

Via National Infrastructure Planning
On-line portal

Our refs: AE/2021/126519/01-L01
20028402

Your ref: TR010037

Date: 22 October 2021

Dear Sir/Madam

APPLICATION BY HIGHWAYS ENGLAND FOR THE A47/A11 THICKTHORN JUNCTION PROJECT

THE EXAMINING AUTHORITY'S FIRST WRITTEN QUESTIONS (EXQ1)

Please find below our responses to the questions posed:

Biodiversity, Ecology and Natural Environment (including Habitats Regulations Assessment (HRA))

BIO.2.1 Cantley stream update

The Applicant, Environment Agency

The Environment Agency [RR-004] have identified that some additional detailed survey and modelling work is being undertaken by the Applicant for their approval. Can the Applicant and Environment Agency provide an update of when this information is to be agreed and submitted to the examination?

We completed a detailed review of the revised flood model and provided the Applicant with further comments on 19 August 2021. Those comments highlighted some further points for the Applicant to address before the flood model could be deemed suitable for use.

The Applicant provided us with a response to those points on 22 September, and our flood modelling team is currently in the process of reviewing that information. We would expect to be consulted on a revised Flood Risk Assessment following a positive conclusion to that review.

Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations

CA.1.9 Protective Provisions

Network Rail, Cadent Gas, Environment Agency, National Grid

It is stated in the respective RRs [RR-RR-008], [RR-003], [RR-004], [RR-007] that adequate Protective Provisions are required in the draft DCO [APP-015]. To date,

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these have not yet been agreed with the Applicant. The ExA requires a regular update to this position.

If, by Deadline 5, Monday 20 December, Protective Provisions have not been agreed, the ExA requests the relevant Statutory Undertaker's preferred wording, clean and tracked changed, together with an explanation of where the difference(s) of opinion lie(s).

This question would not appear to be relevant to the Environment Agency. We have not required the inclusion of Protective Provisions as the Applicant has not requested the disapplication of any consents or permits that we would determine.

Draft Development Consent Order (DCO)

DCO.1.9 Requirements 4, 6 and 8

The Applicant, Environment Agency

The Environment Agency through written submission [RR-004] has requested modification of Requirement 6 and that they are added as a named consultee to Requirements 4 and 8.

Can an update of the revised wording to be used be given?

In respect of Requirement 4 Environmental Management Plan, we note from the Applicant's Response to Relevant Representations [REP1-004], that the Environment Agency is to be added as a named consultee for this Requirement. Comment RR-004.2 includes proposed amended wording for inclusion in an updated dDCO to be submitted at Deadline 2. We will provide comment on the revised dDCO at Deadline 3, but we can confirm that the wording proposed would be acceptable to us.

Please see below for comments on Requirements 6 & 8.

DCO.3.3 Requirement 6

The Applicant, Environment Agency

Requirement 6 covering contaminated land and groundwater matters.

The Environment Agency advise that the proposed wording should be amended in so far as: the determination of the need for remediation in Part (2) should be based on a consideration of the risk assessment by all parties, rather than determined solely by the undertaker. Additionally, and also in respect of Part (2), remedial measures should be taken to render the land fit for its intended purpose and to prevent any impacts on controlled waters.

Can the applicant comment on this approach, detailing any agreement to altering the dDCO with revised worded to that currently advanced?

We note from the Applicant's Response to Relevant Representations [REP1-004], that the Applicant intends to amend the wording of Requirement 6 part (2) in a revised dDCO to be submitted at Deadline 2. We will provide comment on the revised dDCO at Deadline 3, but we can confirm that the wording proposed at RR-004.4 would be acceptable to us.

DCO.3.4 Requirement 8

The Applicant, Environment Agency

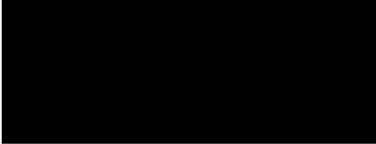
Requirement 8 concerning surface and foul water drainage.

Work on the detailed drainage design is specified as ongoing. The Environment Agency should therefore be a named consultee in respect of Requirement 8 for the approval of any surface and foul water drainage system.

Confirm and provide necessary amendment.

The Applicant has proposed in REP1-004 that Requirement 8 be amended as part of a revised dDCO for Deadline 2. The proposed wording is included in comment RR-004.6. While we welcome the proposed inclusion of the Environment Agency as a named consultee for part (1), we would request that we are also included as a named consultee in respect of part (2).

Yours faithfully



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