

A428 Black Cat to Caxton Gibbet improvements

TR010044

Volume 8

8.1 Draft Statement of Common Ground with the Environment Agency

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(Examination Procedure) Rules 2010**

A428 Black Cat to Caxton Gibbet improvements

Development Consent Order 202[]

8.1 Draft Statement of Common Ground with the Environment Agency

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STATEMENT OF COMMON GROUND

This Statement of Common Ground has been prepared and agreed by (1) Highways England Company Limited and (2) Environment Agency.

Signed 
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on behalf of Highways England
Date: 31 August 2021

Signed 
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1 Introduction

1.1 Purpose of this document

1.1.1 This Statement of Common Ground (SoCG) has been prepared in respect of the A428 Black Cat to Caxton Gibbet improvements Scheme (the Scheme) made by Highways England Company Limited (Highways England) to the Secretary of State for Transport (Secretary of State) for a Development Consent Order (the Order) under section 37 of the Planning Act 2008 (PA 2008).

1.1.2 The order, if granted, would authorise Highways England to construct a new 10 mile (16km) dual 2-lane carriageway from the Black Cat roundabout to Caxton Gibbet roundabout and in addition approximately 1.8 miles (3km) of tie-in works. The Scheme includes the following components:

- a. A new three-level grade separated junction at Black Cat roundabout, with the A1 at the lower level, the new dual carriageway on the upper level and a roundabout between the two at approximately existing ground level. In addition to slip roads, a new free flowing link between the A421 eastbound carriageway and the A1 northbound carriageway will also be provided.
- b. A new grade separated all movements junction will be constructed to the east of the existing Cambridge Road roundabout to provide access to the new dual carriageway and maintain access to the existing A428.
- c. At the Caxton Gibbet roundabout, a new grade separated all movements junction will be constructed, incorporating the existing roundabout on the south side of the new dual carriageway and a new roundabout on the north side. The new dual carriageway will then tie-in to the existing A428 dual carriageway to the east of the new Caxton Gibbet junction.
- d. In the vicinity of the new Black Cat junction, direct access onto the A1 from some local side roads and private premises will be closed for safety reasons. A new local road will provide an alternative route. The existing Roxton Road bridge will be demolished and replaced with a new structure to the west to accommodate the realigned A421.
- e. New crossings will be constructed to enable the new dual carriageway to cross the River Great Ouse, East Coast Main Line railway, Barford Road, the B1046/Potton Road, Toseland Road and the existing A428 at Eltisley.
- f. The existing A428 between St Neots and Caxton Gibbet will be de-trunked and retained for local traffic and public transport with maintenance responsibility transferred to the local highway authorities.
- g. An alternative access will be provided to side roads at Chawston, Wyboston and Eltisley.
- h. There will be safer routes for walkers, cyclists, and horse riders.

1.1.3 This SoCG has been produced to confirm to the Examining Authority (ExA) where agreement has been reached between the parties to it, and where agreement has not (yet) been reached. SoCGs are an established means in the planning process of allowing all parties to identify and so focus on specific issues that may need to be addressed during the Examination.

1.2 Parties to this Statement of Common Ground

- 1.2.1 This SoCG has been prepared by (1) Highways England as the Applicant and (2) the Environment Agency (EA).
- 1.2.2 Highways England became the Government-owned Strategic Highways Company on 1 April 2015. It is the highway authority in England for the strategic road network and has the necessary powers and duties to operate, manage, maintain and enhance the network. Regulatory powers remain with the Secretary of State. The legislation establishing Highways England made provision for all legal rights and obligations of Highways England, including in respect of the Application, to be conferred upon or assumed by Highways England.
- 1.2.3 The EA is a prescribed consultee for this application under Sections 42(1)(a) and 56(2)(a) of the PA 2008.
- 1.2.4 Collectively Highways England and EA are referred to as 'the parties'.

1.3 Terminology

- 1.3.1 In Section 3 of this SoCG:
- a. "Agreed" indicates where the issue has been resolved.
 - b. "Not Agreed" indicates a final position.
 - c. "Under discussion" where these points will be the subject of on-going discussion wherever possible to resolve, or refine, the extent of disagreement between the parties.
- 1.3.2 It can be taken that any matters not specifically referred to in the Issues Raised chapter of this SoCG are not of material interest or relevance to the EA's representation and therefore have not been considered in this document. It is recognised however that engagement between both parties will need to continue due to their joint vested interest in the area of the Scheme.

2 Record of Engagement

2.1.1 The parties have been engaged in consultation since the pre-application period for the Scheme. A summary of the meetings and correspondence that has taken place between Highways England and the EA in relation to the Application is outlined in **Table 2-1**.

Table 2-1 – Record of Engagement

Date	Form of correspondence	Key topics discussed
20-06-2017	Email from EA Waterways to Highways England	Navigational clearance requirements for any structure built over a navigational river.
29-11-2017	Meeting – River Great Ouse Crossing Structure	Key topics include: <ul style="list-style-type: none"> • Introduction to River Great Ouse crossing structure options. • EA watercourse crossing requirements. • EA approval/licence requirements.
16-03-2018	Email from EA to Highways England	Restored quarry levels in the River Great Ouse base model.
08-06-2018	Email from EA to Highways England	EA confirm any increase in built footprint within the 1% Annual Exceedance Probability (AEP) flood extent, including an allowance for climate change, can be directly compensated for on a volume-for-volume and level-for-level basis.
12-07-2019	Email from Highways England to EA	Hydraulic model shared for EA review.
16-07-2019	Letter from EA (response to Statutory Consultation)	Key topics include: <ul style="list-style-type: none"> • Flood Risk. • Groundwater and Geology. • Ecology.
10-09-2019	Email from Highways England to EA	Structure of technical working groups and forums shared with EA.
18-09-2019	Email from EA to Highways England with attached review of A428 hydraulic modelling	Key topics include: <ul style="list-style-type: none"> • Hydraulic model review. • Flood Risk Betterment. • Proposed design. • Floodplain compensation.

Date	Form of correspondence	Key topics discussed
11-10-2019	Meeting – Environment Technical Working Group	<p>Key topics include:</p> <ul style="list-style-type: none"> • Environmental Impact Assessment (EIA) and environmental themes. • Environmental constraints. • Project timeline. • Red line boundary (Development Consent Order (DCO) Order Limits).
17-10-2019	Meeting – Flood Risk / Water Management Group	<p>Key topics include:</p> <ul style="list-style-type: none"> • A14 lessons learnt. • Bedfordshire Watercourse Responsibilities. • Central Cambridgeshire/ Huntingdonshire Area Watercourses. • South Cambridgeshire Area Watercourses. • EA/ Lead Local Flood Authority (LLFA) watercourse boundaries. • Climate Change. • Watercourse Crossings. • Engagement agreements. • Consents. • Water Quality Assessment of Operation Runoff. • Construction.
14-01-2020	Email from Highways England to EA	Bedfordshire Watercourses Technical Note shared with EA for their review.
15-01-2020	Email from Highways England to EA	Request for historical flood event data for fluvial, pluvial, groundwater, sewer, snowmelt, reservoir and other artificial flood sources
28-01-2020	Email from Highways England to EA	<p>Request sent to EA for:</p> <ul style="list-style-type: none"> • Reservoir locations to enable the assessment of the flood risk from reservoirs within the study area. • Flood defences locations. • Average monthly rainfall data. • River gauge data (flows, levels, groundwater) for River Great Ouse and possibly Hen Brook.

Date	Form of correspondence	Key topics discussed
10-02-2020	Email re modelling review from EA to Highways England	<p>Key topics include:</p> <ul style="list-style-type: none"> • Advice on modelling to establish the downstream conditions. • EA request that Highways England update the model report to provide full details demonstrating the method of establishing the downstream boundary. • Flood risk net gain – EA express disappointment that this has not appeared to be an ambition of Highways England. • Flood resilience of St Neots. • Flood risk net gain at Fox Brook and Hen Brook. • Use of restored quarry levels in the flood plain compensation calculations.
14-02-2020	Email from EA to Highways England	Historic flood event data and a map and table showing all the relevant historical flood event data for the chosen area provided by the EA.
25-02-2020	Meeting – River Great Ouse Hydraulic Modelling	<p>Key topics include:</p> <ul style="list-style-type: none"> • Overview of River Great Ouse hydraulic model. • Overview of the project to date from a modelling perspective. • Planned River Great Ouse hydraulic modelling to submission of DCO application; and • The potential for flood related works outside of the A428 scope.
12-03-2020	Flood Risk/ Water Management Technical Working Group meeting	<p>Key topics include:</p> <ul style="list-style-type: none"> • Bedfordshire and Cambridgeshire Watercourse Technical Note discussion. • Drainage Strategy Report, and Flood Risk Assessment (FRA). • Maintenance access. • BP access garage outfalls. • Scope of cross sections. • Modelling scenarios / scope / methodology. • Drainage outfall consents. • The inclusion of mammal ledges in the Environmental Statement (ES). • Flow rates in Sustainable Drainage Systems (SuDS). • Presentation of floodplain extents in the technical note for the next Technical Working Group.

Date	Form of correspondence	Key topics discussed
		<ul style="list-style-type: none"> Cambridgeshire County Council and Central Bedfordshire Council requested that justification for or lack of proposed mammal ledges to be provided.
17-04-2020	Email from Highways England to EA	Request for meetings with EA's groundwater manager and the biodiversity manager.
29-05-2020	Email from Highways England to EA	Draft of River Great Ouse Hydraulic Modelling Report (to be appendix of final FRA) and 2D watercourse model shared for EA review.
04-06-2020	Email from Highways England to EA	Draft versions of the A428 Ordinary Watercourse Hydraulic Modelling Report shared with EA.
15-06-2020	Meeting with EA and Highways England	<p>Water Framework Directive (WFD) compliance meeting including:</p> <ul style="list-style-type: none"> Overview of the WFD. Explanation of the draft designs e.g. structures and culverts. Impact assessment and mitigation. SOCG.
25-06-2020	Meeting with EA	To discuss the approach to the groundwater risk assessment.
25-06-2020	Meeting - Environmental Technical Working Group	<p>Key topics include:</p> <ul style="list-style-type: none"> Supplementary consultation. Changes to the scheme since statutory consultation. The status of the ongoing EIA, incorporating design changes. Environmental masterplan development, which would illustrate mitigation. <p>Next steps in stakeholder engagement.</p>
01-07-2020	Email from Highways England to EA	Highways England shared the Ordinary Watercourse Hydraulic Modelling Report, and Ordinary Watercourse Hydrology Report including FEH calculation record with the EA.
03-07-2020	Meeting with EA	Discussion on surface water including an update on progress of the Highways England Water Risk Assessment Tool (HEWRAT) assessment and drainage aspects.
10-07-2020	Email re modelling review from EA to Highways England	<p>Key topics include:</p> <ul style="list-style-type: none"> Option Development. 2D Model - Flood Plain Topography. Model Setup – Scheme Permanent Scenario.

Date	Form of correspondence	Key topics discussed
		<ul style="list-style-type: none"> • Model Setup – Scheme Permanent + Temporary Scenario. • Baseline Scenario. • Proposed Permanent Scheme Scenario.
29-07-2020	Email from EA to Highways England	EA official response to Scheme-wide supplementary consultation, covering the following key topics: <ul style="list-style-type: none"> • Borrow pits. • Flood plain compensation areas. • Waste. • Hydrogeology.
31-07-2020	Email regarding model review of Hen Brook from EA to Highways England	Key topics include: <ul style="list-style-type: none"> • Model boundary conditions. • Channel design. • Evidence of flood plain compensation. • Flow estimates. • Hydrology.
31-07-2020	Email regarding model review of South Brook from EA to Highways England	Key topics include: <ul style="list-style-type: none"> • Evidence of flood plain compensation. • Downstream flows. • interaction between the South Brook and River Great Ouse. • Flow estimates. • Hydrology.
August 2020	Email from Highways England to EA	Issued Groundwater Risk Assessment Technical Note to EA.
06-11-2020	Meeting with EA Land and Water team	Discussions included construction risks, operational runoff and mitigation / drainage proposals.
16-12-2020	Email from EA to Highways England	EA Issued a response to the Groundwater Risk Assessment Technical Note.
19-01-2021	Meeting with EA	In this WFD meeting, it was explained how culverts would be mitigated and opportunities for enhancement of watercourses.
25-01-2021	Pre-meeting Phone conversation with EA	To discuss and understand some of the EA's comments in their response to the Groundwater Water Risk Assessment Technical Note/Approach to the Groundwater Assessment.

Date	Form of correspondence	Key topics discussed
27-01-2021	Email to the EA from Highways England	Issued pre-meeting brief document which included clarifications/responses to address the EA comments to the Groundwater Risk Assessment Technical Note. The brief also included new additional groundwater quality analyses results.
28-01-2021	Meeting with the EA	<p>Key topics discussed included:</p> <ul style="list-style-type: none"> • The EA's response from 16th December to the Groundwater Technical Note. • Approach to the Groundwater Impact Assessment. • Conceptual model and analytical calculations used in the Groundwater quantitative impact assessment. • Groundwater quality analyses results. • Cuttings and Borrow pits groundwater dewatering abstraction and discharge licence. • Borrow pit restoration material and screening.
27-04-2021	Meeting with EA re: Highways England Project Control Framework (PCF) Stage 4 update	<p>Key topics include:</p> <ul style="list-style-type: none"> • DCO application update. • Delivery Integration partner. • Update on flood model review and legal agreement. • Inputs and engagement going forward. • Programme and future meetings.
18-05-2021	Meeting – Flood Risk	<p>Key topic include:</p> <ul style="list-style-type: none"> • Summary of models submitted for review and current status: <ul style="list-style-type: none"> - River Great Ouse - South Brook - Wintringham Brook - Wintringham Tributary - Top Farm - Rectory Farm - Hen Brook • Summary of actions. • Programme for further deliverables. • Programme for further meetings.
08-06-2021	Meeting – Flood Risk	The Technical Response Note to EA comments on the FRA and Ordinary Watercourse Modelling Report was discussed.

Date	Form of correspondence	Key topics discussed
10-06-2021	Letter from the EA to the Planning Inspectorate	Letter detailing the EA relevant representation for the DCO.
14-06-2021	Meeting – Biodiversity	<p>A biodiversity update meeting was presented. Key topics included:</p> <ul style="list-style-type: none"> • Biodiversity assessment: Summary. • Watercourses and WFD status. • River Great Ouse: surveys, mitigation and enhancement. • Other watercourses: surveys, mitigation and enhancement. • Riparian Mammals: surveys, mitigation and enhancement. • Breedon Quarry restoration. • Biodiversity enhancements and net gain.
30-06-2021	Email from the EA to Highways England	Email from the EA to Highways England on timescales for an FRA technical note, draft SOCG and further updates on Protected Provisions.
02-07-2021	Email from Highways England to the EA	Email from Highways England to the EA responding to the EA's points on the FRA technical note, draft SOCG and Protected Provisions.
13-07-2021	Meeting – Protected Provisions	<p>A Protected Provisions meeting took place between Highways England, the EA and Womble Bond Dickinson.</p> <p>The key topics discussed were:</p> <ul style="list-style-type: none"> • Flood Risk Activity Permits. • Continued operational access to the River Great Ouse for river maintenance – paragraph 25 protective provisions. • Protecting Main River Navigation – Article 58 draft DCO • Groundwater Protection. • Notice Requirements - paragraph 22(2) protective provisions.
16-07-2021	Email from Highways England to the EA	Issue of the draft SOCG to the EA.

2.1.2 It is agreed that this is an accurate record of the key engagement and consultation undertaken between (1) Highways England and (2) the EA in relation to the issues addressed in this SoCG.

2.1.3 The issues and matters highlighted in Section 3 of this SoCG summarise the key issues that have been identified in relation to a number of key areas of the DCO application.

3 Issues Raised

Table 3-1 – Environmental matters

Issue	Document Reference	Highways England Position	Environment Agency Position	Status	Date
General Legislation and policy	Chapter 8, Biodiversity [APP-077] Chapter 9, Geology and Soils [APP-078] Chapter 13, Road Drainage and the Water Environment [APP-082] Chapter 15, Assessment of Cumulative Effects [APP-084] Appendix 13.1, Water Framework Directive [APP-217] Appendix 13.4, Flood Risk Assessment [APP-220]	Highways England considers that the Environmental Statement (ES) has identified and appropriately considered all applicable legislation and national policy pertaining to the following assessments undertaken as part of the Environmental Impact Assessment (EIA) of the Scheme: <ul style="list-style-type: none"> • Biodiversity. • Geology and soils. • Road drainage and the water environment (including the Flood Risk Assessment and the Water Framework Directive (WFD) Assessment). • Assessment of cumulative effects (as related to the topics and subject of interest to the EA). 	The EA is content that these assessments have considered all relevant legislation and national policy.	Under discussion	
General Study area definition and extents	Chapter 8, Biodiversity [APP-077] Chapter 9, Geology and Soils [APP-078]	The study areas adopted by Highways England within the following assessments reflect current best practice and standards: <ul style="list-style-type: none"> • Biodiversity [APP-077]. 	The EA is content that the geographical extents of the adopted study areas within these assessments cover the area over which direct and indirect effects of the Scheme are likely to occur.	Under discussion	

Issue	Document Reference	Highways England Position	Environment Agency Position	Status	Date
	<p>Chapter 13, Road Drainage and the Water Environment [APP-082]</p> <p>Chapter 15, Assessment of Cumulative Effects [APP-084]</p> <p>Appendix 13.1, Water Framework Directive [APP-217]</p> <p>Appendix 13.4, Flood Risk Assessment [APP-220]</p>	<ul style="list-style-type: none"> • Geology and soils [APP-078]. • Road drainage and the water environment (including the Flood Risk Assessment and the WFD Assessment) [APP-082] [APP-217] [APP-220]. • Assessment of cumulative effects (as related to the topics and subject of interest to the EA) [APP-084]. <p>Highways England considers that the geographical extents of the adopted study areas are appropriate to identify the likely direct and indirect effects of the Scheme on sensitive features and receptors.</p>			
<p>General</p> <p>Application of expert / professional judgements</p>	<p>Chapter 8, Biodiversity [APP-077]</p> <p>Chapter 9, Geology and Soils [APP-078]</p> <p>Chapter 13, Road Drainage and the Water Environment [APP-082]</p> <p>Chapter 15, Assessment of Cumulative Effects [APP-084]</p>	<p>The identification of likely significant effects on sensitive features and receptors has been informed by professional judgement and the views of relevant technical specialists, where necessary.</p> <p>Highways England considers the application of professional judgement by its specialists within the following assessments to be appropriate and robust:</p> <ul style="list-style-type: none"> • Biodiversity [APP-077]. • Geology and soils [APP-078]. 	<p>The EA is content with how Highways England has applied professional judgement in the assessments of effects on sensitive features and receptors undertaken and reported.</p>	<p>Under discussion</p>	

Issue	Document Reference	Highways England Position	Environment Agency Position	Status	Date
	<p>Appendix 13.1, Water Framework Directive [APP-217]</p> <p>Appendix 13.4, Flood Risk Assessment [APP-220]</p>	<ul style="list-style-type: none"> Road drainage and the water environment (including the Flood Risk Assessment and the WFD Assessment) [APP-082] [APP-217] [APP-220]. Assessment of cumulative effects (as related to the topics and subject of interest to the EA) [APP-084]. 			
<p>General</p> <p>Assessment assumptions and limitations</p>	<p>Chapter 8, Biodiversity [APP-077]</p> <p>Chapter 9, Geology and Soils [APP-078]</p> <p>Chapter 13, Road Drainage and the Water Environment [APP-082]</p> <p>Chapter 15, Assessment of Cumulative Effects [APP-084]</p> <p>Appendix 13.1, Water Framework Directive [APP-217]</p> <p>Appendix 13.4, Flood Risk Assessment [APP-220]</p>	<p>The following assessments record the assumptions applied and the approaches taken by Highways England to reduce any uncertainty resulting from any limitations encountered:</p> <ul style="list-style-type: none"> Biodiversity [APP-077]. Geology and soils [APP-078]. Road drainage and the water environment (including the Flood Risk Assessment and the WFD Assessment) [APP-082] [APP-217] [APP-220]. Assessment of cumulative effects (as related to the topics and subject of interest to the EA) [APP-084]. <p>Highways England considers the assumptions adopted in these assessments to be reasonable and appropriate.</p>	<p>The EA is content that the assumptions recorded within these assessments are reasonable and accepts that the limitations encountered do not impact upon the validity of the reported findings.</p>	<p>Under discussion</p>	

Issue	Document Reference	Highways England Position	Environment Agency Position	Status	Date
<p>General Worst-case scenario: limits of deviation</p>	<p>Works Plans [APP-009] [APP-010] Engineering Sections [APP-017 to APP 022] Chapter 8, Biodiversity [APP-077] Chapter 9, Geology and Soils [APP-078] Chapter 13, Road Drainage and the Water Environment [APP-082] Chapter 15, Assessment of Cumulative Effects [APP-084] Appendix 13.1, Water Framework Directive [APP-217] Appendix 13.4, Flood Risk Assessment [APP-220]</p>	<p>The following assessments have taken into account the lateral limits of deviation forming part of the Scheme design, as defined on the Works Plans [APP-009] [APP-010], and the vertical limits of deviation defined on the Engineering Sections [APP-017 to APP 022]:</p> <ul style="list-style-type: none"> • Biodiversity [APP-077]. • Geology and soils [APP-078]. • Road drainage and the water environment (including the Flood Risk Assessment and the WFD Assessment) [APP-082] [APP-217] [APP-220]. • Assessment of cumulative effects (as related to the topics and subject of interest to the EA) [APP-084]. <p>Highways England considers that the maximum extents of possible deviation accounted for in these assessments represent the realistic worst-case assessment scenario.</p>	<p>The EA is yet to confirm that these assessments have appropriately considered the worst-case scenario in relation to the potential for the Scheme design and/or its construction to deviate within the lateral and vertical extents defined on the Works Plans and Engineering Sections.</p> <p>The EA is yet to comment on HE's proposed approach to limits of deviation in the dDCO.</p>	<p>Under discussion</p>	

Issue	Document Reference	Highways England Position	Environment Agency Position	Status	Date
<p>General Worst-case scenario: design criteria and climate allowances</p>	<p>Appendix 13.3, Drainage Strategy Report [APP-219] Appendix 13.4, Flood Risk Assessment [APP-220]</p>	<p>Climate change provisions in line with DMRB CG 501 and other best practice have been taken into account within the drainage design [APP-219] and the Flood Risk Assessment [APP-220].</p>	<p>The EA is content that the climate change provisions included within the drainage design and the flood risk mitigation proposals take account of latest UK Climate Projections 2018 (UKCP18).</p>	<p>Under discussion</p>	
<p>General Presentation of results</p>	<p>Chapter 8, Biodiversity [APP-077] Chapter 9, Geology and Soils [APP-078] Chapter 13, Road Drainage and the Water Environment [APP-082] Chapter 15, Assessment of Cumulative Effects [APP-084] Appendix 13.1, Water Framework Directive [APP-217] Appendix 13.4, Flood Risk Assessment [APP-220]</p>	<p>The following application documents present the approaches to, and outcomes of, assessments undertaken to identify the likely significant effects of the construction, operational and (where relevant) the maintenance phases of the Scheme:</p> <ul style="list-style-type: none"> • Biodiversity [APP-077]. • Geology and soils [APP-078]. • Road drainage and the water environment (including the Flood Risk Assessment and the WFD Assessment) [APP-082] [APP-217] [APP-220]. • Assessment of cumulative effects (as related to the topics and subject of interest to the EA) [APP-084]. <p>Highways England considers that the format and methods used to present the assessments undertaken are clear and unambiguous.</p>	<p>The EA is content with the formats and styles adopted by Highways England in presenting the details of the assessments undertaken.</p>	<p>Under discussion</p>	

Issue	Document Reference	Highways England Position	Environment Agency Position	Status	Date
<p>Scheme Design Route / junction design selection</p>	<p>Chapter 2, The Scheme [APP-071] Chapter 3, Assessment of Alternatives [APP-072]</p>	<p>Highways England has undertaken thorough and comprehensive route studies, junction appraisals and optioneering studies during the design-development of the Scheme, in pursuit of establishing its preferred design solution, as described in Chapter 2 [APP-071] and Chapter 3 [APP-072] of the Environmental Statement.</p> <p>In considering, evaluating and balancing constrains and opportunities, Highways England considers that the preliminary design of the new dual carriageway represents the optimum solution to meet the Scheme objectives.</p>	<p>The EA is content that the studies, optioneering exercises and appraisals undertaken by Highways England are appropriate from a design perspective.</p>	<p>Under discussion</p>	
<p>Waste Waste management</p>	<p>Chapter 2, The Scheme [APP-071] Chapter 10, Material Assets and Waste [APP-079] First Iteration EMP [APP-234]</p>	<p>Highways England has undertaken an assessment of the quantities and types of waste that construction of the Scheme would generate, as reported in Chapter 10 of the Environmental Statement [APP-079], and has set out within the First iteration EMP [APP-234] how waste would be managed and disposed of.</p> <p>Highways England considers that both the assessment of waste and the management and disposal measures that would be implemented are comprehensive and robust.</p>	<p>The EA is content with the approach to, the findings of, and the mitigation measures within, the assessment of waste arising from construction of the Scheme.</p>	<p>Under discussion</p>	

Issue	Document Reference	Highways England Position	Environment Agency Position	Status	Date
<p>Biodiversity Data collection methods, baseline data and the identification and sensitivity of relevant features and receptors</p>	<p>Chapter 8, Biodiversity [APP-077]</p>	<p>The baseline conditions have been collated using desk-based and field-based techniques, and through consultation with stakeholders.</p> <p>Highways England considers the scope, coverage and timing of surveys undertaken to establish the baseline conditions and sensitive features and receptors are in line with best practice and appropriate to inform the assessment of direct and indirect effects reported in the Biodiversity assessment [APP-077].</p>	<p>Subject to the following paragraph, the EA is content with the scope, coverage and findings of the data collection and surveys undertaken to inform the assessment of effects on the identified sensitive features and receptors.</p> <p><u>Matters raised within the EA's Relevant Representation</u></p> <p>The EA has identified that further updates to the ecological surveys are likely to be required as the Scheme progresses, in order to provide up-to-date ecological information.</p>	<p>Under discussion</p> <p>Highways England is currently drafting its response to the EA's point contained in its Relevant Representation.</p>	
<p>Biodiversity Construction and operational effects</p>	<p>Chapter 8, Biodiversity [APP-077]</p>	<p>The biodiversity assessment [APP-077] has identified that adverse and beneficial effects on habitats, species and designated sites would result from construction and operation of the Scheme; however, none of these effects would be significant.</p> <p>Highways England considers that the assessment findings accurately reflect the likely effects of the Scheme.</p>	<p>The EA is content with the conclusions of the assessment and the significance of the reported effects.</p>	<p>Under discussion</p>	

Issue	Document Reference	Highways England Position	Environment Agency Position	Status	Date
<p>Biodiversity Embedded and essential mitigation</p>	<p>Chapter 2, The Scheme [APP-071] Chapter 8, Biodiversity [APP-077] Figure 2.4 Environmental Masterplan [APP-091] First Iteration EMP [APP-234] Schedule of Mitigation [APP-235]</p>	<p>Highways England considers that:</p> <ul style="list-style-type: none"> the embedded mitigation measures illustrated on the Environmental Masterplan [APP-091]; and the essential mitigation measures set out in the First Iteration EMP [APP-234] <p>are appropriate to avoid, prevent, reduce, manage, control and (where necessary) monitor the adverse effects of the Scheme on habitats, species and designated sites during its construction and operation.</p>	<p>Subject to the following two paragraphs, the EA is content that the form, nature and extent of the biodiversity mitigation measures, including associated monitoring, are appropriate and acceptable.</p> <p><u>Matters raised within the EA's Relevant Representation</u></p> <p>In relation to construction mitigation, the EA has highlighted that consideration should be given by Highways England to the timing of works within watercourses, to avoid sensitive times around fish spawning.</p> <p>In relation to embedded measures, the EA has noted that given the adverse ecological impacts associated with culverts, new and/or replacement culverts should be kept as short as possible, with culverts being oversized and set below natural bed level (>30cm). The EA recommends that their positioning should not inadvertently result in invert levels creating a potential barrier to eel and fish migrations, and that mammal ledges should also be included.</p>	<p>Under discussion</p> <p>Highways England is currently drafting its response to the EA's point contained in its Relevant Representation.</p>	

Issue	Document Reference	Highways England Position	Environment Agency Position	Status	Date
<p>Road drainage and the water environment</p> <p>Data collection methods, baseline data and the identification and sensitivity of relevant features and receptors</p>	<p>Chapter 13, Road Drainage and the Water Environment [APP-082]</p>	<p>The baseline conditions have been collated using desk-based and field-based techniques, and through consultation with stakeholders.</p> <p>Highways England considers the scope, coverage and timing of surveys undertaken to establish the baseline conditions and sensitive features and receptors are in line with best practice and appropriate to inform the assessment of direct and indirect effects reported in the Road Drainage and the Water Environment assessment [APP-082].</p>	<p>The EA is content with the scope, coverage and findings of the data collection and surveys undertaken to inform the assessment of effects on the identified sensitive features and receptors.</p>	<p>Under discussion</p>	
<p>Road drainage and the water environment</p> <p>Construction and operational effects</p>	<p>Chapter 13, Road Drainage and the Water Environment [APP-082]</p>	<p>The road drainage and the water environment assessment [APP-077] has identified that adverse and beneficial effects on water quality, hydromorphology, groundwater and drainage would result from construction and operation of the Scheme; however, none of these effects would be significant.</p> <p>Highways England considers that the assessment findings accurately reflect the likely effects of the Scheme.</p>	<p>The EA is content with the conclusions of the assessment and the significance of the reported effects.</p>	<p>Under discussion</p>	

Issue	Document Reference	Highways England Position	Environment Agency Position	Status	Date
<p>Road drainage and the water environment</p> <p>Embedded and essential mitigation</p>	<p>Chapter 2, The Scheme [APP-071]</p> <p>Chapter 13, Road Drainage and the Water Environment [APP-082]</p> <p>Figure 2.4 Environmental Masterplan [APP-091]</p> <p>First Iteration EMP [APP-234]</p> <p>Schedule of Mitigation [APP-235]</p>	<p>Highways England considers that:</p> <ul style="list-style-type: none"> the embedded mitigation measures illustrated on the Environmental Masterplan [APP-091]; and the essential mitigation measures set out in the First Iteration EMP [APP-234] <p>are appropriate to avoid, prevent, reduce, manage, control and (where necessary) monitor the adverse effects of the Scheme in relation to water quality, hydromorphology, groundwater and drainage during its construction and operation.</p>	<p>Subject to the matters bullet-pointed below as raised its Relevant Representation, the EA is content that the form, nature and extent of the road drainage and the water environment mitigation measures, including associated monitoring, are appropriate and acceptable.</p> <p><u>Matters raised within the EA's Relevant Representation</u></p> <p>In relation to construction mitigation, the EA has recommended that:</p> <ul style="list-style-type: none"> Measures will be required during the construction phase to prevent sediment run-off, and other polluting substances, from entering watercourses. Highways England liaises with local river-based clubs and erects signs and notices about its plans for the works upstream and downstream on the River Great Ouse, to ensure that construction works do not unreasonably impede the rights of other river users, such as fishermen or boats in transit. Highways England undertakes works over the River Great Ouse 	<p>Under discussion</p> <p>Highways England is currently drafting its response to the EA's point contained in its Relevant Representation.</p>	

Issue	Document Reference	Highways England Position	Environment Agency Position	Status	Date
			<p>only during daylight hours (and in good visibility), and furthermore to reduce impacts on river users, undertake works from 1 November through to 31 March or Easter (whichever is sooner).</p> <ul style="list-style-type: none"> • Highways England provides safety boats suitable for rescue (manned by competent personnel) along with a sufficient number of marshals throughout the area of the works, and to be alert to potential risks related to flooding. • In times of flood, works over the river be suspended, cancelled or postponed, to ensure the health, safety and well-being of any on-site contractors. • Highways England consults (and includes) the EA in its accident and emergency planning for the Scheme, particularly for spillages, which will facilitate fast and effective emergency responses for environmental protection. <p>In relation to embedded measures, the EA expressed its satisfaction with the proposed road drainage design but has noted:</p>		

Issue	Document Reference	Highways England Position	Environment Agency Position	Status	Date
			<ul style="list-style-type: none"> • The requirements of the WFD in relation to maintenance or improvement of water quality standards within local waterbodies, to ensure impacts are not negative. • That designing ponds and wetland areas with shallow bank slopes and variation in plan-form can help to improve their ecological value, and that planting should consist of native species characteristic of the local area and ideally be sourced locally. • The need for inclusion of pollution control devices and appropriate engineering to be implemented at every opportunity, to facilitate more effective containment of chemical and fuel spillage and surface water run-off. • That written proposals for long term effective maintenance and repair of pollution prevention assets must be included and adhered to. • It would be good practice for Highways England to install penstocks, to give ponds and 		

Issue	Document Reference	Highways England Position	Environment Agency Position	Status	Date
			watercourses another level of protection against highway spills.		
Geology and Soils Data collection methods, baseline data and the identification and sensitivity of relevant features and receptors	Chapter 9, Geology and Soils [APP-078]	<p>The baseline conditions have been collated using desk-based and field-based techniques, and through consultation with stakeholders.</p> <p>Highways England considers the scope, coverage and timing of surveys undertaken to establish the baseline conditions and sensitive features and receptors are in line with best practice, and are appropriate to inform the assessment of direct and indirect effects reported in the Geology and Soils assessment [APP-082] relating to controlled waters and contamination.</p>	The EA is content with the scope, coverage and findings of the data collection and surveys undertaken to inform the assessment of effects on the identified sensitive features and receptors.	Under discussion	
Geology and Soils Construction and operational effects	Chapter 9, Geology and Soils [APP-078]	<p>The Geology and Soils assessment [APP-078] has identified that adverse and beneficial effects on controlled waters and those associated with contamination would result from the construction, operation and maintenance of the Scheme; however, none of these effects would be significant.</p> <p>Highways England considers that the assessment findings accurately reflect the likely effects of the Scheme.</p>	<p>Subject to the following paragraph, the EA is content with the conclusions of the assessment and the significance of the reported effects.</p> <p><u>Matters raised within the EA's Relevant Representation</u></p> <p>The EA notes that further assessment of the potential impacts from the Eversden-Eltisley landfill may be required, depending upon the</p>	<p>Under discussion</p> <p>Highways England is currently drafting its response to the EA's point contained in its</p>	

Issue	Document Reference	Highways England Position	Environment Agency Position	Status	Date
			outcome of more conservative quantitative dewatering assessment for the glacial till, in this location.	Relevant Representation	
Geology and Soils Embedded and essential mitigation	Chapter 2, The Scheme [APP-071] Chapter 9, Geology and Soils [APP-078] Figure 2.4 Environmental Masterplan [APP-091] First Iteration EMP [APP-234] Schedule of Mitigation [APP-235]	Highways England considers that: <ul style="list-style-type: none"> the embedded mitigation measures illustrated on the Environmental Masterplan [APP-091]; and the essential mitigation measures set out in the First Iteration EMP [APP-234] are appropriate to avoid, prevent, reduce, manage, control and (where necessary) monitor the adverse effects of the Scheme relating to controlled waters and contamination during its construction and operation.	Subject to the points raised below, as raised in its Relevant Representation, the EA is content that the form, nature and extent of the geology and soils mitigation measures, including associated monitoring, are appropriate and acceptable. <u>Matters raised within the EA's Relevant Representation</u> The EA confirms that the Qualitative Risk Assessments for proposed construction dewatering are acceptable but notes that: <ul style="list-style-type: none"> The Quantitative Risk Assessments models are approximations and that even with conservative parameters, the results from such models may significantly underestimate real-life impacts. Accordingly, the EA is likely to require continuous groundwater level monitoring at strategic points during the construction phase of the Scheme so that any unforeseen unacceptable impacts can be 	Under discussion Highways England is currently drafting its response to the EA's point contained in its Relevant Representation.	

Issue	Document Reference	Highways England Position	Environment Agency Position	Status	Date
			<p>identified at an early stage, and mitigation measures provided.</p> <ul style="list-style-type: none"> • Dewatering water may be discharged to surface watercourses; therefore, the Water Quality Risk Assessment should be revised to take into account Environmental Quality Standards protective of fresh inland waters. <p>In relation to permanent dewatering, the EA does not support this type of proposal and urges Highways England to design the Scheme in a way that avoids any such requirement.</p>		
<p>Flood Risk Assessment Data collection methods, baseline data and the identification and sensitivity of relevant features and receptors</p>	<p>Chapter 13, Road Drainage and the Water Environment [APP-082] Appendix 13.4 Flood Risk Assessment [APP-220]</p>	<p>The baseline conditions have been collated from a variety of sources including desk-based information, ground investigations and consultation with stakeholders.</p> <p>Highways England considers the scope and coverage of the information used to establish the baseline conditions to be in line with best practice and appropriate to inform the assessment flood risk (both to, and from, the Scheme during the construction and operational phases) associated with the following potential</p>	<p>The EA is content with the scope, coverage and findings of the data collection and ground investigations undertaken as part of the assessment of effects relating to flooding and flood risk both to, and from, the Scheme during its construction and operational phases.</p>	<p>Under discussion</p>	

Issue	Document Reference	Highways England Position	Environment Agency Position	Status	Date
		<p>sources, as reported in the Flood Risk Assessment [APP-220]:</p> <ul style="list-style-type: none"> • Fluvial. • Surface water. • Groundwater. • Sewers. • Artificial sources. 			
<p>Flood Risk Assessment Modelling</p>	<p>Chapter 13, Road Drainage and the Water Environment [APP-082] Appendix 13.4 Flood Risk Assessment [APP-220]</p>	<p>Highways England’s approach to undertaking the flood risk assessment has been based around a source-pathway-receptor model, which has been developed to model:</p> <ul style="list-style-type: none"> • the flood risk to the Scheme as a receptor; and • the flood risk to other receptors as a consequence of the Scheme. <p>Hydraulic modelling has been undertaken for significant flood risk areas including detailed 1D and 2D fluvial modelling of:</p> <ul style="list-style-type: none"> • River Great Ouse. • Hen Brook. • Rectory Farm (Rectory Farm Brook). • South Brook. 	<p>The EA is content that the adoption of a source-pathway-receptor approach to the modelling of flood risk is appropriate to establish the risk of flooding both to the Scheme, and as a consequence of the Scheme.</p> <p>Following a review of the hydraulic models developed and used to establish flood risk, the EA is content with their scope and extent.</p> <p><u>Matters raised within the EA’s Relevant Representation</u></p> <p>The EA has identified within its Relevant Representation that any changes made to the design of watercourse crossings at the detailed design stage could result in an increase in flood levels within third</p>	<p>Under discussion</p> <p>Highways England is currently drafting its response to the EA’s point contained in its Relevant Representation.</p>	

Issue	Document Reference	Highways England Position	Environment Agency Position	Status	Date
		<p>Highways England considers this approach to be robust and appropriate for this Scheme, and that no further flood modelling is required to inform the assessment of flood risk.</p>	<p>party land, unless sufficient mitigation is provided. In the event that design changes are made, the EA will seek a commitment from Highways England to undertake and share further hydraulic modelling to ensure there is no increase in flood risk. The EA also notes this may need to form a requirement of the dDCO.</p> <p>Following a review of the FRA, the EA has identified that an area of land adjacent to the River Great Ouse (outside of the Order Limits) is predicted to experience an increase in flood depths of up to 16mm. The EA accordingly requests Highways England provide evidence of the affected landowner's acceptance to this increase.</p>		
<p>Flood Risk Assessment Breedon Quarry</p>	<p>Chapter 13, Road Drainage and the Water Environment [APP-082] Appendix 13.4 Flood Risk Assessment [APP-220]</p>	<p>In establishing and modelling the future baseline conditions, Highways England has taken account of the approved restoration scheme for Breedon Quarry (and its associated levels).</p>	<p>The EA is content with how the approved restoration scheme for Breedon Quarry has been taken into account as part of the flood modelling.</p> <p><u>Matters raised within the EA's Relevant Representation</u></p> <p>The EA notes that whilst the hydraulic modelling undertaken for the River Great Ouse assumes that</p>	<p>Under discussion Highways England is currently drafting its response to the EA's point contained in its Relevant Representation.</p>	

Issue	Document Reference	Highways England Position	Environment Agency Position	Status	Date
			<p>the Breedon Quarry restoration works will be completed prior to construction of the Scheme commencing, these restoration works are ongoing. The EA is concerned that if the restoration works are not completed in advance, then it could potentially impact on the functioning of the floodplain compensation area and result in increased flooding elsewhere. Accordingly, the EA seeks written confirmation of the completion date from the operator of Breedon Quarry that its restoration works will be completed ahead of the commencement of Scheme construction. If confirmation is not possible, then the EA seeks a commitment from Highways England to demonstrate that there will be no loss of floodplain, or increase in flood risk elsewhere, based on existing land levels at Breedon Quarry.</p>		
<p>Flood Risk Assessment Construction and operational effects</p>	<p>Chapter 13, Road Drainage and the Water Environment [APP-082] Appendix 13.4 Flood Risk Assessment [APP-220]</p>	<p>The assessment has concluded that flood risk to and from the construction and operational stages of the Scheme from fluvial, surface water, groundwater and sewer flooding would be low, and accordingly there would be no significant flooding-related effects.</p>	<p>Subject to the following paragraph, the EA is content with the conclusions of the flood risk assessment.</p> <p><u>Matters raised within the EA's Relevant Representation</u></p>	<p>Under discussion Highways England is currently drafting its response to the EA's point</p>	

Issue	Document Reference	Highways England Position	Environment Agency Position	Status	Date
		Highways England considers that the assessment findings are robust	In relation to land identified to accommodate construction compounds and soil storage areas, the EA seeks confirmation from Highways England on their locations relative to floodplain extents, due to the potential to: reduce flood storage capacity; cause blockages (from materials getting washed away and deposited in river systems); and increase flood risk elsewhere.	contained in its Relevant Representation.	
Flood Risk Assessment Embedded and essential mitigation	Chapter 2, The Scheme [APP-071] Chapter 13, Road Drainage and the Water Environment [APP-082] Figure 2.4 Environmental Masterplan [APP-091] Appendix 13.4 Flood Risk Assessment [APP-220] First Iteration EMP [APP-234] Schedule of Mitigation [APP-235]	Highways England considers that: <ul style="list-style-type: none"> • the embedded mitigation measures illustrated on the Environmental Masterplan [APP-091]; and • the essential mitigation measures set out in the First Iteration EMP [APP-234] are appropriate to avoid, prevent, reduce, manage and control flood risk during construction and operation of the Scheme.	Subject to the following two paragraphs, the EA is content that the form, nature and extent of the embedded mitigation measures incorporated into the design of the Scheme, and the essential mitigation measures that would be implemented during construction of the Scheme, are appropriate and reduce effects to acceptable levels. <u>Matters raised within the EA's Relevant Representation</u> The EA has highlighted the importance of constructing each flood compensation area prior to the commencement of construction of the relevant road sections to prevent an overall loss of floodplain, and	Under discussion Highways England is currently drafting its response to the EA's point contained in its Relevant Representation.	

Issue	Document Reference	Highways England Position	Environment Agency Position	Status	Date
			seeks a commitment from Highways England to incorporate this into the construction phasing plan at the detailed design phase.		
Water Framework Directive Data collection methods, baseline data and the identification and sensitivity of relevant features and receptors	Chapter 13, Road Drainage and the Water Environment [APP-082] Appendix 13.1 Water Framework Directive Assessment [APP-217]	The baseline conditions have been collated from a variety of sources including desk-based information and consultation with stakeholders. Highways England considers the scope and coverage of the information used to establish the baseline conditions is appropriate, and in line with best practice, to inform the WFD assessment on relevant WFD waterbodies.	The EA is content with the scope, coverage and findings of the data collected to inform the WFD assessment of relevant WFD waterbodies.	Under discussion	
Water Framework Directive Construction and operational effects	Chapter 13, Road Drainage and the Water Environment [APP-082] Appendix 13.1 Water Framework Directive Assessment [APP-217]	The WFD assessment has concluded that that no significant adverse impacts to WFD relevant water bodies would occur as a result of the Scheme, and that the Scheme is compliant with the WFD objectives for all relevant WFD waterbodies. Highways England considers that the assessment findings are accurate and robust.	The EA agrees with the findings of the WFD assessment.	Under discussion	

Issue	Document Reference	Highways England Position	Environment Agency Position	Status	Date
Water Framework Directive Enhancements	Chapter 2, The Scheme [APP-071] Chapter 13, Road Drainage and the Water Environment [APP-082] Figure 2.4 Environmental Masterplan [APP-091] Appendix 13.1 Water Framework Directive Assessment [APP-217] First Iteration EMP [APP-234] Schedule of Mitigation [APP-235]	<p>The Environmental Masterplan [APP-091] illustrates the locations and lengths of potential watercourse enhancement opportunities that could be delivered as part of the Scheme.</p> <p>Subject to the DCO being consented, Highways England's Principal Contractor would develop a WFD mitigation and enhancement strategy at the detailed design stage of the Scheme. The strategy would include the development of options, in line with current best practice, which would deliver enhancements along watercourses within the Order Limits of the Scheme, undertaken in consultation with the EA, as committed to in the First Iteration EMP [APP-234].</p>	<p>The EA agrees with the number and location of potential watercourse enhancements and that it is appropriate for Highways England's Principal Contractor to develop these proposals in further detail at the detailed design stage of the Scheme.</p>	Under discussion	
Cumulative effects assessment Baseline data	Chapter 15, Assessment of Cumulative Effects [APP-084] Appendix 15.1 Long list of other developments [APP-228]	<p>Highways England has undertaken an assessment of the likely significant cumulative effects of the Scheme on the environment resulting from the cumulation of effects with other existing and/or approved developments and projects. The assessment has considered:</p> <ul style="list-style-type: none"> existing completed projects. 	<p>The EA is content with the developments and projects identified within both the long list and shortlist, and how these have been categorised within the assessment (as related to its topics and areas of interest to the EA).</p>	Under discussion	

Issue	Document Reference	Highways England Position	Environment Agency Position	Status	Date
	Appendix 15.2 Assessment matrix [APP-229]	<ul style="list-style-type: none"> approved but uncompleted projects. ongoing activities. plans or projects for which an application has been made and which are under consideration by consenting authorities; and plans and projects which are reasonably foreseeable. <p>Cumulative developments and projects were initially identified through a long list [APP-228], with qualifying developments subsequently shortlisted [APP-229] for consideration in the assessment.</p> <p>Highways England considers that its approach to identifying other development projects, their shortlisting and subsequent inclusion in the cumulative effects assessment is robust and appropriate (as related to its topics and areas of interest to the EA).</p>			
Cumulative effects assessment Construction and operational effects	Chapter 15, Assessment of Cumulative Effects [APP-084] Appendix 15.1 Long list of other developments [APP-228]	<p>The cumulative effects assessment has concluded that no significant adverse cumulative effects would occur specifically in relation to the following topics arising from the effects of the Scheme interacting cumulatively with other planned projects and developments:</p> <ul style="list-style-type: none"> Biodiversity [APP-077]. 	<p>The EA is content with the conclusions of the cumulative effects assessment and the significance of the reported effects (as related to its topics and areas of interest).</p>	Under discussion	

Issue	Document Reference	Highways England Position	Environment Agency Position	Status	Date
	Appendix 15.2 Assessment matrix [APP-229] Chapter 8, Biodiversity [APP-077] Chapter 9, Geology and Soils [APP-078] Chapter 13, Road Drainage and the Water Environment [APP-082]	<ul style="list-style-type: none"> • Geology and soils [APP-078]. • Road drainage and the water environment [APP-082]. Highways England considers that the outcomes of the cumulative effects assessment in relation to development interactions are accurate.			

Table 3-2 – DCO and Legal Matters

Issue	Document Reference	Highways England Position	Environment Agency Position	Status	Date
<p>Draft DCO Article 58 – Works in the River Great Ouse</p>	<p>APP-025</p>	<p>Article 58 of the draft DCO [APP-025] seeks appropriate powers to temporarily suspend the public right of navigation over any part of the River Great Ouse that is located in the Scheme Order Limits for the purpose of construction of the Scheme.</p>	<p><u>Extract from the EA’s Relevant Representation</u></p> <p>As the Navigation Authority for the Great Ouse we are responsible for ensuring the navigation channel and any adjoining defined spaces are appropriate to allow the safe movement of traffic on the river. We define this as the ‘Navigation Envelope’. The minimum channel width is 12 metres and the minimum headroom or “airdraft” is 3 metres above normal retention levels (of the water in that channel). Any reduction in the Navigation envelope with temporary and permanent structures should be eliminated or minimised in both the construction and operational phases related to the proposed Black Cat to Caxton Gibbet Road Improvement Scheme.</p> <p>We therefore need to protect this navigation route to ensure that the works do not unreasonably impede the rights of other river users and that any restriction on navigation is kept to a minimum.</p> <p>Impact</p> <p>There are many impacts associated with the loss of the Navigation</p>	<p>The discussions on Article 58 and the need for any amendments are ongoing</p>	

Issue	Document Reference	Highways England Position	Environment Agency Position	Status	Date
			<p>Envelope; in particular this would impede the rights of the river users who are legally registered to navigate under the Anglian Water Authority act 1977 and the Environment Agency (Inland Waterway) Order 2010.</p> <p>Solution</p> <p>We believe this can be secured within Article 58 of the DCO. We wish to continue discussions with the Applicant to reword where necessary the current provisions relating to Navigation in Article 58.</p> <p>During a subsequent discussion the EA has confirmed that it is largely content with Article 58 subject to discussing and confirming the practicalities and some drafting points in the article itself.</p>		
<p>Draft DCO Requirement 8 – Contaminated land and groundwater</p>	APP-025	<p>Requirement 8 of the draft DCO [APP-025] provides sufficient control should contaminated land, including groundwater be found during construction of the Scheme.</p>		Under discussion	

Issue	Document Reference	Highways England Position	Environment Agency Position	Status	Date
Draft DCO Requirement 14 – Flood compensatory storage	APP-025	Requirement 14 of the draft DCO [APP-025] provides sufficient control of the authorised development and its impacts on floodplain compensation by requiring that no part of the authorised development is to commence until a detailed floodplain compensation scheme for that part is submitted to and approved by the Secretary of State, after consultation in all cases with the EA.		Under discussion	
Draft DCO Protective Provisions	APP-025	The protective provisions, as set out in Part 3 of Schedule 9 of the dDCO [APP-025], that are relevant to the EA. The protective provisions are appropriate for the protection of the EA's statutory duty and obligations.	<p><u>Extract from the EA's Relevant Representation</u></p> <p>Issue 1.1 - Flood Risk Activity Permits:</p> <p>We would wish to retain the ability to agree the crossing for the River Great Ouse. This is due to the potential for changes within the detailed design phase to result in structural impacts upon localised hydrology and flood risk.</p> <p>Impact</p> <p>The DCO proposal requests disapplication of regulation 12 of the Environment Permitting Regulations 2016. This relates to the formal requirement for a flood risk activity permit for permanent and temporary works in, under, over or within 8</p>	The discussions on the protective provisions and the need for any amendments to allow the disapplication of Regulation 12 of the EPR 2016 are ongoing.	

Issue	Document Reference	Highways England Position	Environment Agency Position	Status	Date
			<p>metres of any designated main river. Alterations to the engineering design during the detailed design phase could impact upon flood water conveyance and potentially affect third parties.</p> <p>Solution</p> <p>In the draft DCO, the applicant has sought to dis-apply regulation 12 of the Environment Permitting Regulations 2016 and so make unnecessary the requirement for separate flood risk activity permits from the Environment Agency. Section 150 of the Planning Act 2008 provides such disapplication cannot take place without our specific consent. We are not currently in a position to give this consent but have provisionally agreed to dis-apply regulation 12 subject to being able to agree protected provisions. We are continuing to engage with discussions with the applicant on this matter.</p> <p>During a subsequent discussion the EA has confirmed that it agrees in principle that Regulation 12 of the EPR can be disapplied in relation to a flood risk activity permit only, subject to the protective provisions being acceptable.</p>		

Issue	Document Reference	Highways England Position	Environment Agency Position	Status	Date
			<p><u>Extract from the EA's Relevant Representation</u></p> <p>Issue 1.5 - Continued operational access for river maintenance</p> <p>We require the retention of our ability to access the River Great Ouse in order to undertake our permissive powers for maintenance or evidence gathering.</p> <p>Impact</p> <p>Any prevention, through lack of access or operation development, of our access to main rivers could result in the potential exacerbation of flood risk. This would occur in the event that we were unable to access locations to remove debris, repair flood defences or river banks etc.</p> <p>Solution</p> <p>We need to ensure that our operational team retain the ability to access the River Great Ouse to undertake our permissive powers. This could be achieved either through expanding upon paragraph 25 of the Protective Provisions, a requirement of the DCO or an agreement between our organisation and the applicant with regard to access provision throughout the detailed design period. Any</p>	<p>The discussions on the protective provisions and the need for any amendments to paragraph 25 of the protective provisions are ongoing.</p>	

Issue	Document Reference	Highways England Position	Environment Agency Position	Status	Date
			<p>agreement should also cover phasing arrangements for the scheme to ensure year-round access. We propose to have ongoing discussions with the applicant with regards to this point and can hopefully provide further update within the pre-examination phase of the DCO process.</p> <p>During a subsequent discussion the EA has confirmed that it agrees in principle that the protective provisions are adequate in respect of maintaining the EA's access subject to ongoing discussions over the specifics of paragraph 25.</p>		
<p>Draft DCO Associated consents / licenses / permits</p>	<p>APP-025 APP-029</p>	<p>The Consents and Agreements Position Statement [APP-029] identifies the consents, licences or permits that Highways England will need to obtain outside of the dDCO in order to deliver the Scheme. This document contemplates the disapplication of specific legislation on the basis that those powers are contained within the draft Order. This approach is appropriate for the Scheme.</p> <p>Highways England is seeking to disapply the following legislation detailed in the Consents and Agreements Position Statement:</p>	<p><u>Extract from the EA's Relevant Representation</u></p> <p>The scheme has the potential to cause adverse impacts to the water environment during both construction and operational phases. The draft DCO seeks to disapply Section 24 of the Water Resources Act 1991(b). In order for us to agree to this we would need, in advance:</p> <ul style="list-style-type: none"> • a satisfactory groundwater risk assessment • an acceptable construction dewatering strategy containing all 	<p>The disapplication is subject to the consent of the EA and those discussions are ongoing.</p>	

Issue	Document Reference	Highways England Position	Environment Agency Position	Status	Date
		<ul style="list-style-type: none"> • The requirement for Water Abstraction and Water Transfer Licences under Section 24 Water Resources Act 1991. • The requirement for Water Impoundment Licences under Section 25 Water Resources Act 1991. • The requirement for Flood Risk Activity Permits under the EPR 2016 (please see line above for specifics) • The requirement for a Water Activity Permit under EPR 2016. 	<p>of the information that would normally be required for an abstraction licence application.</p> <p>We have previously engaged with the applicant regarding an earlier iteration of the groundwater risk assessment for the proposed scheme (Appendix 13.7 Groundwater Risk Assessment Report TR010044/APP/6.3).</p>		