

M25 junction 10/A3 Wisley interchange

TR010030

9.77 Response to Environment Agency's Deadline 5 submission

Regulation 8(1)(c)(i)

Planning Act 2008

Infrastructure Planning (Applications: Prescribed
Forms and Procedure) Regulations 2009

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Infrastructure Planning (Examination Procedure) Rules 2010

M25 junction 10/A3 Wisley interchange Development Consent Order 202[x]

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1. Introduction

- 1.1.1 This document provides an update on discussions with the Environment Agency (EA), following the submission of their Written Representation, Response to ExA's Second Written Questions and Flood Zone 2 Technical Note [REP5-036] at Deadline 5.
- 1.1.2 The latest Statement of Common Ground (SoCG) between the EA and Highways England was submitted at Deadline 5 [REP5-004] and a final SoCG will be submitted at Deadline 8. It is now also proposed to submit a revised Flood Risk Assessment, following discussions with the Environment Agency as outlined below, at Deadline 8.

2. Updated status of discussions with the Environment Agency

Outstanding issues around the Flood Risk Assessment

- 2.1.1 The Environment Agency set out their outstanding issues around the Flood Risk Assessment (FRA) in their representation dated 3 March 2020 for Deadline 5.
- 2.1.2 The outstanding issue is the approach used to apply the climate change allowances within the flood risk analysis for the Scheme.
- 2.1.3 In response to the outstanding issue raised in the representation, Highways England held a teleconference with the Environment Agency on the 5 March 2020. During this call Highways England provided some clarification on the technical detail that had previously been issued to the Environment Agency during the ongoing consultation on this matter.
- 2.1.4 The Environment Agency agreed on the call that the evidence provided was sufficient to close out the outstanding issue relating to the approach used to apply the climate change allowance.
- 2.1.5 During the teleconference the Environment Agency raised two related issues.
- 2.1.6 Firstly, the Environment Agency said they would confirm if they expected the Scheme should be mitigating for loss of floodplain in the 1 in 100 flood events including the Upper End climate change allowance. This is the only flood event for which mitigation may be required based on the DCO design. The guidance changed in December 2019 to specifically require this, but at the time of the assessment and submission of the DCO documents this requirement was not within the published guidance (Flood risk assessments: Climate change allowances¹).
- 2.1.7 Secondly, the Environment Agency said they would review the wording of the Protective Provisions to confirm whether they are content that the wording ensures that approvals will need to be submitted for works in the floodplain (as would be the case under the Flood Risk Activity Permit Process).
- 2.1.8 The Environment Agency confirmed via email on 19 March 2020 that both of the issues referred to above in paragraphs [2.1.6 and 2.1.7] have now been resolved and that they consider the flood risk issues described above to be resolved, subject to the FRA being updated as per the discussions throughout this FRA review process. There are no outstanding issues under discussion relating to flood risk.

¹ <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>

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