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Planning Inspectorate
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Our ref: NA/2019/114837/02-L01
Your ref: TR010031
Date: 20 April 2020

Dear Sir/Madam

**PLANNING ACT 2008 – SECTION 88 AND THE INFRASTRUCTURE
PLANNING (EXAMINATION PROCEDURE) RULES 2010 – RULE 6.
APPLICATION BY HIGHWAYS ENGLAND FOR AN ORDER GRANTING
DEVELOPMENT CONSENT FOR THE A1 BIRTLEY TO COAL HOUSE
IMPROVEMENT SCHEME (THE EXAMINING AUTHORITY'S WRITTEN
QUESTIONS DATED 6 APRIL 2020) NZ2590258148 A1 BIRTLEY TO COAL
HOUSE**

In accordance with the timetable in Annex A of your letter dated 6 April 2020 please find enclosed our responses to the Examining Authority's written questions for this Development Consent Order (DCO) on behalf of the Environment Agency.

If you have any questions or require any clarification on the points below, please do not hesitate to contact me.

Yours faithfully

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Application by Highways England for TR010031: A1 Birtley to Coal House Improvement Scheme

The Examining Authority’s further written questions and requests for information (ExQ2)

Issued on 6 April 2020

ExQ 2	Question to:	Question:
	Environment Agency	<p>The Written Representation from the Environment Agency (EA) [REP1-009] includes concerns regarding the assessment and protection of water voles. The Applicant has provided a response to this [REP2-061] including amendments to the Outline CEMP [REP2-050].</p> <p>Could the EA confirm whether this matter has been resolved following the Applicant’s response. If not, what further information and/or measures would be required?</p> <p>On 7 April 2020, the Environment Agency (EA) had discussions with the Applicant regarding biodiversity matters. The issues surrounding water vole assessment and protection measures were discussed and number of points were clarified. The Applicant stated that the Construction and Environment Management Plan (CEMP) is currently being updated and will be available for the EA to review. We have not yet received an updated version of the CEMP to review.</p> <p>Following our discussion, it was agreed that the CEMP would be updated to reflect the following:</p> <ul style="list-style-type: none"> • Confirmation of pre work checks to include for water vole as well as other protected mammals; and • Confirmation that a watching/ecological brief will be expanded outside the wetted channel, and include works from the channel bank up to a suitable distance where water vole burrows could be present. <p>With respect to other biodiversity matters, it was agreed that the CEMP would be updated to reflect the following:</p> <ul style="list-style-type: none"> • Confirmation that fish passage will be maintained in



ExQ 2	Question to:	Question:
		<p>the CEMP; and</p> <ul style="list-style-type: none"> Confirmation that the EA will be consulted on channel design, morphology, bed materials, levels and fish passage.
	<p>Applicant and Environment Agency</p>	<p>Requirement 4 (Construction and handover environmental management plan)</p> <p>This Requirement includes consultation with the relevant planning authority prior to approval by the Secretary of State.</p> <p>In view of the Written Representations of the Environment Agency (EA) regarding landscape and ecological management matters [REP1-009] should it also include consultation with the EA?</p> <p>Yes. The Applicant has confirmed that the EA will be consulted on the CEMP and that the Protective Provision will be amended to reflect this. We are awaiting for the relevant documents to be updated to reflect this.</p>
<i>Water Environment</i>		
	<p>Environment Agency</p>	<p>In its Written Representation [REP1-009] the EA has set out concerns regarding the proposed temporary possession of land containing an EA flood risk gauging station. As part of its response the Applicant has drawn attention to measure W20 in the revised Outline CEMP [REP2-051] to prevent impacts to the gauging station and the protective provisions contained within Part 4 of Schedule 12 of the dDCO [REP2-045].</p> <p>Could the EA confirm whether or not such provisions overcome its concerns and, if not, any further measures/provisions it considers would be necessary?</p> <p>The EA are having on-going discussions with the Applicant regarding this matter. At present we still have some concerns which have not been addressed. We are waiting</p>



ExQ 2	Question to:	Question:
		<p>for the Applicant to provide us with an updated version of the CEMP. Furthermore, the Applicant has agreed to submit a technical note regarding the temporary works and how this will / will not impact on the gauging station and rating curve which is used in flood warning service and flood warning development. We are awaiting this information. The Protective Provisions to be included within the dDCO have yet to be finally agreed with the Applicant. Their final form will be dependent upon the update to the CEMP.</p>
	<p>Applicant and Environment Agency</p>	<p>In response to the EA's comments on the flood risk model the Applicant explains [REP2-061] that a flood risk model was re-submitted to the EA on 11 February 2020 and that the EA's questions and responses are appended in Appendix WR10-B.</p> <p>a) Please submit the revised flood risk model as part of the Examination.</p> <p>b) Appendix WR10-B does not appear to have been provided. Please clarify this.</p> <p>c) What is the current position between the parties on issues concerning the flood risk model?</p> <p>c) The EA carried out a second review of the flood risk model in March 2020. We consider the flood risk model to be fit for purpose and has assessed the flood risks associated with the development proposal. Our discussions with the Applicant in respect of flood risk are ongoing.</p>
	<p>Applicant and Environment Agency</p>	<p>The Written Representations from the EA [REP1-005] sets out additional concerns regarding flood risk, drainage and water quality matters. The Applicant has provided a written response to these concerns [REP2-061] and including reference to an updated Outline CEMP [REP2-050].</p> <p>Could both parties confirm (through the Statement of Common Ground if possible) the latest position on these matters indicating those areas where there</p>



ExQ 2	Question to:	Question:
		<p>remains to be disagreement?</p> <p>We are having on-going discussions with the Applicant regarding the Statement of Common Ground. We are awaiting further information from the Applicant regarding flood risk, biodiversity and water quality matters, including an updated version of the CEMP and technical notes in relation to flood risk, which we will need to review. We are unable to finalise the Statement of Common Ground until this information has been provided.</p>

