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Our ref: SO/2022/121848/05-L01
Your ref: Deadline 8 (13/04/2022)
Date: 13 April 2022

FAO: Edwin Mawdsley / A57 Examination Team

Dear Sirs,

**APPLICATION BY HIGHWAYS ENGLAND FOR AN ORDER GRANTING
DEVELOPMENT CONSENT FOR A57 LINK ROADS (PREVIOUSLY KNOWN AS
TRANSPENNINE UPGRADE PROGRAMME**

**DEADLINE 8 (13TH APRIL 2022), ENVIRONMENT AGENCY WRITTEN RESPONSE
TO:**

**APRIL 2022 ISSUE SPECIFIC HEARING 3 EXAMINING AUTHORITY'S POST-
HEARING WRITTEN STATEMENT REQUESTS; AND**

**RESPONSE TO RELEVANT SUBMISSIONS MADE BY THE APPLICANT,
HIGHWAYS ENGLAND, UNDER EXAMINATION DEADLINE 3, 6 AND 7.**

Thank you again for enabling the Environment Agency (EA) to participate in Issue Specific Hearing 3 (held 05/04/2022) and for notifying us on the opportunity (received 25/03/2022) to make further written representation to Examining Authority (ExA), as part of Deadline 8, on the latest formal submissions made by Highways England (the applicant) for the A57 Development Consent Order (DCO) examination.

Our written submission detailed below for Deadline 8 is split into two separate items, which are as follows:

- **Item [1]** – EA response to ExA's request for written statement(s) relating to Issue Hearing 3, Agenda Item 4: Water Environment, Drainage and Flood Risk Assessment.
- **Item [2]** – EA response / review of following formal submission made by Applicant under Examination Deadlines 3, 6 and 7:
 - *Examination Deadline 3*
 - [REP-3-025]: TR010034/EXAM/9.43 – Hydrogeology Risk Assessment – A57 Link Roads Development Consent Order 2022
 - *Examination Deadline 6*
 - [REP6-007]: TR010034/APP/7.2 Rev 3.0 - Environmental Management Plan First Iteration
 - [REP6-008]: TR010034/APP/7.3 Rev 4.0 – Register of Environmental Actions and Commitments

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- *Examination Deadline 7*
 - [REP7-014]: TR010034/EXAM/9.16 Rev 2.0 – Draft Statement of Common Ground with EA
 - [REP-7-027]: TR010034/EXAM/9.16 Rev 1.0 - Supplementary Ground Investigation Report

EA Deadline 8 - Written Commentary Context / Note to Reader

Whilst separate, the Items [1-2] outlined above are intrinsically linked. The commentary provided under Item [2] will be of direct benefit to any further discussions held in relation to Item [1a], noted below, and should be considered to act as ‘follow-on’ from previous EA written submission / review.

Further to the above, whilst we acknowledge that updated submissions, additional to those noted under Item [2], have been made by the applicant as part of Deadlines 6 and 7, in the interest of efficiency and clarity, we have determined to only provide commentary on the latest submission items which we consider are significant to furthering the examination process.

As example of the above, whilst we note an updated version of the draft Development Consent Order (dDCO) has been submitted under Deadline 7 [REP-7-0003], review of the associated change log confirms that no notable alterations to the dDCO have made since previous EA commentary [REP6-039] submitted under Deadline 6. Similarly, in the interest of efficiency, we have not sought to duplicate, in full, commentary raised elsewhere within this response. However, efforts have been made to ensure that relevant associated commentary and/or reporting is signposted where relevant.

Should the ExA and/or applicant consider that there are any further submission(s) made under Examination Deadline 6 or 7 (or wider) for which additional EA commentary / review would be of benefit then we ask that we are notified as such.

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Item [1] - EA Response To ExA’s Request For Written Statement(s) Relating To Issue Hearing 3, Agenda Item 4

Item [1a]: EA Outstanding Examination Concerns - Resolution Pathway / Timeline

As requested by the ExA, as part of conversations held during the Issues Specific Hearing 3, we have undertaken initial and direct engagement with the applicant’s chosen environmental consultant (Atkins Limited) as part of seeking resolution and/or progression of the EA’s outstanding concerns in relation to the topics of: a) flood risk modelling climate change update, b) groundwater/dewatering risk assessment.

Further to initial phone conversations, seeking agreement of forward approach, we (the EA) have provided the applicant’s project team (within email issued to Atkins 08/04/2022), with details of the EA’s provisional availability for several associated meetings, for the awareness of the ExA these are as follows:

Meeting (A)	EA Attendee emails
Flood Risk Modelling & Flood Risk Assessment Update	<u>@Davies, Andy</u> – Project Manager <u>@Ruckledge, John</u> – Flood Risk Officer Flood modeller – To be confirmed
Provisional Date	Time Options
Tues 19 th April	Any time between 10:00-12:00 Any time between 13:00-16:00

Meeting (B)	EA Attendee emails
Ground / Dewatering Concerns	<u>@Davies, Andy</u> – Project Manager <u>@Beveridge, Lee</u> – Contaminated Land Specialist <u>@Toole, Emma</u> – Groundwater Specialist <u>@Newby, Mabel</u> – IEP Specialist <u>@Sutcliffe, Adam</u> – IEP Specialist <u>@Brook, Daniel</u> – Land & Water Officer
Provisional Date	Time Options
Wednesday 20 th April	No longer applicable
Thursday 21 st April	09:00-10:30 15:00-16:30

Meeting (C)	EA Attendee emails
Statement of Common Ground (SOCG) Agreement (subject to outcome of meetings A & B)	<u>@Davies, Andy</u> – Project Manager Wider additional attendees TBC
Provisional Date	Time Options
Friday 22 nd	11:00-12:30 15:00-15:30

The intended aim/outcome of the meetings A, B and C outlined above will be to provide clarity to the applicant's project team of the EA's concerns regarding current examination reporting / submissions. In turn, this should enable collective understanding and agreement of the forward actions which will need to be taken applicant (in connection with the ExA where relevant) to resolve the EA remaining concerns within the time constraints of the examination.

Further to the above (also detailed as part of the email correspondence provided to the Atkins on 08/04/2022), we have advised that dedicated EA resource to progress review of updated flood modelling will be secured in alignment with our understanding that this will be provided to the EA by the applicant's project team on the w/c 11th April 2022. At the time of writing this letter, we can confirm that this resource has now been obtained in anticipation of further updated flood modelling submission.

As the engagement work outlined above can be considered to outside of the formal DCO examination process, we have advised the applicant's chosen consultant (as part of the email correspondence aforementioned) that extension to our pre-existing chargeable agreement will be required to facilitate the external engagements noted and have provided a cost estimation for this activity.

At the time of issuing this letter, we are awaiting confirmation from the applicant's consultant that our estimating costing for facilitating this further work is acceptable and have received initial further correspondence regarding preference for the meetings outline above, we are awaiting clarification on the timescales for submission of further updated flood modelling for review and anticipate this will be provided in due course.

As noted during Issue Specific Hearing 3, it will not be possible to confirm an exact resolution pathway for outstanding EA concerns at this present time (as there is a significant number of variable / complexities). However, it is anticipated that the actions above should provide an appropriate forward solution.

Item [1b] – Development Consent Order, Schedule 2, Part 1 Requirements Wording

As requested by the ExA, as part of conversations held during the Issues Specific Hearing 3, please detailed below our written response to the question(s) raised regarding the EA concerns the current wording of DCO Schedule 2, Part 1 Requirements, notably:

- Requirement 4(1) – Second Iteration Environmental Management Plan (EMP)
- Requirement 6(1) – Contaminated Land Assessment
- Requirement 9(1) – Flood Risk Assessment

As acknowledge during the discussions held for Issues Specific Hearing 3, Agenda Item 4, given the time remaining for the examination determination and the associated challenge of producing and gaining approval revised and/or additional reporting / modelling, it may prove necessary to seek to include additional and/or revised Grampian condition requirements within the Schedule 2 of the Development Consent Order for the A57.

In instance(s) where a Grampian conditional approach is taken, we advise that it will be necessary to ensure a) where necessary, that sufficient baseline information/reporting is available to support the approach and b) that conditional wording for any submission requirements is clearly defined and in accordance with National Planning Policy Framework (NPPF) condition guidance.

Where further condition submissions are dependent upon pre-defined 'baseline reporting' (e.g. the First Iteration of the Environmental Management Plan), we would advise in such instances that it will be necessary to ensure prior to examination DCO finalised such reporting is complete i.e. that there is no doubt over the scope of further submissions to be made (e.g. as part of the Second Iteration of the Environmental Management Plan).

Further commentary on Requirements 4(1), 6(1) and 9(1) is provided under Item [2] below. For avoidance of doubt, we also acknowledge that there is requirement to consult the EA on Schedule 2 Requirement 8(1), to confirm, the wording of this requirement is welcomed, and we have no issues with the current wording proposed.

Item [2] - EA Response / Review of Deadlines 3, 6 and 7 Formal Submissions

Deadline 3 [REP-3-025]: TR010034/EXAM/9.43 – Hydrogeology Risk Assessment – A57 Link Roads Development Consent Order 2022

As noted within previous EA examination correspondence and as part of oral representations made during Issue Specific Hearing 3, we advised that our Groundwater and Contaminated Land Team we would shortly be seeking to provide the applicant / ExA with technical commentary on the HRA reporting (outlined in full above) submitted under examination Deadline 3. As advised and instructed, please find commentary for this report detailed below.

The HRA has been developed by the applicants' environmental consultants to support and enable an improvement understanding of the hydrogeological conditions that are present along the length of the proposed highway /link road development. Previously, we have been unable to progress review and validation of the conclusion of the HRA as the associated reporting / data required to do so (supplementary 2021 ground investigation provided under Deadline 7) has been unavailable for our review / consideration.

As listed under Item [2] above, a copy of the associated ground investigation (GI) reporting [REP-7-027] has now been provided by the applicant. However, as noted during representation made for Issue Specific Hearing 3, initial review by the EA of the GI identified that the relevant associated data used to inform the report (e.g. borehole sampling logs) have at this present time been provisioned. At the time of writing this letter, we have yet to receive from the applicant / their chosen environmental consultant the missing associated information / data for the GI report (and also any other wider relevant investigation reporting – see noted under GI response below). Consequently, we advise that our present review / commentary of the HRA has been limited.

We acknowledge that a buffer zone (250 m) and Zol (Zone of Influence Zol: 0.5 km radius buffer around the DCO boundary for surface water and a 1 km radius buffer for groundwater) around the development have been calculated. However, we advised that, further to this, we have identified several geological units, associated aquifers and corresponding recharge zone (s) that extend far beyond the areas defined within the current buffer zone and Zol. The geological units/ aquifer(s) aforementioned are likely to support locally important groundwater resources, including but not necessarily limited to: boreholes, wells, springs, surface water features (ponds / lakes) and surface watercourses.

Due to the potential for the interconnectivity of the scheme with the additional groundwater resources/features noted above, there is the possibility, unless robust assessment and/or mitigation measures/procedures are implemented, that the development could have (during and post-construction) a notable adverse impact on geographical areas which extend beyond the existing buffer zone and the Zol which has been established / defined. This potential for adverse impact is especially notable in relation to any scheme/development activities which involve the dewatering of below ground level cuttings, underpasses and/or other similar features.

Our holistic review of the HRA and 2021 supplementary GI has identified a much more complicated situation (geographic conditions) than we first considered and then which is currently presented / detailed within the applicant's reporting. The HRA provided has sought to establish to establish a pre-construction baseline condition. However, as submitted, this (the HRA) only provides a forward position for monitoring and

assessment once the development is complete (as detailed under sub-section 4.8)- as part of a groundwater management strategy inferred to be secured through the REAC and EMP. In relation to this, we note that it not currently clearly stated within the HRA how/where this groundwater management strategy would be provisioned for as part EMP submissions.

The HRA does not currently provide a position on / or assessment of the scheme's construction which will be essential to the progression of the development and understanding potential risk.

We consider that the current decision for the HRA not to include consideration to construction activity is a flawed approach to assessment and protection of the locally significant water resource environment. Unless further additional consideration and assessment is given to potential the adverse impact (and thus understanding of mitigation measures required), as raised within previous EA examination correspondence, there is the potential for a scenario in which unanticipated dewatering of the local aquifer could occur which, in turn, could lead to an abundance of shallow groundwater flow (both during and after construction).

Whilst we acknowledge that there will be an intention to manage water during and post-construction (as noted under the several associated management plan requirements of the Environmental Management Plan / Schedule 2 4(1)), we would advise that without further initial assessment, to inform these activities (and confidence that this will be delivered) there is the possibility that any mitigations measures identified/ proposed will be insufficient and/or overwhelmed. In such an instance, this could lead to an uncontrolled discharge to surface waters and for which enforcement action may need to be taken.

Given the nature of groundwater within the locality of the development, there is potential (the possibility also of sediment and surface contaminant entrainment notwithstanding) that any uncontrolled discharge will be of a chemical composition / concentration significant enough to cause adverse impact. Whilst some screening of groundwater quality against EQS appears to have taken place, we been unable to review the associated raw data results (as these have not been provided as part of the examination submissions), this data will be required for us to further assess potential risk.

Additional to the above, without further assessment/ investigation (and where required mitigation) there also remains the potential risk that the proposed development and its construction (e.g. dewatering activities) could result in notable adverse alteration to current controlled water conditions/volume. A reduction in flows could amplify the adverse impacts of any uncontrolled uncontaminated discharge (reducing dilution factor). This potential impact (reduced dilution) could also potentially be unintentionally further augmented wider third-party activities e.g. if United Utilities applies for a drought permit for the Longdendale Reservoirs (linked to the River Etherow) this could reduce compensation flow discharged from the reservoirs (from 45.5 Ml/d to either 22.5 Ml/d or 15 Ml/d) thereby amplifying the effect of any uncontrolled discharge.

Regulation 33 of the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 places a duty on public bodies (including Highways England) to 'have regards to' relevant River Basin Management Plans (RBMPs). This means they must ensure they do not undertake (nor authorise) a project which may jeopardise the current status of a WFD element or cause its deterioration. Similarly, in accordance with the Environmental Permitting (England and Wales) Regulations 2016 (EPR), it must be

ensured that any discharge to surface water or ground, not considered to constitute 'uncontaminated water', is governed by an appropriate exclusion, regulatory position statement (RPS) and/or environmental permit (EP).

In relation to the above, as noted with the HRA and discussed during Issue Specific Hearing 3, we note and acknowledge that it will be the intention of the applicant to provide further assessment (and potentially investigation) as part of the EMP submissions secured under Schedule 2 4(1) as informed by the REAC. Further commentary on the EMP and REAC submissions is detailed below (see further Item [2] letter sections). However, to summarise our primary associated concern briefly, our review of the EMP has identified that limited and/or no detail of the further associated sub-management plans (e.g. the Dewatering Management Plan) has been provided by the applicant (with it being stated within the EMP that these will be provided at the detailed design stage). In the present absence of this detail, we do not have sufficient confidence that further assessment and investigations needed to address the risk(s) outlined above will be provisioned for and that this will be fully secured through the requirement wording for Schedule 2 4(1) – as this states the second iteration of the EMP should be “substantially in accordance with the first iteration EMP”.

In virtue of the above and cognisant of the time remaining for the DCO examination, we recognise that it may not prove possible for possible for the applicant to address the limitations of the first iteration EMP (and gain necessary approvals) within the remaining timeframe. In anticipation for such a scenario, to address our concerns (as submitted) we would be minded to advise to the ExA the potential inclusion of Grampian requirement (*italics*) to the effect of the below, thus ensuring that our concerns outlined above will be addressed:

Prior to the commencement of development, a suitable hydrogeological risk assessment report shall be submitted to and approved in writing by the Secretary of State, following consultation with relevant authorities, including the Environment Agency, that addresses risks to the groundwater resources that may be impacted by the construction of the development covered by this development consent order. The report shall include the following components:

- *Development of the pre-construction baseline conditions of all features identified during a comprehensive water features survey.*
- *Development of an adequate hydrogeological model for the area that has been identified as being affected by the construction of all elements of the highway development*
- *Development of suitable monitoring locations and parameters to be used for the duration of the construction of the highway development and will serve as monitoring points for the verification of a successful scheme.*
- *Development of a dewatering plan and groundwater monitoring plan that shall be implemented to ensure the continued safeguards abstractions that have been identified as a part of the agree water features survey.*

Production of the report outlined above should be carried out by a competent person(s) in line with paragraph 178 of the NPPF.

Without confidence that further assessment and investigations required to understand and address the risks outlined above will be provisioned for (either via the requirement suggested above or update to the EMP), we would be minded object to the proposal in line with paragraph 174 of the NPPF because it cannot be guaranteed that the

development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution and/or that the natural water resources that are present (and utilised) would not be adversely impacted by the development and the identified dewatering process.

Deadline 6 [REP6-008]: Register of Environmental Actions and Commitments (REAC)

For the purpose our written commentary on the REAC and for ease of any further associated discussions required within the applicant / Examining Authority, we have grouped our commentary below under relevant environmental topic subheadings.

Flood Risk Commentary

Reference by the applicant to obtaining relevant flood risk activity permit(s) (FRAP) from the EA is made in RD1.1 (Table 2.1) this is welcomed.

As part of RD1.1 it is noted that a FRAP(s) will be required for the River Etherow for a “programme works to minimise impacts on compensatory flood storage areas during construction”. Although we welcome the confirmation and need identified by the applicant for a programme of works that minimises temporary impact on flood plain storage capacity, we would advise that ExA this ‘programme of works’ cannot specifically be controlled within by a FRAP.

The applicant (Highways England) is considered under section 6(13) of the Flood and Water Management Act 2010 to be a risk management authority. By virtue of paragraph 3(2) of Schedule 25 Environmental Permitting Regulations 2016, where a risk management authority is carrying out an activity relating to the management of flood risk, that activity is excluded from the definition of ‘flood risk activity’ for the purposes of activities (d) to (k) of paragraph 3(1) of Schedule 25 EPR. Consequently this means that a risk management authority is not required to obtain a FRAP for anything except those activities listed in (a)-(c), which are as follows:

- (a) erecting any structure (whether temporary or permanent) in, over or under a main river;
- (b) the carrying out of any work of alteration or repair on any structure (whether temporary or permanent) in, over or under a main river if the work is likely to affect the flow of water in the main river or to affect any drainage work;
- (c) erecting or altering any structure (whether temporary or permanent) designed to contain or divert the floodwaters of any part of a main river;

To confirm from the above, in virtue of this, the FRAP process will not have the ability to control the timing/phasing of flood plain loss / compensation.

Under RD1.20 (Table 2.1) of the REAC it is recognised by the applicant that construction activity in the vicinity of the River Etherow, including compensatory flood storage provision will require careful programming / sequencing to ensure flood risk is minimised whilst construction takes places within the River Etherow floodplain. It is also further stated that compensatory storage will be provided prior to construction commencing in this area.

Whilst the above statement by the applicant that compensatory storage will be provided in advance of construction commencing is welcomed. We advise that due to limitations of FRAP control outlined above, that the ExA may consider it pertinent to require that this commitment is formalised as separate further requirement within

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Schedule 2 of the DCO (thereby providing greater confidence of accordance with paragraph 167 of the NPPF), unless the applicant advises otherwise (i.e. that this commitment will be accounted for elsewhere e.g. within the environmental control/management plans of the EMP).

If the former is true (separate requirement) then we advise that wording to effect of the below may provide suitable for governing this requirement (italics):

Pursuant to Requirement 4(1-2), prior to the commencement of development, a programme outlining the intended schedule and/or phasing of construction works shall be submitted to, and approved in writing by, the Secretary of State, following consultation with relevant authorities, including the Environment Agency [insert other relevant authorities]. The programme shall:

- *Demonstrate how any compensatory measures required to avoid and/or mitigate adverse environmental impacts have been factored and, where necessary, associated activities prioritised.*

The programme shall be fully implemented as approved. Any changes to the programme may subsequent be agreed, in writing, by the Secretary of State.

RD1.21 refers to updating the current Flood Risk Assessment (FRA) in consultation with the EA during the design stage to reflect the current climate change guidance and any changes that this might require. Whilst we welcome this commitment, further to recent discussions and correspondence subject to the outcome of further intended review / assessment work, we would advise the applicant that this item of the REAC may require further subsequent update (subject to the outcome).

Groundwater and Contaminated Land (Dewatering Concerns)

In accordance with the wording of requirement 4(1), is our understanding the intention of the REAC is to act as guidance for the mitigation measures and environmental control/management plans provisioned as part of the 1st and 2nd iterations of the EMP. As the contents action/commitments of the REAC is in parts derived from wider examination submissions, we have not, in this instance, sought to duplicate our commentary provided elsewhere (i.e. for the EMP and HRA which is noted under RD1.15 of the REAC).

However, in relation to our concerns regarding the 1st iteration of the EMP and concerns regards confidence that all further investigation and assessment required will be undertaken, we would take this opportunity to highlight to the ExA, as stated under GEM1.1 (Table 2.1) that presently only outline environmental control/management plans have been provided by the applicant for the following: Soil Resource Plan, Construction Water Management Plan, Site Waste Management Plan Materials Management Plan, Community Engagement Plan, Nuisance Management Plan and Carbon Management Plan. Notably, outline plans have not been provided for the Pollution Prevention Plan and Dewatering Management Plan.

Further to the above, in relation to our concerns regarding the potential for adverse environmental impacts created by dewatering, whilst welcome the recognition that a licence(s) / permission for temporary dewatering works will need to be obtained from the EA, we would advise that that the action/ commitment detailed under RD1.3 is currently incorrect. RD1.3 currently states that exemption from an abstraction licence will apply for abstractions less than 100 cubic metres per day. As per our latest guidance a water abstraction or impoundment licence is required if there is an intention to abstract more

than 20 cubic metres per day. We would advise that the applicant seeks to update this section of the REAC (and any other relevant sections) in accordance with the latest guidance.

Fisheries, Biodiversity and Geomorphology (FBG) Commentary

The REAC identifies through tables 2.1, 2.2, 2.3 the committed environmental and ecological mitigation measures through lifetime of scheme, and which will be a working document to be updated as scheme progresses. This is acceptable to the EA's FBG team.

Deadline 6 [REP6-007]: TR010034/APP/7.2 Rev 3.0 - Environmental Management Plan (EMP) First Iteration

As outlined within the EMP, the Environmental Method Statements (EMSs) and Managements Plans (MPs) associated with this are key documents for ensuring that construction-related mitigation measures and actions set out in the REAC are successfully implemented.

As noted within the 1st iteration (section 1.48) it is anticipated by the applicant that some or all the EMSs / MPs will need to be prepared/ finalised as part of the second iteration of the EMP (as flagged within the REAC). In relation to this, and as discussed during Issue Specific Hearing 3, whilst we have no objection, in principle, to this approach, particularly for aspects of notable environmental concern (i.e., adverse groundwater / dewatering impact) we would advise the ExA that to fully support this, that it will be necessary for the applicant to either a) provide sufficient baseline reporting (which demonstrates that the risks are fully understood) or b) clearly define for the forthcoming contents of relevant MPs / EMPs.

In the context of the above, with focus (example) on our groundwater/dewatering impact concern, we are disappointed that the first iteration of the EMP does not contain outline (or otherwise) versions of all of the EMSs / MPs which we anticipated are/ would to be associated with this matter e.g. the Dewatering Management Plan.

In accordance, with the above, in the absence of outline/full EMSs / MPs or suitable standalone requirement (as per the wording suggested under our commentary for the HRA), we would advise the ExA that reliance must be placed upon the GI and HRA reporting submitted in completeness - which as noted within the wider contents of this letter are not considered, as presently submitted, to be sufficient.

Nevertheless, for avoidance of doubt, we do consider that a feasible solution to the outstanding issues is possible. As noted during discussion held Issue Specific Hearing 3, we will endeavour to assist the applicant and their chosen environmental consultant in reaching an acceptable solution / outcome (via separate chargeable engagement) prior to finalisation of the examination.

Deadline 7 [REP7-014]: TR010034/EXAM/9.16 Rev 2.0 – Draft / Updated Statement of Common Ground (SoCG) with EA

As noted under Item [1] above, further engagement between the EA and the applicant's chosen environmental consultant(s) is expected to occur prior to finalisation of the DCO examination. Consequently, we anticipate that further update / amendment to the SoCG with the EA will occur.

Further to the above, as outlined part of more recent communications with the applicant's environmental consultant (Atkins), we advise the ExA in accordance with Item [1a] of this letter, that a meeting will be held to discuss and (where possible subject to wider associated discussion) agree the SoCG. However, we would take this opportunity to provide the following initial commentary on the latest version of the SoCG.

As above for ease of any further associated discussions required within the applicant / ExA, we have grouped our commentary below under relevant environmental topic subheadings.

Flood Risk

We note the comments in 2.1.2.1 and 2.1.3.1 regarding the flood risk modelling for the flood plain storage compensation - that the River Etherow model has been re-run with the latest climate change allowances and that the final compensatory storage proposed for the scheme remains adequate. As detailed within, we note the argument that the proposed compensation volume is considerably greater volume being lost due to the road embankment crossing the flood plain.

It is our understanding that this is due to the arrangement of the proposed compensation which is to be situated wholly downstream of the proposed bridge and also within the existing flood plain. As an initial observation, we advise that this does not follow the general approach of providing "level for level" compensation and thus explains why the compensation volume needs to be considerably more than that lost. We will be pleased to review the full details of the model and updated FRA when provided.

Comments in 10.5.1 refer to EA agreement of previous climate change allowances from discussion in January 2021. This was correct at the time the advice was given but as noted elsewhere, this should be amended to recognise the design is being checked against the current guidance introduced in July 2021.

Fisheries, Biodiversity and Geomorphology

Our FBG Team has reviewed ES chapter 8 (biodiversity) and can confirm this is acceptable.

Deadline 7 [REP-7-027]: TR010034/EXAM/9.16 Rev 1.0 - Supplementary Ground Investigation Report

Having considered the information that has been provided under the cover of the March 2022 report, we have identified that further investigation works have been undertaken. The work has occurred along the line of the proposed road development and has collected environmentally relevant information.

We have identified that this report is based on an earlier Arcadis report from 2018 and a more recent phase of work by SOCOTEC in 2021.

We note in the introduction to the GI report that the most recent phase of investigations (Phase 5) is still ongoing, for which four additional boreholes are yet to be installed owing to ongoing negotiations with an interested third party (sec.1.1.1). We consider that this contributed to the explanation at the end of the table of contents that identified that *“some sections are not fully complete and as such should be treated as preliminary. A final report will be prepared at detailed design stage.”*

In virtue of the above, we consider the GI report to be a draft version and subject to change in the future. Additionally, after reviewing the previous commentary made by the EA's Groundwater and Contaminated Land Team, we are aware that we have not been presented with the Arcadis, “Transpennine Upgrade Ground Investigation Report. Ref: HE551473-ARC-TPU-RP-CE-3199,” Arcadis, Bristol, 2018.

Therefore, we have been unable to frame latest GI report in context with the Arcadis report reference above and, the more recent SOCOTEC UK Limited, “A57 to A57(T) Trans Pennine Upgrade Supplementary Ground Investigation: Factual Report on Ground Investigation. (Ref: A8001-18 and the SOCOTEC UK Limited, “Trans Pennine Upgrade - Westwood Roundabout: Factual Report on Ground Investigation. (Report No. A0018-20)” SOCOTEC UK Limited, September 2020.

As we identified during the Issue Specific Hearing 3 this March 2022 the latest GI report [REP-7-027] is also missing key environmental information required to assist the EA in understanding the environmental context for the site and our wider assessment of other associated reporting (i.e. the HRA).

Given the identified deadline for the completion of the DCO examination and the large volume of information that is missing and which will require review, we are minded at this time to recommend to the planning inspectorate that the word of requirement 6(1) under Schedule 2 of the DCO is amended, to ensure that it addresses possible and actual risks to the environment and controlled waters in a way that supports the development and implementation of the relevant plans that will be secured through the EMP (and/or standalone requirement, as per our commentary for the HRA). At present the wording of 6(1) infers that sufficient baseline reporting has been submitted as part of the examination, which as summarised by in the above commentary is not considered correct.

In accordance with the above, we advise the ExA that the wording to the effect of the below should be considered by the ExA for requirement 6(1):

No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors

