Walsall Council

Planning, Engineering and Transportation

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SCOPING OPINION RESPONSE

THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2011

Particulars of Application

Applicant:	Joshua Stroud
Agent:	
Application Number:	17/0165
Site Address:	JUNCTION 10 OF M6 MOTORWAY, WALSALL
Proposal:	IMPROVEMENTS TO JUNCTION 10 OF M6 MOTORWAY AND ADJOINING ROADS (A454 WOLVERHAMPTON ROAD, BLOXWICH LANE, A454 BLACK COUNTRY ROUTE AND B4464 WOLVERHAMPTON ROAD WEST).

Particulars of the Response

Walsall Council, as Local Planning Authority, has adopted the following formal scoping opinion in respect of the Environmental Statement to be prepared for this proposed development.

Scoping Opinion Response

Walsall Council Response to Environmental Statement Scoping Request

The promotor of the M6 Junction 10 improvement works has submitted a new request for a Scoping Opinion from the Council under Regulation 13 of the Town and Country Planning (Environment Impact Assessment) Regulations 2011 and the Town and Country Planning (Environmental Impact Assessment (Amendment) Regulations 2015 ("EIA Regulations").

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Following the previous scoping opinions in May 2015 and February 2016, a single design option for the Junction improvement has been selected and further study has been undertaken, incorporating an Environmental Assessment Report (EAR) which provided a greater level of detail than previously presented in the earlier scoping opinions. The EAR considers potential effects of the Scheme, and considers subjects requested in the previous EIA Scoping Opinion; leading to a new EIA Scoping Opinion being sought taking into account the EAR. The EAR utilised the Design Manual for Roads and Bridges (DMRB) Volume 11, "Simple Assessment" DMRB methodology, a standard requirement of Highways England's Project Control Framework (PCF), a process governing all Highway England projects. The greater level of detail now provided, may offer an opportunity to better focus the drafting of the ES that will be submitted with the future planning application.

EU Directive 2014/52/EU amends Directive 2011/92/EU, on which the current EIA Regulations are based. It is anticipated that the Directive will be transposed into UK law by May 2017. Where a scoping opinion has been sought before 16 May 2017, the provisions of the 2011 Regulations, as amended, still apply. Section 16.3 considers this further, and the ES will demonstrate compliance and consideration to EU Directive 2014/52/EU.

Background

The M6 Junction 10 promotors confirm, Walsall Council, in partnership with Highways England, intends to upgrade junction 10 of the M6 motorway by replacing the existing bridge structures. The improvements will increase capacity and reduce delay for traffic travelling on to and off of the M6 motorway, as well as through the junction itself. Currently the junction operates beyond its design capacity; the project seeks to address this issue by increasing the width of the bridge(s), number of lanes and the circulatory carriageway.

Replacing the existing two-lane bridge structures with four-lane bridge structures means, Highways England will not need to replace the existing two-lane structures with two new two-lane structures. The proposed Junction 10 scheme allows Highways England and Walsall Council to maintain access to and from the motorway network, whilst replacing the ageing bridges, increasing the junction's traffic capacity whilst reducing congestion. Should the junction improvements not go ahead and Highways England only replace the two existing two-lane structures like for like, without delivering any improvements to the junction's traffic capacity. This 'freezes' the junction capacity at it's current inadequate level into the long-term, potentially exacerbating congestion, for years into the future, whilst not delivering road safety benefits for all users of the junction.

Additional benefits, span into the wider economic and regeneration objectives of Walsall Council and neighbouring Black Country local authorities, to unlock investment and growth in the local area, as well as safeguarding local jobs, particularly, it's close proximity to the Walsall Black Country Enterprise Zone sites.

July 2014 the Government announced project funding would be made available as part of the Black Country Growth Deal, having previously been prioritised by the Black Country Local Enterprise Partnership within their Strategic Economic Plan. Expenditure of £29.65m, from project start, April 2015 until the end of the construction period. December 2014 Highways England 'Road Investment Strategy' committed the remaining funding over the same period, bringing the total scheme funding to £65m.

The Site and Surroundings

M6 motorway Junction 10 is located to the west of Walsall town centre and provides access to Walsall and Wolverhampton. The junction is an elevated structure including two bridges over the motorway, owned and maintained by Highways England. The circulatory carriageway that rests on

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top of the bridge structures is the responsibility of Walsall Council. The existing bridges need to be replaced before 2021, to extend the structural lifespan of the junction whilst increasing capacity, reducing delays and improving safety through the junction.

This section of the M6 highway network has an average weekday two-way daily flow of 159,000 vehicles between junctions 9 and 10. The A454 Black Country Route carries over 47,000 per day.

Surrounding junction 10 are mixed land uses, including open space, leisure, education, residential, industrial and commercial land. These include three nearby hotels, Boundary Mill retail unit, a drive thru restaurant, several local schools, a church, Black Country Enterprise Zone sites, existing manufacturing and distribution companies within a short distance of the site. Junction 10 is an interchange accessing the A454 dual carriageway, linking Walsall town centre to the east and Wolverhampton city centre to the west. North west of junction 10, the B4464 Wolverhampton Road West a single carriageway, accesses mostly housing and served by the well-used and high-frequency bus route, the 529.

Approach to the Assessment

This report format has been adopted because of the level of detail provided by the applicant's submission including; Mott MacDonalds EIA scoping report (7 February 2017), Mott MacDonald PCF Stage 1 Environmental Assessment Report (DMRB Simple Assessment) Options Assessment, (7 February 2016) and Moore Environmental, Scoping Report November 2015 (Report No. 1435.01). The Council's report should be read in conjunction with the promotor's submission and the consultee responses to this scoping request.

-The scoping response has been based on the documents submitted. It is noted there were no details of the extent or impacts for the working area, construction compound, whether height levels of the carriageway for the bridges/junction will rise, final mitigation measures dealing with air quality, noise, surface water, ecological impacts, impacts on the population.

Relevant Policies

The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) – SI 2011 No. 1824

National Planning Policy Framework (NPPF) sets out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it emphasises a *"presumption in favour of sustainable development*".

All the **core planning principles** have been reviewed and those relevant in this case are:

- Find ways to enhance and improve places in which people live their lives
- Contribute to conserving and enhancing the natural environment and reducing pollution.
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- Take account of the different roles and character of different areas, promoting the vitality of our main urban areas
- Encourage the effective use of land by reusing land that has previously been developed

Key provisions of the NPPF relevant in this case:

- ***NPPF 1 - Building a strong, competitive economy***
- ***NPPF 4 - Promoting sustainable transport***
- ***NPPF 7 - Requiring good design***
- ***NPPF 8 - Promoting healthy communities***

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- ***NPPF 10 - meeting the challenge of climate change, flooding and costal change***
- ***NPPF 11 - Conserving and enhancing the natural environment***
- ***NPPF 12 - Conserving and enhancing the historic environment***

The NPPF says; **planning conditions** should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

The NPPF sets out the view that local planning authorities should approach **decision taking** in a positive way to foster the delivery of sustainable development and look for solutions rather than problems and work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. Pre-application engagement is encouraged.

Development Plan Policies

Black Country Core Strategy February 2011

- CSP1: The Growth Network
- CSP2: Development Outside the Growth Network
- CSP3: Environmental Infrastructure
- CSP5: Transport Strategy
- TRAN1: Priorities for the Development of the Transport Network
- TRAN2: Managing Transport Impacts of New Development
- TRAN3: The Efficient Movement of Freight
- TRAN4: Creating Coherent Networks for Cycling and for Walking
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV4: Canals
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV8: Air Quality
- WM1: Sustainable Waste and Resource Management
- WM5: Resource Management and New Development

Walsall Unitary Development Plan Saved Policies February 2011

- GP2: Environmental Protection
- GP3: Planning Obligations
- GP5: Equal Opportunities
- GP6: Disabled People
- ENV9: Environmental Improvement Initiatives
- ENV10: Pollution
- ENV11: Light Pollution
- ENV13: Development Near Power Lines, Substations and Transformers
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV17: New Planting
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV24: Wildlife Corridors
- ENV25: Archaeology
- ENV26: Industrial Archaeology
- ENV27: Buildings of Historic or Architectural Interest

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- ENV28: The ‘Local List’ of Buildings of Historic or Architectural Interest
- ENV29: Conservation Areas
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- ENV34: Public Art
- ENV40: Conservation, Protection and Use of Water Resources
- JP4.1: East of M6 Junction 10
- JP4.2: James Bridge (Former IMI Works) (site E30)
- JP8: Bad Neighbour Industrial Uses
- T1 - Helping People to Get Around
- T2 - Bus Services
- T4 - The Highway Network
- T5 - Highway Improvements
- T6 - Traffic Calming
- T8 – Walking
- T9 – Cycling
- T10: Accessibility Standards – General
- T11: Access for Pedestrians, Cyclists and Wheelchair users
- T12: Access by Public Transport (Bus, Rail, Metro and Ring and Ride)
- LC1: Urban Open Spaces
- LC5: Greenways
- LC8: Local Community Facilities

Walsall’s Site Allocation Document (SAD) (in preparation)
The SAD is expected to be submitted for public examination subject to agreement by Council in April 2017. It has completed its public consultation process and those policies that have not been the subject of an object therefore have substantial weight.
A Pre-Submission Modification (MMSAD56) has been proposed to Policy T5 of the Publication Draft Plan to refer explicitly to improvements to M6 Junction 10 as shown on the Policies Map. This Modification has not been the subject of an objection. Once adopted, SAD Policy T5 would replace Saved UDP Policy T5.

Supplementary Planning Document

Black Country Air Quality (October 2016)
4 The 4 Step Approach to Assessing Planning Proposals:
 Step 1 – Development proposal / pre-application discussions
 Step 2 - Classification of the development proposal
 Step 3 – Assessment
 Step 4 – Determining suitable mitigation measures

5 Minimising Unacceptable Air Quality Impacts through Mitigation and Compensation:
 Type 1 – Electric Vehicle Charging Points
 Type 2 – Practical Mitigation Measures Supported by National Guidance
 Type 3 - Additional Measures
 Emissions from Construction Sites
 Use of Planning Obligations, Planning Conditions & Community Infrastructure Levy (CIL)
 Viability

Appendices:
Appendix 1 – Air Quality Assessment Protocol

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Appendix 2 – Electric Vehicle Charging Point Standard Specification
Appendix 3 – Damage Costs Type 3 Compensation Calculation and Formulas
Appendix 4 – Specific Guidance and Local Policy Context for each Black Country Local Authority Area
Appendix 5 – Criteria for Transport Assessments to Enable Classification of Developments
Appendix 6 – Examples of Air Quality Mitigation Planning Conditions

Conserving Walsall's Natural Environment 24 July 2013

- Development with the potential to affect species, habitats or earth heritage features
  - NE1
  - NE2
  - NE3
- Survey standards
  - NE4
- The natural environment and new development
  - NE5
  - NE6
- Development with the potential to affect trees, woodlands and hedgerows
  - NE7
  - NE8
  - NE9
  - NE10

Designing Walsall July 2013

- DW1 Sustainability
- DW2 Safe and Welcoming Places
- DW3 Character
- DW4 Continuity
- DW5 Ease of Movement
- DW6 Legibility
- DW7 Diversity
- DW8 Adaptability
- DW9 High Quality Public Realm

Policies are available to view online: www.walsall.gov.uk

Relevant Planning History

14/1046/ND Environmental Impact Screening Opinion relating to improvements to Junction 10 of M6 Motorway and adjoining roads (A454 Wolverhampton Road, Bloxwich Lane, A454 Black Country Route and B4464 Wolverhampton Road West). 13-Aug-2014 Screening Opinion EA Required

15/0457/SCOP Improvements to Junction 10 of the M6 motorway and adjoining roads (A454 Wolverhampton Road, Bloxwich Lane, A454 Black Country Route and B4464 Wolverhampton Road West) Scoping Opinion to inform an Environmental Statement. 22-May-2015 Scoping Opinion Response

15/1839 Improvements to Junction 10 of the M6 motorway and adjoining roads (A454 Wolverhampton Road, Bloxwich Lane, A454 Black Country Route and B4464 Wolverhampton Road West) Scoping Opinion to inform an Environmental Statement - resubmission of 15/0457/SCOP. 15-Feb-2016 Scoping Opinion Response

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Consultation Replies

Transportation
Considers the submitted scoping report covers all relevant highway related environmental considerations and is acceptable as set out

Highways England
As you will be aware Highways England is working in conjunction with Walsall Council to design and deliver the improvements to M6 Junction 10. The scheme was announced by the Secretary of State for Transport in December 2014 to be delivered as part of the Roads Investment Strategy for the 2015 to 2020 road period.
Highways England has reviewed the EIA Scoping Report dated 7th February 2017 and notes that the report surmises the findings of the new information provided by the Environmental Assessment Report. This includes details of the topics and levels of assessment to be undertaken within the EIA, on the finalisation of the design details. On review of the Report, along with the associated EAR, it appears that the proposed assessment is adequate and complies with standards as laid out in Design Manual for Roads and Bridges (DMRB) in accordance with the interests of Highways England in regard to the SRN. As such, we are content that the Updated Scoping Report is accepted as the basis for the scheme EIA process

Lead Local Flood Authority (LLFA)
Please find high level comments below from Staffordshire County Council acting as Walsall's Lead Local Flood Authority (LLFA) advisors, focusing upon surface water considerations - with all comments given in good faith.

The scoping is fairly detailed given that it's a high level assessment of what should be undertaken in the event of the preferred option for the junction improvement works.

There are five possible options: 1 - The flyover, 2 - the hamburger, 3 - two new bridges, 4 - four new bridges and 5 - retain existing structure. At this point, Option 3a and 3b may be progressed. Although I haven't perused all the submitted documents, I've tried to focus on the Mott McDonald PCF Stage 1 – EAR report and the M6 Junction 10 Scoping Report, Ch14 Road Drainage and Water Environment. We welcome that the scoping has considered the two man phases of the scheme - Construction and Operation, whilst noting the environmental constraints and onus of evidence required in order to progress the preferred option.

The scoping recognises that there is a need for, or rather - that opportunities can be taken, to include SuDS elements to the modified highway drainage systems whilst helping to ensure water-quality and volume management to ensure that any constriction or operation of the revised junction does not adversely affect people of property / land downstream or elsewhere.

It is noted that all future assessments are to be undertaken in accordance with the appropriate sections of HD 45/09 and that hydraulic modelling of drainage systems are to be completed in due time. Existing and future drainage are to be assessed against the relevant parts of DMRB Volume 4, Section 263 and HD 33/0664 - whilst attempting to adhere to Walsall highways requirements, the CIRIA SuDs manual and the wider aims of ENV5.

The scoping submission notes that the scheme will require modelled information from the Environment Agency for any hydraulic models that the EA may hold for the adjacent watercourses and to liaise with STW for any assistance or information that they can offer. Given that the Sneyd Brook, disused Anson Branch canal will be affected by the works – it is noted that any future

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drainage design, during both construction and operation, will have to ensure nil detriment elsewhere and offer betterment, if feasible.

Options 3a and 3b would construct two new four lane concrete bridges on the A454 west of Junction 10 and demolish the existing structures. It also involves widening the junction of the A454 Wolverhampton Road with Bloxwich Lane and Tempus Drive and the A454 Black Country route west of Junction 10. The proposed Scheme lies within the operational catchment of the Tame Upper Rivers. All water bodies in this catchment are heavily modified or artificial. Extensive physical modifications have been carried out to accommodate urbanisation and reduce flooding risk.

Although there are no statutory designated sites (SSSI, LNR, NNR, SAC, SPA) within 2km of the junction, the entire footprint lies over a surface water nitrate vulnerable zone (NVZ).

The scoping notes that Severn Trent Water should be brought on board to help discuss the drainage proposals and that they, and the LLFA element of Walsall, will require surface water drainage plans, which could be submitted within a FRA for the proposal.

Although the junction improvements themselves are liable to rely on conventional highway / road drainage principles such as carrier drains, gullies, catchpits, kerb systems etc - whilst the final drainage plans are being drawn up, it is likely that discharge rates will be fully attenuated and that the points of connection to proposed discharge points would be designed to avoid flooding for the 1-in-100 year storm event, plus an appropriate allowance for climate change in line with updated EA guidance. Mott McDonald note that opportunities to provide a drainage system based on SuDS principles could be viable for this proposal. Currently, there are no detailed drainage plans submitted formally at this stage.

There are areas of Flood Zone 2 and 3 adjacent to the Sneyd Brook (crossing the A454 corridor) and the scoping notes that potentially, the widening of the Bloxwich Lane / Tempus Drive junction could increase pressure on the existing A454 culvert. However, if all increases in impermeable areas are attenuated accordingly, then this will be fully mitigated against.

All current highway drainage and public sewers, whether Walsall Council and Highways England, have statutory protection and may not be built close to, or diverted without their prior consent and may require relevant easements. Due care will have to be taken with areas deemed ‘locally important and the Anson Branch Canal and associated culvert beneath the junction. There are partial flood defences utilised at the confluence of the Sneyd Brook and River Tame, so all works must ensure no exacerbation of risk for any areas elsewhere. The potential effects during construction and construction runoff during will be controlled in accordance with a CEMP.

During construction phase, surface water is to be managed by a temporary drainage network until such time as the operational drainage system is built and completed. It is recognised that maintenance of any diverted drainage will be undertaken and existing drainage are managed accordingly.

The whole scheme has real potential to offer significant drainage and flood risk betterment on the current situation, but given the massive engineering works and given that it’s improvements to an existing junction – the whole scheme may not adhere to the strict wording of the BCJS Policy ENV5. However, given the very particular nature of these improvements, the scheme will aim to provide wider sustainability benefits that outweigh the need to restrict to greenfield run-off rates.

Arboricultural Officer – Trees

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1. Section 6 (Landscape) recognises the potential loss of mature trees to accommodate the new junction arrangement and site compound, and that this will have a detrimental effect on the surrounding landscape through greater visibility of the motorway, demolition activities and construction machinery. However, it is noted that replacement tree planting will be undertaken during the operation to screen the construction activities from the users of Monarch's Way (walking along Churchill Road, Queen Elizabeth Ave and Bentley Mill Way), the residential properties of West Walsall, the schools on the east side of Sneyd Brook, the Boundary Mill Stores, and the users of the M6, even though the effects of the tree removal is indicated as 'negligible'.

   The applicant should clarify the details of the size, species, method of installation and location of temporary tree planting to mitigate the impact on the landscape and its users.

2. Similarly, due to the site compound being of an, anticipated considerable size, the impact of such should be included and any mitigation measures (temporary tree planting during the construction process with permanent tree planting afterwards) considered or adopted.

3. A minor point to state is that existing Policy ENV18 has not been identified under section 6.2.2 as a local Policy of consideration with regards to the proposal. In addition, Walsall Council's Supplementary Planning Document *Conserving Walsall's Natural Heritage* should also be identified as material considerations in the planning process.

4. There appears to be a significant impact on the existing tree screens from both options, particularly in the following areas:

   a. Between the existing junction and the access to the Holiday Inn, leading onto the slip road onto the northbound carriageway.
   b. Between the existing junction and the rear gardens of nos. 12 and 14 Arnwood Close.
   c. Leading from the slip road off the northbound carriageway, between the existing junction and the banking leading down to the car park for Boundary Mill Stores.
   d. Between the existing junction and the Express by Holiday Inn on the east side of the junction.
   e. Between the existing junction and the Church Jesus Christ of the Latter Day Saints (on its east south and west sides).

   Whilst maybe not the remit of an Environmental Impact Assessment, I would expect that all the trees directly affected, and all those within 15m of the extent of the works associated with the development are surveyed in accordance with British Standard 58387:2012 Trees in Relation to Design, Demolition and Construction-Recommendations, and be accompanied by a Tree Removal/Retention Plan and an indication of mitigation measures to account for the loss of amenity.

Natural England

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

Public Health

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The document sets out a number of areas for consideration that are of relevance to the public health of the population of Walsall. These include air quality, noise, road safety and the promotion of healthy communities.

Improving air quality in Walsall has been identified as a priority in the Health and Wellbeing Strategy and Walsall Council's Corporate Plan. Given the potential for increases in dust levels and emissions of NOx and PM10, particularly while works are underway, this is clearly an issue which merits the detailed assessment proposed in the document. The proposed works will take place in an area of significant deprivation, where population health outcomes (e.g. respiratory health indicators) are poor. It will therefore be especially important to identify the potential impacts of air quality and noise on children, older people and those with pre-existing respiratory conditions who are more likely to be adversely affected. It is also important that opportunities are taken to maximise the improvements in air quality and noise levels through the scheme e.g. consideration of tree planting.

Given the evidence that environmental noise can have a detrimental effect on children's academic performance (particularly those with special educational needs) the proposed detailed assessment for Noise and Vibration will need to have some focus on this.

It is noted that Section 11.10 states that there are not predicted to be any significant 'people and communities' effects arising from the scheme and that no further assessment is required as part of the EIA. However, there are a number of issues which merit further assessment including impacts on people with, for example, already compromised respiratory and mental health and wellbeing. It will also be important to consider the impact of the proposed scheme on access to health care particularly, but not limited to, the impact on travel times to A&E and other services at the Royal Wolverhampton Hospital (RWHT) and Walsall Manor Hospital. This is especially important following the recent capping of the number of women able to access Walsall Healthcare Trust's maternity services. As a result of this, a significant proportion of pregnant women in some parts of the borough will need to access services at RWHT.

The potential benefits of the scheme in terms of increasing employment opportunities and improving the economic prosperity of Walsall are also important considerations which should be taken into account. The enhancement measures set out in Section 11.7.2 are welcome and, given the importance placed on securing skills and employment for Care Leavers in Walsall, it would be good to see opportunities for group of young people prioritised through the scheme.

The document references briefly (p 237) that a Health Impact Assessment (HIA) will form a supporting document to the planning application. This is welcome and it is assumed that a number of potential population health impacts, including those referenced in the paragraphs above, will be considered in more detail in the HIA. The Public Health team will welcome the opportunity to comment on the scoping of this assessment in due course.

Pollution Control – Contaminated Land
No objections subject to a phase 1 land contamination assessment

Pollution Control
For the purposes of Environmental Impact Assessment it has previously been established that elements of Environmental Impact Assessment will necessarily require appraisal of the scheme, namely in context of air quality (vehicular and highway related); noise and vibration (vehicular/highway and construction phase) and ground contamination.

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The Environmental Assessment Report (EAR) currently available - PCF Stage 1 Environmental Assessment Report (DMRB Simple Assessment) – details Air Quality at Section 4 and Noise & Vibration at Section 10. Pollution Control has been liaising with the consultants involved in preparation of technical submissions for the purposes of the EIA, and it is acknowledged these work streams are not finalised. Supporting information forming part of this application is therefore treated as provisional.

Air Quality – traffic related

On a point of note, the Black Country Air Quality Supplementary Planning Document has now been ratified by Walsall Council and this should be duly referenced in the EIA. Following this, the council's Air Quality Action Plan is intended to be reviewed.

Concerning air quality data reported on behalf of the council, our Annual Status Report includes measurement data up to the close of 2016 and this should be incorporated within the EIA.

The (simple) air quality assessment has been completed in accordance with Local Air Quality Management Technical Guidance 24 and Volume 11, Section 3, Part 1 of DMRB HA207/0725, and having regard to relevant Interim Advice Notes. Critical to the examination of air quality is confidence in: i) the forward (i.e. predicted) road traffic model; ii) future vehicle emission factors; and iii) verification of modelling methods (including sensitivity testing). The DMRB approach in so far as modelling nitrogen dioxide traffic emissions differs to the borough-wide approach of Walsall Council, which we have employed for several years and has been refined and validated having regard to our own monitoring network data. We point to our 2015 borough NO_2 model and the forthcoming 2016 model for baseline purposes.

No consideration has been given in the EIA to consideration of particulate matter as $PM_{2.5}$. This forms part of key study within Walsall, and since: a) it has been assigned a Public Health Outcomes Framework Indicator; b) has causal links to adverse health impacts; c) changes of $1\mu gm^{-3}$; and d) the World Health Organisation has stated there is no safe level, it requires appraisal as part of the EIA. $PM_{2.5}$ is consequently critical in terms of health impact assessment, which must form part of the EIA. The council has produced a base $PM_{2.5}$ concentration model using existing road traffic data (re. NO_2 borough model) and this will be validated in due course as more monitoring data is accrued.

The EIA submission thus far represents a screening assessment of the potential air quality impacts, and the council should be provided with model input data (as per the council's requirements) to be used in the forthcoming detailed assessment in order that a validity cross-check can be undertaken and meaningful comment can be offered on predicted impacts. In summary, this data comprises AADTs for modelled roads; HDV / LDV splits and/or other vehicle classifications; queuing traffic (extent and location / time varying emissions); vehicle emission factors (for target pollutants); and meteorological data.

Overall our expectation is that the scheme will at best be cost neutral in terms of air quality impacts post opening.

Addendum

Modelling studies have been carried using DEFRA's Pollution Climate Mapping (PCM) model. This raises concerns on our part, notwithstanding it forms the basis of reporting on behalf of the UK Government to the EU Commission. The council has been notified by Defra of modelled exceedances of the nitrogen dioxide national air quality objective / EU Air Quality Limit Value for 2020 along the A454 west of J.10. We have considered this against a backdrop of pollutant

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concentrations across Walsall and the wider Black Country regions, and at this time there is disquiet as to the accuracy of this not only within Walsall.

Air Quality – construction phase
This element at present is general in its approach, centring on dust emissions. A range of routine measures have been set out as part of BPM, however no operational mitigation measures have been designed into any of the scheme options. This is to be reviewed based on the outcome of the (detailed) air quality assessment.

Noise & Vibration – Screening Assessment
Noise and vibration impacts are essentially appraised under Design Manual for Roads and Bridges, having regard to policy considerations within the NPPF and other related statutory instruments, strategies, guidance/plans and British Standards which have been already highlighted. In general, the principal of approach is as expected.

With respect to Classification of Magnitude of Short and Long Term Noise Impacts due to Changes in Road Traffic Noise, some concern is warranted in regard to the categories used and we defer to IEMA guidelines for environmental noise impact assessment. Further examination of this is likely to be warranted.

Concerning the construction phase, we anticipate this will be undertaken under a formal Section 61 Prior Consent pursuant to the Control of Pollution Act 1974 have commensurate regard to BS 5228 and BS 6472.

As expected, the scheme by and large for the design year is not showing any (significant) magnitude of adverse or beneficial impact for the option scenarios considered.

Environment Agency
Flood Risk
The majority of the site lies within Flood Zone1, however, there is a portion which lies within Flood Zone 2 and a small amount within Flood zone 3. We note that there are no detailed designs at this stage. We look forward to receiving further information and a Flood Risk Assessment which demonstrates that no loss of flood plain storage occurs as a result of the development and if located within the flood plain, design principles take into account the impacts of climate change.

Contaminated Land
We have reviewed the relevant sections of the Mott Macdonald EIA Scoping Report 'M6 Junction 10 Improvement Scheme' February 2017. We have the following comments to make regarding this preliminary opinion enquiry, which relate solely to the protection of 'Controlled Waters'.

The site is located on the Secondary A Aquifer of the Pennine Lower Coal Measures. Superficial deposits are present over the site, in the form of Glacial Till, designated as a Secondary Undifferentiated Aquifer. Superficial layers of Glacio-fluvial deposits are also indicated towards the south-west of the site, designated as a Secondary A Aquifer. Several surface water bodies are located in proximity to the site.

According to Environment Agency records, several historic landfills are located in close proximity the site. According to available information, the site has been utilised for a range of historical industrial activities. This history of the site has the potential to give rise to significant contamination and would suggest that contamination is likely to be present both within the site confines and adjacent to the site.

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We recommend that the applicant undertakes a Phase I risk assessment and desk study given the potential for contamination to be present. Further investigation is recommended in order to quantify the risks posed by the site to 'Controlled Waters' receptors on and in the vicinity of the site. A conceptual site model and appropriate site investigation should be produced, based on the results of the preliminary risk assessment and desk study.

As a minimum the site information within the desk study should include a detailed description of the site setting which will include provision of detailed plans, drawings and diagrams including;

Soil and Geology
Soil Types – description, extent and leaching potential
Drift Geology – description, extent
Solid Geology – description, extent

Hydrogeology
Aquifer Designation and description of Drift and Solid Geological Strata
Description of groundwater vulnerability and hydrogeology
Identify and describe licensed and exempt groundwater and surface water abstractions within 1.0 km of the site.
Identify and describe all Private Water Supplies within 1.0 km of the site.
Groundwater level and flow direction in Drift and Solid Aquifers

Designated Features
Identify and describe any designated features – source protection zones, drinking water protected areas, SSSI's, SAC's, SPA's, Ramsar sites within 1.0 km of the site.

Hydrology
Identify and describe all surface water features within 1.0 km of the site.
Identify and describe natural and anthropogenic site drainage pathways
Identify and describe Flood Risk of site area and immediate environs.
Identify and describe all discharges to ground and surface water within 1.0 km of the site.

Waste Activities
Identify and describe historic and active Permitted Landfill sites within 1.0 km of the site. Identify and describe any other waste activities Permitted under the Environmental Permitting Regulations 2010

History
Site History; a detailed site history of the whole site and identification of any historical uses that could have resulted in contamination.

Conceptual Model
The above information should be used to produce a detailed conceptual description of the site. The Governments Planning Policy Framework Document (PPF) (2012) indicates that it is the responsibility of the applicant to provide the Planning Authority with adequate site investigation information, prepared by a competent person to allow them to make appropriate planning decisions. That is to ensure that the site is suitable for its new use taking account of ground conditions and pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation. The basic aim of the PPF is that after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990.

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The applicant should follow the process and develop a risk assessment for the site in accordance with the detailed process provided in the DEFRA and Environment Agency joint publication “Model Procedures for the Management of Land Contamination: CLR11”. This document defines a process aimed at identifying, making decisions on, and taking appropriate action to deal with land contamination in a way that is consistent with government policies and legislation in the UK.

This process is iterative and is followed until a sufficiently detailed conceptual description of the site is produced. The conceptual model will be used to identify potential contaminant source, pathway and receptor linkages and assess any risks that exist to Controlled Water Receptors and linked features. The Conceptual Model will be used as a basis for deciding if further site investigations and risk assessments are required.

Conservation Officer
The proposal sets a scoping opinion into the ongoing works in order to undertake junction improvements to the Junction 10 of the M6 Motorway. I have reviewed the cultural heritage component of the scoping opinion, and am pleased that previous comments regarding the Halfway House, a building of Local Architectural and Historic Interest has been incorporated.

The methodology employed in the scoping opinion for assessing cultural heritage is appropriate, as such I have no further comments.

Canals and Rivers Trust
The Anson Branch of the Walsall Canal runs on a north-east/south-west alignment and is connected through a culverted section beneath the motorway junction. The Walsall Canal is located further south and then runs on a north/south alignment to the east of the motorway junction.

Whilst the Anson Branch is not currently navigable there are connections with the Walsall Canal and as land owner / operator of the canal network the Trust would therefore wish to see any potential impacts on the canal and its users fully identified and addressed within the Environmental Statement.

The Scoping Report provides information on the likely nature and form of the proposed development and identifies areas of potential impacts. The Scoping documents acknowledge the Anson Branch and the Walsall Canal and their location in relation to the existing junction. In relation to the specific topic areas we would comment as follows:

Air Quality
Whilst not navigable the Anson Branch should be identified as a sensitive receptor particularly with regards to dust emissions during construction. Mitigation measures should be set out to ensure that regular checks of the canal are undertaken during construction and for a period following completion of the works. These measures should include aspects such as the clearance of silt from the culvert to ensure water flow is not adversely affected. This should be covered in the CEMP.

It also does not appear that Canal users are identified as sensitive receptors that may be affected. It should be clarified that users of the Walsall Canal, boaters, both leisure users and residential along with towpath users are sensitive receptors both during construction and future operation of the junction.

In addition, the documents identify residential properties as sensitive receptors. Residential moorings should be afforded equal consideration as a sensitive receptor.

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Landscape and Visual Impact
The Walsall Canal is recognised as a visual receptor with high sensitivity though the Anson Branch is not considered. The Anson Branch should be identified as a visual receptor.

There are potentially significant effects to the Anson Branch during construction, such as vegetation clearance and the location of the construction compound which would affect the current character of the canal corridor.

Whilst there may be limited access to the open sections of canal at this time the visual impact of the proposed works on the setting of the canal corridor should be taken in to account. Any assessment should also include any existing viewpoints along the canal corridor and any potential views (in the event that access is improved).

The details of any necessary mitigation during demolition/construction or future operation, such as replacement planting, should also be included.

Cultural Heritage
The report identifies the Anson Branch Canal and Bentley Canal as non-designated heritage assets within the study area. Due to the amount of development in the area there is considered to be low potential for buried archaeology though an assessment focusing on the Anson Branch Canal is proposed to support the ES.

The Trust agree that the impact on the archaeological remains of the Anson Branch needs to be considered though this should also include assessment of the remains of the Bentley Canal. A desk-based archaeological assessment would be the starting point which would help inform the design process but further assessment may be required on site prior to any works taking place and this should be reflected in the submissions.

Noise and Vibration
The proposals both during construction and future operation have the potential to impact on users of the canals from noise and vibration. This includes boaters (both residential & leisure users) recreational users of the towpath and business associated with the canal. The Walsall Canal is not identified as a sensitive receptor and this should be addressed in any future submission.

Although the Anson Branch is not navigable the proposals still have the potential to impact on it and it does not appear to be acknowledged within this section of the report. The impact on users is limited due to the restricted access to the canal corridor however the impact on the ability to unlock the potential of this section of canal should be considered. In addition, the impact of the proposed works on the stability of the canal corridor, in particular the culverted section under the existing junction needs to be fully considered.

Road Drainage and the Water Environment
The report acknowledges the importance of both the Anson Branch and Walsall Canal and the adverse impacts surface water drainage into waterways can have. The drainage methods of new developments can have significant impacts on the structural integrity, water quality and the biodiversity of waterways. It is important to ensure that no contaminants enter the canal from surface water drainage.

The Report states that the Walsall Canal and Anson Branch are no longer physically connected. It is however understood that there is likely some connection from the Anson Branch to the Walsall Canal, though there is not significant water movement within the Anson Branch. Therefore, any polluted material will accumulate within the body.

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The canal is connected through a culverted section beneath the junction and the flow through the culvert may be compromised during construction due to siltation build up. A programme for clearing the culvert prior to, during and after construction, including access improvements to the trash screen should therefore be included within the proposed mitigation works. The Trust wish to work with the applicant on the development of this programme of works.

The line of the culvert must be determined to ensure that any works do not affect its course. There must be no increased loadings on the culvert and therefore a 5m standoff from the centre line of the culvert should be incorporated into the detailed design work.

There should not be any surface water discharges into the waterway from the site during construction and in future operation and this does appear to be reflected in the current design guidance. This should be fully detailed in a CEMP submitted with any application.

In the event that any discharge is proposed then details on mitigation would be required with the highest level of protection and include attenuation of the peak flow rate and removal of pollutants to ensure watercourse are fully protected.

The applicant is advised that any surface water discharge to the waterway will require prior consent from the Canal & River Trust. As the Trust is not a land drainage authority, such discharges are not granted as of right-where they are granted they will usually be subject to completion of a commercial agreement with compensation payments for any ongoing damage.

Nature Conservation
The waterways have a rich biodiversity, with many areas benefiting from SSSI, SAC, SLINC or CWS designations. Developments can have an adverse impact on the ecology of the waterways. The report acknowledges this and identifies the Anson Branch Canal as being of high conservation value.

The ecological data within the report appears robust though this will need to be reviewed once the final scheme has been agreed. There is a requirement to protect the bat roost identified in the tunnel during construction. As highlighted above water quality must be protected during and post works, with consideration given to protect the wildlife corridors from water pollution, air pollution and light pollution during construction and from increased volume of traffic. These impacts on the Anson Branch Canal should be fully considered within the ES and details on appropriate mitigation included.

The details on proposed replacement landscape including additional lighting impacts and surface water discharges should also be included.

Geology, soils and land contamination
The Report states that due to the site history there is potential for elevated levels of contamination to be present and that further assessment will be required.
The Report identifies the Anson Branch as a ‘sensitive receptor’ and sets out mitigation measures that will be employed during the proposed development. The Trust would wish to be assured that there are suitable plans in place to minimise the introduction of any additional pathways to the waterway and address any unexpected contamination which may arise during the works.

With any development close the waterway there is the potential for adverse impacts on the infrastructure of the canal. As you are aware, land stability is a material planning consideration and is referred to in paragraphs 120-121 of the NPPF, as well as being the subject of more detailed

discussion in the current National Planning Practice Guidance. We consider therefore that this advice and guidance clearly identifies that the planning system has a role to play in minimising the risk and effects of land stability on property, infrastructure and the public.

We appreciate that the issue of land stability can be complex and often also involves other regimes such as Building Regulations, however the NPPF is clear that planning decisions should ensure that new development is appropriate for its location in the context of avoiding unacceptable risks from land instability, and being satisfied that a site is suitable for its new use, taking account of ground conditions and land stability.

As identified above the line of the culvert beneath the existing junction must be determined to ensure that any works do not affect its course. There must be no increased loadings on the culvert and a 5m standoff from the centre line of the culvert should be incorporated into the detailed design work.

Coal Authority
The consideration of past coal mining activity and the issue of land instability could either be included as part of the Environmental Statement or in a separate Coal Mining Risk Assessment or Geo-technical Report. The Coal Authority does not consider that it has to fall within the scope of the Environmental Statement as it is a topic which will have only limited linkage to other environmental considerations.

Severn Trent
Thank you for advising us with regard to the above EIA Scoping Consultation. Unfortunately, without proposed drainage plans, Severn Trent Water cannot make much in the way of comment. I can advise that there is a large public sewer within the boundary of the site on the plan that you have provided to us. There may also be sewers that have been recently adopted under The Transfer of Sewer Regulations 2011 within the vicinity of the proposals. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you in obtaining a solution with protects both the public sewer and the building. Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer. In many cases under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval. Please find attached information regarding the general conditions and precautions that are required when carrying out work adjacent to Severn Trent's apparatus. Note that the development should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority. Also included is Severn Trent's Supplementary Guidance Notes for any future Development Enquiries that may arise. This explains how we assess the surface water run-off, in this instance conditions 1, 2 and 3 apply. Please be advised that for highway maintenance a separate enquiry will need to be made to net.dev.west@severntrent.co.uk.

National Grid
I return our drawing indicating the approximate location of the *WM2407*, National Grid Distribution High Pressure Pipeline. This pipeline is part of the transportation system and operates at a Pressure of; *14 bar* is laid subject to easements and is cathodically protected by an impressed current system.

The Institute of Gas Engineers Standards (IGE/TD/1), states that no habitable buildings be constructed within *3 metres* Building Proximity Distance of the proven pipeline position and with an

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approximate standard easement width of *3 metres*, furthermore, we strongly advise that you seek guidance from the Health and Safety Executive who may specify a greater distance than we require and **the land use planning document, (PADHI).**

NB. Any road crossings or parking areas over the pipeline will need protection to National Grid specification and at the developers cost.

I enclose a copy of the National Grid Engineering Standard T/SP/SSW22 "Code of Practice for Safe Working on the Vicinity of the Pipelines". All works carried out in the vicinity of the pipeline are to conform to this standard; in particular no mechanical excavation is to be carried out within 3 metres of the pipeline (Ref Section 9.2).

Before your works start we shall be pleased if you will contact this office to arrange a site meeting to trace our pipeline and agree the method of working in the vicinity of the pipeline. We require a minimum of 7 workings days' notice.

Our response relates to National Grid Apparatus ONLY, there may be other Public Gas Transportation Companies Operating within the area. Information of other transporters can be obtained via Ofgem Telephone Number 0845 9060708.

District Plant may also be affected by your proposals and therefore a copy of your letter will be sent to our District Office for a separate reply.

Representations

- None. Public consultation is not required as part of the LPA's assessment of the scoping request. The LPA is aware the promotor is pursuing separately a public consultation exercise, with the wider community.

Determining Issues

- Introduction
- Consideration of each of the 16 topics within the Scoping Request
- 1. Introduction
- 2. Description of the site and proposed works
- 3. EIA Methodology
- 4. Overview of Scoping for Environmental Topics
- 5. Air Quality
- 6. Landscape and Visual
- 7. Effects on Travellers
- 8. Cultural Heritage
- 9. Noise and Vibration
- 10. Road Drainage and the Water Environment
- 11. People and Community
- 12. Materials
- 13. Nature Conservation
- 14. Geology, Soils and Land Contamination
- 15. Cumulative Effects
- 16. Summary and Conclusions

Observations

Introduction

This briefly outlines the Local Planning Authorities (LPA's) approach to the scoping request. The LPA has considered each of the 16 topics of the scoping request commentating on whether the LPA agrees or not with each topic. The LPA will highlight if there are any topics that needs to expand/explain further within the Environmental Statement (ES) or through the submission of separate assessments. The LPA's assessment must be read in conjunction with the scoping request and consultee responses received during the processing of the scoping request. The LPA's assessment is based on the details as submitted and the responses received from consultees within the timeframe allowed for scoping an Environmental Statement.

Notwithstanding the details submitted in the applicants scoping request, the ES will need to clearly set out and justify, why the environmental statement utilises the simple assessment DMBR methodology and no other approach given the closeness of the project to a range of sensitive receptors.

Consideration of each of the 16 topics within the Scoping Request

1. Introduction

Based on Mott MacDonald's M6 Junction 10 Improvement Scheme, EIA Scoping Report 07 February 2017, the LPA has no reason to challenge the information submitted or conclusion of topic 1, subject to the ES providing a robust justification for the use of the simple assessment DMBR methodology over any other ES process.

2. Description of the site and proposed works

Based on Mott MacDonald's M6 Junction 10 Improvement Scheme, EIA Scoping Report 07 February 2017, the LPA has no evidence to challenge the information submitted or conclusion of topic 2, subject to the ES taking account of any works that may be outside the extent of the physical road boundaries during the construction period (including the construction compound) and future maintenance subject to taking on board any consultee comments noted throughout this document.

3. EIA Methodology

Based on Mott MacDonald's M6 Junction 10 Improvement Scheme, EIA Scoping Report 07 February 2017, the LPA has no evidence to challenge the information submitted within topic 3. The LPA acknowledges the fact the promotor of the scheme will submit an Environmental Management Plan(s), Flood Risk Assessment, Drainage Strategy, Design and Access Statement, a British Standard 58387:2012 Trees in Relation to Design, Demolition and Construction-Recommendations for all trees within 15metres of any works to be carried out, accompanied by a Tree Removal/Retention Plan and an indication of mitigation measures to account for the loss of amenity, Mining Risk Assessment and Materials Management Plan with the planning application and ES. The LPA also expects a Health Impact Assessment to either be submitted separately, or be incorporated in to topic 11, plus a report of the public participation exercise leading up to the submission of the planning application. This should detail how the communities' concerns/questions/comments have or haven't been taken on board, plus the results of the local school's public art project has progressed/concluded. The LPA also lists a range of additional documents that may be required to complement the ES and the planning application submission.

4. Overview of Scoping for Environmental Topics

Based on Mott MacDonald's M6 Junction 10 Improvement Scheme, EIA Scoping Report 07 February 2017, the LPA has no reason to challenge the evidence or the conclusions of topic 4 subject to taking on board any consultee comments noted throughout this document.

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5. Air Quality

Based on Mott MacDonald's M6 Junction 10 Improvement Scheme, EIA Scoping Report 07 February 2017, topic 5, the LPA offers the following commentary based on responses from the Council's Pollution Control Team and Canals and Rivers Trust.

Pollution Control comment that The Environmental Assessment Report (EAR) currently available - PCF Stage 1 Environmental Assessment Report (DMRB Simple Assessment) – details Air Quality at Section 4. Pollution Control has worked with the consultants in preparation of the EIA technical submissions. It is acknowledged these work streams are not finalised. Supporting information forming part of this application is therefore treated as provisional.

Air Quality – traffic related

The Black Country Air Quality Supplementary Planning Document has now been ratified by Walsall Council and should be referenced in the EIA. Following this, the council's Air Quality Action Plan is intended to be reviewed.

The Council's Annual Status Report includes measurement data up to the close of 2016 and should be incorporated within the EIA.

The (simple) air quality assessment has been completed in accordance with Local Air Quality Management Technical Guidance 24 and Volume 11, Section 3, Part 1 of DMRB HA207/0725, and having regard to relevant Interim Advice Notes. Critical to the examination of air quality is confidence in: i) the forward (i.e. predicted) road traffic model; ii) future vehicle emission factors; and iii) verification of modelling methods (including sensitivity testing). The DMRB approach for modelling nitrogen dioxide traffic emissions differs to the borough-wide approach of Walsall Council, employed for several years, being refined and validated having regard to our own monitoring network data. We point to our 2015 borough NO_2 model and the forthcoming 2016 model for baseline purposes.

The EIA does not consider $PM_{2.5}$ particulate matter. This forms part of key study within Walsall, and since: a) it has been assigned a Public Health Outcomes Framework Indicator; b) has causal links to adverse health impacts; c) changes of $1\mu gm^{-3}$; and d) the World Health Organisation has stated there is no safe level, it requires appraisal as part of the EIA. $PM_{2.5}$ is consequently critical in terms of health impact assessment, which must form part of the EIA. The council has produced a base $PM_{2.5}$ concentration model using existing road traffic data (re. NO_2 borough model) and this will be validated in due course as more monitoring data is accrued.

The EIA submission thus far represents a screening assessment of the potential air quality impacts. The council should be provided with model input data, to be used in the forthcoming detailed assessment in order that a validity cross-check can be undertaken and meaningful comment offered on predicted impacts. In summary, this data comprises AADTs for modelled roads; HDV / LDV splits and/or other vehicle classifications; queuing traffic (extent and location / time varying emissions); vehicle emission factors (for target pollutants); and meteorological data.

Overall our expectation is that the scheme will at best be cost neutral in terms of air quality impacts post opening.

The Modelling studies have been carried using DEFRA's Pollution Climate Mapping (PCM) model. This raises concerns on our part, notwithstanding it forms the basis of reporting on behalf of the UK Government to the EU Commission. The council has been notified by Defra of modelled exceedances of the nitrogen dioxide national air quality objective / EU Air Quality Limit Value for

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2020 along the A454 west of J.10. We have considered this against a backdrop of pollutant concentrations across Walsall and the wider Black Country regions, and at this time there is disquiet as to the accuracy of this not only within Walsall.

Air Quality – construction phase is general in its approach, centring on dust emissions. A range of routine measures have been set out as part of BPM, however no operational mitigation measures have been designed into any of the scheme options. This is to be reviewed based on the outcome of the (detailed) air quality assessment.

Canals and Rivers Trust comment that whilst the Anson Branch is not navigable it should be identified as a sensitive receptor particularly from dust emissions during construction. Mitigation measures should ensure regular checks of the canal are undertaken during construction and for a period following completion of the works, including the clearance of silt from the culvert to ensure water flow is not adversely affected. This should be covered in the CEMP.

It also does not appear that Canal users are identified as sensitive receptors that may be affected. It should be clarified that users of the Walsall Canal, boaters, both leisure users and residential along with towpath users are sensitive receptors both during construction and future operation of the junction.

In addition, the documents identify residential properties as sensitive receptors. Residential moorings should be afforded equal consideration as a sensitive receptor.

Public Health Walsall have commented that the EIA re-scoping of improvements to Junction 10 M6 motorway and adjoining roads document sets out a number of relevant areas for consideration for the public health of the population of Walsall. These include air quality, noise, road safety and the promotion of healthy communities.

Improving air quality in Walsall has been identified as a priority in the Health and Wellbeing Strategy and Walsall Council's Corporate Plan. Given the potential for increases in dust levels and emissions of NOx and PM10, particularly while works are underway, this issue merits the detailed assessment proposed in the document. The proposed works will take place in an area of significant deprivation, where population health outcomes (e.g. respiratory health indicators) are poor. It will be especially important to identify the potential impacts of air quality and noise on children, older people and those with pre-existing respiratory conditions who are more likely to be adversely affected. It is also important that opportunities are taken to maximise the improvements in air quality and noise levels through the scheme e.g. consideration of tree planting.

The LPA sees no reason why the additional works/assessment noted in both Council's Pollution Control Team, Canals and Rivers Trust and Public Health Walsall commentary should not form part of the Environmental Statement submitted at the time of the planning application.

6. Landscape and Visual

Based on Mott MacDonald's M6 Junction 10 Improvement Scheme, EIA Scoping Report 07 February 2017, topic 6, the LPA offers the following commentary based on responses from the Canals and Rivers Trust.

Canals and Rivers Trust comment that The Anson Branch of the Walsall Canal runs on a north-east/south-west alignment and is connected through a culverted section beneath the motorway junction. The Walsall Canal is located further south and then runs on a north/south alignment to the east of the motorway junction.

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Whilst the Anson Branch is not currently navigable there are connections with the Walsall Canal and as land owner / operator of the canal network the Trust would therefore wish to see any potential impacts on the canal and its users fully identified and addressed within the Environmental Statement.

The Scoping Report provides information on the likely nature and form of the proposed development and identifies areas of potential impacts. The Scoping documents acknowledge the Anson Branch and the Walsall Canal and their location in relation to the existing junction.

The Walsall Canal is recognised as a visual receptor with high sensitivity though the Anson Branch is not considered. The Anson Branch should be identified as a visual receptor.

There are potentially significant effects to the Anson Branch during construction, such as vegetation clearance and the location of the construction compound which would affect the current character of the canal corridor.

Whilst there may be limited access to the open sections of canal at this time the visual impact of the proposed works on the setting of the canal corridor should be taken in to account. Any assessment should also include any existing viewpoints along the canal corridor and any potential views (in the event that access is improved).

The details of any necessary mitigation during demolition/construction or future operation, such as replacement planting, should also be included.

The LPA sees no reason why the additional works/assessment noted in the Canals and Rivers Trust commentary could form part of a Visual/Landscape Assessment submitted at the time of the planning application. This topic recognises the potential loss of mature trees to accommodate the new junction arrangement and site compound, and that this will have a detrimental effect on the surrounding landscape through greater visibility of the motorway, demolition activities and construction machinery. The Council's tree officer has also highlighted the potential for the loss of tree screens; between the existing junction and the access to the Holiday Inn, leading onto the slip road onto the northbound carriageway, between the existing junction and the rear gardens of nos. 12 and 14 Arnwood Close, leading from the slip road off the northbound carriageway, between the existing junction and the banking leading down to the car park for Boundary Mill Stores, between the existing junction and the Express by Holiday Inn on the east side of the junction, between the existing junction and the Church Jesus Christ of the Latter Day Saints (on its east south and west sides). Whilst it is noted that replacement tree planting will be undertaken during the operation to screen the construction activities there is no detail of size, species or location of the tree planting. Trees take time to establish, meaning through the construction period and for a few years after, sensitive receptors may have reduced visual amenity at the location to their detriment. This should also be addressed as part of the planning application submission.

The LPA's view is that the location is very urbanised with small pockets of greenery, which for sensitive receptors such as the local community, any loss may be seen as more significant than in a location much less urbanised that benefits from greater greenery. As part of the planning application submission, the LPA considers it reasonable that all the trees directly affected, and all those within 15m of the extent of the works associated with the development are surveyed in accordance with British Standard 58387:2012 Trees in Relation to Design, Demolition and Construction-Recommendations, and be accompanied by a Tree Removal/Retention Plan and an indication of mitigation measures to account for the loss of amenity.
Given at the time of assessing the current scoping opinion, there is limited information about the extent of landscaping to be lost, the LPA considers this assessment may form a visual impact

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assessment (subject to agreeing views to be assessed) outside the scope of the ES although, the Council does reserve the right to reconsider once further information is before it. In addition, the community may also raise concerns about loss of trees and the impact it will have on air quality. Notwithstanding DEFRA's guidance; *'**Removal of Air Pollutants**: Trees can remove gaseous air pollution either through uptake via leaf stomata or the plant surface. Once inside the leaf, gases diffuse into intercellular spaces and may be absorbed by water films to form acids or react with inner-leaf surfaces. Recent research suggests that the planting of trees along the sides of roads could reduce NO2 concentrations in addition to providing amenity value [1]. Trees can also remove pollution by intercepting airborne particles. Some particles can be absorbed into the tree, though most that are intercepted are retained on the plant surface. The intercepted particle is often re-suspended to the atmosphere, washed off by rain, or dispersed through leaf fall. Consequently, vegetation is thought to be only a temporary retention site for many atmospheric particles'.* The LPA, considers the loss of trees will need to be considered carefully in the overall project to offer reassure to the immediate community that the scheme will not have significant impacts on their well-being and air quality. The LPA sees no reason why the additional works/assessment noted in both Canals and Rivers Trust and the Council's Arboricultural officers commentary should not form part of the Environmental Statement submitted at the time of the planning application.

7. Effects on Travellers

Based on Mott MacDonald's M6 Junction 10 Improvement Scheme, EIA Scoping Report 07 February 2017, the LPA has no reason to challenge the evidence or the conclusions of topic 7 subject to taking on board any consultee comments noted throughout this document, including implications on mental health through exacerbated stress levels during the construction period and how this can be mitigated by, for example providing advanced warning of the road works offering time to travellers to seek alternative routes.

8. Cultural Heritage

The **Canals and Rivers Trust** comment that the report identifies the Anson Branch Canal and Bentley Canal as non-designated heritage assets within the study area. Due to the amount of development in the area there is considered to be low potential for buried archaeology though an assessment focusing on the Anson Branch Canal is proposed to support the ES.

The Trust agree that the impact on the archaeological remains of the Anson Branch needs to be considered though this should also include assessment of the remains of the Bentley Canal. A desk-based archaeological assessment would be the starting point which would help inform the design process but further assessment may be required on site prior to any works taking place and this should be reflected in the submissions.

Based on Mott MacDonald's M6 Junction 10 Improvement Scheme, EIA Scoping Report 07 February 2017, the LPA has no reason to challenge the information submitted or conclusion of topic 8, subject to CRT's comments being taken into account through a desk based assessment, unless further design works for the overall scheme suggest there will be greater impacts on the heritage asset, that requires a more in depth assessment.

9. Noise and Vibration

Based on Mott MacDonald's M6 Junction 10 Improvement Scheme, EIA Scoping Report 07 February 2017, topic 9, the LPA offers the following commentary based on responses from the Council's Pollution Control Team and Canals and Rivers Trust.

Pollution Control comment that The Environmental Assessment Report (EAR) currently available - PCF Stage 1 Environmental Assessment Report (DMRB Simple Assessment) – details Noise & Vibration at Section 9. Pollution Control has been liaising with the consultants involved in

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preparation of technical submissions for the purposes of the EIA, and it is acknowledged these work streams are not finalised. Supporting information forming part of this application is therefore treated as provisional.

Noise and vibration impacts are essentially appraised under Design Manual for Roads and Bridges, having regard to policy considerations within the NPPF and other related statutory instruments, strategies, guidance/plans and British Standards which have been already highlighted. In general, the principal of approach is as expected.

Regarding Classification of Magnitude of Short and Long Term Noise Impacts due to Changes in Road Traffic Noise, some concern is warranted regarding the categories used. The Council defers to IEMA guidelines for environmental noise impact assessment. Further examination of this is likely to be warranted.

Concerning the construction phase, we anticipate this will be undertaken under a formal Section 61 Prior Consent pursuant to the Control of Pollution Act 1974 having regard to BS 5228 and BS 6472.

As expected, the scheme by and large for the design year is not showing any (significant) magnitude of adverse or beneficial impact for the option scenarios considered.

Canals and Rivers Trust comment that the proposals both during construction and future operation have the potential to impact on users of the canals from noise and vibration. This includes boaters (both residential & leisure users) recreational users of the towpath and business associated with the canal. The Walsall Canal is not identified as a sensitive receptor and this should be addressed in any future submission.

Although the Anson Branch is not navigable the proposals still have the potential to impact on it and it does not appear to be acknowledged within this section of the report. The impact on users is limited due to the restricted access to the canal corridor however the impact on the ability to unlock the potential of this section of canal should be considered. In addition, the impact of the proposed works on the stability of the canal corridor, in particular the culverted section under the existing junction needs to be fully considered.

Public Health Walsall have commented that the EIA re-scoping of improvements to Junction 10 M6 motorway and adjoining roads document sets out a number of relevant areas for consideration for the public health of the population of Walsall. These include air quality, noise, road safety and the promotion of healthy communities.

Improving air quality in Walsall has been identified as a priority in the Health and Wellbeing Strategy and Walsall Council's Corporate Plan. Given the potential for increases in dust levels and emissions of NOx and PM10, particularly while works are underway, this issue merits the detailed assessment proposed in the document. The proposed works will take place in an area of significant deprivation, where population health outcomes (e.g. respiratory health indicators) are poor. It will be especially important to identify the potential impacts of air quality and noise on children, older people and those with pre-existing respiratory conditions who are more likely to be adversely affected. It is also important that opportunities are taken to maximise the improvements in air quality and noise levels through the scheme e.g. consideration of tree planting.

Given the evidence that environmental noise can have a detrimental effect on children's academic performance (particularly those with special educational needs) the proposed detailed assessment

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for Noise and Vibration will need to have some focus on this.

The LPA sees no reason why the additional works/assessment noted in the Council's Pollution Control Team, Canals and Rivers Trust and Public Health Walsall commentary should not form part of the Environmental Statement submitted at the time of the planning application.

10. Road Drainage and the Water Environment
Based on Mott MacDonald's M6 Junction 10 Improvement Scheme, EIA Scoping Report 07 February 2017, topic 10, the LPA offers the following commentary based on responses from the Canals and Rivers Trust, the Environment Agency, LLFA and Severn Trent.

Canals and Rivers Trust comment that the Anson Branch of the Walsall Canal runs on a north-east/south-west alignment and is connected through a culverted section beneath the motorway junction. The Walsall Canal is located further south and then runs on a north/south alignment to the east of the motorway junction.

Whilst the Anson Branch is not currently navigable there are connections with the Walsall Canal and the Trust wishes to see any potential impacts on the canal and its users fully identified and addressed within the Environmental Statement.

The report acknowledges the importance of both the Anson Branch and Walsall Canal and the adverse impacts surface water drainage into waterways can have. The drainage methods of new developments can have significant impacts on the structural integrity, water quality and the biodiversity of waterways. It is important to ensure that no contaminants enter the canal from surface water drainage.

The Report states that the Walsall Canal and Anson Branch are no longer physically connected. It is understood that there is likely some connection from the Anson Branch to the Walsall Canal, though there is not significant water movement within the Anson Branch. Therefore, any polluted material will accumulate within the body.

The canal is connected through a culverted section beneath the junction and the flow through the culvert may be compromised during construction due to siltation build up. A programme for clearing the culvert prior to, during and after construction, including access improvements to the trash screen should be included in the proposed mitigation works.

The line of the culvert must be determined to ensure that any works do not affect its course. There must be no increased loadings on the culvert and therefore a 5m standoff from the centre line of the culvert should be incorporated into the detailed design work.

There should be no surface water discharges into the waterway from the site during construction and in future operation and this does appear to be reflected in the current design guidance. This should be fully detailed in a CEMP submitted with any application.

In the event that any discharge is proposed then details on mitigation would be required with the highest level of protection and include attenuation of the peak flow rate and removal of pollutants to ensure watercourse are fully protected.

Any surface water discharge to the waterway requires prior consent from the Canal & River Trust. As the Trust is not a land drainage authority, such discharges are not granted as of right-where they are granted they will usually be subject to completion of a commercial agreement with compensation payments for any ongoing damage.

Environment Agency comment that the majority of the site lies within Flood Zone1, however, there is a portion which lies within Flood Zone 2 and a small amount within Flood zone 3. We note that there are no detailed designs at this stage. We look forward to receiving further information and a Flood Risk Assessment which demonstrates that no loss of flood plain storage occurs as a result of the development and if located within the flood plain, design principles take into account the impacts of climate change.

Severn Trent confirm that without proposed drainage plans, they cannot make much in the way of comment. They confirm there is a large public sewer within the boundary of the site. There may also be sewers that have been recently adopted under The Transfer of Sewer Regulations 2011 within the vicinity of the proposals. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer.

Flood Authority (LLFA) comment that the scoping is fairly detailed given that it's a high level assessment of what should be undertaken with these comments focussed on Mott McDonald PCF Stage 1 – EAR report and the M6 Junction 10 Scoping Report, Ch14 Road Drainage and Water Environment. There are five possible options: 1 - The flyover, 2 - the 'hamburger' design, 3 - two new bridges, 4 – four lane new bridges and 5 - retain existing structure. At this point, Option 3a and 3b may be progressed. The flood authority welcomes the scoping report has considered the two man phases of the scheme - Construction and Operation, whilst noting the environmental constraints and onus of evidence required in order to progress the preferred option.

The scoping recognises a need for, or rather - opportunities, to include SuDS elements to the modified highway drainage systems whilst helping to ensure water-quality and volume management, to ensure any construction or operation of the revised junction does not adversely affect people or property / land downstream or elsewhere.

It is noted that all future assessments are to be undertaken in accordance with the appropriate sections of HD 45/09 and that hydraulic modelling of drainage systems are to be completed in due time. Existing and future drainage are to be assessed against the relevant parts of DMRB Volume 4, Section 263 and HD 33/0664- whilst attempting to adhere to Walsall highways requirements, the CIRIA SuDs manual and the wider aims of ENV5.

The scoping submission notes the scheme will require modelled information including any hydraulic models from the Environment Agency they may hold for the adjacent watercourses whilst liaising with STW for any assistance or information that they can offer. Given that the Sneyd Brook, disused Anson Branch canal will be affected by the works – it is noted that any future drainage design, during both construction and operation, will have to ensure nil detriment elsewhere and offer betterment, if feasible.

Options 3a and 3b would construct two new four lane concrete bridges on the A454 west of Junction 10 and demolish the existing structures. It also involves widening the junction of the A454 Wolverhampton Road with Bloxwich Lane and Tempus Drive and the A454 Black Country route west of Junction 10. The proposed Scheme lies within the operational catchment of the Tame Upper Rivers. All water bodies in this catchment are heavily modified or artificial. Extensive physical modifications have been carried out to accommodate urbanisation and reduce flooding risk.

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Although there are no statutory designated sites (SSSI, LNR, NNR, SAC, SPA) within 2km of the junction, the entire footprint lies over a surface water nitrate vulnerable zone (NVZ).

The scoping notes Severn Trent Water should be brought on board to discuss the drainage proposals. STW and Walsall LLFA will require surface water drainage plans, which could be submitted within a FRA for the proposal.

Although the junction improvements are liable to rely on conventional highway / road drainage principles such as carrier drains, gullies, catchpits, kerb systems etc - whilst the final drainage plans are being drawn up, it is likely that discharge rates will be fully attenuated and that the points of connection to proposed discharge points would be designed to avoid flooding for the 1-in-100 year storm event, plus an appropriate allowance for climate change in line with updated EA guidance. Mott McDonald note that opportunities to provide a drainage system based on SuDS principles could be viable for this proposal. Currently, there are no detailed drainage plans submitted formally at this stage.

There are areas of Flood Zone 2 and 3 adjacent to the Sneyd Brook (crossing the A454 corridor) and the scoping notes that potentially, the widening of the Bloxwich Lane / Tempus Drive junction could increase pressure on the existing A454 culvert. However, if all increases in impermeable areas are attenuated accordingly, then this will be fully mitigated against.

All current highway drainage and public sewers have statutory protection and may not be built close to, or diverted without their prior consent and may require relevant easements. Due care will have to be taken with areas deemed 'locally important and the Anson Branch Canal and associated culvert beneath the junction. There are partial flood defences utilised at the confluence of the Sneyd Brook and River Tame, so all works must ensure no exacerbation of risk for any areas elsewhere. The potential effects during construction including runoff will be controlled in accordance with a CEMP.

During construction phase, surface water is to be managed by a temporary drainage network until such time as the operational drainage system is built and completed. It is recognised that maintenance of any diverted drainage will be undertaken and existing drainage are managed accordingly.

The whole scheme has real potential to offer significant drainage and flood risk betterment on the current situation. Given the massive engineering works for an existing junction improvement, the whole scheme may not adhere to the strict wording of the BCJS Policy ENV5. Given the very particular nature of these improvements, the scheme will aim to provide wider sustainability benefits that outweigh the need to restrict to greenfield run-off rates.

The LPA has no evidence to challenge the conclusions of topic 10, that drainage can be dealt with through a Flood Risk Assessment subject to taking on board the commentary of the Canals and Rivers Trust, Environment Agency, LLFA and Severn Trent.

11. People and Community

Public Health Walsall have commented that the EIA re-scoping of improvements to Junction 10 M6 motorway and adjoining roads document sets out a number of relevant areas for consideration for the public health of the population of Walsall. These include air quality, noise, road safety and the promotion of healthy communities.

Improving air quality in Walsall has been identified as a priority in the Health and Wellbeing Strategy and Walsall Council's Corporate Plan. Given the potential for increases in dust levels and

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emissions of NOx and PM10, particularly while works are underway, this issue merits the detailed assessment proposed in the document. The proposed works will take place in an area of significant deprivation, where population health outcomes (e.g. respiratory health indicators) are poor. It will be especially important to identify the potential impacts of air quality and noise on children, older people and those with pre-existing respiratory conditions who are more likely to be adversely affected. It is also important that opportunities are taken to maximise the improvements in air quality and noise levels through the scheme e.g. consideration of tree planting.

Given the evidence that environmental noise can have a detrimental effect on children's academic performance (particularly those with special educational needs) the proposed detailed assessment for Noise and Vibration will need to have some focus on this.

It is noted that Section 11.10 states that there are not predicted to be any significant 'people and communities' effects arising from the scheme and that no further assessment is required as part of the EIA. However, there are a number of issues which merit further assessment including impacts on people with, for example, already compromised respiratory and mental health and wellbeing. It will also be important to consider the impact of the proposed scheme on access to health care particularly, but not limited to, the impact on travel times to A&E and other services at the Royal Wolverhampton Hospital (RWHT) and Walsall Manor Hospital. This is especially important following the recent capping of the number of women able to access Walsall Healthcare Trust's maternity services. As a result of this, a significant proportion of pregnant women in some parts of the borough will need to access services at RWHT.

The potential benefits of the scheme in terms of increasing employment opportunities and improving the economic prosperity of Walsall are also important considerations which should be taken into account. The enhancement measures set out in Section 11.7.2 are welcome and, given the importance placed on securing skills and employment for Care Leavers in Walsall, it would be good to see opportunities for group of young people prioritised through the scheme.

The Mott MacDonald's M6 Junction 10 Improvement Scheme, EIA Scoping Report 07 February 2017 references briefly (p 113) that a Health Impact Assessment (HIA) will form a supporting document to the planning application. This is welcome and it is assumed that a number of potential population health impacts, including those referenced in the topics above (air quality/noise/all travellers/people and community), will be considered in more detail in the HIA. The Public Health Walsall team will welcome the opportunity to comment on the scoping of the Health Impact assessment in due course.

Based on Mott MacDonald's M6 Junction 10 Improvement Scheme, EIA Scoping Report 07 February 2017, the LPA has no reason to challenge the evidence or the conclusions of topic 11 subject to taking on board Public Health Walsall comments above which may either be through the ES or a more detailed Health Impact Assessment.

12. Materials

Based on Mott MacDonald's M6 Junction 10 Improvement Scheme, EIA Scoping Report 07 February 2017, the LPA has no reason to challenge the information submitted or conclusion of topic 12.

13. Nature Conservation

Based on Mott MacDonald's M6 Junction 10 Improvement Scheme, EIA Scoping Report 07 February 2017, topic 13, the LPA offers the following commentary based on responses from the Natural England and the Canals and Rivers Trust.

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

Canals and Rivers Trust comment that the Anson Branch of the Walsall Canal runs on a north-east/south-west alignment and is connected through a culverted section beneath the motorway junction. The Walsall Canal is located further south and then runs on a north/south alignment to the east of the motorway junction.

The waterways have a rich biodiversity, with many areas benefiting from SSSI, SAC, SLINC or CWS designations. Developments can have an adverse impact on the ecology of the waterways. The report acknowledges this and identifies the Anson Branch Canal as being of high conservation value.

The ecological data within the report appears robust though this will need to be reviewed once the final scheme has been agreed. There is a requirement to protect the bat roost identified in the tunnel during construction. As highlighted above water quality must be protected during and post works, with consideration given to protect the wildlife corridors from water pollution, air pollution and light pollution during construction and from increased volume of traffic. These impacts on the Anson Branch Canal should be fully considered within the ES and details on appropriate mitigation included. The details on proposed replacement landscape including additional lighting impacts and surface water discharges should also be included.

The LPA has no evidence to challenge the conclusions of topic 13 subject to the Natural England and Canals and Rivers Trust commentary forming part of the Nature Conservation assessment for the project.

14. Geology, Soils and Land Contamination

Based on Mott MacDonald's M6 Junction 10 Improvement Scheme, EIA Scoping Report 07 February 2017, topic 14, the LPA offers the following commentary based on responses from the Environment Agency and the Canals and Rivers Trust.

Environment Agency comments regarding contaminated land are; regarding this preliminary opinion enquiry, which relate solely to the protection of 'Controlled Waters'. The site is located on the Secondary A Aquifer of the Pennine Lower Coal Measures. Superficial deposits are present over the site, in the form of Glacial Till, designated as a Secondary Undifferentiated Aquifer. Superficial layers of Glacio-fluvial deposits are also indicated towards the south-west of the site, designated as a Secondary A Aquifer. Several surface water bodies are located in proximity to the site.

According to Environment Agency records, several historic landfills are located in close proximity the site, plus, the site has been utilised for a range of historical industrial activities. This site history potentially gives rise to significant contamination and suggests, contamination may be present both within the site confines and adjacent to the site.

The Environment Agency recommends a Phase I risk assessment and desk study is undertaken given the potential for contamination to be present. Further investigation is recommended in order to quantify the risks posed by the site to 'Controlled Waters' receptors on and in the vicinity of the site. A conceptual site model and appropriate site investigation should be produced, based on the results of the preliminary risk assessment and desk study.

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As a minimum the site information within the desk study should include a detailed description of the site setting which will include provision of detailed plans, drawings and diagrams including;

Soil and Geology
Soil Types – description, extent and leaching potential
Drift Geology – description, extent
Solid Geology – description, extent

Hydrogeology
Aquifer Designation and description of Drift and Solid Geological Strata
Description of groundwater vulnerability and hydrogeology
Identify and describe licensed and exempt groundwater and surface water abstractions within 1.0 km of the site.
Identify and describe all Private Water Supplies within 1.0 km of the site.
Groundwater level and flow direction in Drift and Solid Aquifers

Designated Features
Identify and describe any designated features – source protection zones, drinking water protected areas, SSSI's, SAC's, SPA's, Ramsar sites within 1.0 km of the site.

Hydrology
Identify and describe all surface water features within 1.0 km of the site.
Identify and describe natural and anthropogenic site drainage pathways
Identify and describe Flood Risk of site area and immediate environs.
Identify and describe all discharges to ground and surface water within 1.0 km of the site.

Waste Activities
Identify and describe historic and active Permitted Landfill sites within 1.0 km of the site. Identify and describe any other waste activities Permitted under the Environmental Permitting Regulations 2010

History
Site History; a detailed site history of the whole site and identification of any historical uses that could have resulted in contamination.

Conceptual Model
The above information should be used to produce a detailed conceptual description of the site. The Governments Planning Policy Framework Document (PPF) (2012) indicates that it is the responsibility of the applicant to provide the Planning Authority with adequate site investigation information, prepared by a competent person to allow them to make appropriate planning decisions. That is to ensure that the site is suitable for its new use taking account of ground conditions and pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation. The basic aim of the PPF is that after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990.

The applicant should follow the process and develop a risk assessment for the site in accordance with the detailed process provided in the DEFRA and Environment Agency joint publication "Model Procedures for the Management of Land Contamination: CLR11". This document defines a process aimed at identifying, making decisions on, and taking appropriate action to deal with land contamination in a way that is consistent with government policies and legislation in the UK.

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This process is iterative and is followed until a sufficiently detailed conceptual description of the site is produced. The conceptual model will be used to identify potential contaminant source, pathway and receptor linkages and assess any risks that exist to Controlled Water Receptors and linked features. The Conceptual Model will be used as a basis for deciding if further site investigations and risk assessments are required.

Canals and Rivers Trust (CRT) comment that the Anson Branch of the Walsall Canal runs on a north-east/south-west alignment and is connected through a culverted section beneath the motorway junction. The Walsall Canal is located further south and then runs on a north/south alignment to the east of the motorway junction.

Geology, soils and land contamination
The Report states that due to the site history there is potential for elevated levels of contamination to be present and that further assessment will be required.
The Report identifies the Anson Branch as a 'sensitive receptor' and sets out mitigation measures that will be employed during the proposed development. CRT want assurances, there are suitable plans in place to minimise the introduction of any additional pathways to the waterway and address any unexpected contamination which may arise during the works.

With any development close the waterway there is the potential for adverse impacts on the infrastructure of the canal, with land stability being a material planning consideration (NPPF paragraphs 120-121), with further detail in the current National Planning Practice Guidance aimed at minimising the risk and effects of land stability on property, infrastructure and the public.

CRT accept land stability can involve other regimes such as Building Regulations, however the NPPF is clear, planning decisions should ensure, new development avoids unacceptable risks from land instability, whilst being satisfied the site is suitable for its new use, taking account of ground conditions and land stability.

CRT have asked that the line of the culvert beneath the existing junction be determined to ensure that any works do not affect its course, or increased loadings on plus a 5m standoff from the centre line of the culvert should be incorporated into the detailed design work.

The LPA considers the Environment Agency and Canals and Rivers Trust commentary could form part of a Desk Study (Phase 1) land contamination assessment identify previous land use, any potential for land contamination and the likely presence of made ground will be required at the onset, the findings from which will dictate any precautions and/or measures necessary to redress contaminants and impacts arising, subject to taking on board the additional comments of the Environment Agency and Canals and Rivers Trust submitted at the time of the planning application. Based on the conclusions of topic 10, the LPA has no reason to challenge the conclusions of topic 14, subject to the submission of a Desk Study (Phase 1) land contamination assessment and Coal Risk Assessment that takes into account land stability.

15. Cumulative Effects
Based on Mott MacDonald's M6 Junction 10 Improvement Scheme, EIA Scoping Report 07 February 2017, the LPA has no reason to challenge the limited information submitted or conclusion of topic 15 subject to the ES fully assessing air quality, noise and public health concerns on sensitive receptors around the junction 10 site.

16. Summary and Conclusions

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Based on Mott MacDonald's M6 Junction 10 Improvement Scheme, EIA Scoping Report 07 February 2017, the LPA has no evidence to challenge the information submitted or conclusion of topic 16 subject to the Environmental Statement taking on board the comments highlighted in the previous topics set out above and in consultee commentary. In addition, throughout the above commentary, a number of supplementary documents/reports have been requested, which the LPA considers reasonable;

-Environmental Management Plan(s),
-Flood Risk Assessment,
-Drainage Strategy,
-Design and Access Statement,
-Planning statement
-British Standard 58387:2012 Trees in Relation to Design, Demolition and Construction-Recommendations for all trees within 15metres of any works to be carried out, accompanied by a Tree Removal/Retention Plan and an indication of mitigation measures to account for the loss of amenity,
-Visual/Landscape Assessment (views to be agreed)
-Proposed landscape scheme
-Desk-based archaeological assessment
-Heritage Statement
-Desk Study (Phase 1) land contamination assessment identify previous land use, any potential for land contamination, presence of made ground which will dictate any precautions and/or measures necessary to redress contaminants and impacts arising.
-Coal Mining Risk Assessment
-Materials Management Plan
-Health Impact Assessment (scoped out with Public Health Walsall)
-Statement of Community Involvement, including the public participation exercise leading up to the submission of the planning application. This should detail how the communities' concerns/questions/comments have or haven't been taken on board.
-Public Art Statement with the results of the local school's public art project has progressed/concluded.
-Transport Assessment
-Construction Management Plan
-Application forms
-Location plan
-Block Plan
-Existing and proposed plans/elevations
-Site sections plans

Date of Decision: 14 March 2017

Steve Pretty - Head of Planning, Engineering and Transportation

If you would like further information or clarification of the reasons for this decision contact the Planning Helpline on 01922 652677 or email planningservices@walsall.gov.uk.

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