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**Our ref:** SO/2022/121848/07-L01  
**Your ref:** Deadline 10 - 05/05/2022  
**Date:** 05 May 2022

**FAO: Edwin Mawdsley / A57 Planning Inspectorate**

Dear Sirs

**APPLICATION BY NATIONAL HIGHWAYS FOR AN ORDER GRANTING  
DEVELOPMENT CONSENT FOR A57 LINK ROADS PROJECT:**

**DEADLINE 10 (5TH MAY 2022) ENVIRONMENT AGENCY COMMENTARY &  
WRITTEN RESPONSE TO:**

- **RELEVANT SUBMISSIONS MADE BY THE APPLICANT (NATIONAL HIGHWAYS) UNDER EXAMINATION DEADLINE 9**

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Thank you for the opportunity for the Environment Agency (EA) to provide the Examining Authority (ExA) with written representation / commentary in relation to the further and revised submissions made by the applicant under Deadline 9 (D9) of the A57 Development Consent Order (DCO) Examination. Notification on the availability of D9 submissions was received by the EA on the 29<sup>th</sup> April 2022.

For the purpose our Deadline 10 (D10) written representation, we have chosen to focus our response on the D9 submissions made by the applicant which we consider to be of key importance to enabling ExA to reach an effective conclusion to the DCO examination process. However, should the ExA identify there to be any wider submissions made under D9 or otherwise which this response does not address and for which EA review/ comment is considered necessary, then please do not hesitate to notify us at the earliest possible opportunity.

In accordance with the above statement, please find detailed within the relevant sub-sections of our letter below EA commentary in relation to the following D9 submissions:

- Deadline 9: [REP9-008] / [REP9-023] – 7.2 Environmental Management Plan (1<sup>st</sup> Iteration)
- Deadline 9: [REP9-009] / [REP9-026] – 7.3 Register of Environmental Actions and Commitments
- Deadline 9: [REP9-015] – 9.15 Statement of Common Ground with Environment Agency
- Deadline 9: [REP9-013] – 9.8 draft DCO showing all changes since the previous submitted version (tracked)

Environment Agency  
Richard Fairclough House Knutsford Road, Warrington, WA4 1HT.  
Customer services line: [REDACTED]

Cont/d..

- Deadline 9 – [REP9-030] 9.82 River Etherow Outfall Technical Note

## **EA Commentary: 7.2 Environmental Management Plan [REP9-008] / [REP9-023]**

Having reviewed the contents of the latest D9 version of the 1<sup>st</sup> Iteration Environmental Management Plan (EMP), we note the following changes:

- Submission of outline Carbon Management (CMP) Annex B.9
- Submission of outline Dewatering Management Plan (DWP) Annex B.8
- Addition of Design Approach Document (DAD) included within annex C.1 with Design Approach

We have no formal comment to make on the CMP or DAD at this stage in proceedings.

We welcome the submission of an outline DWP by the applicant. As outlined within our previous written response for D9, as part of the wider conversations between the EA and applicant's project team, we have collectively established that, in combination with the written requirements of the draft DCO (notably Requirement 6), the DWP will (as part of 2<sup>nd</sup> EMP iteration) be a critical document for addressing the EA concerns regarding the potential (if not suitably managed) for long-term adverse environmental impacts (arising from the dewatering of groundwater resources).

We can confirm that the review of the outline DWP provided under Annex B.8 has been completed by our Groundwater and Contaminated Land Team who advise that the outline plan is adequate for its understood intended purpose; supporting the EMP (1<sup>st</sup> iteration) by providing a high-level overarching strategy document from which, as noted within Section 1 the EMP (1<sup>st</sup> iteration) and governed by Requirement 4 of the DCO, a detailed DWP (as part of EMP 2<sup>nd</sup> iteration) can be developed as part of progressing the assessment and finalisation of the detailed design of the A57 scheme.

However, regarding the contents of the outline DWP itself, our GWCL Team has noted that, whilst it is acknowledged that this is intended to be high level version of the DWP only, there is limited reference to matter of the Hydrogeology Risk Assessment (HRA) (Sections 4.1.1.1 and 6.1.1.1 only).

The HRA (which is understood to be updated in due course) is a critical part of ensuring that the approach taken to the development will not result in adverse impacts. To this end, as submitted, the outline DWP does not specifically include the requirement for the proposed development to be carried out in accordance with the HRA. Presently, there is concern within our GWCL Team that, in construction of the development, insufficient consideration would be given by the third-party contractors to the (updated) HRA due to this not forming a front facing DCO compliance point (worded requirements) and instead being encapsulated within the EMP / DCO Requirement 4.

To support the DCO the EA has to be secure in its understanding of the environmental context for the highway development and be able to confidently recommend to the ExA that the development can go ahead safely, that there are adequate safeguards in place for the protection of the environment and the groundwater resources in the area, such that adverse impact will not occur either in the short term during construction and afterwards, in the longer term, once the road project is complete.

In virtue of the above, at this present time, we advise the ExA's previous suggested wording, as detailed under draft DCO requirement 6 (6)-(8), relating the submission of a

further HRA, is reintroduced to Req 6. However, we recognise through further discussion with the applicant (intended to occur prior to Deadline 11 (D11)) that a jointly supported approach to this matter may be found. Consequently, we advise the ExA to await further future submission by the applicant before seeking to determine this.

In the interest of avoiding doubt, we would also take this opportunity to confirm to the ExA that the outline Construction Water Management Plan (Annex B.3), Site Waste Management Plan (Annex B.4) and Materials Management Plan (Annex B.5) are acceptable to the EA and we look forward to submission of further detailed versions of these by the applicant (as part of the 2<sup>nd</sup> EMP iteration) in due course.

### **EA Commentary: 7.3 Register of Environmental Actions and Commitments (REAC) [REP9-009] / [REP9-026]**

Regarding the REAC, we are aware from continued correspondence with the A57 project team, that further updates to the REAC, which will supersede the current D9 version of this document will occur. We anticipate that the applicant will be submitting an updated version of the REAC as part of D10 which, as part of ensuring confidence in further iteration of the EMP and associated sub-plans, will incorporate a series of additional advisories from the EA (strengthening and clarification of current action / commitment wording) notably in relation to the provision of an updated HRA as part of further EMP iteration.

### **EA Commentary: 9.15 Statement of Common Ground (SoCG) with Environment Agency [REP9-015]**

Regarding the SoCG, we advise the ExA that further to our previous responses (for Deadlines 8 and 9), that discussion and refinement of this document (further to the D9 iteration) is still being progressed. From associated correspondence, we are aware that the applicant is intending to submit as part own D10 submission an updated version of the SoCG. However, we anticipate that further iteration of the SoCG beyond the D10 submission will also occur. Provided that a jointly agreeable outcome to the outstanding concern of the EA (see comments above regarding HRA focus) can be reached, we anticipate that it will be possible for the EA to provide sign-off of the SoCG as part of D11.

### **EA Commentary: 9.8 draft DCO showing all changes since the previous submitted version (tracked) [REP9-013]**

#### Schedule 2 Requirement 6 (Contaminated Land and Groundwater)

As outlined within the commentary above for the outline DWP submitted under the EMP (1<sup>st</sup> Iteration), due to concerns regarding the prominence of the HRA, we are presently unable to provide recommendation to the ExA that applicant's wording of Requirement 6 detailed under Schedule 2, Part 1 of the draft DCO (D9 version) is acceptable. We advise ExA (as will also be outlined with the D10 SoCG submission), that we are currently undertaking further discussions with the applicant's project team regarding the wording of Requirement 6 with an intention of these concluding in time for preparation by an updated DCO by D11.

We anticipate that the applicant's correspondence under D10, on the subject of the draft DCO, will be of similar impression to the above EA statement.

## Schedule 2 Requirement 9 (Flood Risk Assessment)

As part of our previous correspondence under D9, we advised the ExA that it was our understanding that the applicant would be submitting, as part of further DCO iteration, revised wording for Requirement 9. We note from the latest D9 iteration of the draft DCO that this has not occurred and therefore, additional / revised wording to the effect of confirming that submission of 'an updated (detailed design version) of the FRA with associated flood modelling will be required' is absent.

As part of ongoing correspondence between the EA and the applicant's project team, the absence of revision to the wording of Requirement 9 has been queried. In response, we (the EA) have been advised an updated version of the REAC (anticipated for D10 submission by the applicant), which will include revision to action RD1.21 confirming the requirement for submission of detailed FRA and flood modelling, will be provisioned. However, for the purpose of the ExA, we note the current text of RD1.21 under the D9 iteration of the REAC includes wording to the effect of confirming that a Detailed Design Flood model and FRA will be consulted and agreed with the EA during the detailed design stage. In virtue of this (and the forthcoming D10 update) in ensuring adherence to Require 4 of the DCO the current wording of Requirement 9(2) will be automatically triggered at the appropriate stage.

In light of the above (trigger point), we now advise the ExA that alteration of the wording for Requirement 9 is no longer considered to be critical by the EA. However, in similar vein to the current discussion with the applicant regarding the wording of Requirement 6 (HRA focus), we advise that the ExA may wish to consider that a more appropriate approach would be include worded to the effect of RD1.21 within a re-worded version of Requirement 9.

### **EA Commentary: 9.82 River Etherow Outfall Technical Note [REP9-030]**

Due to current internal resource constraints and limited availability of time, we advise the ExA that we have not been able to undertake an in-depth review of the current contents of this technical note. However, as detailed within summary of this document we note the request made by the applicant for acceptance of outfalls servicing the Catchments 4 & 6 and flows listed within Table 3-1.

Regarding the design and structure of the two outfalls, we advised the applicant that until we are sighted on the specific details of these two outfall structures, which we anticipate will be submitted as part of Flood Risk Activity Permit (FRAP) submission referenced within the technical note (section 5.1.2), that it will not be possible for us to confirm acceptance of these features. We are unable, at this present time, to ascertain whether the design of these will suitably integrate into the riparian environment of the River Etherow.

In relation to outfall design, we would take opportunity to signpost the project team to the following guidance which we advise is considered / utilised for this purpose of designing the outfalls in question: [REDACTED]

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We trust the ExA will find the contents of this letter beneficial. However, should you have any queries or questions then please do not hesitate to get in contact. We look forward to the opportunity to make further representation as part of examination D11.

Yours Sincerely,

**Mr Andy Davies**  
**Sustainable Places Advisor**

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