

## TECHNICAL APPENDIX 1.2: EIA SCOPING RESPONSES

### 1.1 Introduction

#### *EIA Scoping*

- 1.1.1 Although not a formal requirement under The Roads (Scotland) Act 1984<sup>1</sup> (Environmental Impact Assessment) Regulations 2017 (the 'EIA Regulations'), the Applicant submitted a request for a scoping opinion from Transport Scotland (as the 'roads authority') in 2014 for a previous iteration of the proposed development; however, a formal response was never received.
- 1.1.2 The Applicant subsequently submitted another request for a scoping opinion (refer to Technical Appendix 1.1) from Transport Scotland on 22 June 2018 for the proposed development. Requests for scoping opinions were also sought from the following statutory consultees:
- West Lothian Council (WLC) – Planning and Transport departments;
  - Scottish Environment Protection Agency (SEPA);
  - Scottish Natural Heritage (SNH);
  - Scottish Water; and
  - Historic Scotland (HS).

### 1.2 Scoping Responses

- 1.2.1 Scoping responses were received via email between June and August 2018.
- 1.2.2 Table TA1.2.1 presents the scoping responses received from the consultees during the EIA Scoping process.

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<sup>1</sup> HMSO, 1984. The Roads (Scotland) Act 1984 (Environmental Impact Assessment) Regulations 2017.

| <b>Table TA1.2.2: Summary of Scoping Responses from Consultees</b>                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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| <b>Consultee</b>                                                                                                                                                                                                                                          | <b>Topic and Opinion</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <b>Our Response</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <p><b>Transport Scotland (TS)</b><br/>Received via email on 14 January 2019, sent by Drew Hill (Senior Environmental Engineer)</p>                                                                                                                        | <p>Transport Scotland’s scoping comments are presented separately in Annex 1 of this Technical Appendix as these are also combined with the wider Stage 3 Report comments.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <p>It should be noted that due to TS’s comments regarding the original traffic data and air quality assessment methodology as proposed in the EIA Scoping Report (which originally did not follow Design Manual for Roads and Bridges (DMRB) guidelines due to the limitations of the original traffic data), Sweco (the ‘transport consultant’) sought updated traffic data of the proposed development and wider road network from SYSTRA in May 2019. The new traffic data has been used by Ramboll for the Noise and Air Quality assessments, which both now follow DMRB guidelines. Refer to Chapter 8: Air Quality and Chapter 9: Noise in Volume 2.</p>                                                                                                                                                                                                                                                                                                                                                                   |
| <p><b>West Lothian Council (WLC) – Transport</b><br/>Received via emails on 13 July 2018 and 27 July 2018, sent by Chris Nicol (Development Control Engineer)</p>                                                                                         | <p><u>Transport:</u> <i>“From a roads perspective the EIA requirements are clear whether you trigger impact or not... Having considered whether there should be a section on environmental impact of HGV’s, [we] have decided that as the red line boundary for this particular part of the development does not affect any residential properties, [we] shall agree that the proposed scoping report is accepted.”</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                 | <p>No response necessary. WLC – Transport content with proposed EIA scope.<br/><br/>Regardless, both the Air Quality and Noise assessments have considered impacts from HGVs during the construction phase of the proposed development. Refer to Chapter 8: Air Quality and Chapter 9: Noise in Volume 2.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <p><b>West Lothian Council (WLC) – Planning</b><br/>Received via emails between 02 August 2018 and 12 December 2018, sent by Wendy McCorriston (Development Management Manager) and Brian Carmichael (Environmental Health Officer, Noise Specialist)</p> | <p><u>General:</u> <i>“[WLC] can confirm that [we] would generally agree with the topics which are to be included in your EIA report, however, [we] would like to suggest that two more areas are considered in more detail and not scoped out at this stage. These would be Human Health and Well-being and Pedestrians and Others. It may be that these matters could in fact be dealt with under a single heading, but [we] consider that they do need to be addressed in more detail particularly in relation to the long-term impacts of the development on residents, pedestrians, cyclists and equestrian facilities and users in the area. The council has recently approved Planning Guidance for Health Impact Assessment<sup>2</sup> and this could be used as the basis for considering the overall health impacts of the development.”</i></p> | <p>Human health has been considered within the Air Quality (Chapter 8: Air Quality, Volume 2) and Noise (Chapter 9: Noise, Volume 2) assessments. Both assessments concluded that there are no significant adverse effects in relation to air pollutants or noise levels associated with the proposed development. Therefore, the current and future local residents would not be significantly affected by the construction or operation of the proposed development. Additionally, the proposed development connects Winchburgh to the M9 motorway, increasing access to other settlements such as Edinburgh, which have economic and recreational opportunities – further improving well-being and economic prosperity/potential of the current and future residents.<br/><br/>Throughout designing the proposed development, it was considered important to address requirements of other road users (including but not limited to pedestrians, cyclists and equestrian users, collectively known as non-motorised users</p> |

<sup>2</sup> West Lothian Council (WLC), 2017. Health Impact Assessment, March 2017 [online]. Available at: <https://www.westlothian.gov.uk/article/11180/Planning-Guidancev> (Accessed on 03.08.18).

**Table TA1.2.2: Summary of Scoping Responses from Consultees**

| Consultee | Topic and Opinion                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Our Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
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|           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <p>(NMU)). These have primarily been accommodated for through the overall design of the elements of the <i>proposed development</i> which modify the existing B8020 (Beatlie Road) and serve to change this relatively quiet rural road into an integral part of a motorway junction. In accordance with DMRB HD 42/17, a 'Walking, Cycling and Horse-Riding Assessment and Review' (WCHAR) report<sup>3</sup> has been prepared as part of the Stage 3 Report and provides more detail of the NMU requirements. The proposed development would provide sufficient access routes for NMUs to travel north-south of the existing M9 motorway and would therefore not restrict NMUs from using the local area for recreation and other purposes.</p> <p>A consultation process was held between Tuesday 12 March 2019 and Friday 22 March 2019. The consultation looked specifically at proposed new NMU routes along the B8020 between the north and south scheme extents and asked for aspirational facilities which the stakeholders would like to see and what would encourage active travel through the junction and to the wider area. Further information is provided in Chapter 3: Site Evolution and Alternatives in Volume 2.</p> |
|           | <p><u>Viewpoints (Landscape and Visual Impact Assessment (LVIA)):</u><br/> <i>"Whilst you have a number of viewpoints identified for/from the south side of the [M9] motorway there are none to the north. These viewpoints should be considered – from the castle and the road to the west to Duntarvie and to the east to Totlewells and possibly even up towards Woodend and Newton. [We] also consider that the views from the new housing in Block AA to the south should also be assessed."</i></p> | <p>Ramboll has undertaken a full review of the proposed scoping viewpoints, those suggested in your email, and also additional views where it was considered there is potential for significant effects, and have prepared a final list of viewpoints. Fieldwork has now been undertaken to verify the views and therefore there are a number which have been replaced to ensure the most suitable locations are selected for assessment.</p> <p>The following table [refer to Table TA1.2.2 at the end of this Technical Appendix] presents these findings and the rationale for viewpoint inclusion/ exclusion. Asterisks * denote those VPs that were initially identified by Ramboll for assessment as part of the scoping process.</p> <p>All viewpoints are located within a single landscape character area. The LVIA however will consider the influence of the</p>                                                                                                                                                                                                                                                                                                                                                               |

<sup>3</sup> Sweco, 2019. Walking, Cycling and Horse-Riding Assessment and Review, March 2019.

| <b>Table TA1.2.2: Summary of Scoping Responses from Consultees</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
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| <b>Consultee</b>                                                   | <b>Topic and Opinion</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <b>Our Response</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <p>proposed development on landscape character within the wider area.</p> <p>The final list of viewpoints for our LVIA will be as follows: [Refer to Table TA1.2.3].</p> <p>The LVIA will also include a written discussion on views from nearby settlements, roads and public recreation areas, and will assess impacts on views from the area surrounding the proposed development.</p> <p>Further information is presented in Chapter 4: Landscape and Visual Impact Assessment in Volume 2.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|                                                                    | <p><u>Viewpoints (LVIA) response:</u> "Given the analysis of each of the 13 locations as set out in the first table [Table TA1.2.2], [we] would agree that the 5 chosen viewpoints, as set out in the second table [Table TA1.2.3], are acceptable and represent appropriate locations for inclusion in the EIA."</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <p>Noted. No response necessary. WLC – Planning content with proposed viewpoints.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|                                                                    | <p><u>Noise:</u> "[We] did wonder whether you should be considering the Block AA Taylor Wimpy houses and perhaps also Duntarvie Castle and the houses to the north east of the motorway junction (and the stables in that area, as I am aware that we have had complaints raised about the impact of noise on horses in the locality)? I have asked Brian Carmichael from EH [Environment and Health] to look at this and advise me or confirm whether it might be better for you or your consultant to contact him directly to discuss this."</p> <p>[Follow up response:] "As per my last email re the noise assessment study area, I have now met with Brian Carmichael from EH. He has advised that the only additional [noise] receptor [to The Myre Farm and Niddry Mains House] that you need to consider is Duntarvie Castle itself."</p> | <p>Ramboll noise specialists are in agreement and will add Duntarvie Castle as a sensitive receptor for the noise assessment and will disregard the other two suggestions.</p> <p>Ramboll subsequently carried out baseline noise level measurements at location representative of the receptor and followed up to inform WLC of findings of preliminary noise assessment on the noise sensitive receptors (NSR):</p> <p>We have subsequently undertaken the noise impact assessment on the potential noise impacts and would like to present to you our findings and our reasoning to seek an amendment to your original scoping opinion on which NSRs to include.</p> <p>As instructed, we have undertaken noise assessments on the following NSRs: The Myre Farm, Niddry Mains House and Duntarvie Castle.</p> <p>Our noise assessment was based upon updated traffic flows at the proposed M9 motorway junction, flowing south/north on the B8020 and east/west on the M9 motorway in light of the completed and operational Winchburgh Masterplan. Our recent noise assessment concluded that Niddry Mains House would</p> |

**Table TA1.2.2: Summary of Scoping Responses from Consultees**

| Consultee | Topic and Opinion | Our Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
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|           |                   | <p>experience a significant noise level increase due to a tenfold increase in traffic flow following opening of the proposed junction. However, this significance is based upon a scenario where all future traffic (i.e. with the junction built and operational) will follow the existing alignment of the B8020 road, which runs directly past Niddry Mains House. However, this does not represent a realistic scenario of the Winchburgh Masterplan as the M9 junction will not be built/operational without the rest of the Winchburgh Masterplan being implemented. Therefore, the current noise assessment (and significance) would represent an unrealistic 'worst case' assumption as the future traffic flows used in the assessment will only materialise with the completed development of the wider Winchburgh Masterplan.</p> <p>As you are aware, the Winchburgh Masterplan includes new roads which are likely to alter the traffic flow in the area around the B8020. The future B8020 road layout is shown in the 2005 Environment Statement, of which we attached a copy to this email. The assessment of changes in road traffic noise presented in the original Winchburgh Masterplan ES shows that part of the B8020 along Niddry Mains House will not be subject to a significant increase in noise, with a new speed limit of 20 mph being introduced. A noise level difference map from the ES is also shown in the attached for your reference. The noise level difference map indicates the future traffic flow will follow the alignment of the future new road, and not the existing B8020 road to Winchburgh. Furthermore, as part of the Masterplan, a new development block will be situated directly north/north-west of Niddry Mains House that intersects the proximity of Niddry Mains House to the realigned B8020, further dampening noise effects.</p> <p>In conclusion, based on the understanding of the Winchburgh Masterplan and its associated ES, plus the updated noise impact assessment, it is our professional opinion that Niddry Mains House should now be scoped out of the NSRs for the proposed M9 Junction EIA.</p> |

| <b>Table TA1.2.2: Summary of Scoping Responses from Consultees</b>                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
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| <b>Consultee</b>                                                                                                                                      | <b>Topic and Opinion</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <b>Our Response</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|                                                                                                                                                       | <p><u>Noise response:</u> "[Brian Carmichael, WLC EH] I don't have a problem scoping this property out of the assessment but happy to go with your view."<br/>[Follow up response:] "Wendy, Happy for it to be scoped out."</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <p>Noted.<br/>Ramboll has subsequently updated the Noise assessment in line with the new traffic data and future Winchburgh Masterplan road network, and said assessment now includes Niddry House as a NSR. Refer to Chapter 9: Noise in Volume 2 for further information.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <p><b>Scottish Environment Protection Agency (SEPA)</b><br/>Received via email on 03 August 2018, sent by Alex Candlish (Senior Planning Officer)</p> | <p><u>Flood Risk:</u> "...The site should be assessed for flood risk from all sources in line with Scottish Planning Policy<sup>4</sup> (Paragraphs 254-268).<br/>...The works will impact on the Swine Burn which runs southwest to northeast under the existing M9 motorway. The SEPA Flood Map<sup>5</sup> indicates that the 1 in 200-year flood extent of the Swine Burn is quite extensive both upstream and downstream of the M9 culvert on the north bank. The M9 lies on higher ground above the indicated flood level in this area. The flood maps are indicative only and should not be used for site specific flood risk assessment. Scottish Planning Policy aims to promote avoidance medium to high flood risk area (1 in 200-year extent) although it is noted that essential infrastructure may be appropriate in these areas provided they are designed to remain operational during flooding and have no detrimental impact on flood risk elsewhere.<br/>The Scoping Report highlights possible impacts to the Swine Burn including increased runoff (which may include contaminants and silt) and increased flood risk due to an extension of the Swine Burn culvert. We would highlight that there is a risk of increased flood risk through loss of floodplain and this should also be considered. Landraising within the 1 in 200-year flood extent should be avoided and mitigation may be required where there are any impacts, including the provision of like-for-like compensatory storage."</p> | <p>Flood risk for the Winchburgh Masterplan site was assessed in the original 2005 FRA completed as part of the Winchburgh Masterplan ES, which concluded that the site was not at flood risk due to the existing constraints on the Swine Burn, including the culvert under the Union Canal and downstream railway culvert, which caused flood water to be held in its upstream reaches, upstream of the Union Canal.<br/>The hydrology and flood modelling of the Swine Burn has been updated using latest available information to assess the impact on flooding as a result of the proposed development.<br/>Further correspondence with SEPA occurred which discussed details of the hydrological and flood modelling undertaken to date and a request to submit an FRA for the proposed development. Subsequently refinements within the modelling parameters and a FRA was submitted to SEPA, which are included within an appendix (Technical Appendix 6.2 in Volume 3) to Chapter 6: Road Drainage and Water Environment in Volume 2.</p> |
|                                                                                                                                                       | <p><u>Flood Risk response:</u> "We note the proposed below, based on the information that the determining authorities' (West Lothian</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <p>Noted.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |

<sup>4</sup> Scottish Government, 2014. Scottish Planning Policy, June 2014. ISBN: 978-1-78412-567-7.

<sup>5</sup> SEPA, 2018. Flood Maps [online]. Available at: <https://www.sepa.org.uk/environment/water/flooding/flood-maps/> (Accessed 30.08.18).

**Table TA1.2.2: Summary of Scoping Responses from Consultees**

| Consultee | Topic and Opinion                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Our Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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|           | <p><i>Council and Transport Scotland) are content with this approach we have no further comment at this stage and await this updated FRA. Notwithstanding this whilst we are happy to review any FRA provided for this site we would highlight that depending on the information provided we may determine that this is not sufficient to address our concerns. The extent of the modelling reached must be justified adequately in the localised FRA."</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|           | <p><b>Surface Water Drainage:</b> <i>"It is important to ensure that adequate space to accommodate SUDS [sustainable drainage systems] is incorporated within the [application] site layout. Consideration should be given to this matter early in the planning process when proposals are at their most fluid and modifications to layout can be easily made with less expense to the developer. Each individual type of SUDS facility, such as a filter drain, detention basin, permeable paving or swale, provides one level of surface water treatment. The level of SUDS required is dependent on the nature of the proposed development, for example residential or non-residential, the size of development, and the environmental risk posed by the development which is principally determined by the available dilution of the receiving waterbody.</i></p> <p><i>For all developments, run-off from areas subject to particularly high pollution risk (e.g. yard areas, service bays, fuelling areas, pressure washing areas, oil or chemical storage, handling and delivery areas) should be minimised and directed to the foul sewer. Where run-off from high risk areas cannot be directed to the foul sewer we can, on request, provide further site specific advice on what would be the best environmental solution.</i></p> <p><i>The SUDS treatment train should be followed which uses a logical sequence of SUDS facilities in series allowing run-off to pass through several different SUDS before reaching the</i></p> | <p>Runoff from the proposed development will be treated prior to outfall, via two levels of SuDS; filter drains and two detention basins prior to outfall to the Swine Burn, in line with CIRIA<sup>10</sup> and SEPA<sup>11</sup> guidance. SuDS will also provide adequate storage and attenuation prior to outfall.</p> <p>Refer to Section 6.7 (Mitigation during Operation) in Chapter 6: Road Drainage and Water Environment in Volume 2 for details on SuDS proposals and likely requirements for CAR authorisation for the proposed development. CAR licence applications will be submitted to SEPA at the appropriate time.</p> |

<sup>10</sup> CIRIA, 2015. C753: The SuDS Manual

<sup>11</sup> Scottish Environment Protection Agency (SEPA), 2019. Regulatory Method WAT-RM-08: Sustainable Urban Drainage Systems (SUDS or SUD Systems), Version 6.4, July 2019 [online]. Available at: <https://www.sepa.org.uk/media/219048/wat-rm-08-regulation-of-sustainable-urban-drainage-systems-suds.pdf> (Accessed 21 August 2019).

**Table TA1.2.2: Summary of Scoping Responses from Consultees**

| Consultee | Topic and Opinion                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Our Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
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|           | <p><i>receiving waterbody. Further guidance on the design of SUDS systems and appropriate levels of treatment can be found in the CIRIA C697 manual entitled 'The SUDS Manual'<sup>6</sup>. Advice can also be found in the SEPA Guidance Note 'Planning advice on sustainable drainage systems (SUDS)'<sup>7</sup>. Please refer to the 'Regulations' section of our website<sup>8</sup> for details of regulatory requirements for surface water and SUDS. Comments should be sought from the local authority roads department and the local authority flood prevention unit on the acceptability of post-development runoff rates for flood control.</i></p> <p><i>Comments from Scottish Water should be sought where the SUDS proposals would be adopted by them. We encourage the design of SUDS to 'Sewers for Scotland'<sup>9</sup> standards and the adoption of SUDS features by Scottish Water as we are of the view that this leads to best standards and maintenance.</i></p> <p><i>The licensing requirements for SUDS and CAR [Controlled Activities Regulations] engineering have already been established during pre-application discussions with consulting engineers Sweco. Relevant applications are to be submitted once ready. The applicant should confirm the length of new roads constructed to determine if a construction site licence is required."</i></p> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|           | <p><b>Pollution Prevention and Environmental Management:</b> <i>"One of our key interests in relation to major developments is pollution prevention measures during the periods of construction, operation, maintenance, demolition and restoration. The construction phase includes construction of access roads, borrow pits and any other site infrastructure.</i></p> <p><i>We advise that the applicant should, through the EIA process or planning submission, systematically identify all aspects of site work that might impact upon the environment, potential</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <p>Mitigation to avoid, reduce or offset predicted significant effects on the water environment is included in Section 6.7 (Mitigation) of Chapter 6: Road Drainage and Water Environment in Volume 2, and full Schedule of Mitigation within Chapter 10: Schedule of Mitigation in Volume 2.</p> <p>Requirements for detailed management plans and method statements will be included with any relevant CAR licence applications, which will be agreed with SEPA prior to submission.</p> |

<sup>6</sup> CIRIA, 2007. The SuDS Manual (C753).

<sup>7</sup> SEPA, 2010. Land Use Planning System SEPA Guidance Note 2. Planning advice on Sustainable Drainage Systems (SUDS). Version 8, August 2010. LUPS-GU2.

<sup>8</sup> SEPA, 2018. Regulations [online]. Available at: <https://www.sepa.org.uk/regulations/> (Accessed on 30.08.18).

<sup>9</sup> Scottish Water, 2015. Sewers for Scotland - A technical specification for the design and construction of sewerage infrastructure. April 2015.

**Table TA1.2.2: Summary of Scoping Responses from Consultees**

| Consultee | Topic and Opinion                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Our Response                                                                                                                                                                                                                                                                                                                                                                                         |
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|           | <p><i>pollution risks associated with the proposals and identify the principles of preventative measures and mitigation. This will establish a robust environmental management process for the [proposed] development. A draft Schedule of Mitigation should be produced as part of this process. This should cover all the environmental sensitivities, pollution prevention and mitigation measures identified to avoid or minimise environmental effects. Please refer to the Pollution prevention guidelines<sup>12</sup>.</i></p> <p><i>A Construction Environmental Management Document is a key management tool to implement the Schedule of Mitigation. We recommend that the principles of this document are set out in the ES [EIA Report] outlining how the draft Schedule of Mitigation will be implemented. This document should form the basis of more detailed site specific Construction Environmental Management Plans which, along with detailed method statements, may be required by planning condition or, in certain cases, through environmental regulation. This approach provides a useful link between the principles of development which need to be outlined at the early stages of the project and the method statements which are usually produced following award of contract (just before development commences).</i></p> <p><i>Best practice advice developed by The Highland Council (in conjunction with industry and other key agencies) on the Construction Environmental Management Process is available in the guidance note 'Construction Environmental Management Process for Large Scale Projects'<sup>13</sup>.</i></p> | <p>An Environmental Management Plan (EMP) will be prepared and agreed with WLC and Transport Scotland before any works start, will provide details of how pollution prevention measures and other environmental management measures will be implemented on-site.</p> <p>The EMP will be a live document that the appointed Contractor will follow and update as the construction works progress.</p> |
|           | <p><u>Engineering Activities in the Water Environment:</u> <i>"In order to meet the objectives of the Water Framework Directive [2000/60/EC] of preventing any deterioration and improving the water environment, developments should be designed to avoid engineering activities in the water environment wherever possible. The water environment includes burns, rivers, lochs, wetlands, groundwater and reservoirs. We require it to be</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <p>The engineering works required for the proposed development, as well as relevant information as requested, is included within the M9 Winchburgh Junction – Stage 3 Scheme Assessment Report, Part 2: Engineering and Traffic Assessment.</p> <p>The original 2005 FRA for the Winchburgh Masterplan site demonstrated that the site was not at risk of flooding, and</p>                          |

<sup>12</sup> SEPA, NIEA & AERA, 2018. NetRegs: Guidance for Pollution Prevention (GPPs) – Full list [online]. Available at: <http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-pgps-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/> (Accessed on 30.08.18).

<sup>13</sup> Highland Council, 2010. Construction Environmental Management Process for Large Scale Projects, August 2010.

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| Consultee | Topic and Opinion                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Our Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
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|           | <p><i>demonstrated that every effort has been made to leave the water environment in its natural state. Engineering activities such as culverts, bridges, watercourse diversions, bank modifications or dams should be avoided unless there is no practicable alternative. Paragraph 255 of SPP [Scottish Planning Policy] deters unnecessary culverting. Where a watercourse crossing cannot be avoided, bridging solutions or bottomless or arched culverts which do not affect the bed and banks of the watercourse should be used. Further guidance on the design and implementation of crossings can be found in our 'River Crossings' good practice guide<sup>14</sup>. Other best practice guidance is also available within the 'Engineering [guidance]' section of our website<sup>15</sup>.</i></p> <p><i>If the engineering works proposed are likely to result in increased flood risk to people or property then a flood risk assessment should be submitted in support of the planning application and we should be consulted as detailed below.</i></p> <p><i>A site survey of existing water features and a map of the location of all proposed engineering activities in the water environment should be included in the ES [EIA Report] or planning submission. A systematic table detailing the justification for the activity and how any adverse impact will be mitigated should also be included. The table should be accompanied by a photograph of each affected water body along with its dimensions. Justification for the location of any proposed activity is a key issue for us to assess at the planning stage.</i></p> <p><i>Where developments cover a large area, there will usually be opportunities to incorporate improvements in the water environment required by the Water Framework Directive within and/or immediately adjacent to the [application] site either as part of mitigation measures for proposed works or as compensation for environmental impact. We encourage applicants to seek such opportunities to avoid or offset environmental impacts. Improvements which might be</i></p> | <p>that existing flood risk was reduced due to the attenuation and storage capacity of the SUDS.</p> <p>The inclusion of proposed SUDS is predicted to improve the quality of road runoff outfalling to the Swine Burn, and flood risk is predicted to be reduced, as highlighted above.</p> <p>The hydrology and flood modelling has been updated and the outputs are included in Chapter 6: Road Drainage and Water Environment in Volume 2.</p> <p>The inclusion of proposed SuDS is predicted to improve the quality of road runoff outfalling to the Swine Burn (see Section 6.7: Mitigation during Operation in Chapter 6: Road Drainage and Water Environment) in Volume 2 for more information.</p> |

<sup>14</sup> SEPA, 2010. Engineering in the water environment: good practice guide River crossings. Second edition, November 2010.

<sup>15</sup> SEPA, 2018. Engineering guidance [online]. Available at: <https://www.sepa.org.uk/regulations/water/engineering/engineering-guidance/> (Accessed on 30.08.18).

**Table TA1.2.2: Summary of Scoping Responses from Consultees**

| Consultee | Topic and Opinion                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Our Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|-----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|           | <p><i>considered could include the removal of redundant weirs, the creation of buffer strips and provision of fencing along watercourses. Fencing off watercourses and creating buffer strips both helps reduce the risk of diffuse water pollution and affords protection to the riparian habitat."</i></p> <p><u>Disruption to Wetlands Including Peatlands:</u> <i>"If there are wetlands or peatland systems present, the ES [EIA Report] or planning submission should demonstrate how the layout and design of the proposal, including any associated borrow pits, hard standing and roads, avoid impact on such areas.</i></p> <p><i>A Phase 1 habitat survey should be carried out for the whole [application] site and the guidance 'A Functional Wetland Typology for Scotland'<sup>16</sup>, should be used to help identify all wetland areas. National Vegetation Classification should be completed for any wetlands identified. Results of these findings should be submitted, including a map with all the proposed infrastructure overlain on the vegetation maps to clearly show which areas will be impacted and avoided.</i></p> <p><i>Groundwater dependent terrestrial ecosystems, which are types of wetland, are specifically protected under the Water Framework Directive. The results of the National Vegetation Classification<sup>17</sup> survey and Appendix 2 (which is also applicable to other types of developments) of our Planning guidance on windfarm developments<sup>18</sup> should be used to identify if wetlands are groundwater dependent terrestrial ecosystems.</i></p> <p><i>The route of roads, tracks or trenches within 100 m of groundwater dependent terrestrial ecosystems (identified in Appendix 2) should be reconsidered. Similarly, the locations of borrow pits or foundations within 250 m of such ecosystems should be reconsidered. If infrastructure cannot be relocated outwith the buffer zones of these ecosystems then the likely impact on them will require further assessment. This</i></p> | <p></p> <p>As per Chapter 7: Ecology and Nature Conservation (Section 7.4 Baseline Conditions) in Volume 2 the Phase 1 habitat survey was carried out across the whole site. No wetland habitats were identified, therefore National Vegetation Classification (NVC) surveys were not required. Similarly, no habitats were assessed to be Ground Water Dependand Terrestrial Ecosystems (GWDTEs).</p> <p>There are no peatlands within or in the immediate environs of the site.</p> |

<sup>16</sup> SNIFFER, 2009. WFD95: A Functional Wetland Typology for Scotland – Project Report. July 2009. ISBN: 978-1-906934-21-7.

<sup>17</sup> JNCC, 2018. NVC Publications [online]. Available at: <http://jncc.defra.gov.uk/page-4268> (Accessed on 30.08.18).

<sup>18</sup> SEPA, 2017. Land Use Planning System SEPA Guidance Note 4 – Planning guidance on on-shore windfarm developments. September 2017. LUPS-GU4.

| <b>Table TA1.2.2: Summary of Scoping Responses from Consultees</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                    |
|--------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Consultee</b>                                                   | <b>Topic and Opinion</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <b>Our Response</b>                                                                                                                                                |
|                                                                    | <p><i>assessment should be carried out if these ecosystems occur within or outwith the [application] site boundary so that the full impacts on the proposals are assessed. The results of this assessment and necessary mitigation measures should be included in the ES [EIA Report].</i></p> <p><i>For areas where avoidance is impossible, details of how impacts upon wetlands including peatlands are minimised and mitigated should be provided within the ES [EIA Report] or planning submission. In particular impacts that should be considered include those from drainage, pollution and waste management. This should include preventative/mitigation measures to avoid significant drying or oxidation of peat through, for example, the construction of access tracks, dewatering, excavations, drainage channels, cable trenches, or the storage and re-use of excavated peat. Detailed information on waste management is required as detailed below. Any mitigation proposals should also be detailed within the Construction Environmental Management Document as detailed below."</i></p> |                                                                                                                                                                    |
|                                                                    | <p><u>Disturbance and Re-use of Excavated Peat:</u> <i>"Where the proposed infrastructure will impact upon peatlands, a detailed map of peat depths (this must be to full depth) should be submitted. The peat depth survey should include details of the basic peatland characteristics.</i></p> <p><i>By adopting an approach of minimising disruption to peatland, the volume of excavated peat can be minimised, reducing CO<sub>2</sub> emissions and the commonly experienced difficulties in dealing with surplus peat. The generation of surplus peat is a difficult area which needs to be addressed from the outset given the limited scope for re-use.</i></p> <p><i>The ES [EIA Report] or planning submission should detail the likely volumes of surplus peat that will be generated, including quantification of catotelmic and acrotelmic peat, and the principles of how the surplus peat will be reused or disposed of.</i></p> <p><i>There are important waste management implications of measures to deal with surplus peat as set out within our</i></p>                                | <p>No peatlands or peat soils have been identified in the vicinity of the proposed development and will therefore not be impacted by the proposed development.</p> |

**Table TA1.2.2: Summary of Scoping Responses from Consultees**

| Consultee | Topic and Opinion                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Our Response                                                                                                                                                                                                                                                      |
|-----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|           | <p><i>'Regulatory Position Statement – Developments on Peat'<sup>19</sup>. Landscaping with surplus peat (or soil) may not be of ecological benefit and consequently a waste management exemption may not apply. In addition we consider disposal of significant depth of peat as being landfilled waste, and this again may not be consentable under our regulatory regimes. Experience has shown that peat used as cover can suffer from significant drying and oxidation, and that peat redeposited at depth can lose structure and create a hazard when the stability of the material deteriorates. This creates a risk to people who may enter such areas or through the possibility of peat slide and we are aware that barbed-wire fencing has been erected around some sites in response to such risks.</i></p> <p><i>It is therefore essential that the scope for minimising the extraction of peat is explored and alternative options identified that minimise risk in terms of carbon release, human health and environmental impact. Early discussion of proposals with us is essential, and an overall approach of minimisation of peatland disruption should be adopted. If it is proposed to use some excavated peat within borrow pits or bunding then details of the proposals, including depth of peat and how the hydrology of the peat will be maintained, should be outlined in the ES [EIA Report] or planning submission.</i></p> <p><i>Our 'Energy/Renewable' webpage<sup>20</sup> provides links to current best practice guidance on peat survey, excavation and management."</i></p> |                                                                                                                                                                                                                                                                   |
|           | <p><u>Existing Groundwater Abstractions:</u> <i>"Roads, foundations and other construction works associated with large scale developments can disrupt groundwater flow and impact on groundwater abstractions. To address this risk a list of groundwater abstractions both within and outwith the [application] site boundary, within a radius of i)100 m from</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <p>Information on existing groundwater abstractions was requested from SEPA (email 19<sup>th</sup> November 2019). SEPA's response (9<sup>th</sup> December 2019) indicated there were no abstraction authorisations within 500m of the proposed development.</p> |

<sup>19</sup> SEPA, 2010. SEPA Regulatory Position Statement – Developments on Peat. February 2010.

<sup>20</sup> SEPA, 2018. Renewable [online]. Available at: <https://www.sepa.org.uk/environment/energy/renewable/> (Accessed on 30.08.18).

| <b>Table TA1.2.2: Summary of Scoping Responses from Consultees</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                  |
|--------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------|
| <b>Consultee</b>                                                   | <b>Topic and Opinion</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <b>Our Response</b>                                                                                              |
|                                                                    | <p>roads, tracks and trenches and ii) 250 m from borrow pits and foundations should be provided.</p> <p>If groundwater abstractions are identified within the 100 m radius of roads, tracks and trenches or 250 m radius from borrow pits and foundations, then either the applicant should ensure that the route or location of engineering operations avoid this buffer area or further information and investigations will be required to show that impacts on abstractions are acceptable. Further details can be found in Appendix 2 (which is also applicable to other types of developments) of our Planning guidance on windfarm developments.”</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                  |
|                                                                    | <p><u>Water Abstraction:</u> “Where water abstraction is proposed we request that the ES, or planning submission, details if a public or private source will be used. If a private source is to be used the information below should be included. Whilst we regulate water abstractions under The Water Environment (Controlled Activities) (Scotland) Regulations 2011<sup>21</sup> (as amended), we require the following information to determine if the abstraction is feasible in this location:</p> <ul style="list-style-type: none"> <li>▪ Source e.g. ground water or surface water;</li> <li>▪ Location e.g. grid ref and description of site;</li> <li>▪ Volume e.g. quantity of water to be extracted;</li> <li>▪ Timing of abstraction e.g. will there be a continuous abstraction;</li> <li>▪ Nature of abstraction e.g. sump or impoundment;</li> <li>▪ Proposed operating regime e.g. details of abstraction limits and hands off flow;</li> <li>▪ Survey of existing water environment including any existing water features;</li> <li>▪ Impacts of the proposed abstraction upon the surrounding water environment.</li> </ul> <p>If other development projects are present or proposed within the same water catchment then we advise that the applicant</p> | <p>No water abstractions (either from a public or private source) are required for the proposed development.</p> |

<sup>21</sup> HMSO, 2011. The Water Environment (Controlled Activities) (Scotland) Regulations 2011.

**Table TA1.2.2: Summary of Scoping Responses from Consultees**

| Consultee                                     | Topic and Opinion                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Our Response                                                                                                    |
|-----------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------|
|                                               | <p><i>considers whether the cumulative impact upon the water environment needs to be assessed. The ES [EIA Report] or planning submission should also contain a justification for the approach taken."</i></p> <p><b>Borrow Pits:</b> <i>"Scottish Planning Policy (SPP) states (Paragraph 243) that "Borrow pits should only be permitted if there are significant environmental or economic benefits compared to obtaining material from local quarries, they are time-limited; tied to a particular project and appropriate reclamation measures are in place." The ES [EIA Report] or planning submission should provide sufficient information to address this policy statement.</i></p> <p><i>Additionally, a map of all proposed borrow pits must be submitted along with a site specific plan of each borrow pit detailing the:</i></p> <ul style="list-style-type: none"> <li><i>a) Location, size, depths and dimensions of each borrow pit;</i></li> <li><i>b) Existing water table and volumes of all dewatering;</i></li> <li><i>c) Proposed drainage and settlement traps, turf and overburden removal and storage areas;</i></li> <li><i>d) Restoration profile, nature and volume of infill materials, and, if wetland features form part of the restoration, management proposals.</i> <p><i>The impact of such facilities (including dust, blasting and impact on water) must be assessed in accordance with Planning Advice Note (PAN) 50 'Controlling the Environmental Effects of Surface Mineral Workings'<sup>22</sup> (Paragraph 53). In relation to groundwater, information (Paragraph 52 of PAN 50) only needs to be provided where there is an existing abstraction or GWDTE [groundwater dependent terrestrial ecosystem] within 250 m of the borrow pit."</i></p> </li></ul> | <p>No borrow pits for construction materials/earthworks are required for the proposed development.</p>          |
| <p><b>Scottish Natural Heritage (SNH)</b></p> | <p><b>LVIA:</b> <i>"We are generally content with the proposed LVIA process. We note the intention to agree viewpoints with both West Lothian Council and SNH. It is not necessary for SNH to</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <p>No response necessary. SNH content with proposed EIA scope and acceptance of agreed viewpoints with WLC.</p> |

<sup>22</sup> The Scottish Office, 1996. Planning Advice Note (PAN) 50: Controlling the Environmental Effects of Surface Mineral Workings. ISBN 0 7480 5652 1.

| <b>Table TA1.2.2: Summary of Scoping Responses from Consultees</b>               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                |
|----------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Consultee</b>                                                                 | <b>Topic and Opinion</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <b>Our Response</b>                                                                                                                                                            |
| Received via email on 01 August 2018, sent by Carolyn Clark (Operations Manager) | <p><i>agree the viewpoints although we are happy to provide advice to WLC if required.</i></p> <p><i>Mitigation measures will be included within the EIA report and included if necessary within the landscaping proposals. We recommend that this should be an iterative process with results of the LVIA informing the mitigation and landscaping required, feeding into the design of the proposal.</i></p> <p><i>Our website has information for planners and developers on a range of topics. For landscape and landscape assessment advice, see SNH [web]pages:</i></p> <ul style="list-style-type: none"> <li>▪ <i>Planning and development: Landscape<sup>23</sup></i></li> <li>▪ <i>Landscape tools and techniques<sup>24</sup></i></li> <li>▪ <i>Landscape, planning and development<sup>25</sup>.</i></li> </ul> |                                                                                                                                                                                |
|                                                                                  | <p><u>Ecology</u>: <i>"We are content with the scope of protected species surveys to be included in the EIA and note these will include: otter, badger, bat, water vole and great crested newt. Required mitigation will be described within the EIA and this should include any likely licence requirements and species protection plans.</i></p> <p><i>For species surveys and licensing advice, see SNH [web]page:</i></p> <ul style="list-style-type: none"> <li>▪ <i>Natural Heritage advice for planners and developers<sup>26</sup>.</i></li> </ul>                                                                                                                                                                                                                                                                  | SNH content with proposed EIA scope. Mitigation during construction and operation is discussed within Chapter 7: Ecology and Nature Conservation (Section 7.7: Mitigation).    |
|                                                                                  | <p><u>Pedestrian and Cycle Access</u>: <i>"It is noted that this topic will be scoped out of the EIA as no significant impacts are envisaged, and provisions for access will be incorporated into the design of the proposal and described within the proposed development information."</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | No response necessary. SNH content with proposed EIA scope. Refer to Ramboll's response to WLC – Planning's comments earlier in this table regarding pedestrians and cyclists. |

<sup>23</sup> SNH, 2018. Planning and development [online]. Available at: <https://www.nature.scot/professional-advice/planning-and-development/general-advice-planners-and-developers/planning-and-development-landscape> (Accessed on 03.08.18).

<sup>24</sup> SNH, 2018. Landscape tools and techniques [online]. Available at: <https://www.nature.scot/professional-advice/landscape-change/landscape-tools-and-techniques> (Accessed on 03.08.18).

<sup>25</sup> SNH, 2018. Landscape, planning and development [online]. Available at: <https://www.nature.scot/professional-advice/landscape-change/landscape-policy-and-guidance/landscape-planning-and-development> (Accessed on 03.08.18).

<sup>26</sup> SNH, 2018. Natural Heritage advice for planners and developers [online]. Available at: <https://www.nature.scot/professional-advice/planning-and-development/natural-heritage-advice-planners-and-developers> (Accessed on 03.08.18).

| <b>Table TA1.2.2: Summary of Scoping Responses from Consultees</b>                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                            |
|------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------|
| <b>Consultee</b>                                                                                                             | <b>Topic and Opinion</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <b>Our Response</b>                                        |
| <b>Scottish Water (SW)</b>                                                                                                   | Scottish Water were contacted via email on 4, 17 and 31 July 2018, as well as follow up phone calls, to provide an opinion on the EIA Scoping Report; however, Scottish Water did not provide a formal response.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | N/A                                                        |
| <b>Historic Scotland (HS)</b><br>Received via email on 27 July 2018, sent by William Kidd (Business Support Officer EIA/SEA) | <p><i>General and Heritage: "We have reviewed the information provided in the submitted Scoping Report. We note that Duntarvie Castle, which is a scheduled monument (SM1905) and a category A listed building (LB6422) has been recognised as the heritage asset most likely to have its setting affected by the proposal. It is further noted in Section 4.2.2 of the Report that assessing views to and from the Castle, as well as the remains of the garden and parkland surrounding the Castle will be important.</i></p> <p><i>The Scoping Report proposes to restrict an EIA assessment to potential impacts on the setting of Duntarvie Castle. Given the nature of the proposal and its proximity to the Castle, which lies immediately north of the site boundary, we agree that this heritage is most likely to be impacted upon by the proposed development. We therefore agree that the focus of the EIA report should be this asset.</i></p> <p><i>Finally, we can confirm that we are content with the proposed scope of assessment for sites within our remit, the approach to baseline data collection, prediction of environmental effects and the assessment of significance, as presented in the Scoping Report."</i></p> | No response necessary. HS content with proposed EIA scope. |

**Table TA1.2.2: Review of Potential Viewpoints for LVIA**

| Viewpoint (VP) |                                         | Grid Reference | Rationale for Inclusion/ Exclusion                                                                                                                                     |
|----------------|-----------------------------------------|----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1              | B9080 (M9 Overbridge)*                  | NT100752       | Representative of road users (M9/ B9080), core path users and located on the edge of Winchburgh Masterplan boundary                                                    |
| 2              | B9080 – western approach to Winchburgh* | NT082751       | Location updated from that presented at Scoping, representative of recently developed western edge of Winchburgh                                                       |
| 3              | Union Canal Footpath and Cycleway*      | NT087756       | Deleted VP – no actual view of junction from this location                                                                                                             |
| 4              | Winchburgh Road*                        | NT081741       | Deleted VP – no actual view of junction from this location                                                                                                             |
| 5              | Tippet Knowes Road Winchburgh*          | NT082747       | Deleted VP – no actual view of junction from this location                                                                                                             |
| 6              | B8020 Beatlie Road                      | NT091758       | Representative of recent residential development at Block AA, rail users, local road users                                                                             |
| 7              | Totley Wells                            | NT096765       | Representative of local road users, scattered residential properties                                                                                                   |
| 8              | Minor road between B8020 and Duntarvie  | NT087768       | Representative of residential receptors at Duntarvie and of the setting of Duntarvie Castle                                                                            |
| 9              | Winchburgh Road, B8020                  | NT090767       | Not included. No view from this location – tree cover and topography obscure any view to application site                                                              |
| 10             | Minor road between Swineburn and B9080  | NT107753       | Not included. No view from this location – tree cover and topography obscure any view to application site                                                              |
| 11             | B9080, west of Glendevon                | NT071754       | Not included. No view from this location – tree cover and topography obscure any view to application site                                                              |
| 12             | Duntarvie Castle                        | Not assessed   | Not included. Represented by VP 8                                                                                                                                      |
| 13             | Housing at Block AA                     | Not assessed   | Not included. Worst case scenario presented by VP6 – railway line would obscure ground floor view from Block AA site when view taken from publicly accessible location |

\* denotes those VPs that were initially identified by Ramboll for assessment as part of the scoping process.

| <b>Table TA1.2.3: Final Viewpoints for Inclusion in the LVIA</b> |                                        |                       |                                                                                                                     |
|------------------------------------------------------------------|----------------------------------------|-----------------------|---------------------------------------------------------------------------------------------------------------------|
| <b>Final Proposed Viewpoints (VP)</b>                            |                                        | <b>Grid Reference</b> | <b>Rationale for Inclusion</b>                                                                                      |
| 1                                                                | B9080 (M9 Overbridge)                  | NT100752              | Representative of road users (M9/ B9080), core path users and located on the edge of Winchburgh Masterplan boundary |
| 2                                                                | B9080 – western approach to Winchburgh | NT082751              | Location updated from that presented at Scoping, representative of recently developed western edge of Winchburgh    |
| 3                                                                | B8020 Beatlie Road                     | NT091758              | Representative of recent residential development at Block AA, rail users, local road users                          |
| 4                                                                | Totley Wells                           | NT096765              | Representative of local road users, scattered residential properties                                                |
| 5                                                                | Minor road between B8020 and Duntarvie | NT087768              | Representative of residential receptors at Duntarvie and of the setting of Duntarvie Castle                         |

## **ANNEX 1: TRANSPORT SCOTLAND'S SCOPING COMMENTS**

| Road Orders Evidence - Comments On Approach to Date |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                         |
|-----------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|
| #                                                   | TS Comment – January 2019                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | WVL Response - April 2019                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | TS Response 21 May 2019                                                                                                 |
| 1                                                   | <p>The central idea animating environmental impact assessment (EIA) is to ensure decisions affecting the environment are made through a comprehensive evaluation of predicted impacts.</p> <p>Notwithstanding their evaluative mandate, EIA processes do not, in isolation, impose specific environmental standards, but rely on the creation of open, participatory and information-rich decision-making settings to bring about environmentally benign outcomes.</p> <p>With the above in mind, the following Transport Scotland policy framework for Transport appraisal of roads projects includes a requirement to provide evidence in response to the following (comment 2 to 10 inclusive) key policy documents.</p>                                                                                        | <p>Environmental Impact Assessments (EIA) is a process for Applicants of upcoming schemes/projects to assess those environmental technical topics that are likely to result in significant effects as a result of a proposed development pre-planning submission. The EIA Scoping stage, undertaken in mid-2018, was to gain the opinions of consultees - of which has been incorporated into the current EIA scope. Transport Scotland were invited to give an opinion on the EIA scope in 2014 (no opinion given) and again in June 2018 for the revised scheme, of which we received initial contact in October 2018.</p> | <p>Noted.</p> <p>Transport Scotland will conduct an independent audit of the EIA documents when they are available.</p> |
| 2                                                   | <p><a href="#">Cleaner Air for Scotland Strategy (CAFS)</a></p> <p>LP4 - Design, develop and implement a two-level modelling system for regional and local scales to provide evidence for appraising and identifying potential transport and planning solutions to local air quality issues.</p> <p>LP5 - Evaluate the requirements of a regional model and then support its development during the first two years of implementing CAFS.</p> <p>LP6 - Develop guidance and promote a support network for all practitioners involved in reviewing and assessing local impacts on air quality resulting from regional decision making.</p> <p>T3 - We will work with partners to deliver our shared vision in the Cycling Action Plan for Scotland that by 2020, 10% of everyday journeys will be made by bike.</p> | <p>LP4, LP5 and LP6 noted, the air quality assessment for the M9 Junction is being undertaken using two-level modelling on a local and regional basis.</p> <p>T3 - The Winchburgh Masterplan identifies an extensive network of new cycle facilities to maximise opportunities for cycling and walking (see Figure 7.34). The M9 Junction design incorporates a new shared use NMU facility on the B8020 route to link with the development proposals.</p>                                                                                                                                                                   | <p>Noted.</p> <p>A gathering together of this evidence in a SUMP would be useful</p>                                    |
| 3                                                   | <p><a href="#">Cycling Action Plan for Scotland (2017 to 2020)</a></p> <p>2. Develop for each local area the strategic approach to supporting functional cycling (and active travel more broadly), mapping the appropriate infrastructure improvements required along with supporting promotional work to achieve tangible changes in travel choices.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <p>A core objective of the Masterplan is to encourage movements on foot, bike, bus and train rather than journeys made by private vehicle (see section 7.10). Figure 7.34 shows the strategic approach to achieving this.</p>                                                                                                                                                                                                                                                                                                                                                                                                | <p>Noted.</p> <p>A gathering together of this evidence in a SUMP would be useful.</p>                                   |

| Road Orders Evidence - Comments On Approach to Date |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                         |
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| #                                                   | TS Comment – January 2019                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | WVL Response - April 2019                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | TS Response 21 May 2019                                                                                                 |
| 4                                                   | <p><a href="#">Design Manual for Roads and Bridges (DMRB)</a><br/>Volume 1, Environmental Assessment notes some of the following.</p> <p>The Overseeing Organisation of a project requiring an EIA must publish an Environmental Statement including a Non-Technical Summary</p> <p>In the cases where an EIA is not a mandatory requirement, projects still require adequate assessment to establish whether environmental issues arise, and if so, what their likely significance is, in order to inform good planning, option choice, design, and project construction and implementation.</p> <p><a href="#">HA 207/07 - Air Quality</a> provides guidance on the assessment of the impacts that road projects may have on the air environment.</p> | <p>The proposed M9 junction was screened on 26 September 2014 by Transport Scotland, deemed the junction to be an 'EIA Development', therefore an EIA is required in support of the final submission. Therefore, comment regarding an EIA not being mandatory is not applicable in this case as an EIA will/is being undertaken for the proposed junction.</p> <p>As standard, and required by the EIA Regulations, Ramboll (on behalf of the 'Applicant' - Winchburgh Developments) will be preparing an Environmental Statement (hereafter the 'EIA Report') and a supporting Non-Technical Summary in relation to the proposed M9 Junction application.</p> | <p>Noted.</p> <p>Transport Scotland will conduct an independent audit of the EIA documents when they are available.</p> |
| 5                                                   | <p><a href="#">The Environmental Noise (Scotland) Regulations 2006</a></p> <p>Places a requirement on the development of <a href="#">Transportation Noise Action Plans</a> and the identification of Candidate Noise Management Areas.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Noted.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Noted                                                                                                                   |
| 6                                                   | <p><a href="#">Flood Risk (Scotland) Management Act Scotland</a></p> <p>The <a href="#">Local Flood Risk Management Plan for the Forth Estuary Local Plan District</a> notes a PVA near Winchburgh. This notes planned drainage improvement works to protect the railway from flooding are now completed. Further work planned 2017/18 with Niddry Burn bridge replacement in Network Rail Capital Programme, 2019/2024.</p>                                                                                                                                                                                                                                                                                                                            | <p>All noted. Niddry Burn is not in proximity to the proposed motorway junction.</p> <p>Supplementary flood risk assessment work, localised to the motorway junction, is currently being undertaken.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Noted                                                                                                                   |
| 7                                                   | <p><a href="#">Local Air Quality Management in Scotland (LAQM)</a></p> <p>Section 5.2.3.3 of the <a href="#">Broxburn Air Quality Action Plan</a> specifically relates to the Winchburgh M9 junction.</p> <p><a href="#">The 2018 Air Quality Annual Progress Report (APR) for Edinburgh City Council</a> notes the new road crossing over the Forth estuary - Queensferry Crossing – opened at the end of</p>                                                                                                                                                                                                                                                                                                                                          | <p>All noted.</p> <p>Is the Queensferry Crossing report now available?</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <p>Noted.</p> <p>We will search for the Queensferry Crossing report.</p>                                                |

| Road Orders Evidence - Comments On Approach to Date |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                          |
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| #                                                   | TS Comment – January 2019                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | WVL Response - April 2019                                                                                                                                                                                                                                                                                                   | TS Response 21 May 2019                                                                                                                                                                  |
|                                                     | August 2017. Transport Scotland has a plan for evaluating progress towards achieving the project’s objectives, and is due to carry out a full post–project evaluation in late 2018.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                          |
| 8                                                   | <p><a href="#">Building Scotland's Low Emission Zones (BSLEZ)</a></p> <p>The Scottish Government’s Programme for Government 2017 states that, in partnership with local authorities, we will introduce Low Emission Zones (LEZ) into Scotland’s four biggest cities between 2018 and 2020, and into all other Air Quality Management Areas (AQMA) by 2023 where the National Low Emission Framework appraisals advocate such mitigation.</p> <p>The <a href="#">Scottish Air Quality Database (SQAD)</a> notes there are 3 AQMA in West and 6 in the City of Edinburgh. Some of these will be directly impacted by the Scheme</p>                                                                                                                                                                                 | The effects on AQMAs in the area will be addressed in the EIAR.                                                                                                                                                                                                                                                             | Noted                                                                                                                                                                                    |
| 9                                                   | <p><a href="#">Scottish Transport Appraisal Guidance (STAG)</a></p> <p>Intended to provide transport practitioners working on Scottish based transport projects, or any other interested party, with access to the latest information and guidance that they will need when developing and assessing transport schemes and strategies.</p> <p><a href="#">STAG</a> notes The Government’s particular transport purpose is to focus investment on making connections across and with Scotland better, improving reliability and journey times, seeking to maximise the opportunities for employment, business, leisure and tourism. Additionally, to provide sustainable, integrated and cost effective public transport alternatives to the private car, connecting people, places and work, across Scotland.</p> | <p>All noted.</p> <p>A STAG Part1 Report was produced in the initial planning stages. This was effectively superseded by the production of an “Appropriate Appraisal” in 2010 which examined the effects of alternative access strategies and confirmed TS had sufficient evidence to support a new junction on the M9.</p> | <p>Noted.</p> <p>Could we have a copy of the STAG Part 1 report.</p> <p>This may require an update (addendum) in the light of a series of significant policy documents noted earlier</p> |
| 10                                                  | Recent <a href="#">NICE Guidance</a> recommends Local Authorities should prioritise pedestrians and cyclists when planning new roads.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Noted, but only relevant to side road as motorway restrictions apply to new slip roads. Side road design incorporates shared pedestrian, cyclist, horse rider facility.                                                                                                                                                     | Noted.<br>It may be useful in any SUMP, to refer to how these guidelines will be include in any development design.                                                                      |

| August 2008 Development Appraisal Comments |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                   |                                                                                                                                                                                                                          |
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| #                                          | Key Previous Comments – January 2019                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | WVL Response – April 2019                                                                                                                                                                                                         | TS Response 9 May 2019                                                                                                                                                                                                   |
| 1                                          | <p>On balance the Development Appraisal (DA) does demonstrate the overall policy benefits that the development can deliver with regard to housing, the economy and social inclusion and this was considered against the disbenefit to the existing transport network. Transport Scotland would therefore agree that there is a sufficient case to set aside policy and consider the provision of a new trunk road junction on the M9 motorway as part of the access strategy for the proposed Winchburgh development.</p>                                        | Noted                                                                                                                                                                                                                             | Noted                                                                                                                                                                                                                    |
| 2                                          | <p>It should be noted a positive outcome from the DA is not in itself a guarantee that direct access to the trunk road network will be approved and the requirements of the Replacement Forth Crossing may also affect the final solution. The subsequent appraisal will need to consider a full range of access strategies.</p>                                                                                                                                                                                                                                 | <p>The subsequent appraisal referred to is the “Appropriate Appraisal, 2010” which provided sufficient evidence to support a new junction on the M9 as part of the access strategy.</p>                                           | <p>Noted.</p> <p>Notwithstanding the above, the approval given at the time mentioned the need to assess the project within the current transport conditions and policies.</p> <p>These are noted in other responses.</p> |
| 3                                          | <p>On road network capacity and road safety the following was noted.</p> <ul style="list-style-type: none"> <li>Section 3.6.1 contains an assessment of the existing road network capacity and examines the spare capacity of the M9 based on MDT flows.</li> <li>On the strategic network the current MDT traffic (2007) on the M9 is 58,400 vehicles, DMRB guidance indicates that the "Congestion Reference Flow" for the M9 is 116,000 vehicles MDT, apparently indicating significant spare capacity. However, it is noted that there is already</li> </ul> | <p>The methodology used in this assessment comes from TA46/97 and deals with link (not junction) congestion. Note that Winchburgh Developments Ltd is making a developer contribution to overcoming congestion at this locus.</p> | <p>Noted.</p> <p>An assessment of the traffic impact on the link is considered appropriate.</p>                                                                                                                          |

| August 2008 Development Appraisal Comments |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                           |                        |
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| #                                          | Key Previous Comments – January 2019                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | WVL Response – April 2019 | TS Response 9 May 2019 |
|                                            | road congestion and delays occurring on the strategic road network on the Newbridge Grade Separated Junction indicating that this is unlikely to be the case.                                                                                                                                                                                                                                                                                                                                                                                   |                           |                        |
| 4                                          | The DA also identifies weaknesses in the local road network with localised peak congestion at the B9080 junction in Kirkliston and the A899/B8020 junction in Broxburn.                                                                                                                                                                                                                                                                                                                                                                         | Noted                     | Noted                  |
| 5                                          | The analysis (based on West Lothian Council and City of Edinburgh Council data from 2000-2004 that shows that the accident record for the local roads, including the M9), is less than the national average accident rates.                                                                                                                                                                                                                                                                                                                     | Noted                     | Noted                  |
| 6                                          | <p>The DA report is concerned with the current situation (Le. without the development in place) but as considerable work has already been undertaken on the Transport Assessment of the WDI development it is pertinent to refer to that here.</p> <p>The audit of the Transport Assessment has identified that there is insufficient spare capacity on the M9 to accommodate the traffic generated by the COA, therefore we would agree with the score of Moderate Adverse awarded for the Road Network Capacity and Safety sub-objective.</p> | Noted                     | Noted                  |
| 7                                          | The OA claims some reduction in trips to access services in Linlithgow, and Broxburn although a Neutral score has been awarded for this sub-criterion.                                                                                                                                                                                                                                                                                                                                                                                          | Noted                     | Noted                  |

| August 2008 Development Appraisal Comments |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                    |                                                                                               |
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| #                                          | Key Previous Comments – January 2019                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | WVL Response – April 2019                                                                                                                                                                                                                          | TS Response 9 May 2019                                                                        |
| 8                                          | <p>Public transport provision analysis questions.</p> <ul style="list-style-type: none"> <li>• Some public transport provision listed in error, the DA does not discuss current access to the rail network.</li> <li>• In terms of cycling and pedestrian facilities, DA report shows the catchment areas within sixty minutes cycle ride of Winchburgh, assuming average speeds of 9mph.</li> <li>• Whilst a number of employment sites and residential areas such as Queensferry, Linlithgow and parts of Livingston are accessible within 60 minutes cycle time of Winchburgh, only Queensferry and East Mains industrial lie within 30 minutes cycle time.</li> <li>• Neither the maps nor the text make clear the level of provision of cycle facilities, with only the Union Canal Towpath (part of NCN route 75) referred to specifically. The DA does not present any details of walking facilities.</li> </ul> | <p>All noted.</p> <p>The development appraisal does not deal with details of cycling and walking facilities as it is a strategic level document. The Transport Assessment (and Masterplan) demonstrate the level of provision for these modes.</p> | <p>Noted.</p> <p>An assessment of the points noted here should be considered in any SUMP.</p> |

| Winchburgh M9 Junction EIA Scoping Report |                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                        |
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| #                                         | Comment – January 2019                                                                                                                                                                                                                                                                                                                                                                                                                                 | WVL Response – April 2019                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | TS Response – 9 May 2019                                                                                               |
| 1                                         | <p>EIA Scoping Report created 22 June 2018 by Ramboll. Some outline questions on this are as follows</p> <ul style="list-style-type: none"> <li>• Has there been a delay between production of the report and delivery to Transport Scotland.</li> <li>• Has the report been updated since original production.</li> <li>• Have any of the other project partners (Environ, SWECO, Winchburgh Developments) provided input to the document.</li> </ul> | <p>Initially, an EIA Scoping Report was prepared in November 2014 by ENVIRON (now Ramboll) (document reference: UK12-20662), which was issued to Sinead Thom to provide an EIA Scoping Opinion. No formal scoping opinion response was received from Transport Scotland regarding the EIA scope. The M9 junction proposal was subsequently put on hold until 2018.</p> <p>Once the M9 junction proposal was restarted in 2018, an updated version of the EIA Scoping Report was again issued to Sinead on 22 June 2018 and also to Cameron (Graeme Paget cc'd) on 04 July 2018.</p> <p>Subsequent correspondence between Maeve and Sinead occurred, of which Sinead stated (by email on 03 July 2018): <i>"As discussed during our phone call yesterday a formal scoping opinion is not a requirement under the RSA Regulations however it is good practice to consult and seek input from statutory bodies, local councils, public bodies or key stakeholders that are likely to have views on the scope of the environmental assessment for this particular project. Normally the consultants send and receive the consultation letters on our behalf and CC in TS / specific TS Project Manager for the scheme (Graeme Paget copied). With regards to your consultee list, it seems you have covered the key stats"</i>.</p> <p>No further response from Transport Scotland regarding the EIA Scoping Report was received until initial contact in October 2018 (4 months after the</p> | <p>Noted.</p> <p>Transport Scotland will conduct an independent audit of the EIA documents when they are available</p> |

| Winchburgh M9 Junction EIA Scoping Report |                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                 |
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| #                                         | Comment – January 2019                                                                                                                                                                                                                               | WVL Response – April 2019                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | TS Response – 9 May 2019                                                                                                        |
|                                           |                                                                                                                                                                                                                                                      | <p>Scoping Report was issued for comment). The set of Transport Scotland comments we are currently addressing represents the first formal scoping opinion Transport Scotland has given Ramboll towards the proposed M9 junction EIA.</p> <p>Note: the EIA Scoping Report (and thus technical scopes) was prepared in consultation with the appointed technical specialists on the EIA team.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                 |
| 2                                         | <p>Are there other background reports available (such as the following).</p> <ul style="list-style-type: none"> <li>• Sustainable transport report.</li> <li>• Stakeholder discussions.</li> <li>• Review of policy documents since 2010.</li> </ul> | <p>There is no specific sustainable transport report associated with the Winchburgh Masterplan (or motorway junction). A condition within the planning permission in principle requires travel plans to be produced for each development block, which has been the case for the completed infrastructure. The Transport Assessment provides an overall framework for developing these.</p> <p>The planning permission in principle required that a Public Transport Strategy be developed and agreed with the council prior to the occupation of 750 houses. This document will take into account the rail station delivery programme and develop plans for enhancing bus services.</p> <p>Ramboll have collated the consultee responses to date from the EIA Scoping Opinion request, which include responses from: Scottish Environment Protection Agency (SEPA); West Lothian Council (WLC) Planning and Transport Departments; Scottish Natural Heritage; and Historic Scotland. Note: Scottish Water was approached for an EIA Scoping Opinion, however this was never received.</p> <p>The collated responses, and how these have addressed them in</p> | <p>Noted.</p> <p>As discussed within this note a SUMP would greatly assist in collating the sustainable transport approach.</p> |

| Winchburgh M9 Junction EIA Scoping Report |                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                          |
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| #                                         | Comment – January 2019                                                                                                                                                                                                                                                                                                                                                                                                                                                        | WVL Response – April 2019                                                                                                                                                                                                                                                                                                                                                                                                                       | TS Response – 9 May 2019 |
|                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | the EIA, will be provided as an appendix to the EIA Report for transparency - as standard. Baseline reporting/studies will also be appended to the EIA Report.                                                                                                                                                                                                                                                                                  |                          |
| 3                                         | <p>EIA important however it would be useful to discuss other relevant documents and consenting mechanisms, such as the following.</p> <ul style="list-style-type: none"> <li>• AQMA.</li> <li>• CNMA.</li> <li>• Cycling Strategy.</li> <li>• LEZs.</li> <li>• Parking Consultation.</li> <li>• Sustainable Transport report</li> <li>• <a href="#">Switched on Scotland Phase 2 (An Action Plan for Growth)</a></li> <li>• Transport Scotland Transport Strategy.</li> </ul> | <p>AQMAs, CNMAs and LEZs will be taken into account in the EIA process.</p> <p>No specific cycle strategy documented. WCHAR Assessment is being undertaken for motorway junction.</p> <p>Parking provision in Masterplan is in accordance with local authority requirements.</p> <p>No sustainable transport report as noted in 2.3.2 above.</p> <p>Switched on Scotland Phase 2 and TS Transport Strategy can be referenced in EIA Report.</p> | <b>Noted.</b>            |
| 4                                         | In the spirit of collaboration and partnership it would be helpful if we could have digital outputs from the various models.                                                                                                                                                                                                                                                                                                                                                  | The EIA Report will provide technical appendices which will present the 'behind the scenes' data for several of the technical assessments.                                                                                                                                                                                                                                                                                                      | Noted                    |

| EIA Background Comments. |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                          |                                                                                                                                                                      |
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| #                        | Comments – January 2019                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | WVL Response – April 2019                                                                                                                                | TS Response – 9 May 2019                                                                                                                                             |
| 1                        | <p>Page 1, 1.1, paragraph 1, notes an application request will be made for Transport Scotland to publish orders under the Roads Scotland Act 1984 to construct a new motorway junction on the M9 at Duntarvie, Winchburgh</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Noted                                                                                                                                                    | <p>Noted.</p> <p>Notwithstanding any comments in this section Transport Scotland will conduct an independent audit of the EIA documents when they are available.</p> |
| 2                        | <p>Page 1, 1.1, paragraph 4, notes “The details of the newly proposed M9 motorway junction are now in the process of being defined and the potential for significant impacts associated with this proposed development has been considered in determining the proposed scope of the EIA; the information available at the time of, and generated as part of, the 2006 Winchburgh Masterplan ES and has been used to inform the proposed scope of the EIA presented within this Scoping Report”. This is not line with the detail of the approval, and suggests current traffic movements should be considered.</p> <p>As noted earlier other major changes include the following.</p> <ul style="list-style-type: none"> <li>• CAFS .</li> <li>• LEZs.</li> </ul> <p>Reference to these, and other documents, is required.</p> | Noted                                                                                                                                                    | Noted                                                                                                                                                                |
| 3                        | <p>Page 1, 1.2, this refers to the requirement to complete an EIA. This is merely the legislative part of providing evidence for roads orders. Additional requirements are as follows.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Noted                                                                                                                                                    | Noted                                                                                                                                                                |
| 4                        | <p>Page 2, Line 1, Notes EIA Regulation 17 - Procedure to facilitate preparation of environmental statements, applies to the scheme (details of this below).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <p>As stated in the first line of the EIA Scoping Report, “An application is to be made by Winchburgh Developments Ltd (hereafter referred to as the</p> | <p>Noted.</p> <p>Details of the background would be useful in a SUMP.</p>                                                                                            |

| EIA Background Comments. |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                          |
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| #                        | Comments – January 2019                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | WVL Response – April 2019                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | TS Response – 9 May 2019 |
|                          | <p>(1) Any person who intends to submit an environmental statement to the relevant planning authority or the Secretary of State under these Regulations may give notice in writing to that authority or the Secretary of State under this paragraph.</p> <p>(2) A notice under paragraph (1) must include the information necessary to identify the land and the nature and purpose of the development, and must indicate the main environmental consequences to which the person giving the notice proposes to refer in their environmental statement.</p> <p>(3) The recipient of—</p> <p>(a) such notice as is mentioned in paragraph (1); or</p> <p>(b) a written statement made pursuant to regulation 11(4)(a), 12(6), 13(6) or 14(7),</p> <p>must—</p> <p>(i) notify the consultation bodies in writing of the name and address of the person who intends to submit an environmental statement and of the duty imposed on the consultation bodies by paragraph (4) to make information available to that person;</p> <p>and</p> <p>(ii) inform in writing the person who intends to submit an environmental statement of the names and addresses</p> | <p><i>'Applicant'</i>) to Transport Scotland", and later states: "The applicant has appointed Ramboll Environment and Health UK Ltd (<i>'Ramboll'</i>) to complete the EIA scoping on their behalf, in addition to the relevant baseline environmental work which has informed the development of this scoping report."</p> <p>For clarity, Ramboll is acting on behalf of the 'Applicant' (Winchburgh Developments) with regards to coordinating and drafting the EIA. This is standard practice for Applicants who do not have the expertise in environmental assessment and reporting. Winchburgh Developments is the ultimate Applicant for the application.</p> <p>SESTRANS have been represented at Steering Group meetings for the Winchburgh Access Strategy over a number of years, latterly these have focused on seeking rail station approvals. Preliminary discussions have taken place with West Lothian Council's public transport officer who advised it was premature to talk to bus operators.</p> |                          |

| EIA Background Comments. |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                           |                          |
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| #                        | Comments – January 2019                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | WVL Response – April 2019 | TS Response – 9 May 2019 |
|                          | <p>of the bodies so notified.</p> <p>(4) Subject to paragraph (5), the relevant planning authority and any body notified in accordance with paragraph (3) must, if requested by the person who intends to submit an environmental statement, consult that person to determine whether the authority or body has in its possession any information which that person or they consider relevant to the preparation of the environmental statement and, if they have, the authority or body must make that information available to that person.</p> <p>(5) A planning authority or other body which receives a request for information under paragraph (4) must treat it as a request for information under regulation 5(1) of the Environmental Information Regulations 2004(a) (duty to make available environmental information on request).</p> <p>With the above in mind some questions are as follows.</p> <ul style="list-style-type: none"> <li>• Would it be clearer if Winchburgh Developments (who have control over the entire process, rather than the EIA) act as the “Applicant” rather than Ramboll.</li> <li>• What discussion has taken place to date with stakeholders such as SESTRAN and Public Transport Operators. Can this be collated?</li> </ul> |                           |                          |
| 5                        | <p>Page 2, Paragraph 2, Objectives, It would be helpful to add an objective as follows.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Noted                     | Noted                    |

| EIA Background Comments. |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                     |
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| #                        | Comments – January 2019                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | WVL Response – April 2019                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | TS Response – 9 May 2019                                                                                                                                                                                            |
|                          | <ul style="list-style-type: none"> <li>The creation of open, participatory and information-rich decision-making settings to bring about environmentally benign outcomes.</li> </ul> <p>Part of this would include a short section on defining the governance and collaboration in the consultation process.</p>                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                     |
| 6                        | <p>Page 2, first sentence after the first set of bullet points notes the following “The applicant has appointed Ramboll Environment and Health UK Ltd (‘Ramboll’) to complete the EIA scoping on their behalf, in addition to the relevant baseline environmental work which has informed the development of this scoping report. A few points on this are as follows.</p> <ul style="list-style-type: none"> <li>Ultimate responsibility for any EIA or other project work must surely rest with the Applicant.</li> <li>Could we see the other baselining work?</li> </ul> | <p>Ramboll is acting on behalf of the 'Applicant' (Winchburgh Developments) with regards to coordinating and drafting the EIA. This is standard practice for Applicants who do not have the expertise in environmental assessment and reporting.</p> <p>Winchburgh Developments is the ultimate Applicant for the application.</p>                                                                                                                                                                                                  | <p>Noted.</p> <p>Support across the professional consultants in this process (SWECO for example) would be helpful in bringing sustainable transport issues to the fore.</p>                                         |
| 7                        | <p>Page 3, 1.3, bullet points, Section 3 is the basic requirement of an EIA. For a significant scheme such as Winchburgh a wider, more holistic approach would be useful, particularly in view of the following.</p> <ul style="list-style-type: none"> <li>The time since original planning approval in principle.</li> <li>The comments caveats raised at that time (See Section 0).</li> <li>The significant policy changes in play.</li> </ul>                                                                                                                           | <p>The EIA Report will/is assessing the proposed M9 junction in the context of the existing surroundings and in the context of the wider consented Winchburgh Masterplan.</p> <p>Likewise, the EIA Report will identify relevant legislation, policy and industry guidance in relation to the technical topics, and incorporate (where applicable) suitable assessment methodologies.</p> <p><b>Transport Scotland</b> - Please clarify what exactly you are asking for when you say a "more holistic approach would be useful"</p> | <p>Noted.</p> <p>As noted above support across the professional consultants in this process (SWECO for example) would be helpful in bringing sustainable transport issues to the fore. In addition a SUMP would</p> |
| 8                        | <p>Page 3, 1.4, A wide range of other consultees need to be added here (RTPS, SUSTRANS, Cycling Scotland,</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <p>As previously stated, Sinead agreed with our list of Statutory Consultees (refer to Table 1.1 in</p>                                                                                                                                                                                                                                                                                                                                                                                                                             | <p>Comments are noted, however it would be good practice to consult these</p>                                                                                                                                       |

| EIA Background Comments. |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                      |
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| #                        | Comments – January 2019                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | WVL Response – April 2019                                                                                                                                                                                                                                                                                                                                                                                                                                                  | TS Response – 9 May 2019                                                                                                                                                                                                                                                             |
|                          | other Transport Organisations, Friends of the Earth).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | the Scoping Report), all of whom we have consulted and received scoping opinions from (excluding Scottish Water, who did not provide a response).<br>It is not usual practice for non-governmental organisations to be consulted at the EIA Scoping stage. No requirement to consult with such bodies was identified to us by TS.                                                                                                                                          | (and other relevant ) organisations.                                                                                                                                                                                                                                                 |
| 9                        | <p>Page 4, 2.1, last sentence states “The environmental assessment will specifically consider this smaller footprint which is currently being defined through design development”. The environmental assessment (or at least the evidence provided for raising of orders) should also consider the footprint significantly beyond the site boundary. Reasons for this are as follows.</p> <ul style="list-style-type: none"> <li>• The original comments in Section noted some of the following.                             <ul style="list-style-type: none"> <li>– Road congestion and delays already occurring on the strategic road network on the Newbridge Grade Separated Junction indicating that additional capacity is unlikely to be available.</li> <li>– Requirements of the Replacement Forth Crossing may affect the final solution. The subsequent appraisal will need to consider a full range of access strategies.</li> </ul> </li> <li>• A wide range of environmental policies have been provided over the last ten years.</li> </ul> | <p>As previously stated, we are aware that new environmental policies regularly get introduced in the planning system.</p> <p>The Statutory consultees we have consulted (including Scottish Environment Protection Agency (SEPA); West Lothian Council (WLC) Planning and Transport Departments; Scottish Natural Heritage (SNH); and Historic Environment Scotland (HES) had no significant comments to make on the development proposal and our proposed EIA scope.</p> | <p>The impacts of the project have the potential to extend wider than the area shown. In the light of the range of significant policies introduced in the last decade, the changes in traffic, and traffic management, we suggest the footprint should be extended as discussed.</p> |

| EIA Background Comments. |                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                |                                           |
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| #                        | Comments – January 2019                                                                                                                                                                                                                                                                                                                                          | WVL Response – April 2019                                                                                                                                                                                                                                                                                                                                                                                      | TS Response – 9 May 2019                  |
|                          | <ul style="list-style-type: none"> <li>• There are likely to be stakeholder challenges to the proposal.</li> <li>• The main aim of the EIA Directive is to ensure that the authority granting consent (the 'competent authority') for a particular project makes its decision in full knowledge of any likely significant effects on the environment.</li> </ul> |                                                                                                                                                                                                                                                                                                                                                                                                                |                                           |
| 10                       | Page 4, 2.3, reference to the local plan and forthcoming development would be useful.                                                                                                                                                                                                                                                                            | <p>Section 2.3 identifies the environmental sensitivities (i.e. fauna/flora, environmental designated sites, etc.). There is no requirement to consider local plan and other planning policy within an EIA other than where this assists in defining baseline conditions or influences the methodology for assessment.</p> <p>However, the EIA Report will/does acknowledge the local plan in broad terms.</p> | Noted                                     |
| 11                       | Page 5, bullet point 2, this could also relate to the relevant Flood Risk Management plan.                                                                                                                                                                                                                                                                       | Can <b>Transport Scotland</b> clarify what is meant by a "Flood Risk Management Plan"?                                                                                                                                                                                                                                                                                                                         | Details can be found <a href="#">here</a> |
| 12                       | Page 5, 2.5, clarity on the procurement method would be helpful.                                                                                                                                                                                                                                                                                                 | <p>The EIA Report will contain site-specific information on all aspects of site work that might have an impact upon the surrounding environment, including detailed information on preventative action and mitigation to limit impacts.</p> <p>The procurement details are unknown at this pre-planning stage and will be fulfilled prior to development.</p>                                                  | Noted.                                    |
| 13                       | Page 7. 3.1, In addition to the EIA, a wide range of other technical documents are required to allow orders to be published. It would be                                                                                                                                                                                                                         | As stated previously, the proposed M9 junction is an 'EIA Development', and an EIA Report is being submitted in support of                                                                                                                                                                                                                                                                                     | Noted.                                    |

| EIA Background Comments. |                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                         |
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| #                        | Comments – January 2019                                                                                                                                                                                                                                                                                                                                                                                                                          | WVL Response – April 2019                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | TS Response – 9 May 2019                                                |
|                          | <p>useful to include a list of these. It is worth noting the following in the DMRB.</p> <ul style="list-style-type: none"> <li>In the cases where EIA is not a mandatory requirement, projects still require adequate assessment to establish whether environmental issues arise, and if so, what their likely significance is, in order to inform good planning, option choice, design, and project construction and implementation.</li> </ul> | <p>the application. Where a project is a not an EIA Development, relevant stand-alone environmental technical reports would be submitted; however as it is EIA Development, some of these standalone reports have been incorporated into EIA Report technical chapters, with supporting reports appended to the EIA Report.</p> <p>It would be useful to us and the Applicant if Transport Scotland could provide/confirm the full list of documents/reports you require to allow a Roads Order.</p>                      | <p>This can be discussed at the next progress meeting.</p>              |
| 14                       | <p>Page 7, 3.1, Paragraph after bullet points, it would be helpful if these points were not scoped out.</p>                                                                                                                                                                                                                                                                                                                                      | <p>The purpose of an EIA is to assess the "likely significant effects" of a proposed development, otherwise an EIA Report would include many technical topics that are not relevant to the proposed development. As presented in Section 5 of the EIA Scoping Report, we have provided justification for scoping out several topics.</p> <p>If there is a strong reason you disagree with our justification for a particular environmental topic(s) then please present this accordingly in your EIA Scoping Opinion.</p> | <p>It would be useful to discuss this at the next progress meeting.</p> |
| 15                       | <p>Page 7, 3.2, The EIA is a process for the "creation of open, participatory and information-rich decision-making settings to bring about environmentally benign outcomes" (as referred to obliquely in the last paragraph). Scoping items out, restricting the area to be appraised, and limiting the consultation, does not assist in this.</p>                                                                                               | <p>EIAs should be proportionate to the type/nature, size, location of the scheme and is intended to provide technical assessments on those environmental topics where a 'significant' effect is likely to occur. If a technical topic is proposed to be scoped out, it is because the technical expertise (in line with relevant desk-top studies, site visits etc.) concludes that a significant effect is not likely to occur as a result of the proposed development.</p>                                              | <p>Noted.<br/>                     Previous comments apply.</p>         |

| EIA Background Comments. |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                          |
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| #                        | Comments – January 2019                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | WVL Response – April 2019                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | TS Response – 9 May 2019 |
|                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <p>The purpose of EIA scoping and assessment is also re-emphasised by the EIA Regulations, which is stated in your comment #4 above: the Environmental Statement "must indicate the main environmental consequences", and also in your own comment (#9) "any likely significant effects on the environment". Therefore, an all-encompassing EIA Report that covers topics where significant impacts are unlikely is not appropriate and is not the aim or purpose of an EIA.</p> <p>Statutory consultees (as listed previously) have been approached for input to scoping and responses have been received from the statutory consultees, excluding Scottish Water.</p> |                          |
| 16                       | <p>Page 8, 3.4, alternatives should also include a robust approach to Sustainable Transport, public transport measures, and working from home, to minimise traffic movements.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <p>The EIA report will cover any significant design layout alternatives. The Appropriate Appraisal considered options for access strategies, which included public transport measures.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Noted.                   |
| 17                       | <p>Page 9, 4. Paragraph 2, could also refer to "Planning Circular, The Town And Country, Planning (Environmental Impact Assessment) (Scotland) Regulations 2017". Page 15 of PAN 1/2013 (referred to in 4) notes the following key messages on EIA.</p> <ul style="list-style-type: none"> <li>• The planning authority should consider it has sufficient environmental information when.                             <ul style="list-style-type: none"> <li>– The scale and importance of each impact (e.g. emissions to air) is known or any remaining uncertainties are unlikely to be resolved through further information/assessment.</li> </ul> </li> </ul> | Noted                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Noted                    |

| EIA Background Comments. |                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                         |
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| #                        | Comments – January 2019                                                                                                                                                                                  | WVL Response – April 2019                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | TS Response – 9 May 2019                                                |
|                          | <p>– The effects of each impact on specific aspects of the environment (e.g. landscape) are known or any remaining uncertainties are unlikely to be resolved through further information/assessment.</p> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                         |
| 18                       | <p>Page 9, 4.1, could reference be made to any Transport Scotland landscape plan, and strategies, for the route.</p>                                                                                     | <p>Transport Scotland’s Fitting Landscapes will be considered and referenced.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <p>Noted</p>                                                            |
| 19                       | <p>Page 13, 4.3, reference to the Flood Risk Management Plan would be good.</p>                                                                                                                          | <p>Can <b>Transport Scotland</b> clarify what is meant by a “Flood Risk Management Plan”?</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <p>Details can be found <a href="#">here</a></p>                        |
| 20                       | <p>Page 15, 4.5, reference to CAFS, BSLEZ, the SAQDB, and any AQMA would be appropriate.</p>                                                                                                             | <p>Noted.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <p>Noted.</p>                                                           |
| 21                       | <p>Page 17, 4.6, reference to the TNAP would be good.</p>                                                                                                                                                | <p>Noted.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <p>Noted</p>                                                            |
| 22                       | <p>Page 20, 5.4, reference to any contaminated land issues would be helpful.</p>                                                                                                                         | <p>As stated in Section 5.4, <i>“The proposed development is not located within any geologically designated or sensitive sites... Soils on the site are not locally or regionally important and the potential quantities of soil to be removed are likely to be relatively small therefore removal or disturbance would not have a potentially significant effect and does not require detailed assessment in the EIA. Management of soils will be addressed in the CEMP.”</i></p> <p>The CEMP will prevent land contamination during the construction phase.</p> | <p>Noted</p>                                                            |
| 23                       | <p>Page 20, 5.6, this section is where a significant amount of helpful work could be completed.</p>                                                                                                      | <p><b>Transport Scotland</b> - Please clarify what “helpful work” is considered necessary for the EIA to be complete?</p>                                                                                                                                                                                                                                                                                                                                                                                                                                         | <p>It would be useful to discuss this at the next progress meeting.</p> |

| EIA Background Comments. |                                                                                                     |                                                                             |                          |
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| #                        | Comments – January 2019                                                                             | WVL Response – April 2019                                                   | TS Response – 9 May 2019 |
| 24                       | Page 21, 6, a response to the above comments would be very helpful in shaping the EIAR.             | Noted                                                                       | Noted                    |
| 25                       | Appendix 2, Further drawings showing the wider area, and the key traffic movements would be useful. | The traffic modelling report will document traffic flows in the wider area. | Noted                    |

| Comments on Note on Air Quality Assessment Methodology for M9 Junction at Winchburgh |                                                                                                                                         |                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                         |
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| #                                                                                    | Comments – January 2019                                                                                                                 | WVL Response – April 2019                                                                                                                                                                                                                                                         | TS Response – 9 May 2019                                                                                                                                                                                                                                |
| 1                                                                                    | Could the team link up with the new <a href="#">Action Nation Commissioner</a> .                                                        | Please provide contact details of the Active Nation Commissioner (Lee Craigie). Please confirm the expectation of TS in terms of what consultation with the ANC should be expected to achieve in relation to the EIA, or is this more in terms of overall design of the junction? | Noted.<br>We will respond.<br>It would be useful to discuss this at the next progress meeting                                                                                                                                                           |
| 2                                                                                    | What other documents are to be published as part of the roads orders                                                                    | DMRB Stage 3 Report will be completed in parallel with EIA Report (and usually made available on TS website at draft order publication)                                                                                                                                           | Noted                                                                                                                                                                                                                                                   |
| 3                                                                                    | It would be good to include the scheme in the forthcoming PfG air quality monitoring work.                                              | Please clarify what is required here.                                                                                                                                                                                                                                             | The PfG commitments are noted on page 38 of “Delivering for today, investing for tomorrow: the Government's programme for Scotland 2018-2019”. Details are <a href="#">here</a><br><br>It would be useful to discuss this at the next progress meeting. |
| 4                                                                                    | A review of the document by SWECO would be very helpful in demonstrating a joined up approach to environmental and transport appraisal. | Sweco have both contributed and reviewed the assessment methodology document.                                                                                                                                                                                                     | Noted.                                                                                                                                                                                                                                                  |
| 5                                                                                    | Other reports on the traffic modelling would be good.                                                                                   | A modelling report will be produced by SYSTRA and will be available to TS.                                                                                                                                                                                                        | Noted                                                                                                                                                                                                                                                   |
| 6                                                                                    | A report on the approach to Sustainable transport for the Winchburgh Development is essential.                                          | The Masterplan sets out the sustainable transport strategy for the development.                                                                                                                                                                                                   |                                                                                                                                                                                                                                                         |

| Comments on Note on Air Quality Assessment Methodology for M9 Junction at Winchburgh |                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                         |                                                                                                                                                           |
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| #                                                                                    | Comments – January 2019                                                                                                                                                                                                                                                  | WVL Response – April 2019                                                                                                                                                                               | TS Response – 9 May 2019                                                                                                                                  |
| 7                                                                                    | Amey have received some drawings from SWECO, which appear to be the same proposal drawings received previously (and commented on in general terms). These will be commented on however they are lacking in sufficient detail to allow a meaningful review to take place. | The drawings illustrate the preliminary design developed to support draft order preparation (and environmental appraisal). Detailed design will follow the making of the orders.                        | Noted                                                                                                                                                     |
| 8                                                                                    | Have not seen the latest EIA, FRA, Landscape and Visual, Noise, Landscape design, Habitat surveys, and all other relevant documents.                                                                                                                                     | The EIA is currently being drafted (albeit, now on hold pending discussions with Transport Scotland). The assessments presented in the EIA Report will be available upon submission of the application. | Noted.<br>Notwithstanding any comments in this section Transport Scotland will conduct an independent audit of the EIA documents when they are available. |
| 9                                                                                    | The traffic model requires re-run using the current model (the one presented is the Forth Regional Model) to be defensible at any PLI as TS are supporting this scheme it needs to be robust and a model 8+ years old isn't .                                            | Noted. Arrangements have now been made for SYSTRA to undertake fresh traffic modelling.                                                                                                                 | Noted                                                                                                                                                     |

| Detailed Comments |                                                                                                                                                      |                                                                                                                                                                                             |                          |
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| #                 | Comments – January 2019                                                                                                                              | WVL Response – April 2019                                                                                                                                                                   | TS Response – 9 May 2019 |
| 1                 | Page 1, Background, paragraph 2, it is worth noting the caveats in Section 0 in relation to the outline appraisal.                                   | Noted                                                                                                                                                                                       | Noted                    |
| 2                 | Page 1, Background, paragraph 3, it would be very useful to have a full copy of the Winchburgh Masterplan, supporting documents, and the related ES. | The Masterplan, Transport Assessment and Environmental Statement will be supplied.<br><br>The Winchburgh Masterplan application reference for West Lothian's planning portal is: 1012/P/05. | Noted                    |

| Detailed Comments |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                            |                          |
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| #                 | Comments – January 2019                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | WVL Response – April 2019                                                  | TS Response – 9 May 2019 |
| 3                 | <p>Page 2, Traffic Data, good to see the traffic data has been taken from the Forth Regional Model, however Amey note this is out of date. Would it be possible to have a spreadsheet of the data.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <p>Fresh traffic modelling is being undertaken</p>                         | <p>Noted</p>             |
| 4                 | <p>Page 2, Traffic Data, in relation to the criteria noted, HA207/07 notes the following.</p> <ul style="list-style-type: none"> <li>• 3.11 Local Air Quality                             <ul style="list-style-type: none"> <li>– The objective of this scoping exercise for local air quality is to indicate whether there are likely to be significant impacts associated with particular broadly defined routes or corridors, as developed by the design organisation and the Overseeing Organisation. The steps to be taken are as follows:</li> </ul> </li> <li>• 3.12 Obtain traffic data for the Do-Minimum and Do-Something scenarios for the years to be assessed.                             <ul style="list-style-type: none"> <li>– Identify which roads are likely to be affected by the proposals. Affected roads are those that meet any of the following criteria:                                     <ul style="list-style-type: none"> <li>– peak hour speed will change by 20 km/hr or more.</li> </ul> </li> </ul> </li> </ul> <p>These are good starting criteria however a wider area should be considered, linking back to the AQMA at Newbridge, and to Dalmeny.</p> | <p>The assessment will identify the affected road network accordingly.</p> | <p>Noted</p>             |
| 5                 | <p>Page 3, Figure 1 very good however it would be useful to include the following if possible.</p> <ul style="list-style-type: none"> <li>• The Winchburgh Village plan area.</li> <li>• The AQMAs at Newbridge and Broxburn (as shown in Figure 3).</li> <li>• Clarity on the names of the routes and towns.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <p>Noted</p>                                                               | <p>Noted</p>             |

| Detailed Comments |                                                                                                                                                                                             |                                                                                                                                  |                          |
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| #                 | Comments – January 2019                                                                                                                                                                     | WVL Response – April 2019                                                                                                        | TS Response – 9 May 2019 |
| 6                 | Page 4, Table 1, would it be possible to have some background on the assumptions, and planning data used in the 2020 predictions.                                                           | Model assumptions with regard to development build out and other developments will be documented in the traffic modelling report | Noted                    |
| 7                 | Page 5, Operational Traffic Emissions, Reference to HA 207/07 is noted however it would also be helpful if the modelling could link to the CAFS commitment to a regional air quality model. | Noted.                                                                                                                           | Noted                    |
| 8                 | Page 11, Baseline. Details of traffic data would be good.                                                                                                                                   | Traffic modelling report will detail this.                                                                                       | Noted                    |
| 9                 | Page 13. NO2 records helpful, however hourly and other exceedances would also be good to know.                                                                                              | Noted.                                                                                                                           | Noted                    |
| 10                | Page 13, Details of the fleet breakdown, including class and Euro Category would be helpful.                                                                                                | Vehicle proportions will be documented in the traffic modelling report                                                           | Noted                    |