

The Planning Inspectorate
The Square Temple Quay
Bristol
Avon
BS1 6PN

Our ref: AC/2021/130634/02-L01
Your ref: TR010044
Date: 14 January 2022

Dear Sir/Madam

A428 BLACK CAT TO CAXTON GIBBET ROAD IMPROVEMENT SCHEME THE EXAMINING AUTHORITY'S 3RD WRITTEN QUESTIONS

Thank you for your correspondence regarding the above mentioned scheme. Our answer to your questions are provided below.

Q3.3.6.1 – Mitigation Measures

It is noted that pre-construction ecological surveys for habitats and species have been included within the general responsibilities of the Principal Contractor and ECoW, within the First Iteration EMP, and these will be carried forward into the second iteration EMP (s1.1.13 First Iteration EMP). It is also noted that pre-construction ecological surveys are proposed for 2022, under Biodiversity issues in Table 3-1 of the draft SoCG with the EA.

It is noted that ecology related comments relating to culverts have been considered under Biodiversity issues in Table 3-1 of the draft SoCG, and that culvert design will be determined in consultation with us, as per National Highways Position comments.

It is also noted that 'Proposed works to the watercourses should be programmed to minimise impacts during fish spawning (typically March-June) if possible' (s4.3.2 First Iteration EMP).

Q3.6.3.1 - First Iteration EMP

We have no groundwater protection concerns in respect of the proposed changes to the First Iteration EMP [REP6-008]. However, in respect of Section 4.2.47 to 4.2.49, the applicant should be aware that, in accordance with Section 24 of the Water Resources Act 1991, we would only grant a licence for a water abstraction that might cause derogation of an existing 3rd party protected right if the person entitled to the right gives their prior consent. We would expect an equivalent level of derogation protection to be extended to the owners of protected rights should Section 24 be disapplied.

b) Whilst we are pleased to see that a number of commitments relating to flood risk are included in Table 3-13 (p.43-44) of the revised First Iteration EMP, we have

concerns with the wording of some of these commitments. In particular, we are concerned that no timeframe has been given for the provision of 'as-built' hydraulic models for us to review following completion of the scheme to allow us to make changes to our Flood Map.

Given that one of the site compound areas is shown to be located entirely within Flood Zone 3 in Appendix B of the FRA Technical Note dated December 2021, we would like the First Iteration EMP to include some mitigation measures in relation to this to ensure there is no increase in flood risk elsewhere during the construction phase.

The First Iteration EMP (sections 1.737, 1.738, 4.2.28 and 4.2.29) states that no hazardous materials (COSHH) will be located in Flood Zone 3 (area at highest risk). However, Appendix B of the Flood Risk Assessment (FRA) Technical Note dated December 2021 still shows a number of site compound and soil storage areas within Flood Zone 3 and some of these are immediately adjacent to watercourses where we would expect flood water to regularly flow and be stored. We therefore consider that no soil storage areas or site compounds should be located within Flood Zone 3.

Q3.9.2.1 - Black Cat Junction

Following review of the revised Technical Note dated December 2021, we no longer consider that further modelling and sensitivity testing is required.

We are satisfied with the modelling that has been undertaken to assess the likely impacts on surface water flows that would result from sealing the A1 Black Cat Junction Underpass. The results of the modelling and sensitivity analyses indicate only minor changes to the magnitudes of groundwater discharges to South Brook and Rockham Ditch. We do not anticipate that such changes would have adverse impacts upon the ecologies of the streams. We understand that FCRA are satisfied that there would be no unacceptable increase in fluvial flood risk as a result of the proposals to permanently seal the underpass.

Q3.9.2.2 - Drainage and Flood Risk Management

We have recently received a revised FRA Technical Note dated December 2021. This is the Technical Note we referred to in our previous response [REP4-068]. Please note that we previously provided comments on earlier versions of the Technical Note, dated July 2021 and November 2021. Please also note that we still have some concerns with the revised FRA Technical Note.

Should you wish to discuss this matter further please do not hesitate to contact me.

Yours faithfully

Neville Benn

Sustainable Places

Direct dial: 0203 0251906

Mobile: 07471 021540

Direct e-mail neville.benn@environment-agency.gov.uk