

**A14 Cambridge to Huntingdon Improvement Scheme**  
**Environment Agency response to Examining Authority's (ExA's) first written questions**

<b>Biodiversity and Ecological Conservation</b>			
<b>Ref:</b>	<b>Respondent</b>	<b>Question</b>	<b>Environment Agency Response</b>
Q1.2.2	Applicant EA NE	The Environment Agency has noted (RR page 28) that populations of white-clawed crayfish have been found in Cambridgeshire since the species was scoped out of further survey work in 2013 (ES para 11.2.34). Has the applicant considered (in consultation with the Environment Agency) the possible renewed need for a survey and if not, why not?	<p>We have received further information from the regarding the need for white clawed crayfish (WCC) surveys. We iterated our views that, as native crayfish have been found in other parts of the catchment, their presence on the A14 route cannot be ruled out so checks should be made for this endangered and protected species and appropriate action taken.</p> <p>Subsequently, the applicant has suggested the following course of action;</p> <p><i>"In relation to WCC, Highways England understands the importance of WCC under UK and European legislation and is proposing to develop and implement a risk-based approach to deliver appropriate pre-construction monitoring. This will be a targeted approach, utilising existing habitat and survey data to focus effort on high risk crossing and culvert sites.</i></p> <p><i>As noted previously, a high proportion of watercourses within the study area are ephemeral field drains and tributaries and as such are unsuitable for crayfish. No crayfish species were identified from suboptimal habitats recorded during crayfish habitat assessment (2012), electric fishing and invertebrate sampling (both 2014) or historic data requests on all main crossing points.</i></p> <p><i>Highways England propose that targeted sampling using hand searching and sweep netting is undertaken by an experienced and licenced surveyor on each of the main river crossing points, with the exception of the Great Ouse. A single pre construction survey will be undertaken 100m downstream of each crossing point, and to a maximum of 50m upstream. Crayfish assessment will be undertaken at least 12 weeks prior to commencement of construction of each crossing during recommended survey periods for this species (May – October). Where construction is due to be undertaken outside of recommended crayfish survey periods then surveying will be undertaken within optimal survey periods ahead of construction."</i></p> <p>We can confirm that we are in agreement with the applicant that this is an appropriate way forward.</p>
Q1.2.3	Applicant EA NE	The Environment Agency has advised (RR page 28) that the construction phase should seek to avoid the fish spawning season and that appropriate fish rescue measures should be put in place. Has agreement been reached between the applicant and the EA about the protective measures for freshwater fish and eels and if so, how would these measures be secured and enforced?	<p>Eels and fish are protected by the Eels (England and Wales) Regulations, 2009 and Salmon and Freshwater Fisheries Act, 1975. Under the legislation it is an offence to disturb spawning fish, which in-channel works could potential do. This could be through physical disturbance or through the release of silt for example.</p> <p>Subsequently, the applicant has usefully provided clarification on the impacts of fish from construction activities;</p> <p><i>"We are of the opinion that the construction activities associated with the A14 upgrade will not have an adverse impact on fish spawning and/or related migrations.</i></p> <p><i>The principal watercourse within the scheme footprint is the Great Ouse, which is acknowledged as an important fisheries resource. The construction works associated with the crossing of the Great Ouse will be clear span, with no in-channel construction activities, and as such we see no requirement for a seasonal constraint on any proposed work schedule. All construction related activities within the riparian zone adjacent to the crossing will be undertaken in accordance with best practice to limit any noise/vibration emissions, and to avoid any pollution releases.</i></p> <p><i>The scale of the construction works associated with the other minor watercourses within the scheme footprint are also considered to be low impact. These works will be temporary in nature and limited in extent, and with the application of best practice construction activities, we believe that it will be unnecessary to apply a seasonal constraint on the works.</i></p>

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			<p><i>The habitat survey work completed as part of the project in 2014 confirmed that generally the habitats associated with the new and existing crossing points were ubiquitous, being generally suboptimal for fish spawning. Hence, loss of these habitats during the construction phase will unlikely impact overall fish recruitment in the watercourses. The project aims to reinstate habitats to pre-construction condition, and in a number of cases, improve in-channel and marginal habitats for fish. In addition, construction activities will seek to ensure connectivity is maintained throughout the duration of the works, limiting any impact on spawning migrations.</i></p> <p><i>Detailed method statements will be developed for all crossing related construction activities and will be available for review prior to commencement of works.</i></p> <p><i>In summary, the application of good practice such as working offline line, fish rescues, maintaining connectivity during works and pollution prevention measures, will result in the construction phase of the A14 upgrade not significantly affecting fish spawning activities and/or success in the watercourses within the scheme footprint. As such, we feel it unnecessary to seasonally constrain the construction programme.”</i></p> <p>Again, we can confirm that we are in agreement with the applicant that this is an appropriate way forward. If fish are removed from the work areas prior to work commencing, this could mitigate the need for seasonal constraints. For WFD objectives, consideration also needs to be given to minor fish species such as minnow and stickleback, as they are important to the overall fisheries status of a waterbody. Habitat enhancements should be considered as part of the detailed design phase (see our comments on WFD, section 6 of our Written Representations).</p>
Q1.2.4	Applicant NE EA	<p>Natural England (RR para 3.2.5.2) refer to further surveys being undertaken in relation to badger and water vole.</p> <p>a) Can the applicant confirm whether this work has been completed and if so, what are the findings and how do these findings inform the proposed scheme?</p> <p>b) Can the Environment Agency and Natural England confirm whether they have been consulted on the findings of these updated surveys? If so, please provide a copy of the comments.</p> <p>c) What progress has been made in providing a water vole receptor site (EA RR Issue 5.3) and how would this be secured?</p>	<p>No updated survey results or receptor site details have been received as yet. We will therefore seek to ensure that the issue is appropriately addressed through the <a href="#">detailed design phase</a> for the scheme.</p>
Q1.2.6	Applicant EA NE	<p>The Environment Agency requests (RR page 25) that pre-construction ecological surveys be undertaken as a basis for detailed design and construction decisions. Can the applicant confirm that these surveys would be undertaken and if so, when? How this would be secured?</p>	<p>Ecological surveys need to be carried out at the appropriate time of year and before construction commences. The detailed design can then be based on the results of the surveys. Immediately before construction commences further surveys may be required, especially if some time has elapsed since previous surveys were carried out.</p>

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Q1.2.7	Applicant NE EA	The ES indicates at para 11.5.38 that no direct land take would occur at Brampton Meadows SSSI but that the scheme would leave the SSSI surrounded by roads. An ecological mitigation area is proposed to enhance the resilience and value of the existing SSSI habitat. Please provide precise details of this proposal including its long term management and how would this be secured.	We would refer the ExA to Natural England on this point.
Q1.2.10	Applicant NE EA	Natural England has indicated that there are a number of unresolved issues relating to the impact of the proposed development on European Protected Species (EPS) including Great Crested Newts (GCN) and bats. In relation to GCN, the impacts of the scheme on the newt populations and mitigation and monitoring details would need to be provided in a draft licence submission. In relation to bats, further detail of the culvert/tunnel design and lighting strategy, set out in mitigation and monitoring plan is sought by NE. What progress has been made towards resolving the issues raised by NE in their RR and how would these measures be secured?	We would refer the ExA to Natural England on this point.
Q1.2.11	Applicant NE EA	Ecological mitigation plans show culverts for wildlife that would need to be maintained to aid connectivity between the habitats and meta-populations of badgers, water voles, otters, eels, fish, GCN and bats. What progress has been made in relation to the detailed design of these culverts? How would the maintenance of these culverts be secured?	Please refer to our further comments under Issue 5.1 of our Written representations.
Q1.2.12	Applicant NE EA	Has the revised design of the Great Ouse Viaduct included an assessment of the potential impacts on Buckden Gravel Pits County Wildlife Site? If not, why not?	This appears to be directed more towards the applicant. In addition, the Wildlife Trust may be involved with discussions relating to Buckden Gravel Pits County Wildlife Site.
Q1.2.15	Applicant NE EA Wildlife Trusts Forestry Commission	Monitoring prior to and during construction is described within section 12.3 of the CoCP. Can the applicant confirm: a) How would the post-construction monitoring of ecological and arboricultural conditions be undertaken and secured? b) Who would be responsible for this?	In the absence of any further information we would refer the ExA to the applicant on this point.
Q1.2.16	Applicant NE EA	The Construction Method Statement refers to the need for bio-security measures to be in place to ensure that invasive and non-native species are not allowed or caused to spread. What measures are proposed and how would these be secured and monitored?	We could cross-reference this to our Written Response – relating to <b>Bio-Security</b> (Issue 5.2 in our RRs and the SoCG Tracker).

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<b>Development Consent Order</b>			
<b>Ref:</b>	<b>Respondent</b>	<b>Question</b>	<b>Environment Agency Response</b>
Q1.6.26	Applicant EA	Req 5 – 5(3) should the issue of remediation be determined by the Environment Agency rather than the 'undertaker'? If not, why not?	<p>We agree with the ExA that the issue of remediation should not be determined by the 'undertaker' alone. We therefore recommend the following amendment to Reg5-5(3): <i>"Where the relevant planning authority or the Environment Agency (as appropriate) determine that remediation ..."</i></p> <p>Similarly we recommend that Reg5-5(4) is amended to <i>"Remediation must be carried out in accordance with the approved scheme to the satisfaction of the Secretary of State, following consultation with the relevant planning authority or the Environment Agency (as appropriate)"</i>.</p> <p>The National Planning Policy Framework (DCLG 2012, paragraphs 109, 120, 121) and Contaminated Land Statutory Guidance (Defra 2012 paragraph 6) identify that contamination can affect sites other than those that meet the strict definition of "contaminated land" in s78A of the Environmental Protection Act 1990. Government directs us to <i>"use Part2A only where no appropriate alternative solution exists [and that] land contamination can be addressed when land is developed (or redeveloped)"</i>.</p> <p>We therefore recommend that Reg5-5(1) is amended to <i>"For the purposes of this paragraph, "land contamination" has the same meaning as that given in paragraph 6 of the Contaminated Land Statutory Guidance (Defra 2012) which includes but is not limited to the definition of contaminated land given in section 78A of the Environmental Protection Act 1990"</i>. We subsequently recommended that references to "contaminated land" in Reg5-5(1), 5(2) and 5(3) are amended to "land contamination".</p>

<b>Environmental Impact Assessment</b>			
<b>Ref:</b>	<b>Respondent</b>	<b>Question</b>	<b>Environment Agency Response</b>
Q1.8.4	Applicant EA	The EA is concerned to ensure that new pathways of contamination or new contaminants linkages to controlled waters should not be introduced as a result of the proposed scheme. Please explain how risks will be assessed and provide an explanation as to why sites have not been taken forward for detailed assessment following initial assessments.	<p>Whilst this appears to be directed more towards the applicant we do consider that this can be addressed further at the detailed design stage and are acceptant of the approach towards contamination investigation that the applicant has proposed. This is detailed within Issue 4.2 of our Written Representations.</p>
Q1.8.5	Applicant EA	The EA has requested a role in assessing any remediation activity associated with land affected by contamination. Can the applicant comment?	<p>As we have indicated, there are several identified sites with the potential for contamination. Responsibility for the design and completion of the remediation remains with the 'undertaker'. We see our role as an environmental regulator important to ensure that the water environment is protected and improved with respect to land contamination.</p>

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<b>Landscape and Visual Effects</b>			
<b>Ref:</b>	<b>Respondent</b>	<b>Question</b>	<b>Environment Agency Response</b>
Q1.9.2	Applicant EA Local Authorities	The vertical and horizontal limits of deviation provide a degree of flexibility for construction but also have the potential for differences in landscape and visual impacts. IP's have raised their concerns about this potential for differing impacts. How is the applicant addressing this issue?	We would refer the ExA to the applicant on this point.

<b>Water Issues</b>			
<b>Ref:</b>	<b>Respondent</b>	<b>Question</b>	<b>Environment Agency Response</b>
Q1.13.1	Applicant EA	Does Hilton have any history of flooding? If so, has this been taken into account in the design of the scheme and how? If not, why not?	We hold records of flooding in Hilton during the October 2001 and March 1947 flood events. The FRA submitted by the applicant as appendix 17.1 of the ES considers West Brook (Hall Green Brook). Table 11.2 illustrates that with the new road there are no changes in flood levels 1.94km upstream of the road, which is in the vicinity of Hilton. We will be assessing the modelling of the new watercourse crossings and the flood compensation proposals for the loss of floodplain. We want to ensure there is no increase in flooding to property due to the scheme.
Q1.13.2	Applicant EA	Has the historic flooding in Girton, particularly from Washpit and Beck Brooks, been taken into account in the design of the scheme through the suggested floodplain compensation in the Environmental Statement and how? If not, why not?	Within Appendix 17.1 of the Applicant's FRA, section 18 and 19 discuss the watercourses relevant to Girton and the how the flood levels have been used. The provision of appropriate floodplain compensation must ensure there is no increase in flood risk to Girton. However, there are some issues with some of the proposed floodplain compensation areas, which we are seeking to address with the applicant which are set out in our Written Representations (1.15 – 1.21).
Q1.13.3	Applicant EA	Although there are 'few properties within the scheme's zone of influence' on Washpit and Beck Brooks, why are these watercourses given a low importance of attributes in terms of flood risk based on the guidance given in HD45/09.	We would refer the ExA to the applicant on this point as we consider it to be the applicant's responsibility to explain the criteria they have given to watercourses in their document HD45/09.
Q1.13.4	Applicant EA	Whilst it is said that there would not be any significantly increased risk to property from flooding at the River Great Ouse upstream of the scheme, would there be any increased risk to property from flooding. If so, to what extent? (Document 6.1.0 Para 4.11.2)	Within the Applicant's FRA, Appendix 17.1 of the ES, chapter 10 discusses the impact the scheme will have on the River Great Ouse. There are some increases in flood levels during higher events but these are within the acceptable modelling tolerances.  Earlier versions for the engineering design and associated modelling of the Ouse crossing showed significantly higher flood levels which we did not consider to be acceptable. The applicant has since adapted the design of the crossing so it is now a viaduct and at present this has lowered any increased flood risk to levels we consider to be acceptable.

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<b>Ref:</b>	<b>Respondent</b>	<b>Question</b>	<b>Environment Agency Response</b>
Q1.13.5	Applicant EA	What is the limited property in the vicinity of the Brampton Brook upstream of the scheme that has led to the low classification of the importance of flood risk? How does the identification of this limited property relate to the finding of the hydraulic modelling that the large water level rise upstream of the scheme, including the effect of floodplain compensation, would not affect property? (Document 6.1.17 Para17.6.5)	The applicant's FRA, Appendix 17.1 of the ES, discusses Brampton Brook in chapter 7. We want to ensure that there is no increased flood risk to residential property from the scheme. We are assessing the models and reviewing the flood mitigation proposals.
Q1.13.6	Applicant EA	What is the further consultation that is being undertaken with the Environment Agency on Ellington Brook, Brampton Brook and the River Great Ouse? Would this be likely to result in any design or DCO changes? (Document 6.1.19 Table 19.1 Page 19)	We are requesting this issue is addressed and our comments are under issues 1.10, 1.11 and 1.12 of our Written Representations. There is also the opportunity to secure flood risk betterment through the utilisation of borrow pits for removal of peak flows. As discussed in Issue 1.6 of our Written Representations, these discussions are ongoing.
Q1.13.9	Applicant EA	The EA state that a 30% allowance for climate change should be used for a scheme with a 100 year life span. A climate change allowance of 20% has been used for rainfall intensity and peak river flow in the ES. Please comment?	We have provided clarification on climate change allowances under issue 1.14 of the Written Representations.
Q1.13.10	Applicant EA	What, in the context of the Flood Risk Assessment, is the strategy for the identification, use of and catchment areas for individual drainage balancing ponds?	During early discussions with the consultant we stated that the runoff must be segmented such that the runoff from each section of the road must drain to the natural receiving watercourse. The aim of this is to retain surface water discharges within their existing catchments and receiving watercourses.
Q1.13.11	Applicant EA	What are the further mitigation measures identified where the proposed mitigation might not fully compensate for the increase in peak water levels at Ellington Brook, Brampton Brook and on the river Great Ouse? (Document 6.3 Appendix 17.01 Executive Summary)	For clarification on this question, please refer to Issues 1.10, 1.11 and 1.12 of our Written Representations.

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Q1.13.12	Applicant EA	How is the element of the level for level floodplain compensation storage, within FpC18 for example, physically provided within Flood Zone 3? (Document 6.3 Appendix 17.01 Para 4.3.1)	<a href="#">Level for level floodplain compensation cannot be provided within Flood Zone 3. We have raised this issue in our Written Representation (Issue 1.17).</a>
Q1.13.13	Applicant EA	How would highway attenuation ponds discharge during a flood event that inundated Flood Zone 3? (Document 6.3 Appendix 17.01 Para 5.3.1)	<a href="#">The Applicant, within the designs of the flow controls, should consider surcharge conditions for each system. This question should be directed to them.</a>
Q1.13.14	Applicant EA	The EA has identified the potential for the construction of the proposed scheme to impact on the ability of the operators of the Milton landfill site to meet the requirements in respect of their Environmental Permit. Please explain what measures are proposed to prevent an increased risk of pollution to the water environment both during the construction and operational phases of the scheme and how these can be secured through the DCO.	<a href="#">This question should be directed to the applicant and we would also refer the ExA to the further information we have provided relating to Milton Landfill under Issue 4.1 of our Written Representations.</a>