

A46 Coventry Junctions (Walsgrave) Scheme number: TR010066

8.10 Statement of Common Ground with Environment Agency

Planning Act 2008

Infrastructure Planning (Examination Procedure) Rules 2010
Rule 17(1)

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**The Infrastructure Planning
(Examination Procedure)
Rules 2010**

A46 Coventry Junctions (Walsgrave)
Development Consent Order 202[x]

**STATEMENT OF COMMON GROUND WITH
ENVIRONMENT AGENCY**

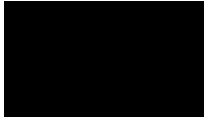
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Rev 0	27 May 2025	Deadline 1

STATEMENT OF COMMON GROUND

This Statement of Common Ground has been prepared and agreed by (1) National Highways Company Limited and (2) Environment Agency

Signed



NAME: Emma Winter

POSITION: Project Manager, National Highways

On behalf of National Highways

Date: 27 May 2025

Environment Agency has confirmed by email its acceptance of this Statement of Common Ground as an accurate record:

NAME: [REDACTED]

POSITION: Planning Advisor

On behalf of Environment Agency

Date: 22 May 2025

From: [REDACTED]
To: [REDACTED]
Subject: RE: Updated Environment Agency SoCG for approval
Date: 22 May 2025 12:33:48
Attachments: [image001.png](#)
[image002.png](#)
[image003.gif](#)

You don't often get email from [REDACTED]@environment-agency.gov.uk. [Learn why this is important](#)

Hi [REDACTED]

I have reviewed the latest SoCG and I agree with the contents of the version dated 210525 of the SoCG for deadline 1.


Regards

[REDACTED]

Planning Advisor- National Infrastructure Team
Environment Agency | Trentside Offices | Scarrington Road | West Bridgford |
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[REDACTED]

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1. Introduction

1.1. Purpose of this document

- 1.1.1. This Statement of Common Ground (SoCG) has been prepared in respect of the A46 Coventry Junctions (Walsgrave) Scheme (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 (the “2008 Act”). A detailed description of the Scheme can be found in Chapter 2 of the Environmental Statement (ES) (**APP-024**).
- 1.1.2. This SoCG does not seek to replicate information which is available elsewhere within the application documents. All application documents are available on the Planning Inspectorate website:

<https://infrastructure.planninginspectorate.gov.uk/projects/west-midlands/a46-coventry-junctions-walsgrave/>
- 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) the 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.
- 1.2.7. 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)

- 1.2.8. The Environment Agency is a prescribed consultee for the Application under Sections 42(1)(a) and 56(2)(a) of the PA 2008.
- 1.2.9. Collectively National Highways and the Environment Agency are referred to as 'the parties'.

1.3. Terminology

- 1.3.1. In Table 3-1 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
 - "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
- 1.3.2. It can be assumed that any matters not specifically referred to in the Issues section of this SoCG are not of material interest or relevant to the Environment Agency and therefore have not been 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 Environment Agency.

2. Record of Engagement

- 2.1.1. A summary of the meetings and correspondence that has taken place between National Highways and the Environment Agency in relation to the application is outlined in **Table 2-1** below.

Table-2-1: Record of Engagement

Date	Form of correspondence	Key topics discussed and key outcomes
22 September 2022	Meeting between the Applicant and Environment Agency	The Applicant and the Environment Agency had an initial meeting in advance of the commencement of the preliminary design stage to update the Environment Agency on the Public Route Announcement and the Scheme and environmental assessment from the Options Selection Stage.
17 October 2023	Meeting between the Applicant and Environment Agency	The Applicant and the Environment Agency had an initial meeting to discuss the Scheme and the Flood Risk Assessment. Environment Agency agree flood risk methodology.
24 October 2023	Letter from Applicant to Environment Agency	To notify Environment Agency of the statutory consultation and the Applicant's duty to consult Environment Agency under Section 42(1)(a) of the Planning Act 2008.
16 November 2023	Meeting between the Applicant and Environment Agency	The Applicant and the Environment Agency had a meeting to discuss biodiversity, Water Framework Directive (WFD) and works within watercourses.
17 November 2023	Meeting between the Applicant and Environment Agency	The Applicant and the Environment Agency had a meeting to discuss Material Assets and Waste which included discussions on contaminated land.
29 November 2023	Email from the Environment Agency to the Applicant	Environment Agency acknowledgement and confirmation of meeting minutes from 16 November 2023.
05 December 2023	Email from the Environment Agency to the Applicant	Environment Agency review hydrology for scheme with comments.
22 December 2023	Email and Technical Note from the Applicant to the Environment Agency	The Applicant issued a Technical Note to the Environment Agency detailing the proposed approach to contaminated land on site.
23 January 2024	Email from the Environment Agency to the Applicant	Environment Agency acknowledgement and confirmation of meeting minutes from 17 November 2023. Environment Agency provided comment on the Contaminated Land Technical

Date	Form of correspondence	Key topics discussed and key outcomes
		Note and comments regarding the Waste Strategy.
08 February 2024	Email from the Environment Agency to the Applicant	Environment Agency accept hydrology and give comment to hydraulic modelling.
29 February 2024	Meeting between the Applicant and Environment Agency	The Applicant and the Environment Agency had a meeting to discuss the design of the scheme, Biodiversity Net Gain (BNG) and the Combe Pool Site of Special Scientific Interest (SSSI), protected species and the use of the Brinklow Road site compound as the main site compound.
2 April 2024	Email from the Applicant to the Environment Agency	The Applicant issued the minutes from the meeting in the 29 February 2024 and informed the Environment Agency in a delay in issuing some drawings related to aspects of the Scheme design.
15 April 2024	Email from the Environment Agency to the Applicant	Environment Agency acknowledgement and confirmation of meeting minutes from 29 February 2024.
25 April 2024	Email and technical note from the Applicant to the Environment Agency	The Applicant re-issued the contaminated land technical note to the Environment Agency to include addressing previous comments received from the Environment Agency.
20 May 2024	Email from Environment Agency to the Applicant with letter response attached.	The Environment Agency provided comments on the contaminated land technical note.
29 May 2024	Email from the Applicant submitting the hydraulic model for 2 nd Environment Agency review	The Applicant submitted the hydraulic model to the Environment Agency for review.
14 June 2024	Email from the Applicant to the Environment Agency	<p>The Applicant sent the Material Assets and Waste technical note for Environment Agency review and comment, following the meeting held on the 17 November 2023.</p> <p>The Applicant issued to the Environment Agency the relevant exploratory hole log for the available ground investigation and associated location plan. The HazWasteOnline (HWOL) summary.</p> <p>Disposal routes identified for types of hazardous material.</p>

Date	Form of correspondence	Key topics discussed and key outcomes
25 June 2024	Email from Environment Agency to the Applicant with letter response attached.	Environment Agency give comment to 2 nd hydraulic model review.
01 July 2024	Email from Environment Agency to the Applicant with letter response attached.	Letter from the Environment Agency following review of the contaminated land technical note acknowledging no further comments at that time.
4 July 2024	Email from the Applicant to the Environment Agency	Query from the Applicant to the Environment Agency regarding an additional model run related to climate change scenarios that was identified in the hydraulic modelling comments.
12 July 2024	Email from the Environment Agency to the Applicant	Environment Agency confirmation that an additional hydraulic model run not required. Environment Agency stated that additional checks note that the proposed 1000-year scenario shows increasing flooding by the reservoir.
05 September 2024	Email from the Applicant to the Environment Agency	Issue via file transfer of the Flood Risk Assessment (FRA) for review by the Environment Agency.
26 September 2024	Email from Environment Agency to the Applicant with letter response attached.	Environment Agency accept the FRA and hydraulic modelling. Floodplain compensation identified by the Environment Agency as being required as a result of the modelling in very small areas.
9 October 2024	Meeting between the Applicant and Environment Agency.	Meeting held between the Applicant and Environment Agency to discuss floodplain compensation, flood risk activity permits and reservoir flood risk.
9 October 2024	Email from the Applicant to the Environment Agency	Minutes issued for meeting held on 9 October 2024. Suggested text to include in the FRA explaining why floodplain compensation is not required issued to the Environment Agency for comment.
9 October 2024	Email from the Environment Agency to the Applicant	Environment approve suggested wording explaining why floodplain compensation is not required. Environment Agency raise query about the clay proposed for the bund.
9 October 2024	Email from the Applicant to the Environment Agency	Applicant provided explanation to the Environment Agency as to why the clay liner is required on the embankment alongside Coombe Pool.

Date	Form of correspondence	Key topics discussed and key outcomes
9 October 2024	Email from the Applicant to the Environment Agency	Applicant informed the Environment Agency that the Applicant believes a flood risk activity permit is not required and the reasons why. The Applicant requested confirmation from the Environment Agency.
10 October 2024	Email from the Applicant to the Environment Agency with letter attachment	Sharing of relevant potential issues forming part of the Potential Main Issues for the Examination document for comments to be sent back to the Applicant by 25 October 2024.
18 October 2024	Email from Environment Agency to the Applicant with letter response attached.	Environment Agency confirmed that they agree no floodplain compensation is required. Confirmed that the submitted hydraulic model is an acceptable representation of flood risk. Environment Agency confirm that a Flood Risk Activity Permit is necessary for activities within the 1% Annual Exceedance Probability (AEP) flood extent.
24 October 2024	Email from the Environment Agency to the Applicant and attachment	Response received from the Environment Agency in relation to the Principles Main Issues for Examination request. Included flood risk, Biodiversity, Invasive non-native species, groundwater and contaminated land, water quality and the Water Framework Directive, Environmental Permitting Regulations (2016) requirements and material assets and waste.
7 November 2024	Meeting between the Applicant and Environment Agency	Meeting with Environment Agency to discuss their comments on the Principles Main Issues for Examination.
14 November 2024	Email from the Applicant to the Environment Agency	Minutes of meeting on 7 November 2024 issued. The following documents issued by file transfer for information: Chapter 2 - The Scheme Chapter 8 – Biodiversity Chapter 9 - Geology and Soils Chapter 10 - Material assets and waste Chapter 13 - Road Drainage and the Water Environment Appendix 4.1 Scoping Opinion Response Appendix 13.2 Water Framework Directive Compliance Assessment 6.2 Environmental Statement - Figure 2.4 Environmental Masterplan Figure 2.1 Location Plan Figure 2.2 Order Limits

Date	Form of correspondence	Key topics discussed and key outcomes
		<p>Figure 2.3 Environmental Constraints</p> <p>Figure 2.5 Temporary Works.</p> <p>Figure 8.1 Designated Sites, Priority Habitats, Ancient Woodland and Veteran Trees</p> <p>Figure 8.2 Ecological Constraints</p> <p>Figure 8.3 Proposed Construction Mitigation Noise Barrier - December 2026 Daytime</p> <p>Figure 9.1 Study Area</p> <p>Figure 9.2 Potential Sources</p> <p>Figure 9.3 Controlled Water Receptors</p> <p>Figure 10.1 Regional Plan.pdf Figure 13.1 Surface Water Features, Licensed Abstractions, Consented Discharges and Fluvial Flood Risk</p> <p>Figure 13.2 WFD Surface Waterbody Catchments</p> <p>Figure 13.3 Pluvial Flood Risk</p> <p>Figure 13.4 Aquifer and Environmental Designations</p> <p>Figure 13.5 Groundwater Bodies</p> <p>Figure 13.7 Susceptibility to Groundwater Flooding</p> <p>Figure 13.6 Groundwater Abstractions</p> <p>First Iteration Environmental Management Plan</p> <p>EMP Appendix A Register of Environmental Actions and Commitments</p> <p>EMP App B.4 OLEMP</p> <p>Pre-commencement Plan</p> <p>Consents and Agreements Position Statement</p> <p>2.3 Works plans</p> <p>2.6 General Arrangements</p> <p>2.7 Drainage plans</p> <p>A46 Coventry Junctions (Walsgrave) DCO - Master Order - Clean Copy - 06.11.24(31976859.3)</p>
20 November 2024	Email from the Environment Agency to the Applicant	Acknowledgement and confirmation of minutes by the Environment Agency (for meeting held on 7 November 2024).
5 December 2024	Email from the Environment Agency to the Applicant	Request for Biodiversity Net Gain Report to be provided to the Environment Agency.
5 December 2024	Email from the Applicant to the Environment Agency	Issuing of Biodiversity Net Gain Report to Environment Agency (as pdf to email attachment).

Date	Form of correspondence	Key topics discussed and key outcomes
5 December 2024	Email from the Environment Agency to the Applicant	Request for Otter and Water Vole report to be provided to the Environment Agency.
5 December 2024	Email from the Applicant to the Environment Agency	<p>The following documents of the Environmental Statement issued by file transfer for information:</p> <p>Appendix 8.3 Breeding Bird and Barn Owl Report.PDF Appendix 8.4 Barn Owl Survey Report.pdf Appendix 8.5 Bat Roost Appendix 8.6 Bat Activity Appendix 8.7 Bat Crossing Point Appendix 8.8 Bat Hibernation Appendix 8.9 Great Crested Newt Appendix 8.10 Otter and Water Vole Report.PDF Appendix 8.11 Wintering Bird Appendix 13.3 Water Quality Appendix 13.4 Groundwater Appendix 13.5 Hydromorphological Appendix 13.6 Drainage Strategy Appendix 4.2 Major Accidents and Disasters.PDF Figure 2.4 Environmental HE604820-OIL-EGN-00-RP-LB-00001-P02.pdf (assessment of noise impacts on ecological features - appendix 8.16)</p>
10 December 2024	Meeting between the Applicant and Environment Agency	Meeting with Environment Agency to discuss the approach to the SoCG, anticipated DCO examination programme and overview of flood risk.
13 December 2024	Email from the Applicant to the Environment Agency	Applicant informed the Environment Agency that the DCO application had been accepted by the Planning Inspectorate and that the Applicant had received section 51 advice which will result in amendments to the FRA.
17 December 2024	Email from the Environment Agency to the Applicant	Environment Agency acknowledged the section 51 advice email sent by the Applicant.
18 December 2024	Email from the Applicant to the Environment Agency	Applicant informed the Environment Agency of request to disapply consents (for flood risk permitting activities). Applicant requested

Date	Form of correspondence	Key topics discussed and key outcomes
		Environment Agency's standard wording for protective provisions.
19 December 2024	Email from the Applicant to the Environment Agency	<p>Email to notify that the updated FRA report and accompanying new Annex G which was submitted to the Planning Inspectorate yesterday has been sent via file transfer to the Environment Agency.</p> <p>Spreadsheet tracker of queries from Coventry City Council on flood risk and our responses sent to Environment Agency along with list of documents that have been sent to Coventry City Council relating to their flood risk queries.</p>
19 December 2024	Email from the Environment Agency to the Applicant	<p>Acknowledgement and confirmation of minutes by the Environment Agency (for meeting held on 10 December 2024) and receipt of the updated FRA report.</p> <p>Environment Agency clarified in relation to item 5.1 of the minutes that the model of the reservoir that the EA has they are unable to share. Environment Agency advised that the model is not held locally and the National team hold the model and they do not allow it to be shared due to it being classified as "sensitive information".</p> <p>Environment Agency provided availability for a meeting to discuss flood risk.</p>
27 December 2024	Email from the Environment Agency to the Applicant	<p>Environment Agency provided draft wording for protective provisions with a note that this is due to change imminently.</p> <p>Advised that all requests to disapply legislation should be in writing from the developer. The request should include the specific legislation the developer is seeking to disapply and a risk assessment, which should demonstrate that the activity is low risk. If a risk assessment has not been provided, the Environment Agency can advise.</p>
14 January 2025	Letter	<p>Applicant issued letter and notices pursuant to section 56 of the Planning Act 2008 to notify the Environment Agency of the accepted application. The following was provided:</p> <ul style="list-style-type: none"> • A copy of a section 56 notice, providing formal notification of acceptance of the application • A Location Plan • A copy of the accepted application on USB.

Date	Form of correspondence	Key topics discussed and key outcomes
		The Environment Agency was notified of the deadline for representations to be made to the Planning Inspectorate.
15 January 2025	Meeting between the Applicant and Environment Agency	<p>Environment Agency confirmed their Reservoir Specialist has no concerns over the risk of flooding from the reservoir as a result of the Scheme.</p> <p>Brought to the Environment Agency's attention the changes to FRA as a result of the Planning Inspectorate's section 51 advice.</p> <p>Disapplication of legislation and Protective Provisions: Environment Agency to confirm required contents of letter the Environment Agency require to notify them of the Applicants intention to disapply legislation. Environment Agency to confirm requirements for risk assessment.</p>
23 January 2025	Email from the Environment Agency to the Applicant (with attachments)	Environment Agency provided their updated wording for Protective Provisions and an explanatory note.
30 January 2025	Email from Applicant to Environment Agency	Emailing sending draft SoCG for comment.
03 February 2025	Email from the Environment Agency to the Applicant.	The Environment Agency acknowledges the meeting minutes from the 15.01.2025.
06 February 2025	Meeting between the Applicant and the Environment Agency	Meeting to discuss protective provisions and Flood Risk Activity Permit (FRAPS), Environmental Statement review, BNG and watercourses, flood risk and the SoCG.
18 February 2025	Email from the Applicant to the Environment Agency	Meeting minutes for the meeting held 06.02.2025 emailed to the Environment Agency.
26 February 2025	Email from the Applicant to the Environment Agency	The Applicant confirms they will be applying for a FRAP outside of the DCO and the Consents and Agreements position statement (APP-107) would be updated to reflect this.
27 February 2025	Email from the Environment Agency to the Applicant	The Environment Agency provided the Relevant Representation (RR).
28 February 2025	Email from the Environment Agency to the Applicant	The Environment Agency advised the Applicant that formal response submitted to the Planning Inspectorate that if the applicant is to apply for a frap, then relevant document would require amendments.

Date	Form of correspondence	Key topics discussed and key outcomes
04 March 2025	Meeting between the Applicant and Environment Agency	To discuss SoCG and Relevant Representations
22 April 2025	Meeting between the Applicant, the Environment Agency and Coventry City Council	The Environment Agency attended the meeting virtually. A discussion was held around the reservoir flood risk section of the FRA. The Environment Agency reiterated their position that they agree with the findings of the FRA in terms of fluvial and reservoir flood risk.
05 May 2025	Email from Applicant to the Environment Agency	The Applicant sent the draft Relevant Representation responses to the Environment Agency for comment.
15 May 2025	Online meeting between the Applicant and the Environment Agency	Meeting to discuss the SoCG.
15 May 2025	Email from the Applicant to the Environment Agency	Email sending the SoCG for agreement ahead of Deadline 1 submission.

- 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 the (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** below details the issues which have been agreed, not agreed or are under discussion between (1) National Highways and the (2) Environment Agency.
- 3.1.2. At Examination Deadline 1 there are 13 matters in total, of which 8 are agreed, none are not agreed and 5 that remain under discussion.

Table 3-1: Issues

Ref	Issue	Doc Ref	Environment Agency's Position	The Applicant's Position	Status	Date
Draft DCO and other consents and agreements						
1	Protective Provisions	Draft DCO (PD1-003)	The Environment Agency welcome the Applicant's decision to apply for a flood risk activities permit following determination of the DCO. No requirement is needed for the inclusion of protective provisions, however this will be confirmed following the Applicant's formal submission of the updated Draft DCO. and the Consents and Positions Statement	The Applicant will apply for a FRAP following determination of the DCO, therefore there is no requirement to disapply the relevant legislation nor include protective provisions for the Environment Agency. The Applicant has updated the Consents and Agreements Position Statement (APP-007) to make this clear and this will be submitted at Deadline 1. The Applicant considers this issue will be agreed following	Under discussion	22 May 2025

Ref	Issue	Doc Ref	Environment Agency's Position	The Applicant's Position	Status	Date
				the Environment Agency's review of Deadline 1 submissions.		
Biodiversity						
2	Biodiversity Net Gain	ES Appendix 8.1 (Biodiversity Net Gain Report) (APP-076)	The most recent version of the BNG metric should be used.	The Applicant has used the most recent metric (the statutory metric) available at the time of writing.	Agreed	22 May 2025
3	Biodiversity Net Gain	ES Appendix 8.1 (Biodiversity Net Gain Report) (APP-076)	Best practice for extending culverts would be to provide +10% for watercourses.	<p>Whilst no mandatory requirement for BNG applies for Nationally Significant Infrastructure Projects (NSIPs) such as this Scheme, the Applicant is committed to delivering 10% BNG for terrestrial habitats on site.</p> <p>Appendix 8.1 Biodiversity Net Gain Report of the Environmental Statement (APP-076) presents the approach to BNG for the Scheme.</p> <p>The ditch in the location of the western dumbbell roundabout affected by the Scheme is considered to be dry and therefore not</p>	Agreed	22 May 2025

Ref	Issue	Doc Ref	Environment Agency's Position	The Applicant's Position	Status	Date
				considered to meet the criteria of a "watercourse" under BNG. Existing watercourses have been included in the baseline, however as there is no impact to watercourses no BNG is required for watercourse.		
4	Biodiversity: Potential Increase to otter road mortality.		<p>The Environment Agency recommend mitigation against road mortality, such as the fitting of mammal ledges to bridges, to facilitate mammal commuting during flooding.</p> <p>The Environment Agency accept that mammal passes cannot be retrofitted to existing culverts.</p> <p>Justification required on why it is not possible to add ledges to existing culvert.</p>	<p>The Scheme does not include new culverts or new bridges. The Applicant is unable to retrofit mammal ledges to existing culverts without further environment impacts. There are no works proposed to existing culverts.</p> <p>Following the additional query about ledges to existing culverts the Applicant will continue discussions with the Environment Agency.</p>	Under discussion	22 May 2025
5	Invasive non-native species	First Iteration	Works risk the introduction and spread of Invasive non-native species (INNS).	Mitigation measures to prevent the spread of INNS and for biosecurity are	Agreed	22 May 2025

Ref	Issue	Doc Ref	Environment Agency's Position	The Applicant's Position	Status	Date
	and biosecurity measures	EMP (APP-109).	The Environment Agency recommend that the presence of INNS is considered and that appropriate biosecurity measures are put into place, in addition to the production of an INNS management plan.	detailed within the First Iteration EMP (APP-109). The Applicant acknowledges the need for an INNS management plan which will include appropriate biosecurity measures. This will be produced for the Second Iteration EMP and secured through requirement 4 of the draft DCO (PD1-003).		
Material Assets and Waste						
6	Groundwater and Contaminated Land		Excavated waste not deemed for re-use during the construction or considered surplus will need to be moved to an authorised site so it can be processed for disposal or recovery Visual inspections should be made by staff associated with the project for when unexamined areas within the landfill area are to be excavated, as to determine, in part, the classification of this waste. Consideration will	A Ground Investigation has been undertaken and the findings used to inform the assessment for Geology & soils. This is detailed within ES Chapter 9 (Geology and Soils) (APP-031). It is not anticipated that excavation will be required within the historical landfills. This is presented in ES Appendix 10.1 (Management of Historical Landfill Wastes (APP-095).	Agreed	22 May 2025

Ref	Issue	Doc Ref	Environment Agency's Position	The Applicant's Position	Status	Date
			need to be made as to whether the waste is hazardous or non-hazardous.			
7	Re-use of contaminated material		The use of CL:AIRE DowCoP for the re-use of material on site will require the submission to the relevant bodies for approval.	The Applicant agrees and will use the (Definition of Waste Code of Practice) Dow CoP process where it becomes applicable. At present this is not anticipated to be required as contaminated land would not be impacted by the works.	Agreed	22 May 2025
Road Drainage and the Water Environment						
8	Flood Risk Assessment: Fluvial flood risk	ES Appendix 13.1 (Flood Risk Assessment) (AS-012)	The Environment Agency have reviewed ES Appendix 13.1 (Flood Risk Assessment) (AS-012) regarding impacts associated with fluvial risk. The Environment Agency have agreed to the FRA.	The Applicant accepts the Environment Agency's agreement to the FRA and this is included within Appendix A of the FRA (AS-012).	Agreed	22 May 2025
9	Coombe Pool Reservoir	ES Appendix 13.1 Flood Risk Assessment (AS-012)	The reservoir Coombe Pool is owned and operated by Coventry City Council. The Environment Agency cannot therefore offer specific advice on its operation or the impact that this Scheme will have on its function.	The Applicant acknowledges the Environment Agency's position to raise awareness of the increase in flood risk from a reservoir breach at Coombe Pool. The FRA (AS-012) outlines that there is a marginal	Under discussion	22 May 2025

Ref	Issue	Doc Ref	Environment Agency's Position	The Applicant's Position	Status	Date
			<p>The Environment Agency is aware of an increase in flood risk in a reservoir breach scenario. Reservoir breach scenarios are inherently unlikely. However, it is likely that should a breach occur different areas, and potentially additional properties may be at risk. The Environment Agency have provided the models on reservoir breach to Coventry City Council. The Environment Agency is aware of ongoing discussions with other stakeholders.</p> <p>The Environment Agency's reservoir specialist has expressed no concerns regarding the Scheme and considers it no different from any other scheme within a reservoir floodplain.</p> <p>The Environment Agency are satisfied with the assessment of reservoir risk that has</p>	<p>betterment in flood risk as a result of the Scheme as the levels of the hard top on the carriageway increase, which would form a slightly higher barrier to flow in the pre and post scenarios, as any topsoil on the existing bund would be rapidly eroded.</p> <p>The Applicant notes that the reservoir Coombe Pool is upstream of the Scheme. Therefore, there should be no impact on the operation or function of the reservoir.</p> <p>The Applicant agrees that a reservoir breach is inherently unlikely.</p> <p>Coombe Pool, classified as a reservoir under the Reservoirs Act 1975, must be regularly checked and maintained to ensure a safe standard by its owner (Coventry City Council) as required by law (Reservoirs Act 1975). Under the Reservoirs Act the Environment Agency is responsible for managing and implementing reservoir</p>		

Ref	Issue	Doc Ref	Environment Agency's Position	The Applicant's Position	Status	Date
			<p>been undertaken for the scheme and detailed within the FRA (AS-012).</p> <p>The Environment Agency advise that any alterations to the reservoir will have to be signed off by a reservoir engineer as part of the requirements specified under the Reservoirs Act 1975. The reservoir flood risk (breach) is a residual risk to the scheme and properties downstream of the reservoir. This residual risk existed before the scheme.</p>	<p>safety regulations in England, and for enforcing safety requirements if needed.</p> <p>The Applicant notes that the Environment Agency's Long Term Risk of Flooding Maps show that reservoir floodplains cover significant areas of England and there is no precedent set for detailed analysis of the residual risk of reservoir flooding.</p> <p>Coventry City Council agreed to the findings and conclusion of the FRA (AS-012) in Issue Specific Hearing 1 (ISH1) (Recording Part 2 - 08 May 2025 (EV4-004)).</p> <p>The Environment Agency have agreed to the FRA as detailed in Appendix A of the FRA (AS-012).</p> <p>The Applicant continues to liaise with the Environment Agency regarding</p>		

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				responsibilities under the Reservoirs Act 1975.		
10	Smite Brook and River Sowe Hydraulic Model	ES Appendix 13.1 (Flood Risk Assessment) (AS-012)	The Environment Agency have reviewed the baseline and post development hydraulic model prepared in support of the FRA and consider that it adequately represents the flood risk associated with the scheme.	The Applicant acknowledges the Environment Agency's position that the baseline and post development hydraulic model adequately represents the flood risk associated with the scheme.	Agreed	22 May 2025
11	Proximity to watercourses and floodplains, and the requirement for flood risk activity permits	ES Appendix 13.1 (Flood Risk Assessment) (AS-012) Consents and Agreements Position Statement (APP-007)	The Environment Agency notes that the nearest main river watercourse to the proposals is the River Sowe to the west of the Scheme. A Flood Risk Activity Permit is required for any activities conducted on the floodplain of a main river if planning permission is not in place. In the context of Flood Risk Activity Permitting, a Nationally Significant Infrastructure Project (NSIP) does not meet the definition of planning permission. Consequently, a Flood Risk Activity Permit is necessary for activities within the 1%	Noted by the Applicant The Applicant has updated the Consents and Agreement Position Statement (APP-007) to clarify that a Flood Risk Activity Permit will be sought separately and this will be submitted at Deadline 1. The Applicant believes this issue can be agreed following the Environment Agency's review of the updated Consents and Agreements Position Statement (APP-007) to be submitted at Deadline 1.	Under Discussion	22 May 2025

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			<p>Annual Exceedance Probability (AEP) flood extent.</p> <p>The Environment Agency notes that the draft DCO (PD1-003) does not disapply these regulations, and the Applicant's intention in the Consents and Agreements Position Statement (APP-007) to apply for Flood Risk Activity Permits where required. The Environment Agency would welcome early engagement regarding any permitting. The Environment Agency has no further comments.</p>			
12	Floodplain compensation	ES Appendix 13.1 (Flood Risk Assessment) (AS-012)	The applicant has confirmed that there will be no earthwork volume gain within the design flood extent. On this basis, we do not require Flood plain compensation work to be undertaken.	The Applicant acknowledges that floodplain compensation is not required.	Agreed	22 May 2025
13	Flood risk/Biodiversity: Culverting	Consents and Agreements Position	The Environment Agency acknowledges that no new permanent culverts are proposed as part of the	Noted by the Applicant. The Scheme does not include new culverts. A temporary culvert may be required during construction	Under discussion	22 May 2025

Ref	Issue	Doc Ref	Environment Agency's Position	The Applicant's Position	Status	Date
		Statement (APP-007)	<p>Scheme and that alternatives are not required.</p> <p>Temporary culverting would be subject to Flood Risk Activities Permitting or Ordinary Watercourse Consent requirements as appropriate.</p>	<p>of a small (typically dry) ditch for access purposes. An ordinary watercourse consent will be obtained from the relevant Lead Local Flood Authority at the appropriate time. This, along with details of the expected permitting arrangements required for the Scheme, is set out in Appendix A of the Consents and Agreements Position Statement (APP-007).</p>		