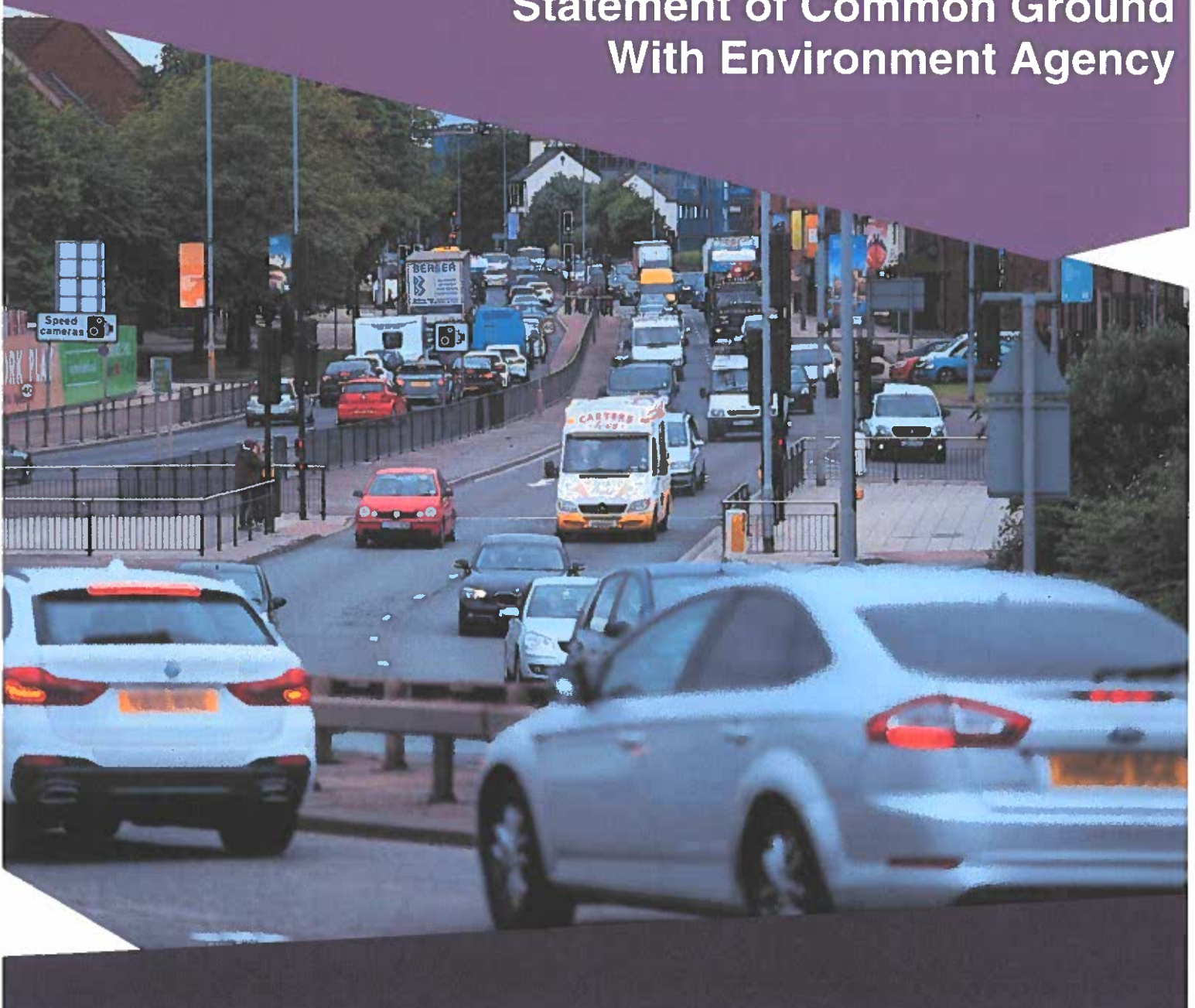


# A63 Castle Street Improvement, Hull

TR010016

Statement of Common Ground  
With Environment Agency



## A63 Castle Street Improvement, Hull Development Consent Order 20[]

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### STATEMENT OF COMMON GROUND

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<b>Planning Inspectorate Scheme Reference</b>	TR010016
<b>Author:</b>	A63 Castle Street Project Team

<b>Version</b>	<b>Date</b>	<b>Status of Version</b>
1	April 2019	For comment
2	15 July 2019	Issued for DCO Examination Deadline 5

**STATEMENT OF COMMON GROUND**

**This Statement of Common Ground has been prepared and agreed by (1) Highways England Company Limited and (2) Environment Agency.**

Signed... [redacted] .....  
**Bernice Beckley**  
**Project Manager**  
**on behalf of Highways England**  
Date: 16-7-19

Signed... [redacted] .....  
**Lizzie Griffiths**  
**Planning Specialist**  
**on behalf of Environment Agency**  
Date: 16/7/19

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## **1 INTRODUCTION**

### **1.1 Purpose of this document**

- 1.1.1 This Statement of Common Ground ("SoCG") has been prepared in respect of the proposed A63 Castle Street Improvement, Hull ("the Application") made by Highways England Company Limited ("Highways England") to the Secretary of State for Transport ("Secretary of State") for a Development Consent Order ("DCO") under section 37 of the Planning Act 2008 ("2008 Act").
- 1.1.2 This SoCG does not seek to replicate information which is available elsewhere within the Application documents. All documents are available in the deposit locations and / or the Planning Inspectorate website.
- 1.1.3 The SoCG has been produced to confirm to the Examining Authority where agreement has been reached between the parties to it, and where agreement has not (yet) been reached. SoCGs are an established means in the planning process of allowing all parties to identify and to focus on specific issues that may need to be addressed during the examination.

### **1.2 Parties to this Statement of Common Ground**

- 1.2.1 This SoCG has been prepared by (1) Highways England as the Applicant and (2) Environment Agency.
- 1.2.2 Highways England became the Government-owned Strategic Highways Company on 1 April 2015. It is the highway authority in England for the strategic road network and has the necessary powers and duties to operate, manage, maintain and enhance the network. Regulatory powers remain with the Secretary of State. The legislation establishing Highways England made provision for all legal rights and obligations of the Highways Agency, including in respect of the Application, to be conferred upon or assumed by Highways England.
- 1.2.3 The Environment Agency is a non-departmental public body, established in 1995 and sponsored by the Government's Department for Environment, Food and Rural Affairs (Defra), with responsibilities relating to the protection and enhancement of the environment in England. The Environment Agency is responsible for managing the risk of flooding from main rivers, reservoirs, estuaries and the sea in England. The Environment Agency is also responsible for:
- regulating major industry and waste
  - treatment of contaminated land
  - water quality and resources
  - fisheries

- inland river, estuary and harbour navigations
- conservation and ecology

### **1.3 Terminology**

- 1.3.1 In the tables in the Issues chapter of this SoCG, “Not Agreed” indicates a final position, and “Under discussion” indicates issues which will be the subject of on-going discussion wherever possible to resolve, or refine, the extent of disagreement between the parties. “Agreed” indicates where the issue has been resolved.
- 1.3.2 It can be taken that any matters not specifically referred to in the Issues chapter of this SoCG are not of material interest or relevance to the Environment Agency, and therefore have not been the subject of any discussions between the parties. As such, those matters can be read as agreed, only to the extent that they are either not of material interest or relevance to the Environment Agency.



## 2 RECORD OF ENGAGEMENT

2.1.1 A summary of the meetings and correspondence that has taken place between Highways England and Environment Agency in relation to the Application is outlined in Table 2.1.

**Table 2.1 Record of Engagement**

Doc No.	Date	Form of correspondence	Key topics discussed and key outcomes
01.	18 January 2013	Meeting	Meeting with Environment Agency and Hull City Council (HCC) concerning the scope of the Scoping Report of the Environment Statement (ES), the highway drainage and the Flood Risk Assessment (FRA).
02.	5 April 2013	Letter	Response from Environment Agency to Highways England Highway Drainage assessment scope including requirements to be considered in the drainage design to mitigate flood risk, consideration of failure scenarios for the underpass drainage and a request to include pollution prevention measures to prevent accidental spillages from the underpass.
03.	18 April 2013	Meeting	Meeting with Environment Agency to discuss the suitability of existing flood models to inform the FRA in respect of pluvial, fluvial and tidal flooding modelling requirements.
04.	16 May 2013	Email	Response to Environment Agency letter of 5 April 2013 acknowledging their requirements and confirming Highway's England are in discussion with Hull City Council regarding requirements for surface water runoff rates. scope of highway drainage assessment.
05.	6 June 2013	Meeting	Consultation with Environment Agency, Natural England and Marine Management Organisation to discuss potential locations of the discharge, water quality impact assessment requirements and other requirements of the stakeholders including consents associated with the construction and operation of the rising main and outfall to the Humber Estuary.
06.	22 July 2013	Letter	Acceptance in principle by the Environment Agency of flood risk assessment methodology and flood risk scenarios.
07.	2 August 2013	Letter	Surface water impact assessment methodology accepted in principle by Environment Agency. Request for measures to be incorporated into the drainage design.

Doc No.	Date	Form of correspondence	Key topics discussed and key outcomes
08.	2 October 2013	Meeting	Meeting with Environment Agency concerning highway drainage, including discussions on proposed underpass drainage strategy and rising main route and outfall. Proposed underpass drainage to be designed for a 1 in 100-year pluvial event (a period of increased rainfall) with 30% allowance for climate change.
09.	3 October 2013	Meeting	Meeting with Environment Agency concerning the progress of the FRA, including discussions on modelling progress and scenarios.
10.	4 November 2013	Meeting	Meeting with Environment Agency concerning highway drainage, including underpass drainage and rising main route and outfall. Environment Agency agreed in principle to underpass drainage strategy.
11.	13 December 2013	Meeting	Meeting with Environment Agency and JBA Consulting concerning groundwater issues. Discussions include geological and hydrogeological issues, the groundwater modelling approach, and Section 32 consent (Water Resources Act 1991) application to undertake a borehole pumping test. Approach to the groundwater assessment and ES requirements discussed and agreed in principle with the Environment Agency.
12.	17 December 2013	Meeting	Meeting with Environment Agency concerning the progress of the FRA, including discussions on modelling progress, scenarios and joint probability analysis. This included the 5 December 2013 storm surge flooding.
13.	14 January 2014	Meeting	Meeting with Environment Agency concerning groundwater. Discussions include pumping test results, baseline groundwater monitoring, geotechnical design and groundwater modelling update. Environment Agency satisfied with proposed geotechnical design for underpass and the proposed approach for groundwater modelling.
14.	23 January 2014	Email	Environment Agency confirmed that no environmental permits required for the reburial of remains at Trinity Burial Ground (TBG).
15.	25 February 2014	Letter	Environment Agency response to proposed rising main routes and outfall location options indicating their preference and recommendations.



<b>Doc No.</b>	<b>Date</b>	<b>Form of correspondence</b>	<b>Key topics discussed and key outcomes</b>
16.	30 January 2014	Meeting	Meeting with Environment Agency concerning flood risk modelling and highway drainage. Environment Agency confirmed acceptance of modelled impacts subject to Environment Agency model review. Environment Agency noted concerns on emergency procedures for underpass. Further rising main routes and outfall location options tabled.
17.	21 March 2014	Email	Correspondence regarding scope of affected Water Framework Directive (WFD) waterbodies and the definition of waterbody boundaries. Confirmation from the Environment Agency that in respect of the WFD they are concerned more about the short-term effects of a pollution event rather than long-term deterioration of the waterbodies.
18.	30 September 2014	Meeting	Meeting with Environment Agency concerning flood risk assessment following design revisions. Discussions include revised road alignment, emergency and evacuation plan and review of initial draft FRA. The Environment Agency do not object to the proposed scheme based on the findings of the FRA subject to the implementation of a robust emergency plan.
19.	18 October 2016	Meeting	Meeting with Environment Agency concerning updates required to FRA and associated modelling.
20.	13 February 2017	Letter	Environment Agency's formal response to 2016 Preliminary Environmental Information Report (PEIR) and 2017 Public Consultation Brochure detailing Environment Agency's requirements regarding the: <ul style="list-style-type: none"> <li>• approach to the Flood Risk Assessment</li> <li>• requirement for an evacuation plan</li> <li>• need to consult Hull City Council on surface water management</li> <li>• requirement for a permit to discharge to the Humber</li> <li>• request to co-ordinate with other works including flood defence schemes</li> </ul>
21.	14 March 2017	Email	Correspondence regarding the approach to the FRA namely: <ul style="list-style-type: none"> <li>• Consideration of revised climate change allowances</li> <li>• agreement in principle for discharge to Humber</li> <li>• emergency planning requirements</li> </ul>

<b>Doc No.</b>	<b>Date</b>	<b>Form of correspondence</b>	<b>Key topics discussed and key outcomes</b>
22.	23 March 2017	Meeting	Meeting with Environment Agency to confirm agreed position between Highways England and the Environment Agency regarding revised climate change allowances, emergency planning requirements, revised flood risk scenarios, agreement in principle for discharge to Humber and water quality impacts approach.
23.	5 April 2017	Email	Response regarding reconfirmation of surface water quality impact assessment approach.
24.	29 September 2017	Email	Response to Environment Agency letter of 13 February 2017 regarding queries raised during the public consultation and the updated 2016 Preliminary Environmental Information report.
25.	27 February 2018	Meeting and correspondence	Review and agreement of flood risk modelling approach following flood model audit by the Environment Agency.
26.	20 April 2018	Email	Provision of final modelling report and audit sheet as per above review on 27 February 2018.
27.	21 May 2018	Email	Following a request to attend a meeting with other stakeholders to discuss emergency planning requirements, the Environment Agency commented that their role was not to advise whether emergency procedures were adequate or not, but rather to deliver flood warnings and to ensure that decision makers have the information they need to determine whether the development will be safe in a flood, in consultation with emergency planners. Whilst Environment Agency expect to see consideration of emergency planning within the FRA they don't expect to be part of these discussions but will review once incorporated into the FRA.
28.	25 May 2018	Meeting	Discussion and agreement of requirements for flood emergency and evacuation plan with the emergency services including Humberside Fire & Rescue, Humberside Police, Humber Emergency Planning Services and HCC. Environment Agency did not attend (reasons as above).
29.	21 June 2018	Email	Information for the draft FRA for the Scheme including flood map figures, the flood risk modelling technical report (previously reviewed by Environment Agency and JBA) and the Flood Emergency and Evacuation Plan report (FEPP).

Doc No.	Date	Form of correspondence	Key topics discussed and key outcomes
30.	3 August 2018	Meeting	Meeting with Environment Agency to discuss outcomes of flood risk assessment and flood emergency evacuation procedures. Agreement that Environment Agency's additional information requirements would be listed in Appendix 11.9 of the ES Chapter 11 Road Drainage and the Water Environment and issued to the Environment Agency as a Technical Note after the DCO submission (see Table 3.3 for summary of issues discussed).
31.	28 August 2018	Letter	Letter from Environment Agency indicating a requirement for the assessment of flood risk for temporary site compounds and to consider aspects of work, including access requirements, in proximity to Environment Agency flood defences <sup>1</sup> .
32.	26 November 2018	Email	Brief update from Environment Agency re. Humber Hull Frontages project. This is the Environment Agency project to improve and upgrade existing flood defences on the north bank of the Humber. Confirmation that the Standard of Protection of the upgraded defences will be for a 1 in 200-year tidal event plus an allowance for climate change to 2040.
33.	18 December 2018	Meeting	Meeting with Environment Agency to table Additional Flood Risk Information Technical Note in response to queries raised at meeting dated 3 August 2018 and listed in ES Appendix 11.9. Discussion of Environment Agency letter dated 28 August regarding flood risk at site compounds as summarised in the email sent by Highways England to Environment Agency 19 December 2018. See Table 3.3 for summary of issues discussed in the Technical Note.
34.	19 December 2018	Email	Summary of issues raised by Environment Agency at 18 December 2018 meeting requiring further clarification. Confirmation by Highways England of the process and information included in the flood risk modelling. Identification of Environment Agency information requirements to enable Highways England to provide responses to points raised. Environment Agency tabled the 'Using Flood risk assessments: climate change allowances' briefing note <sup>1</sup> .

<sup>1</sup> The letter from the EA dated 28 August 2018 contains advice relating to the assessment of flood risk for site compounds and their flood defences. Flood risk to site compounds has been assessed within the ES, but not within the FRA. Given the DCO submission timescales, the advice within the 28 August 2018 letter was not able to be included in any update to the FRA, or within the ES. Therefore the issue does not appear within this SoCG at Table 3.1. Consultation on this matter is 'under discussion' and has been reviewed in the Technical Note.

<b>Doc No.</b>	<b>Date</b>	<b>Form of correspondence</b>	<b>Key topics discussed and key outcomes</b>
35.	19 December 2018	Email	Highways England forwarded plan of long section of proposed mainline carriageway to confirm carriageway alignment following query raised by Environment Agency.
36.	17 January 2019	Email	Identification of Environment Agency information requirements (including H++ and UKCP18 climate change scenario model output, property threshold information and location of Hull City Council's development allocations) to enable Highways England to provide responses to points raised at 18 December 2018 meeting and also those identified in Environment Agency Relevant Representation. The issues raised in the Relevant Representation include climate change allowances, development lifetime, evidence base, flood inundation times, offsite flood risk, resilience of the pumping station, Humber outfall and Humber Hull Frontages Scheme.
37.	17 January 2019	Email)	Meeting arrangements for 30 January. Acknowledgement of points raised in 17 January 2018 email from Jason Ball.
38.	30 January 2019	Email	Confirmation from Highways England of 60-year lifetime of the Scheme following query raised by Environment Agency.
39.	30 January 2019	Meeting	Meeting with Environment Agency. Tabling and discussion of Technical Note (see Table 3.3). Agreement to keep the response to the issues raised at the 18 December 2018 meeting & identified in the Relevant Representation letter separate. Discussion of issues raised including climate change allowances, development lifetime, evidence base, flood inundation times, offsite flood risk, resilience of the pumping station, Humber outfall and Humber Hull Frontages Scheme. Meeting to be arranged by Environment Agency with the Environment Agency modellers to ascertain scope of data available.
40.	4 February 2019	Email	Request from Highways England for AutoCAD versions of Hull Humber Frontages scheme information



Doc No.	Date	Form of correspondence	Key topics discussed and key outcomes
41.	12 February 2019	Meeting	<p>Meeting with Environment Agency. Discussion of latest modelling information. Environment Agency to provide Humber Hull Frontages model and report which includes a consideration of both wave overtopping and breach of the existing and proposed Humber Hull Frontages defences. Environment Agency confirmed that the Humber Hull Frontages model used pre-2016 climate change allowances and did not consider climate change post-2040.</p> <p>Environment Agency agreed to assist in providing additional modelling information from the Hull City Council Strategic Flood Risk Assessment.</p> <p>Environment Agency will review 2015 modelling of the River Hull to re-confirm this additional information is not relevant to the A63 Castle Street Scheme.</p> <p>Highways England agreed to produce a technical note summarising the proposed approach to respond to Environment Agency queries and request for additional information.</p>
42.	01 March 2019	Email	<p>Clarification from Environment Agency of licensing arrangements for supply of additional data discussed at 12 February 2019 meeting. Licence and data to be issued 04 March 2019.</p>
43.	04 March 2019	Technical Note	<p>Revised Technical Note issued to Environment Agency containing additional information on site compound flood risk as requested in Environment Agency letter of 28 August 2018. Additional percentage difference flood maps also provided. See Table 3.3 for summary of Technical Note issues.</p>
44.	06 March 2019	Email	<p>Provision of Hull Humber Frontage Improvement Programme Hydraulic Modelling Report (Draft 1 - July 2016). Highways England requested model and model output data.</p>
45.	08 March 2019	Email	<p>Confirmation that Environment Agency do not have any objections to the Strategic Flood Risk Assessment (SFRA) model data to be shared with Highways England plus additional queries regarding the assumptions within the SFRA Humber and Hull modelling.</p>
46.	11 March 2019	Email	<p>Provision of example CAD drawing for Environment Agency's Hull Humber Frontage Improvement Scheme following initial telephone call to BAM Nuttall on 08 February 2019 and follow up email.</p>

Doc No.	Date	Form of correspondence	Key topics discussed and key outcomes
47.	13 March 2019	Email	Follow up request to Environment Agency to provide the model and modelling output from the Hull Humber Frontages project.
48.	13 March 2019	Email	Provision of SFRA model files from Arup for: <ul style="list-style-type: none"> <li>River Hull &amp; Holderness Drain fluvial climate change runs (with tidal boundary). The two simulations undertaken for the Hull SFRA are those prefixed with "HFM_v20v026_CC-flows-plus-50pc".</li> <li>Humber Frontage breaches climate change runs.</li> </ul>
49.	27 March 2019	Email	Provision of Environment Agency's Hull Humber Frontages project model scenario output.
50.	5 April 2019	Email	Provision of draft Statement of Common Ground for review by the Environment Agency.
51.	8 April 2019	Email	Provision of working draft of Highways England's response to the EA's Relevant Representation for review by the EA.
52.	8 April 2019	Meeting	Meeting with Environment Agency. Discussion of progress on draft Statement of Common Ground, Highways England's working draft response to the Environment Agency's Relevant Representation and the approach to the response to the Examining Authority's Written Questions that are directed to both Highways England and the Environment Agency.  The Environment Agency agreed to provide comments on the Statement of Common Ground and Highways England's response to the Environment Agency's Relevant Representation
53.	11 April 2019	Email	Highways England forwarding letter from Yorkshire Water confirming the acceptance of proposed underpass drainage to the sewer network.
54.	17 April 2019	Email	Provision of working draft (version 2) of Highways England's response to the Environment Agency's Relevant Representation for review by the Environment Agency.
55.	17 April 2019	Email	Environment Agency comments on draft Statement of Common Ground.



Doc No.	Date	Form of correspondence	Key topics discussed and key outcomes
56.	17 April 2019	Meeting	<p>Discussion of Environment Agency's comments on draft Statement of Common Ground and working draft response to the Environment Agency's Relevant Representation.</p> <p>Environment Agency asked that the following issues raised in the Environment Agency's Relevant Representation be added to SoCG:</p> <ul style="list-style-type: none"> <li>• Non-compliance with the National Policy Statement for National Networks (with respect to offsite impact)</li> <li>• Lifetime of the development</li> <li>• Breach assessment</li> <li>• Consideration of inundation times for overtopping and breach to inform emergency procedures</li> <li>• Resilience of the surface water pumping station</li> <li>• Use of high capacity pumps in recovery phase only.</li> </ul> <p>Additional minor clarifications and edits to the SoCG suggested by the Environment Agency.</p> <p>Further Environment Agency comment on the Relevant Representation response queried where the tidal flood waters in the underpass would be discharged to by the high volume recovery pumps. It was considered the most likely destination is the Humber as there may not be capacity in the sewer (this would need to be confirmed at the time).</p>
57.	17 April 2019	Email	<p>Updated Environment Agency comments on draft Statement of Common Ground following meeting earlier in the day.</p> <p>The Environment Agency confirmed that the pollution prevention measures previously agreed with them for the underpass drainage will no longer be relevant if general surface water drainage is to be discharged to the Yorkshire Water (YW) sewer rather than into the Humber. The Environment Agency asked that we confirm with YW if they have their own pollution prevention requirements.</p> <p>The Environment Agency also confirmed that there will be no requirement for any temporary pollution prevention measures that may be put in place to clear the underpass following inundation in a flood event.</p>

Doc No.	Date	Form of correspondence	Key topics discussed and key outcomes
58.	18 April 2019	Email	The Environment Agency forwarded further comments on Highways England's working draft response to the Environment Agency's Relevant Representation issued to the Environment Agency on 17 April 2019 (on 18.11, 18.17, 18.18, 18.22, 18.27 and 18.28) which will be considered in the final response.
59.	8 May 2019	Email	Highways England forwarded draft responses to the Examining Authority's Written Questions (ExQ1) 1.10.1 and 1.10.3 for discussion on 9 May
60.	9 May 2019	Email	The Environment Agency forwarded draft responses to the Examining Authority's Written Questions (ExQ1) 1.10.1 and 1.10.3 for discussion on 9 May
61.	9 May 2019	Telecon	<p>Telecon meeting to discuss joint responses to the Examining Authority's Written Questions (ExQ1) 1.10.1 and 1.10.3 to ensure consistency of responses where appropriate.</p> <p>The Environment Agency requested that Highways England provide details of the location of the emergency discharge of flood waters from the underpass during recovery. It was noted the Yorkshire Water sewer cannot be relied upon to accept the flood water and it is likely to be discharged to the Humber Estuary potentially at the location(s) indicated for the permanent outfall.</p>
62.	30 May	Email	Highways England issued the H++ climate change flood model output maps in response to a request from the Environment Agency.
63.	3 June 2019	Telecon	<p>Meeting to discuss agenda for DCO Issue Specific Hearing: Water and flood risk.</p> <p>Supporting figures to the Applicant's Comments on the Environment Agency's Relevant Representation were issued. These were previously omitted when the document was issued for Deadline 2.</p>

Doc No.	Date	Form of correspondence	Key topics discussed and key outcomes
64.	5 June 2019	DCO Issue Specific Hearing: Water and flood risk	<p>Hearing to discuss water and flood risk related matters attended by Highways England, Environment Agency and Hull City Council amongst others. Issues discussed summarised as follows:</p> <ul style="list-style-type: none"> <li>• Background to flooding issues in Hull and implications for the future</li> <li>• The flood resilience of the scheme</li> <li>• Impact of the scheme on flooding and the surrounding area</li> <li>• Safety and emergency planning</li> <li>• The Exception Test</li> <li>• Requirements of the NN NPS</li> </ul>
65.	24 June 2019	Meeting	Meeting to discuss update to the SoCG.
66.	8 July 2019	Email	The Environment Agency provided further comments in response to an email of 5 July 2019 regarding the flood resilience of signage to power outage and the minimum achievable level of resilience of the pumping station.
67.	12 July 2019	Email	The Environment Agency accepted Highways England's response to further details provided in an email of 10 July 2019 regarding the measures in place to prevent access to the underpass in the event of signage failure due to power outage. The Environment Agency accepted Highways England's proposed minimum achievable level of protection for the pumping station which is also subject to Hull City Council's requirements for the pumping station kiosk in the conservation area.

2.1.1 It is agreed that this is an accurate record of the key meetings and consultation undertaken between (1) Highways England and (2) Environment Agency in relation to the issues addressed in this SoCG.

### 3 ISSUES

3.1.1 A summary of issues identified within the ES in relation to the Application is outlined in Table 3.1.

**Table 3.1 Summary of issues discussed in the ES**

ES document	Paragraph Reference	Sub-section	Environment Agency Comment	Highways England Response	Status
Chapter 1: Introduction	1.9.1	Other Regulatory regimes, Permits and exemptions	<p>Permits and exemptions will be required pursuant to the Environmental Permitting (England and Wales) Regulations 2016 and any other relevant permitting or licensing regimes.</p> <p>Prior to the construction of the Scheme, appropriate environmental permits or exemptions will be applied for and in place. These are discussed at Table 3.2</p> <p>Summary of issues discussed in the OEMP below and at TR010016/APP/7.3, Outline Environmental Management Plan (OEMP) Table 4.1 Permits, consents and licences and Annex B Register of Environmental Actions and Commitments (REAC) (TR010016/APP/6.11).</p>	Agreed	Agreed
Chapter 2: The	2.6.64	Description of the proposed	Drainage to be designed with a 30% allowance for climate	Agreed	Agreed

ES document	Paragraph Reference	Sub-section	Environment Agency Comment	Highways England Response	Status
Scheme		Improvements, Drainage, Climate change allowance	change at the express request of the Environment Agency to meet a 'site specific' situation and in consideration of historic flooding in Hull.		
	2.6.71	Description of the proposed improvements, Drainage, Underpass drainage system, Alternative proposed outfall locations	Selection of the preferred outfall to the River Humber location will depend on investigation of the existing sheet piled wall and any constraints due to land use. This proposal is being discussed with NE, Environment Agency and the land owner.	Agreed	N/A Yorkshire Water have confirmed acceptance of the discharge directly into their existing sewer.
Chapter 3: Consideration of Alternatives	3.3.5	Option selection	Environment Agency did not prefer Option 1.	No comment	Agreed
Chapter 4: Consultation	4.5.10	Consultation relating to environment, Consultation with third parties, Environment Agency, Flood risk and drainage	Environment Agency to be consulted extensively on issues relating to flood risk and drainage of the Scheme. They are to be involved in the development of the flood risk modelling, groundwater modelling and the location and nature of groundwater testing.	Agreed	Agreed Discussions have been held with the Environment Agency via meetings and the provision of written advice, on matters including flood risk, groundwater protection and pollution control. Conversations around flood risk are

ES document	Paragraph Reference	Sub-section	Environment Agency Comment	Highways England Response	Status
					ongoing. Response provided in the Applicant's Comments on the Environment Agency's Relevant Representation (- see Table 3.4 below and REP-1-016).
	4.5.11	Consultation relating to environment, Consultation with third parties, Environment Agency, Environmental permit requirements	Environment Agency have confirmed no environmental permit requirements for the re-burial of remains within Trinity Burial Ground.	Agreed	Agreed
	4.5.11	Consultation relating to environment, Consultation with third parties, Environment Agency, Options for re-use of soils	Environment Agency to be consulted on the options for re-use of soils during development of the Materials Management Plan as part of the Detailed Design Stage.	Agreed	Agreed During the Detailed Design Stage Environment Agency will be consulted on the options for re-use of soils during development of the Materials Management Plan.
Chapter 11: Road Drainage and the Water Environment	11.1.6 / 11.1.11 /	Executive summary, Surface water and flood risk, Flood Warning Service	Environment Agency agreed that management of flood risk includes use of the Flood Warning Service.	Agreed	Agreed
	11.1.7 / 11.10.2	Executive summary, Surface water and flood risk, Underpass drainage system	Environment Agency commented that the underpass drainage system should include an oil interceptor and shut off	Agreed	N/A Yorkshire Water have confirmed acceptance of the discharge directly into



ES document	Paragraph Reference	Sub-section	Environment Agency Comment	Highways England Response	Status
	11.4.9 / 11.4.19 / 11.4.20 & Table 11.4	Approach and methodology, Flood risk Consultation, Flood risk assessment	valve to isolate and contain any contaminants released during an accidental spillage.  Environment Agency to agree to flood risk assessment approach and consideration of flood risk scenarios. Additional information relating to flood risk to be supplied.	Agreed	<p>their existing sewer and confirmed there is no requirement for pollution control devices.</p> <p>Agreed</p> <ul style="list-style-type: none"> <li>August 2018 – following a meeting subsequent to Environment Agency review of the draft FRA, Environment Agency requested additional information on flood risk to be provided at a later date. These additional requirements are summarised in Volume 3, Appendix 11.9.</li> <li>December 2018 to May 2019 - Following comments made in the Relevant Representation, flood risk evidence base has been updated and additional modelling was undertaken for H++ climate change scenarios and defence breach scenarios using supporting data from Environment Agency.</li> </ul>

ES document	Paragraph Reference	Sub-section	Environment Agency Comment	Highways England Response	Status
					<ul style="list-style-type: none"> <li>4 March 2019 – Revised Technical Note issued to Environment Agency, including additional flood risk mapping and response to Environment Agency's letter of 28 August 2019 regarding site compound flood risk (see Table 3.3 and REP1-011).</li> <li>24 April 2019 - Applicant's Comments to Environment Agency's Relevant Representation (see Table 3.4 and REP1-016 – RR-18)</li> </ul>
	11.4.9	Approach and methodology, Consultation, Groundwater assessment	Environment Agency to agree to approach to groundwater assessment, including the use of groundwater modelling and pumping tests.	Agreed	Agreed
	11.4.25 & Table 11.15	Approach and methodology, Specific methodologies, Surface water quality	Environment Agency accepted a modified Step 2 assessment based on mass-balance calculation to assess the dilution in the receiving water.	Agreed	N/A Yorkshire Water have confirmed acceptance of the discharge directly into their existing sewer therefore method no longer applicable.
	11.4.41 /	Approach and	A programme of surface water	Agreed	Agreed

ES document	Paragraph Reference	Sub-section	Environment Agency Comment	Highways England Response	Status
	Table 11.15 / 11.10.8	methodology, Specific methodologies, Limitations – surface water and flood risk	quality sampling would be required prior to, during and following construction of the Scheme, the locations of which will be agreed with Environment Agency.		Prior to, during and following the construction of the Scheme, a surface water quality sampling plan will be required following agreement with Environment Agency.  This is secured as a requirement in the Register of Environmental Actions and Commitments (REAC) (TR010016/APP/6.11) at reference W4, W7 and W11. See also Table 3.2 below.
	11.5.103	Existing environment, Groundwater, Hydrogeology	Environment Agency has confirmed that it is satisfied in principle with the investigation that has been undertaken and the conclusions drawn from this, including the groundwater modelling approach.	Agreed	Agreed
	11.6.22 / Table 11.16 / 11.10.7	Mitigation, Construction, Construction phase Mitigation, Groundwater monitoring	Environment Agency shall be consulted about the level of groundwater monitoring required.	Agreed	Agreed  Prior to, during and following the construction of the Scheme, a groundwater monitoring plan will be required following agreement with Environment Agency. This

ES document	Paragraph Reference	Sub-section	Environment Agency Comment	Highways England Response	Status
					is secured as a requirement in the Register of Environmental Actions and Commitments (REAC) (TR010016/APP/6.11) at reference W8. See also Table 3.2 below.
	11.6.23	Mitigation, Construction, Construction phase Mitigation, Groundwater monitoring	Groundwater abstractions and discharges for construction dewatering may require consents from Environment Agency and must demonstrate no significant adverse impacts on groundwater receptors or receiving waterbodies.	Agreed	Agreed Prior to, during and following the construction of the Scheme, a groundwater monitoring plan will be required following agreement with Environment Agency, and the appropriate consents secured. This is secured as a requirement in the Register of Environmental Actions and Commitments (REAC) (TR010016/APP/6.11) at reference W8. See also Table 3.2 below.
	11.6.29	Mitigation, Operation, Climate change allowance	Environment Agency to agree the scenarios and climate change allowances to be considered as part of the flood risk assessment.	Agreed	Agreed. Following comments made in the Relevant Representation, flood risk evidence base has been updated to qualitatively

ES document	Paragraph Reference	Sub-section	Environment Agency Comment	Highways England Response	Status
					consider UKCP18 and modelling updated to consider H++ allowances and breach scenarios. Findings are presented in the Applicant's Comments on the Environment Agency's Relevant Representation (see Table 3.4 and REP1-016 – RR-18).
	11.7.8	Predicted environmental effects, Construction phase – surface water and flood risk, General, Outfall	Environment Agency to agree to the proposed location of the rising main outfall into the Humber Estuary.	Agreed	N/A Yorkshire Water have confirmed acceptance of the discharge directly into their existing sewer.
	11.8.1	Climate change effects, Surface water and flood risk, Tidal flooding scenarios	For the tidal flooding scenarios from the River Hull with the Tidal Surge Barrier open, it was agreed with Environment Agency that the 1 in 1000-year return period event should be used as a surrogate for a 1 in 200-year return period event with climate change impacts.	Agreed	Agreed

ES document	Paragraph Reference	Sub-section	Environment Agency Comment	Highways England Response	Status
			A qualitative assessment will be provided on climate change impacts on tidal flooding from the Humber estuary.	Agreed	Agreed. Following comments made in the Relevant Representation, flood risk evidence base has been updated to qualitatively consider UKCP18 and modelling updated to consider H++ allowances. Findings are presented in the Applicant's Comments on the Environment Agency's Relevant Representation (see Table 3.4 and REP1-016 – RR-18).
	11.10.6	Conclusions, Surface water and flood risk	Emergency response procedures have been updated and amended to reflect the particular requirements of flooding of the underpass.	Agreed	Agreed Following comments made in the Relevant Representation and subsequent representations, the Flood Emergency Evacuation Plan (FEPP) has been revised and reissued as part of Deadline 3.
Appendix 11.1 Surface Water	1.1.3 / 2.2.2 / 2.3.5	Introduction, runoff impact assessment	A modified routine runoff impact assessment was agreed with	Agreed	N/A Yorkshire Water have



ES document	Paragraph Reference	Sub-section	Environment Agency Comment	Highways England Response	Status
Quality Impact Assessment			Environment Agency.		confirmed acceptance of the discharge directly into their existing sewer therefore method no longer applicable
	2.5.1 – 2.5.5 / 6.1.4 / 6.1.5	Summary of consultation	<p>Environment Agency stated that the discharge from the outfall must not cause scour and sediment plumes downstream of the outfall location and should consider tidal locking (i.e., the prevention of discharge from an outfall when the outfall is submerged during a high tide).</p> <p>Any approach to the water quality impact assessment would need to be agreed with Environment Agency as well as the Highways Agency (now Highways England).</p> <p>Impact assessment methodology accepted in principle.</p> <p>Request for the following measures to be incorporated in the drainage design:</p> <ul style="list-style-type: none"> <li>Adequate pollution control measures, e.g. oil / petrol interception facilities, are in place to remove residual oil /</li> </ul>	Agreed	<p>N/A</p> <p>Yorkshire Water have confirmed acceptance of the discharge directly into their existing sewer and confirmed there is no requirement for pollution control devices.</p>

ES document	Paragraph Reference	Sub-section	Environment Agency Comment	Highways England Response	Status
			<p>petrol contaminants, prior to discharge to the Humber.</p> <ul style="list-style-type: none"> <li>Additional measures should be incorporated in the infrastructure of the drainage system, e.g. cut off valves, such that in the event of a major incident on the A63, any contaminants lost to the drainage system serving the carriageway can be isolated and contained.</li> </ul>		
	3.3.2 / 6.1.6	Ground investigation, Surface water quality monitoring, Monitoring requirements	Monitoring requirements in the vicinity of the Scheme prior to, during and post construction, to be agreed with Environment Agency.	Agreed	Agreed Prior to, during and following the construction of the Scheme, a surface water quality monitoring plan will be required following agreement with Environment Agency.
Appendix 11.2 Flood Risk Assessment including Flood Emergency Evacuation Plan (FEEP)	Flood Risk Assessment including Flood Emergency Evacuation Plan (FEEP)	Flood Risk Assessment including Flood Emergency Evacuation Plan (FEEP)	Environment Agency request that additional information was provided as per Appendix 11.9 requirements below.	Agreed	Agreed <ul style="list-style-type: none"> <li>August 2018 – following a meeting subsequent to Environment Agency review of the draft FRA, Environment Agency requested additional information on flood risk to be provided at a later date. These additional</li> </ul>

ES document	Paragraph Reference	Sub-section	Environment Agency Comment	Highways England Response	Status
Appendix 11.4 Groundwater Report	1.3	Introduction, Consultation	Approach to the groundwater assessment agreed by Environment Agency. Details in the ES.	Agreed	<p>requirements are summarised in Volume 3, Appendix 11.9.</p> <ul style="list-style-type: none"> <li>December 2018 to March 2019 – Additional flood risk mapping and analysis were undertaken to meet the Appendix 11.9 requirements.</li> <li>4 March 2019 – Revised Technical Note issued including additional flood risk mapping and response to Environment Agency's letter of 28 August 2019 regarding site compound flood risk (see Table 3.3 and REP1-011).</li> </ul>
				Agreed	<p>Prior to, during and following the construction of the Scheme, a groundwater monitoring plan will be required following agreement with Environment Agency.</p> <p>This is secured as a requirement in the Register of Environmental Actions</p>

ES document	Paragraph Reference	Sub-section	Environment Agency Comment	Highways England Response	Status
Appendix 11.5 Pumping Test Report	Page 11	Regulator / Landowner liaison, Environment Agency	<p>Approval given for pumping tests.</p> <p>Pumping tests should comply with the Guidelines for Temporary Water Discharges from Excavations with the following constraints:</p> <ul style="list-style-type: none"> <li>Water to be discharged to tanker until water runs clear and water quality proven to be comparable to routine groundwater samples taken in the Hull area, and with approval from the Environment Agency prior to commencement with the test.</li> <li>Water quality sampling at the point of abstraction and within the dock (at existing GI sampling points SW2 and SW3), including ammonium, selected metals and selected organics during the pumping tests.</li> </ul>	Agreed	<p>and Commitments (REAC) (TR010016/APP/6.11) at reference W8. See also Table 3.2 below.</p> <p>Agreed</p>

ES document	Paragraph Reference	Sub-section	Environment Agency Comment	Highways England Response	Status
Appendix 11.8 Drainage Impact Assessment	2.2.2	Methodology, Consultation, Environment Agency	<ul style="list-style-type: none"> <li>Allowance for intermittent spot tests on ammoniacal nitrogen levels.</li> <li>The test is to be suspended should there be any significant deterioration in ammoniacal nitrogen, visual quality or odour of the discharge water.</li> <li>BWML to be informed of start and finish times of the test to allow for monitoring of dock levels.</li> </ul>	Agreed	Agreed Following comments made in the Relevant Representation, further information has been provided on emergency diversion routes and resilience of the underpass infrastructure to flooding. Yorkshire Water have confirmed acceptance of the discharge directly into their existing sewer therefore there is no permanent outfall to Humber.

ES document	Paragraph Reference	Sub-section	Environment Agency Comment	Highways England Response	Status
			<p>with a 30% allowance for climate change.</p> <ul style="list-style-type: none"> <li>Consideration must be given to the overland flows (external to the site) entering the underpass during extreme events.</li> <li>Flows may be pumped into the River Humber at an unrestricted rate.</li> <li>Alternative power supply sources (generator, uninterruptable power supply etc.) should be considered to manage the risk of power failure.</li> <li>Emergency procedures should be developed to minimise the risk to road users should power failure occur over an extended period of time.</li> </ul>		<p>Findings are presented in the Applicant's Comments on the Environment Agency's Relevant Representation (see Table 3.4 and REP1-016 – RR-18) and the Supporting Figures to REP1-016.</p>
Appendix 11.9 Additional Flood Risk Assessment Information Requirements	1.2.1	Introduction, Additional flood risk information requirements	<p>Environment Agency requested further information on the following:</p> <ul style="list-style-type: none"> <li>Plans showing comparisons of flood extents to identify additional areas of flooding or areas no longer at risk of</li> </ul>	Agreed	<p>Agreed. Revised Technical Note issued on 4 March 2019 including additional flood risk mapping and response to Environment Agency's letter of 28 August 2019</p>



ES document	Paragraph Reference	Sub-section	Environment Agency Comment	Highways England Response	Status
Chapter 12: Geology and Soils	12.5.12	Approach and methodology, Consultation, Environment Agency	<p>flooding as a result of the Scheme.</p> <ul style="list-style-type: none"> <li>Plans or data tables showing changes in flood depth as a proportion of the existing (baseline) flood depth.</li> <li>Plans or figures highlighting areas of change in Flood Hazard.</li> <li>A review of road levels and flood depth information to identify the level at which the road must be constructed in order to manage flooding of the underpass from Humber wave overtopping or River Hull tidal flooding events.</li> <li>A review of the potential impacts of proposed flood defence upgrades as part of the Humber Hull Frontages scheme based on information on these upgrades to be supplied by Environment Agency.</li> </ul> <p>Consultation with Environment Agency and the Environmental Health Officer (EHO) at Hull City Council has been undertaken. Discussions were held with</p>	Agreed	regarding site compound flood risk (see Table 3.3 and REP1-011). Findings are presented in the Applicant's Comments on the Environment Agency's Relevant Representation (see Table 3.4 and REP1-016 – RR-18) and the Supporting Figures to REP1-016.

ES document	Paragraph Reference	Sub-section	Environment Agency Comment	Highways England Response	Status
Chapter 13: Materials	13.6.6	Baseline conditions (existing environment)	Environment Agency advised that there are two landfills in Yorkshire with Stable Non-Reactive Hazardous Waste cells. Locally, Gallymoor landfill is located 30km to the north west at Market Weighton and regionally, Erin landfill is located 110km to the south west at Duckmanton.	Agreed	Agreed.

3.1.2 A summary of issues identified within the Outline Environmental Management Plan (OEMP) in relation to the Application is outlined in Table 3.2.

**Table 3.2 Summary of issues discussed in the OEMP**

Chapter	Paragraph Reference	Sub-section	Environment Agency Comment	Highways England Response	Status
Chapter 4: Consents and Permissions	4.2.3	Consents, Licences and permitting, Table 4.1, Flood risk activity	Permit is required to do any regulated flood risk activities, such as activity within 16m of landward toe of any sea defence structure, under the	Agreed	Agreed These are discussed at TR010016/APP7.3, Outline Environmental Management Plan (OEMP) Table 4.1

Chapter	Paragraph Reference	Sub-section	Environment Agency Comment	Highways England Response	Status
			<p>Environmental Permitting Regulations 2016.</p> <p>Prior to the construction of the Scheme, appropriate permits will be applied for and in place for any regulated flood risk activities.</p>		Permits, consents and licences and Annex B Register of Environmental Actions and Commitments (REAC) (TR010016/APP/6.11)
	4.2.3	Consents, Licences and permitting, Table 4.1, Environmental permit – discharge of waste water	<p>A method statement is required to minimise the risk of pollution.</p> <p>There are a number of Regulatory Position Statement (RPS) conditions that must be adhered to, relating to source of water, water quality and potential impact on receiving water course. A bespoke permit will be required if RPS conditions cannot be complied with.</p> <p>Prior to the construction of the Scheme, appropriate environmental permits will be applied for and in place</p>	Agreed	Agreed
	4.2.3	Consents, Licences and permitting, Table 4.1, Transfer licence for construction dewatering	<p>Dewatering design details will be required before the licensing process can commence. A Groundwater Investigation Consent is likely to be required</p>	Agreed	Agreed

Chapter	Paragraph Reference	Sub-section	Environment Agency Comment	Highways England Response	Status
			<p>to drill and test the dewatering system as part of the licensing process.</p> <p>Prior to the construction of the Scheme, appropriate consents will be applied for and in place.</p>		
	4.2.3	Consents, Licences and permitting, Table 4.1, Ordinary watercourse consent	<p>Consent is required to discharge into docks / marinas and ordinary watercourses.</p> <p>Prior to the construction of the Scheme, appropriate consents to discharge will be applied for and in place.</p>	Agreed	Agreed
	4.2.3	Consents, Licences and permitting, Table 4.1, Waste carrier registration and waste transfer notes	<p>Principal Contractor to ensure their selected waste carrier is registered (upper tier) through Environment Agency and up-to-date waste transfer notes / edoc completed.</p> <p>Prior to the construction of the Scheme, it will be checked that the waste carrier is registered appropriately with the Environment Agency.</p>	Agreed	Agreed

Chapter	Paragraph Reference	Sub-section	Environment Agency Comment	Highways England Response	Status
Annex B: Register of Environmental Actions and Commitments (REAC)	4.2.3	Consents, Licences and permitting, Table 4.1, Environmental permitting - waste	<p>Waste management facilities receiving waste streams must hold and comply with the correct permit or appropriate exemption to accept or manage a particular waste.</p> <p>Prior to the construction of the Scheme, appropriate permits or exemptions to accept or manage waste will be applied for and in place.</p>	Agreed	Agreed
	W1	Road drainage and the water environment, To limit effects as a result of storage of materials.	<p>Water quality monitoring plan to be carried out once agreed with Environment Agency.</p> <p>Prior to, during and following the construction of the Scheme, a water quality monitoring plan will be required following agreement with Environment Agency.</p>	Agreed	Agreed
	W2	Road drainage and the water environment, To limit impacts of reduced flows due to earthworks and increased infiltration.	<p>Any discharges to docks / marinas would require consent from Marine Management Organisation, dock operators and Environment Agency.</p> <p>Prior to the construction of the Scheme, appropriate consents to discharge will be applied for and in place.</p>	Agreed	Agreed

Chapter	Paragraph Reference	Sub-section	Environment Agency Comment	Highways England Response	Status
	W3	Road drainage and the water environment, To limit impacts of increased flows due to construction dewatering.	<p>Any discharges to docks / marinas would require consent from Marine Management Organisation, dock operators and Environment Agency.</p> <p>Prior to the construction of the Scheme, appropriate consents to discharge will be applied for and in place.</p>	Agreed	Agreed
	W4	Road drainage and the water environment, To limit impacts of increased suspended solids and reduction in water quality because of earthworks, construction dewatering, plant and vehicle washing, etc	<p>Any discharges to docks / marinas would require consent from Marine Management Organisation, dock operators and Environment Agency.</p> <p>Prior to the construction of the Scheme, appropriate consents to discharge will be applied for and in place.</p> <p>Monitoring plan to include water quality sampling prior to, during and after construction to be agreed with Environment Agency.</p> <p>Prior to, during and following the construction of the Scheme, a water quality monitoring/sampling plan will be</p>	Agreed	Agreed



Chapter	Paragraph Reference	Sub-section	Environment Agency Comment	Highways England Response	Status
	W5	Road drainage and the water environment, To limit impacts of changes in flood flow routes due to alteration of ground elevations	<p>required following agreement with Environment Agency.</p> <p>Emergency procedures required to evacuate construction footprint in the event of extreme flooding. Procedures to account for all sources of flooding including tidal, pluvial and fluvial flooding.</p> <p>Temporary pumping arrangements required to discharge flood waters to sewer subject to permit / consent.</p> <p>Prior to the construction of the Scheme, appropriate consents to discharge will be applied for and in place.</p>	Agreed	Agreed Following comments made in the Relevant Representation and subsequent representations, the FEEP will continue to be updated with further information on emergency diversion routes during construction.
	W6	Road drainage and the water environment, To limit impacts of pollution due to accidental spillages of oils, fuels, chemicals, concrete, cement or admixtures, etc	<p>Monitoring plan to include water quality sampling prior to, during and after construction to be agreed with Environment Agency.</p> <p>Prior to, during and following the construction of the Scheme, a water quality monitoring/sampling plan will be required following agreement with Environment Agency.</p>	Agreed	Agreed

Chapter	Paragraph Reference	Sub-section	Environment Agency Comment	Highways England Response	Status
	W7	Road drainage and the water environment, To limit impacts of changes to groundwater level or flow as a result of construction	Groundwater monitoring plan to include water level monitoring prior to, during and after construction to be agreed with Environment Agency. Any discharges to docks / marinas would require consent from Marine Management Organisation, dock operator and Environment Agency. Prior to the construction of the Scheme, appropriate consents to discharge will be applied for and in place. Water quality monitoring reporting to be agreed with Environment Agency.	Agreed	Agreed
	W8	Road drainage and the water environment, To limit impacts of additional saline intrusion during construction dewatering	Groundwater monitoring plan to include water level monitoring prior to, during and after construction to be agreed with Environment Agency. Water quality monitoring reporting to be agreed with Environment Agency.	Agreed	Agreed
	W9	Road drainage and the water environment, To limit the deterioration of groundwater quality as a	Groundwater monitoring plan to include water level monitoring prior to, during and after construction to be agreed with	Agreed	Agreed

Chapter	Paragraph Reference	Sub-section	Environment Agency Comment	Highways England Response	Status
		<p>result of mobilisation of contamination and generation of suspended solids through ground disturbance; Creation of new contamination pathways between the surface superficial deposits and Chalk, and direct contact with construction materials.</p>	<p>Environment Agency. Any discharges to docks / marinas would require consent from Marine Management Organisation, dock operator and Environment Agency. Prior to the construction of the Scheme, appropriate consents to discharge will be applied for and in place. Water quality monitoring reporting to be agreed with Environment Agency.</p>		
	W10	<p>Road drainage and the water environment, To limit impacts of pollution on Humber Dock Marina as a result of the construction of piled foundations for Princes Quay Bridge</p>	<p>Monitoring plan to include water quality sampling prior to, during and after construction to be agreed with Environment Agency. Water quality monitoring reporting to be agreed with Environment Agency and Marine Management Organisation.</p>	Agreed	<p>Agreed Prior to, during and following the construction of the Scheme, a groundwater monitoring plan will be required following agreement with Environment Agency.</p>
	W11	<p>Road drainage and the water environment, To limit impacts of construction on access for maintenance of Environment Agency flood defences</p>	<p>No materials or plant to be stored within 16m of flood defences in order to allow access for maintenance of flood defence assets by Environment Agency.</p>	Agreed	Agreed

Chapter	Paragraph Reference	Sub-section	Environment Agency Comment	Highways England Response	Status
	W12	Road drainage and the water environment, To limit impacts of flooding on construction workers, plant and materials	<p>Environment Agency flood warning service to be subscribed to throughout construction. If flood alert or flood warning received, information to be shared with relevant personnel.</p> <p>Flood Evacuation Plan to be prepared for temporary site compounds and to include provision for safe evacuation of personnel and protection or removal of plant or sensitive material likely to be mobilised during a flood.</p> <p>Any sensitive temporary structures to be constructed in a flood resilient fashion, where appropriate.</p>	Agreed	<p>Agreed</p> <p>Following comments made in the Relevant Representation and subsequent representations, the FEEP will continue to be updated and further information provided on emergency diversion routes for construction areas.</p> <p>Findings are presented in the Applicant's Comments on the Environment Agency's Relevant Representation (see Table 3.4 and REP1-016 – RR-18) and the Supporting Figures to REP1-016</p>
DCO Documents Errata (REP2-010) – Chapter 5	W13	To limit impacts of flooding on construction workers and the public	<p>EA flood warning service to be subscribed to throughout construction. If flood alert or flood warning received, information to be shared with relevant personnel.</p> <p>Emergency procedures documented in the Flood Emergency and Evacuation Plan (FEEP) (ES Volume 3 Appendix 11.2 Appendix B) to be</p>	Agreed	Agreed

Chapter	Paragraph Reference	Sub-section	Environment Agency Comment	Highways England Response	Status
			<p>instigated for safe evacuation of the underpass and surrounding areas of the Scheme during operation.</p> <p>CEMP to include emergency procedures based on the FEEP to evacuate construction footprint in the event of extreme flooding. Procedures to account for all sources of flooding including tidal, pluvial and fluvial flooding.</p>		

3.1.3 A summary of issues identified within the Additional Flood Risk Information Technical Note (response to queries raised in ES Appendix 11.9 queries) in relation to the Application is outlined in Table 3.3.

**Table 3.3 Summary of issues discussed in the Technical Note (REP1-011).**

Technical Note Section	Paragraph Reference	Sub-section	Environment Agency Comment	Highways England Response	Status
Comparison of flood events	2.1	Comparison of flood extents	Plans showing comparisons of flood extents to identify additional areas of flooding or areas no longer at risk of flooding as a result of the Scheme.	Agreed	Agreed Information provided as agreed in Appendix 11.9 ES Chapter 11 Road Drainage and the Water Environment and issued to the Environment Agency as a Technical Note (REP1-011) after the DCO submission.

Technical Note Section	Paragraph Reference	Sub-section	Environment Agency Comment	Highways England Response	Status
	2.2	Relative changes in flood depths	Plans or data tables showing changes in flood depth as a proportion of the existing (baseline) flood depth.	Agreed	Agreed. Information provided as agreed in Appendix 11.9 ES Chapter 11 Road Drainage and the Water Environment and issued to the Environment Agency as a Technical Note (REP1-011) after the DCO submission.
	2.3	Change in Flood Hazard Rating	Plans or figures highlighting areas of change in Flood Hazard	Agreed	Agreed Information provided as agreed in Appendix 11.9 ES Chapter 11 Road Drainage and the Water Environment and issued to the Environment Agency as a Technical Note (REP1-011) after the DCO submission.
	2.4	Review of peak flood levels along the length of the proposed underpass	A review of road levels and flood depth information to identify the level at which the road must be constructed to manage flooding of the underpass from Humber wave overtopping or River Hull tidal flooding events.	Agreed	Agreed. Information provided as agreed in Appendix 11.9 ES Chapter 11 Road Drainage and the Water Environment and issued to the Environment Agency as a Technical Note (REP1-011) after the DCO submission.



Technical Note Section	Paragraph Reference	Sub-section	Environment Agency Comment	Highways England Response	Status
	2.5	Review of the proposed Humber defence upgrades	A review of the potential impacts of proposed flood defence upgrades as part of the Humber Hull Frontages scheme based on information on these upgrades to be supplied by the Environment Agency.	Agreed	Agreed Information provided as agreed in Appendix 11.9 ES Chapter 11 Road Drainage and the Water Environment and issued to the Environment Agency as a Technical Note (REP1-011) after the DCO submission.
	2.6	Review of flood risk to and from temporary construction compounds	Flood risk to and from temporary compounds during construction of the Scheme will be managed using best practice methods as stipulated at TR010016/APP/7.3, Outline Environmental Management Plan (OEMP) Annex B Register of Environmental Actions and Commitments (REAC) (TR010016/APP/6.11, reference W12) and will include requirements for robust emergency response plans to significant flood events.	Agreed	Agreed Information provided as agreed in Appendix 11.9 ES Chapter 11 Road Drainage and the Water Environment and issued to the Environment Agency as a Technical Note (REP1-011) after the DCO submission.

**Table 3.4 Summary of issues discussed in the Environment Agency's Relevant Representation (REP1-016: RR-018)**

Document	Paragraph Reference	Sub-section	Environment Agency Comment	Highways England Response	Status
Environment Agency's Relevant Representation	18.06	Flood risk	Non-compliance with the National Policy Statement for National Networks (with respect to offsite impact)	Response provided in Written Submission of Applicant's case put orally at Issue Specific Hearing (2) Water and Flood Risk on 5 June 2019	Not Agreed
	18.10 / 18.14	Evidence base – lifetime of development	Environment Agency requested confirmation on the lifetime of the development.	Response provided in the Applicant's Comments on the Environment Agency's Relevant Representation	Agreed
	18.17	Evidence base – breach assessment	Environment Agency requested further assessment of the impacts of a defence breach and how this might be managed \ mitigated.	Response provided in the Applicant's Comments on the Environment Agency's Relevant Representation	Agreed
	18.18	Evidence base – inundation times	Environment Agency requested further consideration of inundation times for overtopping and breach to inform emergency procedures.	Response provided in the Applicant's Comments on the Environment Agency's Relevant Representation	Agreed
	18.22	Resilience of underpass technology	Environment Agency requested further details on the flood resilience of underpass	Response provided in the Applicant's Comments on the	Agreed

Document	Paragraph Reference	Sub-section	Environment Agency Comment	Highways England Response	Status
			technology and whether these would be operational in a flood event.	Environment Agency's Relevant Representation and updates to the FEFP.	
	18.27	Recovery	Environment Agency requested further details on how Highways England's high-volume pumps would be used during an extreme event and where the water would be pumped to.	Response provided in the Applicant's Comments on the Environment Agency's Relevant Representation and updates to the FEFP.	Agreed that this will form part of Recovery plan, which now comes under DCO Requirement 4 for the FEFP
	18.28	Risk to surface water pump	Environment Agency requested further details on the underpass drainage surface water pumping station to whether it is sufficiently resilient to flooding, to allow continued operation in a flood event.	Response provided in the Applicant's Comments on the Environment Agency's Relevant Representation	Agreed (see Tables 3.5 to 3.7).

**Table 3.5 Summary of issues discussed in the Environment Agency's Written Representation (REP1-002)**

Document	Paragraph Reference	Sub-section	Environment Agency Comment	Highways England Response	Status
Environment Agency's Written Representation	1.1	Compliance with National Policy Statement for National Networks	The applicant should provide evidence to demonstrate that the development will be safe for its proposed lifetime and will not increase flood risk to others, in line with paragraph 160 of the National Policy Statement for National Networks (NPS NN).	Response provided in Written Submission of Applicant's case put orally at Issue Specific Hearing (2) Water and Flood Risk on 5 June 2019	Not Agreed  The Applicant has not been able to provide evidence to demonstrate that flood risk will not be increased to others.
	1.2	Compliance with National Policy Statement for National Networks – Off Site Flood Risk	Confirmation of the offsite impacts in relation to threshold levels and determine how significant the offsite impacts will be.	Response provided in the Applicant's Comments on the Environment Agency's Relevant Representation and the Applicant's Response to the Examining Authorities Written Questions (ExQ1; REP2-003 and REP2-008).	Agreed  The Applicant has provided figures to show where there will be an offsite impact and how significant it will be.
	2.2	Climate Change – UKCP18	Assessment of climate change impacts using UKCP18 projections.	Response provided in the Applicant's Comments on the Environment Agency's Relevant Representation	Agreed  The Applicant has used the UKCP18 projections in their consideration of climate change.
	2.2	Climate Change – H++ Scenarios	Assessment of climate change impacts using the H++ scenario.	Response provided in the Applicant's Comments on the	Agreed  The Applicant has assessed the H++

Document	Paragraph Reference	Sub-section	Environment Agency Comment	Highways England Response	Status
	2.3	Climate Change – Risk over Scheme Lifetime	The applicant has indicated that it would be unfeasible to mitigate the effects of climate change through design of the scheme. However, the outputs of the assessment remain important for the Examining Authority in understanding the risk to the development over its lifetime.	Environment Agency's Relevant Representation  Agreed	scenario as part of their consideration of climate change,  Agreed  The Applicant has confirmed that they are unable to mitigate the effects of climate change, but has assessed the risk anyway to enable the Examining Authority to understand the risks over the development's lifetime.
	3	Lifetime of the Development	Confirmation on the lifetime of the development.	Response provided in the Applicant's Comments on the Environment Agency's Relevant Representation	Agreed
	4.1	Breach Assessment	Determine how the information obtained from the modelling undertaken for the Hull City Council's Strategic Flood Risk Assessment will be considered.	Response provided in the Applicant's Comments on the Environment Agency's Relevant Representation	Agreed
	4.2	Breach Assessment	Determine:	Response provided in the Applicant's Comments on the	a) Agreed

Document	Paragraph Reference	Sub-section	Environment Agency Comment	Highways England Response	Status
			<p>a) how the impact of a breach might be altered with the project in place, for example the risk to surrounding areas, and</p> <p>b) how any increased risk might be mitigated or managed.</p>	<p>Environment Agency's Relevant Representation and Supporting Figures.</p>	<p>b) Not Agreed The Applicant is unable to mitigate any increase in risk other than through emergency planning procedures.</p>
	4.3	Breach Assessment	<p>Consider whether the measures proposed within the Flood Emergency and Evacuation Plan (FEEP; Appendix B of APP-052) are sufficient to ensure the safety of road users during a breach.</p>	<p>The Flood Emergency and Evacuation Plan (FEEP; Appendix B of APP-052) has been updated to include latest breach scenario modelling (including breach inundation times of the underpass). The FEEP has been revised and reissued as part of Deadline 3.</p>	<p>Agreed. The Applicant has considered a breach with no warning within the revised FEEP.  NB: The Environment Agency is unable to comment on whether the measures are sufficient to ensure the safety of road users, as it is not within our remit to determine whether emergency planning procedures are adequate.</p>



Document	Paragraph Reference	Sub-section	Environment Agency Comment	Highways England Response	Status
	4.4	Breach Assessment	Use of Hull Humber Frontages modelling information	This information has been reviewed although no additional modelling has been carried out to assess the impacts of Humber Hull Frontages scheme. Further information is provided in the Applicant's comments on the Environment Agency's Relevant Representation.	Agreed
	5.3	Inundation Times - FEED	Assessment of inundation times for a range of scenarios including defence breach and why they are different to the December 2013 surge event observations. Inundation times would be clarified and updated within the FEED	Response provided in the Applicant's Comments on the Environment Agency's Relevant Representation  The Flood Emergency and Evacuation Plan (FEED; Appendix B of APP-052) has been updated to include latest breach scenario modelling (including breach inundation times of the underpass). The FEED has been revised and reissued as part of Deadline 3.	Agreed  The Applicant has updated the inundation times within the revised FEED.
	6.1	Offsite Flood Risk – Threshold Analysis	Assessment of impact on threshold levels of surrounding properties required.	Response provided in the Applicant's Comments on the Environment Agency's Relevant Representation.	Agreed  The Applicant has undertaken this analysis.

Document	Paragraph Reference	Sub-section	Environment Agency Comment	Highways England Response	Status
	6.2	Offsite Flood Risk – Allocated Development Sites	Assessment of impact on Hull City Council's Allocated Development Sites.	Response provided in the Applicant's Comments on the Environment Agency's Relevant Representation and Supporting Figures	Agreed The Applicant has considered the impacts on Hull City Council's allocated sites.
	7.2	Evacuation Plan – Procedures for Flood Events with No Warning	Consider emergency procedures for no warning flood event in light of defence breach.	The Flood Emergency and Evacuation Plan (FEEP; Appendix B of APP-052) has been updated to include latest breach scenario modelling (including breach inundation times of the underpass). The FEEP has been revised and reissued as part of Deadline 3.	Agreed. The Applicant has considered a breach with no warning within the revised FEEP.  NB: The Environment Agency is unable to comment on whether the measures are sufficient to ensure the safety of road users, as it is not within our remit to determine whether emergency planning procedures are adequate.
	7.3	Evacuation Plan – Physical Barrier	Consider the use of a physical barrier to prevent vehicles from entering the underpass during	Response provided in Written Submission of Applicant's case put orally at Issue Specific	Not Agreed

Document	Paragraph Reference	Sub-section	Environment Agency Comment	Highways England Response	Status
			a flood event rather than the use of signs advising road users of the closure.	Hearing (2) Water and Flood Risk on 5 June 2019	
	7.3	Evacuation Plan -- Resilience of Technology.	Confirm how the proposed technology may be impacted during a power failure.	Response provided in Written Submission of Applicant's case put orally at issue Specific Hearing (2) Water and Flood Risk on 5 June 2019 and in subsequent correspondence (Item 67 in Table 2.1).	Agreed. The Applicant acknowledges that while in the event of a power failure and no flood warning there is still a risk that vehicles enter the flooded underpass, there are a number of measures in place to reduce the likelihood of this scenario. The Environment Agency is unable to comment on whether the measures are sufficient to ensure the safety of road users, as it is not within our remit to determine whether emergency planning procedures are adequate. The

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					Environment Agency therefore agrees to this, subject to the approval of these procedures by Hull City Council.
	7.4	Evacuation Plan – DCO requirement for measures to prevent vehicle access.	Appropriate measures to prevent vehicles entering the underpass in a flood event could be secured through an additional requirement within the DCO.	Response provided in Written Submission of Applicant's case put orally at Issue Specific Hearing (2) Water and Flood Risk on 5 June 2019  The FEEP has been added to the DCO Requirement 4 (REP2-005).	Not Agreed  The Environment Agency considers that physical barriers should be used to stop vehicles entering the underpass in a flood. The applicant has provided justification for not using physical barriers on page 17 of the revised FEEP
	7.5	Evacuation Plan – Diversion Routes	Confirmation that the strategic diversion routes will not be impacted more than they are now.	Response provided in the Applicant's Comments on the Environment Agency's Relevant Representation and Supporting Figures	Agreed  The applicant has confirmed that this is the case.
	7.6	Evacuation Plan – Diversion Routes during Construction	A Flood Evacuation Plan will be prepared for the construction phase; consider whether this measure is	Response provided in the Applicant's Comments on Written Representations. A requirement	Agreed

Document	Paragraph Reference	Sub-section	Environment Agency Comment	Highways England Response	Status
			secured through a flood risk requirement and that consultation takes place with emergency planners as required.	for a Flood Evacuation Plan has been added to the draft DCO.	
	8.1	Underpass Pumps – High Volume Pumps	Clarify that the use of high-volume pumps would only be deployed during the recovery phase following the flood, to remove water quickly from the flooded underpass. We understand that the applicant intends to clarify this within a revised FEPP	The Flood Emergency and Evacuation Plan (FEPP, Appendix B of App-052) has been updated to provide further clarity on the use of the high-volume pumps. The FEPP has been revised and reissued as part of Deadline 3.	Agreed Page 18 of the revised FEPP confirms that the high velocity pumps are for use during the recovery period only.
	8.2	Underpass Pumps – Recovery Plan	<i>A requirement may be needed for production of a recovery plan, to include details of discharge location, and any consents that may be required.</i>	The Requirement for a FEPP has been incorporated into the DCO. The FEPP will include a Recovery Plan.	Agreed It is agreed that a recovery plan will be provided as part of the FEPP which is included under DCO Requirement 4. The FEPP 4
	8.2	Underpass Pumps – Recovery Plan	<i>A requirement may be needed for production of a recovery plan, to include details of discharge location, and any consents that may be required.</i>	Prior to the construction of the Scheme, an appropriate environmental permit will be applied for and in place to discharge flood water after an extreme event flooding the underpass. The Recovery Plan in the FEPP will be updated to	Agreed

Document	Paragraph Reference	Sub-section	Environment Agency Comment	Highways England Response	Status
	9.1	Surface Water Pumping Station – DCO Requirement	Recommend that these resilience measures for the pumping station be secured by requirement to an agreed level, with additional details to follow.	include the details required by the Environment Agency.  A Requirement will be incorporated into the DCO subject to agreement of wording. Hull City Council and the Environment Agency will propose wording of Requirement.	Agreed.  DCO Requirement wording to be agreed.
	9.1	Surface Water Pumping Station – agreed level of protection	Recommend that these resilience measures for the pumping station be secured by requirement to an agreed level, with additional details to follow.	Highways England propose an achievable minimum level of resilience equivalent to the flooding resulting from a 1 in 1000 year Humber defended wave overtopping event. The final level of protection (mAOD) is subject to Hull City Council's requirements for the pumping station design given it is in a conservation area and the final outcome of further consultation with Hull City Council on the form of the central barrier.	Agreed.



**Table 3.6 Summary of issues discussed in the Environment Agency's response to the Examining Authority's Written Questions (REP2-001)**

Document	Paragraph Reference	Sub-section	Environment Agency Comment	Highways England Response	Status
Environment Agency's response to the Examining Authority's Written Questions	ExQ1.4.1	Changes to the dDCO – requirement for technology to be used to close the underpass	Requirement requesting final details of the technology to be used for closure of the underpass, including the use of physical barriers, either on receipt of a flood warning or onset on flooding.	The FEEP has been added to the dDCO Requirement 4 (REP2-005). The technology details for the closure of the underpass were discussed with the Environment Agency and Hull City Council at the Issue Specific Hearing (ISH) Water and Flood Risk (Table 3.7 – 5 part 5). The FEEP has been revised and reissued to include technology resilience details as part of Deadline 3.	Not Agreed The Environment Agency considers that physical barriers should be used to stop vehicles entering the underpass in a flood. The applicant has provided justification for not using physical barriers on page 17 of the revised FEEP
	ExQ1.4.1	Changes to the dDCO – requirement for technology to be used to close the underpass	The scheme must include consideration of how the technology will remain operable in the event of power loss.	Response provided in Written Submission of Applicant's case put orally at Issue Specific Hearing (2) Water and Flood Risk on 5 June 2019 and in subsequent correspondence (Item 67 in Table 2.1).	Agreed NB: The Environment Agency is unable to comment on whether the measures are sufficient to ensure the safety of road users, as it is not within our remit to

Document	Paragraph Reference	Sub-section	Environment Agency Comment	Highways England Response	Status
	ExQ1.4.1	Changes to the dDCO – requirement for Recovery Plan	Requirement for a Recovery Plan is necessary, to confirm temporary arrangements for the discharge of flood water, including its final destination. The Requirement should ensure that appropriate permits will be obtained from the Environment Agency prior to there being need of the recovery operation.	The FEED has been added to DCO Requirement 4 (REP2-005). The FEED will include a Recovery Plan.	determine whether emergency planning procedures are adequate.  Agreed
	ExQ1.4.1	Changes to the dDCO – pumping station resilience	Requirement is necessary to secure the submission of details of resilience measures for the proposed surface water pumping station to an agreed level (in metres above Ordnance Datum).	A Requirement will be incorporated into the DCO subject to agreement of wording. Hull City Council and the Environment Agency will propose wording of Requirement.	Agreed that a Requirement is necessary.
	ExQ1.10.1	Proposed Pumping Station – flood resilience	The Environment Agency do not consider that there is sufficient information at this stage to assess the risk to the surface water pumping station and cannot therefore determine whether the pumping station will be appropriately flood resilient and resistant, as required by paragraph 5.99 of the National Policy Statement for National Networks.	Highways England propose an achievable minimum level of resilience equivalent to the flooding resulting from a 1 in 1000 year Humber defended wave overtopping event. The final level of protection (mAOD) is subject to Hull City Council's requirements for the pumping station design given it is in a conservation area and the final	Agreed

Document	Paragraph Reference	Sub-section	Environment Agency Comment	Highways England Response	Status
			The details of any proposed resilience measures may be secured through a Requirement on the DCO (see above), but with the level of protection (in metres above Ordnance Datum) to be agreed now.	outcome of further consultation on the form of the central barrier. Highways England will continue to discuss the resilience measures required for the proposed surface water pumping station with the Environment Agency. A Requirement will be incorporated into the DCO subject to agreement of wording (see above).	
	ExQ1.10.1	Proposed Pumping Station – discharge to Yorkshire Water sewer	The Environment Agency understand that surface water from the underpass will now drain to Yorkshire Water sewer and not via an outfall to the Humber estuary under normal circumstances. Should the underpass flood, the recovery phase may involve flood water being discharged directly into the estuary, although it is not anticipated that a permanent outfall would be required for this. As stated in the Environment Agency's response to ExQ1.4.1, this can be dealt with via a new Requirement for a recovery plan.	Response provided in the Applicant's Comments on the Environment Agency's Relevant Representation and the Applicant's Response to the Examining Authorities Written Questions (EXQ1; REP2-003).  The Requirement for a FEPP has been incorporated into the DCO. The Recovery Plan in the FEPP will be updated to include the details required by the Environment Agency.	Agreed
	ExQ1.10.1	Proposed Pumping Station – surface water management	The Environment Agency requests that the applicant considers phasing the construction works to ensure that the pumping station is in place early in the construction programme to	Response provided in the Applicant's Comments on the Environment Agency's Relevant Representation and the Applicant's Response to the	Agreed

Document	Paragraph Reference	Sub-section	Environment Agency Comment	Highways England Response	Status
			ensure that surface water runoff can be adequately managed with appropriate pollution prevention measures in place during the construction period.	Examining Authorities Written Questions (ExQ1; REP2-003).	
	ExQ1.10.3	Flood Risk – Exception Test	In order to pass the Exception Test, the project must be safe for its lifetime without increasing flood risk elsewhere.	Response provided in Written Submission of Applicant's case put orally at Issue Specific Hearing (2) Water and Flood Risk on 5 June 2019	Not Agreed
	ExQ1.10.3	Flood Risk – Flood Emergency Plan during construction	Requirement within the Outline Environmental Management Plan for suitable emergency procedures to be outlined, including a plan for the evacuation of the construction footprint in the event of extreme flooding. within the city.	Response provided in the Applicant's Comments on the Environment Agency's Relevant Representation and the Applicant's Response to the Examining Authorities Written Questions (ExQ1; REP2-003). The requirement for a FEP is specified in DCO Requirement 4.	Agreed  This has been secured via Requirement 4.

**Table 3.7 Summary of Issue Specific Hearing: Water and flood risk agenda issues**

Agenda Item	Reference	Sub-section	Environment Agency Comment	Highways England Response	Status
Background to flooding issues in Hull and implications for the future	2 part 1	Potential sources of flooding	The Environment Agency accepted Applicant's assessment of existing potential sources of flooding.	Agreed	Agreed
	2 part 3	Assessment and data prepared in support of the scheme	The Environment Agency accepted Applicant's approach to the flood risk assessment and use of existing data.	Agreed	Agreed
	2 part 4	Climate change	UKCP18 – The Environment Agency agreed with the approach and findings of the assessment presented in the Applicant's Comments on Relevant Representations (REP1-016).  H++ scenario – The Environment Agency agreed with the approach and findings of the assessment presented in the Applicant's Comments on Relevant Representations (REP1-016).	Agreed	Agreed
The flood resilience of the scheme	3 part 2	How the scheme has been designed to address flood risk	The scheme cannot be designed in such a way to avoid tidal flooding of the underpass.	Agreed	Agreed

Agenda Item	Reference	Sub-section	Environment Agency Comment	Highways England Response	Status
Safety and Emergency Planning	5 part 1	The FEEP	The Environment Agency has previously requested clarifications and updates to the FEEP (See RR-018).	The FEEP has been revised and reissued as part of Deadline 3.	Agreed
	5 part 2	Inundation times	The Environment Agency accepted the further detail provided by Highways England on inundation times and the explanation for the differences in timing between the Dec 2013 surge event.	Agreed	Agreed
	5 part 5	Barriers and signage	The Environment Agency had previously requested that a physical barrier be used to close the underpass in a flood event...(RR-18).	Response provided in Written Submission of Applicant's case put orally at Issue Specific Hearing (2) Water and Flood Risk on 5 June 2019	Not Agreed
	5 part 5	Barriers and signage	The Environment Agency... had previously requested further information about the resilience of signage and other technology to flooding (RR-18).	Response provided in Written Submission of Applicant's case put orally at Issue Specific Hearing (2) Water and Flood Risk on 5 June 2019 and in subsequent correspondence (Item 67 in Table 2.1).	Agreed NB: The Environment Agency is unable to comment on whether the measures are sufficient to ensure the safety of road users, as it is not within our remit to determine whether emergency planning



Agenda Item	Reference	Sub-section	Environment Agency Comment	Highways England Response	Status
					procedures are adequate.
	5 part 6	Pumps and water clearance	The Environment Agency raised concerns with the discharge of water from the high-volume recovery pump into the Humber Estuary and would like to ensure the discharge does not impact on the Humber flood defences.	Prior to the construction of the Scheme, an appropriate environmental permit will be applied for and in place to discharge flood water after an extreme event flooding of the underpass. The location of the preferred emergency outfall will be agreed with the Environment Agency. The Recovery Plan in the FEED will be updated to include the details required by the Environment Agency.	Agreed
The Exception Test	6 part 2	<p>The requirements of the Exception Test:</p> <ul style="list-style-type: none"> <li>provide wider sustainability benefits to the community that outweigh the flood risk</li> <li>be safe for its lifetime taking account of the vulnerability of its users.</li> <li>....without increasing flood risk elsewhere, and, where possible,</li> </ul>	<p>The Environment Agency has concerns that scheme is not safe for its lifetime for tidal flooding, as the scheme is reliant on the robustness of the FEED and the scheme cannot be designed to keep water out.</p> <p>The Environment Agency does not consider the Exception Test to be passed as it increases flood risk to others.</p>	Response provided in Written Submission of Applicant's case put orally at Issue Specific Hearing (2) Water and Flood Risk on 5 June 2019.	Not Agreed

Agenda Item	Reference	Sub-section	Environment Agency Comment	Highways England Response	Status
Requirements of the NN NPS -	7 part 1	<p>will reduce flood risk overall.</p> <p>Consideration of the scheme with regard to the NPS, with particular regard to:</p> <ul style="list-style-type: none"> <li>The requirements in Para 5.99</li> </ul>	<p>The Environment Agency has concerns that the residual tidal flood risk cannot be safely managed for its lifetime.</p>	<p>Response provided in Written Submission of Applicant's case put orally at Issue Specific Hearing (2) Water and Flood Risk on 5 June 2019.</p>	<p>Not Agreed</p> <p>The scheme does not comply with paragraph 5.99 as the Applicant has not been able to confirm that the development will be appropriately flood resilient and resistant for its lifetime.</p>
	7 part 3	<ul style="list-style-type: none"> <li>Para 5.101 and any outstanding objection from the EA.</li> </ul>	<p>The Environment Agency confirmed that Highways England had engaged with the Agency throughout the process and have done all they can to assess and mitigate flood risk.</p>	<p>Agreed</p>	<p>Agreed</p> <p>The EA has some outstanding concerns regarding the appropriateness of the development in this location and the reliance on emergency planning. However, we agree that steps have been taken to try to overcome those concerns.</p>
		<ul style="list-style-type: none"> <li>Paragraph 5.94</li> </ul>	<p>The Environment Agency confirmed that the correct</p>	<p>Agreed</p>	<p>Agreed</p>

Agenda Item	Reference	Sub-section	Environment Agency Comment	Highways England Response	Status
			procedure has been followed in undertaking the flood risk assessment.		The Applicant has attempted to comply with the procedures described within paragraph 5.94 of the NPS NN. However, they are unable to comply fully with all the points.
The DCO and other documents	8 part 1	Identify any potential documents changes to the DCO – Pumping Station Resilience	The Environment Agency requested that a DCO Requirement be included for the achievable level of resilience for the surface water pumping station	A Requirement will be incorporated into the DCO subject to agreement of wording. Hull City Council and the Environment Agency will propose wording of Requirement.	Agreed
	8 part 1	Identify any potential documents changes to the DCO – Pumping Station Resilience – include a DCO Requirement	The Environment Agency requested that a DCO Requirement be included for the achievable level of resilience for the surface water pumping station	Agreed.	Agreed. Wording to be confirmed.
	8 part 1	Identify any potential documents changes to the DCO – agree a minimum achievable level of resilience	The Environment Agency requested that a DCO Requirement be included for the achievable level of resilience for the surface water pumping station	Highways England propose an achievable minimum level of resilience equivalent to the flooding resulting from a 1 in 1000 year Humber defended wave overtopping event.	Agreed

Agenda Item	Reference	Sub-section	Environment Agency Comment	Highways England Response	Status
				<p>The final level of protection (mAOD) is subject to Hull City Council's requirements for the pumping station design given it is in a conservation area and the final outcome of further consultation with Hull City Council on the form of the central barrier.</p>	
	8 part 1	Identify any potential documents changes to the DCO – Recovery Plan	The Environment Agency requested that a DCO Requirement for a Recovery Plan be included to clarify how the underpass will be drained after a flooding event including locations of emergency discharge.	<p>The Requirement for a FEED has been incorporated into the DCO. The Recovery Plan in the FEED will be updated to include the details required by the Environment Agency. Prior to the construction of the Scheme, an appropriate environmental permit will be applied for and in place to discharge flood water after an extreme event flooding the underpass.</p>	Agreed.



