

Annex 1: Principal Areas of Disagreement Summary Statement

The principal issue in question	The brief concern held by Environment Agency which will be reported on in full in WR / LIR	What needs to; <ul style="list-style-type: none"> • change, or • be included, or • amended so as to overcome the disagreement	Likelihood of the concern being addressed during Examination
We have not yet agreed that the baseline hydraulic modelling used to inform the Flood Risk Assessment (FRA) is fit for purpose.	We have undertaken an initial review of the hydraulic models used to inform the FRA for each scheme. Our reviews have identified various issues that need to be addressed before we can agree that the baseline models are fit for purpose and that the conclusions of the FRA are based on an appropriate evidence base.	National Highways needs to demonstrate to us that they have satisfactorily addressed the issues we have identified in our hydraulic model review for each of the proposed Schemes.	High likelihood
The Environment Agency is currently not able to agree to disapplication of the Environmental Permitting Regulations 2016 in relation to flood risk activity permits. S150 Planning Act provides that the Environment Agency must consent to the inclusion of any provision within the DCO for the disapplication of any permits that it issues.	We need to have sufficient control over works that fall within the flood risk permitting regime via agreed protective provisions if we are to agree to disapplication.	National Highways needs to work with us to agree an acceptable suite of protective provisions if we are to agree to disapplication.	High likelihood
The Environmental Management Plan (EMP) proposes a new approach to agreeing a range of details and documents post-DCO approval.	The Statutory Environmental Bodies (Natural England, Environment Agency and Historic England) share general concerns over the National Highways self-approval process as there are many elements of the project still to be	Further clarification is needed as to what the approach will entail to enable a fuller assessment of the proposals against our respective statutory remits. We will all continue engage with National Highways to	High likelihood

	worked up.	work through and advise on these.	
National Highways seek to acquire various parcels of land in which the Environment Agency has an interest.	We are in the process of reviewing the details provided in the Book of Reference so at this stage, we are unable to confirm that there are no objections to the acquisition of any land in which we have an interest	If any concerns are identified, we will discuss with National Highways what actions are required resolve them.	High likelihood
Our review of the Environmental Management Plan (EMP) and supporting information has identified several queries.	We've identified a range of issues with aspects of the EMP and supporting documents (see relevant representations). Concerns include: a) process for consulting on material post DCO approval b) minimum requirements / standards proposed for some measures c) areas where we consider further information is necessary to satisfy EMP requirements	National Highways needs to update the EMP and supporting documents based on our advice unless they can satisfactorily demonstrate to us why our advice does not necessitate any changes.	High likelihood
Our review of the Project Design Principles (PDP) and has identified several queries.	We've identified a range of issues with aspects of the PDP in relation to the wording or content of the general and scheme specific design principles.	National Highways needs to update the PDP based on our advice unless they can satisfactorily demonstrate to us why our advice does not necessitate any changes.	High likelihood
The Environmental Statement says that the assessment of flood risk has taken account of the latest climate change allowances	We know that the latest EA guidance on climate change peak rainfall levels has not informed the assessment of flood risk	Needs to be acknowledged clearly that latest EA guidance has not been applied in full but that as the modelling is updated post DCO, it will be applied at that stage.	High likelihood
Our review of the	There are several	To address our	High

<p>Environmental Statement (ES) and supporting information has identified several queries</p>	<p>omissions or errors that require attention and some of the conclusions made within the associated appendices require further explanation to assist our understanding of what has been presented.</p>	<p>concerns, National Highways needs to update the material based on our comments unless they can satisfactorily demonstrate to us why our advice does not necessitate any changes and does not affect the conclusions of the ES.</p>	<p>likelihood</p>
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