

## 6 Environmental Impact Assessment Process

- 6.1 This chapter of the PEIR explains the methodology followed and process of the environmental impact assessment work that has been undertaken to date in order to identify and make a preliminary assessment of the significant environmental effects likely to be generated by the OMSSD project. Each individual topic assessment chapter includes a description of the specific assessment methodology that has been for each individual preliminary assessment undertaken. These descriptions are included in chapters 7 to 21.
- 6.2 Subject to the comments received during the statutory consultation, the process and methodology included in this chapter and within chapters 7 to 21 will be followed in carrying out the final assessment of likely significant environmental effects of the OMSSD project that will be reported in the OMSSD Environmental Statement (ES). The ES will be submitted with the application for development consent in 2021.
- 6.3 Environmental Impact Assessment (EIA) is a systematic process that provides information to decision makers, statutory regulators, other interested parties and the general public about certain categories of development proposals and projects and an indication of their likely significant effects on the environment. The EIA process is designed first to identify and assess any significant effects that the given project is likely to have on the environment and then, where appropriate, to identify measures to either mitigate or offset those likely significant adverse effects or maximise likely significant beneficial effects.
- 6.4 In this context, it should be noted that the EIA process is not, however, required to address every potential environmental impact of the proposals.
- 6.5 There is no standard format for an ES, but regulation 14 and Schedule 4 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017<sup>32</sup> ('the EIA Regulations') (as amended) set out the relevant information to be included within an ES.
- 6.6 Regulation 12(2) of the EIA Regulations confirms that 'preliminary environmental information' means information referred to in regulation 14(2) which has been compiled by the applicant and is reasonably required for specified consultation bodies to develop an informed view of the likely significant environmental effects of the development. The information provided within this PEIR meets this requirement.

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<sup>32</sup> Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (as amended)

# Proposed Scope of the OMSSD Environmental Statement

- 6.7 On 20 March 2020, Oikos formally notified the Secretary of State in writing under Regulation 8(1)(b) of the EIA Regulations that it intends to provide an ES in respect of the proposed OMSSD project and that the ES will accompany the application for a DCO.
- 6.8 On 7 April 2020, a scoping opinion was sought from the Planning Inspectorate (PINS) on behalf of the Secretary of State. Full regard has been had to the scoping opinion subsequently received from the Inspectorate and comments received from the consultation bodies in the preparation of this PEIR.

## Planning Inspectorate Scoping Opinion

- 6.9 PINS adopted its Screening Opinion in May 2020. In issuing its Scoping Opinion, PINS considered responses received within their statutory deadline from the various bodies and organisations it consulted with. It also provided Oikos with copies of consultation responses it had received after the statutory deadline, which Oikos has had regard to.
- 6.10 PINS comments are set out in five sections as follows:
  - Section 1 – Introduction
  - Section 2 – The Proposed Development
  - Section 3 – ES Approach
  - Section 4 – Aspect Based Scoping Tables
  - Section 5 – Information Sources
- 6.11 Table 6.1 summaries the matters raised by PINS in Sections 1, 2 and 3 of the Scoping Opinion and indicates how the matters raised have been addressed within the PEIR, or will be addressed within the ES. Those matters raised in the Aspect Based Scoping Tables included in Section 4 of the Scoping Opinion are addressed as appropriate within the individual topic chapters of the PEIR and will also be taken into account in the preparation of the final ES.

Table 6.1: Matters to be considered in the EIA: Planning Inspectorate’s Scoping Opinion

Scoping Opinion reference	Details required	Relevant PEIR chapter / Comment
<b>1. Introduction</b>		
1.1.13	The EIA must be co-ordinated with any assessment made under The Conservation of Habitats and Species Regulations 2017.	A co-ordinated assessment will be undertaken and will be reported in the OMSSD ES and supporting documentation.

Scoping Opinion reference	Details required	Relevant PEIR chapter / Comment
1.2.3	The ES submitted by the applicant should demonstrate consideration of the points raised by the consultation bodies [as part of the scoping opinion process]. It is recommended that a table is provided in the ES summarising the scoping responses from the consultation bodies and how they are, or are not, addressed in the ES.	This will be provided in the final ES. Preliminary responses to points raised are provided under the 'Consultation' section of Chapters 7 to 21 of this PEIR.
1.2.4	Any consultation responses received after the statutory deadline will be forward to the applicant direct.	These have been received and have been taken account of as appropriate in the preliminary information provided in this PEIR.
<b>2. The Proposed Development</b>		
<i>Description of proposed development</i>		
2.3.1	The ES should include a description of the proposed development covering the matters set out in this paragraph and specifically address the lack of detail in the description of pipeline construction and design. The ES should quantify and detail the current and expected maximum operational capacity of the facility once construction is complete.	The ES will provide this information. Preliminary information on these matters is contained within Chapter 3 of this PEIR.
2.3.2	Works and features required to be removed and/or demolished should be detailed and quantified. Works required to level the site should be described in detail, including the existing and proposed ground levels and the nature and quantity of required materials.	The ES will provide this information. Preliminary information on these matters is contained within Chapter 3 of this PEIR.
2.3.3	Concerning the proposals to move an existing ecological mitigation area, the ES should explain the relationship between the measures required for previous planning permissions and those proposed for this development. Mitigation measures should not be 'double counted'. The land required for the ecological mitigation area should be quantified and described and evidence of any agreement reached with the consultation bodies provided.	The ES will provide this information. Preliminary information on these matters is contained within Chapter 3 and 7 of this PEIR.
2.3.4	A full and detailed description of the current site should be included.	The ES will provide this information, preliminary information on these matters is contained within Chapter 2 of this PEIR, along with more specific topic descriptions in Chapters 7 to 21.
2.3.5	The operational lifetime of the proposed development in years should be explicitly stated in the description of development; this is particularly important when assessing climate change impacts. The decommissioning phase impacts should be assessed or it should be explained and explained why this is not necessary.	The ES will provide this information. Preliminary information on these matters is contained within Chapter 3 of this PEIR.

Scoping Opinion reference	Details required	Relevant PEIR chapter / Comment
2.3.6	The applicant should make efforts to develop certainty with regards to construction methods, phasing, traffic and other works, including the delivery of off-site mitigation. This includes refining relevant parameters to enable a robust assessment of likely significant effects.	The ES will provide this information. Preliminary information on these matters is contained within Chapter 3 of this PEIR.
<b>Alternatives</b>		
2.3.8	Expect to see discrete section in the ES that provides details of the reasonable alternatives studied and reasoning for the selection of the chosen option(s), including a comparison of environmental effects.	The ES will provide this information. Preliminary information on these matters is contained within Chapter 4 of this PEIR.
<b>Flexibility</b>		
2.3.9	Attention is drawn to Inspectorate’s Advice Note Nine ‘Using the Rochdale Envelope’ which concerns the approach to follow when incorporating flexibility into a draft DCO.	These comments are noted.
2.3.10	Every attempt should be made to narrow the range of options and explain those elements that have yet to be finalised and provide reasons. At the time of application, any proposed development parameters should not be so wide-ranging to represent effectively different developments. Development parameters should be clearly defined. The applicant must consider whether it is possible to assess a range of impacts resulting from a large number of undecided parameters. The description of development should not be so wide that it is insufficiently certain to comply with the requirements of Regulation 14 of the EIA Regulations.	The ES will provide this information. Preliminary information on these matters is contained within Chapter 3 of this PEIR.
2.3.11	Should the development materially change prior to the DCO submission, the applicant may wish to consider requesting a new scoping opinion.	These comments are noted.
<b>3. ES Approach</b>		
3.1.2	Aspects/matters are not scoped out unless specifically addressed and justified by the applicant and confirmed by the Inspectorate. The ES should be based on the Scoping Opinion in so far as the development remains materially the same as that described in the scoping report.	These comments are noted.
3.1.3	The Applicant can subsequently agree with relevant consultation bodies, on receipt of the Scoping Opinion, that matters can be scoped out of the ES, provided further evidence has been provided to justify this approach. This should be set out and justified in the ES.	These comments are noted.
3.1.4	Effort should be made to engage with consultation bodies and where necessary, further develop the scope to address concerns and advice. Information to demonstrate further engagement undertaken should be included in the ES, along with how it has influenced the scope of the ES.	Engagement with the consultation bodies to date is reported in the section covering ‘Consultation’ in chapters 7 to 21. This information

Scoping Opinion reference	Details required	Relevant PEIR chapter / Comment
		will be fully documented in the ES.
3.1.5	Where relevant, the ES should provide reference to how the delivery of measures proposed to prevent / minimise adverse effects is secured through DCO requirements (or other suitably robust methods) and whether relevant consultation bodies agree on the adequacy of the measures proposed.	These matters will be covered in the final OMSSD ES.
<b>Relevant National Policy Statements (NPS)</b>		
3.2.1	NPSs provide the framework within which the Examining Authority will make their recommendation to the SoS. Applicants should address any environmental requirements for NSPs in their ES.	The ES will provide this information, preliminary information is contained within Chapter 5 and Chapters 7 to 21 of this PEIR.
3.2.2	The designated NPSs relevant to the proposed development are the: <ul style="list-style-type: none"> <li>• Overarching NPS for Energy</li> <li>• NPS for Ports</li> </ul>	The ES will provide this information, preliminary information is contained within Chapter 5 and Chapters 7 to 21 of this PEIR.
<b>Scope of Assessment</b>		
<i>General</i>		
3.3.1	To assist the decision-making process, the use of tables is recommended: <ul style="list-style-type: none"> <li>- to demonstrate how the assessment has taken account of the Scoping Opinion;</li> <li>- to identify residual effects after mitigation;</li> </ul> to set out the proposed mitigation and/ or monitoring measures; <ul style="list-style-type: none"> <li>- to describe any remedial measures following monitoring; and</li> <li>- to identify where details are contained in the Habitats Regulations Assessment.</li> </ul>	These comments are noted and taken account of as appropriate within this PEIR. The comments will be taken into account as appropriate within the final OMSSD ES
3.3.2	The ES should define the study areas for each aspect Chapter based on the Zone of Impact (ZOI) with reference to desk and/or field studies, consultation and relevant guidance.	Chapters 7 to 21 of this PEIR explain how preliminary study areas have been defined.
3.3.3	Alongside a description of the consultation that has taken place there should be evidence of the consultation and effort to agree the assessment methods, conclusions and any proposed mitigation measures with the relevant bodies.	Preliminary information on these matters is provided in Chapters 7 to 21 of this PEIR.
3.3.4	It would be helpful for figures to be presented in the ES either where the text references the Figures or else provide them in a separate document so that they are easy to navigate to whilst following the assessment.	Preliminary figures are provided separately in Volume 3 of this PEIR.

Scoping Opinion reference	Details required	Relevant PEIR chapter / Comment
<i>Baseline Scenarios</i>		
3.3.6	The ES should include a description of the baseline scenario with and without implementation of the development as far as natural changes from the baseline scenario can be assessed with reasonable effort on the basis of the availability of environmental information and scientific knowledge.	Preliminary information is provided in Chapters 7 to 21 of this PEIR.
3.3.7	It should be clearly stated which developments will be assumed to be in construction or operational as part of the future baseline. The ES should include the anticipated construction and operation timelines for other development to understand how the other developments will interact.	Preliminary information on these matters is provided in Chapter 22 of this PEIR.
<i>Forecasting Methods or Evidence</i>		
3.3.8	The ES should contain the timescales upon which the surveys that underpin the technical assessments have been based. For clarity, this information should be provided either in the introductory chapters of the ES (with confirmation that these timescales apply to all chapters), or in each aspect chapter.	Preliminary information is provided in Chapters 7 to 21 of this PEIR.
3.3.9	The ES should include a chapter setting out the overarching methodology for the assessment, which clearly distinguishes effects that are 'significant' from 'non-significant' effects. It is noted that there is inconsistency in the Scoping Report in terms of how 'significance', impact magnitude and receptor sensitivity are defined and how these combine to establish the significance of effects. Not all chapters identify sensitive receptors or explain how they were chosen in line with relevant guidance and some do not provide or explain what guidance will be used to inform and enable understanding of significance. Any departure from that methodology should be described in individual aspect assessment Chapters.	Preliminary information is provided in this chapter and Chapters 7 to 21 of this PEIR.
3.3.10	The ES should include details of difficulties (for example technical deficiencies or lack of knowledge) encountered compiling the required information and the main uncertainties involved.	Preliminary information is provided in Chapters 7 to 21 of this PEIR.
<i>Residues and emissions</i>		
3.3.11	The EIA Regulations require an estimate, by type and quantity, of expected residues and emissions. This information should be provided in a clear and consistent fashion.	Preliminary information is provided in Chapters 7 to 21 of this PEIR.
3.3.12	The effects arising from on-shore waste and/or spoil, including residues, should be included in the assessment. Proposals to level the site, remove/demolish tanks and pipes and whether pipes will be constructed above or below ground should be clarified.	Preliminary information is provided in Chapter 3 and Chapters 7 to 21 of this PEIR.

Scoping Opinion reference	Details required	Relevant PEIR chapter / Comment
<i>Mitigation and monitoring</i>		
3.3.13	Any mitigation relied upon should be explained in detail, having regards to the mitigation hierarchy and previous research/modelling/ongoing discussion. Effort should be made to agree this with relevant consultation bodies and that proposed mitigation 'fits' with any existing mitigation measures currently in place. The likely efficacy of the mitigation proposed should be explained with reference to residual effects. How any mitigation will be secured, with reference to specific DCO requirements or other legally binding agreements, should be explained.	Preliminary information is provided in Chapters 7 to 21 of this PEIR.
3.3.14	Any proposed monitoring of significant adverse effects and how the results of such monitoring would be utilised to inform any necessary remedial actions should be included.	Will be detailed in the final OMSSD ES
<i>Risk of Major Accidents and/or disasters</i>		
3.3.15	A description and assessment (where relevant) of the likely significant effects resulting from accidents and disasters, including making use of appropriate guidance to better understand the likelihood of an occurrence and susceptibility to potential major accidents and hazards should be included. The assessment should also include:  The vulnerability to a potential accident or disaster and also potential to cause an accident or disaster.  Significant effects resulting from the risks to human health, cultural heritage or the environment, taking into consideration the potential for catastrophic failure of the storage tanks.  Any measures that will be employed to prevent and control significant effects.	Preliminary information is provided in Chapters 7 to 21 of this PEIR.
3.3.16	Relevant information available and obtained through risk assessments pursuant to European Union or relevant assessments carried out pursuant to national legislation may be used for this purpose provided that the requirements of this Directive are met. Where appropriate, this description should include measures envisaged to prevent or mitigate the significant adverse effects of such events on the environment and details of the preparedness for and proposed response to such emergencies.	Preliminary information is provided in Chapters 7 to 21 of this PEIR.
<i>Climate and Climate Change</i>		
3.3.17	The ES should include a description and assessment (where relevant) of the likely significant effects on climate and the vulnerability of the project to climate change. Where relevant, the ES should describe and assess the adaptive capacity that has been incorporated into the design.	Preliminary information is provided in Chapters 7 to 21 of this PEIR.



Scoping Opinion reference	Details required	Relevant PEIR chapter / Comment
<i>Transboundary Effects</i>		
3.3.18	Schedule 4 Part 5 of the EIA Regulations requires a description of the likely significant transboundary effects to be provided in an ES. The Scoping Report has not indicated whether there is likely to be a significant impact on another European Economic Area (EEA) State.	Preliminary information is provided in Chapter 1 of this PEIR.
3.3.19	Regulation 32 of the EIA Regulations inter alia requires the Inspectorate to publicise a DCO application on behalf of the SoS if it is of the view that the proposal is likely to have significant effects on the environment of another EEA state, and where relevant, to consult with the EEA state affected.	These comments are noted.
3.3.20	If Regulation 32 applies, this is likely to have implications for the DCO examination. It is recommended that the ES should identify whether there is the potential for significant transboundary impacts and if so, what these are, and which EEA States would be affected.	These comments are noted.
<i>A Reference List</i>		
3.3.21	A reference list detailing the sources used for the descriptions and assessments must be included in the ES.	A preliminary list is provided within this PEIR.
<b>Coronavirus (COVID-19) Environmental Information and Data Collection</b>		
3.4.1	The Inspectorate understands that conducting specific surveys and obtaining representative data may be difficult in the current circumstance.	These comments are noted.
3.4.2	The Inspectorate has a duty to ensure that the environmental assessments necessary to inform a robust DCO application are supported by relevant and up to date information. The Inspectorate will seek to adopt a flexible approach, balancing rigour and scientific certainty with pragmatism to support the timely preparation and determination of applications.	These comments are noted.
3.4.3	Every effort should be made to agree the approach to the collection and presentation of information with relevant consultation bodies. Consultation bodies are expected to work with Applicants to find suitable approaches. The Inspectorate will take into account the advice it receives from the consultation bodies.	These comments are noted.
<b>Confidential and Sensitive Information</b>		
3.5.1	In some circumstances it will be appropriate for information to be kept confidential. In particular, personal information of those undertaking assessment or the locations of rare or sensitive species.	These comments are noted.
3.5.2	Confidential information should be provided as separate paper and electronic documents with their confidential nature clearly indicated in the title and watermarked as such on each page. The information should not be incorporated within other documents intended for	These comments are noted.



Scoping Opinion reference	Details required	Relevant PEIR chapter / Comment
	publication or which the Inspectorate would be required to disclose under the Environmental Information Regulations 2004.	
3.5.3	The Inspectorate adheres to the data protection protocols set down by the Information Commissioners Office. Refer to the Inspectorate’s National Infrastructure privacy notice for further information on how personal data is managed during the Planning Act 2008 process.	These comments are noted.

## Climate Change Matters

- 6.12 Schedule 4 of the EIA Regulations indicates that, amongst other matters, the ES should include a description of the likely significant effects of the development on the environment resulting from the impact of the project on climate and the vulnerability of the proposals to climate change.
- 6.13 For the purposes of this preliminary assessment, ‘climate’ matters have been considered as a separate matter within each environment topic chapter as necessary with regard to relevant guidance.
- 6.14 In addition, as indicated in the preceding paragraphs, it is proposed to provide a specific chapter within the ES which will assess the implications of the OMSSD project in respect of Greenhouse Gas matters. A preliminary assessment of Greenhouse Gas related matters is provided in Chapter 13 of this PEIR.

## Health Matters

- 6.15 It is not intended to include a specific ES chapter on human health but instead to assess potential impacts of the OMSSD project on health and community matters within the relevant technical assessment chapters. A preliminary assessment of health and community matters is provided in the relevant chapters of this PEIR.

## Land Use, Private Assets and Agriculture

- 6.16 The OMSSD project is to be located on land that already forms part of the Oikos Facility. The only exception to this will be the provision of off-site ecological mitigation and improvements. There are, therefore, limited private assets that will be directly affected by the proposed OMSSD project, and those that are affected are considered within Chapter 20 Socio-Economic.
- 6.17 Indirect effects on such assets will be considered within the various topic assessment chapters.

# The OMSSD Environmental Information

6.18 Table 6.2 sets out where the information required by Regulation 14(2) of the EIA Regulations is provided within the PEIR.

*Table 6.2: OMSSD PEIR Requirements of Regulation 14(2) of the EIA Regulations*

Regulation 14(2) An environmental statement is a statement which includes at least –	OMSSD PEIR
(a) A description of the proposed development comprising information on the site, design, size and other relevant features of the development;	Volume 1, Chapter 2 and topic assessment chapters, Volume 2
(b) A description of the likely significant effects of the proposed development on the environment;	Volume 1 Topic assessment chapters, Volume 2
(c) A description of any features of the proposed development, or measures envisaged in order to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment;	Volume 1 Topic assessment chapters, Volume 2
(d) A description of the reasonable alternatives studied by the applicant, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the development on the environment;	Volume 1 Need and Alternatives Chapter 4
(e) A non-technical summary of the information referred to in sub-paragraphs (a) to (d); and	The NTS is provided in the form of the consultation booklet published as part of the PEIR and statutory consultation.
(f) Any additional information specified in Schedule 4 relevant to the specific characteristics of the particular development or type of development and to the environmental features likely to be significantly affected.	Volume 1 and Volume 2

6.19 The EIA Regulations include (at regulation 14 and Schedule 4) an indication of environmental receptors with the potential to be affected by development. Table 6.3 explains where these receptors have been considered within the preliminary assessment as reported in this PEIR.

*Table 6.3: Technical Scope of the OMSSD PEIR*

EIA Topic	Relevant section of the PEIR
Population	Chapter 10 – Commercial and Recreational Navigation Chapter 11 – Traffic and Transport Chapter 12 – Air Quality

EIA Topic	Relevant section of the PEIR
	Chapter 14 – Noise and Vibration Chapter 16 – Flood Risk and Surface Water Drainage Chapter 17 – Landscape and Visual Chapter 18 – Lighting Chapter 20 – Socio-Economic Chapter 21 – Safety
Human health	Chapter 10 – Commercial and Recreational Navigation Chapter 11 – Traffic and Transport Chapter 12 – Air Quality Chapter 13 – Greenhouse Gases and Climate Change Chapter 14 – Noise and Vibration Chapter 15 – Ground Conditions Chapter 16 – Flood Risk and Surface Water Drainage Chapter 18 – Lighting Chapter 20 – Socio-Economic Chapter 21 – Safety
Biodiversity (for example fauna and flora)	Chapter 7 - Terrestrial Ecology Chapter 8 – The Water Environment Chapter 9 – Marine Ecology
Land (for example land take)	Chapter 3 – The Proposals Chapter 7 – Terrestrial Ecology Chapter 8 – The Water Environment Chapter 15 – Ground Conditions Chapter 20 – Socio-Economic
Soil (for example organic matter, erosion, compaction, sealing)	Chapter 15 – Ground Conditions Chapter 16 – Flood Risk and Surface Water Drainage
Water (for example hydromorphological changes, quantity and quality)	Chapter 8 – The Water Environment Chapter 16 – Flood Risk and Surface Water Drainage
Air	Chapter 12 – Air Quality Chapter 13 – Greenhouse Gases and Climate Change
Climate (for example greenhouse gas emissions, impacts relevant to adaptation)	Chapter 13 – Greenhouse Gases and Climate Change Chapters 7 to 21 – Topic Assessment chapters

EIA Topic	Relevant section of the PEIR
Material assets	Chapter 15 – Ground Conditions Chapter 19 – Historic Environment Chapter 20 – Socio-Economic
Cultural heritage, including architectural and archaeological aspects	Chapter 19 – Historic Environment
Landscape	Chapter 17 – Landscape and Visual Chapter 18 – Lighting
A description of the likely significant effects of the development resulting from (Schedule 4 paragraph 5(c)) the emissions of pollutants, noise, vibration, light, heat and radiation, the creation of nuisances, and the disposal and recovery of waste	Chapter 7 – Terrestrial Ecology Chapter 8 – The Water Environment Chapter 9 – Marine Ecology Chapter 11 – Traffic and Transport Chapter 12 – Air Quality Chapter 13 – Greenhouse Gases and Climate Change Chapter 14 – Noise and Vibration Chapter 15 – Ground Conditions Chapter 16 – Flood Risk and Surface Water Drainage Chapter 18 – Lighting
The cumulation of effects with other projects (Schedule 4 paragraph 5(e))	Chapter 22 – Cumulative and In-combination Effects
Any significant adverse effects arising from the vulnerability of the proposed development to major accidents and/or disasters. (Schedule 4, paragraph 8).	Chapter 10 – Commercial and Recreational Navigation Chapter 11 – Traffic and Transport Chapter 16 – Flood Risk and Surface Water Drainage Chapter 21 – Safety

## Methodology used to assess Environmental Impacts

- 6.20 All of the preliminary technical aspect assessments have been undertaken on the basis of a common understanding of the OMSSD project, as detailed in Chapter 3 of this PEIR. The spatial and temporal extent of each specialist assessment varies depending upon the environmental aspect being considered. Technical Appendices provide further information, where appropriate, and these are included in Volume 2 of this PEIR. A glossary of common terms used throughout the ES and a bibliography of reference documents are provided in Volume 1 of the PEIR.
- 6.21 For some disciplines, specific guidance on EIA and the approach to assessment is available, while others rely on best practice. Each individual preliminary assessment chapter sets out

the assessment methodology which has been utilised in respect of that specific topic, including whether it is based on published guidance and industry standards, or a specific methodology has been followed based on professional judgment.

6.22 Each topic assessment chapter of this PEIR has, however, been written to include, as far as practical at this stage, the following general common elements:

- Introduction;
- Definition of the study area;
- Assessment methodology;
- Consultation;
- Implications of legislation, policy and guidance;
- Preliminary description of the existing environment;
- Preliminary consideration of likely impacts and effects;
- Mitigation measures;
- Limitations;
- Preliminary conclusions on residual effects.

### **Definition of the Study Area**

6.23 Each individual aspect assessment chapter defines its own study area based on the Zone of Impact (Zol) and this is explained in the individual chapters 7 to 21. Some significant effects are considered at a local level, whereas other effects potentially extend to a much wider area. In each case, the study area is sufficiently extensive to ensure that all likely significant environmental effects can be identified and has been determined by the relevant expert with reference to desk and/or field studies, consultation and relevant guidance. Where the Zol has been agreed with statutory consultees, then this is explained in the relevant topic chapter.

### **Assessment Methodology**

6.24 Methods of data collection and the assessment of effects vary as explained in the individual aspect chapters. Both qualitative and quantitative techniques are used. Qualitative techniques are those which rely on judgment, previous experience and the knowledge of the consequences of certain types of action. Quantitative techniques are those which usually seek to model the natural environment and the effects caused by the proposal. Some techniques have a statutory basis but are generally based upon good practice guidance and advice. The basis upon which the conclusion of the assessment has been reached, whether it be fact, professional judgment or opinion is made clear in each chapter.

6.25 The assessment methodologies utilised are explained in each assessment chapter. The assessments generally take account of the magnitude of the impact being generated and the sensitivity of the receptor affected to determine the significance of the impact. Effects are

generally classified as either adverse or beneficial and of Major, Moderate, Minor or Negligible significance/insignificant. Generally, effects which are ‘Moderate’ or ‘Major’ are considered to be ‘significant’ in EIA terms whereas those described as ‘Minor’ or ‘Negligible’ (or equivalent) are considered to be ‘not significant’.

## Consultation

- 6.26 Preliminary assessment chapters, where relevant, describe the consultation that has taken place to date with specific bodies, including statutory consultees, in respect of the individual topic being considered. Details of how this has been taken into account is explained in undertaking the preliminary assessment. Comments received as part of the statutory consultation and any further discussions will be reported in the OMSSD ES.

## Implications of Legislation, Policy and Guidance

- 6.27 In addition to the general overview of legislation, policy and guidance provided in Chapter 5 of this PEIR, each specialist assessment chapter has provided an analysis of the legislation, policy and guidance that is of particular and specific relevance to the topic it is considering and which has informed the preliminary assessment undertaken. This approach will be taken forward to the OMSSD ES and any new legislation, guidance or policy taken into account in the final OMSSD ES.
- 6.28 EU legislation which applied directly or indirectly to the UK before 11.00 p.m. on 31 December 2020 (exit day) has been retained in UK law as a form of domestic legislation known as ‘retained EU legislation’ or ‘retained EU law’ by virtue of sections 2 and 3 of the European Union (Withdrawal) Act 2018 (the Withdrawal Act). Section 4 of the Withdrawal Act ensured that any remaining EU rights and obligations, including those within EU treaties, continue to be recognised and available in UK domestic law now that the UK has left the European Union. All references in the chapters of this PEIR to EU Directives, are to the Directives as they now apply in the UK as part of our domestic ‘retained EU law’. In addition, some UK domestic law had to be amended by government to make minor, technical changes to the statutory instruments which previously implemented the EU Directives. This was required in order to correct deficiencies in cross-referencing which arose as a result of the UK leaving the European Union - in the form of EU Exit amendment regulations. Not all statutory regulations referred to within the chapters of this PEIR required amendments, however those that did are referred to as “amended”.

## Preliminary Description of the Existing Environment

- 6.29 Defining the existing environment is a critical step in the assessment process as it provides a benchmark against which the significance of effects will be assessed. It involves the identification of significant and sensitive receptors in the study area as well as a consideration of the robustness of the existing environment and its sensitivity to change. Each topic assessment chapter of the PEIR includes a section describing the existing baseline environment.

### ***Environmental Change Without the Proposals***

- 6.30 This section of the individual topic assessment chapters explains what is likely to happen in the study area in respect of the baseline environment in terms of the relevant assessment topic in the absence of the OMSSD project. This further assists the identification of the position against which effects are identified and assessed.

### **Preliminary Consideration of Likely Impacts and Effects**

- 6.31 Each assessment chapter identifies the preliminary likely impacts generated as a result of the OMSSD based on the knowledge of the project to date. Likely impacts are identified for all phases of the proposed OMSSD including site preparation, construction and operation.
- 6.32 As already explained, assessment techniques are identified and explained by the relevant technical specialists, based on established models and methods of calculation, good practice guidance and accepted practices and standards according to each discipline. Where there are no accepted standards, specialists base their conclusions on their professional expert judgment.
- 6.33 Individual topic chapters give an indication of the significance of the effects generated by the initially identified impacts. The overall significance of a potential environmental effect is generally accepted to be determined by the interaction between the sensitivity, importance and value of the receptor and the predicted magnitude of the impact being generated.

### **Mitigation Measures**

- 6.34 The EIA Regulations require that an ES includes a description of any measures that will avoid, prevent, reduce and, if possible, offset likely significant adverse effects. The EIA Regulations indicate that such ‘mitigation measures’ can be features of the proposed development (subsequently referred to as ‘in-built mitigation’) or further measures envisaged (subsequently referred to as ‘further mitigation’). In-built mitigation is taken to include normal good practice measures, such as pollution control measures during construction activity. Further mitigation consists of additional mitigation measures which are specifically identified during the assessment process. Each PEIR chapter provides preliminary information on these measures as appropriate.
- 6.35 How any mitigation will be secured, with reference to specific DCO requirements or other legally binding agreements, will be explained in the final OMSSD ES. Where appropriate, any proposed monitoring of significant adverse effects and how the results of such monitoring will be utilised to inform any necessary remedial actions will be included.

### **Limitations**

- 6.36 At this stage, each individual assessment chapter indicates any limitations encountered with undertaking the preliminary assessment. These limitations will be revisited in preparing the final OMSSD ES and any new limitations will be highlighted or difficulties or uncertainties in undertaking the final assessment will be clearly stated.



## Preliminary Conclusion on Residual Effects

- 6.37 A preliminary assessment of the residual effects of identified impacts with relevant mitigation measures in place has been undertaken and is reported in a specific section within each assessment chapter. The effectiveness of any mitigation measures has been evaluated using a combination of techniques including quantitative modelling, experience and professional judgment.
- 6.38 The final OMSSD ES will include the residual effects in tabular form.

## Cumulative and In-combination effects

- 6.39 Chapter 22 of this PEIR includes an explanation of the approach that is being followed in respect of the in-combination effects of the OMSSD project and the cumulative effects with other development projects. At this stage only the short list of other plans or development proposals, which are proposed to be taken account in the final assessment has been drawn up. As part of the statutory consultation process, consultees are specifically invited to consider whether the list provided covers all relevant plans or proposals.
- 6.40 This list of other development projects will then form the basis of the cumulative assessment reported in the final OMSSD ES, which will be considered by the relevant technical consultants undertaking the individual assessments as to whether or not they are likely to have cumulative effects with the OMSSD project according to their individual specialism. An assessment of in-combination effects will also be undertaken in the final OMSSD ES.

## Habitats Regulations Assessment

- 6.41 A Habitats Regulations Assessment (HRA) is a separate assessment process for the purposes of Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations) and is undertaken for any project that is considered potentially to be likely to have a significant effect on a European site and which is not directly connected with or necessary for the management of the site.
- 6.42 This assessment is required to take into account the potential effects both of the plan/project itself and in combination with other plans or projects. Where the potential for likely significant effects cannot be excluded, the competent authority must undertake an Appropriate Assessment of the implications of the plan or project for that site in view of the site's conservation objectives, and determine whether the plan or project will adversely affect the integrity of the European site.
- 6.43 Within its Scoping Opinion, the Planning Inspectorate requested that sufficient information be provided to address the impacts of the OMSSD project on all potential impact pathways likely to result in significant effects and occurring as a result of construction, operation and decommissioning of the OMSSD project.

- 6.44 Chapter 7 of this PEIR includes a preliminary consideration of the OMSSD project in terms of HRA matters, and a separate HRA document will be produced as part of the final OMSSD ES in order to provide the competent authority, in this case the Secretary of State for Transport, with sufficient information to discharge his duties under Regulation 64 of the Habitats Regulations.