

A57 Link Roads

TR010034

**9.16 Draft Statement of Common Ground
with Environment Agency**

Rule 8(1)(e)

Planning Act 2008

Infrastructure Planning (Examination Procedure) Rules 2010

January-March 2022

Infrastructure Planning

Planning Act 2008

The Infrastructure Planning (Examination Procedure) Rules 2010

A57 Link Roads

Development Consent Order 202[x]

9.16 DRAFT STATEMENT OF COMMON GROUND WITH ENVIRONMENT AGENCY

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Author:	A57 Link Roads Project Team, National Highways and Balfour Beatty Atkins

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Rev 2.0	March 2022	Draft for Deadline 7
Rev 1.0	January 2022	Draft for Deadline 2

DRAFT STATEMENT OF COMMON GROUND

**This Draft Statement of Common Ground has been prepared and agreed by (1)
National Highways Limited and (2) Environment Agency**

Signed..... To be signed prior to examination
Andrew Dawson
Project Manager
On behalf of National Highways
Date:

Signed.....
Name
Title
On behalf of Environment Agency
Date:

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1. Introduction

1.1. Purpose of this document

- 1.1.1. This Draft Statement of Common Ground ("SoCG") has been prepared in respect of the proposed A57 Link Roads scheme (previously known as Trans-Pennine Upgrade) ("the Scheme") and the application ("the Application") made by National Highways Limited ("National Highways") to the Secretary of State for Transport ("Secretary of State") for a Development Consent Order (DCO) under section 37 of the Planning Act 2008 ("the Act").
- 1.1.2. This SoCG does not seek to replicate information which is available elsewhere within the Application documents. All documents are available on the Planning Inspectorate website.
- 1.1.3. This SoCG has been produced to confirm to the Examining Authority where agreement has been reached between the parties to it, and where agreement has not (yet) been reached. SoCGs are an established means in the planning process of allowing all parties to identify and so focus on specific issues that may need to be addressed during the examination.

1.2. Parties to this Statement of Common Ground

- 1.2.1. This SoCG has been prepared by (1) National Highways as the Applicant and (2) Environment Agency (Environment Agency).
- 1.2.2. National Highways (formerly Highways England) became the Government-owned Strategic Highways Company on 1 April 2015. It is the highway authority in England for the strategic road network and has the necessary powers and duties to operate, manage, maintain and enhance the network. Regulatory powers remain with the Secretary of State. The legislation establishing the then Highways England made provision for all legal rights and obligations of the Highways Agency, including in respect of the Application, to be conferred upon or assumed by Highways England (now National Highways).
- 1.2.3. Environment Agency is an executive non-departmental public body, sponsored by the Department for Environment, Food & Rural Affairs and is responsible for regulating major industry and waste, treatment of contaminated land, water quality and resources, fisheries, inland water, estuary and harbor navigations, conservation and ecology. The Environment Agency is also responsible for managing the risk of flooding from main rivers, reservoirs, estuaries and the sea.

1.3. Terminology

- 1.3.1. In the tables in the Issues chapter of this SoCG, "Not Agreed" indicates a final position, and "Under discussion" where these points will be the subject of on-going discussion wherever possible to resolve, or refine, the extent of disagreement between the parties. "Agreed" indicates where the issue has been resolved.
- 1.3.2. It can be taken that any matters not specifically referred to in the Issues chapter of this SoCG are not of material interest or relevance to, and therefore have not been the subject of any discussions between the parties. As such, those matters can be read as agreed, only to the extent that they are either not of material interest or relevance to Environment Agency.

1.4. Addressing Rule Six requirements

1.4.1. The document evidences the meeting of conditions set out within Annex E of the Rule Six letter from the Examining Authority, dated 19 October 2021. Environment Agency is a Category B interested party. The SoCG will address the following requirements within Annex E through the associated sections outlined in tables 1.1 and 1.2 below.

Table 1.1: Section Six Letter Annex E Requirement for all category A-D parties

Annex E Requirement	Relevant SoCG section
<p>Applicable legislation and policy considered by the Applicant</p>	<p>1. Legislation and Policy</p> <ul style="list-style-type: none"> 1.1 dDCO articles and associate schedules 1.2 DCO Requirements 1.3 Protective Provisions 1.4 Other DCO matters
<p>The Applicant's assessment and the proposed mitigation measures:</p> <ol style="list-style-type: none"> 1. The adequacy of the assessment and mitigation for each environmental topic. Consideration of scope, methodology, study area, receptors and their sensitivity. Baseline conditions, how they were identified and whether all necessary information was obtained given the restrictions during the Coronavirus (COVID-19) pandemic 2. The flexibility sought for the detailed design, construction, and operational phases. Whether the extent of flexibility adopted in the Rochdale Envelope for assessment and evidence is consistent. The extent of the Rochdale Envelope. How the reasonable worst-case scenario has been assessed. 3. The magnitude and duration of construction and operational phase effects, mitigation, opportunities for enhancement, residual effects after mitigation and their significance, monitoring and maintenance. 4. Whether any scoping out of detailed assessment is consistent with applicable legislation and policy, including the National Policy Statement for National Networks and the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017. 5. Whether the assessment methodology reflects best practice, whether it has been applied consistently, and whether the assessment of significant residual effects is fully evidenced and reasoned. Uncertainty arising from Coronavirus (COVID-19). 6. The application of professional judgements and assumptions. 	<p>2. Assessment and proposed mitigation</p> <ol style="list-style-type: none"> 2.1 Environmental assessment and mitigation <ol style="list-style-type: none"> 2.1.1 Adequacy of assessment for each environmental topic 2.1.2 Adequacy of mitigation for each environmental topic 2.1.3 Methodology 2.1.4 Baseline conditions and coronavirus 2.2 Flexibility and worst case scenario 2.3 Construction and operational effects 2.4 Scoping out of detailed assessment and National Policy Statement for National Networks 2.5 Assessment of methodology and best practice 2.6 Application of professional judgements and assumptions 2.7 Mitigation and outline environment management plan 2.8 Residual impacts and securing of mitigation measures 2.9 Cumulative impacts 2.10 The significance of each residual impact

Annex E Requirement	Relevant SoCG section
7. The need for and adequacy of outline/ draft mitigation and management strategies and plans, including the Outline Environmental Management Plan. 8. Whether the mitigation measures, including embedded measures, are secured and are likely to result in the identified residual impacts, consistent with the Environmental Statement 9. The assessment of cumulative effects and the other plans and projects included in the cumulative impact assessment 10. The significance of each residual impact	
Whether the mitigation identified in the Environmental Statement is adequately secured by the combination of Requirements in the draft Development Consent Order with other consents, permits and licenses	3. Environmental Statement and DCO requirements
The draft Development Consent Order Requirements and associated provisions and documents; whether they are reasonable and relevant to planning and the development to be consented; whether they are enforceable and precise; whether they secure the proposed mitigation and monitoring; and whether any additional provisions are necessary	4. DCO requirements and associated provisions and documents
Matters for which detailed approval needs to be obtained, the proposed procedures for consultation on and the discharge of Requirements, and for approvals, consents, and appeals, including arbitration, and the roles of the local authorities and of other statutory and regulatory authorities	5. Matters for detailed approval
The identification of consents, permits or licenses required before the development can become operational, their scope, management plans that would be included in an application, progress to date, comfort/ impediments and timescales for the consents, permits or licenses being granted	6. Other consents and permits
Opportunities for enhancement and environmental benefits.	7. Opportunities for enhancement and environmental benefits.
Human rights and equalities duties	8. Human rights and equalities duties
Any other relevant and important considerations	9. Any other relevant and important considerations

Table 1.2: Section Six Letter Annex E Requirement for only category B parties

Annex E Requirement	10. Construction and Environmental Management Issues
<p>The matters listed under the following headings in the ExA's Initial Assessment of Principal Issues:</p> <ol style="list-style-type: none"> 1. Soils, ground conditions, material assets and waste 2. The water environment, drainage, flood risk assessment, water frameworks directive 3. Biodiversity, ecological and geological conservation 4. Land use, social and economic, human health 	<p>10.1 Matters listed under assessment of principles</p> <ol style="list-style-type: none"> 10.1.1 Soils, ground conditions, material assets and waste 10.1.2 The water environment, drainage, flood risk assessment, water frameworks directive 10.1.3 Biodiversity, ecological and geological conservation 10.1.4 Land use, social and economic, human health
<p>Dust, odour, artificial light, smoke and steam</p>	<p>10.2 Dust, odour, artificial light, smoke and steam</p>
<p>Whether potential releases can be adequately regulated under the pollution control framework, consistent the National Policy Statement for National Networks</p>	<p>10.3 Whether potential releases can be adequately regulated under the pollution control framework, consistent the National Policy Statement for National Networks</p>
<p>Whether contaminated land, land quality pollution control and waste management can be adequately regulated by Environmental Permits</p>	<p>10.4. Whether contaminated land, land quality pollution control and waste management can be adequately regulated by Environmental Permits</p>
<p>Climate change - greenhouse gas emissions and their control, compliance with obligations and targets; vulnerability and resilience of the Proposed Development; cumulative effects</p>	<p>10.5 Climate change - greenhouse gas emissions and their control, compliance with obligations and targets; vulnerability and resilience of the Proposed Development; cumulative effects</p>
<p>The effects on human health and well-being</p>	<p>10.6 The effects on human well-being</p>
<p>Whether processes are in place to meet all relevant Environmental Permit requirements (including with respect to waste management), timescales, and any comfort/impediments to them being granted</p>	<p>10.7 Whether processes are in place to meet all relevant Environmental Permit requirements (including with respect to waste management), timescales, and any comfort/impediments to them being granted</p>
<p>The timing of applications for any required Environmental Permits from the Environment Agency</p>	<p>10.8 The timing of applications for any required Environmental Permits from the Environment Agency</p>
<p>Any other relevant matters included in the ExA's Initial Assessment of Principal Issues</p>	<p>10.9 Any other relevant matters included in the ExA's Initial Assessment of Principal Issues</p>
<p>Any other matters on which agreement might aid the smooth running of the Examination and assist the ExA's recommendation to the Secretary of State</p>	<p>10.10 Any other matters on which agreement might aid the smooth running of the Examination and assist the ExA's recommendation to the Secretary of State</p>

2. Record of Engagement

2.1.1. A summary of the meetings and correspondence that has taken place between National Highways and Environment Agency between 2016 and January 2022 in relation to the Application, is outlined in Table 2-1.

Table 2.1: Record of Engagement between National Highways and Environment Agency

Date	Form of correspondence	Key topics discussed and key outcomes (the topics should align with the Issues tables)
27 June 2016	Meeting	Programme updates, programme elements, Hollingworth and Tintwistle, and programme and delivery were discussed at this meeting.
24 May 2017	Meeting	Summary: the topics discussed included the emerging results of non-statutory consultation, Preferred Route Announcement (PRA), Trans Pennine Trail diversions and climbing lanes.
25 September 2017	Meeting	Summary: the topics discussed included an update on traffic, the DCO process and programme, the PRA and the River Etherow floodplain.
November 2017 – ongoing	Email	Regular communication with the Environment Agency flood risk team to agree the Flood Risk Assessment (FRA) scope, gain approvals in principle of the River Etherow model and hydrology, and to proposed flood mitigation works.
21 March 2018	Meeting	Meeting to discuss potential ecological mitigation options on the River Etherow.
13 April 2018	Meeting	Presentation of River Etherow baseline flood modelling results and discussion around flood risk mitigation requirements and strategies. Agreement on key design parameters for the Scheme crossing of the Etherow, including freeboard and set back distances.
26 April 2018	Email	Obtain local environmental information across the Scheme
26 June 2018	Email	Confirmed that there are no licensed groundwater abstractions within the study area.
26 June 2018	Email	Confirmation of approval in principle of the baseline hydraulic and hydrological modelling of the River Etherow.
6 July 2018	Email	Comments received on a Water Framework Directive (WFD) Scoping Note. Confirmed that the proposed study area for the assessment is reasonable and requested that justification is provided for scoping out waterbodies beyond the ZoI.
9 October 2018	Meeting	Discussion on the s42 response received from the Environment Agency and attempted to address their concerns raised
12 March 2020	Email	Agreement in Principle received on the proposed changes to the River Etherow structure
6 November 2020	Email	To inform EA of the additional statutory consultation and the Preliminary Environmental Information Report (PEIR) with the intention to set up a meeting to discuss the updated Scheme and any outstanding issues.

Date	Form of correspondence	Key topics discussed and key outcomes (the topics should align with the Issues tables)
11 November 2020	Email	EA availability for consultation meeting
17 November 2020	Email	Placeholder for PEIR consultation meeting arranged for 03 December 2020. Request for representation from EA technical leads.
18 November 2020	Email	Notification that meeting request had been forwarded on to: Bonnie Boulton, Gary Morris, Sandrine Thomas, Valdis Anspoks, and "GWCL_ GMMC"
19 November 2020	Email	Confirmation from Sylvia Whittingham regarding provision of advice for ENVPAC/1/GMC/00305 and initial request for completed proforma.
30 November 2020	Email	Follow up email from Sylvia Whittingham regarding proforma.
1 December 2020	Email	Response to request for proforma. Draft SoCG issued prior to consultation meeting and re-issue of link to PIER.
3 December 2020	Meeting	<p>In agreement with the EA, the Applicant will proceed with the climate change guidance as set out in NPPF. Flood Risk and Coastal Change. Table 1 July 2020¹ to inform the design. The Applicant is undertaking a further sensitivity run of 95% increase in flows to examine the vulnerability of this type of development (Essential infrastructure) to future flood risk and develop the FRA and modelling assessment and progress the design in accordance with this.</p> <p>The Applicant discussed the constraints around the existing flood envelope and that the purpose is for additional flood storage not just re-landscaping so positioning is dictated by existing flood envelope.</p> <p>The consultee identified flood risk permit requirements and land ownership.</p> <p>The Applicant noted that through modelling the flood management strategy does manage flood risk effectively within the area and that the EA will continue to be consulted on this.</p> <p>The Applicant agreed to add on peak river flow when running the hydraulic model to ensure the soffit level is set correctly and the compensatory flood storage volume is adequate over the lifetime of the new highway structure.</p>
3 December 2020	Email	Request submitted for WFD Extended Waterbody Summary Reports; action forwarded to EA FBG.GMMC
3 December 2020	Email	Submission of Cost Recovered Advice: A57 Link Road Scheme : ENVPAC/1/GMC/00305 Performa.
3 December 2020	Email	Issue of slide pack following consultation meeting.
17 December 2020	Email	Issue of meeting minutes from 3 December 2020 consultation.
18 December 2020	Email	Email to obtain agreement on the methodology being proposed for the supplementary ground investigation works

¹ <https://www.gov.uk/guidance/flood-risk-and-coastal-change>

Date	Form of correspondence	Key topics discussed and key outcomes (the topics should align with the Issues tables)
7 January 2021	Email	Comment received on A57 Link Road Scheme : ENV PAC/1/GMC/00305
7 January 2021	Email	EA comments from Sylvia Whittingham on minutes of meeting held 3/12/2020 A57 Mottram Moor Link Road Scheme.
12 January 2021	Email	EA comments received on A57 Link Road Scheme : ENV PAC/1/GMC/00305 and Atkins acknowledgement of receipt.
14 January 2021	Email	The Applicant advised the EA their approach to climate change allowances and the design for the River Etherow crossing and the associated flood risk management provision in this area (i.e. Compensatory Flood Storage Provision and localised left-hand bank embankment). Response received 19 January 2021 from the EA confirming they had no objection in principle
21 January 2021	Email	Comments received relating to review of Ground Investigation.
28 January 2021	Email	Invoice (154580) issued.
21 January 2021	Email	Email to obtain agreement on the methodology being proposed for the supplementary ground investigation works On-goings discussion 21 January- 4 February 2021 to confirm with the EA that they were satisfied that the former landfill contains non-mobile materials and would not pose a risk to the surrounding environment
10 March 2021	Email	Protective Provisions outreach email sent to EA
22 March 2021	Email	The Applicant confirmed to the EA that they would be issuing the draft FRA and draft WFD in advance of the DCO submission for comment
22 March 2021	Email	Protective Provisions follow up email sent
22 March 2021	Meeting	Call from Sylvia Whittingham 22/3/21.
22 March 2021	Email	Email sent to EA with confirmation that, in principle, the project was the same as at consultation in December 2020.
22 March 2021	Email	Additional email sent to EA promising early sight of WFD and FRA.
26 March 2021	Email	Email from Sylvia Whittingham confirming only one EA asset in the vicinity.
26 March 2021	Email	Email response to Sylvia Whittingham drawing her attention to the DCO articles which effectively replace environmental permits.
31 March 2021	Email	The Applicant contacted Lee Beveridge (EA) to update on the GI surveys. Regarding the ground investigation within the vicinity of Carr House Lane Landfill. Information provided to support conclusion that the Carr House Lane Landfill is not anticipated to impact upon the Scheme and hope that this information is adequate in scoping out this risk. Confirmation of acceptance requested.

Date	Form of correspondence	Key topics discussed and key outcomes (the topics should align with the Issues tables)
06 April 2021	Meeting	Call from Sylvia Whittingham. Request is now with EA legal and is "in the queue".
10 April 2021	Email	Email to EA Lee Beveridge regarding meeting to discuss hydrogeological assessment
21 April 2021	Email	National Highways contacted EA seeking agreement on acceptable approach to assessment of groundwater flood risk to avoid examination objections.
26 April 2021	Email	Obtain local environmental information across the Scheme (Geology and Soils)
28 April 2021	Email	Response to email sent to Lee Beveridge on 31 March. Confirmed receipt of information regarding the Carr House landfill. However, unable to accept this without seeing and reviewing the relevant information in the form of a report and/or assessment. Strongly advised that the relevant information is included in future submissions so that it can be reviewed before making a decision.
29 April 2021	Meeting	EA confirmed understanding of National Highways groundwater FRA. Project team to issue draft versions by following week to support further discussion with EA.
13 May 2021	Email	WFD and FRA issued to EA
4 June 2021	Email	Email from Sylvia Whittingham requesting: Environmental Management Plan (EMP) (application document TR010034/APP/7.2) Register of Environmental Actions and Commitments (REAC) (application document TR010034/APP/7.3). Biodiversity Baseline and Preliminary Assessment Appendix 8.1 of the ES (application document reference: TR010034/APP/6.5)
19 August 2021	Email	Follow up email from Sylvia Whittingham in relation 4 June 2021 email, noting that Emily Budd has now left the organisation.
24 August 2021	Email	National Highways requested historical groundwater level data for any EA observation boreholes within 5 km of the ground investigation works in Mottram, centred on approximately SJ 9934 9610.
24 September 2021	Email	Email to Lee Beveridge and Sylvia Whittingham at EA regarding hydrogeological assessment
14 October 2021	Email	Email to engage with post DCO submission consultations on all relevant topics, to progress SoCG and request to set up a meeting to go through submitted documents. Request for representation from the following technical disciplines: Water Quality Flood Risk Hydromorphology Aquatic Ecology Ground Water Notification of (virtual) Preliminary hearing (16 November 2021) and expected issue of Rule 6 letter for the following week.

Date	Form of correspondence	Key topics discussed and key outcomes (the topics should align with the Issues tables)
2 November 2021	Email	Follow up email to EA after 14 October 2021 initial engagement.
4 November 2021	Meeting	Call from Sylvia Whittingham regarding emails sent on 14 October and 2 November. Discussion around email thread commencing 13 May.
4 November 2021	Email	Follow on email providing links to documents requested 4 June 2021.
4 November 2021	Email	Request to EA for meeting availability.
10 November 2021	Email	Agreement with EA on consultation meeting date.
16 November 2021	Email	Issue of letter (dated 14 November 2021) via email with comments relating to A57 Mottram Moor Link Road Scheme - ENVPAC/1/GMC/00305 from EA
18 November 2021	Email	Email to ascertain availability for a call to discuss GW abstraction licence for dewatering.
18 November 2021	Email	EA requested confirmation that Jo Thorp (Balfour Beatty Atkins) is aware of planned meeting for 25 November after her enquiry for a discussion around GW issues.
19 November 2021	Email	Response from Sylvia Whittingham to email sent 18 November 2021 with available dates.
19 November 2021	Email	Request from Sylvia Whittingham for additional hours to be added to existing cost recovery agreement.
19 November 2021	Telephone	Call to discuss dates/availability for water abstraction licencing.
19 November 2021	Email	Applicants request for meeting to discuss water abstraction licencing
23 November 2021	Email	Request to EA for confirmation of comments received regarding WFD assessment.
24 November 2021	Email	Request from Sylvia Whittingham for agreement of additional 20 hours to existing cost recovery agreement.
24 November 2021	Email	Request to EA for agenda items for consultation meeting.
24 November 2021	Email	Applicant confirming 7 December 2021 to discuss water abstraction licencing
25 November 2021	Email	Issue to EA of informal meeting agenda.
25 November 2021	Meeting	Meeting to discuss the applicants Road drainage and water environment inputs to the DCO application submission including ES Chapter, FRA and WFD. SoCG progression was discussed including deadlines for submission to the Inspectorate. Request to delay meeting to discuss groundwater abstraction licence.
26 November 2021 and 6	Email	Request to EA for availability for rescheduled meeting to discuss groundwater abstraction and general consents and permitting

Date	Form of correspondence	Key topics discussed and key outcomes (the topics should align with the Issues tables)
December 2021		
8 December 2021	Email	Request from EA to obtain the Ground Investigation Report (GIR). Email to EA issuing the online copy of the GIR
10 December 2021	Email	Email to EA outlining the Examining Authorities draft written questions for Road drainage and the water environment
10 December 2021	Email	Email to EA issuing the 25 November 2021 meeting minutes and draft SoCG for comment and agreement.
21 December 2021	Telephone	Call between Applicant and EA to explain the DCO Examination process
21 December 2021	Email	<p>Email from Sylvia Whittingham providing advice following review of water-related chapters in the ES:</p> <p>Land Condition (Geology and Soils) – This chapter will be accepted, but there will be a need for further technical information and data which will be attached as conditions to the DCO.</p> <p>Road Drainage and the Water Environment - This chapter will be accepted, but there will be a need for further technical information and data, as well as permits, which will be attached as conditions to the DCO.</p> <p>Ground Investigation Report - This chapter will be accepted, but there will likely be a need for additional work which will be attached as conditions to the DCO.</p> <p>Flood risk – Increased published climate change allowance figures (July 2021) need to be considered in relation to structure and proposed compensation design, and latest climate change figures for Upper Mersey considered for the bridge.</p> <p>Water quality – Although the pumping test has already been undertaken under an exemption, the EA would recommend alternative arrangements are sought for disposal of pumping test waters due to elevated groundwater concentrations of specific substances, so they are currently seeking clarification of their position.</p> <p>Groundwater water quality – Concerns regarding permitting for abstraction and discharge of groundwater:</p> <p><i>Cadmium</i> – use more sensitive AA EQS as baseline and then EA can assess risk.</p> <p><i>Chromium (hexavalent)</i> – limit of detection exceeds AA EQS, therefore unable to demonstrate compliance.</p> <p><i>Cyanide</i> - limit of detection exceeds AA and MAC EQS, therefore unable to demonstrate compliance.</p> <p><i>Manganese</i> – borehole sample exceeds EQS, therefore unable to demonstrate compliance.</p> <p><i>Total PAH</i> - limit of detection exceeds EQS, therefore unable to demonstrate compliance.</p>

Date	Form of correspondence	Key topics discussed and key outcomes (the topics should align with the Issues tables)
21 December 2022	Email	EA email to request additional hours following review of ES.
12 January 2022	Telephone	Applicant and EA call regarding the protective provisions
13 January 2022	Email	Applicant requesting confirmation on agreement on SoCG.
24 January 2022	Email	Applicant requesting dates for a call to discuss groundwater abstraction licencing and present findings of the Hydrogeological Risk Assessment.
24 January 2022	Telephone	Applicant spoke to EA on the finalisation of the Hydrogeological Risk Assessment which would be submitted at Deadline 3.
27 January 2022	Email	EA returned comments on the draft SoCG that was issued by the Applicant prior to submission of the document at DCO Deadline 2. Responses to comments received from EA remain outstanding as the Applicant proposed to discuss these during a meeting (see email from 21 February 2022).
28 January 2022	Email	Applicant notification to EA that the Hydrogeological Risk Assessment is available on the Inspectorates website and changes to WFD assessment, the ES Chapter and the FRA to reflect the Hydrogeological Risk Assessment. Request for availability to have a meeting to present the findings of the Hydrogeological Risk Assessment to the EA.
1 February 2022	Email	Comments issued by the EA on FRA/ flood model. The EA also requested charging for additional hours for their advisory service from the Applicant.
2 February 2022	Email	Email outlining the Applicant's position on applying 2021 climate uplifts to the flood model submitted into DCO Examination. Applicant's proposal is to apply the 2021 uplifts to the Detailed Design model and submit to the EA for comment/review w/c 11 April.
04 February 2022	Email	Applicant requesting dates for meeting to discuss the Hydrogeological Risk Assessment, baseline monitoring, regulatory position on dewatering and consents and permits.
7 February 2022	Email	EA advised that meeting to discuss Hydrogeological Risk Assessment cannot take place until the EA have reviewed the document.
11 February 2022	Email	Applicant notification that Groundwater lead is changing and supply of new contact details going forward.
21 February 2022	Email	Applicant requests availability of EA representatives to set up meeting to discuss outstanding SoCG topics, consents and permits and any comments the EA may have on the Hydrogeological Risk Assessment
1 March 2022	Email	Applicant email in response to previous EA query regarding charges and invoicing for their advisory services
1 March 2022	Email	Email to request EA representatives availability for meeting to discuss outstanding SoCG topics, consents and permits and

Date	Form of correspondence	Key topics discussed and key outcomes (the topics should align with the Issues tables)
		<p><u>any comments the EA may have on the Hydrogeological Risk Assessment.</u></p> <p><u>Email also notifies the EA that the Applicant has updated the FRA following their comments and also ExA's Written Questions, provides a brief summary of changes and provides a link to the new document on the Inspectorates website.</u></p>
9 March 2022	Email	<u>Email from Applicant requesting availability to discuss consents and permits required from the EA.</u>
21 March 2022	Email	<u>Email further outlining the Applicant's proposal to apply the 2021 climate change uplifts to the Detailed Design model and submit to the EA for comment/review once finalised (w/c 11 April 2022).</u>
23/03/2022	Email	<p><u>Email from Applicant requesting EA availability for meeting to discuss the following:</u></p> <ul style="list-style-type: none"> <u>• Consents and permitting;</u> <u>• SoCG; and</u> <u>• Hydrogeological Risk Assessment</u> <p><u>Email included a copy of the draft SoCG submitted at DCO Deadline 7. Also included in the email was the spreadsheet of comments issued by the EA on the flood model demonstrating how the comments had been addressed in the Detailed Design model by the Applicant.</u></p>

Note: Meeting invites are not included in the table above

2.1.2. It is agreed **(to be confirmed)** that this is an accurate record of the key meetings and consultation undertaken between (1) National Highways and (2) Environment Agency in relation to the issues addressed in this SoCG.

Table of issues and matters related to Rule Six letter annex E to be agreed

Table 3.1: Statement of Common Ground (SoCG) Between National Highways and Environment Agency Table of Issues/Matters - Final Version dated TBC

SoCG Reference Number	Relevant examination document	Relevant Issue	Environment Agency comment	National Highways response	Status
1. Legislation and Policy					
1.1	Environmental statement (ES) Chapter 8: Biodiversity; (APP-064) Chapter 9: Geology and soils (APP-065); Chapter 12: Population and human health (APP-068); Chapter 13: Road drainage and the water environment (APP-069); Chapter 14: Climate (APP-070); Chapter 15: Assessment of cumulative	National Highways considers that the Environmental Statement (ES) has identified and appropriately considered all applicable legislation and national policy pertaining to the following assessments undertaken as part of the Environmental Impact Assessment (EIA) of the Scheme: <ul style="list-style-type: none"> • Biodiversity; • Geology and soils; • Population and human health; • Road drainage and the water environment (specifically those relating to aquatic habitats and species); 	N/A	This is subject to the submission of the relevant permitting and consenting applications	Agreed

SoCG Reference Number	Relevant examination document	Relevant Issue	Environment Agency comment	National Highways response	Status
	effects (APP-071).	<ul style="list-style-type: none"> Climate; Assessment of cumulative effects. 			

2. Assessment and Proposed Mitigation

2.1 Environmental Assessment and Mitigation

2.1.1 Adequacy of assessment for each environmental topic

2.1.1.1	ES Chapter 8: Biodiversity; (APP-064) Chapter 9: Geology and soils (APP-065); Chapter 12: Population and human health (APP-068); Chapter 13: Road drainage and the water environment (APP-069); Chapter 14: Climate (APP-070); Chapter 15: Assessment of cumulative	National Highways considers that the ES has adequately assessed all environmental topics pertaining to the Scheme.	N/A	This is subject to receiving responses from the EA based on the relevant sections of the ES Road drainage and the water environment chapter, being updated with the findings of National Highways' ongoing Hydrogeological Risk Assessment.	Under discussion.
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SoCG Reference Number	Relevant examination document	Relevant Issue	Environment Agency comment	National Highways response	Status
	effects (APP-071).Flood Risk Assessment (FRA) (APP-056) Water Framework Directive (WFD) (APP-055)				

2.1.2 Adequacy of mitigation for each environmental topic

2.1.2.1	ES Chapter 8: Biodiversity; (APP-064) Chapter 9: Geology and soils (APP-065); Chapter 12: Population and human health (APP-068); Chapter 13: Road drainage and the water environment (APP-069); Chapter 14: Climate (APP-070); Chapter 15: Assessment of	National Highways considers that the ES has identified adequate mitigation for all environmental topics pertaining to the Scheme.	N/A	This is subject to receiving responses from the EA based on the relevant sections of the ES Road drainage and the water environment chapter, being updated with the findings of National Highways' ongoing Hydrogeological Risk Assessment. Flood Risk Modelling approach and Conclusions have been agreed in principle with EA on the 12 th March 2020. National Highways' understanding was that an agreement was in place with the EA on the application of the Climate Change uplifts as confirmed in an email	Under discussion. Under discussion. Agreed
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SoCG Reference Number	Relevant examination document	Relevant Issue	Environment Agency comment	National Highways response	Status
	<p>cumulative effects (APP-071). FRA (APP-056) WFD (APP-055)</p>			<p>from Sandrine Thomas (EA) dated 19th January 2021. However, the EA have since submitted representations into the DCO examination stating that the most-recent climate change allowances are factored /considered as part of the assessment of site-specific flood risk. The Applicant has therefore proposed to apply the 2021 climate change uplifts to the Detailed Design (DD) flood model and committed to submitting the DD model (once finalised) w/c 11 April 2022 for EA review / comment. As part of the EA's response to the ExA's Second Written Questions [REP6-039], the EA have indicated that the above proposal by the Applicant to apply the 2021 climate uplifts to the DD model is acceptable on the basis that the criteria set out in 11.6 of the EA's response to the ExA's Second Written Questions [REP6-039] is met. The Applicant can confirm that the criteria set out by the EA in 11.6 is acceptable and will proceed as planned in submitting the DD model to the</p>	

SoCG Reference Number	Relevant examination document	Relevant Issue	Environment Agency comment	National Highways response	Status
				<p><u>EA for review/comment w/c 11 April 2022.</u></p> <p><u>With regards to the point raised by the EA on the adequacy of the flood compensation storage area provided by the Scheme (11.6). The Scheme displaces approximately 1600m³ of flood storage as a result of footprint of the embankment. The compensatory flood provision provides 6200m³ of flood storage due to the nature of the proposed provision. This has been checked against the new 2021 climate change uplifts and the modelling indicates that this provision provides enough compensatory storage at the new climate change uplifts to mitigate against any change in flood risk associated with the Scheme.</u></p> <p><u>National Highways has also agreed the Climate Change uplifts with EA as confirmed in the email dated 19th January 2021.</u></p>	
2.1.3 Methodology					
2.1.3.1	ES Chapter 8: Biodiversity; (APP-064)	National Highways considers that the ES has adhered to best practice	N/A	This is subject to receiving responses from the EA based on the relevant sections of the ES Road drainage and the water	Under discussion.

SoCG Reference Number	Relevant examination document	Relevant Issue	Environment Agency comment	National Highways response	Status
	Chapter 9: Geology and soils (APP-065); Chapter 12: Population and human health (APP-068); Chapter 13: Road drainage and the water environment (APP-069); Chapter 14: Climate (APP-070); Chapter 15: Assessment of cumulative effects (APP-071). FRA (APP-056) WFD (APP-055)	methodology in order to inform the assessment.		<p>environment chapter, being updated with the findings of National Highways' ongoing Hydrogeological Risk Assessment.</p> <p>Flood Risk Modelling approach and conclusions have been agreed in principle with EA on the 12th March 2020.</p> <p>National Highways understanding was that an agreement was in place with the EA on the application of the Climate Change uplifts as confirmed in an email from Sandrine Thomas (EA) dated 19th January 2021.</p> <p>However, the EA have since submitted representations into the DCO examination stating that the most-recent climate change allowances are factored /considered as part of the assessment of site-specific flood risk. The Applicant has therefore proposed to apply the 2021 climate change uplifts to the Detailed Design (DD) flood model and committed to submitting the DD model (once finalised) w/c 11 April 2022 for EA review / comment.</p>	Agreed

SoCG Reference Number	Relevant examination document	Relevant Issue	Environment Agency comment	National Highways response	Status
				<p><u>As part of the EA's response to the ExA's Second Written Questions [REP6-039], the EA have indicated that the above proposal by the Applicant to apply the 2021 climate uplifts to the DD model is acceptable on the basis that the criteria set out in 11.6 of the EA's response to the ExA's Second Written Questions [REP6-039] is met. The Applicant can confirm that the criteria set out by the EA in 11.6 is acceptable and will proceed as planned in submitting the DD model to the EA for review/comment w/c 11 April 2022.</u></p> <p><u>With regards to the point raised by the EA on the adequacy of the flood compensation storage area provided by the Scheme (11.6). The Scheme displaces approximately 1600m³ of flood storage as a result of footprint of the embankment. The compensatory flood provision provides 6200m³ of flood storage due to the nature of the proposed provision. This has been checked against the new 2021 climate change uplifts and the modelling indicates that this provision provides enough compensatory storage at the new climate</u></p>	

SoCG Reference Number	Relevant examination document	Relevant Issue	Environment Agency comment	National Highways response	Status
				<p>change uplifts to mitigate against any change in flood risk associated with the Scheme.</p> <p>We have also agreed the Climate Change uplifts with EA as confirmed in the email dated 19th January 2024</p>	

2.1.4 Baseline conditions and coronavirus

2.1.4.1	ES Chapter 8: Biodiversity; (APP-064) Chapter 9: Geology and soils (APP-065); Chapter 12: Population and human health (APP-068); Chapter 13: Road drainage and the water environment (APP-069); Chapter 14: Climate (APP-070); Chapter 15: Assessment of cumulative	The baseline conditions have been collated using desk-based and field-based techniques, and through consultation with stakeholders. National Highways considers the scope, coverage and timing of surveys undertaken to establish the baseline conditions and sensitive features and receptors are in line with best practice and appropriate to inform the assessment of direct and indirect effects.	N/A	N/A	Agreed.
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SoCG Reference Number	Relevant examination document	Relevant Issue	Environment Agency comment	National Highways response	Status
	effects (APP-071). FRA (APP-056) WFD (APP-055)				
2.2 Flexibility and worst-case scenario					
2.2.1	ES Chapter 8: Biodiversity; (APP-064) Chapter 9: Geology and soils (APP-065); Chapter 12: Population and human health (APP-068); Chapter 13: Road drainage and the water environment (APP-069); Chapter 14: Climate (APP-070); Chapter 15: Assessment of cumulative effects (APP-071). FRA (APP-056)	National Highways considers that, where parameters of the Scheme's design are not yet fixed, the ES has assessed likely worst-case variations, to ensure that the likely significant environmental effects of the Scheme have been considered. In these instances, the proposed mitigations are based on an appropriate worst-case scenario.	N/A	N/A	Agreed

SoCG Reference Number	Relevant examination document	Relevant Issue	Environment Agency comment	National Highways response	Status
	WFD (APP-055)				
2.3 Construction and operational effects					
2.3.1	ES Chapter 8: Biodiversity; (APP-064) Chapter 9: Geology and soils (APP-065); Chapter 12: Population and human health (APP-068); Chapter 13: Road drainage and the water environment (APP-069); Chapter 14: Climate (APP-070); Chapter 15: Assessment of cumulative effects (APP-071). FRA (APP-056) WFD (APP-055)	The assessment of the Scheme on the water environment has identified adverse and beneficial effects on sensitive receptors that would result from construction and operation of the Scheme; however, none of these residual effects would be significant. National Highways considers that the assessment findings accurately reflect the likely effects of the Scheme.	No comment received from the EA to date. The EA have been made aware that an additional ground investigation was completed in summer 2021. This has informed a Hydrogeological Risk Assessment, which is currently underway and will be submitted for comment at the earliest opportunity. Groundwater drainage in the cutting likely to require abstraction licence/discharge permit (to be discussed, meeting being set up for January 2022).	This is subject to receiving responses from the EA based on the relevant sections of the ES Road drainage and the water environment chapter, being updated with the findings of National Highways' ongoing Hydrogeological Risk Assessment.	Under discussion.

SoCG Reference Number	Relevant examination document	Relevant Issue	Environment Agency comment	National Highways response	Status
2.4 Scoping out of detailed assessment and National Policy Statement for National Networks					
2.4.1	ES Chapter 2 (APP-060) and Chapters 5 to 15 of the ES (APP-061 to APP-071). EMP (First iteration) (APP-183) REAC (APP-184) Case for the Scheme (APP-182)	An Environmental Scoping Report (APP-) was prepared to establish the scope of the ES by setting out the proposed technical content and methodologies to be used during the EIA. National Highways considers that the appropriately scoped assessment for the Scheme are outlined in the environmental topic specific chapters of the ES (Chapter 5 to 14	N/A	N/A	Agreed
2.5 Assessment of methodology and best practice					
2.5.1	ES Chapter 8: Biodiversity; (APP-064) Chapter 9: Geology and soils (APP-065); Chapter 12: Population and human health (APP-068);	National Highways considers the scope and coverage of surveys undertaken to establish the baseline conditions and sensitive features and receptors are in line with best practice and appropriate to inform the assessment of direct and indirect effects reported in the Chapter 13: Road	N/A	N/A	Agreed

SoCG Reference Number	Relevant examination document	Relevant Issue	Environment Agency comment	National Highways response	Status
	Chapter 13: Road drainage and the water environment (APP-069); Chapter 14: Climate (APP-070); Chapter 15: Assessment of cumulative effects (APP-071).	drainage and the water environment assessment.			

2.6 Application of professional judgements and assumptions

	ES Chapter 8: Biodiversity; (APP-064) Chapter 9: Geology and soils (APP-065); Chapter 12: Population and human health (APP-068); Chapter 13: Road drainage and the water environment (APP-069);	The identification of likely significant effects on sensitive features and receptors has been informed by professional judgement and the views of relevant technical specialists, where necessary. National Highways considers the application of professional judgement by its specialists within the following assessments to be appropriate and robust:	Natural England is content with how National Highways has applied professional judgement in the assessments of effects on sensitive features and receptors undertaken and reported.	N/A	Agreed
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SoCG Reference Number	Relevant examination document	Relevant Issue	Environment Agency comment	National Highways response	Status
	Chapter 14: Climate (APP-070); Chapter 15: Assessment of cumulative effects (APP-071).	<ul style="list-style-type: none"> Biodiversity (inc. aquatic habitats and species); Geology and soils; Population and human health; Road drainage and the water environment (specifically those relating to aquatic habitats and species); Climate; Assessment of cumulative effects 			

2.7 Mitigation and outline environment management plan

	EMP (First iteration) (APP-183) REAC (APP-184)	National Highways has presented mitigation requirement for the Scheme within the REAC for each environmental topic.	N/A	This is subject to receiving responses from the EA based on the relevant sections of the ES Road drainage and the water environment chapter, and Assessment of Cumulative effects, being updated with the findings of National Highways' ongoing Hydrogeological Risk Assessment.	Under discussion.
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SoCG Reference Number	Relevant examination document	Relevant Issue	Environment Agency comment	National Highways response	Status
2.8 Residual impacts and securing of mitigation measures					
2.8	ES Chapter 8: Biodiversity; (APP-064) Chapter 9: Geology and soils (APP-065); Chapter 12: Population and human health (APP-068); Chapter 13: Road drainage and the water environment (APP-069); Chapter 14: Climate (APP-070); Chapter 15: Assessment of cumulative effects (APP-071).	National Highways considers the assessment of residual impacts and proposed mitigation measures are in line with best practice and appropriate to inform the assessment of direct and indirect effects reported in the Chapter 13: Road drainage and the water environment assessment.	N/A	N/A	Agreed
2.9 Cumulative impacts					

SoCG Reference Number	Relevant examination document	Relevant Issue	Environment Agency comment	National Highways response	Status
2.9	ES Chapter 8: Biodiversity; (APP-064) Chapter 9: Geology and soils (APP-065); Chapter 12: Population and human health (APP-068); Chapter 13: Road drainage and the water environment (APP-069); Chapter 14: Climate (APP-070); Chapter 15: Assessment of cumulative effects (APP-071).	National Highways considers the assessment of cumulative impacts are in line with best practice and appropriate to inform the assessment of direct and indirect effects reported in the Chapter 13: Road drainage and the water environment assessment.	N/A	N/A	Agreed

2.10 The significance of each residual impact

2.10	ES Chapter 8: Biodiversity; (APP-064)	National Highways considers the assessment of significance of each residual impact is in line with best practice and appropriate to inform the assessment of	N/A	This is subject to the relevant sections of the ES Road drainage and the water environment, and Assessment of Cumulative effects, being updated with the findings of National Highways'	Agreed
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SoCG Reference Number	Relevant examination document	Relevant Issue	Environment Agency comment	National Highways response	Status
	Chapter 9: Geology and soils (APP-065); Chapter 12: Population and human health (APP-068); Chapter 13: Road drainage and the water environment (APP-069); Chapter 14: Climate (APP-070); Chapter 15: Assessment of cumulative effects (APP-071).	direct and indirect effects reported in the Chapter 13: Road drainage and the water environment assessment.		ongoing hydrogeological assessment.	

SoCG Ref. Number	Relevant examination document	Relevant Issue	Environment Agency comment	National Highways response	Status
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3. Environmental Statement and DCO Requirements

SoCG Ref. Number	Relevant examination document	Relevant Issue	Environment Agency comment	National Highways response	Status
3.0	ES Chapter 8: Biodiversity; (APP-064) Chapter 9: Geology and soils (APP-065); Chapter 13: Road drainage and the water environment (APP-069); Chapter 14: Climate (APP-070); Chapter 15: Assessment of cumulative effects (APP-071). FRA (APP-056) WFD (APP-055)	National Highways considers the Environmental Statement and associated documents are fit for purpose.	N/A	The Environmental Statement (including the WFD and FRA) is currently under review by the Environment Agency. The draft WFD and FRA were issued to EA for initial comment on 13 May 2021	Under discussion
3.1	Draft Development Consent Order (dDCO), Schedule 9 Part 6	Inclusion of Protective Provisions in the dDCO	The Environment Agency requests inclusion of Protective Provisions within the dDCO mirror those in the A1 in Northumberland – Morpeth to Ellingham DCO.	Provisions are included in Schedule 9 Part 6 of the dDCO. The provisions mirror those in the A1 in Northumberland – Morpeth to Ellingham as requested by the EA. The numbering in the Order is consecutive and Part 6 commences at paragraph 61 in the Order.	Agreed

4. DCO Requirements and associated provisions and documents

SoCG Ref. Number	Relevant examination document	Relevant Issue	Environment Agency comment	National Highways response	Status
4.0	Draft Development Consent Order (APP-020)	National Highways considers that the Requirements in Schedule 2 of the dDCO – R4 (EMP), R6 (contaminated land), R8 (surface water drainage) and R9 (flood risk) are fit for purpose.	N/A	The Environmental Statement (including the WFD and FRA) is currently under review by the Environment Agency. The WFD and FRA were issued to EA on 13 May 2021	Under discussion
5. Matters for detailed approval					
N/A	N/A	N/A	N/A	N/A	N/A
6. Other consents and permits					
6.1 CON1	OEMP (First iteration) (APP-183) REAC (APP-184)	Consents and Permits Ordinary watercourse consent	An ordinary watercourse consent may be required from Tameside MBC – this is if there are proposed works to the ordinary watercourse running near to the diverted bridleway (necessary if activities that may affect the flow of the watercourse or if a structure is altered or placed into the watercourse temporarily or permanently). Team is to confirm if this is required	Noted	Agreed

SoCG Ref. Number	Relevant examination document	Relevant Issue	Environment Agency comment	National Highways response	Status
6.2 CON2	OEMP (First iteration) (APP-183) REAC (APP-184)	Consents and Permits Flood Risk Activity Permit	A Flood Risk Activity Permit will be needed for 1) bridge crossing 2) raising of the banks of the River Etherow. This will be undertaken in stage 5 as contractor method statements will be required.	Noted	Agreed
6.3	OEMP (First iteration) (APP-183) REAC (APP-184)	Consents and Permits Groundwater abstraction licence/discharge permit	A groundwater abstraction licence will likely be needed for dewatering during construction and in long-term at Mottram Underpass and the Eastern Cutting. A discharge permit associated with discharge of this permit may also be required from Tameside MBC. The applicant has requested an initial discussion regarding these permits at a meeting in mid Dec 2021/early Jan 2022.	Noted	Under discussion

7. Opportunities for enhancement and environmental benefits.

7.0	ES Chapter 2 (APP-060) and Chapters 5 to 15 of the ES (APP-061 to APP-071). OEMP (First iteration) (APP-183) REAC (APP-184) Case for the Scheme (APP-182)	Identifying opportunities for enhancement measures and environmental benefits	No specific comments received	National Highways considers that the proposed opportunities for environmental enhancement measures for the Scheme are appropriate. These opportunities are outlined in the environmental topic specific chapters of the ES (Chapter 5 to 14), in line with the aims and objectives of the Highways England Licence. No enhancement opportunities relating to the various elements of the water	Agreed
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SoCG Ref. Number	Relevant examination document	Relevant Issue	Environment Agency comment	National Highways response	Status
				environment have been identified at this stage.	
8. Human rights and equalities duties					
N/A	N/A	N/A	N/A	N/A	N/A
9. Any other relevant and important considerations					
9.1	ES Chapter 2 (APP-060) ES Chapter 13: Road drainage and the water environment (APP-069)	Design Surface water design	The Environment Agency would welcome the adoption of a multifunctional approach to surface water drainage design, and aim to integrate existing environmental topics (flood, water quality, biodiversity) to maximise their value as identified through CIRIA best practice guidance.	Noted	Agreed
9.2	ES Chapter 2 (APP-060) ES Chapter 13: Road drainage and the water environment (APP-069)	Design Ecological and hydrological connectivity	A key design aim for realigning Hurst Clough Brook or other River Etherow tributaries should be to retain the ecological and hydrological connectivity in the catchment, adopting environmental best practice in regard to any new culvert crossing, and appropriate mitigate for any lost riparian or priority wetland habitat associated with construction.	Noted	Agreed

SoCG Ref. Number	Relevant examination document	Relevant Issue	Environment Agency comment	National Highways response	Status
9.3	ES Chapter 2 (APP-060) ES Chapter 13: Road drainage and the water environment (APP-069)	Design PRoW	Public Rights of Way (PRoW) and bridleway diversions should be sensitively designed and located. Those near waterbodies need appropriate green space buffers.	Noted	Agreed
9.4	ES Chapter 2 (APP-060) ES Chapter 13: Road drainage and the water environment (APP-069)	Design Bridge Crossings	To ensure the quality of riparian wildlife corridor is protected and enhanced where feasible, the Environment Agency would seek clear details in regard to bridge crossing design over the River Etherow and key ecological network.	Noted	Agreed
9.5	ES Chapter 2 (APP-060) ES Chapter 13: Road drainage and the water environment (APP-069)	Design Design for no net loss	The Environment Agency encourage an overall design philosophy of achieving no net loss	Noted	Agreed

SoCG Reference Number	Relevant examination document	Relevant Issue	Environment Agency comment	National Highways response	Matters to be addressed/agreed post DCO examination
10. Construction and Environmental Management Issues					
10.1 Matters listed under assessment of principles					

SoCG Reference Number	Relevant examination document	Relevant Issue	Environment Agency comment	National Highways response	Matters to be addressed/agreed post DCO examination
10.1.1 Soils, ground conditions, material assets and waste					
10.1.1.1	ES Chapter 9: Geology and soils (APP-065) REAC (APP-184)		Response to email sent to Lee Beveridge on 31 March, which asked for acceptance of the approach that it is not anticipated the Carr House Lane Landfill to impact upon the Scheme. Confirmed receipt of information regarding the Carr House landfill. However, unable to accept this without seeing and reviewing the relevant information in the form of a report and/or assessment. Strongly advised that the relevant information is included in future submissions so that it can be reviewed before making a decision. Apologised about this response but explained the approach needed to follow requirements and advice of the land contamination risk management (LCRM) guidance published by the Environment Agency and Defra	This is subject to receiving responses from the EA based on the relevant sections of the ES Road drainage and the water environment chapter, being updated with the findings of National Highways' ongoing Hydrogeological Risk Assessment.	Under discussion
10.1..1.2	ES Chapter 10 Material Assets and waste (APP-066) REAC (APP-184)	Contamination or pollution incidents of water receptors resulting from storage or movement of material assets and waste	No comments received	Assessment within the ES assumes that appropriate soils and material handling would be incorporated throughout the construction phase to mitigate significant effects. Protection of resources is secured through the REAC which commits to development and adherence to management plans (Site waste Management Plan, Materials Management Plan, and Soils Handling and Management Plan)	Agreed
10.1.2 The water environment, drainage, flood risk assessment, water frameworks directive					

SoCG Reference Number	Relevant examination document	Relevant Issue	Environment Agency comment	National Highways response	Matters to be addressed/agreed post DCO examination
10.1.2.1	ES Chapter 13: Road drainage and the water environment (APP-069)	Groundwater Groundwater Scheme impacts (Groundwater flow and groundwater quality)	Hydrogeological risk assessment is being undertaken following completion of additional ground investigation, to assess groundwater contribution to base flow of any relevant surface water receptors, and groundwater abstraction receptors. Due to the programme, the additional ground investigation and hydrogeological risk assessment is being undertaken after the DCO application has been submitted.	Outcomes of the assessment will be discussed with EA once hydrogeological risk assessment has been submitted.	Under discussion
10.1.2.2	ES Chapter 13: Road drainage and the water environment (APP-069)	Water diversions and crossings Realignment proposals	River alignments will follow best practice as outlined from previous EA comments, as below: WD1 - Culverts: Water diversions are to be used rather than culverts, ditch systems with meandering, an example of this would be around the Cricket ground roundabout, there is generally not much water in these existing water courses. WD2 Best practice design: A recommendation was made for new culvert design for watercourse crossing adopts best practice design and minimises the length of proposed new culvert to reduce environmental impacts.	WD3 Use of bio-engineering approaches: Any new crossing of the River Etherow should avoid further canalisation and look to remove or modify any redundant riparian walls and or replace these with more environmentally beneficial bio-engineering approaches where deemed necessary. EA agreed with the WFD in general comments in letter dated 14 November 2021 (ENVPAC/1/GMC/00305).	Agreed

SoCG Reference Number	Relevant examination document	Relevant Issue	Environment Agency comment	National Highways response	Matters to be addressed/agreed post DCO examination
10.1.2.3	WFD (APP-055)	<p>Water Framework Directive</p> <p>Scope for Water Framework Directive</p>	<p>EA: The Environment Agency stated a Water Framework Directive assessment is expected to be required with respect to Hurstclough Brook and River Etherow, and possibly other watercourses</p> <p>Zone of Influence is proposed to be a 500 m buffer from Scheme Boundary for surface water and a 1 km buffer from Scheme Boundary for groundwater.</p> <p>WFD water bodies which fall (or partly fall) within the ZoI will be subject to a screening assessment to determine the potential impact of the Scheme on the water body. If the Scheme is considered to have no impact, the water body will be screened out from further assessment.</p> <p>Those watercourses which are not assigned a WFD ID within the North West RBMP but are located within the ZoI (i.e. unnamed land drains and ditches, as well as Tara Brook, Hurstclough Brook and Hollingworth Brook) will not be specifically assessed. However, where such watercourses are impacted by the Scheme and are hydrologically connected, the potential for indirect effects on the relevant WFD surface water body/ies will be considered.</p>	<p>Zone of Influence is proposed to be a 500 m buffer from Scheme Boundary for surface water and a 1 km buffer from Scheme Boundary for groundwater.</p> <p>WFD water bodies which fall (or partly fall) within the ZoI will be subject to a screening assessment to determine the potential impact of the Scheme on the water body. If the Scheme is considered to have no impact, the water body will be screened out from further assessment.</p> <p>Those watercourses which are not assigned a WFD ID within the North West RBMP but are located within the ZoI (i.e. unnamed land drains and ditches, as well as Tara Brook, Hurstclough Brook and Hollingworth Brook) will not be specifically assessed. However, where such watercourses are impacted by the Scheme and are hydrologically connected, the potential for indirect effects on the relevant WFD surface water body/ies will be considered.</p> <p>EA agreed with the WFD in general comments in letter dated 14 November 2021 (ENVPAC/1/GMC/00305)</p>	Agreed
10.1.2.4	ES Appendix 13.1 – Water Environment Data and	<p>Water quality</p> <p>Water quality monitoring</p>	No specific Environment Agency response recorded.	Water quality monitoring would only be undertaken where there are in-channel works.	Agreed

SoCG Reference Number	Relevant examination document	Relevant Issue	Environment Agency comment	National Highways response	Matters to be addressed/agreed post DCO examination
	Assessments (APP-178)				
10.1.2.5	ES Chapter 13: Road drainage and the water environment (APP-069)	Water quality Water quality monitoring	No specific Environment Agency response recorded.	Discharge consents would be sought for any new discharges.	Agreed
10.1.2.6	ES Chapter 13: Road drainage and the water environment (APP-069) ES Appendix 13.1 – Water Environment Data and Assessments (APP-178)	Water quality Highways England Water Risk Assessment Tool (HEWRAT) assessment	No specific Environment Agency response recorded.	Final version of the HEWRAT assessment issued to Environment Agency on 14 October. The HEWRAT results were presented at consultation meeting on 25 November. Technical Representative from the Environment Agency was not present at the meeting. Environment Agency currently reviewing document.	Under discussion
10.1.2.7	FRA (APP-056)	Flood Risk Flood Risk Assessment Mitigation options	General comments from the EA received on 15 th November 2021.	Seek formal approval during planning process from EA on flood risk mitigation options proposed i.e. compensatory flood storage areas.	Agreed

SoCG Reference Number	Relevant examination document	Relevant Issue	Environment Agency comment	National Highways response	Matters to be addressed/agreed post DCO examination
10.1.2.8	ES - Appendix 8.3 - Aquatic Ecology (APP-171)	Aquatic Ecology	Watercourse ecology is considered within the both the WFD at a waterbody scale and the nature conservation chapter of the Environmental Statement.	EA has welcomed the ecological mitigation outlined within the WFD and REAC, which resulting in a net positive change in the riparian environment, in general comments in letter dated 14 November 2021 (ENVPAC/1/GMC/00305)	Agreed
10.1.2.9	ES - Appendix 8.3 - Aquatic Ecology (APP-171)	Aquatic Ecology	No specific Environment Agency response recorded.	SoCG reference number 10.1.3.4 is noted and further surveys including MoRPh, aquatic invertebrates, PSYM pond surveys have been undertaken which will inform the baseline and mitigation.	Agreed
10.1.2.10	ES - Appendix 8.3 - Aquatic Ecology (APP-171)	Aquatic Ecology	We welcome the submission of WFD assessment report (May 2021) in combination with biodiversity baseline and preliminary assessment (June 2021), Register of Environmental Actions and Commitments (June 2021) and Environmental Management Plan (June 2021) outlining new A57 link road scheme that will ensure environmental good practice, through both design and construction process (Section 5.4 & 5.5, WFD assessment, Jun 2021), and high quality and commensurate ecological mitigation as outlined in section 5.9 of WFD assessment and REAC will be embedded into major road infrastructure project resulting in a net positive change in the riparian environment.	Best practice will be followed as per previous EA comments.	Agreed

SoCG Reference Number	Relevant examination document	Relevant Issue	Environment Agency comment	National Highways response	Matters to be addressed/agreed post DCO examination
10.1.2.11	ES - Appendix 8.3 - Aquatic Ecology (APP-171)	Aquatic Ecology	No specific Environment Agency response recorded	PSYM ² survey undertaken to inform mitigation for pond loss.	Agreed
10.1.3 Biodiversity, ecological and geological conservation					
10.1.3.1	ES Chapter 8: Biodiversity (APP-064)	Ecology and Mitigation	The Environment Agency recommend that any new semi-natural or mitigation habitat is targeted towards existing priority habitat located within the Scheme footprint and aim to interlink and connect these with similar ecological habitat types.	The Scheme has ensured that there will be a net gain for all priority habitats located within the Scheme footprint. This includes net gains of wet woodland, lowland mixed deciduous woodland, hedgerow, and lowland dry acid grassland. These habitats will be connected via culverts, crossing points, and underpasses and the locations have been selected for maximum biodiversity value.	Agreed
10.1.3.2	ES Chapter 8: Biodiversity (APP-064)	Ecology and Mitigation	Appropriate best practice methodology and biosecurity will need to be adopted as part of any construction works within River Etherow and incorporated into the CEMP based on records of invasive Signal Crayfish in the River Etherow catchment.	Full biosecurity measures will be outlined within the CEMP which will include measures to prevent the spread of Signal Crayfish and protect the River Etherow.	Agreed
10.1.3.3	ES Chapter 8: Biodiversity (APP-064)	Ecology and Mitigation	A number of invasive / non-native species identified within red line area. The Construction Environmental Management Plan (CEMP) should refer to best practice and avoiding spread of such species. There may be opportunity to improve ecological	Any invasive / non-native species have been identified (with the baseline regularly updated through ongoing survey work) and will be fully avoided, controlled, or eradicated during the constructional stage. For widespread invasive /non-native aquatic invertebrates e.g. New	Agreed

² <https://freshwaterhabitats.org.uk/projects/surveys/psym-method/>

SoCG Reference Number	Relevant examination document	Relevant Issue	Environment Agency comment	National Highways response	Matters to be addressed/agreed post DCO examination
			quality of some priority habitats currently identified as having these non-native species.	Zealand mudsnail eradication is not likely to be feasible, therefore appropriate biosecurity measures will be adopted to avoid spreading these species across or outside of the Site. These measures will be fully outlined within the EMP (Second iteration).	
10.1.3.4	ES Chapter 8: Biodiversity (APP-064)	Ecology and Mitigation	The Environment Agency recommend that any mitigation is shaped by proposed River Corridor Surveys conducted in 2018, ensuring there is no deterioration of River Etherow WFD waterbody and integrate potential environmental enhancements/river restoration opportunities of existing heavily modified riparian corridor within the proposed permanent land take areas.	Noted	Agreed
10.1.3.5	ES Chapter 8: Biodiversity (APP-064)	Ecology and Mitigation	New mitigation ponds should be carefully designed to ensure wider ecological connectivity within the landscape and with other neighbouring wetlands.	Noted. Proposed attenuation ponds which are being enhanced for biodiversity are situated across the site. PSYM pond survey undertaken to inform the ES indicate that ponds being lost did not meet published criteria for definition as priority habitat and were of poor quality.	Agreed
10.1.4 Land use, social and economic, human health					
N/A	N/A	N/A	N/A	N/A	N/A
10.2 Dust, odour, artificial light, smoke and steam					
N/A	N/A	N/A	N/A	N/A	N/A

SoCG Reference Number	Relevant examination document	Relevant Issue	Environment Agency comment	National Highways response	Matters to be addressed/agreed post DCO examination
10.3. Whether potential releases can be adequately regulated under the pollution control framework, consistent with the National Policy Statement for National Networks					
N/A	N/A	N/A	N/A	N/A	N/A
10.4. Whether contaminated land, land quality pollution control and waste management can be adequately regulated by Environmental Permits					
N/A	N/A	N/A	N/A	N/A	N/A
10.5 Climate change - greenhouse gas emissions and their control, compliance with obligations and targets; vulnerability and resilience of the Proposed Development; cumulative effects					
10.5.1	FRA (APP-056)	Consideration of climate change in FRA	The EA have no objection to the proposed approach to use Climate Change uplifts as set out in Flood Risk and Coastal Change. Table 1 July 2020 (.gov.uk) as agreed in the email dated 19/01/2021	The Flood Model and the FRA supporting the ES has considered Climate Change in both design and flood risk mitigation in accordance with agreed approach with EA and Flood Risk and Coastal Change. Table 1 July 2020 (.gov.uk)	Agreed
10.6 The effects on human well-being					
N/A	N/A	N/A	N/A	N/A	N/A
10.7 Whether processes are in place to meet all relevant Environmental Permit requirements (including with respect to waste management), timescales, and any comfort/impediments to them being granted					

SoCG Reference Number	Relevant examination document	Relevant Issue	Environment Agency comment	National Highways response	Matters to be addressed/agreed post DCO examination
10.7.1	Consents and Positions Statement (APP-022) OEMP (First iteration) (APP-183) REAC (APP-184)	Environmental permit requirements	No specific comment received from the EA	The required environmental permits and consents for the Scheme are outlined in the OEMP (First iteration) and secured within the REAC. Discussions are ongoing with the EA regarding a number of consents and permits.	Under discussion
10.8 The timing of applications for any required Environmental Permits from the Environment Agency					
10.8.1	Consents and Positions Statement (APP-022) OEMP (First iteration) (APP-183) REAC (APP-184)	Timing of environmental permits applications	No specific comment received from the EA	The required environmental permits and consents for the Scheme are outlined in the OEMP (First iteration) and secured within the REAC. Discussions are ongoing with the EA regarding the timing of consents and permit applications	Under discussion
10.9 Any other relevant matters included in the ExA's Initial Assessment of Principal Issues					
N/A	N/A	N/A	N/A	N/A	N/A

SoCG Reference Number	Relevant examination document	Relevant Issue	Environment Agency comment	National Highways response	Matters to be addressed/agreed post DCO examination
10.10 Any other matters on which agreement might aid the smooth running of the Examination and assist the ExA's recommendation to the Secretary of State					
N/A	N/A	N/A	N/A	N/A	N/A

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