 5km from the Site was been used to identify projects to be included in the cumulative effects assessment. A search of the planning portal on HBC's and North Yorkshire Council's website did not identify any projects which fell within the above categories. Pre-application consultation with HBC did not identify any other projects which required an assessment of cumulative effects.

Residual Effects and Conclusions

2.4.30 This section of each technical chapter provides a textual description of the likely residual effects of the Proposed Development following the implementation of any additional mitigation or enhancement measures.

2.4.31 The conclusions summarise the key elements of the assessment and include a statement on whether the Proposed Development is likely to result in any significant environmental effects.

2.5 Structure of the Environmental Statement

2.5.1 **Volume 1 (Main Report)** provides an introduction to the project and details the technical assessments that have been undertaken to determine the likely impacts of the project. The chapters of the Main Report are as follows:

Chapter 1.0:	Introduction and Background
Chapter 2.0:	Approach to the Environmental Statement
Chapter 3.0:	Alternatives Considered
Chapter 4.0:	Scheme Description and Construction Methods
Chapter 5.0:	Landscape and Visual
Chapter 6.0:	Ecology and Nature Conservation
Chapter 7.0:	Surface Water and Flood Risk
Chapter 8.0:	Air Quality
Chapter 9.0:	Noise and Vibration
Chapter 10.0:	Cultural Heritage
Chapter 11.0:	Traffic and Transportation
Chapter 12.0:	Socio-Economics
Chapter 13.0:	Agricultural Land Use
Chapter 14.0:	Summary of Effects

- 2.5.2 **Illustrative Figures (Volume 2)** includes the illustrative figures associated with the technical assessments.
- 2.5.3 A series of **Technical Appendices (Volume 3)** are be provided that include details of the methodology and information used in the assessment, detailed technical schedules and, where appropriate, raw data.
- 2.5.4 All the chapters of the Main Report are summarised in a **Non-Technical Summary (Volume 4)** to provide a review of the development proposals, and the possible environmental implications, in concise lay terms.