

Great Yarmouth Third River Crossing Order 202[*]

Document NCC/GY3RC/EX/053: Statement of Common Ground with the Environment Agency at Deadline 5

Planning Act 2008

Infrastructure Planning

The Infrastructure Planning (Examination Procedure) Rules 2010

Planning Inspectorate Reference Number: TR010043

Author: Norfolk County Council

Document Reference: NCC/GY3RC/EX/053

Date: 14 January 2020

CONTENTS	PAGE No.
Tables.....	iii
Glossary of Abbreviations and Defined Terms	iv
1 Introduction.....	1
1.1 Purpose of this Document.....	1
1.2 Aim of this document	1
1.3 Terminology	1
2 Record of Engagement.....	2
3 Summary of Topics Covered by the Statement of Common Ground.....	14
3.1 Covered in the Statement of Common Ground.....	14
3.2 Not Covered in the Statement of Common Ground	14
4 Matters Agreed.....	15
5 Matters under Discussion	20
6 Signatures	23

Tables

Table 2.1: Record of Engagement	2
Table 4.1: Matters Agreed.....	15
Table 5.1: Matters under Discussion	20

Glossary of Abbreviations and Defined Terms

The Applicant	Norfolk County Council (in its capacity as Highway Authority and promoter of the Scheme)
The APFP Regulations	The Infrastructure Planning (Applications - Prescribed Forms and Procedure) Regulations 2009 (SI 2009/2264)
DCO	Development Consent Order
ES	Environmental Statement
FRA	Flood Risk Assessment
HAWRAT	Highways Agency Water Risk Assessment Tool
IDB	Internal drainage board
The Planning Act	The Planning Act 2008
WFD	Water Framework Directive
Scheme	The Great Yarmouth Third River Crossing project for which the Applicant seeks development consent
SoCG	Statement of Common Ground
SoS	Secretary of State
SuDS	Sustainable Drainage Systems

1 Introduction

1.1 Purpose of this Document

- 1.1.1 This Statement of Common Ground ('SoCG') has been prepared in relation to the promotion by Norfolk County Council ('the Applicant') of an order granting development consent ('DCO') under the Planning Act 2008 ('the Planning Act') for the construction, operation and maintenance of a new bridge over the River Yare in Great Yarmouth, Norfolk ('the Scheme').
- 1.1.2 The application was submitted on 29th April 2019 and accepted on 28th May 2019 by the Planning Inspectorate, on behalf of the Secretary of State for Transport ('the SoS').

1.2 Aim of this document

- 1.2.1 The aim of this SoCG between the Applicant and the Environment Agency is to provide a record of engagement between the parties, including the issues discussed between the parties and the current status of those discussions.

1.3 Terminology

1.3.1 In this SoCG:

- Where a table is entitled 'Matters Agreed', this signifies matters that have been stated as agreed between the parties;
- Where a table is entitled 'Matters under Discussion', this signifies matters still under discussion; and
- Where a table is entitled 'Matters not Agreed', this specifies that both parties are confident that no agreement can be reached.

2 Record of Engagement

2.1.1 A summary of the key meetings and correspondence that have taken place between the Applicant and the Environment Agency in relation to the Scheme is given in Table 2.1.

Table 2.1: Record of Engagement

Date	Form of Correspondence	Key Topics / Outcomes (if any)
18/05/2017	Meeting	Initial meeting between the Applicant and the Environment Agency regarding the Environment Agency's flood defence scheme, Epoch 2 (hereafter referred to solely as 'Epoch 2'), the Scheme and discussion of the interaction between the two.
22/05/2017	Email	WSP's (at the time Mouchel) Competent Expert for Flood Risk requests to use Environment Agency data in the development of the Scheme as part of the EIA process.
28/06/2017	Email	Response to WSP's (at the time Mouchel) Competent Expert for Flood Risk's request for access to Environment Agency data. Data provided by the Environment Agency's Customer and Engagement Officer, in the form of a map, a table and flood model data.
28/03/2018	Email	Presentation of the High-Level Drainage Strategy Plan by WSP's Competent Expert for Drainage to the Environment Agency for comments.
16/04/2018	Meeting	Environment Agency's update on progress with Epoch 2, the Applicant's update on progress of the Scheme, and discussion of the interaction between the two schemes.
03/05/2018	Scoping Opinion	The Environment Agency's response to scoping highlights the need to pay particular attention to the following themes in the Environmental Statement (ES): flood risk; water quality; contaminated land; nature conservation; and requirements for environmental permits.

Date	Form of Correspondence	Key Topics / Outcomes (if any)
10/05/2018	Email	Communication with Environment Agency to clarify the position on licencing of the received data from the Environment Agency's Customer and Engagement Officer.
11/05/2018	Email	Response to request for comments on the High-Level Drainage Strategy Plan received; Environment Agency satisfied with the contents, raising no further concerns.
14/05/2018	Email	Confirmation from the Environment Agency that flood model data are available to WSP for projects but noted that model data may be updated within the next six months.
04/06/2018	Meeting	Environment Agency's update on progress with Epoch 2, the Applicant's update on progress of the Scheme, and discussion of the interaction between the two schemes.
13/06/2019	Exhibition attendance	The Applicant attended the Environment Agency's Epoch 2 works drop-in exhibition.
21/06/2019	Email	WSP's Flood Engineer request for gauge datum confirmation for the purposes of sediment transport modelling from the Environment Agency Enquiries Line.
29/06/2018	Email	Environment Agency's Customer and Engagement Officer response to request from WSP's Flood Engineer, for data. The datum for dip point is provided but no bed level is available for the site.
20/08/2018	Email	Follow-up from WSP's Competent Expert for Flood Risk to request a meeting date with the Environment Agency to discuss the flood risk implications of the Scheme and to request a quotation for reviewing the flood model, developed by WSP to assess the effects of the Scheme.

Date	Form of Correspondence	Key Topics / Outcomes (if any)
29/08/2018	Email	Contact made by WSP's Competent Experts for Surface Water and Groundwater with the Sustainable Places Planning Specialist at the Environment Agency, seeking information on water quality monitoring, abstractions, discharges and the river network.
06/09/2018	Email	Follow-up request from WSP's Competent Experts for Surface Water and Groundwater for Environment Agency data on water quality monitoring, abstractions, discharges and the river network.
07/09/2018	Email	Response to data request from WSP's Competent Experts for Surface Water and Groundwater by the Environment Agency, providing data on groundwater abstractions, advising that no information is available on groundwater quality or groundwater levels. Surface water information yet to be identified.
13/09/2018	Meeting	Environment Agency's update on progress with Epoch 2, the Applicant's update on progress of the Scheme, and discussion of the interaction between the two schemes.
04/10/2018	Meeting	Meeting between the Environment Agency and WSP's Competent Experts for Surface Water, to discuss water environment matters, to include the Scheme mitigation that the Environment Agency sought to be incorporated into the Scheme, the approach to the Water Framework Directive (WFD) assessment and supporting Highways Agency Water Risk Assessment Tool (HAWRAT) and hydromorphological assessments, the proposed drainage strategy, and concerns and assessment requirements for the Scheme.
19/10/2018	Meeting	Meeting between WSP and the Environment Agency to discuss the appropriateness of the new flood model for the Scheme. Confirmation that WSP should not assume new Epoch 2 scheme will be present for purposes of the assessment.

Date	Form of Correspondence	Key Topics / Outcomes (if any)
20/11/2019	Email	Contact from WSP's Competent Expert for Flood Risk to the Sustainable Places Planning Specialist at the Environment Agency, enquiring as to when the delivery of the JBA 2018 model might be expected.
23/11/2018	Written response to meeting	Response from the Environment Agency to address queries from the meeting of 19/10/2018, in relation to the Haven Bridge gauge, defence crest heights and water levels.
05/12/2018 & 06/12/2018	Email	Contact from WSP's Competent Experts for Surface Water and Groundwater to the Environment Agency's Sustainable Places Planning Specialist, following up on data request.
12/12/2018	Meeting	Environment Agency's update on progress with Epoch 2, the Applicant's update on progress of the Scheme, and discussion of the interaction between the two schemes.
17/12/2018	Letter	Response from the Environment Agency's Sustainable Places Planning Specialist confirming they have no cause for concern from the High-Level Drainage Strategy Plan. They expect that the drainage strategy would be covered in the ES.
11/01/2019	Email	Data received from the Sustainable Places Planning Specialist at the Environment Agency, for water quality monitoring, abstractions, discharges and the river network, as requested.
16/01/2019	Meeting	Meeting between WSP's Flood Risk Competent Expert (and team), and three contacts at the Environment Agency. Discussion of draft flood risk model results.

Date	Form of Correspondence	Key Topics / Outcomes (if any)
28/01/2019	Email/letter	Response from the Environment Agency's Sustainable Places Planning Specialist, on completion of the review of the sediment transport assessment methodology, as provided by WSP on 17/12/2018. Feedback given in terms of tidal boundary derivation, sediment and velocity survey data extraction and processing, 3D baseline model build and calibration, and construction phase assessment.
06/02/2019	Email	Contact from WSP's Environment Lead with the Environment Agency, regarding Protected Provisions and seeking best point of contact.
07/02/2019	Meeting	Environment Agency's update on progress with Epoch 2, the Applicant's update on progress of the Scheme, and discussion of the interaction between the two schemes.
11/02/2019	Email	Response from the Environment Agency's Sustainable Places Planning Specialist to WSP's Environment Lead to indicate that the legal services team is currently undertaking a review of Protected Provisions that should be available in the next few weeks.
14/02/2019	Email	Response from WSP's Environment Lead to the Environment Agency's Sustainable Places Planning Specialist with a note of consents the Applicant is potentially seeking to disapply.
19/02/2019	Report submission	Online submission to Environment Agency of Appendix 16C: Interpretative Ground Investigation Report (document reference 6.2).
06/03/2019	Meeting	Environment Agency's update on progress with Epoch 2, the Applicant's update on progress of the Scheme, and discussion of the interaction between the two schemes.
11/03/2019	Email	Comments received from the Environment Agency on Appendix 16C Interpretative Ground Investigation Report (document reference 6.2).

Date	Form of Correspondence	Key Topics / Outcomes (if any)
21/03/2019	Meeting	Environment Agency's update on progress with Epoch 2, the Applicant's update on progress of the Scheme, and discussion of the interaction between the two schemes.
03/04/2019	Email	Contact from WSP's Environment Lead to the Environment Agency's Sustainable Places Planning Specialist with a draft of the proposed Environment Agency Protective Provisions.
05/04/2019	Meeting	Environment Agency's update on progress with Epoch 2, the Applicant's update on progress of the Scheme, and discussion of the interaction between the two schemes.
17/04/2019	Email	Email from the Environment Agency's Sustainable Places Planning Specialist to WSP's Competent Expert for Flood Risk, confirming review of the flood model but raising queries. List of aspects needing to be addressed before resubmission of the model.
17/04/2019	Email	WSP's Competent Expert for Flood Risk acknowledges receipt of email regarding flood model review and requests a meeting to discuss it. (Arranged for 23 rd April 2019.)
23/04/2019	Meeting	Meeting between the Environment Agency and WSP's Competent Expert for Flood Risk to discuss review comments on the tidal model.
26/04/2019	Email	Response from the Environment Agency's Sustainable Places Planning Specialist to WSP's Environment Lead regarding the disapplication of four pieces of legislation via the draft Protective Provisions.
10/05/2019	Meeting	Environment Agency's update on progress with Epoch 2, the Applicant's update on progress of the Scheme, and discussion of the interaction between the two schemes.

Date	Form of Correspondence	Key Topics / Outcomes (if any)
09/05/2019	Email	Email from the Environment Agency's Flood and Coastal Risk Management Officer following up on the meeting of 23 rd April 2019, with some feedback from the Environment Agency Modelling Specialists.
10/05/2019	Email	Email from the Contractor to the Environment Agency, regarding Epoch 2, delivering a drawing showing the 'zone of influence' overlaid on their current proposal.
16/05/2019	Email	Reply to the Environment Agency's Modelling Specialists' comments on the tidal model review, by WSP's Competent Expert for Flood Risk, highlighting the approach taken and the proposition that a sensitivity test be undertaken.
29/05/2019	Email	Follow-up email from WSP's Flood Engineer, requesting a meeting to discuss the model results.
10/06/2019	Email	Response from Environment Agency's Sustainable Places Planning Specialist to WSP's Flood Engineer that a meeting prior to resubmission of the model would not be possible. However, a second review would go ahead after submission of sensitivity tests and justifications.
14/06/2019	Meeting	Environment Agency's update on progress with Epoch 2, the Applicant's update on progress of the Scheme, and discussion of the interaction between the two schemes.
26/06/2019	Meeting	Discussion between WSP and the Environment Agency to update on the status of the review of the sensitivity testing for the FRA by the Environmental Agency's Modelling Specialists and summary of implications of potential changes to the model.

Date	Form of Correspondence	Key Topics / Outcomes (if any)
01/07/2019	Telephone call	Phone call with WSP's Competent Expert for Flood Risk, from Modelling Team at the Environment Agency. Discussion of changes to model since last iteration of sensitivity test run. Response on sensitivity testing and outcomes of modelling and flood risk assessment likely to be received from the Environment Agency in two weeks' time.
16/08/2019	Telephone call	Phone call between WSP's Environment Lead and the Environment Agency's Sustainable Places Planning Specialist to discuss the intended purpose of WSP's proposed meeting.
22/08/2019	Telephone call	Phone call between WSP's Environment Lead and the Environment Agency's Sustainable Places Planning Specialist to discuss the Environment Agency's queries regarding flood modelling.
22/08/2019	Email	Email from WSP's Environment Lead to the Environment Agency's Sustainable Places Planning Specialist summarising that the flood model will be run with an extended domain.
30/08/2019	Meeting	Environment Agency's update on progress with Epoch 2, the Applicant's update on progress of the Scheme, and discussion of the interaction between the two schemes.
21/08/2019	Letter	Letter from the Environment Agency's Sustainable Places Planning Specialist with their relevant representation. Relevant representation discussed flood risk, sediment transport, groundwater, contaminated land, construction practices, nature conservation and protective provisions.
02/09/2019	Email	Email from the Contractor to the Environment Agency's Sustainable Places Planning Specialist regarding the return periods for the current and proposed flood defences.

Date	Form of Correspondence	Key Topics / Outcomes (if any)
10/09/2019	Email	Email from WSP's Environment Lead to the Environment Agency's Sustainable Places Planning Specialist summarising the progress on the extended domain flood model.
20/09/2019	Email	Email from WSP's Assistant Environment Lead to the Environment Agency's Sustainable Places Planning Specialist summarising the progress on the extended domain flood model.
20/09/2019	Meeting	Environment Agency's update on progress with Epoch 2, the Applicant's update on progress of the Scheme, and discussions around the wording of the SoCG.
25/09/2019 & 27/09/2019	Email	Email from WSP's Environment Lead to the Environment Agency's Sustainable Places Planning Specialist summarising the progress on the extended domain flood model.
01/10/2019 & 02/10/2019	Email	Email correspondence between WSP's Environment Lead, the Environment Agency's Sustainable Places Planning Specialist and the Applicant's Infrastructure Delivery Project Team Manager regarding the SoCG for submission at Deadline 1.
08/10/2019	Response to Relevant Representations	Statement from the Applicant with a response to the relevant representation. The response discussed protective provisions, flood risk assessment, sediment transport, groundwater, water framework directive assessment, contaminated land, outline code of construction practice, ecology and biodiversity.
08/10/2019	Email	Email from WSP's Environment Lead to the Environment Agency's Sustainable Places Planning Specialist with an update on the progress of the additional sensitivity modelling.
09/10/2019	Email	Email from the Environment Agency's Sustainable Places Planning Specialist to WSP's Environment Lead with the submission email address for the additional sensitivity modelling.

Date	Form of Correspondence	Key Topics / Outcomes (if any)
14/10/2019, 16/10/2019, 17/10/2019 & 18/10/2019	Emails	Email correspondence between WSP's Environment Lead and the Environment Agency's Sustainable Places Planning Specialist on the progress of the additional sensitivity modelling.
21/10/2019 & 22/10/2019	Emails	Emails from WSP's Environment Lead to the Environment Agency's Sustainable Places Planning Specialist confirming that the additional sensitivity modelling, model log and a summary memorandum had been uploaded and shared with the Environment Agency.
30/10/2019	Email	Further to a meeting request by the Applicant's Infrastructure Delivery Project Team Manager, the Environment Agency's Sustainable Places Planning Specialist provided apologies for the meeting on 1 st November 2019 regarding Epoch 2 and provided an update on the Environment Agency's review of the additional sensitivity modelling.
31/10/2019	Email	Dialogue between the Applicant's Infrastructure Delivery Project Team Manager and the Environment Agency's Sustainable Places Planning Specialist acknowledging the comments made in respect of the flood model and FRA on 30 th October 2019 and the review process to be undertaken by the Environment Agency.
13/11/2019	Email	Email from the Environment Agency's Sustainable Places Planning Specialist to WSP's Environment Lead with the results of the review for the additional sensitivity modelling (as submitted to the Environment Agency on the 21 st and 22 nd October 2019).
13/11/2019	Email	Email from WSP's Environment Lead to the Environment Agency's Sustainable Places Planning Specialist confirming that the results of the review would be reviewed in detail.

Date	Form of Correspondence	Key Topics / Outcomes (if any)
15/11/2019	Email	Email from WSP's Environment Lead to the Environment Agency's Sustainable Places Planning Specialist providing the Haven Bridge Inspection Report and confirming that WSP would undertake the further sensitivity runs requested by the Environment Agency for the T1000 event.
28/11/2019 & 29/11/2019	Email	Email from WSP's Environment Lead to the Environment Agency's Sustainable Places Planning Specialist to confirm that, further to their queries on 13 th November 2019, the upload of the additional sensitivity modelling and a summary memorandum had commenced. Subsequent email from WSP's Flood Risk Lead to the Environment Agency's Sustainable Places Planning Specialist to confirm that upload had completed.
29/11/2019	Meeting	Environment Agency's update on progress with Epoch 2, the Applicant's update on progress of the Scheme, and discussions around the wording of the SoCG.
06/12/2019 09/12/2019 & 10/12/2019	Telephone call / Email / Letter	Following the additional sensitivity modelling and associated memorandum being uploaded, the Environment Agency noted technical issues with the download (via email with WSP's Competent Expert for Flood Risk and WSP's Assistant Environment Lead). WSP sent the upload on a USB flash drive to the Environment Agency. Confirmation of receipt was provided by the Environment Agency on 10 th December 2019.

Date	Form of Correspondence	Key Topics / Outcomes (if any)
18/12/2019	Telephone call	Phone call between WSP's Environment Lead and the Environment Agency's Sustainable Places Planning Specialist to discuss the timetable for the review of the additional sensitivity modelling and associated memorandum provided, further to their queries on 13 th November 2019. WSP's Environment Lead confirmed to the Environment Agency's Sustainable Places Planning Specialist that Flood Risk Assessment (FRA) (APP-135 / 6.2 Environmental Statement - Appendix 12B) submitted as part of the application documents is current and that the mitigation and conclusions set out in the FRA remain as presented in the application documents.

3 Summary of Topics Covered by the Statement of Common Ground

3.1 Covered in the Statement of Common Ground

3.1.1 The following topics discussed between the Applicant and the Environment Agency are commented on further in this SoCG:

- Flood risk;
- Fish and benthic ecology;
- Drainage strategy;
- Surface water and groundwater;
- Epoch 2;
- Construction practices;
- Disapplication of consents;
- Sediment transport; and
- Nature conversation.

3.2 Not Covered in the Statement of Common Ground

3.2.1 For the avoidance of doubt, matters not covered in this SoCG have not been discussed between the parties as they have not been raised by the Environment Agency.

4 Matters Agreed

Table 4.1: Matters Agreed

Ref.	Description of matter	Details of Agreement
Flood Risk		
1	Model domain	<p>It is agreed that the Applicant would undertake additional sensitivity modelling to extend the domain of the model to address Environment Agency concerns. The additional sensitivity modelling, model log and a summary memorandum were uploaded and shared with the Environment Agency on the 21st and 22nd October 2019.</p> <p>The Environment Agency responded with their initial review of the extended domain model on 13th November 2019. The Applicant responded to Environment Agency's further queries on the 13th November 2019 with additional sensitivity modelling and a summary memorandum (uploaded and shared with the Environment Agency on the 28th and 29th November 2019, with a duplicate of the data provided on a USB flash drive and received on the 10th December 2019).</p>
Flood Defence Scheme ('Epoch 2')		

Ref.	Description of matter	Details of Agreement
2	Coordination of Epoch 2 with the Scheme	<p>It is agreed a legal agreement will be written between the Environment Agency and the Applicant, addressing the following aspects concerning the integration of the two schemes: confirming the extent of the Flood Defence, the extent of the bridge structure that forms a Flood Defence function, the extent of Flood Defence within the Scheme boundary that will be designed and constructed by the Applicant; and confirming future maintenance of the Flood Defence that forms part of the bridge structure and the existing quay wall that would impact the structural integrity and performance of the Flood Defence in the event of a failure, are the responsibility of the Applicant.</p> <p>The Environment Agency and the Applicant will share all information. The Applicant's design of the Flood Defence will be reviewed for acceptance by an Independent Technical Advisor (appointed by the Environment Agency), with acceptance not being unreasonably withheld. The Applicant will provide temporary Flood Defences and ensure the Standard of Protection is maintained at all times.</p>
Fish and Benthic Ecology		
3	Methodology and scope of the fish and benthic ecology surveys	No concerns have been raised regarding the methodology and scope used in the fish and benthic ecology surveys.
Drainage Strategy		

Ref.	Description of matter	Details of Agreement
4	Methodology and scope of the Drainage Strategy (APP-136 / 6.2 Environmental Statement – Appendix 12C)	No concerns have been raised regarding the methodology and scope used in the Drainage Strategy (APP-136 / 6.2 Environmental Statement – Appendix 12C).
5	Culverts and channel diversions	It is agreed that there are no specific requirements for culverts and channel diversions to improve the WFD status.
6	Infiltration drainage	It is agreed that infiltration drainage is not viable for the Scheme due to the likelihood of contaminated land in the area.
Surface Water and Groundwater		
7	Methodology and scope of the WFD Assessment (APP-132 / 6.2 Environmental Statement – Appendix 11E)	No concerns have been raised regarding the methodology and scope used in the WFD Assessment (APP-132 / 6.2 Environmental Statement – Appendix 11E); the WFD Assessment (APP-132 / 6.2 Environmental Statement – Appendix 11E) was required for relevant transitional and groundwater water bodies only. It is agreed that the Scheme is not considered to have any effect on the identified catchment measures; and that the Scheme does not lie within the catchment of any WFD-designated freshwater bodies.
8	Methodology and scope of the Highways Agency Water Risk Assessment Tool (HAWRAT) (APP-131 / 6.2 Environmental Statement – Appendix 11D)	No concerns have been raised regarding the methodology and scope used in the HAWRAT Assessment (APP-131 / 6.2 Environmental Statement – Appendix 11D).

Ref.	Description of matter	Details of Agreement
9	Insignificant effects, as listed in Chapter 11 of the ES: Road Drainage and the Water Environment (APP-096 / document reference 6.1)	It is agreed that those effects listed as insignificant, in Chapter 11 of the ES: Road Drainage and the Water Environment (APP-096 / document reference 6.1) were correctly identified.
10	Water quality	It is agreed that effects to water quality in the immediate and surrounding drains is unlikely to be a material concern in respect to the WFD Assessment (APP-132 / 6.2 Environmental Statement – Appendix 11E).
11	Dewatering	It is agreed, based on the information presented in the Groundwater Modelling Study of the Bascule Pit Groundwater Control System (APP-133 / Environmental Statement – Appendix 11F), that the proposed dewatering is unlikely to have significant effects on local groundwater resources.
12	Broadland Rivers Chalk and Crag Groundwater Waterbody	It is agreed, that the Scheme is unlikely to have any significant effects on the Broadland Rivers Chalk and Crag WFD groundwater body.
13	Residual contamination to the River Yare or deeper groundwater	It is agreed, that the conclusions presented in the Interpretative Environmental Ground Investigation Report (APP-150 / 6.2 Environmental Statement – Appendix 16C), that residual contamination is not predicted to have significant effects on, or pose a significant risk to the River Yare or deeper groundwater.
Construction Practices		
14	Attenuation storage and pollution controls	It is agreed that the proposed attenuation storage and pollution controls, as presented in the Outline Code of Construction Practice (APP-187 / document reference 6.16) are considered adequate.

Ref.	Description of matter	Details of Agreement
15	Unforeseen contamination	It is agreed that a strategy for unforeseen contamination is necessary. Both Requirement 8 of the draft DCO (APP-020 / document reference 3.1) and Paragraph 10.3.2 of the Outline CoCP (APP-187 / document reference 6.16) provides an outline process to be followed in the event of unforeseen contamination.
Disapplication of Consents		
16	Water Resources Act 1991	It is agreed that the disapplication of the Water Resources Act 1991 will not be included in the draft Development Consent Order. In the event that the Order is made by the Secretary of State the Applicant will apply for water abstraction licences and discharge activity environmental permits in the ordinary manner.
Sediment Transport		
17	Methodology and conclusions of the Sediment Transport Assessment (APP-130 / 6.2 Environmental Statement - Appendix 11C)	It is agreed that the conclusions reported within the Sediment Transport Assessment (APP-130 / 6.2 Environmental Statement - Appendix 11C) are reasonable.

5 Matters under Discussion



Table 5.1: Matters under Discussion

Ref.	Description of matter	Current Position
Flood Risk		
1	Flood Risk Assessment	The intricacies of the model for the FRA (APP-135 / 6.2 Environmental Statement - Appendix 12B) are under discussion.
Flood Defence Scheme ('Epoch 2')		

Ref.	Description of matter	Current Position
2	Epoch 2	<p>A regular programme of meetings is ongoing between the Applicant, WSP and the Contractor, and the Environment Agency and JBA Bentley (the Epoch 2 design and build contractor, appointed by the Environment Agency). Matters still under discussion include: responsibility, maintenance and operation of the flood defence arrangement within the boundary of the Scheme, including the level of a potential commuted sum payable to the Environment Agency; compensation for Environment Agency re-mobilisation costs to build the flood wall on the original alignment should the Scheme not proceed; and the level of Environment Agency contribution towards the cost of constructing a section of a Flood Defence wall by the Applicant. The Environment Agency has completed utility company diversions, necessary for the delivery of the flood defence scheme. The cost of the diversion works which directly benefit the Scheme will be taken into consideration when determining any Environment Agency contribution towards the Applicant constructing a section of a Flood Defence located within the boundary of the Scheme.</p> <p>The Environment Agency preferred legal agreement would be an Anglian Water Authority Act 1977 Section 30 Agreement.</p>
Surface Water and Groundwater		
3	Dewatering	<p>The need for further details regarding dewatering is under discussion. Such information will be provided at the detailed design stage, as noted in Paragraph 4.1.4 of the Consents and Agreements Position Statement (APP-194 / document reference 7.3) and applications for abstraction licences, if required, will be undertaken in the ordinary way.</p>
Nature Conservation		

Ref.	Description of matter	Current Position
4	Biodiversity Net Gain	The need for a quantified assessment of biodiversity net gain is under discussion.

6 Signatures

	Environment Agency	Norfolk County Council (the Applicant)
Signature	 (Officer level view)	
Printed Name	Barbara Moss-Taylor	Gavin Broad
Title	Planning Specialist	Project Engineer
On behalf of	Environment Agency	Norfolk County Council
Date		