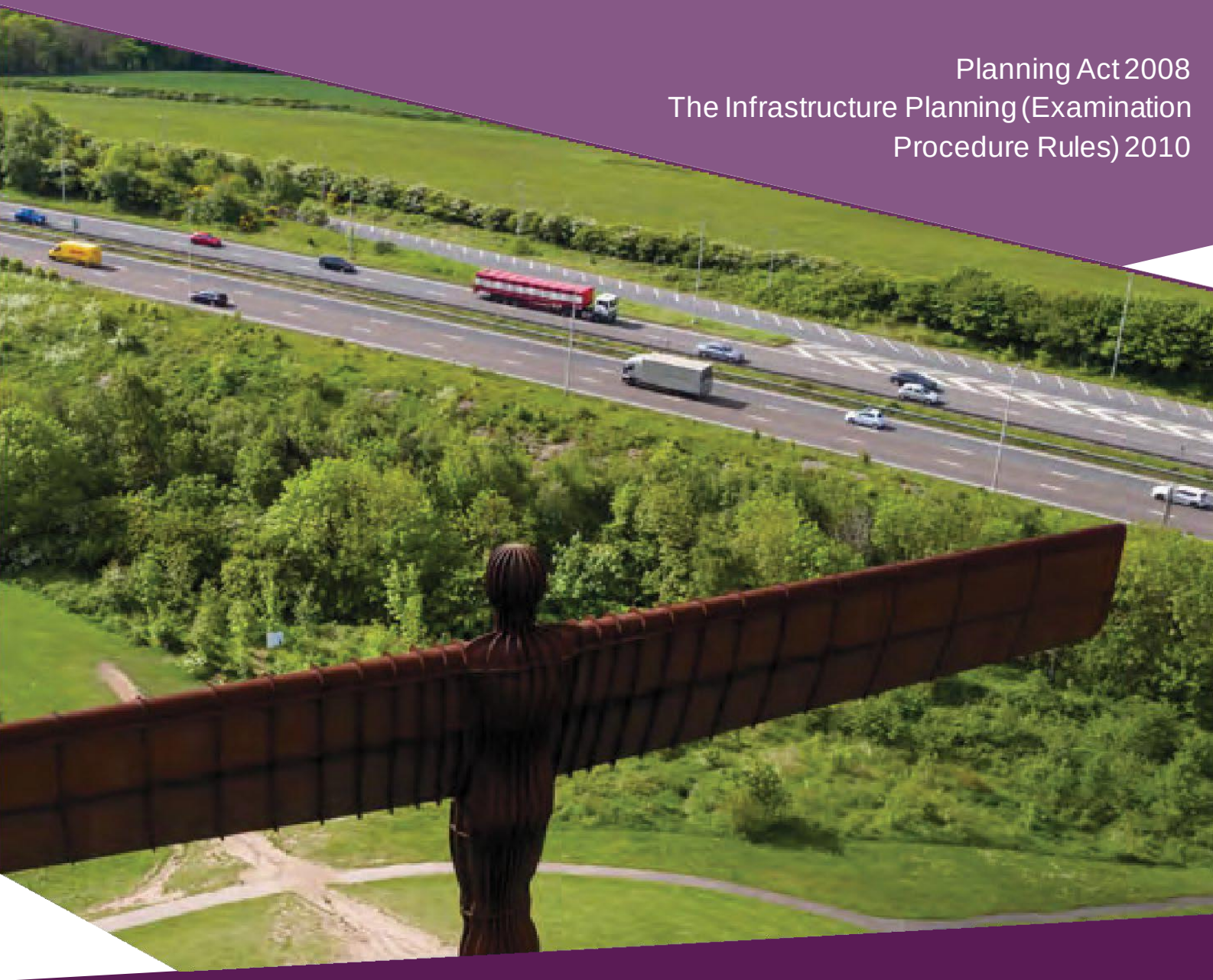
A1 Birtley to Coal House

Scheme Number: TR010031

Late Consultation Response from the Environment Agency

Planning Act 2008
The Infrastructure Planning (Examination Procedure Rules) 2010



May 2020

Infrastructure Planning

Planning Act 2008

The Infrastructure Planning (Examination Procedure Rules) 2010

The A1 Birtley to Coal House

Development Consent Order 20[xx]

Late Consultation Response from the Environment Agency

Planning Inspectorate Scheme Reference	TR010031
Application Document Reference	EXA/D5/003
Author:	A1 Birtley to Coal House Project Team, Highways England

Version	Date	Status of Version
Rev 0	1 May 2020	Examination Deadline 5

CONTENTS

1 INTRODUCTION

1.1 Purpose of this Document

1.1.1 This document relates to an application made by Highways England (the "Applicant") to Secretary of State for Transport via the Planning Inspectorate under the Planning Act 2008 (the "2008 Act") for a Development Consent Order (DCO). If made, the DCO would grant consent for A1 Birtley to Coal House (the "Scheme"). The Applicant submitted the Application on 14 August 2019 (Reference: TR010031) and on 10 September 2019, the Inspectorate confirmed that the Application had been accepted for examination. The examination commenced on 21 January 2020.

1.1.2 The Applicant carried out consultation from Tuesday 17 March 2020 to Tuesday 14 April 2020. This consultation was in relation to the proposed changes relating to the Allerdene 3-span viaduct option (Change 1) and additional land (Change 3). A description of the consultation activities and responses received is contained in the Consultation Statement **[EXA/D4/004]** submitted for Deadline 4. Late responses were accepted up until Friday 17 April 2020 to allow time for the Applicant to update the document.

1.1.3 The Environment Agency submitted a late response on the evening of Monday 20 April 2020 on Deadline 4. The Applicant has included their response in this document to show how they have responded to the comments.

Table 1.1 - Responses to Consultation

Ref	Consultee	Matter Raised	Applicant's response
1	Environment Agency	The Environment Agency have reviewed the following documents: - ES Addendum: Allerdene Three Span Viaduct Option - Non-Technical Summary (dated March 2020) - ES Addendum: Allerdene Three Span Viaduct Option (dated March 2020, Rev 2) - ES Addendum: Additional Land (dated March 2020, Rev 2) - ES Addendum: Additional Land - Non-Technical Summary (dated March 2020) We have reviewed the above document and have the following comments to offer:	The applicant would like to draw the Environment Agency's attention to the Structures drawings [REP4-010] for the Scheme, especially: • Sheet 3 (Embankment Option) • Sheet 4 (6 Span Viaduct Option) • Sheet 5 (7 Span Viaduct Option) • Sheet 16 (3 Span Viaduct Option)
		<u>Allerdene three span viaduct option</u> The design does not appear to be a viaduct as we would describe it, as it contains a significant earth bank which covers the Allerdene Burn, similar to the previous Allerdene embankment option. All the benefits of the third option seem to be in relation to the construction materials quantity and timescales of the work rather than any environmental impact/improvements that could be achieved. With regards to biodiversity and water quality, the new option includes the demolition of the existing culvert and replacement of 116.5m of culvert. From in Water Framework Directive (WFD) and a biodiversity perspective, this is considered to be a backward step for the environment compared to the 6/7	The drawings show that in terms of the Allerdene Burn there is marginal difference between Allerdene embankment option and Allerdene three span option (although there is some additional channel length for Allerdene three span option). We have previously agreed Allerdene embankment option in terms of the impacts and approach for the Allerdene Burn, as detailed within the Statement of Common Ground between the Applicant and the Environment Agency (SoCG) [REP4-026]. For clarity the Three span viaduct option is a viaduct over the East Coast Main Line but not over the Allerdene Burn. Allerdene embankment option and Allerdene viaduct option have been presented equally within the ES, with no preference stated in the ES between Allerdene embankment option or Allerdene

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		viaduct option. Further WFD and biodiversity mitigation will be required to compensate and mitigate the WFD and biodiversity impacts of the three span bridge option. For example, there is space to significantly expand the area of the channel to include marginal zones and allow natural movement of the low flow channel within.	viaduct option. Allerdene three span option therefore cannot be considered a backward step when compared to the assessment previously provided and agreed with the Environment Agency, as detailed within the SoCG [REP4-026]. There is, therefore, no requirement to provide any additional mitigation (in terms of WFD and biodiversity) for Allerdene three span option given that the channel relocation is essentially the same as that agreed for Allerdene embankment option and likewise there is no requirement to undertake a carbon calculation for the Allerdene Burn.
		Furthermore, the ES addendum states that there will be temporary adverse effects upon woodland habitat for the Allerdene three span viaduct option and that the area of woodland habitat created would be less in comparison to Allerdene viaduct option, due to less available space. 13.83ha of broad-leaved woodland would be lost and only 13.56ha of this woodland would be replaced.	Woodland habitat – The Applicant is aware that Allerdene three span viaduct option would result in a loss of a small amount of woodland and the Applicant is actively looking at options to address this. Further information on this will be provided at a later Examination deadline.
		The ES addendum states that one of the benefits of the three span viaduct is 'Reduced duration of traffic delays to road users due to the shorter construction period, with associated savings in carbon and other emissions'. However, it is noted that page 45 of states 'It is possible that there would be an increase in Green House Gases emissions associated with the Allerdene three span viaduct option due to the types of materials required (i.e. steel being more carbon intensive than imported earthworks)… However, the likely GHG emissions associated with the three span viaduct option are likely	In relation to "Reduced duration of traffic delays to road users due to the shorter construction period, with associated savings in carbon and other emissions" as detailed in paragraph 2.2.1 c) of the ES Addendum – Three span viaduct option [REP4-060], this follows on from, and relates to paragraph 2.2.1 b) of the same document which discusses that there would be fewer associated construction vehicle movements (estimated to be 6,900 deliveries). As detailed within the Allerdene Three Span Viaduct

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		to be within the range of values already assessed in Chapter 14: Climate of the ES [APP-035] and would on balance be comparable to the effects identified, hence it is scoped out. It is considered that there may be limited or no reduction in carbon savings as stated above. We would welcome a carbon calculation for the lost opportunity of diverting the Allerdene culvert.	Option: Sensitivity Assessment and Scoping Report (Appendix A of the ES Addendum: Allerdene Three Span Viaduct Option [REP4-060], the materials quantities and waste generated for Allerdene three span viaduct option would be within the range assessed in Chapter 14: Climate of the ES [APP-035]. In relation to the Environment Agency's comment on diverting the Allerdene Culvert, as detailed in the Applicant's response above, the channel relocation for Allerdene three span option is essentially the same as that for Allerdene embankment option which has been agreed with the Environment Agency. Taking these points together, the Applicant therefore considers that a carbon calculation for Allerdene three span option is not required.
		With respect to culverting, the Allerdene viaduct option seeks to divert the Allerdene culvert to an open ditch, which is the Environment Agency's preferred option. Whereas three span viaduct, proposes the replacement of the culvert. The Environment Agency has a presumption against culverting. Therefore, any culverting would need to be justified, particularly given that you have already put forward a design that removed the need for culverting. If culverting is unavoidable, we would want to see significant habitat improvement on the Allerdene Burn. For example, the burn is in a trapezoidal channel and does not make the most out of the space available on the left	In response to the Allerdene Burn culvert and a requirement for a high flow bench, Allerdene Burn has been assessed within Chapter 8: Biodiversity of the ES [APP-029] within the habitat assessment. There was no requirement for a high flow bench for Allerdene embankment option, which would have a longer culvert and has been agreed with the Environment Agency (as detailed in the SoGC [REP4-026]). For ease of comparison the lengths of the A1 Culvert are: • Existing 80m

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		bank for example. The culvert itself should be over sized with high flow bench including access for riparian mammals (namely otters) to commute through the culvert. This dry bench within should be useable to mammals at all flows. The culvert design should allow for fish passage and not contain any barrier within.	• Allerdene three span option - 95m • Allerdene embankment option - 120m • Allerdene viaduct option (six span) - no culvert required • Allerdene viaduct option (seven span) - no culvert required Allerdene Burn leads on to a highly culverted section upstream, where there is only a limited open section of approximately 75m before the culvert under the East Coast Main Line. Upstream of this culvert it is understood that the Allerdene Burn is culverted. There is one tributary that is within an open channel which is associated with the railway drainage and is an open channel alongside the eastern railway boundary. Therefore, there is either no or very limited passage of otter upstream of the A1 Culvert. Given the length of the culvert and the highly culverted nature of the upstream catchment, the provision of a high flow bench through the newly created culvert would be an enhancement to the Scheme rather than mitigation. Additionally, it is not deemed to be necessary given that it would be providing access for otters to a section of a watercourse that is considered unsuitable. Therefore, the Applicant considers that providing a high flow bench to facilitate otter movement through the culvert in response to the Scheme is not required.
		The documents submitted make reference to the Construction and Environment Management Plan	The Applicant submitted the updated Outline Construction Environmental Management Plan

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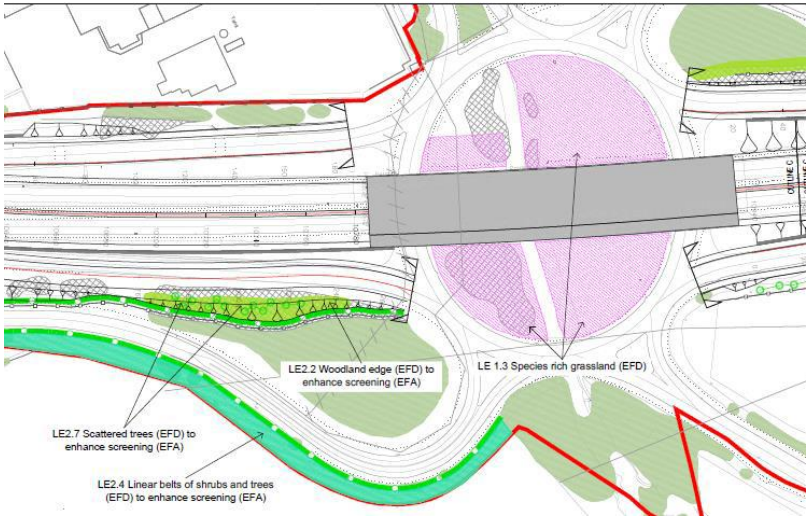
		(CEMP). We are yet to review the CEMP. From a flood risk perspective, this new third option presents many advantages from during the construction phase. We recognise this as valued engineering.	(CEMP) [REP4-022 and REP-023] at Deadline 4; this was also issued directly to the Environment Agency on 28 April 2020. The Applicant awaits the Environment Agency's comments from their review.
		The Applicant must provide flood plain compensation for this new option. It is noted that landscape drawing figure 7.6 sheet 2b, shows no floodplain compensation being given – see drawing below. We would welcome further discussions regarding this matter. Drawing figure 7.6 sheet 2b  If this new option is to be considered as part of the Development Consent Order, information detailing how	No flood plain compensation or alterations to the gauging station are required for Allerdene three span viaduct option, as it does not impact Coal House roundabout. The Applicant is progressing Technical Notes to provide the clarity required by the Environment Agency on the impacts of the temporary works on the gauging station and the Flood Plain Compensation and these will be submitted at Deadline 6. The Flood Risk Assessment [APP-163] demonstrates that the realigned Allerdene Channel has been designed so that flood risk is not increased as a result of the Scheme. This aspect of the Flood Risk Assessment has been previously agreed (as detailed in the SoCG [REP4-026]).

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		the option will impact on our gauging station will need to be submitted. We are currently waiting for further information from the Applicant regarding this matter. Presently, we do not know what the temporary works are and how this will impact on flood risk and the gauging station.	
		Additional land Option The proposed land take and stockpiling needs careful flood risk consideration just like the two other options we have reviewed. The reporting does not provide sufficient flood risk information to satisfy us that there is no increase in flood risk as result of these works and/or temporary works. This option should be modelled and/or a technical note needs to be submitted to explain why Applicant considers that flood risk modelling is not required for this option.	In terms of flood risk for the Additional Land the Applicant would like to draw the Environment Agency's attention to Figure 1.1 Scheme Location Plan within Appendix E of the Environmental Statement Addendum – Additional Land [REP4-058] which is reproduced in **Figure 1** below. This shows that the Additional Land is not within either the fluvial (refer to **Figure 2** below) or surface water (refer to **Figure 3** below) flood plains (flood zone 3 or medium risk respectively) for the current day scenario, therefore, there is no requirement to consider the impacts of climate change given that the additional land is only required temporarily for the duration of construction.

FIGURES

Figure 1 Location of additional land

Figure 2 Environment Agency's flood map

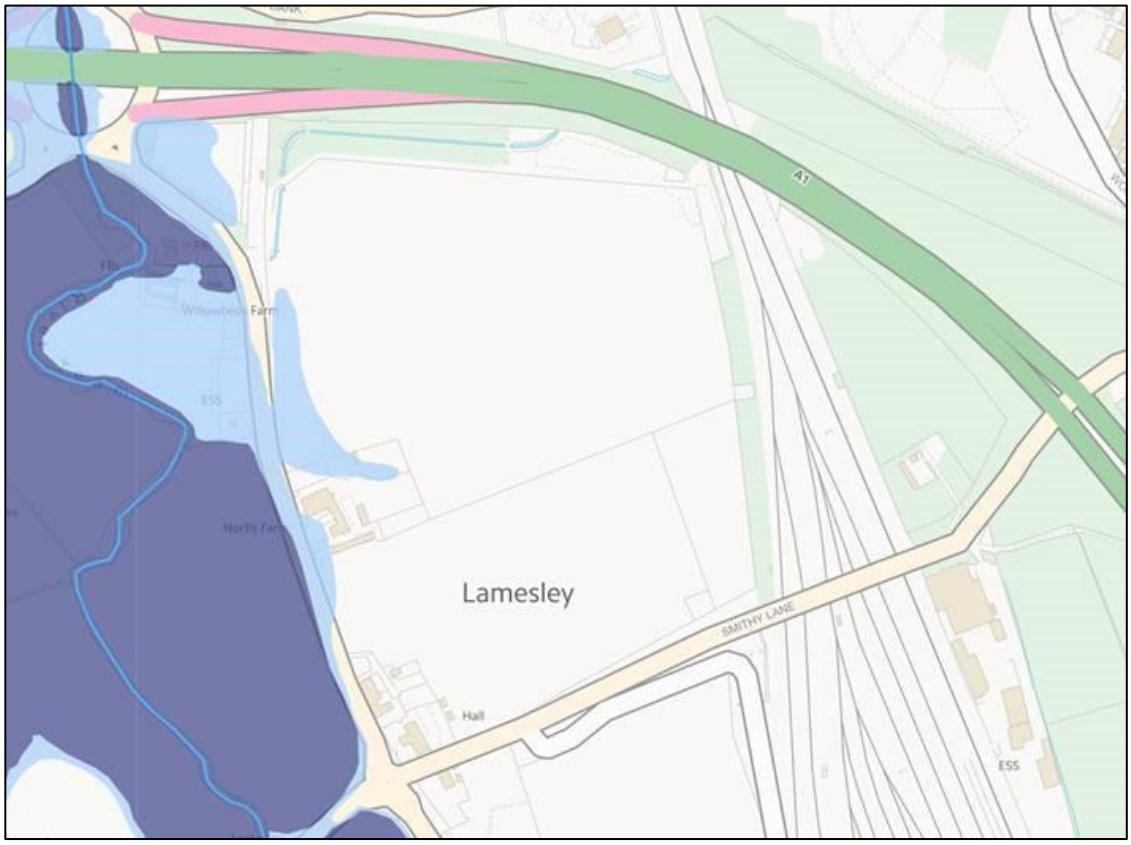
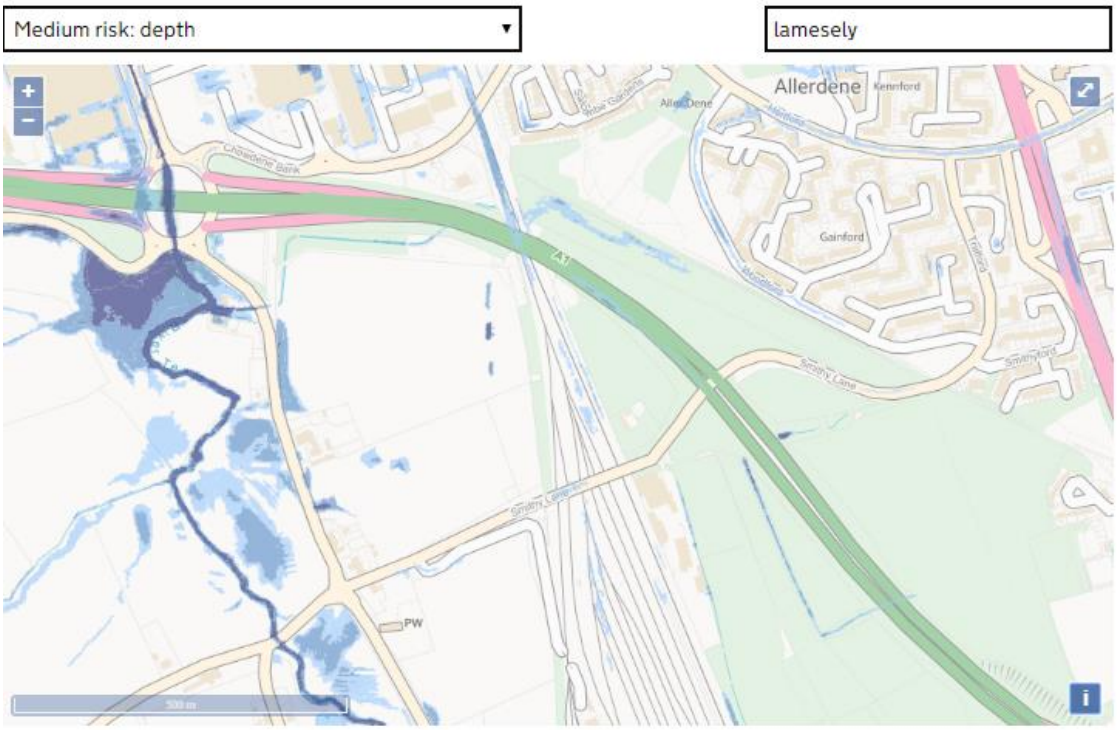


Figure 3 Environment Agency's risk of flooding from surface water map



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