

Rebuttal of Waterman's Briefing Note carried out on behalf of Hark Apollo Relating to the Environmental Statement

1. Introduction

- 1.1 This rebuttal note is submitted in response to the "Briefing Note 01 West Southwater and Malinslee Link Environment Review" ("the Briefing Note") prepared by Waterman. The Briefing Note is dated 5 November 2009 and was submitted to Telford and Wrekin Council ("Telford") on 14 December 2009. The Briefing Note is Waterman's review of the of the RPS Environmental Statement ("ES") for "Land at West Southwater and Malinslee Link, Telford" October 2009.
- 1.2 For ease of reference, this rebuttal note follows the same layout and references as the Briefing Note.
- 1.3 Waterman's suggestion that in a number of areas the ES is deficient as it does not comply with EIA Regulations is totally rejected. The ES is both clear and robust and fulfils all the requirements of the EIA Regulations. It is Important to remember that in order to comply with the EIA Regulations those issues in Schedule 4 Part 2 of the EIA Regulations and anything relevant in Schedule 4 Part 1 of the EIA Regulations must be addressed. All of these issues have been addressed in the ES submitted to Telford. Further, the scope of the ES was discussed and agreed with Telford at meetings and by emails prior to submission.

2. Compliance with the EIA Regulations

- 2.1 Waterman suggest there are a number of key failings of the ES regarding the West Southwater site. We respond to their criticism as follows:
- (i) We are satisfied that the assessment of alternatives considered, as set out within Chapter 1 are sufficient for meeting the purposes of the EIA Regulations. The assessment makes it clear that no sites within the town or district centres were considered suitable, viable and available. Notwithstanding this, the ES also provides an assessment of alternative site layout options which have been considered.
 - (ii) We are content with the description of development set out for both sites within the ES. It is sufficient for the purposes of the ES. In *R. v Rochdale MBC Ex p. Milne (No. 1)[1993]*, Justice Sullivan held that "...the description of development must be sufficient to enable the main effects which that development is likely to have on the environment to be identified and assessed, to enable the likely significant effects...to be described and to enable mitigation measures to be described..." The description within the ES which is set out in chapter 2 and in subsequent chapters where specific details of the proposed development are critical to a particular topic, is clearly sufficient for the purpose of identifying and describing impacts and mitigation.

In terms of the issues regarding construction and demolition phases, each ES chapter deals with this issue. It is therefore considered that the likely significant environmental impacts arising for the demolition and operational phases have been taken into account and addressed.

- (iii) The purpose of a Non Technical Summary (NTS) is to facilitate dissemination of the findings of the ES to the general public in such a way that it can be easily understood by the general public. We are satisfied that the NTS submitted with the ES readily meets this requirement and know of no member of the public who have raised this matter. The quotation that Waterman refer to in their note, which makes reference to attenuators and louvres, needs no technical knowledge to understand. Anyone with a reasonable vocabulary or access to a dictionary would be able to understand its meaning.
- (iv) Where difficulties have been encountered, they have been highlighted in the ES. Indeed, Waterman themselves recognise this in relation to Air Quality. In respect of the vacation of the existing ASDA premises, this is fully addressed in the retail assessment contained within the ES which assesses the impact of reoccupation or no reoccupation.
- (v) We are satisfied that appropriate technical data is included or referenced within the ES, as necessary. The use of quantitative and qualitative assessment techniques are entirely permissible in the production of ESs and in no way would the use of such techniques result in an ES being non-compliant with the Regulations. Indeed, Waterman do not go as far as to suggest that this is the case. In response to the Waterman comments on noise calculations, we have provided comprehensive base data used to predict the resultant noise levels for the various activities at each of the three receptor positions

2.2 All of the above points are valid for both the West Southwater and Malinslee Link. Furthermore, the assertion that the parameters that have been assessed for the outline application are clearly set out at paragraph 2.2.2 of the ES, which confirms that the application is made in outline with means of access, with all other matters reserved for subsequent approval.

3. **Other Matters**

Floor Space – Current Telford and Wrekin Offices

We respond to the comments in paragraphs 3.1 to 3.5 of the Briefing Note as follows:

The relocation of the Council Offices has been taken into account within the relevant chapters of the ES. It is self evident from the information set out in the ES that a clear assumption has been made that the Council Offices would have been relocated before 2014 so that the site can be developed. We do not state the floorspace of the existing offices on the site but we consider there is no need to do so in order to identify and describe likely significant environmental effects and associated mitigation. The change in land use is fully assessed and one does not need to state the precise square meterage of the building to do so. The ES makes the robust assumption that the Civic Offices will be relocated within the Southwater area and, indeed, it is our understanding that this will be the case. Our understanding from the site owners is that they will be able to provide vacant occupation in time to allow the proposed development to be available for use upon expiry of the existing ASDA lease.

In respect of the assertion made by Waterman that the relocation of the Civic Offices

forms part of a more substantial development, we do not consider this is the case for the purposes of the Regulations which seek to ensure that incremental development is not used as a means to frustrate the aims of the Regulations by avoiding undertaking an EIA. Clearly that is not the case here.

As set out above, assumption made in the ES regarding the relocation of the Civic Offices is based upon a firm understanding of the intentions of Telford in this regard. There is no suggestion that the functions currently contained within the Civic Centre will be lost and, indeed, this would be operationally extremely difficult to effect. As such, the relocation of the Civic Office jobs to another location can reasonably be relied upon and it is this, coupled with the fact that a new store to continue trade and the consequent retail employment and job security post 2014 that results in a moderate benefit.

Assessment of Separate Applications

We respond to the comments in paragraphs 3.6 to 3.8 of the Briefing Note as follows:

Waterman question why the two sites have been assessed together. This is however irrelevant in respect of compliance with the Regulations as there is nothing in the Regulations to prevent such an approach. Each chapter of the ES assesses the impact of the development of each site separately and then together to provide a cumulative assessment, thus providing robust conclusions of the likely significant environmental impacts. Accordingly, there is no lack of clarity which results from the combined approach taken.

Given that both scenarios have been tested separately it is therefore considered irrelevant which site is developed first as the impact will not differ, nor will the impact increase should for example the housing site be developed before ASDA as all relevant receptor points have been tested and suitable mitigation identified where necessary.

The EIA Regulations do not prescribe how an ES is undertaken or its structure. The point of an ES is to inform the local planning authority of likely significant environmental effects. The proposed development would raise no unusual or significant noise effects during construction and can be controlled by imposing a standard planning condition.

Cumulative Impacts/Assessment of the West Southwater and Malinslee Link Applications

We respond to the comments in paragraphs 3.9 to 3.14 of the Briefing Note as follows:

In response to the comments made at paragraph 3.9 of the Briefing Note, we have assessed the issue of potential continued vacancy of the existing ASDA store. As noted in the RPS letter of 3 December 2009, this scenario is fully set out in the RIA and is referenced in the Socio-Economic Chapter of the ES.

In response to the comments made at paragraph 3.10 of the Briefing Note, where details of the construction programme are relevant they have been provided in the ES. This enables the ES to describe likely significant construction phase impacts.

We refer the Council to the “Environmental Impact Assessment: A guide to good practice and procedures” (A consultation Paper June 2006) which states at para 124 that:

‘The effects to be considered cumulatively in an ES will be project specific and should be agreed with the LPA during the scoping stage (see Section 3). It is important that they are clearly identified in the ES, along with any assumptions made. In most cases, detailed consideration of the combined effects of the development proposed together with other developments will be limited to those others that are already begun or constructed or those that have not been commenced but have a valid planning permission’.

We would refer Telford to the second sentence of the above paragraph. There are no other significant projects that have begun or that have planning permission. Central Southwater, the relocation of the Civic Offices and the Trustees’ plans for Red Oak car park would not count. While only a consultation draft, this does at the very least confirm latest thinking on good practice and, importantly, demonstrates that such an approach would not be contrary to the EIA Regulations.

The mitigation proposed in respect of construction impacts would apply whether the construction of the West Southwater and Malinslee Link sites occurred at separate times or together. As a result of the mitigation the construction impacts are reduce below the point where they are considered to be significant, even cumulatively.

3.1 ***Consideration of the 2016 Opening Year***

We respond to the comments in paragraphs 3.15 to 3.17 of the Briefing Note as follows:

The Briefing Note makes reference to a 2016 Opening Year for the development. This is incorrect. The ES Chapters explicitly make reference to 2014 being the year in which the current ASDA lease expires and the anticipated opening year of the new store.

4. **Commentary on ES Review**

West Southwater

Chapter 1. Introduction (and Methodology)

We respond to the comments in paragraphs 4.1 to 4.3 of the Briefing Note as follows:

Waterman notes that formal screening and scoping of EIA is not required by the Regulations. Indeed, the EIA Regulations specifically allow for ES to be submitted with planning applications at the discretion of the applicant. Accordingly, none of the points made at paragraph 4.1 of their note in any way demonstrate non compliance with the EIA Regulations.

Chapter 2. Site Description/Description of the Proposals/Alternatives

We respond to the comments in paragraphs 4.4 to 4.7 of the Briefing Note as

follows:

The issue of the description of development is dealt with above. In respect of the boundary of the sites, this is clearly identified in an appropriate fashion on Figure 2.1 given that the ES examines two sites together.

Where the detailed matters identified by Waterman at their paragraphs 4.5 and 4.6 were relevant to the identification and description of impacts and mitigation in respect of a particular topic, they have been noted and described. Accordingly, we are content that the ES is robust in this regard.

In respect of the assessment of alternatives, the EIA Regulations do not require that alternatives are studied but that “an outline” be given of those alternatives that have actually been studied. That is to say, if one has looked at alternatives, one should provide an outline. We are content that an appropriate outline has been provided both in section 2 of the ES and the retail assessment that forms part of the ES. Accordingly, we have complied with the regulatory requirements in this regard.

Chapter 3. Planning Policy

We disagree that the planning policy context chapter is subjective and consider that all of the most relevant policies have been noted. We note that Waterman accept that this chapter is not required by Regulation and assume that no significant point is being taken in this regard.

Chapter 4. Transport

We respond to the comments in paragraphs 4.4 to 4.7 of the Briefing Note as follows:

The ES travel chapter considers travel by all forms of transport, proportionately to their considered impact. The local sustainable transport provision is considered to be excellent in terms of both infrastructure and service provision, typical of a Town Centre location. As described in the ES Chapter, the improved pedestrian links between the site and the Town Centre will have a significant benefit for pedestrians and cyclists through an improved and safer environment. Local public transport provision is centred around the Telford Town Centre Bus Station which is located adjacent to the site, and the Telford Rail Station. It is not proposed to increase the number or frequency of bus or rail services and as such, there is no environment impact.

The impact of development traffic has been assigned a level of significance, however as the level of impact in all scenarios appraised is below the of 30% threshold during the assessed peak hours, the proposed development is not considered to have even a minor adverse impact. This is summarised in section 4.5.30 of the ES Chapter.

- 4.10 We query the reference to PBA in the Briefing Note. Any transportation concerns that have been raised have been addressed in the RPS letter (and enclosures) to Telford dated 3 December 2009. None of the information provided in this letter constitutes new information under the EIA Regulations.

While this included submission of the correct travel plan, we do not consider this comprises further information requiring submission under Regulation 19 of the EIA Regulations as it is not substantive in nature, is not required to complete the ES, nor to allow Telford to give proper consideration to the likely significant environment impacts. We refer Telford to draft condition 14 in the committee report.

- 4.11 It is anticipated that given the change in levels on the existing site that the ground preparations for the proposed development will include a very high proportion of cut & fill. This is not an unreasonable estimate. However, the ES chapter clearly states that should any material require removal from the site, it is estimated that such numbers will not exceed 10 HGV's per day.

Chapter 5. Flood Consequence and Drainage

- 4.12 As part of the ES chapter all likely significant effects of the proposed mitigation measures were investigated. At this stage all drainage details for the site would be preliminary and subject to EA, Telford and Severn Trent Water approval which is undertaken once planning permission for the site is granted. As part of the ES and FRA it was demonstrated that the drainage requirements for the site imposed by Telford and the EA (greenfield run-off rates and a reduction in flows from West Southwater by 50%) are physically achievable. Detailed calculations to support this were included and the options used to meet these drainage requirements outlined. Telford confirmed that they were satisfied with the principles outlined and detailed within the FRA (and subsequently used within the ES) prior to submission. The PFS was considered in conjunction with the West Southwater Site, oil interceptors have been proposed in mitigation to prevent the contamination of surface waters.

Chapter 6. Landscape and Visual

- 4.13 Viewpoints were identified following a desk top study of topography followed by assessment on the ground of all public viewpoints of the site within a 1.5km radius and the most appropriate to represent all viewpoint / receptor scenarios were selected. We are content that the viewpoints chosen are robust.
- 4.14 The minimum height of ASDA service yard fence required for security purposes is 3m and all of the acoustic fence facing Southwater Way is indeed 3m above external ground level (internal to the courtyard will be more as the service yard is cut into the topography). The noise assessment required that a minimum height of 172.9 AOD was achieved (due to accommodation above Severn Gorge PH) and that this level be maintained for the full length of the acoustic fence adjacent the footpath/cycleway. This meant that as the external ground level fell away towards the north the worst case scenario dictated that the fence height is 4.5m above existing ground level at its most northern extent.

Chapter 7. Air Quality

- 4.15 There are no established significance criteria set in terms of absolute impact for construction effects. An assessment has been undertaken using the highly

regarded London Best Practice Guide, which recommends determining the level of risk. The use of this guide was agreed with the relevant Environmental Health Officer at Telford at the outset. While the development is outside London, this document is widely accepted as a potential blue-print for assessing construction effects in all areas of the UK. The proposed development is deemed to be at 'high risk' of causing nuisance dust effects during construction. As such, the mitigation measures consistent with high risk have been presented within the chapter and should provide the most comprehensive set of measures and controls. As set out in the guide and the ES chapter, implementation of these mitigation measures should reduce the risk of impact to medium, or even low.

4.16 As set out above, the mitigation measures presented are those relating to a high risk of effects during construction and should provide the most comprehensive set of measures and controls. These mitigation measures would be applied throughout the construction period.

4.17 Construction effects are considered in the two responses above. In relation to operational effects, continually improving vehicle technologies mean that new vehicles produce lower emissions than older vehicles. As old vehicles are replaced, less polluting vehicles become an increasing proportion of the vehicles on the road. Any adverse effects associated with the proposed development are, therefore, likely to reduce in future years and the results of modelling in the earliest fully operational year, 2014, are considered to be conservative. This approach is reinforced by the view of the Highways Agency who state in their Design Manual for Roads and Bridges (DMRB) method that:

“The assessment should be carried out using traffic data for the “Do-Minimum” (without the scheme) and “Do-Something” (with the scheme) scenarios, for the opening year and possibly for a further future year.....For local air quality, this will be the opening year and possibly a later year if more stringent air quality criteria come into effect at a later date. The earlier years tend to be worst for local air quality as vehicle emissions are set to decrease in the future due to increasingly stringent vehicle emission legislation.”

4.18 To reiterate, air quality in the area is generally good and no Air Quality Management Areas have been designated. Telford has not found it necessary to undertake any detailed modelling for the purposes of fulfilling their Review and Assessment duties. Telford does not monitor air quality using automated monitors. However Telford does monitor NO₂ concentrations passively using diffusion tubes at three roadside locations, all outside the study area. The results at these locations have been reported in the ES chapter for the period from 2003 to 2006. The range of monitored NO₂ concentrations has been compared with the range of predicted NO₂ concentrations in the assessment of the operational effects. The chapter summarizes the results of this comparison stating that:

“This is consistently below the range of monitored concentrations at roadside locations in Telford of 15.3 to 17.0 µg.m⁻³. While there is some evidence to suggest that the model is under-estimating in the Telford area, roadside monitoring sites are likely to be located in areas where there may be

particular concerns. Therefore, the results of monitoring may be expected to exceed roadside concentrations in other locations. Also, all predicted concentrations are within 25% of the monitored concentrations suggesting that the model is performing well in this location.”

As set out in the ES Chapter:

“For the verification and adjustment of NO_x/NO₂ concentrations, LAQM.TG(09) recommends that the comparison involves a combination of continuous and diffusion monitoring, rather than a single continuous monitor. This is to ensure any adjustment factor derived is representative of all locations modelled and not unduly weighted towards the characteristics at a single site.”

Consequently, this would require the installation of a continuous monitor and passive/diffusion-tube monitoring at a broad spread of locations within the study area. A robust project specific monitoring survey would need to be undertaken over a period of no less than six months, potentially costing £10-20k.

The Institute of Environmental Management and Assessment provides guidelines for undertaking an EIA. The guideline set out principles for a balanced approach to the EIA. Relevant to this assessment is the need for the EIA to be:

“Cost effective – the process should achieve the objective of EIA within the limits of available information, time, resources and methodology.

Efficient – the process should impose the minimum cost burden in terms of time and financial on proponents and participants consistent with meeting accepted requirements and objectives of the EIA

Focused – the process should concentrate on significant environmental effects and key issues; i.e. the matters that need to be taken into account in making decisions.”

Specifically in relation to air quality, the National Society for Clean Air’s (NSCA) Development Control: Planning for Air Quality document states that:

“Where a development requires an air quality assessment this should be undertaken using an approach that is robust and appropriate for the scale of the likely impacts”.

With respect to model verification, the NSCA document places less importance on model verification where predicted concentrations are close to the objective: The maximum predicted annual-mean NO₂ concentration is 14.7 µg.m⁻³, less than 50% of the UK Air Quality Strategy objective for this pollutant of 40 µg.m⁻³.

In summary, a pragmatic approach to the air quality assessment has been adopted making use of all available data. We do not consider that it would be reasonable to expect the developer to undertake monitoring of existing air

quality to facilitate the verification of the modeled results. The scope of works for this Chapter was agreed with the relevant Environmental Health Officer at Telford, referenced in the chapter, who did not require any air quality monitoring to be undertaken. Given the fact that air quality in the area is good, to the extent that Telford does not consider continuous air quality monitoring is necessary, a project specific monitoring survey is also considered to be deviation from the key issues.

Chapter 8. Noise

- 4.19 The acoustic fence would be 4.5m high from the top of the retaining wall along the eastern boundary with the existing footpath linkage to provide an effective noise barrier to the upper accommodation above The Severn Gorge Public House. The acoustic fence would be 3.0 high along the south-eastern boundary with Southwater Way.

We note the comment relating to car park spaces and our paragraph should indicate 500 spaces. This results in no material change in our assessment and is not substantive in nature.

- 4.20 The “West Southwater” monitoring positions, shown in Figure 8.7, were selected to be representative of the nearest existing residential properties to the proposed site.

The “Malinslee Link” monitoring position, shown in Figure 8.7, was selected to be representative of the nearest proposed residential properties to the site. This location was also used for the PPG24 assessment. The identification of this monitoring location was described in 8.4.3 of our Noise Chapter.

The receptor positions were selected to be the nearest potentially sensitive locations and are detailed in 8.1.7 of our Noise Chapter.

- 4.21 The significant criteria given in the methodology section 8.3 clearly identifies the reasoning behind the selection of a suitable Standard/Guideline to be adopted for the various activities. We have also been in discussion with the Local Authority Environmental Health Officer and he has requested the target noise level to be adopted.

All the activities have been assessed against the underlying LA90T background noise level as required by BS4142:1997 and this results in a very robust assessment methodology.

- 4.22 A comments relating to the construction noise impact have been provided in 3.6 above.

- 4.23 As stated we have provided comprehensive base data used to predict the resultant noise levels for the various activities at each of the three receptor positions.

We do not accept that the results appear questionable or that the methodology for deriving these results is also questionable because we have adopted a very

robust assessment methodology based on an assessment for all activities against the lowest LA90T background noise level obtained over extended periods at all monitoring positions. As well as fixed plant, the use of BS4142:1997 has previously been held on planning appeal decisions to be applicable for the assessment of noise from lorry deliveries and car parking.

Where results are based on other sites, these are from typical ASDA stores, in all parts of the country, incorporating similar arrangements. The results for the lorry arrival, unloading/loading and departure have been taken from a newly opened store adopting a very similar arrangement and using the new warehouse docking arrangement. This store also uses the newest lorry types.

- 4.24 We do not accept that assumptions have been used. All assessments are appropriate to the proposed development backed up by extensive library data from other ASDA stores and with the use of proven standard calculation methodology.

We understand 2014 is the anticipated opening year of the new store and therefore no other date would be considered.

- 4.25 The Noise Exposure Category (NEC) was determined, by assessment, to be Category B. PPG24 states for Category B “*noise should be taken into account when determining planning applications and, where appropriate, conditions imposed to ensure an adequate level of protection against noise*”. We have therefore in accordance with PPG24 suggested suitable wording for a condition that would, in our opinion, ensure acceptable noise levels are maintained in the living areas.

Chapter 9. Ecology

- 4.26 *The Ecology Chapter of the ES fully describes the habitats on the site at section 9.4 and is completely robust.*

With regard to Waterman's comments on breeding birds - no breeding bird survey was requested by Telford. Moreover, the scoping report and existing records do not indicate that breeding birds would be a significant feature on either site. The fact that some habitats have potential to support breeding birds is, in practice, only likely to be an issue with regard to the legal protection afforded active bird nests and this is covered in the ecology chapter of the ES (para no. 9.7.26).

Chapter 10. Ground Conditions

- 4.27 The condition of the shallow soils and ground water at the proposed store site have been assessed against Generic Assessment Criteria which have been derived in line with Environment Agency guidance (Model Procedures for the Management of Contaminated Land- CLR11). Accordingly the significance or otherwise of concentrations of specific contaminants within the environment has been assessed appropriately.

- 4.28 A detailed quantitative risk assessment has not yet been carried out, however it has been recommended as the next phase of work required for the proposed store site. Carrying out assessment in this phased manner is entirely in keeping with Environment Agency guidance (CLR11). The Contaminants observed on site to date can readily be treated by well understood techniques which will not require removal of material from site. Therefore if the DQRA does indicate that some form of remediation is required, it is considered reasonable that this can be achieved with the proposed cut to fill balance. This approach is also consistent with ASDA's sustainable development policy.
- 4.29 This is a statement which requires no further comment.
- 4.30 We deny that there are numerous inaccuracies and omissions within the chapter. We concur with Waterman's comment that both situations are possible.

Chapter 11. Socio-economic

We respond to the comments in paragraphs 4.31 to 4.34 of the Briefing Note as follows:

The chapter clearly sets out the methodology used in the formulation of the chapter.. The baseline situation has been clearly set out, assumptions made about the potential impact of the development, and robust conclusions made.

Data sources are referenced within the chapter to evidence the information set out where applicable.

The loss of office accommodation has not been assessed within the chapter as the Council Offices will be relocated in order for the ASDA development to commence. Similarly, no account needs to be made to the current staff employed at the ASDA store as they will be relocated to the new store.

In response to Waterman's comments at paragraph 4.34 of the Briefing Note, we would refer Telford to our comments on paragraph 3.6 of the Briefing Note.

Non-Technical Summary

We respond to the comments in paragraphs 4.35 to 4.37 of the Briefing Note as follows:

As set out in section 2.1 (iii) of this response, we are satisfied that the NTS submitted with the ES readily meets the requirement of the EIA Regulations and we know of no member of the public who has suggested the opposite. The fact that some information is provided in an Annex does not render the document any less intelligible.

Presentation

We respond to the comments in paragraphs 4.38 to 4.39 of the Briefing Note as follows:

We do not agree that an ES should necessarily minimise the use of technical terms as the document is necessarily technical in nature. If technical terms are necessary to properly and fully describe the likely significant environmental effects and any consequent mitigation, then it is entirely appropriate that they should be used. Furthermore, we disagree that the plans are of poor quality and, indeed, if we had been approached for a copy of the ES we would have provided it on CD, thus ensuring the quality of any ‘copy’ was identical to that of the original.

Objectivity

We categorically refute that the ES is anything but an objective assessment of the likely significant environmental effects resulting from the development assessed. We are entirely happy that it complies with the EIA Regulations and is robust in this regard.

Cumulative Impact

Contrary to what is claimed in the Briefing Note, good practice guidance suggests that the combined effects of the development proposed should be assessed together with other developments that are already begun or constructed or that have not been commenced but have a valid planning permission. It is not the case that “other reasonably foreseeable schemes” should also be taken into account. Accordingly, we considered that the ES is particularly robust in assessing the cumulative impact of the West Southwater and Malinslee Link sites.

Malinslee Link

(a) *Chapter 2. Site Description/Description of the Proposals/Alternatives*

We respond to the comments in paragraphs 4.43 to 4.46 of the Briefing Note as follows:

As with the West Southwater site, the issue of the description of development is dealt with above. Furthermore, paragraph 2.2.3 of the ES makes it abundantly clear that the “proposed development of both sites is shown at Figure 2.2”. It is not correct therefore to assert that there is ambiguity of what development has been applied for, and whether this has been tested in the EIA.

In response to paragraph 4.44 – the use, amount, indicative layout, scale and access points are clearly stated in the planning application, to which the GPDO relates. As stated above, we also consider that the ES adequately describes the proposed development.

In respect of the assessment of alternatives, this has been dealt with above in the 'West Southwater' response. We are content that an appropriate outline has been provided in section 2 of the ES.

(b) *Chapter 6. Landscape and Visual*

4.47 The parameters were based upon the design parameters set out by the outline application for Malinslee Link. This is not a detailed application and "design / appearance" is a reserved matter. . The landscape and visual assessment for this Site has therefore been based upon these parameters.

(c) *Chapter 7. Air Quality*

4.48 The potential sensitive receptor is located on a representative position on the site and provides an appropriate basis to carry out the assessment. Telford will deal with any issue that arises by way of a standard planning condition.

(d) *Chapter 8. Noise*

4.49 We have been informed by the development architects that the scheme can be designed to provide inward facing bedroom windows. There are many developments throughout the country where this approach has been adopted.

4.50 The receptor position was representative of the nearest façade to Southwater Way.

4.51 We can confirm that the NEC assessment considers the suitability of the "Malinslee Link" site prior to the Asda being operational.

However, the increase traffic noise level on Southwater Way post ASDA development, based on peak traffic flow, show an increase of 3 dB. This would still lie within the NEC B category and would not amend our suggested condition wording.

(e) *Chapter 9. Ecology*

4.52 We have described the likely significant environmental effect and have put forward mitigation measures, to be dealt with by imposing a planning condition, to address these.

(f) *Chapter 10. Ground Conditions*

4.53 The scope of work was agreed with the Council at an early stage. It was agreed that detailed intrusive investigation of the Malinslee Link area would not be required and that a desk study and preliminary slope stability assessment would be adequate- these have been completed, with recommendations for further work. It is also noted that the staged approach is consistent with regulatory guidance.

4.54 The technical appendices to this chapter were extremely voluminous and accordingly were provided on a CD contained within a pocket bound into the ES (for paper copies of the ES) and as PDF files in the CD copies of the ES.

- 4.55 The West Southwater area of the development comprises a commercial end use, therefore the assessment is considered appropriate. Within this assessment it is assumed that residents are present adjoining the site boundary. The Malinslee Link area was not investigated as detailed above.
- 4.56 ASDA's corporate policy is to prevent disposal of materials to landfill. If following DQRA, localized remediation is required it is anticipated that this will be achieved by on site treatment. No further comment on Malinslee Link is possible in the absence of intrusive site investigation.
- (g) *Chapter 11. Socio-economic*
- 4.57 The impacts arising from the population increase in respect of the proposed development are discussed in paragraphs 11.6.1 – 11.6.5. The EIA process is required to assess the likely "significant" impacts of a development and, therefore, there will be some impacts that do not need to be discussed in detail in the ES. We are strongly of the view that the provision of c.79 residential units (resulting in c.197 people) would not give rise to significant environmental effects. The ES is robust in this regard.