

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

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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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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
Applicable legislation and policy considered by the Applicant	1. Legislation and Policy <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
The Applicant's assessment and the proposed mitigation measures: <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. 	2. Assessment and proposed mitigation <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>any comments the EA may have on the Hydrogeological Risk Assessment.</p> <p>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.</p>
9 March 2022	Email	Email from Applicant requesting availability to discuss consents and permits required from the EA.
21 March 2022	Email	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).
23 March 2022	Email	<p>Email from Applicant requesting EA availability for meeting to discuss the following:</p> <ul style="list-style-type: none"> • Consents and permitting; • SoCG; and • Hydrogeological Risk Assessment <p>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.</p>
05 April 2022	Email	Email from Andy Davies (EA) introducing himself as Sylvia Whittingham's replacement dealing with A57 Link Roads Scheme.
07 April 2022	Telephone	<p>Discussion between the Applicant and the EA regarding the following outstanding topics:</p> <ol style="list-style-type: none"> 1. Chargeable Planning Agreement ENVPAC/1/GMC/00305 – Purpose & Time Extension Requirement 2. A57 EA Associated Discussion Meetings <ol style="list-style-type: none"> a) Flood Risk / Modelling b) Hydrogeological Risk Assessment, ground investigation and dewatering concerns c) SoCG / provisional dates and understood purpose. 3. A57 flood modelling review 4. EA Deadline 8 – Initial feedback and questions for A57 project team.
08 April 2022	Email	<p>Email from Andy Davies following up from the telephone call on 07 April 2022. Including:</p> <ol style="list-style-type: none"> 1. Proposed dates and brief agenda for three meetings between the Applicant and the EA w/c 18 April 2022 to discuss: <ol style="list-style-type: none"> a) Flood Risk / Modelling b) Hydrogeological Risk Assessment, ground investigation and dewatering concerns c) SoCG / provisional dates and understood purpose.

Date	Form of correspondence	Key topics discussed and key outcomes (the topics should align with the Issues tables)
		Email also outlines in detail the EA's outstanding queries on the Scheme, all of which will be covered in the suite of meetings identified above.
11 April 2022	Email	Email from Andy Davies (EA) amending proposed availability of the EA technical team.
19 April 2022	Telephone	<p>Meeting between the Applicant and the EA to discuss the update FRA submitted into the DCO at Deadline 8 and discuss changes made to the flood modelling by the Applicant to include the latest 2021 climate change uplifts.</p> <p>Applicant made further assurances that the EA would be consulted on the Detailed Design flood model in due course. DCO Requirement 9 will also be updated as agreed with the EA and submitted at Deadline 9.</p>
21 April 2022	Telephone	Meeting between the Applicant and the EA to discuss the high-level comments from the EA on the Hydrogeological Risk Assessment submitted at Deadline 8. Further discussion regarding outstanding concerns around the Ground Investigation undertaken to date and review the wording of requirements 4 (EMP) and 6 (contaminated land).
21 April 2022	Email	<p>Email from Andy Davies (EA) outlining discussions held during the 21 April 2022 meeting and post-meeting actions to be taken forward by EA and the Applicant including:</p> <ol style="list-style-type: none"> 1) Applicant to share proposed DCO requirement re-wording for 6(1) and 9(1) in advance of Deadline 9 for EA comment/agreement. 2) EA to provide detailed technical commentary on Hydrogeological Risk Assessment and GI. 3) Internal DCO project discussion regarding potential modelling of groundwater flow 4) Applicant to share proposed scope for EMP Dewatering Management Plan as part of Deadline 9 submission for EA review/comment.
22 April 2022	Email	<p>Email exchange between the Applicant and the EA rearranging the meeting to discuss the SoCG to Tuesday 26/04/2022.</p> <p>The Applicant issued the updated draft SoCG to the EA for review/comment prior to SoCG call on 26 April 2022.</p>
25 April 2022	Email	<p>Applicant email offering discussion on Hydrogeological Risk Assessment detail in follow-on from 21 April 2022 meeting.</p> <p>EA return response that no current capacity to take up offer but seeking clarification on Dewatering Management scoping exercise.</p>
26 April 2022	Telephone	Meeting between the Applicant and the EA to discuss the contents of the updated SoCG prior to submission of the final version into examination.

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	The EA have reviewed the ES Chapters and have no further comments. ES Chapter 13: Road Drainage and the Water Environment (REP7-009) has been updated to reflect the findings of the Hydrogeological Risk Assessment. ES Chapter 9: Geology and Soils (REP7-007), Chapter 10: Material Assets and Waste (REP7-008) and Chapter 13: Road Drainage and the Water Environment have been updated following the submission of the Supplementary GIR (REP7-027) at Deadline 7.	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)				
2.1.1.2	Hydrogeological Risk Assessment (APP3-025)	Adequacy of Hydrogeological Risk Assessment	High-level comments on the Hydrogeological Risk Assessment were submitted at Deadline 8 by the EA (REP6-039)	<p>The high-level comments submitted by the EA at Deadline 8 were discussed during a meeting on 21 April 2022. The EA outlined in this meeting that further detailed comments would be issued to the Applicant w/c 2 May 2022.</p> <p>The Applicant is currently awaiting these detailed comments. In the interim, the Applicant has suggested further discussions take place with the EA to discuss these concerns in more detail.</p> <p>It is however acknowledged that the limitations of the Hydrogeological Risk Assessment identified by the EA will be addressed in the Detailed Dewatering Management Plan</p>	Under discussion

SoCG Reference Number	Relevant examination document	Relevant Issue	Environment Agency comment	National Highways response	Status
				Annexed to the EMP (Second iteration).	
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 cumulative effects (APP-071). FRA (APP-056)	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 has been verbally agreed in principle during a meeting with the EA on the 19 April 2022. The updates and conclusions of the FRA and flood model are subject to agreement with the EA. The FRA and model were submitted to the EA for agreement on 20/04/2022. The Applicant is expecting a response from the EA w/c 02/05/2022.	Agreed Agreed Under discussion

SoCG Reference Number	Relevant examination document	Relevant Issue	Environment Agency comment	National Highways response	Status
	WFD (APP-055)			The Applicant has committed to consulting the EA on the Detailed Design (DD) flood model during the Detailed Design stage of the Scheme.	Agreed
2.1.2.2	REAC (REP9-TBC)	Commitments/mitigation contained within the REAC	<p>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.</p> <p>Flood Risk Commentary</p> <p>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.</p> <p>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”.</p> <p>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.</p> <p>The Applicant (National Highways) is considered under section 6(13) of the</p>	Commitment RD1.1 has been updated in the REAC following engagement with the EA. The latest version of the REAC was submitted into the examination at Deadline 9.	Agreed

SoCG Reference Number	Relevant examination document	Relevant Issue	Environment Agency comment	National Highways response	Status
			<p>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:</p> <ul style="list-style-type: none"> erecting any structure (whether temporary or permanent) in, over or under a main river; 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; erecting or altering any structure (whether temporary or permanent) designed to contain or divert the floodwaters of any part of a main river; <p>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.</p>		

SoCG Reference Number	Relevant examination document	Relevant Issue	Environment Agency comment	National Highways response	Status
2.1.2.2	REAC (REP9-TBC)	Commitments/mitigation contained within the REAC	<p>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.</p> <p>Whilst the above statement by the applicant that compensatory storage will be provided in advance of construction commencing is welcomed. We advise that the 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 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).</p>	Commitment RD1.20 has been updated in the REAC following engagement with the EA. The latest version of the REAC was submitted into the examination at Deadline 9.	Agreed

SoCG Reference Number	Relevant examination document	Relevant Issue	Environment Agency comment	National Highways response	Status
			<p>If the former is true (separate requirement) then we advise that wording to effect of the below may provide suitable for governing this requirement (<i>italics</i>):</p> <p>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:</p> <p>Demonstrate how any compensatory measures required to avoid and/or mitigate adverse environmental impacts have been factored and, where necessary, associated activities prioritised.</p> <p>The programme shall be fully implemented as approved. Any changes to the programme may subsequent be agreed, in writing, by the Secretary of State.</p>		
2.1.2.2	REAC (REP9-TBC)	Commitments/mitigation contained within the REAC	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	Commitment RD1.21 has been updated in the REAC following engagement with the EA. The latest version of the REAC was	Agreed

SoCG Reference Number	Relevant examination document	Relevant Issue	Environment Agency comment	National Highways response	Status
			<p>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).</p>	<p>submitted into the examination at Deadline 9.</p>	
2.1.2.2	REAC (REP9-TBC)	Groundwater and Contaminated Land (Dewatering Concerns)	<p>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 Hydrogeological Risk Assessment which is noted under RD1.15 of the REAC).</p> <p>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</p>	<p>It was agreed during the meeting with the EA on 21 April/04/ 2022 that the Dewatering Management Plan will contain the detail for groundwater management and monitoring during the temporary and permanent dewatering operations. A high level outline of the Dewatering Management Plan will be submitted for Deadline 9.</p>	Agreed

SoCG Reference Number	Relevant examination document	Relevant Issue	Environment Agency comment	National Highways response	Status
			<p>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.</p> <p>Notably, outline plans have not been provided for the Pollution Prevention Plan and Dewatering Management Plan.</p> <p>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</p>	<p>The Applicant's understanding is that a temporary dewatering abstraction can be licence exempt if it is less than 100 m³ per day and meets the conditions laid out in 'Regulation 5 of the Water Abstraction and Impounding (Exemptions) Regulations 2017.' See quotation from the GOV.UK 'Temporary Dewatering From Excavations To Surface Water' below.</p> <p>"You do not need to apply for a water abstraction or impoundment licence if you abstract from:</p> <ul style="list-style-type: none"> groundwater and your activity meets the 	<p>Agreed</p>

SoCG Reference Number	Relevant examination document	Relevant Issue	Environment Agency comment	National Highways response	Status
			<p>that the applicant seeks to update this section of the REAC (and any other relevant sections) in accordance with the latest guidance.</p>	<p>conditions of the groundwater abstraction exemption under Regulation 5 of the Water Abstraction and Impounding (Exemptions) Regulations 2017”</p> <p>Temporary dewatering from excavations to surface water - GOV.UK (www.gov.uk), accessed 25/04/22</p> <p>However, it is anticipated that the temporary dewatering abstraction will exceed 100 m³ per day.</p>	
2.1.2.2	REAC (REP9-TBC)	Environmental Management Plan (EMP) First Iteration	<p>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.</p> <p>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,</p>	<p>The Applicant engaged with the EA on 21 April 2022 to discuss the Hydrogeological Risk Assessment and Supplementary GIR where it was agreed between the two parties that the Applicant would provide an Outline Dewatering Management Plan into the examination. The Applicant will continue to engage with the EA to develop the Outline Dewatering Management Plan throughout the Detailed Design stage.</p> <p>The Applicant is continuing to engage with the EA on the Hydrogeological Risk Assessment and the Supplementary GIR and</p>	Agreed

SoCG Reference Number	Relevant examination document	Relevant Issue	Environment Agency comment	National Highways response	Status
			<p>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.</p> <p>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.</p> <p>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 Hydrogeological Risk Assessment), we would advise the ExA that reliance must be placed upon the GI and Hydrogeological Risk Assessment reporting submitted in completeness - which as noted within the wider contents of this letter are not</p>	<p>has requested further meetings with the EA to discuss the Hydrogeological Risk Assessment, in particular, however the EA have stated that they do not currently have capacity for further engagement on this topic at this time.</p>	

SoCG Reference Number	Relevant examination document	Relevant Issue	Environment Agency comment	National Highways response	Status
			<p>considered, as presently submitted, to be sufficient.</p> <p>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.</p>		
2.1.3 Methodology					
2.1.3.1	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);	National Highways considers that the ES has adhered to best practice methodology in order to inform the assessment.	N/A	<p>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.</p> <p>Flood Risk Modelling approach has been verbally agreed in principle during a meeting with the EA on the 19 April 2022.</p>	<p>Agreed</p> <p>Agreed</p>

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). FRA (APP-056) WFD (APP-055)			The updates and conclusions of the FRA and flood model are subject to agreement with the EA. The FRA and model were submitted to the EA for agreement on 20/04/2022. The Applicant is expecting a response from the EA w/c 02/05/2022 The Applicant has committed to consulting the EA on the Detailed Design (DD) flood model during the Detailed Design stage of the Scheme.	Under discussion Agreed
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);	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	N/A	N/A	Agreed.

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). FRA (APP-056) WFD (APP-055)	assessment of direct and indirect effects.			
2.1.4.2	Supplementary Ground Investigation Report (GIR)	Supplementary Ground Investigation Report	<p>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.</p> <p>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.</p> <p>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</p>	<p>During the meeting on 21 April 2022 the EA indicated they were still looking through the Arcadis and SOCOTEC reports, and could not comment further on whether they considered that the submitted information provided was sufficient to confirm baseline conditions.</p> <p>The applicant has put forward amended wording of Requirement 6 to the EA for agreement following the meeting on 21 April 2022.</p> <p>The Hydrogeological Risk Assessment has screened available groundwater quality data against Environmental Quality Standards (EQS). The samples collected during the 2021 pumping test, believed to be most representative of any future</p>	Under discussion

SoCG Reference Number	Relevant examination document	Relevant Issue	Environment Agency comment	National Highways response	Status
			<p>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.”</p> <p>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.</p> <p>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.</p>	<p>dewatering discharge, show exceedances for some determinands that may pose a risk to surface water courses. These determinands are likely to be naturally occurring within the aquifer. Groundwater quality will be assessed in greater detail to inform the Dewatering Management Plan and any permit applications associated with the dewatering works during detailed design.</p>	

2.2 Flexibility and worst-case scenario

SoCG Reference Number	Relevant examination document	Relevant Issue	Environment Agency comment	National Highways response	Status
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) WFD (APP-055)	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

2.3 Construction and operational effects

SoCG Reference Number	Relevant examination document	Relevant Issue	Environment Agency comment	National Highways response	Status
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)	<p>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.</p> <p>National Highways considers that the assessment findings accurately reflect the likely effects of the Scheme.</p>	<p>No comment received from the EA to date.</p> <p>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.</p> <p>Groundwater drainage in the cutting likely to require abstraction licence/discharge permit (to be discussed, meeting being set up for April 2022). However, further meetings will be required.</p>	<p>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.</p> <p>The Applicant intends to submit data requests to inform and facilitate the submission of applications for the required permits w/c 25/04/2022 through the EA's National Permitting Service. The Applicant is also proposing to update the water features survey at the request of the EA w/c 02/05/2022.</p>	<p>Under discussion.</p> <p>Agreed</p>

2.4 Scoping out of detailed assessment and National Policy Statement for National Networks

SoCG Reference Number	Relevant examination document	Relevant Issue	Environment Agency comment	National Highways response	Status
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); Chapter 13: Road drainage and the water	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 drainage and the water environment assessment.	N/A	N/A	Agreed

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

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); Chapter 14: Climate (APP-070);	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: <ul style="list-style-type: none"> • Biodiversity (inc. aquatic habitats and species); • Geology and soils; 	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 15: Assessment of cumulative effects (APP-071).	<ul style="list-style-type: none"> 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	The Outline EMP and REAC have been reviewed by the EA. Discussions have been held between the Applicant and the EA w/c 18 April 2022 whereby outstanding concerns from the EA were discussed and actioned. These included strengthening commitments in the REAC around Flood Risk, Dewatering and GI and Preparing the Outline Dewatering Management Plan.	Agreed
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2.8 Residual impacts and securing of mitigation measures

SoCG Reference Number	Relevant examination document	Relevant Issue	Environment Agency comment	National Highways response	Status
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					
2.9	ES Chapter 8: Biodiversity; (APP-064)	National Highways considers the assessment of cumulative impacts are in line with best practice and appropriate to inform the assessment of direct and	N/A	N/A	Agreed

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).	indirect effects reported in the Chapter 13: Road drainage and the water environment assessment.			

2.10 The significance of each residual impact

2.10	ES Chapter 8: Biodiversity; (APP-064) Chapter 9: Geology and soils (APP-065); Chapter 12: Population and	National Highways considers the assessment of significance of each residual impact is 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	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' ongoing hydrogeological risk assessment.	Agreed
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SoCG Reference Number	Relevant examination document	Relevant Issue	Environment Agency comment	National Highways response	Status
	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).	water environment 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					
3.0	ES Chapter 8: Biodiversity; (APP-064) Chapter 9: Geology and soils (APP-065); Chapter 13: Road drainage and the	National Highways considers the Environmental Statement and associated documents are fit for purpose.	N/A	The Environmental Statement (and the Scheme's WFD which was submitted as a standalone document) has been reviewed by the Environment Agency. The WFD (REP3-004) was updated and submitted into the examination at deadline 3.	Agreed

SoCG Ref. Number	Relevant examination document	Relevant Issue	Environment Agency comment	National Highways response	Status
	water environment (APP-069); Chapter 14: Climate (APP-070); Chapter 15: Assessment of cumulative effects (APP-071). FRA (APP-056) WFD (APP-055)			The latest version of the FRA was submitted into the DCO examination at Deadline 8 following updates to the flood model to include the 2021 climate change uplifts. This is currently still under review EA (as of April 2022)	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					
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	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:	Meetings were held between the Applicant and the EA on flood risk (19 April 2022) and contaminated land / hydrogeological risk assessment (21 April 2022). During which, the wording of DCO requirements 4, 6 and 9 were discussed. The Applicant and the EA agreed to strengthen the commitments in the REAC in-lieu of amending the dDCO for Requirements 4 and 9.	Under discussion

SoCG Ref. Number	Relevant examination document	Relevant Issue	Environment Agency comment	National Highways response	Status
		<p>risk) are fit for purpose.</p>	<p>Requirement 4(1) – Second Iteration Environmental Management Plan (EMP) Requirement 6(1) – Contaminated Land Assessment Requirement 9(1) – Flood Risk Assessment</p> <p>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.</p> <p>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.</p> <p>Where further condition submissions are dependent upon pre-defined 'baseline reporting' (e.g. the First Iteration of the</p>	<p>Requirement 6 of the dDCO is currently with the EA for agreement and has been submitted at Deadline 9.</p>	

SoCG Ref. Number	Relevant examination document	Relevant Issue	Environment Agency comment	National Highways response	Status
			<p>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).</p> <p>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.</p>		
4.1	dDCO	dDCO Requirement 4	<p>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 (<i>italics</i>) to the effect of the below, thus ensuring that our concerns outlined above will be addressed:</p>	<p>It was agreed during the meeting with the EA on 21 April 2022 that the reassurance required by the EA can be provided through an updated REAC and the submission of an outline Dewatering Management Plan for Deadline 9, avoiding the need to amend the dDCO requirement(s).</p>	Agreed

SoCG Ref. Number	Relevant examination document	Relevant Issue	Environment Agency comment	National Highways response	Status
			<p>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:</p> <p>Development of the pre-construction baseline conditions of all features identified during a comprehensive water features survey.</p> <p>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</p> <p>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.</p> <p>Development of a dewatering plan and groundwater monitoring plan that shall be implemented to ensure the continued</p>		

SoCG Ref. Number	Relevant examination document	Relevant Issue	Environment Agency comment	National Highways response	Status
			<p>safeguards abstractions that have been identified as a part of the agree water features survey.</p> <p>Production of the report outlined above should be carried out by a competent person(s) in line with paragraph 178 of the NPPF.</p> <p>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.</p>		
4.2	dDCO	dDCO Requirement 6	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	During the meeting on 21 April 2022 the EA indicated they were still looking through the Arcadis and SOCOTEC reports, and could not comment further on whether they considered that the	Under discussion

SoCG Ref. Number	Relevant examination document	Relevant Issue	Environment Agency comment	National Highways response	Status
			<p>environmental context for the site and our wider assessment of other associated reporting (i.e. the Hydrogeological Risk Assessment).</p> <p>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 Hydrogeological Risk Assessment). 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.</p> <p>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):</p>	<p>submitted information provided was sufficient to confirm baseline conditions. The applicant has put forward amended wording of Requirement 6 to the EA for agreement following the meeting on 21 April 2022.</p> <p>The Hydrogeological Risk Assessment has screened available groundwater quality data against Environmental Quality Standards (EQS). The samples collected during the 2021 pumping test, believed to be most representative of any future dewatering discharge, show exceedances for some determinands that may pose a risk to surface water courses. These determinands are likely to be naturally occurring within the aquifer. Groundwater quality will be assessed in greater detail to inform the Dewatering Management Plan and any permit applications associated with the dewatering works during detailed design.</p>	

SoCG Ref. Number	Relevant examination document	Relevant Issue	Environment Agency comment	National Highways response	Status
			<p>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:</p> <p>A preliminary risk assessment which has identified:</p> <ul style="list-style-type: none"> all previous uses potential contaminants associated with those uses a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site <p>A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off- site.</p> <p>The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.</p> <p>A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the</p>		

SoCG Ref. Number	Relevant examination document	Relevant Issue	Environment Agency comment	National Highways response	Status
			<p>remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.</p> <p>Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the relevant planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.</p> <p>We consider this recommendation for alteration of 6(1) to be in accordance with the NPPF (paragraph 174) and the DEFRA Land Contamination Risk Management (LCRM) guidance document 2021 (available here). Preparation of reporting for requirement 6(1) should be carried out by a competent person(s) in line with paragraph 178 of the NPPF.</p>		
<p>5. Matters for detailed approval</p>					

SoCG Ref. Number	Relevant examination document	Relevant Issue	Environment Agency comment	National Highways response	Status
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
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	Noted	Under discussion

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			required from Tameside MBC. The applicant has requested an initial discussion regarding these permits at a meeting in mid Dec 2021/early Jan 2022.		
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 environment have been identified at this stage.	Agreed
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	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	Noted	Agreed

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	environment (APP-069)		maximise their value as identified through CIRIA best practice guidance.		
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
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

SoCG Ref. Number	Relevant examination document	Relevant Issue	Environment Agency comment	National Highways response	Status
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

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10. Construction and Environmental Management Issues					
10.1 Matters listed under assessment of principles					
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	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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			<p>included in future submissions so that it can be reviewed before making a decision.</p> <p>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</p>		
10.1..1.2	<p>ES Chapter 10 Material Assets and waste (APP-066)</p> <p>REAC (APP-184)</p>	<p>Contamination or pollution incidents of water receptors resulting from storage or movement of material assets and waste</p>	<p>No comments received</p>	<p>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)</p>	<p>Agreed</p>
10.1.2 The water environment, drainage, flood risk assessment, water frameworks directive					
10.1.2.1	<p>ES Chapter 13: Road drainage and the water environment (APP-069)</p>	<p>Groundwater</p> <p>Groundwater Scheme impacts (Groundwater flow and groundwater quality)</p>	<p>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.</p> <p>Due to the programme, the additional ground investigation and hydrogeological risk assessment is being undertaken after the DCO application has been submitted.</p>	<p>Outcomes of the assessment will be discussed with EA once hydrogeological risk assessment has been submitted.</p>	<p>Under discussion</p>

SoCG Reference Number	Relevant examination document	Relevant Issue	Environment Agency comment	National Highways response	Matters to be addressed/agreed post DCO examination
10.1.2.2	ES Chapter 13: Road drainage and the water environment (APP-069)	Water diversions and crossings Realignment proposals	<p>River alignments will follow best practice as outlined from previous EA comments, as below:</p> <p>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.</p> <p>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.</p>	<p>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.</p> <p>EA agreed with the WFD in general comments in letter dated 14 November 2021 (ENVPAC/1/GMC/00305).</p>	Agreed
10.1.2.3	WFD (APP-055)	Water Framework Directive Scope for Water Framework Directive	<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 Zol 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</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 Zol 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</p>	Agreed

SoCG Reference Number	Relevant examination document	Relevant Issue	Environment Agency comment	National Highways response	Matters to be addressed/agreed post DCO examination
			<p>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>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>	
10.1.2.4	ES Appendix 13.1 – Water Environment Data and Assessments (APP-178)	<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
10.1.2.5	ES Chapter 13: Road drainage and the water environment (APP-069)	<p>Water quality</p> <p>Water quality monitoring</p>	No specific Environment Agency response recorded.	Discharge consents would be sought for any new discharges.	Agreed

SoCG Reference Number	Relevant examination document	Relevant Issue	Environment Agency comment	National Highways response	Matters to be addressed/agreed post DCO examination
10.1.2.6	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 2021. The HEWRAT results were presented at consultation meeting on 25 November 2021. Technical Representative from the Environment Agency was not present at the meeting.	Agreed
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
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

SoCG Reference Number	Relevant examination document	Relevant Issue	Environment Agency comment	National Highways response	Matters to be addressed/agreed post DCO examination
10.1.2.10	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
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	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	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
			to interlink and connect these with similar ecological habitat types.	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.	
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 EMP (Second iteration) 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 quality of some priority habitats currently identified as having these non-native species.	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 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).	Agreed

SoCG Reference Number	Relevant examination document	Relevant Issue	Environment Agency comment	National Highways response	Matters to be addressed/agreed post DCO examination
10.1.3.4	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
10.3. Whether potential releases can be adequately regulated under the pollution control framework, consistent with the National Policy Statement for National Networks					

SoCG Reference Number	Relevant examination document	Relevant Issue	Environment Agency comment	National Highways response	Matters to be addressed/agreed post DCO examination
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	<p>The FRA submitted (TR010034-001090-TR010034_5.5_Flood_Risk_Assessment (4)D5_230222_Rev3) [REP-5-010] is not based on current fluvial climate change allowances. Consequently, it should not be considered / defined as part of wording of requirement 9 (1) as being acceptable as our previous concern regarding the assessment of future climate change impact remains outstanding.</p> <p>To address this issue we would advise that either of the following actions / options should occur:</p> <p>1) The FRA is updated prior to DCO determination (utilising approved modelling which factors the latest climate change guidance) and is assessed.</p>	<p>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. The latest climate change allowances (2021) have been applied to the flood model</p> <p>A meeting was held between the Applicant and the EA on 19/04/2022 to discuss the latest changes to the FRA submitted at Deadline 8 and the flood model. The FRA and flood model are currently with the EA for review. The Applicant is expecting a response on these deliverables w/c 02/05/2022.</p>	Under Discussion

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			<p>OR</p> <p>2) If the FRA cannot be updated in advance of DCO determination, then condition of 9(1) should be amended to require the submission of an updated / revised FRA (utilising latest climate change guidance) prior to commencement of development.</p> <p>If option 2 outlined above is progressed, then in advance of this occurring, we recommend / advise that applicant will need to provide sufficient evidence and assurance to the Examining Authority that the development design presented is feasible (see also comments for issue topic 11.3) and there is confidence it would remain feasible once updated climate change guidance is factored i.e. would not result in requirement for what may be considered a material change to the development proposal.</p>		
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. Discussions between the Applicant and the EA will continue throughout the Detailed Design stage of the Scheme	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. Discussions between the Applicant and the EA will continue throughout the Detailed Design stage of the Scheme.	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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