

M60/M62/M66 Simister Island Interchange

TR010064

7.11 Statement of Common Ground with Environment Agency

APFP Regulation 5(2)(q)

Planning Act 2008

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

Infrastructure Planning

Planning Act 2008

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

**M60/M62/M66 Simister Island Interchange
Development Consent Order 202[]**

Statement of Common Ground with Environment Agency

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STATEMENT OF COMMON GROUND

This statement of Common Ground has been prepared and agreed by National Highways Limited and (2) Environment Agency.

Signed 

Nicola Eastwell

Project Manager

On behalf of National Highways

Date: 24/09/24

Signed. 

Sylvia Wittingham

Planning Advisor

On behalf of Environment Agency

Date: 24/09/2024

1 Introduction

1.1 Purpose of this document

- 1.1.1 This Statement of Common Ground (SoCG) has been prepared in respect of the M60/M62/M66 Simister Island Interchange (the “Scheme”) following the application made by National Highways (the “Applicant”) to the Secretary of State for Transport, via the Planning Inspectorate (the “Inspectorate”) for a development consent order (DCO) under section 37 of the Planning Act (“PA 2008”). A detailed description of the Scheme can be found in Chapter 2 of the Environmental Statement (ES) [APP-041].
- 1.1.2 This SoCG does not seek to replicate information which is available elsewhere with the application documents. All application documents will be made available on the Inspectorate’s website.
- 1.1.3 This 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 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 between 1) National Highways as the Applicant and 2) Environment Agency.
- 1.2.2 National Highways (previously known as 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 National Highways made provision for all legal rights and obligations, including in respect of the application, to be conferred upon or assumed by National Highways.
- 1.2.3 The Environment Agency is a non-departmental public body, established in 1996 and sponsored by the United Kingdom government’s Department for Environment, Food and Rural Affairs (Defra), with responsibilities relating to the protection and enhancement of the environment in England (and until 2013 also Wales). The Environment Agency is the principal flood risk management operating authority. It has permissive power (but not the legal obligation) to manage flood risk from designated Main Rivers and the sea. Other responsibilities of the EA include regulating major industry and waste, treatment of contaminated land, water quality and resources, fisheries, inland river, estuary and harbour navigations and conservation and ecology.
- 1.2.4 The Environment Agency’s regulatory, licensing and advisory powers and duties derive (inter alia) from key Acts and Regulations, including:
- Environment Act 1995;
 - Environmental Permitting (England & Wales) Regulations 2016;

- Water Resources Act 1991;
- Flood and Water Management Act 2010;
- Salmon and Freshwater Fisheries Act 1975 and Keeping and Introduction of Fish Regulations 2015;
- The Planning Act 2008 (the PA2008) and secondary legislation made under the PA2008;
- The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017; and
- Habitats Regulations.

1.2.5 The Environment Agency regulates certain activities that have the potential to harm the environment and people. It decides if relevant environmental permits and other consents and licences should be issued and, if so, what conditions should be applied. It monitors compliance with the permit / licence conditions and takes enforcement action if appropriate.

1.2.6 The Environmental Permitting (England and Wales) Regulations 2016 require operators of certain facilities, which could harm the environment or human health, to obtain permits from the Environment Agency in addition to the DCO. The Environment Agency's environmental permits cover:

- Industry regulation;
- Waste management (waste treatment, recovery or disposal operations); · Discharges to surface water;
- Groundwater activities;
- Radioactive substances activities;
- Flood risk activities (for example – placing structures in, under or over a main river and development close to main rivers and flood defences)

1.2.7 The Environment Agency is a prescribed consultee for the Application under Sections 42(1)(a) and 56(2)(a) of the PA 2008.

1.2.8 Collectively National Highways and the Environment Agency are referred to as 'the parties'.

1.3 Terminology

1.3.1 Within the table in Section 3, Issues, of this SoCG, the terminology is as follows:

- "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(s) to determine whether they can reach agreement by the end of the examination; and

- “Not Agreed” indicates a final position for area(s) of disagreement where the resolution of the divergent positions will not be possible, and parties agree on this point.

1.3.1 It can be assumed that any matters not specifically referred to in Section 3, Issues, of this SoCG, are not of material interest or relevant to the Environment Agency and therefore have not been the subject of any discussions between the parties. As such, those matters can be read as agreed, only to the extent that they are either not of material interest or relevance to the Environment Agency.

2 Record of Engagement

2.1.1 A summary of the meetings and correspondence that has taken place between National Highways and Environment Agency in relation to the application is outlined in Table 2.1 below.

Table 2.1.1 Record of Engagement

Date	Form of Correspondence	Key topics discussed and key outcomes
25/06/21	Emails between the Applicant and the Environment Agency	The Applicant and the Environment Agency had initial exchange of emails relating to the developing Scheme Drainage strategy.
11/05//23	Emails between the Applicant and the Environment Agency	Emails to set up a meeting to discuss the Scheme’s developing Environmental Statement following the Scheme’s Statutory Consultation held in early 2023.
21/07/23 to 07/08/23	Teams call between the Applicant and the Environment Agency	The Applicant’s request to discuss wider Scheme overview and schedule, the Environment Agency’s s statutory consultation response and the development of a SoCG.
08/08/23	Teams Meeting between the Applicant and the Environment Agency	The Applicant presented to the Environment Agency the Engagement to Date, Summary of the Environment Agency Statutory Consultation Response, Schedule Overview, Scheme Update, Proposed Order Limits, Updates to the Order Limits and Land Assembly, Presentation of Proposed Catchment Areas/Outfalls, Drainage Catchment 6, Water Quality Assessment and Flood Risk Assessment a.
07/09/23	Teams Meeting between the Applicant and the Environment Agency	Meeting to discuss the scope and priority order of issues for the pre-application engagement to focus on. Subsequent to the meeting the Applicant shared a proposed scope for the Environment Agency, which had taken into account the discussions at the meeting. The matters included water quality, ground water, flood risk, dewatering and land contamination, environmental management plan and the development of a SoCG.

30/11/24	Email from the Applicant to Environment Agency	The Applicant confirmed to the Environment Agency the proposed strategy for issue consideration and document review for the pre-application engagement. The matters included water quality, ground water, flood risk, dewatering and land contamination, environmental management plan and the development of a SoCG.
30/11/24	File transfer for documents from the Applicant to the Environment Agency	<p>File transfer of draft Environmental Statement Chapter 13: Road Drainage and the Water Environment including the following Appendices and Figures:</p> <ul style="list-style-type: none"> - Draft Appendix 13.1 Water Framework Directive Compliance Assessment Report - Draft Appendix 13.2 Water Quality Assessment Report - Draft Appendix 13.3 Hydromorphology Baseline Report - Draft Appendix 13.4 Groundwater Assessment Report - Draft Appendix 13.5 Groundwater Dependent Terrestrial Ecosystems Assessment Report - Draft Appendix 13.6 Flood Risk Assessment Report - Draft Appendix 13.7 Drainage Strategy Report - Figure 13.1: Surface Water Receptors in the study area, including 13.1.1 Water Framework Directive Surface Water and Groundwater receptors and features in the study area - Figure 13.2: Proposed outfall Locations - Figure 13.3: Aquifer Designations (Bedrock) - Figure 13.4: Superficial Aquifers and potential Groundwater Receptors and Features in the study area, including 13.4.1 Responses to private water supply questionnaires. - Figure 13.5: Groundwater Dependent Terrestrial Ecosystems and Groundwater Dependency Classification, including 13.5.1 Groundwater dependent terrestrial habitats, 13.5.2 hydrogeological walkover survey locations - Figure 13.6: Flood Zones - Figure 13.7: Areas At Risk from Surface Water Flooding - Figure 13.8: Areas Susceptible to Groundwater Flooding - Figure 13.9: Areas At Risk of Flooding from Reservoirs

01/12/23	Email from Environment Agency to the Applicant, including file transfer receipt	Environment Agency confirmed receipt of draft documents. Note that documents relating to contaminated land have not yet been submitted. Note that review timescales will be provided shortly.
06/12/23	Meeting between the Applicant and Environment Agency, with follow up email to the Environment Agency	Meeting to discuss draft document review including estimated timescales and next steps. Environment Agency advised target of the 5 January for feedback on draft document review. Applicant advised when next draft documents would be released for review.
14/12/23	Email from the Applicant to the Environment Agency	Email with the provision of the following documents; <ul style="list-style-type: none"> - Proposed strategy for topic area/draft document review focus - Draft First Iteration Environmental Management Plan including the following draft appendices; <ul style="list-style-type: none"> o Appendix C) Outline Site Waste Management Plan o Appendix H) Outline Surface and Ground Water Management Plan o Appendix J) Outline Contaminated Land Management Plan
19/12/23	Email from the Environment Agency to the Applicant	Request for provision of the Ground Investigation Report and Biodiversity Net Gain Report for review.
20/12/24	Email from the Applicant to the Environment Agency	Provision of draft Chapter 9: Geology and Soils, and draft Appendix 8.12 Biodiversity Net Gain Report of the draft Environmental Statement for Environment Agency review.
05/01/24	Meeting between the Applicant and Environment Agency	Catch up as to how Environment Agency document review was progressing and timescales for responses. Discussion in relation to cost recovery contract matters including hours used and expected dates for invoices.
05/01/24	Email from Environment Agency to the Applicant with letter response attached	Environment Agency provision of comments on Flood Risk and technical review of Chapter 13 of the Environmental Statement following review of the following draft documents; <ul style="list-style-type: none"> - Draft Chapter 13: Road Drainage and the Water Environment - Draft Appendix 13.6: Flood Assessment Report
12/01/24	Email from Environment Agency to the Applicant with letter response attached	Environment Agency provision of comments on Biodiversity and Geomorphology following review of the following draft documents; <ul style="list-style-type: none"> - Draft Chapter 13: Road Drainage and the Water Environment

		<ul style="list-style-type: none"> - Draft Appendix 13.1 Water Framework Directive Compliance Assessment - Draft Appendix 13.2 Water Quality Assessment Report - Draft Appendix 13.3: Hydromorphology Baseline Report
19/01/24	Email from Environment Agency to the Applicant with letter response attached	<p>Environment Agency provision of comments on contaminated land and groundwater following review of the following draft documents;</p> <ul style="list-style-type: none"> - Draft Appendix 9.3 Ground Investigation Report - Draft Appendix 13.1 Water Framework Directive Compliance Assessment - Draft Appendix 13.4 Ground Water Assessment Report - Draft Appendix 13.5 Groundwater Dependent Terrestrial Ecosystems Report - Draft Appendix 13.7 Drainage Strategy Report
25/01/24	Meeting between Environment Agency and the Applicant	<p>Environment Agency requested an update on the provision of draft documents for Environment Agency review and responses to the letters Environment Agency has provided.</p> <p>Discussion around how the Applicant has responded to the Environment Agency letters through amendments to the Environmental Statement. Next steps clarified to be the provision of draft First Iteration Environmental Management Plan with select appendices. Discussion on template for the SoCG.</p> <p>Follow up emails confirming template for SoCG.</p>
26/01/24	Email and file transfer to the Environment Agency from the Applicant	<p>Provision of the following draft documents to the Environment Agency for review and comment;</p> <ul style="list-style-type: none"> - First Iteration Environmental Management Plan including the following draft appendices; - Appendix C: Outline Waste Management Plan - Appendix D: Outline Invasive Species Management Plan - Appendix H: Outline Surface and Ground Water Management Plan - Appendix I: Outline Construction Compound Management - Appendix J: Outline Contaminated Land Management Plan

		Email also provided feedback on the Environment Agency's comments on the format/template for the proposed SoCG.
20/02/24	Email from the Environment Agency to the Applicant	Provision of a letter response from the Environment Agency providing comment on the draft First Iteration Environmental Management Plan including the following draft appendices; <ul style="list-style-type: none"> - Appendix C: Outline Waste Management Plan - Appendix D: Outline Invasive Species Management Plan - Appendix H: Outline Surface and Ground Water Management Plan - Appendix I: Outline Construction Compound Management - Appendix J: Outline Contaminated Land Management Plan
23/02/24	Email from the Applicant to the Environment Agency	Provision of a table detailing responses to the letters received from the Environment Agency following review of draft application submission documents.
23/02/24	Email from the Applicant to the Environment Agency	Provision of position summary table in word format.
12/04/24	Teams meeting request from Environment Agency	Teams meeting invite for 17/04/24 following the Applicant's request for a meeting.
17/04/24	Teams meeting between the Applicant and the Environment Agency, with a follow up email sent from the Applicant to the Environment Agency	Meeting to provide update on the acceptance of the application for development consent by the Inspectorate, provide indicative timescales for the next steps and request for an update from the Environment Agency on the Applicant's table detailing positions relating to the Environment Agency letters of the dated letters 05/01/2024, 12/01/2024 and 19/01/2024.
02/05/24	Email sent from the Applicant to the Environment Agency	Provision of update on the application acceptance, and request for update on table detailing progression on positions between the Applicant and Environment Agency.
13/05/24	Email sent from the Environment Agency to the Applicant	Return of table detailing progression on positions between the Applicant and the Environment Agency, raised in Environment Agency letters (dated letters 05/01/2024, 12/01/2024 and 19/01/2024).
19/06/24	Teams Meeting between the Applicant and Environment Agency, and follow up email	The Applicant provided an update on the Scheme and discussion on timescales for return of summary table being progressed to support the development of the SoCG.

05/07/24	Email sent from the Environment Agency to the Applicant	Provision of Relevant Representation. Noted to include comments in relation to the Environmental Management Plans, Ground Water, Contaminated Land and Water Quality.
16/07/24	Teams Meeting between the Applicant and Environment Agency, and follow up email	Discussion on Environment Agency's Relevant Representation. Discussion on expected dates for examination. Scheduling of further meetings.
23/07/24	Teams Meeting between the Applicant and Environment Agency, and follow up email	Drafting of positions for the SoCG between the Applicant and the Environment Agency and next steps.
08/08/24	Email sent from the Applicant to the Environment Agency	General update and forwarding of the Planning Inspectorate Rule 6 Letter "notice of preliminary and other meetings".
13/08/24	Teams Meeting between the Applicant and Environment Agency, and follow up email	Discussions on the examining authority Rule 6 Letter including proposed examination timetable. Update provided on progress of positions being agreed between the parties in preparation for the SoCG. Draft SoCG shared on screen and discussed. Programme for meeting 24 September examination deadline 1 discussed.
30/08/24	Teams Meeting between the Applicant and Environment Agency, and follow up email	The Applicant presented the summary table of positions to the Environment Agency. Noting where action was required for the Environment Agency to respond, to support the development of the SoCG. The Applicant noted the amended draft Development Consent Order [PD-005] submitted to the Examining Authority for Procedural Deadline A, noting that it addressed a requested made by the Environment Agency in their relevant representation. The Applicant also highlighted the visualisations provided to the Examining Authority at Procedural Deadline A.
09/09/24	Teams Meeting between the Applicant and Environment Agency, and follow up email	The Environment Agency talked through the summary of positions table, and the updates that they have made. After the meeting the Environment Agency sent the amended table of positions by email to the Applicant. The Environment Agency noted a concern with the interpretation of the word "commence" in the draft Development Consent Order [PD1-005] in connection with remedial works for land contamination and requested that the wording be amended.
11/09/24	Email sent from the Applicant to the Environment Agency	The Applicant provided position in response to the Environment Agency comments on the interpretation of the term "commence" in connection with remedial works for land contamination and agreed to amend the wording in the draft Development Consent Order [PD1-005],

13/09/24	Teams Meeting between the Applicant and Environment Agency, and follow up email	Further discussion on the summary of positions table and the progress that has been made, noting outstanding actions. The Environment Agency noted the agreement to change the interpretation of the word “commence” in relation to remedial works for land contamination in the draft Development Consent Order [PD1-005]. Brief discussion on the Preliminary Meeting, Open Floor Hearing 1 and the Issue Specific Hearing 1 into the draft Development Consent Order [PD1-005].
20/09/24	Email sent from the Applicant to the Environment Agency	Issue of draft SoCG to the Environment Agency.
20/09/24	Teams Meeting between the Applicant and Environment Agency, and follow up email	Further discussion and overview of SOCG.
24/9/2024	Teams Meeting between the Applicant and Environment Agency, and follow up email	Further discussion on SOCG and matters of agreement

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

3 Issues

3.1 Issues agreed, not agreed or under discussion

3.1.1 Table 3.1.1 below details the issues which have been agreed, not agreed or are under discussion between 1) National Highways and 2) Environment Agency.

Table 3.1.1 Issues

Ref	Issue	Doc Ref	Environment Agency's Position	The Applicant's Position	Agreement Likely	Status	Date
Flood Risk							
1	Fluvial Flood Risk	Appendix 13.6: Flood Risk Assessment of the Environmental Statement Appendices [APP-121]	The Environment Agency has reviewed Appendix 13.6: Flood Risk Assessment of the Environmental Statement Appendices [APP-121] regarding impacts associated with fluvial risk. We have no objections to the principle of the scheme.	The Applicant accepts the Environment Agency's position of no objections to the principle of the Scheme. Appendix 13.6: Flood Risk Assessment of the Environmental Statement Appendices [APP-121] concludes at paragraphs 2.4.1 and 2.5.3 that the overall flood risk from Main Rivers and Ordinary Watercourses to the Scheme is considered to be Low.	Yes	Agreed	05/01/24
2	Sequential Test Assessment	Appendix 13.6: Flood Risk Assessment of the Environmental Statement Appendices [APP-121]	The National Planning Policy Framework paragraph 161 confirms that a sequential approach to development should be applied considering all sources of flood risk, including surface water and groundwater risks. The Environment Agency provided comment on an early draft of the Flood	Appendix 13.6: Flood Risk Assessment of the Environmental Statement Appendices [APP-121] demonstrates (paragraphs 1.3.4-1.3.10) for all sources of flooding, including surface water and ground water, that there are no reasonably available sites in areas with a lower probability of flooding that would be appropriate to the type of development.	Yes	Agreed	06/09/24

Ref	Issue	Doc Ref	Environment Agency's Position	The Applicant's Position	Agreement Likely	Status	Date
			<p>Risk Assessment to request clarification of the assessment of the Scheme being applied to all sources of flooding.</p> <p>The Environment Agency has subsequently reviewed Appendix 13.6: Flood Risk Assessment of the Environmental Statement Appendices [APP-121] and are satisfied with the amendments made. The Sequential Test demonstrates (paragraphs 1.3.4 to 1.3.10) for all sources of flooding, including surface water and ground water, that there are no reasonably available sites in areas with a lower probability of flooding that would be appropriate to the type of development.</p>				
3	Fluvial Flood Risk from Ordinary Water Courses	Appendix 13.6: Flood Risk Assessment of the Environmental Statement Appendices [APP-121]	<p>The Environment Agency provided comment on an early draft of the Flood Risk Assessment in relation to the use of the flood map for planning to provide a complete picture of fluvial risks in all catchments and for all designated "main rivers". Noting that smaller catchments typically of 3km square and less might not have had any assessment (broadscale or detailed) to identify risk.</p> <p>The Environment Agency has subsequently reviewed Appendix 13.6: Flood Risk Assessment of the Environmental Statement Appendices [APP-121] and accepts the categorisation of the overall fluvial flood</p>	Section 2.5 and Table 2.2 of Appendix 13.6: Flood Risk Assessment of the Environmental Statement Appendices [APP-121] assesses the fluvial flood risk from Ordinary Watercourses. This assessment concludes at paragraph 2.5.3 that the overall flood risk from Ordinary Watercourses to the Scheme is considered to be Low due to the areas of surface water flood risk shown on Risk of Flooding from Surface Water (Environment Agency, 2023c) map.	Yes	Agreed	06/09/24

Ref	Issue	Doc Ref	Environment Agency's Position	The Applicant's Position	Agreement Likely	Status	Date
			risk from Ordinary Watercourses to be low based on the assessment of the flood map for planning and the risk of flooding from surface water map.				
4	Flood Risk Assessment of surface water discharge	<p>Appendix 13.6 Flood Risk Assessment of the Environmental Statement Appendices [APP-121]</p> <p>Appendix 13.7 Drainage Strategy Report of the Environmental Statement Appendices [APP-122]</p>	<p>The Environment Agency notes that there are several receptors for surface water discharges. Many of these watercourses appear relatively minor in nature and their ability to receive additional volumes of run-off will need to be assessed as part of a detailed flood risk assessment.</p> <p>The Environment Agency notes that the Lead Local Flood Authority (LLFA) should be consulted in relation to the proposed drainage arrangements. The LLFA may be able to provide information on the watercourse receptors that are classified as "ordinary watercourse".</p> <p>The Environment Agency notes that they have not reviewed the surface water drainage strategy document in relation to flood risk as the detailed design and principles associated with this are primarily within the lead Local Flood Authorities remit. In terms of general principles, they would expect run-off from additional areas of impermeable area to be attenuated to ensure no increase in discharge or risk in the downstream receptors. The Environment</p>	<p>The application for development consent is supported by the provision of Appendix 13.6 Flood Risk Assessment [APP-121] and Appendix 13.7 Drainage Strategy Report [APP-122] of the Environmental Statement Appendices.</p> <p>The Scheme, for the most part, comprises of modifications to the existing highway alignment.</p> <p>Where it is proposed to use an existing outfall the discharge rate is based on the existing discharge rates as established in a drainage model. Where the discharge is to a new outfall, the discharge is limited to the greenfield runoff rate or 2l/s/ha whichever is higher.</p> <p>In order to restrict flows at outfalls at these rates, attenuation is provided in the proposed design through the use of ponds, oversized pipes, filter trenches or swales.</p> <p>The Flood Risk Assessment [APP-121] has considered the above proposals in terms of the potential for the Scheme to impact flooding. It is concluded that the risk to Ordinary Watercourses from fluvial</p>	Yes	Agreed	09/09/24

Ref	Issue	Doc Ref	Environment Agency's Position	The Applicant's Position	Agreement Likely	Status	Date
			Agency notes the Applicant's engagement with the LLFA on matters relating to surface water drainage and has no further comments.	flood risk and surface water drainage is low. The Applicant acknowledges the comment regarding the drainage strategy review. Consultation and engagement has been undertaken with the LLFA regarding the drainage strategy. Please refer to the Drainage Strategy Report [APP-122] and the Statement of Common Ground with Bury Metropolitan Borough Council (TR010064/APP/7.13) for further details.			
5	Proximity to main rivers and the requirement for flood risk activity permits	Appendix 13.6 Flood Risk Assessment Report of the Environmental Statement Appendices [APP-121] Consents and Agreements Position Statement [APP-016]	The Environment Agency notes that the nearest main river watercourses to the proposals are Castle Brook to the north-east of the junction and Whitefield Brook between Derwent Avenue and the eastbound approach carriageway. The Environment Agency notes that any works that would impact on these watercourses may require a flood risk activity permit. The Environment Agency notes that the draft Development Consent Order [PD1-005] does not disapply these regulations, and the Applicant's intention in the Consents and Agreements Position Statement [APP-016] to apply for Flood Risk Activity Permits where required. The Environment Agency would welcome early engagement regarding any permitting. The	The Applicant acknowledges the permitting arrangements required to be in place when working in or in close proximity to main river watercourses. The same consideration applies when dealing with Ordinary Watercourses and the need to apply for necessary permits and licences under the Land Drainage Act. Further details of the expected permitting arrangements required for the Scheme can be found in Appendix A of the Consents and Agreements Position Statement [APP-016].	Yes	Agreed	06/09/24

Ref	Issue	Doc Ref	Environment Agency's Position	The Applicant's Position	Agree-ment Likely	Status	Date
			Environment Agency has no further comments.				
Water Quality and Water Framework Directive							
6	Water Quality – pollution containment prior to discharge in watercourses	<p>Chapter 13 Road Drainage and the Water Environment of the Environmental Statement [APP-052].</p> <p>Appendix 13.1: WFD Compliance Assessment of the Environmental Statement Appendices [APP-116]</p> <p>Appendix 13.2: Water Quality Assessment Report of the Environmental Statement</p>	<p>The Environment Agency note that pollution containment prior to discharge into the River Irwell, Roch and Irk Tributaries is required. A Water Framework Directive (WFD) Assessment together with embedded mitigation/ponds and SUDS are required.</p> <p>Following assessment of Appendix 13.7 Drainage Strategy Report [APP -122], Appendix 13.1: Water Framework Directive Compliance Assessment [APP-116], Appendix 13.2: Water Quality Assessment Report [APP-117] the Environment Agency are satisfied that there is adequate pollution containment prior to discharge into watercourses, subject to the implementation of the detailed design in accordance Requirement 3 of the draft Development Consent Order [PD1-005], the commitments set out in the Register of Environmental Actions and Commitments and Appendix H Outline Surface Water and Ground Management Plan [APP-135] of the First Iteration Environmental Management Plan [APP-127] as secured by Requirement 4 of the</p>	<p>The application for development consent is supported by Appendix 13.1: Water Framework Directive (WFD) Compliance Assessment [APP-116] and Appendix 13.2: Water Quality Assessment Report [APP-117] of the Environmental Statement Appendices.</p> <p>The water quality assessment considers the embedded mitigation of the drainage design and how the measures prescribed provide water quality treatment and the discharges are below Environmental Quality Standard (EQS) thresholds. Assessments have been undertaken using National Highways' assessment tool, Highways England Water Risk Assessment Tool (HEWRAT), to determine water quality impacts arising from routine highways runoff. Appendix 13.1: WFD Compliance Assessment [APP-116] has been prepared to comply with the requirements of the Water Environment (WFD) (England and Wales) Regulations 2017.</p> <p>The Applicant undertook a pre-mitigation assessment which has supported design considerations for the drainage design for the Scheme. Where pre-mitigation failures</p>	Yes	Agreed	23/09/24

Ref	Issue	Doc Ref	Environment Agency's Position	The Applicant's Position	Agreement Likely	Status	Date
		<p>Appendices [APP-117]</p> <p>Draft Development Consent Order [PD1-005].</p>	<p>draft Development Consent Order [PD1-005].</p>	<p>of the HEWRAT assessment were identified (for example, concentrations of zinc and copper in runoff entering watercourses being above the EQS) recommendations for inclusion of Sustainable Drainage Systems (SuDS) measures have been incorporated into the Scheme design. SuDS elements (such as swales and ponds) provide water quality treatment functions which allows the treatment of the soluble and sediment-bound pollutants from runoff of the highway surface. With consideration of the mitigation measures outlined above, all discharges from the Scheme are lower than the EQS thresholds for zinc and copper. Full details of the assessment are set out within Appendix 13.2: Water Quality Assessment of the Environmental Statement Appendices [APP-117].</p> <p>During construction, mitigation measures will be in place which will prevent or reduce any negative impacts to watercourses in the vicinity of the development. Mitigation measures are set out within the Register of Environmental Actions and Commitments contained within the First Iteration Environmental Management Plan [APP-127]. Mitigation will include, but is not limited to, measures to control sediment laden runoff from disturbed ground surfaces and stockpiled materials; storage and handling protocols</p>			

Ref	Issue	Doc Ref	Environment Agency's Position	The Applicant's Position	Agree-ment Likely	Status	Date
				for use of polluting substances (such as fuels, oils, chemicals, cement etc.); and adverse weather planning procedures. The First Iteration Environmental Management Plan [APP-127] will be developed into the Second Iteration Environmental Management Plan for implementation during construction and secured by Requirement 4 of the draft Development Consent Order [PD1-005].			
7	Scope of WFD Compliance Assessment	<p>Appendix 13.1: WFD Compliance Assessment of the Environmental Statement Appendices [APP-116]</p> <p>Figure 13.2: Proposed Outfall Locations of Environmental Statement Figures - Chapter 13 Road Drainage and the Water</p>	<p>The Environment Agency's assessment of an early draft WFD Compliance Assessment requested a number of amendments to the scope of the assessment (comments received on the 12/01/24) relating to the baseline, scoping of identified outfall structures for hydromorphology, scoping in of activities that have the potential to input fine sediment for physio-chemical; hydromorphological; and biological elements, and the amendment to the scope of the assessment tables to respond to this change in scope. Further query was made in relation to the water quality of minor watercourses.</p> <p>A request was also made to clarify the labelling on draft Figure 13.2 Proposed Outfall Locations.</p> <p>The Environment Agency has reviewed the Appendix 13.1: WFD Compliance Assessment of the Environmental</p>	<p>In response to the engagement with the Environment Agency amendments were made to the draft WFD Compliance Assessment and associated figures which have been included within the submitted Appendix 13.1: WFD Compliance Assessment of the Environmental Statement Appendices [APP-116] and Figure 13.2: Proposed Outfall Locations of Chapter 13 Road Drainage and the Water Environment of the Environmental Statement [APP-073]:</p> <p>The scoping of water body quality elements and activities for surface water and ground water assessment and the assessment of the Scheme against WFD objectives within Appendix 13.1: WFD Compliance Assessment of the Environmental Statement Appendices [APP-116] is compliant.</p>	Yes	Agreed	09/09/24

Ref	Issue	Doc Ref	Environment Agency's Position	The Applicant's Position	Agreement Likely	Status	Date
		Environment [APP-073]	<p>Statement Appendices [APP-116] and notes the amendments that have been made and confirms that we have no further comment.</p> <p>Figure 13.2: Proposed Outfall Locations of the Environmental Statement Figures - Chapter 13 Road Drainage and the Water Environment [APP-073] has been reviewed by the Environment Agency and we agree the amended figure provides a clearer visualisation of the outfall locations. The Environment Agency has confirmed no further comment in relation to this matter.</p>				
8	Impact of dewatering on baseflows of watercourses, and associated WFD quality effects	<p>Appendix 13.1: WFD Compliance Assessment of the Environmental Statement Appendices [APP-116]</p> <p>First Iteration EMP [APP-127]</p> <p>Appendix H: Outline Surface and Ground Water Management</p>	<p>The Environment Agency's assessment of an early draft WFD Compliance Assessment requested additional details on the impacts of dewatering on baseflows and associated WFD quality effects on Parr Brook and Castle Brook.</p> <p>The Applicant has confirmed that Parr Brook would not be impacted by any dewatering activities. The Environment Agency notes further details of impacts without mitigation, and details of the essential mitigation to reduce the impacts of change to baseflows has been provided within Appendix 13.1: WFD Compliance Assessment of the Environmental Statement Appendices [APP-116]. The Environment Agency confirms that changes have been made</p>	<p>The Scheme mitigation to ensure any impacts of dewatering are negligible at a waterbody scale is secured through commitment W25 in the Register of Environmental Actions and Commitments within the First Iteration Environmental Management Plan [APP-127], and specific dewatering measures set out in Appendix H: Outline Surface and Ground Water Management Plan [APP-135] of the First Iteration Environmental Management Plan [APP-127]</p> <p>Commitment W25 and the Outline Surface and Ground Water Management Plan will be contained in the Second Iteration Environmental Management Plan and implemented through Requirement 4 of the draft Development Consent Order</p>	Yes	Agreed	13/05/24 and 09/09/24

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		Plan [APP-135] Draft Development Consent Order [PD1-005]	to Table 6.1 detailing further on excavation impacts if not mitigated. The provision of essential mitigation associated with Castle Brook Tributary will reduce the potential impact to baseflows. Appendix 13.1: WFD Compliance Assessment of the Environmental Statement Appendices [APP-116] is confirmed to adequately assess the impacts on Castle Brook as a result of dewatering, and the Environment Agency is satisfied with the specific measures to mitigate effects of dewatering as set out in the First Iteration Environmental Management Plan [APP-127], and specific dewatering measures set out in Appendix H: Outline Surface and Ground Water Management Plan [APP-135] of the First Iteration Environmental Management Plan [APP-127]. The Environment Agency has no further comment.	[PD1-005] and approved by the Secretary of State. The Environment Agency will be consulted on the Second Iteration Environmental Management Plan insofar as the details relate to their functions prior to the Applicant seeking approval from the Secretary of State. Where required full or temporary abstraction licenses during construction will be applied for from the Environment Agency as set out within the Consents and Agreements Position Statement [APP-016].			
9	Assessment and mitigation of construction and operational impacts on vegetation in the riparian zone	Appendix 13.1: WFD Compliance Assessment of the Environmental Statement Appendices [APP-116]	The Environment Agency's assessment of early draft of the Appendix 13.1: WFD Compliance Assessment of the Environmental Statement Appendices [APP-116] highlighted negative impacts for outfall construction within the riparian zone in both the construction and operational phase. Specifically, where sites have been identified as being	The recommendation to retain vegetated / grass cover along banks of watercourses within the construction areas is noted. Commitment W14 in the Register of Environmental Actions and Commitments within the First Iteration Environmental Management Plan [APP-127] states that vegetation clearance will be limited along riparian corridors and floodplains.	Yes	Agreed	13/05/24

Ref	Issue	Doc Ref	Environment Agency's Position	The Applicant's Position	Agreement Likely	Status	Date
		<p>Figures 2.3 Environmental Masterplan of the Environmental Statement Figures [APP-057]</p> <p>First Iteration Environmental Management Plan [APP-127]</p> <p>Appendix N Outline General Ecology Management Plan [APP-141]</p>	<p>negatively impacted by poaching (i.e. the Parr Brook). The Environment Agency recommended that appropriate best practice solutions (i.e. fencing), is incorporated as part of final scheme solution, where feasible, to provide some positive WFD benefits to the waterbody.</p> <p>The Environment Agency has reviewed Appendix 13.1: WFD Compliance Assessment of the Environmental Statement Appendices [APP-116], Register of Environmental Actions and Commitments commitment W14 of the First Iteration Environmental Management Plan [APP-127] and the specific measures relating to vegetation clearance as set out in Appendix N Outline General Ecology Management Plan [APP-141] and is satisfied that there is adequate measures to ensure the limitation of vegetation clearance in the riparian zone.</p>	<p>Commitment B2 in the Register of Environmental Actions and Commitments within the First Iteration Environmental Management Plan [APP-127] requires an Ecological Clerk of Works (ECoW) to assess each area of the site prior to clearance commencing. Appendix N Outline Landscape and Ecology Management Plan [APP-141] of the First Iteration Environmental Management Plan [APP-127] sets out specific measures relating to vegetation clearance. There would be no intention to remove vegetation unless necessary for construction ensuring where possible retention of some cover within the riparian zones to enable habitats to regrow. This would therefore minimise the risk of erosion.</p> <p>Figures 2.3 Environmental Masterplan of the Environmental Statement Figures [APP-057] illustrate existing vegetation to be retained and protected as part of the landscaping scheme.</p> <p>Appendix 13.1: WFD Compliance Assessment of the Environmental Statement Appendices [APP-116] concludes that the implementation of the mitigation as set out in the First Iteration Environmental Management Plan [APP-127] and the specific management plans would mean that any impacts associated</p>			

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				with cleared vegetation during construction would be negligible.			
10	Vegetation Clearance associated with new outfall construction	Appendix 13.1: Water Framework Directive (WFD) Compliance Assessment of the Environmental Statement Appendices First Iteration Environmental Management Plan [APP-127]	<p>The Environment Agency's assessment of early draft of the Appendix 13.1: WFD Compliance Assessment welcomed the proposals for the new outfall construction which is to be based on an offline design set back from main channel. The Environment Agency requested that where vegetation clearance is associated with new outfall construction, to minimise any potential biological element impacts, all cleared or bare areas associated with construction should actively be reinstated using appropriate native soft landscaping. This is to minimise any potential sediment release issues, as well as limit any possible establishment of Invasive and Non-Invasive Species (INNS) in disturbed construction areas, particularly where INNS have been identified in the catchment area.</p> <p>The Applicant in response to the Environment Agency's comment amended Table 6.1: Assessment of the Scheme against status objectives and elements for all scoped in surface water bodies during the construction phase to provide more detail in relation to vegetation clearance, and cross reference to Commitment W14 and W15</p>	Following review of the Environment Agency's request, the Applicant amended Table 6.1: Assessment of the Scheme against status objectives and elements for all scoped in surface water bodies during the construction phase (within the early draft of the Appendix 13.1: WFD Compliance Assessment) to provide more detail in relation to vegetation clearance, and cross reference to Commitment W14 and W15 of the Register of Environmental Actions and Commitments contained within the First Iteration Environmental Management Plan [APP-127]. Appendix 13.1: WFD Compliance Assessment of the First Iteration Environmental Management Plan [APP-116] included the agreed changes.	Yes	Agreed	09/09/24

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			of the Register of Environmental Actions and Commitments contained within the First Iteration Environmental Management Plan [APP-127]. The Environment Agency has reviewed the Appendix 13.1: WFD Compliance Assessment of the Environmental Statement Appendices [APP-116] and has no further comment to make.				
11	Use of Sustainable drainage systems to improve water quality discharges	Chapter 13: Road Drainage and the Water Environment Appendix [APP-052] 13.2 Water Quality Assessment Report of the Environmental Statement Appendices [APP-117] First Iteration Environmental Management Plan [APP-127]	<p>The Environment Agency advises that surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SuDS). As well as reducing flood risk, this promotes groundwater recharge, helps absorb diffuse pollutants, and improves water quality. We encourage the applicant to seek opportunities to improve water quality of discharges as part of their road drainage, where possible.</p> <p>The Environment Agency has reviewed Chapter 13: Road Drainage and the Water Environment Appendix [APP-052] and 13.2 Water Quality Assessment Report of the Environmental Statement Appendices [APP-117], and the Register of Environmental Actions and Commitments within the First Iteration Environmental Management Plan [APP-</p>	<p>The Applicant acknowledges the comments. The drainage strategy for the Scheme has been developed taking into account best practice and published guidance. Multi-functional SuDS solutions are included as part of this. Further details can be found in Appendix 13.7: Drainage Strategy Report (of the Environmental Statement Appendices [APP-122]).</p> <p>An assessment of the water quality discharges associated with the Scheme is outlined in Appendix 13.2: Water Quality Assessment Report of the Environmental Statement Appendices [APP-117]. This report also outlines the benefits that the drainage strategy employs through the provision of SuDS in terms of treating runoff for water quality compared to the existing drainage system which provides little in the way of treatment of run off currently. Section 13.9 of Chapter 13: Road Drainage and the Water Environment of the Environmental</p>	Yes	Agreed	23/09/24

Ref	Issue	Doc Ref	Environment Agency's Position	The Applicant's Position	Agreement Likely	Status	Date
			127] and is satisfied with the measures proposed.	Statement [APP-052] under embedded mitigation for surface water quality detail the water quality treatment and biodiversity benefits. These proposals will be further developed during detailed design including vegetation species which have both biodiversity and water quality benefits linked to commitment W5 in the Register of Environmental Actions and Commitments, contained within the First Iteration Environmental Management Plan [APP-127].			
12	Accordance with WFD Regulations and the Northwest River Basin Management Plan	Chapter 13: Road Drainage and the Water Environment Appendix [APP-052] 13.2 Water Quality Assessment Report of the Environmental Statement Appendices [APP-117] First Iteration Environmental Management Plan [APP-127]	The Environment Agency note that The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 (WFD Regulations) and associated Northwest River Basin Management (RBMP) require that all water bodies are protected from deterioration and pollution whilst advocating the restoration and enhancement of water bodies to promote recovery. At a water body scale the Environment Agency acknowledge that the Scheme is unlikely to lead to a deterioration in classification of any element under the WFD for impacted water bodies. However, the WFD seeks to enhance water bodies with the ambition of achieving the overall status of Good.	The Applicant has completed a WFD Compliance Assessment which can be found in Appendix 13.1 of the Environmental Statement Appendices [APP-116]. The assessment concludes that at a water body scale the Scheme would be compliant with the WFD Regulations for all designated water bodies assessed. Where negative impacts have been identified and have the potential to lead to localised negative changes to water quality elements, through the implementation of embedded and essential mitigation, these impacts are unlikely to lead to deterioration in classification and/or prevent the water quality elements from either achieving good classification or achieving their River Basin Management Plan (RBMP) objectives.	Yes	Agree	23/09/24

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			<p>The Environment Agency note that additional enhancement opportunities through the delivery of mitigation measures within Table 6.5 in Appendix 13.1: WFD Compliance Assessment Report of the Environmental Statement Appendices [APP-116] have been considered with specific regard to sediment management/vegetation clearance. It is noted that commitments W14 and W32 in the Register of Environmental Actions and Commitments within the First Iteration Environmental Management Plan [APP-127] provides sufficient measures to manage this.</p>	<p>Table 6.2 in Appendix 13.1: WFD Compliance Assessment Report of the Environmental Statement Appendices [APP-116] identifies that embedded mitigation for the Scheme would lead to a positive hydromorphological change for all water bodies screened into the WFD assessment, with betterment in terms of fine sediment management along each water body and reducing siltation of watercourses such as Parr Brook, the River Irk and Castle Brook.</p> <p>Table 6.5 in Appendix 13.1: WFD Compliance Assessment Report of the Environmental Statement Appendices [APP-116] assesses that, through the mitigation measures identified for the Scheme, the Scheme would help to achieve or contribute to the following mitigation measures for the River Irk (Wince to Irwell) water body, should the measures be associated with the water body: sediment management, prevention of sediment transfer, and minimising impact on aquatic habitats.</p> <p>General surface water quality enhancement measures are identified in Section 13.9 of Chapter 13: Road Drainage and the Water Environment of the Environmental Statement [APP-052]. Surface water quality may be improved by using ponds to treat road runoff where</p>			

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				HEWRAT assessments already indicate discharges comply with legal requirements and DMRB standards without such features in place. The drainage design includes a number of new features that will offer treatment and therefore an improvement in surface water quality enhancing the existing situation. This includes the provision of vegetative treatment solutions for water quality improvement.			
13	INNS management in riparian corridors and floodplains	Appendix 13.1: WFD Compliance Assessment [APP-116] of the Environmental Statement Appendices Appendix 13.2: Water Quality Assessment Report [APP-117] of the Environmental Statement Appendices	The Environment Agency's assessment of early draft of the WFD Compliance Assessment and Water Quality Assessment Report identified (from photos) at least one INNS (Himalayan Balsam) is present within the scheme boundary and some waterbodies. Best practice in regard to INNS management will be an essential element as part of construction and advise such measures are included in the Register of Environmental Actions and Commitments within the First Iteration Environmental Management Plan [APP-127]. This is to ensure any Schedule 9 species, under the Wildlife and Countryside Act 1981, present within the Scheme footprint is not spread. The Environment Agency advise this is reflected within Tables 6.1, 6.2 and 6.5 of the WFD assessment.	Following review of the Environment Agency's request, the Applicant amended Tables 6.1, 6.2 and 6.5 of draft Appendix 13.1: WFD Compliance Assessment of the Environmental Statement Appendices [APP-116] to include the species identified in Chapter 9: Biodiversity of the Environmental Statement [APP-047] and to make a cross reference to the measures included in the First Iteration Environmental Management Plan [APP-127] to detail the measures to be implemented during construction. Appendix 13.1: WFD Compliance Assessment [APP-116] and Appendix 13.2: Water Quality Assessment Report [APP-117] of the Environmental Statement Appendices have incorporated these agreed changes.	Yes	Agreed	09/09/24

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		First Iteration Environmental Management Plan [APP-127]	<p>The Applicant in response to the Environment Agency's comment amended Tables 6.1, 6.2 and 6.5 of Appendix 13.1: WFD Compliance Assessment of the Environmental Statement Appendices [APP-116] to include the species identified in Chapter 9: Biodiversity and to make a cross reference to the measures included in the First Iteration Environmental Management Plan [APP-127] to detail the measures to be implemented during construction.</p> <p>The Environment Agency has reviewed the Appendix 13.1: WFD Compliance Assessment of the Environmental Statement Appendices [APP-116] and has no further comment to make.</p>				
Impacts on Groundwater							
14	Aquifer classification of the "northern area" glacial till deposits and potential impact on local water supplies, and river baseflows	<p>Chapter 9: Geology and Soils of the Environmental Statement [APP-048]</p> <p>Appendix 9.3 Ground Investigation Report of the Environmental Statement</p>	The Environment Agency has reviewed Appendix 9.3 Ground Investigation Report of the Environmental Statement Appendices [APP-108]. The Environment Agency queried whether the cohesive glacial deposits identified should be classed from Secondary Undifferentiated aquifers to Secondary A aquifers. The Environment Agency highlighted that where classed as a Secondary A aquifer these comprise permeable layers that can support local	The Applicant confirms that a programme of ground investigation has been carried out across the Scheme. The findings from the ground investigation have been utilised in characterising the baseline conditions across the Scheme. Full details can be found in Appendix 9.3 Ground Investigation Report of the Environmental Statement Appendices [APP-108] including geological long sections. Aquifer designations have been addressed in Paragraph 9.7.72 of Chapter 9 Geology	Yes	Agreed	09/09/24

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		Appendices [APP-108]	<p>water supplies and may form an important source of base flow to rivers.</p> <p>In engagement with the Applicant, the Environment Agency has been drawn to specific sections in Chapter 9: Geology and Soils of the Environmental Statement [APP-048] and Appendix 9.3 Ground Investigation Report of the Environmental Statement Appendices [APP-108]. The Environment Agency notes the results of the ground investigation and classification of aquifers and the conclusions of the contaminated risk assessment.</p>	<p>and Soils of the Environmental Statement [APP-048] as follows: cohesive glacial deposits as Secondary Undifferentiated aquifers; glaciofluvial deposits as Secondary A aquifers; Pennine Lower and Middle Coal Measures as a Secondary A aquifer and Chester Formation is a Principal aquifer.</p> <p>The Environment Agency suggested that the cohesive glacial deposits identified should be classed from Secondary Undifferentiated aquifers to Secondary A aquifers. Ground investigation has been undertaken and the presence of granular glacial till has been confirmed (see Paragraph 5.2.18 of Appendix 9.3 Ground Investigation Report of the Environmental Statement Appendices [APP-108]). Resting groundwater levels recorded during post-fieldwork groundwater monitoring indicate the groundwater table is at an elevation of 76.68m to 103.31m AOD across the site. An assessment of groundwater monitoring data has concluded that there is no defined groundwater table across the site and that perched groundwater systems within the granular glacial till are isolated between cohesive glacial till. See Paragraph 9.7.74 and Paragraph 9.7.75 of Chapter 9 Geology and Soils of the Environmental Statement [APP-048]. It is accepted that groundwater in the superficial deposits</p>			

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				<p>may be in continuity with the surface waters but the heterogenous nature of these deposits may limit the lateral migration into surface waters. See Paragraph 9.7.77 of Chapter 9 Geology and Soils of the Environmental Statement [APP-048] and Section 6.3.3.2 Appendix 9.3 Ground Investigation Report of the Environmental Statement Appendices [APP-108].</p> <p>Whilst the Pennine Middle Coal Measures may provide base flow to rivers, it was found at depths between 24.50-37.50 mBGL (metres below ground level) see Table 4.1 Appendix 9.3 Ground Investigation Report of the Environmental Statement Appendices [APP-108]. The thickness of the overlying superficial deposits is likely to prevent or significantly reduce vertical migration of dissolved phase leachable contaminants and contaminated groundwater.</p> <p>A contamination risk assessment of the impacts of contamination of controlled waters using ground investigation results has been completed and can be found in Section 6.3 Appendix 9.3 Ground Investigation Report of the Environmental Statement Appendices [APP-108].</p> <p>It should be noted that potential construction and operation impacts from the Scheme on controlled waters from soil</p>			

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				leachate and groundwater contaminant exceedances are not considered significant and do not warrant any remediation to facilitate the Scheme. See Paragraph 9.8.10 and Paragraph 9.8.19 of Chapter 9 Geology and Soils of the Environmental Statement [APP-048].			
15	Classification of the "southern area" glacial till deposits as a secondary (undifferentiated) aquifer. and potential impact on local water supplies, and river baseflows	Chapter 9: Geology and Soils of the Environmental Statement [APP-048] Appendix 9.3 Ground Investigation Report of the Environmental Statement Appendices [APP-108]	The Environment Agency has reviewed Appendix 9.3 Ground Investigation Report of the Environmental Statement Appendices [APP-108]. The Environment Agency queried whether the cohesive glacial deposits identified should be classed from Secondary Undifferentiated aquifers to Secondary A aquifers. The Environment Agency highlighted that where classed as a Secondary A aquifer these comprise permeable layers that can support local water supplies and may form an important source of base flow to rivers. In engagement with the Applicant, the Environment Agency has been drawn to specific sections in Chapter 9: Geology and Soils of the Environmental Statement [APP-048] and Appendix 9.3 Ground Investigation Report of the Environmental Statement Appendices [APP-108]. The Environment Agency notes the results of the ground investigation and classification of	The Applicant confirms that a programme of ground investigation has been carried out across the Scheme. The findings from the ground investigation have been utilised in characterising the baseline conditions across the Scheme. Full details can be found in Appendix 9.3 Ground Investigation Report of the Environmental Statement Appendices [APP-108] including geological long sections. Aquifer designations have been addressed in Paragraph 9.7.72 of Chapter 9 Geology and Soils of the Environmental Statement [APP-048] as follows: cohesive glacial deposits as Secondary Undifferentiated aquifers; glaciofluvial deposits as Secondary A aquifers; Pennine Lower and Middle Coal Measures as a Secondary A aquifer and Chester Formation is a Principal aquifer. The Environment Agency suggests that the cohesive glacial deposits identified should be classed from Secondary Undifferentiated aquifers to Secondary A or B aquifers. Ground Investigation has	Yes	Agreed	09/09/24

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			<p>aquifers and the conclusions of the contaminated risk assessment.</p>	<p>been undertaken and the presence of granular glacial till has been confirmed (see Paragraph 5.2.18 of Appendix 9.3 Ground Investigation Report of the Environmental Statement Appendices [APP-108]). Resting groundwater levels recorded during post-fieldwork groundwater monitoring indicate the groundwater table is at an elevation of 76.68m to 103.31m AOD across the site. An assessment of groundwater monitoring data has concluded that there is no defined groundwater table across the site and that perched groundwater systems within the granular glacial till are isolated between cohesive glacial till. See Paragraph 9.7.74 and Paragraph 9.7.75 of Chapter 9 Geology and Soils of the Environmental Statement [APP-048]. It is accepted that groundwater in the superficial deposits may be in continuity with the surface waters but the heterogenous nature of these deposits may limit the lateral migration into surface waters. See Paragraph 9.7.77 of Chapter 9 Geology and Soils of the Environmental Statement [APP-048] and Section 6.3.3.2 Appendix 9.3 Ground Investigation Report of the Environmental Statement Appendices [APP-108].</p> <p>The Chester Formation has not been proven and is at depths greater than 25mbgl. The thickness of the overlying</p>			

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				<p>superficial deposits is likely to prevent or significantly reduce vertical migration of dissolved phase leachable contaminants and contaminated groundwater.</p> <p>A contamination risk assessment of the impacts of contamination of controlled waters using ground investigation results has been completed and can be found in Section 6.3 Appendix 9.3 Ground Investigation Report of the Environmental Statement Appendices [APP-108].</p> <p>It should be noted that potential construction and operation impacts from the Scheme on controlled waters from soil leachate and groundwater contaminant exceedances are not considered significant and do not warrant any remediation to facilitate the Scheme. See Paragraph 9.8.10 and Paragraph 9.8.19 of Chapter 9 Geology and Soils of the Environmental Statement [APP-048].</p>			
16	Likelihood of impact on shallow aquifers from excavations and the methodology of assessment	Chapter 13: Road Drainage and the Water Environment of the Environmental Statement [APP-052].	The Environment Agency queried the information supporting the survey levels and the methodology of the calculations to establish the maximum anticipated excavations depths in Table 4.1: Potential groundwater interception at excavations in Appendix 13.4: Groundwater Assessment Report [APP-119] and the need for further investigation and assessment work.	The Applicant can confirm that the assessment of potential groundwater interception presented in Table 4.1 of Appendix 13.4: Groundwater Assessment Report [APP-119] is based on indicative depths of excavation likely to be required based on the preliminary design. The assessment considers the information available on groundwater levels obtained during ground investigations and groundwater level monitoring. This is	Yes	Agreed	09/09/24

Ref	Issue	Doc Ref	Environment Agency's Position	The Applicant's Position	Agreement Likely	Status	Date
		<p>Appendix 13.4: Groundwater Assessment Report [APP-119]</p> <p>Consents and Agreements Position Statement [APP-016]</p>	<p>The Environment Agency has subsequently reviewed Appendix 13.4: Groundwater Assessment Report [APP-119] noting Table 4.1 Potential groundwater interception at excavations and paragraph 4.2.1 that explains the conservative approach where information is limited or not available, and para 4.3.5 relating to estimating dewatering radius of influence and noted the Applicant's conclusions that this data is appropriate to support the identification of likely significant effects on receptors as reported in Chapter 13: Road Drainage and the Water Environment of the Environmental Statement [APP-052].</p> <p>The Environment Agency notes that there are two distinct groundwater bodies, one in the shallow superficial deposits and one in the deep bedrock aquifer. While it is unlikely that the deeper groundwater will be impacted there is a high likelihood that the shallow aquifer will be intercepted at several locations. We welcome the acknowledgment to obtain consents and licences for proposed dewatering in these locations if required.</p>	<p>recorded in paragraph 4.2.1 of Appendix 13.4: Groundwater Assessment Report [APP-119].</p> <p>Paragraph 4.3.5 of Appendix 13.4: Groundwater Assessment Report [APP-119] provides further information on the methods used to determine the dewatering radius of influence around the excavations listed in Table 4.1 which are expected to intercept groundwater.</p> <p>The use of this information and calculation methods have been considered appropriate for the purposes of identifying likely significant effects on receptors as reported in Chapter 13: Road Drainage and the Water Environment of the Environmental Statement [APP-052].</p> <p>Details of the ground investigation works undertaken for the Scheme are provided in Appendix 9.3: Ground Investigation Report [APP-108].</p> <p>The Applicant confirms its commitment to obtain all required consents and licenses for any dewatering activities where they are deemed necessary, in line with the appropriate regulatory requirements. Further details can be found in Appendix A of the Consents and Agreements Position Statement [APP-016].</p>			

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17	Lining of ponds and relationship to the water table	<p>Appendix 13.7: Drainage Strategy Report [APP-122]</p> <p>First Iteration Environmental Management Plan [APP-127]</p> <p>Draft Development Consent Order [PD1-005]</p>	<p>Following assessment of draft application documents prior to the submission of the application for development consent including the plans, relevant sections of the Environment Statement including the Appendix 13.7: Drainage Strategy Report of the Environmental Statement Appendices [APP-122], the Environment Agency note that our main concerns relating to the Scheme's attenuation ponds has been mitigated by the commitment that none of the ponds will allow infiltration and will all be lined.</p> <p>The Environment Agency has advised that in principle we are happy with this approach but has requested that details of these ponds will be required as part of the formal planning process so that the Environment Agency can review the specification and locations in respect to the current water table.</p> <p>Further engagement with the Applicant and further consideration of Appendix 13.7: Drainage Strategy Report of the Environmental Statement Appendices [APP-122], commitment W6 within the Register of Environmental Actions and commitments of the First Iteration Environmental Management Plan [APP-127], and the following requirements, of the draft Development Consent Order</p>	<p>The Applicant can confirm that the preliminary drainage design outlined in Paragraph 2.1.16 of Appendix 13.7: Drainage Strategy Report of the Environmental Statement Appendices [APP-122] states that the ponds will be lined, and linear drainage features will be sealed, meaning there would be no infiltration to groundwater. Commitment W6 of the Register of Environmental Actions and Commitments contained within the First Iteration Environmental Management Plan [APP-127] also confirms that all ponds will be lined and there will be no discharge to the ground. Furthermore, the drainage development during the detailed design phase will continue to be aligned with the Environment Agency's (2018) Protect groundwater and prevent groundwater pollution guidance to protect groundwater.</p> <p>Requirement 8 "Surface and foul water drainage" of the draft Development Consent Order [PD1-005] requires, prior to commencement, approval of the surface water drainage system, reflecting the mitigation measures set out in the REAC and drainage strategy report including means of pollution control.</p> <p>The Applicant confirms that should design proposals change and discharges to ground are required then an appropriate</p>	Yes	Agreed	09/09/24

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			<p>[PD1-005] the Environment Agency has no further comment to make.</p> <ul style="list-style-type: none"> - Requirement 3: Detailed Design - Requirement 4: Environmental Management Plan, - Requirement 6: Contaminated Land and Groundwater - Requirement 8: Surface and Ground Water 	<p>level of assessment will be undertaken in line with the requirements of National Highways' Design Manual for Roads and Bridges LA 113 and the methods set out within that guidance.</p>			
18	Consideration of ground water in the HEWRAT assessment	<p>Appendix 13.2: Water Quality Assessment Report of the Environmental Statement Appendices [APP-117]</p> <p>Appendix 13.5 Groundwater Dependent Terrestrial Ecosystems Assessment Report of the Environmental Statement Appendices [APP-120]</p>	<p>The Environment Agency has reviewed Appendix 13.5 Groundwater Dependent Terrestrial Ecosystems Assessment Report of the Environmental Statement Appendices [APP-120] and notes that the conceptual models have shown that there are connections with the groundwater dependent terrestrial ecosystems as shown in the report. The Environment Agency also note that the HERWAT assessment considered in Appendix 13.2: Water Quality Assessment Report of the Environmental Statement Appendices [APP-117] does not look at impacts to groundwater.</p> <p>Through engagement with the Applicant the Environment Agency notes that if design proposals change and discharges to ground are required, the Applicant has confirmed that they will</p>	<p>The Applicant confirms that the assessment shows connectivity and the potential for significant adverse effects to be experienced at three groundwater dependent terrestrial ecosystem (GWDTE) sites (Cowl Gate Farm, Egypt Lane South and Castle Brook South). Full details can be found in Appendix 13.5: Groundwater Dependent Terrestrial Ecosystems Assessment Report of the Environmental Statement Appendices [APP-120] This is due to potential impacts to the groundwater flow, levels and / or quality sustaining the GWTDE's without mitigation. These locations are likely to be subject to partial or total habitat loss due to soil stripping and vegetation clearance within the GWDTE footprint.</p> <p>The Applicant confirms that the HEWRAT assessment presented in Appendix 13.2: Water Quality Assessment Report of the</p>	Yes	Agreed	09/09/24

Ref	Issue	Doc Ref	Environment Agency's Position	The Applicant's Position	Agreement Likely	Status	Date
		Appendix 13.7: Drainage Strategy Report of the Environmental Statement Appendices [APP-122]	undertake an appropriate level of assessment in line with the requirements of National Highways' Design Manual for Roads and Bridges LA 113 and the methods set out within that guidance. The Environment Agency notes that this should include a water quality assessment to determine the risks and mitigations required for groundwater quality. This is especially important because of the presence of nearby groundwater dependant terrestrial ecosystems.	Environmental Statement Appendices [APP-117] does not include impacts to groundwater. This is because the preliminary drainage design outlined in Paragraph 2.1.16 of Appendix 13.7: Drainage Strategy Report of the Environmental Statement Appendices [APP-122] indicates that the ponds will be lined, meaning there would be no infiltration to groundwater. The Applicant confirms that should design proposals change and discharges to ground are required then an appropriate level of assessment will be undertaken in line with the requirements of National Highways' Design Manual for Roads and Bridges LA 113 and the methods set out within that guidance.			
19	Request for consultation on any Detailed Quantitative Risk Assessments (DQRA) undertaken.	Chapter 9: Geology and Soils of the Environmental Statement [APP-048] The First Iteration Environmental Management Plan [APP-127]	The Environment Agency reviewed Chapter 9: Geology and Soils of the Environmental Statement [APP-048] and its conclusions in relation to remediation. The Environment Agency also notes an intention to produce a Detailed Quantitative Risk Assessment (DQRA) to establish risks of contamination from the Scheme to 'controlled waters'. Following the production of this report, it will be identified whether remedial works are required. The Environment Agency requested that they could be consulted on the details of	The Applicant notes that construction and operation potential impacts on controlled waters from soil leachate and groundwater contaminant exceedances is not considered significant and does not warrant any remediation to facilitate the Scheme. See Paragraph 9.8.10 and Paragraph 9.8.19 of Chapter 9 Geology and Soils of the Environmental Statement [APP-048]. Commitment GS1 in the Register of Environmental Actions and Commitments contained in the First Iteration Environmental Management Plan [APP-	Yes	Agreed	09/09/24

Ref	Issue	Doc Ref	Environment Agency's Position	The Applicant's Position	Agreement Likely	Status	Date
		Draft Development Consent Order [PD1-005].	<p>any DQRA including such details, additional supplementary investigation works; risk assessment; options appraisal and remedial approach; and validation plan prior to the commencement of development to ensure proposals are appropriate from a 'controlled waters' perspective. The Environment Agency suggested that this be dealt with through a Development Consent Order [PD1-005] requirement. The Environment Agency also advised that where remedial works are required, a verification report demonstrating the success of the remediation undertaken is submitted for approval.</p> <p>Following engagement with the Applicant the Environment Agency notes the conclusions of the Chapter 9 Geology and Soils of the Environmental Statement [APP-048] identifying no requirement for remediation to facilitate the Scheme. The Environment Agency also note commitment GS1 and GS2 in the Register of Environmental Actions and Commitments of the First Iteration Environmental Management Plan [APP-127] and how their implementation is secured through Requirement 4 of the draft Development Consent Order [PD1-005] of which the Environment Agency will be consulted on. It is also noted that Requirement 6 of the draft Development</p>	<p>127], sets out the commitment to undertake a Detailed Quantitative Risk Assessment (DQRA) for groundwater. Where unacceptable risks are identified, a remediation strategy would be developed. This commitment will be set out within the Register of Environmental Actions and Commitments contained in the Second Iteration Environmental Management Plan and implemented through Requirement 4 of the draft Development Consent Order [PD1-005] and approved by the Secretary of State. The Environment Agency will be consulted on the Second Iteration Environmental Management Plan insofar as the details relate to their functions prior to the Applicant seeking approval from the Secretary of State.</p> <p>Commitment GS2 in the Register of Environmental Actions and Commitments of the First Iteration Environmental Management Plan [APP-127] sets out the commitment to undertake a DQRA if unforeseen/unrecorded contaminated land, including groundwater, is encountered during detailed design or construction. Where unacceptable risks are identified, a remediation strategy would be developed. This commitment is secured and would be implemented through Requirement 6 (Contaminated Land and groundwater) of the draft Development Consent Order [PD1-005]</p>			

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			Consent Order [PD1-005] makes provision for the Environment Agency to be consulted in the event this is required.	which makes provision for the Environment Agency to be consulted in the event this is required.			
20	Prior approval requested of any Piling Risk Assessment required	<p>Chapter 9: Geology and Soils of the of the Environmental Statement [APP-048]</p> <p>First Iteration Environmental Management Plan [APP-127]</p> <p>Appendix J: Outline Contaminated Land Management Plan [APP-137] of the First Iteration Environmental Management Plan [APP-127]</p>	<p>The Environment Agency welcome the intention to produce a Piling Risk Assessment to ensure the protection of 'controlled waters' prior to any intrusive foundation / piling works being undertaken. The Environment Agency requested that this information be submitted for approval prior to piling works being undertaken.</p> <p>The Environment Agency committed to working with the Applicant to address the matters raised in our relevant representation relating to Groundwater and Contaminated Land matters.</p> <p>The Environment Agency recommended the Applicant should</p> <ul style="list-style-type: none"> Follow the risk management framework provided in Guidance on Land contamination risk management (LCRM), when dealing with land affected by contamination. Refer to our Guiding principles for land contamination for the type of information that we require in order to assess risks to controlled waters from the site - the local authority can advise on risk to other receptors, such as human health 	<p>The Applicant notes that commitment W24 in the Register of Environmental Actions and Commitments, contained in the First Iteration Environmental Management Plan [APP-127], sets out the commitment to undertake a Piling Risk Assessment to ensure no preferential flow paths are created during piling works.</p> <p>This commitment will be set out within the Register of Environmental Actions and Commitments contained within the Second Iteration Environmental Management Plan and be implemented through Requirement 4 of the draft Development Consent Order [PD1-005] and approved by the Secretary of State following consultation with the Environment Agency insofar as matters relating to their function.</p> <p>The Applicant can confirm that the assessment presented in Chapter 9: Geology and Soils of the Environmental Statement [APP-048] considers Environment Agency Land Contamination Risk Management (LCRM) guidance to assess risks posed to human health and the environment. This is stated in Paragraph 9.4.4. where unacceptable</p>	Yes	Agreed	09/09/24

Ref	Issue	Doc Ref	Environment Agency's Position	The Applicant's Position	Agreement Likely	Status	Date
		Draft Development Consent Order [PD1-005]	<ul style="list-style-type: none"> Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed Refer to the contaminated land pages on gov.uk for more information <p>Following engagement with the Applicant, review of Chapter 9: Geology and Soils of the Environmental Statement [APP-048], Register of Environmental Actions and commitment W24 of the First Iteration Environmental Management Plan [APP-127] and Appendix J: Outline Contaminated Land Management Plan [APP-137], and the amended draft Development Consent Order [PD1-005] submitted to the Examination Authority at Procedural Deadline A (28/08/24) the Environment Agency notes and accepts how Piling Risk Assessments will be secured through any made Development Consent Order for the Scheme.</p>	<p>risks have been identified, mitigation measures have been considered to reduce impacts to land contamination receptors.</p> <p>The Applicant notes Section J2 of Appendix J: Outline Contaminated Land Management Plan [APP-137] of the First Iteration Environmental Management Plan [APP-127], roles and responsibilities will be established by the Principal Contractor. This will include adequate provision of suitably qualified individual(s).</p>			
21	Groundwater sampling to inform controlled waters risk assessments	Appendix 9.3 Ground Investigation Report [APP-108]	<p>The Environment Agency has reviewed Appendix 9.3 Ground Investigation Report [APP-108].</p> <p>Noting the extract from the Appendix 9.3 Ground Investigation Report [APP-108] and the final paragraph 9.2 Risk to</p>	<p>Potential construction and operation impacts from the Scheme on controlled waters from soil leachate and groundwater contaminant exceedances are not considered significant and do not warrant any remediation to facilitate the Scheme. See Paragraph 9.8.10 and Paragraph</p>	Yes	Agreed	24/09/24

Ref	Issue	Doc Ref	Environment Agency's Position	The Applicant's Position	Agreement Likely	Status	Date
		<p>First Iteration Environmental Management Plan [APP-127]</p> <p>Draft Development Consent Order [PD1-005]</p>	<p>Controlled Waters, the Environment Agency notes a clear statement that there is limited groundwater sampling to represent a reliable controlled waters risk assessment. Whilst generally the risk to controlled waters is low the limited data collected showed Thiocyanate exceedances in the groundwater samples collected. The report further states that additional groundwater and surface water sampling should be undertaken prior to and during the construction phase to understand baseline conditions and inform future controlled waters risk assessments.</p> <p>Following engagement with the Applicant, the Environment Agency is satisfied that Commitments GS1 and GS5 contained within the Register of Environmental Actions and Commitments (REAC) contained in the First Iteration Environmental Management Plan [APP-127], together with the measures set out in the Appendix H: Outline Surface and Ground Water Management Plan [APP-135] will ensure that any risk to controlled waters will be managed appropriately. This is subject to the terms of requirement 4 of the draft Development Consent Order [PD1-005] being fully implemented to ensure that the relevant commitments and</p>	<p>9.8.19 of Chapter 9 Geology and Soils of the Environmental Statement [APP-048].</p> <p>A Controlled Waters risk assessment was undertaken as part of the Ground Investigation Report, provided as Appendix 9.3 of the Environmental Statement Appendices [APP-108] and has been summarised in Chapter 9 Geology and Soils of the Environmental Statement [APP-048]. As Thiocyanate was detected over threshold limits in the limited groundwater sampling data available at the time of assessment it was recommended that further groundwater and surface water sampling should be undertaken prior to the construction phase to help inform the completion of a Detailed Quantitative Risk Assessment for groundwater as secured by commitment GS1 in the Register of Environmental Actions and Commitments (REAC) contained in the First Iteration Environmental Management Plan [APP-127]. Should unacceptable risks to controlled waters be identified a remediation strategy will be developed. In addition, in accordance with commitment GS5 in the REAC, construction techniques will be implemented to mitigate potential contamination risks to construction workers, adjacent land users/residents and controlled waters during construction or operation of the Scheme.</p>			

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			managements plans are contained within the Second Iteration Environmental Management Plan, following consultation with the Environment Agency prior to the Applicant seeking approval from the Secretary of State.	Through the implementation of measures which will be detailed in the Surface and Ground Water Management Plan which will be developed from the Outline Surface and Ground Water Management Plan [APP-135], Appendix H of the First Iteration Environmental Management Plan [APP-127], impacts on the water environment (contamination and water quality) will be minimised. These measures will be to control the storage, handling, spillages and disposal of potentially polluting substances during construction. This Management Plan will also include the requirements to undertake monitoring of ground and surface waters on a temporal and spatial basis prior to and during the construction phase, including a programme of baseline water quality monitoring to be conducted prior to the commencement of works.			
Commitments set out in the Register of Environmental Actions and Commitments (of the First Iteration Environmental Management Plan [APP-127])							
22	Commitment B8 of the Register of Environmental Actions and Commitments contained within the First Iteration Environmental	First Iteration Environmental Management Plan [APP-127] Draft Development Consent Order [PD1-005].	The Environment Agency are generally supportive of Commitment B8 of the Register of Environmental Actions and Commitments (which commits to avoid creation of features that could be used as habitats on construction sites) contained within the First Iteration Environmental Management Plan [APP-127] but recommend in the context of waterbodies, any watercourses within	The Applicant notes the Environment Agency's recommendation to retain vegetated / grass cover along banks of watercourses. Commitment W14 of the Register of Environmental Actions and Commitments contained within the First Iteration Environmental Management Plan [APP-127] states that vegetation clearance will be limited along riparian	Yes	Agreed	09/09/24

Ref	Issue	Doc Ref	Environment Agency's Position	The Applicant's Position	Agreement Likely	Status	Date
	Management Plan [APP-127] in relation to watercourses in the construction zone		<p>the construction zone still retain a vegetated/grass cover along banks; even if regularly cut to discourage wildlife; ensuring risk of erosion and siltation of ecological receptor is minimised.</p> <p>Through engagement with the Applicant the Environment Agency notes Commitment B8 and how it is complimented by Commitment W14 and Commitment B8 of the Register of Environmental Actions and Commitments contained within First Iteration Environmental Management Plan [APP-127]. The Environment Agency welcomes the clarification made and has no further comment to make.</p>	<p>corridors and floodplains. Commitment B2 of the Register of Environmental Actions and Commitments within the First Iteration Environmental Management Plan P [APP-127] requires an Ecological Clerk of Works (ECoW) to assess each area of the site prior to clearance commencing. The Applicant confirms that there would be no intention to remove vegetation unless necessary for construction, for example at drainage outfalls, ensuring where possible retention of some cover to enable habitats to regrow. This would therefore minimise the risk of erosion.</p> <p>Commitment B2, B8 and W14 will be set out within the Register of Environmental Actions and Commitments contained in the Second Iteration Environmental Management Plan and implemented through Requirement 4 of the draft Development Consent Order [PD1-005] and approved by the Secretary of State. The Environment Agency will be consulted on the Second Iteration Environmental Management Plan insofar as the details relate to their functions prior to the Applicant seeking approval from the Secretary of State.</p>			
23	Commitment B15 of the Register of	First Iteration Environmental	The Environment Agency's review of a draft First Iteration Environmental Management Plan resulted in a request	The Applicant noted the Environment Agency's comments. Commitment B15 of the Register of Environmental Actions and	Yes	Agreed	09/09/24

Ref	Issue	Doc Ref	Environment Agency's Position	The Applicant's Position	Agreement Likely	Status	Date
	Environmental Actions and Commitments contained within the First Iteration Environmental Management Plan [APP-127] in relation to exclusion zones for the different habitats and species	Management Plan [APP-127]	<p>for further details to be provided regarding what form the exclusion zones as committed through Commitment B15, for the different species and habitats, will be adopted as part of Second Iteration Environmental Management Plan</p> <p>The Applicant provided further information to describe how the exclusions zones would be determined. The Environment Agency has noted the intention to include this level of detail within the Second Iteration Environmental Management Plan and has no further comment to make.</p>	<p>Commitments contained within the First Iteration Environmental Management Plan [APP-127] states that "Exclusion zones around sensitive features such as confirmed bat roosts, badger setts, birds' nests and watercourses will be implemented as directed by the ECoW".</p> <p>In response to the Environment Agency's comments, the Applicant clarified that further details would be provided within the Second Iteration Environmental Management Plan to set out the approach to determining the size of exclusion zones. The Applicant described that the size of the exclusion zones would be determined by the ECoW, and would take into account:</p> <ul style="list-style-type: none"> • The species or habitat concerned, • The life stage of a species, • Legislative requirements, • The potential impact, • Good practice guidelines, and • The location of the impact. <p>The Applicant notes that this approach will ensure that the size of the exclusion zone is proportionate and appropriate to a particular situation – for example exclusion zones may need to be larger where breeding or hibernating fauna are</p>			

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				<p>present, or in areas where there are lower levels of baseline noise and vibration and so receptors may be more sensitive.</p> <p>The Applicant has agreed that Commitment B15, and the additional details shown, will be set out within the Register of Environmental Actions and Commitments contained in the Second Iteration Environmental Management Plan and implemented through Requirement 4 of the draft Development Consent Order [PD1-005] and approved by the Secretary of State. The Environment Agency will be consulted on the Second Iteration Environmental Management Plan insofar as the details relate to their functions prior to the Applicant seeking approval from the Secretary of State.</p>			
24	Commitment W5 of the Register of Environmental Actions and Commitments contained within the First Iteration Environmental Management Plan [APP-127] in relation to water	First Iteration Environmental Management Plan [APP-127] Draft Development Consent Order [PD1-005]	<p>The Environment Agency reviewed the commitments set out in the Register of Environmental Actions and Commitments contained within a draft of the First Iteration Environmental Management Plan, including Commitment W5 in relation to water quality treatment for surface water.</p> <p>The Environment Agency noted that they welcome the adoption of multifunctional surface water drainage system as part of scheme design as set out in Commitment W5 and has no further comment.</p>	The Applicant confirms that Commitment W5 will be set out within the Register of Environmental Actions and Commitments contained in the Second Iteration Environmental Management Plan and implemented through Requirement 4 of the draft Development Consent Order [PD1-005] and approved by the Secretary of State. The Environment Agency will be consulted on the Second Iteration Environmental Management Plan insofar as the details relate to their functions prior to the Applicant seeking approval from the Secretary of State.	Yes	Agreed	09/09/24

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	quality treatment for surface water						
25	Commitment W9 of the Register of Environmental Actions and Commitments contained within the First Iteration Environmental Management Plan [APP-127] in relation to the prevention of pollution incidents to surface water	First Iteration Environmental Management Plan [APP-127] Draft Development Consent Order [PD1-005]	<p>The Environment Agency reviewed the commitments set out in the Register of Environmental Actions and Commitments contained within a draft of the First Iteration Environmental Management Plan.</p> <p>The Environment Agency requested clarification in relation to Commitment W9 which seeks to prevent pollution incidents to surface waters arising from construction works.</p> <p>The Environment Agency noted that where temporary soil bunds are located within 10m of a watercourse and are to be retained in this location for several weeks, it is recommended they are actively seeded with a temporary grass seed cover to minimise risk of erosion and siltation of nearby watercourse, whilst also reducing risk of invasives species colonising bund area.</p> <p>The Applicant has agreed to amend the wording of Commitment W9 of the Register of Environmental Actions and Commitments within the First Iteration Environmental Management Plan [APP-127] to require any bunds (material stockpiles) within 10m of a watercourse</p>	<p>Following review of the Environment Agency's request, the Applicant has agreed to the rewording of Commitment 9 of the Register of Environmental Actions and Commitments, contained within First Iteration Environmental Management Plan [APP-127], to be amended to require any material stockpiles (bunds) within 10m of a watercourse to be seeded. A revised First Iteration Environmental Management Plan is to be submitted in parallel to this SoCG at examination deadline 1 on the 24 September 2024.</p> <p>This commitment will be set out within the Register of Environmental Actions and Commitments contained in the Second Iteration Environmental Management Plan and implemented through Requirement 4 of the draft Development Consent Order [PD1-005] and approved by the Secretary of State. The Environment Agency will be consulted on the Second Iteration Environmental Management Plan insofar as the details relate to their functions prior to the Applicant seeking approval from the Secretary of State.</p>	Yes	Agreed	09/09/24

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			to be seeded. The Environment Agency has no further comment.				
26	Commitment W14 of the Register of Environmental Actions and Commitments contained within the First Iteration Environmental Management Plan [APP-127] in relation to vegetation clearance in riparian corridors	<p>First Iteration Environmental Management Plan [APP-127]</p> <p>Appendix E: Outline Invasive Species Management Plan [APP-132].</p> <p>Appendix N Outline Landscape and Ecology Management Plan [APP-141]</p> <p>Figure 2.3, the Environmental Masterplan, of the Environmental Statement Figures [APP-057]</p> <p>Draft Development</p>	<p>The Environment Agency reviewed the commitments set out in the Register of Environmental Actions and Commitments contained within a draft of the First Iteration Environmental Management Plan.</p> <p>The Environment Agency requested clarification in relation to Commitment W14 which seeks to limit vegetation clearance along riparian corridors and floodplains to prevent disturbance in surface waters.</p> <p>The Environment Agency welcomes limited clearance of vegetation along watercourses and their floodplains, unless the area is dominated by INNS, where it may be advisable to remove these INNS to best practice guidance and reinstate areas with more appropriate native riparian vegetation.</p> <p>The Applicant has provided clarification relating to the measures secured within the First Iteration Management Plan [APP-127] and the supporting relevant management plans (Appendix E: Outline Invasive Species Management Plan [APP-132] and Appendix N Outline Landscape and Ecology Management Plan [APP-141]), together with</p>	<p>The Applicant notes the Environment Agency's concerns relating to limiting vegetation clearance unless the area is dominated by INNS.</p> <p>The Applicant confirms that best practice measures will be used to ensure the control of invasive species in all locations, including along watercourses.</p> <p>The Applicant will undertake pre-construction surveys for invasive species as secured by Requirement 4 of the draft Development Consent Order [PD1-005] in relation to implementation of the First Iteration Environmental Management Plan [APP-127] and associated management plans including Appendix E: Outline Invasive Species Management Plan [APP-132]. Commitment B13 of the Register of Environmental Actions and Commitments contained within the First Iteration Environmental Management Plan [APP-127] requires the Applicant to implement invasive species control measures to comply with invasive species legal requirements as set out in Appendix E: Outline Invasive Species Management Plan included within the First Iteration Environmental Management Plan [APP-132].</p>	Yes	Agreed	09/09/24

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		Consent Order [PD1-005]	Requirements 4 and 5 of the draft DCO [PD1-005] and has no further comment to make.	Commitment LV4 of the Register of Environmental Actions and Commitments within the First Iteration Environmental Management Plan [APP-127] commits to all planting and seeding to use native species as appropriate to the location and design overseen by Ecologists and Arboriculturists. Figure 2.3, the Environmental Masterplan, of the Environmental Statement Figures [APP-057] shows proposed vegetation which would be reinstated. The Applicant would manage these habitats in the long term as summarised in Appendix N Outline Landscape and Ecology Management Plan [APP-141] within the First Iteration Environmental Masterplan [APP-127]. Implementation of the Environmental Masterplan and Appendix N Outline Landscape and Ecology Management Plan are secured by Requirements 5 and 4 of the draft Development Consent Order [PD1-005].			
27	Commitment W15/16 of the Register of Environmental Actions and Commitments contained within the First Iteration Environmental	First Iteration Environmental Management Plan [APP-127] Draft Development Consent Order [PD1-005].	The Environment Agency reviewed Commitment W15, and W16 in the Register of Environmental Actions and Commitments contained within First Iteration Environmental Management Plan [APP-127] and noted that the inclusions are welcome.	The Applicant notes this position, confirming that this commitment will be set out within the Register of Environmental Actions and Commitments contained in the Second Iteration Environmental Management Plan and implemented through Requirement 4 of the draft Development Consent Order [PD1-005] and approved by the Secretary of State. The Environment Agency will be consulted	Yes	Agreed	09/09/24

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	Management Plan [APP-127] in relation to vegetation clearance in riparian corridors			on the Second Iteration Environmental Management Plan insofar as the details relate to their functions prior to the Applicant seeking approval from the Secretary of State.			
Surface and Ground Water Management Plan							
28	Use of above ground SUDs solutions for temporary surface water drainage	Appendix: H Outline Surface and Ground Water Management Plan [APP-135] of the First Iteration Environmental Management Plan [APP-127] Draft Development Consent Order [PD1-005].	<p>The Environment Agency reviewed draft Appendix H: Outline Surface and Ground Water Management Plan and noted that for paragraph H.9.2 it is recommended; where feasible; that above ground SUDs solutions be considered as part of temporary as well as permanent surface water drainage solutions.</p> <p>The Environment Agency has accepted the Applicants resolution to amend the Second Iteration Environmental Management Plan to incorporate the requested amendments and note that consultation with the Environment Agency to agree the wording of the Second Iteration Environmental Management Plan is secured through Requirement 4 of the draft Development Consent Order [PD1-005].</p>	<p>Following review of the Environment Agency's request, the Applicant has agreed to the rewording of the Surface and Ground Water Management Plan of the Second Iteration Environmental Management Plan to incorporate into section H.9.2 a commitment to consideration of use of above ground SUDs as part of the temporary surface water drainage solutions, where feasible.</p> <p>The Outline Surface and Ground Water Management Plan [APP-135] will be developed into Surface and Ground Water Management Plan through the Second Iteration Environmental Management Plan. The Second Iteration Environmental Management Plan will be produced prior to commencement of construction of the Scheme, as secured by Requirement 4 of the draft Development Consent Order [PD1-005] and will be substantially based on the First Iteration Environmental Management Plan [APP-127] submitted with the application for development</p>	Yes	Agreed	09/09/24

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				consent. The Applicant will consult with the Environment Agency, on matters relating to their function, prior to the Applicant seeking approval from the Secretary of State of the Second Iteration Environmental Management Plan.			
29	INNS Management within Surface and Ground Water Management	Appendix: H Outline Surface and Ground Water Management Plan [APP-135] of the First Iteration Environmental Management Plan [APP-127] Draft Development Consent Order (DCO) [PD1-005]	<p>The Environment Agency reviewed Appendix H: Outline Surface and Ground Water Management Plan [APP-135] of the First Iteration Environmental Management Plan [APP-127] and noted that for paragraph H.9.36 it is recommended that the Surface and Ground Water Management Plan also cross reference with the INNS Management Plan to ensure any excavation activities do not pose a risk of spreading INNS, and appropriate best practice construction practices are in place, where INNS are present.</p> <p>The Environment Agency has accepted the Applicant's resolution to amend the Second Iteration Environmental Management Plan to incorporate the requested amendments and note that consultation with the Environment Agency to agree the wording of the Second Iteration Environmental Management Plan is secured through Requirement 4 of the draft Development Consent Order [PD1-005].</p>	<p>Following review of the Environment Agency's request, the Applicant has agreed to the rewording of the Surface and Ground Water Management Plan of the Second Iteration Environmental Management Plan to incorporate into section H.9.36 to incorporate a cross reference to the Invasive Species Management Plan.</p> <p>The Outline Surface and Ground Water Management Plan [APP-135] will be developed into Surface and Ground Water Management Plan as part of the Second Iteration Environmental Management Plan. The Second Iteration Environmental Management Plan will be produced prior to commencement of construction of the Scheme, as secured by Requirement 4, of the draft Development Consent Order [PD1-005] and will be substantially based on the First Iteration Environmental Management Plan [APP-127] submitted with the application for development consent. The Applicant will consult with the Environment Agency, on matters relating to their function, prior to the</p>	Yes	Agreed	09/09/24

Ref	Issue	Doc Ref	Environment Agency's Position	The Applicant's Position	Agreement Likely	Status	Date
				Applicant seeking approval from the Secretary of State of the Second Iteration Environmental Management Plan. Requirement 4 of the draft Development Consent Order [PD1-005] has been updated to reflect this commitment.			
Draft Development Consent Order [PD1-005]							
30	Interpretation of the term "commence" within the requirements as set out in Schedule 2 Part 1 of the draft Development Consent Order (DCO) [PD1-005]	Draft Development Consent Order (DCO) [PD1-005]	<p>The Environment Agency reviewed the draft Development Consent Order [PD1-005] and sought to highlight that the wording of the term "commence" within the requirements as set out in Schedule 2 Part 1 of the draft Development Consent Order [PD1-005] promotes a concern with whether the draft Development Consent Order [PD1-005] adequately secures the production of a Second Iteration Environmental Management Plan and the relevant management plans, in this instance the area of focus is the measures set out in the Outline Contaminated Land Management Plan [APP-137].</p> <p>The Environment Agency requested that the text "remediation work in respect of any contamination" is excluded from the definition of "commence". This would ensure that the carrying out remediation works in respect of any contamination cannot be carried out before the second iteration of the Contaminated Land</p>	<p>The Applicant is content that for this Scheme, Requirement 4 and Requirement 6 of the draft Development Consent Order [PD1-005] adequately address any matters relating to contamination, and in the context of this Scheme "remedial work in respect of any contamination or other adverse ground conditions" is not required to be an operation excluded from definition of "commence".</p> <p>The Applicant confirms that further iterations of the draft Development Consent Order [PD1-005] will see the removal of the following text from Schedule 2 Part 1 Para 1 interpretation of the term "commence": in respect of any contamination or other adverse ground conditions.</p>	Yes	Agreed	13/09/24

Ref	Issue	Doc Ref	Environment Agency's Position	The Applicant's Position	Agreement Likely	Status	Date
			<p>Management Plan is submitted or approved.</p> <p>The Environment Agency has been advised that a revised draft Development Consent Order; [PD1-005] will be submitted at examination deadline 1 in response to this request.</p>				
31	Requirement 4: Environmental Management Plan	Draft Development Consent Order) [PD1-005]	<p>The Environment Agency reviewed the draft Development Consent Order [PD1-005], the First Iteration Environmental Management Plan [APP-127] and the associated Management Plan Appendices [APP-128 to APP-142] and welcome the intention for the Second Iteration Environmental Management Plan to be produced at the detailed design stage. The Environment Agency requested that they be consulted on the Second Iteration Environmental Management Plan for matters within our role and remit. The Applicant has amended the draft Development Consent Order [PD1-005] as requested. The Environment Agency has no further comment to make.</p>	<p>The Applicant considered and accepted the Environmental Agency's request to be consulted on the Second Iteration Environmental Management Plan. In response to this request, the Applicant submitted an amended draft Development Consent Order [PD1-005] at procedural deadline 1 t</p> <p>The draft Development Consent Order [PD1-005] Requirement 4 secures the production of the Second Iteration of the Environmental Management Plan prior to commencement of construction, substantially based on the First Iteration Environmental Management Plan [APP127] submitted with the application for development consent. The Applicant will consult with the Environment Agency with regard to matters relating to their function prior to the Applicant seeking approval from the Secretary of State of the Second Iteration Environmental Management Plan.</p>	Yes	Agreed	09/09/24