

**A66 Northern Trans-Pennine Project  
TR010062**

**4.5 Statement of Common Ground  
with the Environment Agency**

**APFP Regulations 5(2)(q)**

**Planning Act 2008**

**Infrastructure Planning (Applications: Prescribed Forms and  
Procedure) Regulations 2009**

**Volume 4**

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## Infrastructure Planning

### Planning Act 2008

### **The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009**

## A66 Northern Trans-Pennine Project Development Consent Order 202X

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### **4.5 STATEMENT OF COMMON GROUND WITH THE ENVIRONMENT AGENCY**

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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 proposed A66 Northern Trans-Pennine ("the Application") made by National Highways Limited ("National Highways") 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 This SoCG does not seek to replicate information which is available elsewhere within the Application documents. All Application documents are available on the Planning Inspectorate website.
- 1.1.3 The SoCG has been produced to confirm to the Examining Authority 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) National Highways as the Applicant and (2) the Environment Agency (EA).
- 1.2.2 National Highways 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.
- 1.2.3 The responsibilities of the EA are outlined on their website at <https://www.gov.uk/government/organisations/environment-agency/about> and are summarised below: -
- managing the risk of flooding from main rivers, reservoirs and the sea.
  - regulating major industry and waste.
  - treatment of contaminated land.
  - water quality and resources.
  - fisheries.
  - inland river, estuary and harbour navigation; and
  - conservation and ecology of the aquatic environment.

### **1.3 Terminology**

- 1.3.1 In the table in the Issues section of this SoCG:
- "Agreed" indicates area(s) of agreement

- “Under discussion” indicates area(s) of current disagreement where resolution remains possible, and where parties continue discussing the issue to determine whether they can reach agreement by the end of the examination
- “Not agreed” indicates a final position for area(s) of disagreement where the resolution of divergent positions will not be possible, and parties agree on this point

1.3.2 It can be assumed that any matters not specifically referred to in the Issues section of this SoCG are not of material interest or relevance to the EA, and therefore have not been the subject of any discussions between the parties. As such, those matters can be read as agreed, unless otherwise raised in due course by EA.

## 2 Record of Engagement

2.1.1 A summary of the key meetings and correspondence that has taken place between National Highways 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 and key outcomes
08.02.2021	Online Meeting	Meeting of the Habitats Regulations Assessment TWG with the EA in attendance. (Matters discussed in the Technical Working Groups are included within ES Appendix 1.1: Evidence Plan (Application Document Number 3.4)). Meeting included discussions on the Evidence Plan, scheme overview and the proposed baselines surveys, modelling and assessment to underpin the HRA.
11.02.2021	Online Meeting	Meeting of the Ecological Impact Assessment TWG with the EA in Attendance. (Matters discussed in the Technical Working Groups are included within ES Appendix 1.1: Evidence Plan (Application Document Number 3.4)). Meeting included discussions on the Evidence Plan, scheme overview, and the proposed baselines surveys, modelling, and assessment to underpin the EclA.
11.02.2021	Online Meeting	Meeting of the Water TWG with the EA in attendance. (Matters discussed in the Technical Working Groups are included within ES Appendix 1.1: Evidence Plan (Application Document Number 3.4)). Meeting included discussions on the Evidence Plan, scheme overview and assessment methodology.
25.02.2021	Online Meeting	Meeting of the Statutory Environmental Bodies Focus Group with the EA in attendance. (Matters discussed in the Technical Working Groups are included within ES Appendix 1.1: Evidence Plan (Application Document Number 3.4)). Meeting included discussions on the Evidence Plan, environment surveys, approach to mitigation and environmental designated funds.
02.03.2021	Online Meeting	Meeting of the Water TWG with the EA in attendance. (Matters discussed in the Technical Working Groups are included within ES Appendix 1.1: Evidence Plan (Application Document Number 3.4)). Meeting included discussions on works to be completed, watercourse crossings and key SW receptors overview.
02.03.2021	Online Meeting	Meeting of the Water TWG with the EA in attendance. (Matters discussed in the Technical Working Groups are included within ES Appendix 1.1: Evidence Plan (Application Document Number 3.4)). Meeting included discussions on works to be completed and key GW receptors overview.
16.03.2021	Online Meeting	Meeting between the EA and the IPT at the regular Ecological Impact Assessment TWG. (Matters discussed in the Technical Working Groups are included within ES Appendix 1.1: Evidence Plan (Application Document

Date	Form of correspondence	Key topics discussed and key outcomes
		Number 3.4)). Meeting included discussions on Ornithology Strategy, bats and red squirrels.
18.03.2021	Online Meeting	Meeting of the Habitats Regulations Assessment TWG with the EA in attendance. (Matters discussed in the Technical Working Groups are included within ES Appendix 1.1: Evidence Plan (Application Document Number 3.4)). Meeting included discussion on site and proximity to schemes, biodiversity survey strategy and HRA Baseline, baseline surveys strategy and introduction to SAC fluvial geomorphology.
25.03.2021	Online Meeting	Meeting of the Statutory Environmental Bodies Focus Group with the EA in attendance. Meeting included discussions on the Evidence Plan, project updates, Warcop AONB, Trout Beck and approach to statutory consultation and PEI Report.
22.04.2021	Online Meeting	Meeting of the Statutory Environmental Bodies Focus Group with the EA in attendance. Meeting included discussions on programme updates, design updates, the Evidence Plan and sifting matrix.
29.04.2021	Online Meeting	Meeting between the EA and the IPT at the regular Ecological Impact Assessment TWG. (Matters discussed in the Technical Working Groups are included within ES Appendix 1.1: Evidence Plan (Application Document Number 3.4)). Meeting included discussions on badger bait marking, otter halt monitoring, MoRPH, and air quality and Affected Road Network (ARN).
06.05.2021	Online Meeting	Meeting of the Water TWG with the EA in attendance (Matters discussed in the Technical Working Groups are included within ES Appendix 1.1: Evidence Plan (Application Document Number 3.4)). Meeting included discussions on progress, flood modelling overview, survey updates, DCO process and designated funds.
06.05.2021	Online Meeting	Meeting of the Water TWG with the EA in attendance. (Matters discussed in the Technical Working Groups are included within ES Appendix 1.1: Evidence Plan (Application Document Number 3.4)). Meeting included discussions on GW abstraction, assessment area and attenuation ponds.
27.05.2021	Online Meeting	Meeting of the Statutory Environmental Bodies Focus Group with the EA in attendance. Meeting included discussions on the Evidence Plan and a scheme-by-scheme design walkthrough.
10.06.2021	Online Meeting	Meeting between the EA and the IPT at the regular Ecological Impact Assessment TWG. (Matters discussed in the Technical Working Groups are included within ES Appendix 1.1: Evidence Plan (Application Document Number 3.4)). Meeting included discussions on bat surveys (overview of methods).
15.06.2021	Online Meeting	Meeting of the Water TWG with the EA in attendance. (Matters discussed in the Technical Working Groups are included within ES Appendix 1.1: Evidence Plan (Application Document Number 3.4)). Meeting included

Date	Form of correspondence	Key topics discussed and key outcomes
		discussions on progress, works to be completed and design options.
15.06.2021	Online Meeting	Meeting of the Water TWG with the EA in attendance. (Matters discussed in the Technical Working Groups are included within ES Appendix 1.1: Evidence Plan (Application Document Number 3.4)). Meeting included discussions on progress, ongoing work and focus points.
24.06.2021	Online Meeting	Meeting of the Statutory Environmental Bodies Focus Group with the EA in attendance. Meeting included discussions on design updates, the approach to mitigation, the environmental designated funds process, the Scoping Report and the Evidence Plan.
08.07.2021	Online Meeting	Meeting of the Habitats Regulations Assessment TWG with the EA in attendance. (Matters discussed in the Technical Working Groups are included within ES Appendix 1.1: Evidence Plan (Application Document Number 3.4)). Meeting included discussion on proposed route alternatives, site Trout Beck geomorphology modelling, HRA programme and documentation and Sleastenhew restoration.
22.07.2021	Online Meeting	Meeting of the Statutory Environmental Bodies Focus Group with the EA in attendance. Meeting included discussion on environmental designated funds.
10.08.2021	Online Meeting	Meeting between the EA and the IPT at the regular Ecological Impact Assessment TWG. (Matters discussed in the Technical Working Groups are included within ES Appendix 1.1: Evidence Plan (Application Document Number 3.4)). Meeting included discussions on ornithology, bats, mammals, terrestrial invertebrates, river corridor survey and macrophytes, aquatic invertebrates, fish surveys, white-clawed swans surveys and key PEI Report findings.
11.08.2021	Online Meeting	Meeting of the Water TWG with the EA in attendance. (Matters discussed in the Technical Working Groups are included within ES Appendix 1.1: Evidence Plan (Application Document Number 3.4)). Meeting included discussions on study area, key findings from the PEI Report, potential impacts, design mitigation and enhancement and potential significant effects.
12.08.2021	Online Meeting	Meeting of the Habitats Regulations Assessment TWG with the EA in attendance. (Matters discussed in the Technical Working Groups are included within ES Appendix 1.1: Evidence Plan (Application Document Number 3.4)). Meeting included discussions on updates on surveys, HRA documentation programme, HRA screening summary and scheme details.
26.08.2021	Online Meeting	Meeting of the Statutory Environmental Bodies Focus Group with the EA in attendance. Meeting included discussions on EIA Scoping, PEI Report status and assessment process, statutory consultation, design updates, Appleby to Brough and Rokeby.
02.11.2021	Online Meeting	Meeting of the Water TWG with the EA in attendance. (Matters discussed in the Technical Working Groups are



Date	Form of correspondence	Key topics discussed and key outcomes
		included within ES Appendix 1.1: Evidence Plan (Application Document Number 3.4)). Meeting includes discussions on PEI Report recap, feedback from statutory consultation and an update on ongoing works.
02.11.2021	Online Meeting	Meeting of the Water TWG with the EA in attendance. (Matters discussed in the Technical Working Groups are included within ES Appendix 1.1: Evidence Plan (Application Document Number 3.4)). Meeting includes discussions on PEI Report recap, feedback from statutory consultation and update on ongoing works.
03.11.2021	Online Meeting	Meeting of the Habitats Regulations Assessment TWG with the EA in attendance. (Matters discussed in the Technical Working Groups are included within ES Appendix 1.1: Evidence Plan (Application Document Number 3.4)). Meeting included discussions on survey/assessment updates, response to feedback and requests for specific design elements.
11.11.2021	Online Meeting	Meeting between the EA and the IPT at the regular Ecological Impact Assessment TWG. (Matters discussed in the Technical Working Groups are included within ES Appendix 1.1: Evidence Plan (Application Document Number 3.4)). Meeting included discussions on habitats, reptiles, ornithology, bats, mammals, freshwater ecology and feedback following statutory consultation period.
25.11.2021	Online Meeting	Meeting of the Statutory Environmental Bodies Focus Group with the EA in attendance. Meeting included discussions on programme updates, design change updates and statutory consultation updates.
02.12.2021	Online Meeting	Meeting to discuss issues around Warcop with the EA. Meeting included discussions on flood modelling and project updates.
13.01.2022	Online Meeting	Meeting of the Statutory Environmental Bodies Focus Group with the EA in attendance. Meeting included discussions on design change and supplementary consultation, approach to environmental mitigation and response to statutory consultation design change.
26.01.2022	Online Meeting	Meeting between the EA and the IPT at the regular Ecological Impact Assessment TWG. (Matters discussed in the Technical Working Groups are included within ES Appendix 1.1: Evidence Plan (Application Document Number 3.4)). Meeting included discussions on surveys, construction mitigation methods, species specific updates, design mitigation and scheme-by-scheme mitigation.
26.01.2022	Online Meeting	Meeting of the Habitats Regulations Assessment TWG with the EA in attendance. (Matters discussed in the Technical Working Groups are included within ES Appendix 1.1: Evidence Plan (Application Document Number 3.4)). Meeting included discussions on survey updates, assessment updates, construction mitigation and methods, design mitigation and introduction / spread of INNS.
10.02.2022	Online Meeting	Meeting of the Statutory Environmental Bodies Focus Group with the EA in attendance. Meeting included

Date	Form of correspondence	Key topics discussed and key outcomes
		discussions on project/programme updates and environmental mitigation approach.
10.03.2022	Online Meeting	Meeting between NE, EA, National Highways and A66 IPT to discuss issues around Warcop. Meeting included discussions on Warcop design.
11.03.2022	Online Meeting	Meeting between CCC, EA, National Highways and the Project Team discussing Water Modelling and joint working. Meeting included discussions on Warcop, culverts, drainage ponds, designated funds and community engagement.
24.03.2022	Online Meeting	Meeting of the Statutory Environmental Bodies Focus Group with the EA in attendance. Meeting included discussions on Trout Beck, Warcop and Moor Beck.
04.04.2022	Online Meeting	Meeting between NE, EA, National Highways, CCC and A66 IPT to discuss issues around Warcop. Meeting included discussions on Warcop design and Trout Beck Crossing design.

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

### 3 Issues

Table 3-1 Record of Issue

Issue	Document References (if relevant)	Environment Agency Position	National Highways Position	Status	Date
General	EA Statutory Consultation (Stat Con) Response - Appendix 1	Full survey data may not be available at the time of writing the ES and survey data that become available after the DCO is submitted and early in the acceptance period will be submitted to verify the findings of the ES.	The mitigation measures proposed in the Environmental Statement (ES) (Application Document Reference 3,2) and the Draft Environmental Management Plan (EMP) (Application Document Reference 2.7) will be based on up-to-date field survey data where available. We will seek agreement that the survey data that underpins the ES is robust once the EA has had full sight of the environmental information.	Under discussion	13.06.2022
General	EA Stat Con Response - Appendix 1	The Cross Lanes to Rokeby Red Option involve the culverting of Tutta Beck under a proposed embankment opposite Cross Lanes Farm Shop, however it appears the watercourse could be diverted around the toe of the embankment. There may also be other examples along the entire route of small watercourses or ditches being culverted where they could be diverted instead.	All new watercourse crossings have been designed to facilitate the free passage of aquatic and riparian species. Where existing culverts are to be replaced, they too will be designed to facilitate the free passage of these species.  We will continue to engage with the EA on these issues and seek agreement that proposals represent the optimal solution and that any adverse effects of the scheme such as those raised have been appropriately mitigated.	Under discussion	13.06.2022

Issue	Document References (if relevant)	Environment Agency Position	National Highways Position	Status	Date
General	EA Stat Con Response - Appendix 1	The report states that “prior to the commencement of the construction works, the EMP will be refined by the contractor, in line with DMRB standard LA 120 (National Highways, 2020)” but it is not clear that the views or concerns of relevant stakeholders / regulators would have any influence over any proposed changes.	Environmental Management Plan (EMP) (Application Document Number 2.7) will be the subject of further consultation between National Highway’s Delivery Partners and relevant stakeholders/regulators (including the EA) prior to commencement of construction works.	Under discussion	13.06.2022
General: Design	EA Stat Con Response - Appendix 1	It is noted that a footbridge across Trout Beck to access Kirkby Thore Hall and a footbridge to access The Bungalow appear to be within the red line boundary of the DCO application. Any changes to these bridges / accesses would be relevant to the River Eden SAC. Any changes to the footpath across the floodplain may also be relevant, particularly if there are any changes to ground levels.	The feedback on the scope and content of the PEI Report is welcomed and noted. The impact of the Scheme on the River Eden SAC has been assessed within the Habitats Regulations Assessment (HRA) Stage 2 (Application Document Reference 3.6). This has concluded that, subsequent to the full and proportionate Appropriate Assessment that in view of the relevant site conservation objectives, the potential for any adverse effect on the integrity of the River Eden SAC has been ruled out.	Under discussion	13.06.2022.
PEIR: Ecology and Biodiversity	EA Stat Con Response - Appendix 1	While the PEI Report refers to the potential for environmental enhancements associated with the project, there is an apparent absence of any reference to, or approach to the delivery of, environmental net gain.	We are in ongoing discussions with Natural England relating to the Defra metric to be applied to the Project.  Biodiversity net gain is not currently a requirement for Nationally Significant	Under discussion	13.06.2022

Issue	Document References (if relevant)	Environment Agency Position	National Highways Position	Status	Date
		While it is acknowledged that biodiversity net gain is not yet mandatory and will not become mandatory before the submission of the DCO application, it is clear that the provision of a 10% biodiversity net gain is intended to become a requirement for NSIPs as a provision of the Environment Bill when it is passed.	Infrastructure Projects, however, we are committed to maximising biodiversity delivery achieved by the Project.		
PEIR: Ecology and Biodiversity	EA Stat Con Response - Appendix 1	The commitment to consider the geomorphological interest of a watercourse needs to be applied to all crossing points and not limited to new or existing bridges.	CIRIA guidance for culvert design has been followed and hydraulic modelling undertaken. It is National Highways understanding that this issue is resolved and may be treated as agreed between the parties.	Under discussion	13.06.2022
PEIR: Ecology and Biodiversity	EA Stat Con Response - Appendix 1	A biosecurity and Invasive Non-Native Species (INNS) management plan should identify any known INNS and have specific mitigation assigned. Measures should be included within the site plans to minimise the opportunity for INNS to be spread to the site through as a minimum following the check-clean-dry procedure.	Measures for dealing with invasive species and implementing biosecurity measures are detailed within the Environmental Management Plan (EMP) (Application Document Reference 2.7). D-BD-09 states that: "No part of the Project can start until an Invasive Non-Native Species Management Plan (INNS MP), is developed in detail in substantial accordance with the essay plan included at Annex B15 of this EMP and has been approved in relation to that part.	Under discussion	13.06.2022

Issue	Document References (if relevant)	Environment Agency Position	National Highways Position	Status	Date
			<p>The INNS MP will include details on the measures to be implemented during the works to prevent the spread of INNS. The plan will include, as a minimum, the following measures:</p> <ul style="list-style-type: none"> <li>• Surveys to identify invasive and non-native species will be undertaken to confirm specific locations where INNS are present</li> <li>• Measures shall be specified to avoid the spread of invasive and non-native plants, such as Himalayan balsam and of species, such as Signal crayfish</li> <li>• Strict biosecurity protocols shall be followed during construction and maintenance of assets to mitigate the risks of introducing signal crayfish and other aquatic Invasive Non-native Species and pathogens to watercourses.</li> </ul> <p>For each part of the Project, the Project must be carried out in accordance with the approved Plan for that part.”</p>		
PEIR: Ecology and Biodiversity	EA Stat Con Response - Appendix 1	We welcome the requirement for a competent, qualified and experienced Ecological / Environmental Clerk of Works (ECoW / EcCoW / EnCoW) during construction that is either an	The Environmental Management Plan (EMP) (Application Document Number 2.7) confirms at Section 2 that an Ecological Clerk of Works will be required to	Agreed	13.06.2022

Issue	Document References (if relevant)	Environment Agency Position	National Highways Position	Status	Date
		Accredited ECoW by CIEEM or a member of The Association of Environmental Clerks of Works (AECoW).	be appointed by the Principal Contractor. It is National Highways understanding that this issue is resolved and may be treated as agreed between the parties.		
PEIR: Ecology and Biodiversity	EA Stat Con Response - Appendix 1	<p>Where records indicate that otters are in the wider area, the potential impacts of a larger barrier to movement and potential for greater road mortality during the operational phase should be fully assessed and mitigated.</p> <p>Where crossings are in use by mobile species such as otter, in addition to the use of mammal ledges, we also encourage that suitable mammal fencing is considered within the design to ensure species are directed towards crossing points, especially where mammal ledges are not able to be fitted.</p>	<p>Environmental Management Plan (EMP) (Application Document Number 2.7) confirms that no part of the project can start until a Landscape and Ecological Mitigation Plan (LEMP) has been prepared and approved (in consultation with Local Authorities). The LEMP shall be in accordance with the Outline LEMP essay plan set out in the Appendix B to the EMP which confirms the following mitigation for otters:</p> <p>Where bridges or culverts are being built on watercourses on which otter are present, ledges will be installed to allow dry passage for otter that is accessible during floods.</p> <p>Where it is not possible to install a bridge or culvert with enough room for a ledge of the correct dimensions, an underpass will be constructed alongside, parallel to the river. The underpass should be located within 50 metres of the riverbank and above possible flood levels. Underpasses will be</p>	Under discussion	13.06.2022

Issue	Document References (if relevant)	Environment Agency Position	National Highways Position	Status	Date
			<p>constructed using a 600 mm cylindrical pipe to a length of 20 m. In crossings over 20 m in length, the width of the pipe should increase to 900 mm, to ensure otters will not be deterred from entering.</p> <p>Fencing should be used to guide otter to safe crossing points and prevent them from gaining access to the road. The installation of badger fencing is most effective option using 50 mm mesh.</p>		
PEIR: Ecology and Biodiversity	EA Stat Con Response - Appendix 1	<p>Based on the proposed location of the SuDS pond to the east of Carleton Hall and to the north of the River Eamont, we would advise that further consideration be given to possible river erosion issues as the use of any revetment to protect the asset in the future would be undesirable in the SAC river. The proposed SUDs Pond may be at risk from erosion, or the SAC may be at risk should mitigation be required to prevent erosion and protect the asset.</p> <p>Further geomorphological and / or geotechnical assessment is required to confirm that the location of the SUDS pond will not pose a risk to the designated SAC.</p>	<p>We thank you for your comments regarding this SUDS Pond and the risk of erosion within the SAC River.</p> <p>This specific SUDS pond has been located outside of the flood zone specifically to ensure that there are no interactions between is and the SAC River. The river in this location is currently heavily armoured and no further mitigation is proposed at this stage.</p> <p>It is National Highways understanding that this issue is resolved and may be treated as agreed between the parties.</p>	Under discussion	13.06.2022



Issue	Document References (if relevant)	Environment Agency Position	National Highways Position	Status	Date
Materials Assets and Waste	EA Stat Con Response - Appendix 1	<p>Recycled aggregates that are imported from off-site and have not met the end of waste criteria will still be considered to be waste and a suitable waste permit or waste exemption will be required to cover the waste activity. The impacts of the use of materials classed as waste on the environment that are imported from off-site sources will be unknown if they are not considered through the environmental permitting regime.</p>	<p>The Environmental Management Plan (EMP) (Application Document Reference 2.7) and Site Waste Management Plan (SWMP) acknowledge the need for a registered waste exemption or an environmental permit for reusing / recycling demolition waste.</p> <p>Condition MW-MAW-03 of the EMP states that:</p> <p>“In cases where it is practicable for the PC to use re-used or recycled aggregates as part of the Project (for the avoidance of doubt, where they can be used in place of primary aggregates and there is no resulting adverse impacts from a technical or economic perspective), the PC must seek to achieve a target of at least the use of 31% of re-used or recycled aggregates.</p> <p>If the PC cannot achieve this target the PC shall undertake a whole life sustainability assessment of alternative options to demonstrate a sustainable alternative approach. This assessment would consider the whole life environmental, economic, and social impacts of the alternative material options.”</p>	Under discussion	13.06.2022

Issue	Document References (if relevant)	Environment Agency Position	National Highways Position	Status	Date
Materials Assets and Waste	EA Stat Con Response - Appendix 1	<p>Evidence of suitability and certainty e.g. testing carried out, contaminants present, remediation strategy, volumes required on site and whether there will be a requirement to re-use soils on site or directly transfer them to site will be required to demonstrate efficient use of waste arisings.</p> <p>Demolition waste may be reused and recycled for use in the development. Please be aware that any treatment of waste will require either a registered waste exemption or an environmental permit. The impacts of the use of demolition waste on the environment will be unknown if they are not considered through the environmental permitting regime.</p> <p>The removal of excess material from the development would be considered waste and this would need to be transferred to a suitably licensed facility by authorised waste carriers, accompanied by waste transfer notes. Prior to this, any waste produced would also need to be assessed and classified in accordance with the WM3 guidelines.</p>	<p>The Environmental Management Plan (EMP) (Application Document Reference 2.7) and Site Waste Management Plan (SWMP) acknowledges the need for the appropriate disposal of waste off-site.</p> <p>Waste generation during the construction phase of the project will be managed through a detailed Site Waste Management Plan (SWMP) meeting relevant legislative, policy and health and safety requirements. The SWMP will acknowledge the requirements of the CL: AIRE code of practice and the need for the appropriate disposal of waste off-site.</p>	Under discussion	13.06.2022

Issue	Document References (if relevant)	Environment Agency Position	National Highways Position	Status	Date
		<p>The use of demolition waste on the development could be done under the CL: AIRE code of practice so long as the material is produced from ground-based infrastructure. Any material produced from the demolition of above ground structures would not be included under the CL: AIRE code of practice.</p>			
Noise and Vibration	EA Stat Con Response - Appendix 1	<p>Fish are not included in the list of species that could be disturbed by noise and vibration during construction. Significant noise and vibration from activities such as piling can be lethal / damaging to fish or fish eggs / fry.</p> <p>It is proposed that the ES will determine construction vibration as a significant effect when it is determined that a major magnitude (above or equal to 10 mm/s Peak Particle Velocity (PPV)) or moderate magnitude (above or equal to Significant Observed Adverse Effect Level (SOAEL) and below 10 mm/s PPV) of impact will occur for a duration exceeding:</p> <ul style="list-style-type: none"> <li>- Ten or more days or nights in any 15 consecutive days or nights; or</li> </ul>	<p>Chapter 6 (Biodiversity) of the ES (Application Document Reference 3.2) includes the following embedded mitigation in the design to minimise impacts on fish and fish eggs/fry during construction:</p> <ul style="list-style-type: none"> <li>• Instream works, or works close to the river banks giving rise to excessive (&gt;13mm/s Particle Peak Velocity) vibration will be undertaken outside of the key fish spawning and incubation period of 1st October to 31st May.</li> <li>• No compaction, piling (or other activities resulting in Peak Particle Velocities (PPV) of greater than 13mm/s) will be permitted with 5m of watercourses with gravel substrate that support gravel spawning species (salmon,</li> </ul>	Under discussion	13.06.2022

Issue	Document References (if relevant)	Environment Agency Position	National Highways Position	Status	Date
		<p>- A total number of days exceeding 40in any six consecutive months</p> <p>However, in relation to fish eggs / redds, construction vibration of around 13 mm/s PPV is significant, so any exceedance of this level is significant for any piling works close to rivers with fish.</p> <p>The impact of the development on fish eggs / redds may not be assessed correctly based on the criteria identified at 12.2.14 which will result in the potential for death of fish eggs including protected SAC populations. This is likely to be relevant to salmon, trout, lamprey and potentially bullhead.</p>	<p>trout, lamprey sp., bullhead) without prior consultation with the Environment Agency and Natural England.</p> <ul style="list-style-type: none"> <li>If works giving rise to significant vibration are required adjacent to potential spawning gravels, redd surveys (Lemon and Rummel, 2020) to determine whether spawning has occurred within the zone of impact would be undertaken, and the acceptability of in-channel works agreed with the Environment Agency and Natural England (depending on location).</li> </ul>		
Road Drainage and Water Environment	EA Stat Con Response - Appendix 1	The report summarises the content of the proposed FRA to be submitted with the application, but it should also provide the evidence for the Secretary of State to apply the Sequential Test and Exception Test, as appropriate.	The application of the sequential test is included within Chapter 14 (Road Drainage and Water Environment) of Volume 1 of the ES (Application Document Reference 3.2). The principle of applying these tests is agreed, with the findings continue to be the subject of further discussion.	Under discussion	13.06.2022
Drainage and Water Environment	EA Stat Con Response - Appendix 1	Light Water is a tributary of the River Eamont, not the River Eden and it is not in the River Eden & Tributaries SSSI or River Eden SAC, although it is relevant to the	The feedback on the scope and content of the PEIR is welcomed and noted. Extensive surveys of Light Water have been undertaken (River Corridor	Under discussion	13.06.2022

Issue	Document References (if relevant)	Environment Agency Position	National Highways Position	Status	Date
		<p>SAC if it has features of SAC interest.</p> <p>The significance of any impact of the development on Light Water will depend on site specific surveys to determine presence or absence of features of SAC interest.</p>	<p>Survey, macrophyte/LEAFPACS surveys, fish habitat assessment, aquatic macroinvertebrate, electric fishing and riverine eDNA) and are detailed within Chapter 6 (Biodiversity) within Volume 1 of the ES (Application Document reference 3.2).</p>		
Road Drainage and Water Environment	EA Stat Con Response - Appendix 1	<p>Flooding of Kirkby Thore associated with Trout Beck is referenced but based on recent events it is likely that Kirkby Thore can be at risk of flooding from the River Eden and Trout Beck either independently or in combination.</p> <p>We recommend that the hydraulic model being developed to support the FRA and detailed design of the Trout Beck crossing is used to refine the understanding of flood risk in this area</p>	<p>The PEIR provided preliminary information required for the statutory consultation. Since then, the scheme has been further refined as reported in the ES.</p> <p>The flood model has however considered the impact of flooding assuming the River Eden was full resulting in water backing up within Trout Beck. This is demonstrated within Chapter 14 (Road Drainage and Water Environment) of the ES (Application Document Reference 3.2).</p>	Under discussion	13.06.2022
Road Drainage and Water Environment	EA Stat Con Response - Appendix 1	<p>Warcop is at risk of flooding from both Lowgill Beck and Crooks Beck / Moor Beck (see previous comment regarding consistency of naming) and the EA modelling report and S19 report produced by CCC following Storm Desmond refer to a more extensive flood history than presented in the PIE Report (6 events are referred to since 1968).</p>	<p>Comments are noted regarding flood risk related to Lowgill Beck and Crooks Beck / Moor Beck. The impacts of flood risk within these locations have been included within our Flood Model, the result of which are detailed within the Schemes FRA. Further information can be found within Chapter 14 (Road Drainage and Water Environment) of the ES</p>	Under discussion	13.06.2022

Issue	Document References (if relevant)	Environment Agency Position	National Highways Position	Status	Date
			(Application Document Reference 3.2).		
Road Drainage and Water Environment	EA Stat Con Response - Appendix 1	<p>Operational mitigation includes the provision of wet detention basins / drainage ponds as part of the drainage strategy. These ponds should not also be relied upon to deal with the large volumes of contaminated water that are associated with construction activities, as they are highly unlikely to be able to cope. Failure to ensure sufficient storage capacity during the construction phase could cause pollution incidents and impacts upon the environment throughout the scheme.</p> <p>It is recommended that dedicated sediment traps and settlement ponds should be designed into the scheme, and where these are unlikely to be effective, treatment systems such as lamella tanks and chemical dosing should be costed into the scheme.</p> <p>The report confirms that surface run off and water discharge will be controlled and where applicable, approvals or licences agreed to ensure there is no detriment to local watercourses, but this is likely to be complex given the constraints along the route and should be acknowledged.</p>	<p>The Environmental Management Plan (EMP) (Application Document Reference 2.7) outlines mitigation proposed to reduce potential impacts to the receiving water environment, including measures such as sediment traps and settlement ponds not used for the operational phase of a road. Additional treatment systems may be required and will be detailed in the EMP. The EMP confirms no part of the Project can start until a Ground and Surface Water Management Plan (GSWMP), is developed. The GSWMP will include, a surface water management system using measures such as temporary silt fencing, cut off ditches, settlement ponds and bunds shall be set up prior to relevant works commencing to capture all runoff and prevent ingress of sediments and contaminants into existing drainage ditches where necessary.</p> <p>This shall be managed in accordance with CIRIA Guidelines and the Environment Agency's approach to groundwater protection and groundwater protection guidelines.</p>	Under discussion	13.06.2022

Issue	Document References (if relevant)	Environment Agency Position	National Highways Position	Status	Date
		<p>Any contaminated wastewater and run off entering surface waters will pose a significant risk to the environment, including the designated River Eden SAC/SSSI. Silt and sediment run off can be a significant issue and cause significant impact from construction sites. Site water management plans must be prepared and cover all scheme areas including construction compound areas and materials storage areas.</p>			
Draft Construction Method Statement	EA Stat Con Response - Appendix 1	<p>Based on the proposed location of the SuDS pond to the east of Carleton Hall and to the north of the River Eamont, we would advise that further consideration be given to possible river erosion issues as the use of any revetment to protect the asset in the future would be undesirable in the SAC river. The CMS also indicates that the “proposed boundary treatment” will cross the floodplain down to the river.</p>	<p>This refers to the SuDS pond to the east of the Cumbria Police Headquarters on the M6 junction 40 to Kemplay Bank scheme. We will continue to work with the EA and other stakeholders in the detailed design to minimise impacts on the SAC river. The Environmental Management Plan (EMP) (Application Document Number 2.7) confirms at MW-BD-17 that no part of the Project can start until a Method Statement for working in and near Special Areas of Conservation, where applicable, is developed in detail in substantial accordance with the essay plan in Annex C1 of the EMP and has been approved in relation to that part.</p>	Under discussion	13.06.2022

Issue	Document References (if relevant)	Environment Agency Position	National Highways Position	Status	Date
			<p>The Method Statement shall include:</p> <ul style="list-style-type: none"> <li>• Details of the site and key sensitivities associated with it.</li> <li>• Construction methodology for all works proposed in, over, adjacent to or in the floodplain of the SAC (and functionally linked habitats).</li> <li>• Control measures to be implemented to ensure protection of the SAC.</li> </ul>		
Draft Construction Method Statement	EA Stat Con Response - Appendix 1	<p>The new A66 crosses Crooks Beck (shown as Moor Beck) at an oblique angle, but there does not appear to be any culvert or bridge marked on the map (although there is reference to a “highway structure”). The nature of the crossing is therefore unclear. Trout, bullhead, salmon, and eels are known to use this watercourse and water voles may also be present. There is significant habitat upstream of the A66 and connectivity for fish passage, otters and potentially water voles is required to prevent any harm to the aquatic environment as a result of the proposed development.</p>	<p>All crossings of Moor Beck are large open span structures, culverts will not be used here. All new watercourse crossing have been designed to facilitate the free passage of aquatic and riparian species.</p>	Under discussion	13.06.2022
Draft Construction Method Statement	EA Stat Con Response - Appendix 1	<p>Lowgill Beck is shown passing through the middle of a construction work area with no</p>	<p>Noted. The current design involves extension/widening of the existing A66 culvert and minor</p>	Under discussion	13.06.2022



Issue	Document References (if relevant)	Environment Agency Position	National Highways Position	Status	Date
		<p>reference to how it will be protected. There is potential for pollution or other impacts of a beck with brook lamprey, trout, bullhead &amp; eels with hydraulic continuity to the River Eden SAC.</p> <p>As Lowgill Beck bisects a construction work area, extra precautions are likely to be necessary to prevent pollution/siltation and to prevent harm to otters. Any temporary culverting/bridging for access around the site would need to be passable to fish and any in-river works for placing temporary structures should be outside the salmonid spawning season.</p>	<p>realignment of Woodend Sike and Yosgill Sike to shift the confluence north of the widened culvert. Bullhead, brown trout, eel, river/brook lamprey (ammocete) and river/brook lamprey (transformer) have all been recorded in Lowgill Beck, as have white-clawed crayfish.</p> <p>We will continue to engage with the EA on these issues and seek agreement that proposals represent the optimal solution and that any adverse effects of the scheme such as those raised have been appropriately mitigated.</p>		
Updated Rainfall Allowances	Email - 26/04/2022	<p>It is advised that the peak rainfall allowances, used as part of drainage design were released by the Environment Agency on 9 May 2022. The DCO application will need to comply with guidance applicable at the time of submission.</p>	<p>Given the timing of the revised guidance being published, it will not be possible to incorporate it into the relevant DCO application documents and also ensure the application is submitted in a timely fashion.</p> <p>It is proposed that the guidance will be considered post-submission by way of a sensitivity test that will report the implications of the new guidance on the assessments undertaken to date. The results of this will be submitted to the examination and will, as necessary to reflect any updates, be the basis on which</p>	Under discussion	13.06.2022

Issue	Document References (if relevant)	Environment Agency Position	National Highways Position	Status	Date
			the detailed design of the scheme is undertaken, should the DCO be granted.		