

The Planning Inspectorate
National Infrastructure Planning
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Our ref:
SO/2022/121848/04-L01
Your ref:
A57 Examination - Second Written Questions (WQ2)
Date:
16 March 2022

FAO: Edwin Mawdsley

Dear Edwin,

**APPLICATION BY HIGHWAYS ENGLAND FOR AN ORDER GRANTING DEVELOPMENT
CONSENT FOR A57 LINK ROADS**

**THE EXAMINING AUTHORITY'S SECOND WRITTEN QUESTIONS AND REQUESTS FOR
INFORMATION (DEADLINE 16TH MARCH 2022)**

**NATIONALLY SIGNIFICANT INFRASTRUCTRE PROJECT - A57 MOTTRAM MOOR LINK
ROAD SCHEME**

Thank you for notifying the Environment Agency (EA) on the Examining Authority's / Planning Inspectorate's request for the submission of further written representation(s) in response to the Second Written Questions (WQ2) issued on Wednesday 2nd March 2022; understood to be associated with the ongoing examination of the application made by Highways England for an order granting development consent for the A57 Link Roads.

In response to this latest request, please see table attached overleaf (pages 2- 22) which detailed the EA's response(s) to the relevant questions posed within WQ2.

Cognisant of the contents of our written submission below, we anticipate that EA attendance at the April 2022 hearings will be requested by the Examining Authority. Therefore, we provisionally confirm that we will attend the necessary April 2022 hearings. However, if possible, to ensure sufficient resource / relevant EA officer attendance can be achieved , we

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would ask that we are notified on agenda for these hearings in advance of the intended 28th March agenda issue date.

A57 – Link Roads NSIP – Written Submission Deadline 6 (EA Related Questions)				
Issue Topic 1	draft Development Consent Order (dDCO) and other consents dDCO submitted by Applicant for Deadline 5 [REP5-006]:			
Issue Subtopic	dDCO – Schedules 1 and 2			
Inspectorate Topic Ref	Question to	Reference	Question	EA Response
1.9	EA	Requirement 4(1) – second iteration EMP	<p>The Environment Agency [REP2-052 Q1.32] said that it wished to be consulted on any EMP detail to ensure mitigation for pollution prevention impacts of the construction are considered for the water environment.</p> <p>The Applicant added a provision for the Environment Agency to be consulted on the second iteration EMP, which includes the Pollution Prevention Plan and the Construction Water Management Plan. Does the Environment Agency have any remaining concerns regarding dDCO [REP5-006] provisions for consultation in relation to mitigation measures for pollution prevention?</p>	<p>We welcome the provision made by the applicant to require consultation with the EA on the second iteration of the EMP, as detailed as part of the requirements of dDCO Schedule 2, Part 1 sub-section 4(1) – which requires the submission of a Pollution Prevention Plan and Construction Water Management Plan.</p> <p>However, having reviewed the initial Hydrogeological risk assessment report [REP-3-024] submitted by the applicant for the link road project (as referenced with Environmental Statement - Chapter 13: Road Drainage and the Water Environment (Tracked) [REP5-020]), we are concerned that there are remaining risks / challenges associated with the development proposal which we consider may not fully addressed by the present wording / plan submission requirements of 4(1)-(2).</p> <p>Notably, for matters associated with the protection of water quality, we are concern about the volumes of groundwater likely to be handled and/or encountered as part of construction of the development proposal.</p> <p>Preferentially any groundwater encountered during construction should be re-introduced to the ground. However, given high natural groundwater levels have been identified, this may result in no / limited capacity for this action occur , which in turn may</p>

				<p>necessitate discharge to the surface water course (unless alternative suitable means of disposal can be provisioned).</p> <p>As advised under our previous response for WQ1 [REP2-052 Q11.16], where necessary, we would seek to regulate pollution control under the Environmental Permitting Regulations 2016. An environmental permit may be required should it be intended to discharge surplus or encountered groundwaters to either surface water or ground.</p> <p>A permit will not be required should it be the applicant's intention to discharge surplus or encountered groundwaters to either surface water or ground that has no discernible concentrations of contamination (which includes sediment loading or turbidity).</p> <p>To address the above the concern, at this stage in proceedings, we consider an appropriate potential solution to this issue could be to include a condition requiring the submission of a Ground Water Management Plan, or similar, (as a prior commencement requirement) either as further amendment to the wording of 4(1) or as a standalone condition.</p>
1.14	EA	Requirement 6 – Contaminated land and groundwater	<p>The Environment Agency [REP3-037] made recommendations regarding model procedures and good practice for contamination.</p> <p>The Applicant [REP4-006 page 20] noted the recommendations, the approach taken for the land contamination risk assessment, and referred to the adjustment to Requirement 4(1) to require consultation with the Environment Agency.</p> <p>Does the Environment Agency have any remaining concerns regarding</p>	<p>We advise that the recommendations that presented within REP3-037 remain relevant.</p> <p>We have received and previously reviewed the ground investigation report associated with sec.6.3 of the Environmental Statement (Chpt. 9; Geology and Soils). We do not consider this report to contain sufficient detail / technical information to adequately / fully characterise the land area within which development proposal will be situated.</p> <p>As inferred from the additional /revised wording provided under paragraph 13.6.28 of Environmental Statement Chapter 13 [REP5-020] , it is our understanding that the present limitations in the current ground investigation (site characterisation) reporting submitted as part of the examination are also recognised by the applicant.</p>

			<p>dDCO [REP5-006] provisions in relation to model procedures and good practice for contamination?</p>	<p>As part of paragraph 13.6.28, it is noted that a 2021 ground investigation report which will fill data gaps in the site-specific information is to be submitted in due course. A check of the examination library confirms that submission of this further report has not yet occurred.</p> <p>In the first instance, we would advise that the 2021 ground investigation report aforementioned is submitted to the Examining Authority (with all relevant associated appendices / data sheets).</p> <p>In connection with the above (site characterisation / reporting limitation), in the absence of sufficient reporting being submitted, we advise Examining Authority that the current wording provided within in dDCO [REP5-006] under Schedule 2, Part 1, 6(1)-(2) is not deemed sufficient.</p> <p>The present wording of 6(1) infers that's sufficient site characterisation has been achieved and that no immediate remedial action is required.</p> <p>In accordance with our previous commentary above, we consider that current wording of 6(1)-(2) would only be applicable / acceptable if sufficient full site characterisation has been achieved / confirmed.</p> <p>In the absence of further reporting achieving sufficient characterisation being submitted prior to examination conclusion, we advise that the wording of 6(1)-(2) will need to be amended to ensure that this will be requirement is realised prior to the commencement of the development. Wider matters detailed within this our wider written response notwithstanding, this will facilitate the issuing of the DCO and give provisions to address land quality issues - as per LCRM, 2019 and NPPF 2021.</p>
1.17	EA & LLFA	Requirement 9(2) – Flood risk assessment	Derbyshire County Council [REP4-010] said that the Lead Local Flood Authority would welcome consultation on any works that were not in accordance with	<p>a&b)</p> <p>We note proposed wording of requirement 9 (1) detailed as part of the requirements for the dDCO, Schedule 2 Part 1, submitted</p>

			<p>an approved Flood Risk Assessment for clarity and certainty and for the opportunity to comment on or raise concerns about any works that may result in problems for flood risk in the wider area.</p> <p>The Environment Agency [REP3-037] recommended that they should be consulted in relation to works proposed in accordance with the flood risk assessment and otherwise in accordance with the flood risk assessment.</p> <p>They also stated that all works should be carried out in accordance with an approved flood risk assessment regardless of whether affected landowners accept any exceedances of flood levels. They said that the flood risk assessment must show that risks would not be increased elsewhere.</p> <p>The Applicant [REP4-006 pages 21 and 22] responded to the Environment Agency's concerns and updated the dDCO [REP5- 006].</p> <p>a) Does the Environment Agency have any comments on the Applicant's updates to Requirement 9?</p> <p>b) Do the Environment Agency or the Lead Local Flood Authorities have any remaining concerns regarding dDCO [REP5-006] provisions in relation to flood risk assessment?</p>	<p>under Deadline 5 [REP5-006] which is as follows (see <i>italics</i>):</p> <p><i>(1) Subject to sub-paragraph (2), the authorised development must be carried out in accordance with the flood risk assessment or any update thereof approved by the Environment Agency, including the mitigation measures detailed in it, so that no part of the authorised development is predicted to result in any exceedance of the flood levels to properties and land shown in the flood risk assessment.</i></p> <p><i>(2) Sub-paragraph (1) does not apply in any circumstance where the undertaker proposes to carry out a part of the authorised development otherwise than in accordance with the flood risk assessment or demonstrates to the Environment Agency's satisfaction, in consultation with the relevant lead local flood authority, that the part of the authorised development concerned would not result in an exceedance of the flood levels shown in the flood risk assessment.</i></p> <p>As submitted, the wording outline above is not considered acceptable by the EA.</p> <p>The commentary below notwithstanding, we would advise that the current wording of 9(2) is unacceptable, the requirement of this sub-paragraph is unclear when read in connection with sub paragraph 9(1).</p> <p>The proposed wording detailed under sub-paragraph 1 suggests / indicates that the Flood Risk Assessment (FRA) provided as part of Deadline 5 submissions [REP5-010] is acceptable.</p> <p>However, as previously highlighted (and detailed as part of the applicant's submission for Deadline 5 regarding comments on Deadline 4 [REP-5-022], page 10, response reference 9.54.15), we have previously advised that update to the FRA is necessary</p>
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				<p>to ensure that the latest EA climate change guidance is being factored as part of the assessing flood risk associated with the proposal.</p> <p>The FRA submitted (TR010034-001090-TR010034_5.5_Flood_Risk_Assessment (4)D5_230222 Rev3) [REP-5-010] is not based on current fluvial climate change allowances. Consequently, it should not be considered / defined as part of wording of requirement 9 (1) as being acceptable as our previous concern regarding the assessment of future climate change impact remains outstanding.</p> <p>To address this issue we would advise that either of the following actions / options should occur:</p> <ol style="list-style-type: none"> 1) The FRA is updated prior to DCO determination (utilising approved modelling which factors the latest climate change guidance) and is assessed. <p style="text-align: center;">OR</p> <ol style="list-style-type: none"> 2) If the FRA cannot be updated in advance of DCO determination, then condition of 9(1) should be amended to require the submission of an updated / revised FRA (utilising latest climate change guidance) prior to commencement of development. <p>If option 2 outlined above is progressed, then in advance of this occurring, we recommend / advise that applicant will need to provide sufficient evidence and assurance to the Examining Authority that the development design presented is feasible (see also comments for issue topic 11.3) and there is confidence it would remain feasible once updated climate change guidance is factored i.e. would not result in requirement for what may be considered a material change to the development proposal.</p>
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Issue Topic 6	Other noise, vibration, and nuisance			
Issue Subtopic	Remaining concerns			
Inspectorate Topic Ref	Question to	Reference	Question	EA Response
6.15.	EA	Remaining Concerns	Apart from the issues covered elsewhere in these second written questions, please could the Environment Agency summarise any remaining concerns that it has about the Applicant's consideration of common law nuisance or statutory nuisance?	No comment.
Issue Topic 11	The water environment, drainage, flood risk assessment, Water Frameworks Directive			
Issue Sub Topic	Baseline Information			
Inspectorate Topic Ref	Question to	Reference	Question	EA Response
11.2	Applicant	National Highways Deadline 5 Submission - Flood Risk Assessment (Tracked) [REP5-019]	It is noted that the modelling of the River Etherow has not yet been agreed with the Environment Agency. The Applicant has responded to the concerns of the Environment Agency [REP5- 022] stating the intention to address this matter at Detailed Design Stage. a) How can the ExA be satisfied that a reasonable worst case scenario has been assessed and that appropriate mitigation is secured without this	N/A – context relevant to EA response under 11.3

			information? b) Has a timeframe been identified to resolve any outstanding matters of disagreement prior to detailed design	
11.3.	Environment Agency Lead Local Flood Authorities	Environment Agency's representation at Deadline 4 [REP4-019] National Highways Response to Representations made at Deadline 4 [REP5-022] River Etherow modelling	As above (see 11.2), it is noted that the modelling of the River Etherow has not yet been agreed with the Environment Agency. The Applicant has responded to the concerns of the Environment Agency [REP5-022] stating the intention to address this matter at Detailed Design Stage. a) Do the Environment Agency or the Lead Local Flood Authorities have any comments on the Applicant's response?	In accordance with paragraph 167 of the National Planning Policy Framework (NPPF), where appropriate (Flood Zone 2 /3 present), when determining an application it should be demonstrated via a site-specific Flood Risk Assessment (FRA) that the development will not result in an increased flood risk elsewhere and will be appropriately flood resistant and resilient. The EA's FRA guidance , notes the importance of ensuring that most-recent climate change allowances are factored /consider as part of the assessment of site-specific flood risk. In line with the above, in the first instance, we would advocate that an approach which seeks to update the current FRA [REP-5-010] submitted (utilising a model incorporating the latest climate change guidance) in advance of determination. However, if the applicant's intention is to address the issues of the flood modelling (and thus the FRA) during the detailed design stage, then we advise, as part of the examination process, that the applicant provides assurance to the Examining Authority that the development design presented is feasible and there is confidence that it would remain feasible once the latest climate change guidance is factored i.e. that the compensatory flood plain storage currently proposed will be sufficient. If there is confidence from the applicant that the latest climate change allowances can be accommodated in the design without impact elsewhere (off-site), then a conditional approach for the remaining issues to addressed as part of an updated FRA should be considered (see also comments for 1.17). Further to the above, we note from the applicant's response [REP5-022] 9.54.16, regarding the modelling undertaken for the River Etherow, the following comment (see italics): <i>"previous correspondence with EA dated 12 March 2020 was</i>

				<p><i>that the changes made to the model were satisfactory</i>'.</p> <p>In relation to the above comment, we would advise that whilst our letter of the 12/3/2020 (our ref: SO/2019/119948/02-L01) did note as part of our second review of the flood model that changes made to the baseline model were satisfactory.</p> <p>However, in review of the modelling information, we would also clarify that as part our response / issuing email to applicant's consultant Atkins (12/03/2020 15:26), we provided additional commentary within an excel summary sheet of suggested recommendations which need to be addressed as part of subsequent modelling update. Addressing these recommendations will ensure the model's suitability for use as part of assessing flood risk / the development proposal (the issue factoring latest climate change figures notwithstanding).</p>
11.4	<p>Applicant</p> <p>Environment Agency</p>	<p>Risk to abstraction boreholes, etc. Environment Agency's representation at Deadline 4 [REP4-019] National Highways Deadline 5 Submission - Environmental Statement - Chapter 13: Road Drainage and the Water Environment (Tracked) [REP5-020] National</p>	<p>The Environment Agency has identified concerns that dewatering of the below ground structures within the scheme may artificially dewater natural aquifer bodies. These groundwater bodies are known to provide sole supplies of water (from an abstraction borehole) to several private dwellings. Dewatering of the aquifer would therefore deprive the owners and abstractors of these boreholes of water.</p> <p>a) What survey information has been gathered of water features to date which would inform discussions with the Environment Agency?</p> <p>b) What additional information is required?</p> <p>c) How could this information be</p>	<p>a)</p> <p>We would advise the ExA that the Hydrogeological Risk Assessment report that was presented to the Environment Agency on 28 January 2022 (Environmental Statement - Chapter 13: Road Drainage and the Water Environment (Tracked) [REP5-020]) has been reviewed and technical commentary on the report is being produced.</p> <p>Those technical comments will be shared with the applicant, and at their request, a technical meeting will be held to discuss the issues.</p> <p>b)</p> <p>The information we have to date describes the current on-site situation but does not address conditions during and after construction.</p> <p>Further site-specific groundwater information will need to be</p>

		<p>Highways Deadline 5 Submission - Applicants comments on Deadline 4 submissions [REP5- 022]</p>	<p>gathered, and within what timeframe?</p> <p>d) How can the ExA be satisfied that a reasonable worst case scenario has been assessed and that appropriate mitigation is secured without this information?</p>	<p>collected to populate future consideration and modelling of the site, particularly during and after construction. We cannot inform the ExA as to time scales at this moment.</p> <p>We continue to have concerns that the below ground structures associated with the development proposal could lead to parts of specific aquifer being drained. This could lead to private abstractors being deprived of their sole source of water.</p> <p>Comments made in REP4-019 remain relevant.</p> <p>c)</p> <p>To be addressed by the applicant.</p> <p>d)</p> <p>To address the above the concern, at this stage in proceedings, we consider an appropriate potential solution to this issue could be to include a condition requiring the submission of a Ground Water Management Plan or similar (as a prior commencement requirement) either as further amendment to the wording of the dDCO [REP5-006] Schedule 2, Part 1, 4(1) or as a standalone condition.</p> <p>Otherwise, we would look to address as our concerns through further separate discussions with the applicant to identify an appropriate a solution.</p> <p>As advised under our previous response for WQ1 [REP2-052 Q11.16], where necessary, we would seek to regulate pollution control under the Environmental Permitting Regulations 2016. An environmental permit may be required should it be intended to discharge surplus or encountered groundwaters to either surface water or ground.</p> <p>A permit will not be required should it be the applicant's intention to discharge surplus or encountered groundwaters to either</p>
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				surface water or ground that has no discernible concentrations of contamination (which includes sediment loading or turbidity).
Issue Sub Topic	Flood risk and drainage			
Inspectorate Topic Ref	Question to	Reference	Question	EA Response
11.5	Applicant	Environment Agency's Representation at Deadline 4 [REP4-019] National Highways Response to Representations made at Deadline 4 [REP5-022]	<p>There are concerns that the Flood Risk assessment has not been updated to reflect the latest fluvial climate change allowances that were introduced in 2021.</p> <p>The Applicant has responded to the concerns of the Environment Agency [REP5- 022] stating the intention to address this matter at Detailed Design Stage.</p> <p>a) How can the ExA be satisfied that a reasonable worst case scenario has been assessed and that appropriate mitigation is secured without this information?</p> <p>b) Has a timeframe been identified to resolve any outstanding matters of disagreement prior to detailed design?</p>	N/A - context relevant to EA response under 11.6
11.6.	Environment Agency Lead Local Flood Authorities	Environment Agency's Representation at Deadline 4 [REP4-019] National Highways	As above, there are concerns that the Flood Risk assessment has not been updated to reflect the latest fluvial climate change allowances that were introduced in 2021. The Applicant has responded to the concerns of the Environment Agency [REP5- 022] stating the intention to address this	<p>a/b/c)</p> <p><i>N.B – As also noted in the EA's response to inspector topic issue 11.3.</i></p> <p>In accordance with paragraph 167 of the National Planning Policy Framework (NPPF), where appropriate (Flood Zone 2 /3 present), when determining an application it should be</p>

		<p>Response to Representations made at Deadline 4 [REP5-022]</p>	<p>matter at Detailed Design Stage.</p> <p>a) Does the Environment Agency or the Lead Local Flood Authorities have any comments on the Applicant's response?</p> <p>b) What issues remain outstanding?</p> <p>c) Is this approach acceptable to the Environment Agency and the Lead Local Flood Authorities?</p>	<p>demonstrated via a site-specific Flood Risk Assessment (FRA) that the development will not result in an increased flood risk elsewhere and will be appropriately flood resistant and resilient. The EA's FRA guidance , notes the importance of ensuring that most-recent climate change allowances are factored /consider as part of the assessment of site-specific flood risk.</p> <p>In line with the above, in the first instance, we would advocate that an approach which seeks to update the current FRA [REP-5-010] submitted (utilising a model incorporating the latest climate change guidance) in advance of determination.</p> <p>However, if the applicant's intention is to address the issues of the flood modelling (and thus the FRA) during the detailed design stage, then we advise, as part of the examination process, that the applicant provides assurance to the Examining Authority that the development design presented is feasible and there is confidence that it would remain feasible once the latest climate change guidance is factored i.e. that the compensatory flood plain storage currently proposed will be sufficient.</p> <p>If there is confidence from the applicant that the latest climate change allowances can be accommodated in the design without impact elsewhere (off-site), then a conditional approach for the remaining issues to addressed as part of an updated FRA should be considered (see also comments for 1.17).</p> <p>Further to the above, we note from the applicant's response [REP5-022] 9.54.16, regarding the modelling undertaken for the River Etherow, the following comment (see italics): <i>"previous correspondence with EA dated 12 March 2020 was that the changes made to the model were satisfactory"</i>.</p> <p>In relation to the above comment, we would advise that whilst our letter of the 12/3/2020 (our ref: SO/2019/119948/02-L01) did note as part of our second review of the flood model that changes made to the baseline model were satisfactory.</p> <p>However, in review of the modelling information, we would also</p>
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				clarify that as part our response / issuing email to applicant's consultant Atkins (12/03/2020 15:26), we provided additional commentary within an excel summary sheet of suggested recommendations which need to be addressed as part of subsequent modelling update. Addressing these recommendations will ensure the model's suitability for use as part of assessing flood risk / the development proposal (the issue factoring latest climate change figures notwithstanding).
11.7.	Environment Agency Lead Local Flood Authorities	Environment Agency's Representation at Deadline 4 [REP4-019]	The Environment Agency is concerned that it has not yet seen a proposed surface water drainage strategy. The Applicant has provided a Drainage Design Strategy Report [APP-188]. a) Is this sufficient for the Environment Agency to comment on? b) If not, what further information is needed? c) Are the Lead Local Flood Authorities satisfied with the information supplied? d) If not do they have any comments?	We note the Drainage Strategy Report (TR010034/APP/7.7 Rev P02). Whilst this identifies the localised catchment areas along the route and basic design criteria, it has no details on discharge rates to receptors or required attenuation volumes /SuDS features necessary to ensure risk is not increased in the receptors. As part of the requirements for the dDCO, Schedule 2 Part, 1 submitted under Deadline 5 [REP5-006], we note that consultation with the EA is required as part of 8(1) which details requirements for the submission of written details of the surface and foul water drainage system for the development. The submission(s) made for 8(1) can be assessed to determine whether there are any concerns regards how surface-water run-off arising from the built development will be managed. We would consider this conditional requirement to address the limitation of the existent Drainage Design Strategy Report [APP-188].
Issue Sub Topic	Water Habitat			
Inspectorate Topic Ref	Question to	Reference	Question	EA Response
11.10.	Applicant Environment Agency	Contaminated runoff Environment Agency Deadline 2 Submission -	In their response to First Written Questions Q11.16 [REP2-052] The Environment Agency identified a need to address the matter of water contaminated by road salting and gritting within the Environmental Statement - Chapter 13: Road Drainage	a/b /c /d) A check of EA's response detailed under [REP2-052 Q11.16] for the Examining Authority's First Written Questions indicates that we have not previously raised specific concern regarding water contaminated by road salt and gritting.

		<p>Response to the Examining Authority's First Written Questions (WQ1) [REP2-052 Q11.16]</p> <p>National Highways Deadline 2 Submission - Applicant's response to Examining Authority's First Written Questions [REP2-021]</p> <p>National Highways Deadline 5 Submission - Environmental Statement - Chapter 13: Road Drainage and the Water Environment (Tracked) [REP5-020]</p> <p>Design Strategy Report [APP-188]</p>	<p>and the Water Environment.</p> <p>Particulate matter from brake and tyre wear may also be generated. The applicant responded to the same question in its responses to First Written Questions [REP2-021] and amended Environmental Statement - Chapter 13: Road Drainage and the Water Environment (Tracked) [REP5-020].</p> <p>a) Does the Applicant's response and amendment of Environmental Statement - Chapter 13: Road Drainage and the Water Environment satisfactorily address the Environment Agency's concerns in regard to road salt and gritting?</p> <p>b) If not, what concerns remain and how might these be addressed?</p> <p>c) Does the Environment Agency or the Applicant have any comments in regard to particulates in runoff?</p> <p>d) Should the Environmental Statement - Chapter 13: Road Drainage and the Water Environment be amended to address particulate contamination in runoff?</p> <p>e) Are amendments also needed to the Drainage Design Strategy Report [APP-188] to address these issues?</p>	<p>However, we note and acknowledge that under paragraph 13.9.10 of ES Chapter 13 [REP6-020] it is not anticipated by the applicant that there would be any resultant deterioration to water quality as a result of run-off containing road salt or grit as the surface water drainage for the proposal would provide adequate treatment and attenuation.</p> <p>As advised under our response for WQ1 [REP2-052 Q11.16], where necessary, we would seek to regulate pollution control under the Environmental Permitting Regulations 2016. An environmental permit may be required should it be intended to discharge 'waste water' to either surface water or ground. A permit will not be required should the intention be to discharge uncontaminated water.</p> <p>In relation to the above, we note as part of the requirements for the dDCO, Schedule 2 Part 1, submitted under Deadline 5 [REP5-006] that consultation with the EA is required as part of 4(1) for the following:</p> <ul style="list-style-type: none"> iii - Pollution Prevention Plan iv – Emergency Spillage Response Plan vii – Construction Water Management Plan <p>We also note as part of the requirements for the dDCO, Schedule 2 Part, 1 submitted under Deadline 5 [REP5-006], that consultation with the EA is required as part of 8(1) which details requirements for the submission of written details of the surface and foul water drainage system. The submission(s) made for 8(1) can be assessed to determine whether there are any concerns regards how surface-water run-off arising from the built development will be managed.</p> <p>d) The purpose of Drainage Design Strategy Report [APP-188] appears to be a high-level overview only. As we above we would note the requirement of the dDCO Schedule 2 Part 1 8(1) for the submission of foul and surface water drainage schemes.</p>
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Issue Topic 12	Biodiversity, ecological and geological conservation, Habitat Regulation Assessment			
Issue Sub Topic	Biodiversity			
Inspectorate Topic Ref	Question to	Reference	Question	EA Response
12.1	Applicant Environment Agency	Invasive non-native species National Highways Deadline 2 Submission - Draft Statement of Common Ground with Environment Agency [REP2-026] National Highways Deadline 5	The Draft Statement of Common Ground with Environment Agency [REP2-026] refers, at 10.1.3.3, to the presence of a number of invasive / non-native species within red line area and potential opportunity to improve ecological quality of some priority habitats currently identified as having these non-native species. The Applicant has submitted an Outline Landscape and Ecological Management and Monitoring Plan [REP5-018]. a) Should the Applicant's documents refer to the use of best practice	a) Yes, it advisable for management strategies to refer to the best practice measures and guidance which has been used to inform /instruct the management approach presented. In the instance of the of the Landscape and Ecological Management and Monitoring Plan (LEMMP), it would be advisable to refer to all schedule 9 (Wildlife & Countryside Act 1981) INNS (Invasive Non-Native Species) identified within the development site area. b) The EA would only provide on comments on the suitability of the measures proposed to control INNS detailed within scheduled 9 associated with the water environment. And/or correct disposal of 'waste materials' arising from control / treatment in our role as an environmental regulator for waste management.

		Submission - Outline Landscape and Ecological Management and Monitoring Plan [REP5-018]	<p>measures, as referred to by the Environment Agency?</p> <p>b) Would the Environment Agency provide comments on the suitability of the measures to control invasive non-native species contained within the above document?</p>	<p>Wider review / commentary on the control of any wider schedule 9 INNS identified within the development site area would need to be sought from the relevant additional competent authorities.</p> <p>We note that as part of the conditions for the dDCO (Schedule 2 Part 4 Second Iteration EMP) submitted under deadline 5 [REP5-006] that there is a requirement for consultation with the EA regarding the suitability of the detailed LEMMP (xvii).</p>
12.2	Environment Agency Natural England	<p>Approach to mammal crossings, otter fencing and other measures within water environment assessment.</p> <p>First Written Questions [PD-009 Q12.10]</p> <p>National Highways Deadline 2 Submission - Applicant's response to Examining Authority's First Written Questions [REP2-021]</p>	<p>The applicant responded to Q12.10 in its responses to First Written Questions [REP2-021] that other mitigation measures located in the vicinity of watercourses (e.g. mammal crossings, otter fencing) have not been explicitly assessed at the current stage of design, but will be considered further during the detailed design phase.</p> <p>a) Do the Environment Agency or Natural England have any comments on the Applicant's response? b) Is this approach acceptable to the Environment Agency and the Natural England?</p>	<p>a&b)</p> <p>Based on general scheme wide approach to mammal crossings and that other positive environmental measures /interventions within water environment will be actively considered, we can confirm that we accept this approach subject to relevant further EA consultation.</p> <p>In accordance with the above, as part of the requirements for the dDCO (Schedule 2 Part 4 Second Iteration EMP) submitted under deadline 5 [REP5-006], we note the requirement for consultation with the EA on the Ecological Management Plan (xvi) and Landscape and Ecological Management and Monitoring Plan (xviii).</p>
Issue Sub	Remaining Concerns			

Topic				
12.20	Environment Agency	Remaining concerns	Apart from the issues covered elsewhere in these second written questions, please could the Environment Agency England summarise any remaining concerns that it has about the Applicant's consideration of biodiversity, ecological and geological conservation, or the Habitat Regulation Assessment?	No comment.
Issue Topic 14	Other environmental topics			
Issue Sub Topic	Remaining Concerns			
Inspectorate Topic Ref	Question to	Reference	Question	EA Response
14.6	Environment Agency	Remaining Concerns	Apart from the issues covered elsewhere in these second written questions, please could the Environment Agency summarise any remaining concerns that it has about the Applicant's consideration of transboundary effects, cumulative and combined effects, or other important and relevant considerations?	<p>Further to our comments made regarding the assessment of flood risk under issue topics 11.3 and 11.6 we would highlight the point raised by the applicant within Chapter 13 of the Environmental Statement (TR010034) [REP5-011] paragraph 13.8.9 in which the following is stated (see italics):</p> <p><i>“Construction activity in the vicinity of the River Etherow, including compensatory flood storage provision, flood embankment and right bank groundworks will require careful programming. Works here would require sequencing so as not to increase risk to others. However, during construction there will be a localised risk of flooding to the construction site whilst works the aforementioned works take place within the River Etherow floodplain. The localised risk to the construction site is considered to be a short-term/ temporary impact”</i></p>

				<p>We welcome the applicant's recognition of the importance of considering temporary / localised flood risk changes as part of the delivery / construction of the A57 Link Road Scheme and therefore need to ensure careful consideration of this as part of further delivery programming (which we assume will be devised at the detailed design stage).</p> <p>In regard to above, we would welcome confirmation from the applicant as to how /where written details for this aspect (temporary flood risk variation consideration) will be provided. From our review of the most recent version of the draft Development Consent Order (dDCO) we note that as part of the Schedule 2 Requirements, Part 1, 4(1) there is a requirement as part of Second Iteration EMP submission to include a Construction Water Management plan – would this include provision of details of how this aspect has been factored?</p> <p>--</p> <p>We would advise that the impact from the link road scheme could extend wider than just the redline boundary as defined on site maps (0,5 Km for surface water features and 1 Km groundwater).</p> <p>We would also advise that the shape of the zone of influence, rather than being idealised, may vary due to the complex geology and faulting defined for the study area.</p> <p>Groundwater bodies are large and can extend a good distance away from the tight confines of the road itself.</p> <p>For this development, the effects of uncontrolled groundwater discharges could have serious and far-reaching consequences if it is not thoroughly understood, managed and any possible risks mitigated.</p> <p>It is important for the scheme to fully understand the consequences of placing cuttings and other below ground structures in areas where high groundwater levels could lead to increased (as yet, unknown) volumes of groundwater entering</p>
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				<p>the surface water network. This may lead to unexpected flooding and an inability to control discharges in a managed way.</p> <p>A technically feasible solution is possible, but the project team will need to use the additionally collected information to populate that assessment process and arrive at a suitable way forward/solution.</p> <p>Linked to this is the need for a thorough ground conditions report and complete understanding of the geology and soils throughout the link road length.</p>
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Yours sincerely,

Mr Andy Davies
Sustainable Places Advisor

Direct e-mail [REDACTED]

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