

*Submitted via National Infrastructure Planning
On-line portal*

Our refs: AE/2021/126481/01-L01
20028349

Your ref: TR010038

Date: 14 September 2021

APPLICATION BY HIGHWAYS ENGLAND FOR AN ORDER GRANTING DEVELOPMENT CONSENT FOR THE A47 NORTH TUDDENHAM TO EASTON PROJECT

Environment Agency response to the Applicant's comments on the Environment Agency's Relevant Representation.

Reference	Environment Agency Relevant Representation Comment	Highways England Response	Further Environment Agency Response at Deadline 2
RR-066.1	<p>APPLICATION BY HIGHWAYS ENGLAND FOR AN ORDER GRANTING DEVELOPMENT CONSENT FOR THE A47 NORTH TUDDENHAM TO EASTON PROJECT</p> <p>Please find below our relevant representation for the A47 North Tuddenham to Easton project.</p> <p>The Role of the Environment Agency</p> <p>The Environment Agency is a statutory consultee on all applications for development consent orders. We have a responsibility for protecting and improving the environment, as well as contributing to sustainable development. We have three main roles:</p> <p>(i) We are an environmental regulator – we take a risk-based approach and target our effort to maintain and improve environmental standards and to minimise unnecessary burdens on business. We issue a range of permits and consents.</p> <p>(ii) We are an environmental operator – we are a</p>	<p>The Applicant has recognised the role of the Environment Agency in its consultation and discussions with the Environment Agency prior to the application for a DCO being submitted.</p> <p>The Applicant will continue to work with the Environment Agency as the detailed design progresses, should the DCO be granted, and is seeking to agree a Statement of Common Ground.</p>	Noted

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	<p>national organisation that operates locally. We work with people and communities across England to protect and improve the environment in an integrated way. We provide a vital incident response capability.</p> <p>(iii) We are an environmental advisor – we compile and assess the best available evidence and use this to report on the state of the environment. We use our own monitoring information and that of others to inform this activity. We provide technical information and advice to national and local governments to support their roles in policy and decision-making. One of our specific functions is as a Flood Risk Management Authority. We have a general supervisory duty relating to specific flood risk management matters in respect of flood risk arising from Main Rivers or the sea. Overview and issues of concern.</p> <p>Our relevant representation outlines where we consider further work, clarification or mitigation is required to ensure that the proposal has no detrimental impact on the environment.</p>		
RR-066.2	<p>We have highlighted that further information is required in respect of assessing and mitigating the potential impacts of shading on the ecology of the River Tud at the proposed crossing.</p>	<p>The Applicant is continuing to liaise with the Environment Agency to provide the information required to clarify the assessment and mitigation for potential impacts from shading on the ecology of the River Tud at the proposed crossing. The outcome of these discussions will be recorded in a Statement of Common Ground.</p>	Noted

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RR-066.3	We are broadly satisfied with the assessments and proposals in respect of managing fluvial flood risk, subject to a number of points of clarification and a review of the detailed design. In general we are also satisfied with the approach taken to date and the mitigation proposed in respect of protecting surface water quality and groundwater resources. We have made a number of observations in respect of these issues and have highlighted that we will need to review further assessments and the detailed proposals prior to development commencing.	The Applicant is grateful for the positive feedback from the Environment Agency with regards the proposals to manage flood risk and proposed mitigation for surface and ground water resources. The Applicant is continuing to liaise with the Environment Agency to provide the information required in response to their observations and has responded below to the requested DCO Requirement changes. The outcome of these discussions will be recorded in a Statement of Common Ground.	Noted
RR-066.4	We have requested an amendment to Requirement 6, and that we are added as a named consultee to Requirements 4 and 8. Please do not hesitate to contact me if you require any further information. We look forward to continuing to work with the applicant to resolve the matters outlined within our relevant representation to ensure the best environmental outcome for the project.		
RR-066.5	1.0 Document 3.1 Draft Development Consent Order (DCO) 1.1 We note that the applicant is not seeking to dis-apply environmental permits. We would like to remind the applicant that it will be necessary to apply for and have in place all necessary permits prior to any works commencing.	The Applicant acknowledges the requirement to apply for, and have in place, all necessary permits prior to any works commencing. This process will begin in early 2022 and the Applicant will consult with the Environment Agency on the permit requirements.	Noted
RR-066.6	1.2 Requirement 4 requires the preparation of an Environmental Management Plan (EMP) and associated documents. The EMP is a mechanism to ensure the delivery of mitigation measures during the construction phase as outlined in the	The Environment Agency will be a named consultee under dDCO (APP-017) Requirement 4 'Environmental Management Plan' and will be able to review and	Noted – see comments below (RR-066.7)

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	<p>Environmental Statement, including those in Chapter 13 Road drainage and the water environment. Although we are generally satisfied with the approach taken in identifying the potential adverse effects of the proposed scheme on surface water quality and groundwater resources, and with the mitigation outlined to date, the Environment Agency should have the opportunity to review and comment on the detailed proposals prior to construction.</p>	<p>comment on the detailed design and through the application of permits.</p>	
RR-066.7	<p>1.3 The Environment Agency should be included as a named consultee in respect of Requirement 4, for matters relevant to our remit.</p>	<p>Requirement 4 of the dDCO has been updated as follows: 4.—(1) No part of the authorised development, except for the ecological works, is to commence until an EMP (Second Iteration) for that part, substantially in accordance with the EMP (First Iteration) has been submitted to and approved in writing by the Secretary of State, following consultation by the undertaker with the relevant planning authority, and local highway authority and the Environment Agency to the extent that the content of the EMP (Second Iteration) relates to matters relevant to their functions.</p>	<p>We note that the draft DCO (Rev 1) [REP1-003] includes the requirement for the Environment Agency to be consulted on the Second Iteration of the EMP. On that basis, we can confirm that we are satisfied that this issue is resolved.</p>
RR-066.8	<p>1.4 Given that construction activity will be required to take place in and around areas of fluvial Flood Zone 2 and 3 (medium and high probability), an Emergency Flood Plan should be prepared. It is currently not clear whether such a document will form part of the EMP, and this should be confirmed.</p>	<p>Action RD2 in the record of environmental actions and commitments, which forms Table 3.1 in the Environmental Management Plan (APP-143), proposes emergency response procedures to manage risks to people and property during construction.</p>	<p>We welcome the clarification that an emergency flood plan will form part of the EMP.</p>

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		<p>Action RD2 also confirms construction method statements and other requirements would need to be approved by the Environment Agency, Norfolk Rivers District Internal Drainage Board and Norfolk County Council (the Lead Local Flood Authority) as required by their respective consenting and approvals.</p> <p>The commitment to deliver this action will be secured through dDCO Requirement 4 'Environmental Management Plan'.</p>	
RR-066.9	<p>1.5 We support the inclusion of Requirement 6 Contaminated land and groundwater, and we welcome the inclusion of the Environment Agency as a named consultee. However, the proposed wording should be amended. 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.</p>	<p>Requirement 6 of the dDCO has been updated as follows:</p> <p>(2) Where the risk assessment prepared in accordance with sub-paragraph (1) undertaker determines that remediation of the contaminated land is necessary, a written scheme and programme for the remedial measures to be taken to render the land fit for its intended purpose and to prevent any impacts on controlled waters must be submitted to and approved in writing by the Secretary of State, following consultation by the undertaker with the relevant planning authority on matters related to its function and the Environment Agency.</p>	<p>We note the proposed amendment to R6 in the dDCO. Given that we will have the opportunity to review and comment on the risk assessment under part (1) of R6, we can confirm that we are satisfied with the proposed amendment and that this issue is now resolved.</p>
RR-066.10	<p>1.6 Requirement 8 is concerned with Surface and foul water drainage. As detailed below, we are generally satisfied with the approach proposed to</p>	<p>The Environment Agency will be a named consultee under DCO Requirement 8 'Surface and foul water drainage' and will be</p>	<p>Noted – see comments below (RR-066.11)</p>

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	date. However, work on the detailed drainage design is on-going. It will be important for us to review and confirm that the detailed proposals are acceptable.	able to review and comment on the detailed design and through the application of permits.	
RR-066.11	1.7 The Environment Agency should therefore be a named consultee in respect of Requirement 8 Surface and foul water drainage system.	Requirement 8 of the dDCO has been updated as follows: 8. —(1) No part of the authorised development, except for the ecological works, is to commence until, for that part, written details of the surface and foul water drainage system, reflecting the drainage strategy and the mitigation measures set out in the REAC including means of pollution control, have been submitted and approved in writing by the Secretary of State following consultation by the undertaker with the relevant planning authority and the Environment Agency on matters related to its function.	We note and welcome the proposed amendment to part (1) of R8. But as stated in our Written Representation submitted at Deadline 1, we would request that the Environment Agency are also added as a named consultee for part (2). This will ensure that we are able to review any required amendments to the previously approved details.
RR-066.12	2.0 Document 3.3 Consents and Licences Position Statement 2.1 We note the inclusion of Appendix A - Table of Consents and Agreements as required from consenting authorities, including the Environment Agency. We welcome early discussions on these authorisations and note that progress is to be reported in a Statement of Common Ground.	The Applicant is continuing to liaise with the Environment Agency and will be discussing the required authorisations. The Applicant is working with the Environment Agency to prepare a Statement of Common Ground.	Noted
RR-066.13	2.2 It should be noted that the Environment Permitting (England and Wales) Regulations from 2007 onwards replaced the permitting system in the Pollution Prevention and Control Act. Guidance on	The comments from the Environment Agency have been noted and the Consents and Agreements Position Statement (APP-020) has been updated.	We welcome the updated document, and we are satisfied that this point has been resolved.

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	this can be found in the DEFRA Environmental Permitting: Core Guidance document.		
RR-066.14	2.3 On the issue of 'Waste and Materials', it should be noted that an Environmental Permit will be required for the importation and treatment of waste material falling outside the scope or limits detailed in either a Regulatory Position Statement or a waste exemption. In respect of 'Waste Materials', the consenting authority for certain mobile plant permits such as concrete crushers is the relevant local authority, and therefore they should be listed along with the Environment Agency.	The comments from the Environment Agency have been noted and the Consents and Agreements Position Statement (APP-020) has been updated.	We welcome the updated document, and we are satisfied that this point has been resolved.
RR-066.15	3.0 Document 6.1 Environmental Statement Chapter 8 - Biodiversity 3.1 This chapter details the loss of some habitat types that fall within the footprint of the work, and acknowledges that compensatory habitat can take some time to re-establish (including floodplain grazing marsh and mixed deciduous woodland). We note that compensatory habitat is to be delivered, monitored and managed through the Landscape and Ecology Management Plan (LEMP), as part of the Environmental Management Plan (EMP). The EMP falls under Requirement 4, and as highlighted in 1.2 (above) we would wish to be consulted on this.	Please see the response to RR66.07; the dDCO (APP-017) has been amended accordingly.	See comments under RR66.07. We are satisfied that this issue is resolved.
RR-066.16	3.2 The results of the white-clawed crayfish survey (Appendix 8.5), show that the invasive signal crayfish have become much more numerous in the past 3-4 years, and that numbers of white clawed crayfish have further declined. The remaining population of white clayed crayfish is extremely vulnerable to	The Environmental Management Plan (APP-143) will contain Annexes B.6 Biosecurity Management Plan and B.10 Invasive Non-Native Species, to be produced prior to construction. These plans will describe the biosecurity and invasive species control	We welcome this confirmation and look forward to reviewing these documents.

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	<p>crayfish plague. It must be ensured that any work in or near the water will be preceded by strict biosecurity measures, in particular a thorough Check-Clean-Dry of machinery equipment and clothing must be undertaken. Such measures must be included in the EMP.</p>	<p>measures to be applied during construction of the Project. The commitment to deliver these plans will be secured through dDCO Requirement 4 'Environmental Management Plan'.</p>	
RR-066.17	<p>3.3 As laid out in section 5.2.3 of the Otter and water vole survey report (Appendix 8.14), measures must be in place to ensure that otters can move freely up and down the watercourse ensuring access during both construction and scheme operation. Excavations and trenches must be covered overnight to prevent entrapment, and permanent fencing should be in place to exclude otter from the carriageway. We note the proposed installation of otter ledges at new culverts and the River Tud crossing.</p> <p>3.4 The Otter and water vole survey report (Appendix 8.14), also states that measures must be in place during construction to ensure that water vole are not impacted. A 5m buffer is to be retained from the top of the bank of the River Tud. Any displacement, if required, must be carried out within the displacement window 15 February – 15 April under Natural England licence. We note the reference to these measures in the EMP table 3.1 Record of Environmental Actions and Commitments (REAC).</p>	<p>All these measures are recorded under action BD8 in the record of environmental actions and commitments, which forms Table 3.1 in the Environmental Management Plan (APP-143). The commitment to deliver this action will be secured through dDCO Requirement 4 'Environmental Management Plan'.</p>	<p>We welcome this confirmation and look forward to reviewing.</p>
RR-066.18	<p>4.0 Document 6.1 Environmental Statement Chapter 9 – Geology and Soils 4.1 In respect of Table 9-4: Sensitivity of receptor; we would suggest that any</p>	<p>The ES Chapter 9 Geology and Soils (APP-048) does align regarding the sensitivity value prescribed for groundwater receptors.</p>	<p>We note the response from the Applicant to our comments. We would reiterate that we are satisfied</p>

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	<p>aquifer, principal or secondary, which supports potable supply should be accorded 'very high' values. However, we note that within Table 9-13: Determination of the significance of residual effects, 'Groundwater' as a feature (encompassing both principal and secondary aquifer) is identified as having 'very high' sensitivity.</p>	<p>Table 9.13 gives a "Very High" sensitivity for Groundwater principal and secondary A aquifers based on Table 9-4 of the ES Chapter 9 and DMRB LA 113.</p> <p>The Applicant confirms that the assessment undertaken in ES Chapter 9 primarily addresses the risk to groundwater receptors from contamination in geology or the soils from disturbance and mobilisation of contamination during construction and operation. Controlled water risks (including the effects on groundwater and abstractions) are assessed further in ES Chapter 13 Road drainage and the water environment (APP-052).</p>	<p>with the conclusions of ES Chapter 9 in respect of potential impacts and proposed mitigation.</p>
RR-066.19	<p>4.2 Regarding Table 9-5: Magnitude of impact; any impacts on groundwater abstraction, whether those abstractions are used for public or private potable supply, should be deemed to be of major magnitude. It will be essential to apply the principle that no private drinking water supplies can be derogated, even temporarily, without the prior consent of the owner and the provision of mitigation measures.</p>	<p>The ES Chapter 9 Geology and Soils (APP-048) addresses the risk to groundwater from disturbance or mobilisation of contamination in the geology and soils during construction and operation only. The impact and effect on groundwater is assessed further in ES Chapter 13 Road drainage and the water environment (APP-052). The magnitude of impact and sensitivity of receptor applied in Table 9-5 is compliant with that specified in DMRB LA 109 and LA 113.</p>	<p>We note the response from the Applicant to our comments. We would reiterate that we are satisfied with the conclusions of ES Chapter 9 in respect of potential impacts and proposed mitigation.</p>
RR-066.20	<p>4.3 Table 9-6: Baseline data. We have a few corrections to make in respect of this table. We would highlight that both the chalk and the sand & gravel aquifers are used for private domestic (i.e.</p>	<p>Existing text regarding the private abstractions does not specifically include private potable use as well as the currently mentioned agriculture and industrial</p>	<p>We note the response from the Applicant, which we believe should state 'specifically <i>exclude</i>' rather than 'include'. With regards to the SPZs at</p>

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	<p>potable) supplies in the area of the scheme, not just for agricultural purposes as recorded in the table. The new Anglian Water Services Public Water Supply borehole is in East Tuddenham not North Tuddenham; the associated Source Protection Zone 1 (SPZ1) should be assumed to extend 250m to east, south and west in addition to 1 km to the north. For information, the site was licensed in September 2020, to take water from the chalk for public supply, all year round.</p>	<p>processes. The impact and effect on abstractions, regardless of end use, are assessed within ES Chapter 9 Geology and Soils (APP-048) and ES Chapter 13 Road drainage and the water environment (APP-052).</p> <p>While the description of the SPZ may not match exactly the extents as it stands, this does not materially affect the assessment of risks to the abstraction, and all abstractions, in ES Chapter 9. The SPZ lies >1km to the south of the Scheme and therefore does not intersect the new road layout.</p> <p>See also the Applicant's response to RR-066.38.</p>	<p>East Tuddenham, we would highlight that the current mapped SPZ1 and SPZ2 are temporary while the SPZ1, SPZ2 and SPZ3 are modelled. As the influence of the abstraction will extend beyond the currently mapped extents, the SPZs will need to remain a consideration moving forward to the detailed design stage.</p>
RR-066.21	<p>4.4 Regarding 'Landfill records' and baseline data, records of former landfills taking 'inert' waste should be substantiated. Prior to regulation, proper records of waste types deposited were not kept, and records that do exist have been found to be incorrect at other sites.</p>	<p>The type of waste described as 'inert' when the landfill operated may not align with current inert definitions and could include a wider selection of wastes, but is the description in the source information consulted.</p> <p>The description of the waste types accepted by the landfill do not alter the outcome of the assessment as the landfill is outside of the Scheme and therefore not likely to be encountered.</p>	<p>Noted, but continue to bear in mind as necessary.</p>
RR-066.22	<p>4.5 For table 9-8: Potential receptors; this should include East Tuddenham SPZ1 and private groundwater abstractors.</p>	<p>Please see the response to RR-066.20.</p>	

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RR-066.23	4.6 As highlighted above, we support the inclusion within the draft DCO of Requirement 6 Contaminated land and groundwater, but have suggested two amendments to the proposed wording. We welcome the inclusion of the Environment Agency as a named consultee in respect of that Requirement.	Please see the response to RR66.09; the dDCO (APP-017) has been amended accordingly.	We confirm that we are satisfied with the proposed amendment.
RR-066.24	5.0 Document 6.1 Environmental Statement Chapter 10 – Material Assets and Waste 5.1 Appendix 10.2 Outline site waste management plan is comprehensive in its current form. But the references at 10.1.20 and 10.1.32 to the Environmental Permitting (England and Wales) Regulations 2010, should be updated to Environmental Permitting (England and Wales) Regulations 2016.	This is a typographical error and it does not affect the assessment and proposed mitigation reported in ES Chapter 10 Material assets and waste (APP-049).	Noted and agree.
RR-066.25	6.0 Document 6.1 Environmental Statement Chapter 13 – Road Drainage and Water Environment and Appendices 6.1 In respect of fluvial flood risk, a Flood Risk Assessment (FRA) has been prepared and is included as Appendix 13.1. We are generally satisfied with the FRA and with the proposed approach to managing fluvial flood risk across the scheme, subject to clarification on the points outlined below.	The Applicant notes that the Environment Agency is generally satisfied with the flood risk assessment and the proposed approach to managing fluvial flood risk subject to clarification of further points which are responded to below.	Noted
RR-066.26	6.2 The FRA confirms that a compensatory flood storage scheme is required to compensate for the loss of floodplain storage at the proposed River Tud crossing. As highlighted at paragraph 13.4.13 of ES Chapter 13, the Applicant has previously provided information to us to demonstrate that the flood		

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	<p>storage area indicated in drawing HE551489-GTY-ELS-000-DR-LX-30012 from document 6.8 Environmental Masterplan, has the potential to directly compensate on a volume-for-volume and level-for-level basis to prevent a loss of floodplain storage.</p>		
RR-066.27	<p>6.3 However, the submitted FRA does not currently include clear confirmation that appropriate flood storage compensation can be delivered. Further information, possibly as an addendum to the FRA, should be provided as part of the DCO application to demonstrate that the required volumes have been assessed and can be appropriately provided.</p>	<p>As agreed with the Environment Agency, the Applicant will provide further evidence illustrating how the flood compensation storage area could fit into the landscape to demonstrate that the flood storage compensation for the River Tud crossing can be delivered. The ExA will be kept informed of outcome of this exercise during the DCO Examination process, and the Applicant expects to be in a position to issue an update or further information at Deadline 3. The outcome will also be record in the Statement of Common Ground with the Environment Agency. If required, appropriate updates will be made to the DCO application documents and submitted to the ExA.</p>	<p>We confirm that we are satisfied with this approach, and look forward to reviewing the further information.</p>
RR-066.28	<p>6.4 FRA paragraph 7.1.2, in respect of the River Tud compensatory storage scheme, states that: “The proposal will be further reviewed at detailed design, where it will be appropriately contoured and sensitively tied into the landscape following the provision of updated topographic survey”. The Environment Agency would wish to review and agree that detail. It is not currently clear which mechanism will be used to enable us to review and</p>	<p>The Environment Agency will be a named consultee under dDCO (APP-017) Requirement 4 'Environmental Management Plan' and will be able to review and comment on the detailed design of the flood compensatory storage area under RD9 of Table 3.1: Record of Environmental Actions and Commitments in the Environmental Management Plan (APP-143).</p>	<p>We welcome this clarification and request that RD9 in Table 3.1 is amended to make clear that this action will be achieved through the EMP.</p>

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	<p>approve the detailed design. This should be confirmed. It would not be appropriate for this matter to be agreed as part of a Flood Risk Activity Permit.</p>		
RR-066.29	<p>6.5 The potential requirement for flood compensatory storage on the Oak Farm tributary is discussed at paragraph 7.2.3 of the FRA. This paragraph states: "it is proposed that no flood compensatory storage is provided. This has been agreed, in principle, with Norfolk County Council subject to the provision of more detail of the flood risk impacts within this assessment". It is not clear whether the provision of more detail is already contained within this assessment or is to be added. As above, the mechanism for reaching the final agreement on this issue needs to be defined. If flood compensatory storage is not provided, flood risk to an area of arable land will increase. For that scenario, it should be confirmed that any landowner affected is accepting of the increased risk.</p>	<p>Consultation is ongoing and further information is to be provided to Norfolk County Council with regards to the potential requirement for flood compensatory storage on the Oak Farm tributary. As stated in RR-037.61, ES Chapter 13 (APP-052) and the Flood Risk Assessment (APP-124 and APP-125) the Applicant recognises that the agreement regarding the requirement for floodplain compensation storage is subject to further information being provided. This is also reflected by the DCO boundary still including land for the provision of potential flood storage compensation for works on the watercourse at Oak Farm; i.e. reflecting our recognition flood storage compensation may still be required. The Applicant is engaging with landowner about the potential need to use their land for floodplain compensation. The final flood compensation need will be determined in consultation with Norfolk County Council as part of the detailed design development in support of applications for the required land drainage consents. The Environment Agency will be a named consultee under dDCO (APP-017)</p>	<p>We confirm that we are satisfied with this approach, subject to an action being added to Table 3.1 in the EMP to enable us to review and comment on the final proposals at Oak Farm tributary, as proposed by the Applicant.</p>

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		Requirement 4 'Environmental Management Plan' and as part of the process under Requirement 4 an action will be added to Table 3.1: Record of Environmental Actions and Commitments in the Environmental Management Plan (APP-143) to enable the Environment Agency to review and comment on the final proposals at Oak Farm tributary.	
RR-066.30	6.6 Regarding the possible need for compensatory flood storage on the Hockering watercourse, paragraph 7.3.2 of the FRA states that: "A detailed topographic survey is currently being undertaken, therefore the estimated volume of floodplain storage displaced will be reviewed at detailed design". As above, the mechanism for reviewing and agreeing the final design needs to be defined.	The Environment Agency will be a named consultee under dDCO (APP-017) Requirement 4 'Environmental Management Plan'. Under Requirement 4 the Environment Agency will be consulted to ensure a suitable action is added to Table 3.1: Record of Environmental Actions and Commitments in the Environmental Management Plan (APP-143) to require appropriate review and comment on the revised estimate of floodplain storage volume displaced based on the detailed design.	We confirm that we are satisfied with this approach, subject to an action being added to Table 3.1 in the EMP, as proposed by the Applicant.
RR-066.31	6.7 Paragraph 7.3.1 of the FRA notes that there will be a small displacement of water on the Hockering watercourse, calculated to be 27m ³ . The paragraph states: "Due to the poor quality of LiDAR within this area and the fact that cross-sections are mainly based on interpolation, an uncertainty allowance of 20% has been included in the estimate". As stated at ES paragraph 13.9.36, we agree that no compensatory storage would be required for a loss in floodplain storage of 27m ³ . However, the	Further evidence will be provided to support the proposed design and to confirm the requirement for flood compensation storage. The ExA will be kept informed of outcome of this exercise during the DCO Examination process, and the Applicant expects to be in a position to issue an update or further information at Deadline 3. The outcome will also be record in the Statement of Common Ground with the Environment	We confirm that we are satisfied with this approach, and look forward to reviewing the further evidence.

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	<p>Applicant should confirm that the 20% uncertainty allowance is a sufficient worst case scenario, and that there is no risk that a detailed topographic survey would change the amount of water displaced sufficiently to result in a compensatory storage scheme becoming required.</p>	<p>Agency. If required, appropriate updates will be made to the DCO application documents and submitted to the ExA.</p>	
RR-066.32	<p>6.8 In respect of surface water and ecology, paragraph 13.8.28 of the ES considers the potential impact of the River Tud crossing on the watercourse. Although shading is considered in respect of its potential effects on channel stability, structural damage and increasing sediment, the potential impact of the new 30m wide bridge deck on Water Framework Directive (WFD) Biological quality elements does not appear to have been assessed.</p>	<p>Open areas and areas of dense shading occur along the River Tud at a catchment scale and this provides the river with a greater degree of biodiversity than if all areas along the Tud were open. ES Appendix 8.4 Appendix 8.4 – River Tud Corridor Aquatic Invertebrate Survey (APP-099) states <i>“It is considered that any proposed works in and around the River Tud will have little impact on the invertebrate species recorded as long as mitigatory measures are taken to maintain river low rates and prevent possible sedimentation build up during works that may effect surface run-off or disturb the integrity of the river’s bankside.”</i> Shading from the proposed crossing will therefore have no effect on the invertebrate assemblage associated with the River Tud. In addition, the length of the River Tud area at the point of the crossing is shaded by trees.</p> <p>The Applicant is working with the Environment Agency to provide further assessment information on the macrophyte cover and marginal vegetation associated</p>	<p>As highlighted in our representations, it is our view that further assessment on the effects of shading on the River Tud as a result of the proposed bridge crossing is required.</p> <p>We welcome the further assessments being undertaken by the Applicant as described here and in respect of RR-066.34, and look forward to reviewing the outputs and subsequent proposals for mitigation. However, at this point we would wish to highlight that we would not consider the effects of shading from tree cover to be directly comparable to those caused by a bridge structure.</p>

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		<p>with the river at this point, to determine what compensatory measures, if any, would be required for loss of riparian vegetation in this area of the Tud due to shading. The ExA will be kept informed of outcome of this exercise during the DCO Examination process, and the Applicant expects to be in a position to issue an update or further information at Deadline 3. The outcome will also be record in the Statement of Common Ground with the Environment Agency. If required, appropriate updates will be made to the DCO application documents and submitted to the ExA.</p>	
RR-066.33	<p>6.9 Shading of the River Tud at this location may have profound impacts on the aquatic, marginal and bankside vegetation assemblage and consequently create a ‘dead zone’ where shading is densest. If vegetation is shaded out there will be a permanent loss of habitat for invertebrate species, and subsequently fish and mammal species as well. For some fish species dense shade is a barrier to migration. It should be demonstrated that the impact of shading has been assessed both alone, and in combination with the existing crossing which will be retained and with other relevant projects.</p>	<p>The River Tud has a number of areas that are both shaded and open, with a diversity of woodland and grassland habitats along its banks. The length of the crossing will not produce a tunnel effect so will not create a “dead zone” or a dispersal barrier for fish, therefore does not have an impact alone or in-combination. A water body with a variety of open and shaded areas creates variation in microclimatic conditions that is of benefit to different species.</p>	<p>We are pleased to note that further survey and assessment work is being undertaken by the Applicant, as detailed in RR-066.32 and RR-066.34. This work is will quantify baseline habitats and consider mitigation required as a result of the proposed scheme. We look forward to reviewing this further work.</p>
RR-066.34	<p>6.10 Drawing HE551489-GTY-ELS-000-DR-LX-30012 (from document 6.8 Environmental Masterplan), identifies an area for potential enhancement measures in the vicinity of the River Tud crossing. There must be confidence that ecological</p>	<p>The Applicant acknowledges the comment regarding the confidence in the potential enhancement measures in the vicinity of the River Tud crossing to compensate and mitigate against the impacts on aquatic and</p>	<p>We welcome the further assessments being undertaken by the Applicant as described here, and look forward to reviewing the outputs and subsequent proposals for mitigation.</p>

Reference	Environment Agency Relevant Representation Comment	Highways England Response	Further Environment Agency Response at Deadline 2
	<p>enhancements, which are to be detailed at a later stage, will be capable of appropriately compensating and mitigating any adverse effects of the proposals, including those caused through shading. The River Tud is priority Chalk Stream Habitat, which are protected under the Natural Environment and Rural Communities Act 2006 (NERC). The proposed development must also ensure that there is no deterioration in the current WFD status of the River Tud, and must not prevent the waterbody from achieving 'Good' status in the future. Further information is required to demonstrate that measures will be provided to mitigate all impacts of the proposed crossing.</p>	<p>riparian ecology. As outlined in the Applicant's response to RR-066.32, further assessment is being undertaken and the ExA will be kept informed of the outcome. This further survey will cover the area of the proposed crossing and other areas of watercourses to be affected by the Scheme and all areas being considered for proposed mitigation. The survey will comprise a river metric survey including a rivers condition assessment, to enable the Biodiversity Metric 2.0 to be used to quantify baseline habitats, habitats lost, restored and created. The survey data and analysis data will also inform the ecological compensation and mitigation measures to be developed during the detailed design stage to achieve no deterioration in the current WFD status of the River Tud and avoid preventing the waterbody achieving 'Good' status in the future.</p>	
RR-066.35	<p>6.11 Paragraph 13.8.30 of the ES highlights the impacts of the new and extended culverts on the ecology of the Oak Farm and Hockering watercourses. Paragraph 13.9.11 outlines the proposed mitigation and enhancement measures. Further information will be required to fully demonstrate that the detailed measures proposed will provide adequate compensation for the impacts on the specific ecology of the affected watercourses from the permanent loss of riparian habitat.</p>	<p>As outlined in the Applicant's response to RR-066.32 and RR-066.34, the Applicant is working with the Environment Agency to provide further information to confirm the measures proposed will provide adequate compensation for the impacts on the specific ecology of the affected watercourses from the permanent loss of riparian habitat. As for the ecology of the Oak Farm and Hockering watercourses, the further survey</p>	<p>We welcome the further assessments being undertaken by the Applicant as described here, and look forward to reviewing the outputs.</p>

Reference	Environment Agency Relevant Representation Comment	Highways England Response	Further Environment Agency Response at Deadline 2
		<p>will cover the area of the proposed crossing and other areas of watercourses to be affected by the Scheme and all areas being considered for proposed mitigation. As outlined in the Applicant's response to RR-066.32, the ExA will be kept updated and, if required, DCO application documents will be updated.</p>	
RR-066.36	<p>6.12 In respect of groundwater resources and quality, we would comment that in Table 13-1 Criteria for Estimating the Importance of Water Environment Attributes, the 'high' category should include principal and secondary aquifers supporting all drinking water supplies (public and private). In Table 13-2 Estimating the Magnitude of an Impact on an Attribute, we note that the 'major beneficial' category includes 'recharge of an aquifer. Artificial recharge to the chalk aquifer must be precluded.</p>	<p>The details provided in Table 13-1 of ES Chapter 13 (APP-052) are provided as set out in the DMRB LA113, however the Applicant agrees with comments that any aquifer providing a local important resource for drinking water supplies, whether principal or secondary, should be considered "high" importance. Table 13-7 highlights that the secondary superficial aquifers are assigned "high" importance due to private water supplies (for drinking water purposes). The Applicant accepts the comments that artificial recharge to the Chalk aquifer must be precluded and confirms that the Scheme does not include artificial recharge directly to the Chalk aquifer.</p>	<p>Comments noted and we welcome the confirmation that there will be no artificial recharge directly to the chalk aquifer.</p>
RR-066.37	<p>6.13 Paragraph 13.5.2 considers groundwater levels. We would suggest that the February/March 2021 levels are likely to be representative of maxima.</p>	<p>Groundwater level information collected over this period will be used in any further hydrogeological impact assessments during the detailed design stage and for determination of any dewatering requirements.</p>	<p>Comments noted.</p>

Reference	Environment Agency Relevant Representation Comment	Highways England Response	Further Environment Agency Response at Deadline 2
		<p>Full details of the groundwater level information used for the environmental impact assessment is provided in ES Appendix 13.4 Groundwater Assessment (APP-129). This is based on groundwater level monitoring collected as part of a ground investigation undertaken between March 2020 and August 2020.</p>	
RR-066.38	<p>6.14 With reference to paragraph 13.5.5, the temporary source protection zones for the new public water supply abstraction at East Tuddenham are available online.</p>	<p>A temporary source protection zone for the new public water supply abstraction at East Tuddenham is available online. The extents of the potential SPZ1 used in the assessments, as presented in ES Figure 13.7 (APP-079), extends beyond the temporary source protection zone and therefore provides a conservative approach to protection of the public water supply abstraction.</p>	<p>Comments noted. We will share the finalised extents of SPZ1, 2 & 3 when available. As highlighted under RR-066.20; the extent of the SPZs will need to remain a consideration moving forward to the detailed design stage.</p>
RR-066.39	<p>6.15 Paragraph 13.8.15 refers to the use of directional drilling for utilities crossings. Where directional drilling is to be used, the Environment Agency must be consulted prior to any works to agree a method statement. Any such works must not alter the hydraulic continuity or otherwise between strata, must use inert drilling fluids, and should include monitoring and breakout mitigation plans.</p>	<p>The Environment Agency will be a named consultee under dDCO (APP-017) Requirement 4 'Environmental Management Plan'. Under Requirement 4, the Environment Agency will be consulted to ensure a suitable action is added to Table 3.1: Record of Environmental Actions and Commitments in the Environmental Management Plan (APP-143) so the Environment Agency are consulted on the method statement directional drilling for utilities crossings.</p>	<p>Noted. We welcome the addition of the Environment Agency as a named consultee in respect of R4.</p>

Reference	Environment Agency Relevant Representation Comment	Highways England Response	Further Environment Agency Response at Deadline 2
RR-066.40	6.16 With reference to paragraph 13.8.16; the Environment Agency would like to be consulted on the methodology for any groundworks with the potential to disrupt vertical hydraulic gradients.	<p>The Environment Agency will be a named consultee under dDCO (APP-017) Requirement 4 'Environmental Management Plan'. Under Requirement 4, the Environment Agency will be consulted to ensure a suitable action is added to Table 3.1: Record of Environmental Actions and Commitments in the Environmental Management Plan (APP-143) so the Environment Agency are consulted on the methodology for any groundworks with the potential to disrupt vertical hydraulic gradients.</p> <p>The potential impacts of groundworks, including their potential to disrupt vertical hydraulic gradients are considered in ES Appendix 13.4 Groundwater Assessment (APP-129). Furthermore, a supplementary ground investigation is to focus on collection of additional information to inform groundworks and detailed design. Hydrogeological impact assessments will therefore be updated at the detailed design stage.</p>	Noted. We welcome the addition of the Environment Agency as a named consultee in respect of R4.
RR-066.41	6.17 The potential for impacts from spillages on shallow groundwater during construction should be included in Table 13.8. We note that this potential impact is included in Table 13.9 which considers potential effects during the operation of the proposed scheme.	The Applicant accepts that it is not clear that spillages from shallow groundwater during construction have been considered in Table 13.8 of ES Chapter 13, but it is considered and is combined with "earthworks within the saturated aquifer, including excavations, ground improvement, utilities, pilings, and	Response noted, although our comment was concerning any spillage that may affect shallow groundwater, not only impacts arising from earthworks within the saturated aquifer. However, we recognise that impacts from all sources are

Reference	Environment Agency Relevant Representation Comment	Highways England Response	Further Environment Agency Response at Deadline 2
		cuttings” on page 72. The potential impacts from spillages on shallow groundwater are discussed in paragraph 13.9.19 and considered in ES Appendix 13.4 Groundwater Assessment (APP-129).	discussed in paragraph 13.9.19 and that mitigation will be included in the EMP. We look forward to reviewing the 2nd iteration EMP under R4.
RR-066.42	6.18 In respect of the Drainage Strategy Report (Appendix 13.2), and paragraph 6.8.5, we would comment that no hazardous substances can be permitted to enter groundwater irrespective of the dilution potential.	The HEWRAT assessment referred to in paragraph 6.8.5 of ES Appendix 13.2 Drainage Strategy Report considers routine runoff only, using copper and zinc as indicative soluble substances, which are classed as non-hazardous substances. Hazardous substances are considered likely to result from a catastrophic spill, the risk of which is considered in the spillage assessment (see ES Appendix 13.3 Water quality assessment (APP-128)).	Comments noted, and also those made below in respect of RR-066.58. We look forward to reviewing the EMP under R4 to ensure that the risks from catastrophic spills on the water environment will be managed appropriately.
RR-066.43	6.19 We are pleased to note that filter drains will not be employed over areas where groundwater is within 1 m of the ground surface or within SPZ1. We request that drainage basins should also be excluded from these settings.	The ES Appendix 13.2 Drainage Strategy Report (APP-126 and APP-127) highlights that infiltration basins have been discounted because of poor ground conditions and other constraints on discharging to ground. The Scheme would utilise drainage detention basins discharging to outfall to nearby watercourses. There are no planned drainage basins within an SPZ2 or SPZ1, specifically, the temporary SPZs for the East Tuddenham abstraction.	Noted and we welcome the clarification in respect of infiltration basins and SPZ2 & SPZ1. As previously discussed the scheme will not include filter drains where groundwater within 1m of the ground surface and we look forward to reviewing detailed designs.
RR-066.44	6.20 We look forward to being consulted on Piling Works Risk Assessment (and those for other below-ground structures) in terms of obstruction to	The piling works risk assessment will incorporate baseline groundwater monitoring from the 2020 and 2021 ground investigation.	Noted.

Reference	Environment Agency Relevant Representation Comment	Highways England Response	Further Environment Agency Response at Deadline 2
	groundwater flow, water quality and the preclusion of contaminant mobilisation.		
RR-066.45	6.21 We also look forward to seeing the Preliminary Risk Assessment for GWDTE (Groundwater Dependent Terrestrial Ecosystems) and groundwater abstractions, and any subsequent Hydrogeological Impact Assessments for sites in proximity to underground works, along with water features surveys for drainage at cuttings.	The preliminary risk assessment for GWDTE and additional information on the hydrogeological impact assessment relating to below ground structures is contained within ES Appendix 13.4 Groundwater Assessment (APP-129). The impact assessment will be updated during detailed design phase, once the findings of a supplementary ground investigation are available. Water features surveys will also be undertaken at this stage, and the findings will be shared with the Environment Agency.	Noted.
RR-066.46	6.22 Overall, we are generally satisfied with the proposals and information outlined in the Drainage Strategy Report, but as indicated we will need to review and confirm that further assessments and the detailed proposals for both the construction and operational stages are acceptable. As highlighted above with regards to the draft DCO, the Environment Agency should therefore be a named consultee in respect of Requirement 8 (Surface and foul water drainage system), and, for matters relevant to our remit, Requirement 4 (Environmental Management Plan).	The Environment Agency will be a named consultee in respect of dDCO (APP-017) Requirements 4 'Environmental Management Plan' and 8 'Surface and foul water drainage'.	As highlighted above, we welcome the proposed amendments to R4 and R8, but request that the Environment Agency are also added as a named consultee for R8 part (2).
RR-066.47	6.23 In respect of surface water quality, we are satisfied with the consideration of potential issues and with the general principles of the proposed mitigation measures for construction and operation.	The Environment Agency will be a named consultee in respect of dDCO (APP-017) Requirements 4 'Environmental Management Plan' and 8 'Surface and foul	Comments noted and we welcome the clarification.

Reference	Environment Agency Relevant Representation Comment	Highways England Response	Further Environment Agency Response at Deadline 2
	As mentioned, we would want to review the detailed proposals.	water drainage'. In this role the Environment Agency will be able to review Annex B.7 Water monitoring and management plan of the Environmental Management Plan (APP-143). Under Requirement 4 the Environment Agency will be consulted to ensure a suitable action is added to Table 3.1: Record of Environmental Actions and Commitments in the Environmental Management Plan (APP-143) so suitable consultation is undertaken on the detailed drainage design under RD10.	
RR-066.48	6.24 With regards to water quality and WFD, chapter 13 includes reference to no impact on the 'overall WFD status of the waterbodies'. There should be no deterioration in the status of any of the quality elements; it should be made clear that this has also been considered and is also the case.	The Water Framework Directive assessment is provided in ES Chapter 13 Water and Road Drainage Environment (APP-052). It states that there will be not be any significant impacts caused to the water environment from the Scheme when the mitigation measures identified in the chapter are in place. The status of the ecological and chemical quality elements were considered in the assessment. Construction and operational activities affecting the Tud and indirectly the Wensum (DS Norwich) and Yare (Tiffey to Wensum) water bodies are considered to cause no deterioration in the status of any of the quality elements and should not prevent future attainment of WFD water body targets. Mitigation and enhancement measures are set out in the Record of Environmental Actions and Commitments which forms	Noted.

Reference	Environment Agency Relevant Representation Comment	Highways England Response	Further Environment Agency Response at Deadline 2
		Table 3.1 in the Environmental Management Plan (APP-143). Delivery of these commitments, including consultation with the Environment Agency, will be secured through dDCO (APP-017) Requirements 4 'Environmental Management Plan' and 8 'Surface and foul water drainage'.	
RR-066.49	6.25 We have reviewed the Water Quality Assessment (Appendix 13.3). We support the proposed approach to identify and put in place mitigation measures to ensure that sediment and other pollutants will not impact on the water quality of receiving watercourses. We look forward to reviewing the detail.	Mitigation and enhancement measures are set out in the Record of Environmental Actions and Commitments which forms Table 3.1 in the Environmental Management Plan (APP-143). Delivery of these commitments, including consultation with the Environment Agency, will be secured through dDCO (APP-017) Requirements 4 'Environmental Management Plan' and 8 'Surface and foul water drainage'.	Noted
RR-066.50	7.0 Document 7.4 Environmental Management Plan 7.1 With reference to paragraph 1.1.6, we note that the following documents are to be prepared to mitigate potential adverse effects upon surface waters and groundwater during construction: • a water monitoring and management plan • a temporary surface water drainage strategy 7.2 As highlighted above, the Environment Agency should be included as a named consultee in respect of Requirement 4, to enable us to review and comment on relevant documents.	Please see the response to RR66.7; the dDCO (APP-017) has been amended accordingly.	Noted
RR-066.51	7.3 Other plans that we would also wish to review include the Landscape and ecology management plan, Soil management plan, Materials management	These documents have been listed as annex B management plans within the outline Environmental Management Plan (EMP)	Noted

Reference	Environment Agency Relevant Representation Comment	Highways England Response	Further Environment Agency Response at Deadline 2
	plan, Site waste management plan, Biosecurity management plan and Invasive non-native species management plan (if prepared as a separate document).	(APP-143) to be produced by the Principal Contractor and included in the second iteration of the EMP prior to construction. The Applicant will continue to consult with the Environment Agency as the detailed design of the Scheme continues to develop and on the production of these listed documents.	
RR-066.52	7.4 We have reviewed Section 3 and Table 3.1: Record of Environmental Actions and Commitments (REAC). We have the following comments at this time:	The Applicant has responded to the comments below.	
RR-066.53	7.5 BD4 & RD1 – we note the reference to the use of construction best practice in relation to pollution prevention and water management. As highlighted, the Environment Agency should be consulted on the water monitoring plans and temporary surface water drainage strategy.	Delivery of these commitments will be secured through dDCO (APP-017) Requirements 4 'Environmental Management Plan' and 8 'Surface and foul water drainage'. See responses to RR-066.6, RR-066.7, RR-066.10 and RR-066.11 confirming the Environment Agency will be named as a consultee in respect of Requirement 4 Environmental Management Plan and Requirement 8 Surface and foul water drainage system.	Noted
RR-066.54	7.6 RD2 & RD9 – In addition to the above, specifically in respect of the proposed compensatory flood storage area upstream of the River Tud Crossing, it should be noted that the Environment Agency should review and approve the detailed design. This should be progressed as part of the DCO process and not through an Environmental Permit.	See responses to RR-066.6, RR-066.7, RR-066.10 and RR-066.11 confirming the Environment Agency will be named as a consultee in respect of Requirement 4 Environmental Management Plan and Requirement 8 Surface and foul water drainage system. As part of the process under Requirement 4, actions RD2 and RD9	We welcome this confirmation. As highlighted above under RR-66.28, RD9 in Table 3.1 should be amended to make clear that the action will be achieved through the EMP rather than only through consents.

Reference	Environment Agency Relevant Representation Comment	Highways England Response	Further Environment Agency Response at Deadline 2
		would be reviewed in Table 3.1: Record of Environmental Actions and Commitments, when developing the second iteration of the Environmental Management Plan (APP-143), to allow the Environment Agency an opportunity to review the detailed design for the proposed compensatory flood storage area upstream of the River Tud Crossing before submission with a permit application.	
RR-066.55	7.7 RD3 – we note that the Environment Agency is to be consulted on construction method statements and risk assessments. We should also be consulted on piling design.	The Environment Agency will be a named consultee in respect of dDCO (APP-017) Requirements 4 'Environmental Management Plan'. Under Requirement 4, the Environment Agency will be consulted to amend Action RD3 in Table 3.1 in the second iteration of the Environmental Management Plan (APP-143) to reflect this expectation.	Noted and we welcome this confirmation.
RR-066.56	7.8 RD5 (and Table 4.1) – dewatering can only be undertaken without a licence at the rates quoted in the tables if the dewatering works for the whole scheme will last for a period of 6 consecutive months or less. If dewatering will occur over a longer time frame, the maximum rate at which dewatering can be undertaken without an abstraction licence is 20 m3/d.	The Environment Agency will be a named consultee in respect of dDCO (APP-017) Requirements 4 'Environmental Management Plan'. Under Requirement 4, the Environment Agency will be consulted to ensure Table 4.1 and Action RD5 in Table 3.1 in the Environmental Management Plan (APP-143) correctly reflect this commitment.	Noted and we welcome this confirmation.
RR-066.57	7.9 RD10 – we would like to see the groundwater and surface water monitoring proposal and an assessment of the areas where groundwater is judged to be less than 1m below the drainage system.	The Applicant will submit the monitoring plan to the Environment Agency for comment at detailed design stage. This will include plans showing areas where groundwater is judged to be less than 1m below the drainage system, based on	Noted and we welcome this confirmation.

Reference	Environment Agency Relevant Representation Comment	Highways England Response	Further Environment Agency Response at Deadline 2
		<p>supplementary ground investigations, and an assessment of the impacts.</p> <p>This will be provided within the Annex B.7 Water monitoring and management plan of the Environmental Management Plan (APP-143). The Environment Agency will be a named consultee in respect of dDCO (APP-017) Requirement 4 'Environmental Management Plan'.</p>	
RR-066.58	<p>7.10 The EMP does not currently appear to consider how catastrophic spills affecting the surface water drainage systems will be dealt with, or how any directional drilling activities will be managed. These issues should be addressed.</p>	<p>The Environment Agency will be a named consultee in respect of dDCO (APP-017) Requirement 4 'Environmental Management Plan'. Under Requirement 4 the Applicant will consult with the Environment Agency to ensure the Environmental Management Plan (APP-143) is appropriately updated to include how catastrophic spills and direct drilling activities will be managed.</p>	<p>Noted and we welcome this confirmation.</p>
RR-066.59	<p>7.11 Regarding Table 4.1 – it should be noted that the Environment Permitting (England and Wales) Regulations from 2007 onwards replaced the permitting system in the Pollution Prevention and Control Act. It should also be noted that the consenting authority in the case of certain mobile plant permits such as concrete crushers is the local authority and therefore they should be listed along with the Environment Agency</p>	<p>The Applicant confirms this is an error and will update Table 4.1 in the second iteration of the Environmental Management Plan (APP-143), in consultation with the Environment Agency.</p>	<p>Noted and we welcome this confirmation.</p>