

Planning Inspectorate  
National Infrastructure Planning  
Temple Quay House (2 The Square)  
Temple Quay  
Bristol  
Avon  
BS1 6PN

**Our ref:** NO/2022/114689/02-L03  
**Your ref:** TR010062  
**Date:** 23 January 2023

Dear Sir/Madam

## **APPLICATION BY NATIONAL HIGHWAYS FOR AN ORDER GRANTING DEVELOPMENT CONSENT FOR THE A66 TRANS-PENNINE DUALLING PROJECT**

### **DEADLINE 3 – UPDATED PRINCIPLE AREAS OF DISAGREEMENT (PADS) STATEMENT**

The Examining Authority has requested updated Principle Areas of Disagreements Statements (PADS) be submitted by 24 January 2023.

The Environment Agency PADS is included at Table 1. While we continue to work with the applicant to address the issues identified in the PADS, all areas of disagreement that we previously identified remain open. As such, our PADS remains unchanged from the previously submitted version, at this time.

**Table 1: Environment Agency PADS**

<b>The principal issue in question</b>	<b>The brief concern held by Environment Agency which will be reported on in full in WR / LIR</b>	<b>What needs to; • change, or • be included, or • amended so as to overcome the disagreement</b>	<b>Likelihood of the concern being addressed during Examination</b>
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	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

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	conclusions of the FRA are based on an appropriate evidence base.		
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 worked up.	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 work through and advise on these.	High likelihood
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	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

	necessary to satisfy EMP requirements		
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 Environmental Statement (ES) and supporting information has identified several queries	There are several 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.	To address our 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.	High likelihood

Yours faithfully

**Philip Carter**  
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