

The Planning Inspectorate:

Our ref: XA/2025/100356/02

a46walsgrave@planninginspectorate.gov.uk

Your ref: TR010066

Date: 17 June 2024


Dear Sir/Madam

Application by National Highways for an Order Granting Development Consent for the A46 Coventry Junctions (Walsgrave) Project – Deadline 2

Comments on Relevant Representations (RR) updated information.

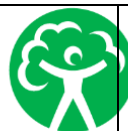
Further to our formal response on the Relevant Representation (RR) dated 27 February 2025. We have now reviewed the additional submissions which were uploaded to the PINS website dated 27 May 2025 and have the following comments.

Representation recorded comments	Applicant's Response	EA Comments
<p>1. The Environment Agency's Role</p> <p>1. The Environment Agency is an executive non-departmental public body, established under the Environment Act 1995.</p> <p>2. We were established to bring together responsibilities for protecting and improving the environment and to contribute to sustainable development. We take an integrated approach in which we consider all elements of the environment when we plan and carry out our work. This allows us to advise on the best environmental</p>	<p>These comments are noted by the Applicant.</p>	


<p>options and solutions, taking into account the different impacts on water, land, air, resources and energy.</p> <p>3. We help prevent hundreds of millions of pounds worth of damage from flooding. Our work helps to support a greener economy by protecting and improving the natural environment for beneficial uses, working with businesses to reduce waste and save money, and helping to ensure that the UK economy is ready to cope with climate change. We will facilitate, as appropriate, the development of low carbon sources of energy ensuring people and the environment are properly protected.</p> <p>4. We have three main roles:</p> <ul style="list-style-type: none"> • We are an environmental regulator – we take a risk-based approach and target our effort to maintain and improve environmental standards and to minimise unnecessary burdens on businesses. We issue a range of permits and consents. • We are an environmental operator – we are a national organisation that operates locally. We work with people and communities across England to protect and improve the environment in an integrated way. We 		 <p>Environment Agency</p>
--	--	--

provide a vital incident response capability.

- **We are an environmental adviser** – we compile and assess the best available evidence and use this to report on the state of the environment. We use our own monitoring information and that of others to inform this activity. We provide technical information and advice to national and local governments to support their roles in policy and decision-making.
5. The Environment Agency takes action to conserve and secure the proper use of water resources, preserve and improve the quality of rivers, estuaries and coastal waters and groundwaters through pollution control powers and regulating discharge permits.
 6. We have regulatory powers in respect of waste management and remediation of contaminated land designated as special sites. We also encourage the remediation of land contamination through the planning process.
 7. The Environment Agency is the principal flood risk management operating authority. It has the power (but not the legal obligation) to manage flood risk from designated main rivers and the sea. The Environment Agency is also responsible for increasing public



Environment
Agency

<p>awareness of flood risk, flood forecasting and warning and has a general supervisory duty for flood risk management. We also have a strategic overview role for all flood and coastal erosion risk management.</p> <p>2. Scope of these Representations</p> <p>1. These Relevant Representations contain an overview of the project issues, which fall within our remit. They are given without prejudice to any future detailed representations that we may make throughout the examination process. We may also have further representations to make if supplementary information becomes available in relation to the project.</p> <p>2. We have reviewed the Development Consent Order (DCO) application, Environmental Impact Assessment (EIA) and supporting documents submitted as part of the above-mentioned application, following notification of its acceptance for Examination on 12 December 2024. Our main key outstanding issues of concern are listed in tables below under each subject with general comments underneath the tables that need to be addressed before the DCO is granted.</p>	 <p>Environment Agency</p>
--	--

<p>Draft Development Consent Order</p> <p>3.1. Part 4, Supplemental Powers,</p> <p>Article 22 – Powers in relation to watercourses</p> <p>There are no protective provisions agreed or in place therefore we would object to Article 22, until wording has been agreed by the Environment Agency into Schedule 9 (protective provisions). However, we are liaising with the applicant, and they have been provided with the updated Environment Agency Standard Protective Provisions January 2025.</p>	<p>These comments are noted by the Applicant. The Applicant will continue to engage and work collaboratively with the Environment Agency with the aim of resolving outstanding matters to the satisfaction of both parties by the time the DCO Examination concludes.</p> <p>An SoCG has been submitted at Deadline 1 (8.10 Statement of Common Ground with Environment Agency (TR010066/EXAM/8.7)).</p>	<p>It has been confirmed by the applicant that they will not be disapplying legislation (FRAP) but will be going down the permitting route.</p>
<p>4.0. Part 6: Miscellaneous and General</p> <p>4.1. Article 52 – Disapplication and Modification of legislative provisions</p> <p>The only disapplication relevant to us is the disapplication of byelaws made under or having effect as though made under paragraphs 5, 6 and 6A of the Water Resources Act 1991.</p> <p>These will be local byelaws made under the following paragraphs:</p> <p>Para 5 – byelaws for flood defence and drainage purposes</p> <p>Para 6 – byelaws for purposes of fisheries functions</p> <p>Para 6A – fisheries byelaws for marine or aquatic environmental purposes</p> <p>We frequently agree to disapply the above byelaw provisions and the requirement for a flood risk activity permit (FRAP) in exchange for</p>	<p>Following a meeting with the Environment Agency regarding a FRAP, it was determined that obtaining a FRAP following the DCO consent is the most appropriate approach. Therefore, the Applicant has notified the Environment Agency that they do not have an intention of disapplying the requirement for a FRAP. The Consents and Agreements Position Statement (APP-007) and the SoCG reflect the Applicant's position (see 8.10 Statement of Common Ground with Environment Agency (TR010066/EXAM/8.10) submitted at Deadline 1).</p>	<p>It has been confirmed by the applicant that they will not be disapplying legislation (FRAP) but will be going down the permitting route.</p>

<p>protective provisions. However, there is no disapplication of the requirement of a FRAP, nor are there any protective provisions for the protection of the Environment Agency (which would be in Schedule 9). There is also no reference to FRAP in the Consents & Agreements Position Statement. However, we understand National Highways do intend to disapply the requirement for a FRAP.</p> <p>Please clarify whether it is the intention that the requirement for a FRAP is disapplied</p> <p>We will not agree to the disapplication of either:</p> <ul style="list-style-type: none"> the effect of byelaws made under paragraphs 5, 6 and 6A of the Water Resources Act 1991; the requirement for a FRAP under the Environmental Permitting (England and Wales) Regulations 2016 <p>unless we agree protective provisions for the protection of the Environment Agency.</p>	<p>The Applicant is considering the EA's request in relation to Protective Provisions.</p>	
<p>5.0. Schedule 2 – Requirements</p> <p>5.1. Second iteration Environmental Management Plan</p> <p>We concur with 4 (1) and as stated in the A46 Coventry Junction (Walsgrave) First Iteration Environmental Management Plan</p> <p>Appendix A Register of Environmental Actions and</p>	<p>This comment is noted by the Applicant.</p>	

<p>Commitments <i>“The Second Iteration EMP will be approved by the Secretary of State (SoS) following consultation with the relevant planning authorities, the Environment Agency.....”</i></p>		
<p>5.2. Landscaping – Requirement 6</p> <p>We would recommend that you include the following:</p> <p>Management of Invasive non-native species (INNS) under the Landscaping section as a requirement. Lack of appropriate INNS control and biosecurity risks the spread of INNS within the scheme boundary, which is an offence under The Wildlife and Countryside Act 1981 (as amended) and The Invasive Alien Species (Amendment (EU Exit)) Regulations 2019. We would recommend that invasive non-native species management and removal is included within the section requiring the management of any INNS that are detected during the works.</p>	<p>These comments are noted by the Applicant.</p> <p>The Applicant has included the Invasive Non-native Species (INNS) as a specific measure (BD9) in the REAC (APP-110) which is Appendix A the First Iteration EMP (APP-109). The First Iteration EMP (APP-109) will be developed into a Second Iteration EMP to be implemented during the construction of the Scheme. The Second Iteration EMP will include an INNS Management Plan. Adherence with the Second Iteration EMP is secured by Requirement 4 of the draft DCO (PD1-003).</p>	<p>The applicant has sufficiently considered the issue regarding INNS and will make a commitment in the Second Iteration EMP.</p>
<p>5.3. Biodiversity Net Gain</p> <p>We would recommend an inclusion of a Biodiversity Net Gain (BNG) requirement.</p> <p>BNG aims to make sure developments have a measurably positive impact on biodiversity. By not including BNG as a requirement, BNG may potentially not be delivered. Despite BNG not yet being a legal requirement on NSIPs, it is still considered best practice.</p>	<p>As detailed within ES Appendix 8.1 (Biodiversity Net Gain Report) (APP-076), as a Nationally Significant Infrastructure Project (NSIP) submitting a DCO application in late 2024, the Scheme is not subject to mandatory BNG under the</p>	<p>The EA are not a direct statutory body for BNG but we encourage the applicant to provide for linear watercourses where possible.</p>

<p>This could outline that a biodiversity net gain strategy must be produced and approved by the relevant planning authority and relevant nature conservation bodies prior to the development commencing, which must be adhered to throughout the scheme.</p>	<p>Environment Act 2021, which is due to come into force for NSIPs in November 2025. The Scheme is a transition scheme sitting within the Road Investment Strategy 2 (RIS2) period (2020 – 2025) and as such National Highways has set a +10% BNG targets for both area-based habitats and linear-hedgerow habitats. There is no target set by National Highways regarding linear watercourse habitats. However, the baseline and projected post-construction biodiversity units for linear watercourses have been calculated and presented to provide a complete and transparent picture of the change in biodiversity due to the Scheme. ES Appendix 8.1 (Biodiversity Net Gain Report) (APP-076) concludes no loss of linear watercourse baseline units as a result of the Scheme.</p> <p>ES Appendix 8.1 (Biodiversity Net Gain Report) (APP-076) details post-construction BNG calculations based on the ES Figure 2.4 (Environmental Masterplan) (APP-043) which have identified a +11.87% and +15.38% net gain for area-based and linear hedgerow habitats respectively.</p>	
---	--	--

<p>5.4. Contaminated Land and Groundwater – Requirement 7</p> <p>We concur with the inclusion of this ‘unsuspected contamination’ requirement. Considering the limited site sensitivity in terms of risk to Controlled Waters and the apparent absence of soil pollution, this one would suffice, with the works covered by other general mitigation plans and permits too. However, we would strongly advise to amend the wording of 7(3) to:</p> <p><i>‘...Remedial measures must be carried out in accordance with the scheme approved under subparagraph (2) and following completion of the remedial measures a validation report confirming the completion and effectiveness of those measures must be submitted to the Environment Agency....’</i></p>	<p>The Applicant considers that the Environment Agency can already respond to propose this when consulted under Requirement 7(2) in the draft DCO (PD1-003), and so this provision is unnecessary.</p>	<p>The EA would like the additional wording as recommended in the relevant representations to be included which would provide us with confidence that if any form of contamination is found that requires cleaning up the work needs to be recorded and validated, and we would recommend consultation with us with the findings.</p>
<p>6.0. Schedule 9</p> <p>6.1. Protective Provisions</p> <p>The Environment Agency would require the following for any works that require to be carried out in Article 22.</p> <p>For disapplication for FRAP, the following documents will need to be provided for review under the DCO:</p> <ul style="list-style-type: none"> • Basic method statement for all major works • Detailed Drawings of new structures 	<p>The Applicant has notified the Environment Agency that they do not have an intention of disapplying the requirement for a FRAP and will apply for one separately, if necessary, at the appropriate time. The Consents and Agreements Position Statement (APP-007) and the draft SoCG (8.10 Statement of Common Ground with Environment Agency (TR010066/EXAM/8.10)) have been updated to reflect the Applicant's</p>	<p>EA agrees with applicant.</p>

<ul style="list-style-type: none"> List of all activities to be disappplied, both permanent and temporary <p><u>Method Statement</u></p> <p>This document will need to set out how the activity will be carried out, usually step by step, this will need to include:</p> <ul style="list-style-type: none"> Basic method for each major activity. An assessment of the impacts each stage of works may have on flood risk. E.g. would there be storage of materials in the floodplain which may reduce capacity. Mitigation measures to manage impacts from the methods used or to manage unexpected events (e.g. accidents or errors that could result in damage to the structural integrity of riverbanks or a method that could potentially increase flood risk or environmental damage). 	<p>position and submitted at Deadline 1.</p> <p>The relevant documents will be submitted to the Environment Agency for their review at an appropriate time post DCO consent as part of a FRAP application.</p>	
<p>7.0. Key Issues – Biodiversity</p> <p>Environmental Statement: Chapter 8 - Biodiversity</p> <p>8.10.3</p> <p>Issue - Mitigation for otter has not been provided during the operation of the scheme, and risk of vehicle collision has not been considered.</p> <p>Impact - During times of high flow, otter passage under bridges or culverts can be hampered.</p> <p>Therefore, otters are forced to cross busy roads putting them at risk of</p>	<p>The purpose of ES Chapter 8 (Biodiversity) (APP-030) is to assess the impacts of the Scheme on ecological features. Mortality during operation would not be considered an impact of the Scheme, but rather an 'increase in mortality during operation' as the A46 carriageway is already present crossing Smite Brook. The Scheme includes no works which would alter the Smite Brook culverts including following mitigation for</p>	<p>The EA agree that if no works are required at the Smite Brook then mitigation will not be required.</p>

<p>vehicle collision, which can lead to injury or mortality.</p> <p>Solution - installed along the length of the Smite Brook culverts (beneath the A46 and B4082 roads) to facilitate crossing by otter during floods. Alternatively, mammal underpasses (similar to the 'badger culvert' under the B4082, as detailed in Table 8-25) could be installed to allow otters to cross under the road during times of high water-flow, maintaining connectivity between the River Sowe and Coombe Pool SSSI.</p> <p>In addition, include 'mortality' for otter under the operation stage within Table 8- 25.</p>	<p>increases in surface water outlined, as detailed in ES Chapter 13 (Road Drainage and the Water Environment) (APP-035), ES Appendix 13.1 (Flood Risk Assessment) (AS-012) and ES Appendix 13.6 (Drainage Strategy Report) (APP-106) (i.e. the culvert is not anticipated to become any less suitable for otter passage or to result in otters attempting to cross the A46 carriageway any more frequently than they may already). As such an increase in otter mortality is not considered an impact of the Scheme.</p> <p>As there is no identified impact upon otter with regards to increased mortality due to individuals crossing the A46 due to the Scheme, there is no requirement to mitigate through provision of ledges within the culvert and/or mammal underpasses.</p>	
<p>8.8.104</p> <p>Issue - Light spill is not included as a potential indirect impact.</p> <p>Impact - Light pollution/spill onto watercourses has the potential to exhibit changes in fish behaviour as a result of unnatural lighting, which can negatively impact migratory fish.</p>	<p>Paragraph 8.8.105 within ES Chapter 8 (Biodiversity) (APP030) discusses the baseline with regards to fish and only mentions an example of indirect impacts in explanation for scoping fish in. However, paragraph 8.8.105 ES Chapter 8 (Biodiversity) (APP-030) will be amended to add in</p>	<p>The applicant will amend the biodiversity chapter to include light pollution as an example of indirect impacts to fish.</p>

<p>Solution - Update section 8.8.104 to include lighting as an indirect impact. If works are altered and piling is required, noise and vibration should also be included as an indirect impact.</p> <p>In addition, include 'Disturbance Impacts' for fish under the Construction stage within Table 8-25.</p>	<p>impacts from light pollution as an example of indirect impacts, and will be resubmitted at Deadline 3. Further amendments will be made to the ES Chapter 8 (Biodiversity) (APP-030) to include the light pollution impacts on fish. Measures which would mitigate light disturbance impacts on fish already detailed within the Chapter, as mitigation for other ecological features, include those within paragraph 8.10.7 of ES Chapter 8 (Biodiversity) (APP-030) and are included in the First Iteration EMP (APP-109) and the EMP Appendix A REAC (APP-110). As such residual effects on fish due to the Scheme are assessed as neutral (not significant) in both the construction and operational phase.</p>	
<p>6.3 Environmental Statement Appendices: Appendix 8.1 Biodiversity Net Gain Report 4.5.1</p> <p>Issue - Following construction, the watercourse units are predicted to be the same prior to construction (0.71 units), so there is 'no net loss'.</p> <p>Impact - No enhancements to watercourses within the scheme under BNG have been proposed, the aim of BNG to make sure developments have a measurably positive impact on biodiversity.</p>	<p>As detailed within ES Appendix 8.1 (Biodiversity Net Gain Report) (APP-076) as an NSIP submitting a DCO application in late 2024, the Scheme is not subject to mandatory BNG under the Environment Act 2021, which is due to come into force for NSIPs in November 2025. The Scheme is a transition scheme sitting within the RIS2 period (2020 – 2025) and as such the Applicant has set a +10% BNG</p>	<p>The EA are not a direct statutory body for BNG but we encourage the applicant to provide for linear watercourses where possible.</p>

<p>Solution - The scheme should consider in-channel or riparian enhancements. The negative indicators recorded during the MoRPH survey (e.g. Sections 3.4.6 & 3.4.9) could be used as a guide (e.g. remove physical modifications/artificial banks and manage INNS on Smite Brook).</p>	<p>target for both area-based habitats and linear-hedgerow habitats. There is no target set by the Applicant regarding linear watercourse habitats.</p> <p>The Scheme will have no direct impacts on any features qualifying as watercourses under the Statutory Metric guidance (i.e. excluding ephemeral ditches). Impacts to watercourses (as considered under the Statutory Metric) and their riparian zones are limited to some temporary habitat loss and postconstruction change in habitat in a small area of the Smite Brook riparian zone. The baseline and projected postconstruction biodiversity units for linear watercourses have been calculated and presented within ES Appendix 8.1</p> <p>(Biodiversity Net Gain Report) (APP-076), including accounting for the change in Smite Brook riparian zone, to provide a complete and transparent picture of the change in biodiversity due to the Scheme. The calculations evidence 'no net loss' to watercourses and as such are in support of no impacts.</p> <p>The Scheme includes enhancement to the wider water environment within the Order Limits, which</p>	
---	---	--

	lacks permanently wet standing water habitat prior to the Scheme, through creation of two permanently wet drainage ponds which would be planted with aquatic species, as shown on ES Figure 2.4 (Environmental Masterplan) (APP-043).	
<p>6.5 First Iteration Environmental Management Plan: Appendix A Register of Environmental Actions and Commitments RD2</p> <p>Issue – Proposes the installation of a temporary culvert.</p> <p>Impact - Culverts have the potential to fragment habitats and reduces connectivity, making dispersal and commuting for some species difficult. Culverts also put an added pressure on otters during periods of high water-levels, as culverts offer little room for conveyance and put otters at risk of being killed when crossing roads.</p> <p>Solution - The scheme should consider alternative means to culverting, to maintain habitat connectivity and allow species to commute freely.</p>	<p>The culvert is temporary to provide access to the construction satellite compound. The ditch which would be subject to temporary culverting is an ephemeral ditch, which only takes runoff from the highway and minor areas of overland flow from agricultural land. It is considered to only sporadically hold small amounts of water (e.g. after periods of heavy rainfall). As such it is not considered suitable for aquatic ecology including fish, water vole, otter and aquatic invertebrates.</p> <p>The culvert will be located at the headwaters of the ditch, immediately to the north of this is the A46, therefore there is no habitat upstream to maintain connectivity with.</p>	<p>As the ditch is ephemeral and contains runoff water sporadically, otters are unlikely to be impacted from the temporary culvert.</p>
<p>RD10</p> <p>Issue - Biodiversity has not been considered with regards to the pond/detention basin.</p>	<p>The Applicant has incorporated enhancements, and these are detailed within Section 8.10 of ES Chapter 8 (Biodiversity) (APP-030) habitat creation would</p>	<p>The EA would like to see details of further enhancements to the ponds following the detailed design stage.</p>

<p>Impact - The scheme could construct the pond / detention basin to provide a biodiversity feature in addition to the minimisation of flood risk</p> <p>Solution - We encourage the incorporation of enhancements to improve the pond/ detention basin for biodiversity, if possible. Examples include varying the base of the waterbodies, providing shallow margins and planting emerging vegetation.</p>	<p>include two permanently wet drainage ponds which would be planted with aquatic species, as shown on ES Figure 2.4 (Environmental Masterplan) (APP043). The northern pond will not be permanently wet, and therefore planting for aquatic species will not be provided.</p> <p>The ponds will consider biodiversity enhancements during the progression of detailed design</p>	
<p>RD11</p> <p>Issue - It is proposed to use scour-protection to protect the banks and bed of the watercourse.</p> <p>Impact - Watercourses within the scheme already possess physical modifications such as artificial banks (Appendix 8.1, Section 3.4.6), and hard scour-protection will further add to artificial modifications within the watercourses. Artificial modifications reduce the availability of habitat for wildlife.</p> <p>Solution - We encourage the use of green- engineering methods as opposed too artificial methods, such as the use of coir rolls or willow spilling.</p>	<p>Scour protection may be required on new outfalls discharging road runoff from the Scheme. The outfalls from the Scheme are on small ordinary watercourses. Paragraph 6.2.9 of the ES Appendix 13.5 (Hydromorphological Report) (APP-105) states that scour protection will only be incorporated where necessary following the findings of a scour assessment. The scour assessment and subsequent design will be undertaken as part of the detailed design phase and seek to use green engineering methods where feasible.</p> <p>The Applicant notes the Environment Agency's comments and will engage with the Environment Agency / lead local flood authority (LLFA) as</p>	<p>We had a meeting with the applicant to discuss scour protection on 05 June 2025. The applicant has said they would provide us with further details (Geomorphologist). The Geomorphologist also suggested that the applicant could bring the wing walls of the outfalls further back from the watercourse to reduce impact.</p>

	<p>appropriate during the detailed design stage.</p> <p>The wording in the REAC (APP-110) (which is Appendix A of the First Iteration EMP (APP-109)) has been updated to better reflect what is noted in the Hydromorphology Report and will be submitted at Deadline 3.</p>	
<p>8.0 Key Issues - Pollution Prevention</p> <p>Appendix A Register of Environmental Actions and Commitments G6</p> <p>Issue - The scheme proposes site restoration.</p> <p>Impact - As some of the watercourses are being partially infilled, redirected and temporarily culverted, is there scope to improve the post-construction landscape of the water courses compared to what it is now.</p> <p>Solution - Provide detailed plans of how mitigation measures will enhance the watercourses. Provide BNG where possible.</p>	<p>As detailed within ES Appendix 8.1 (Biodiversity Net Gain Report) (APP-076) as a Nationally Significant Infrastructure Project (NSIP) submitting a DCO application in late 2024 the</p> <p>Scheme is not subject to mandatory BNG under the Environment Act 2021, which is due to come into force for NSIPs in November 2025. The Scheme is a transition scheme sitting within the Road Investment Strategy 2 (RIS2) period (2020 – 2025) and as such the Applicant has set a +10% BNG targets for both area-based habitats and linear-hedgerow habitats. There is no target set by the Applicant regarding linear watercourse habitats.</p>	<p>The EA are not a direct statutory body for BNG but we encourage the applicant to provide for linear watercourses where possible.</p>

	<p>The Scheme will have no direct impacts on any features qualifying as watercourses under the Statutory Metric guidance (i.e. excluding ephemeral ditches). Impacts to watercourses (as considered under the Statutory Metric) and their riparian zones are limited to some temporary habitat loss and postconstruction change in habitat in a small area of the Smite Brook riparian zone. The baseline and projected postconstruction biodiversity units for linear watercourses have been calculated and presented herein, including accounting for the change in Smite Brook riparian zone, to provide a complete and transparent picture of the change in biodiversity due to the Scheme. The calculations evidence 'no net loss' to watercourses and as such are in support of no impacts.</p> <p>ES Chapter 13 (Road Drainage and the Water Environment)</p> <p>(APP-035) presents the assessment of impacts to watercourses. With mitigation proposed, there are no significant residual effects. It is not possible to provide enhancements without causing direct environmental impacts to watercourses, which as a</p>	
--	---	--

	result of the Scheme, are currently not directly impacted.	
<p>RD1</p> <p>Issue – Vehicle washing</p> <p>Impact - Discharge of wastewater is unknown –e.g. will vehicle washings be in designated areas and bunded, will this wastewater be disposed of off-site or attenuated and discharged?</p> <p>Solution - We would like to see what measures will be incorporated to protect the Combe Pool SSSI water quality from accidental spillages put in place.</p>	<p>The First Iteration EMP (APP-109), includes a commitment to utilise working from hardstanding, track matting or to utilise road sweepers to ameliorate the quantity of mud reaching highway surfaces (paragraph 1.3.11). This is a commitment so will be measured, monitored and reported upon.</p> <p>The First Iteration EMP (APP-109) also states that a wheel washing system (with rumble grids to dislodge accumulated dust and mud prior to leaving the site) will be implemented for vehicles leaving the construction site, so reducing water use to clean any further mud from wheels or underbody of plant.</p> <p>No washing out of delivery vehicles will take place on site without suitable provision for the washing out water to be captured in a suitable location that is a tank or depression, suitably sized, lined with a geotextile to prevent infiltration to ground or that is a proprietary system.</p> <p>Section 5.4 of the Outline Traffic Management Plan (APP-136) details the provisions for</p>	Noted

	<p>maintenance of road cleanliness on the scheme including wheel washing. Wheel wash water contains silt and will not be allowed to flow into any drain or water course. If wash water cannot be settled and the cleaned water reused on site within appropriate consented activities, it will be settled and disposed of to a sewer with the appropriate consents for discharge.</p> <p>The works closest to Coombe Pool will not require wheel wash facilities, as the works are taking place off track-matting or hard surfacing, so preventing mud accumulating in tyres or tracks and road sweepers will be utilised.</p> <p>The first line of management of pollution will be prevention, however a Pollution Incident Control Plan will be produced for the Second Iteration EMP, in line with the detailed design and this has been added to Requirement 4 in the draft DCO (PD1003) submitted at Deadline 1. This will be consulted on with the relevant statutory consultees as per the Requirement.</p>	
8.1. Dewatering	The Applicant notes the Environment Agency's advice and will seek early engagement with the	Noted

<p>It would need to be non-consumptive (all water discharged without intervening use – so they could not be used for dust suppression). The table of consents anticipates that the water may need treatment via settlement tanks or lagoons so the timing and quantity of discharges may be relevant.</p> <p>For dust suppression or other consumptive uses, the licence they may be granted will be unusable in the Summer. They will need to store water in the winter then to buffer this or trade from someone with a summer licence potentially. Alternatively, they may approach the water company for mains supply.</p> <p>This can be navigated via the permitting route pre commencement, but the complexity of abstraction licence determinations is best considered early.</p>	<p>Environment Agency to obtain relevant abstraction licences. The requirement for an abstraction licence is included in the Consents and Agreements Position Statement (APP-007).</p>	
<p>9.0. Flood Risk & Hydraulic Modelling</p> <p>Appendix A Register of Environmental Actions and Commitments</p> <p>Issue – Flood Risk</p> <p>Impact - Construction materials and compounds must be sequentially located to avoid areas of flood risk. Impact is loss of flood flows and loss of floodplain storage.</p> <p>Solution - All construction compounds and works areas should be outside of the functional floodplain.</p>	<p>Paragraphs 2.6.10 - 2.6.20 of ES Chapter 2 (The Scheme) (APP-024) outline the establishment of the satellite compound and bridge laydown area to the west of the A46, north of the new junction, as shown on ES Figure 2.5 (Temporary Works) (APP-044). The satellite compound and temporary constructions works and are located outside of the flood plain, which is shown on ES Figure 13.1 (Surface Water Features, Licensed Abstractions, Consented Discharges</p>	<p>Noted</p>

<p>Issue – Hydraulic flood model</p> <p>Impact - Not increasing flood risk to third parties</p> <p>Solution - At the detailed design stage, the hydraulic flood model will be tested to demonstrate compliance with the Flood Risk Assessment.</p>	<p>and Fluvial Flood Risk) (APP-059).</p> <p>The only interaction with the floodplain is with the Smite Brook culvert (at the A46 embankment), the works here do not involve loss of / changes to floodplain, therefore there is no requirement for further modelling. For further information please see section 13.9.6 of ES Chapter 13 (Road Drainage and the Water Environment) (APP-034)</p> <p>A FRAP may be required for the new pedestrian crossing Work No 2I, if works are required outside of the highway boundary, due to it being situated on a raised embankment. Should this be the case then the Environment Agency will be able to request additional hydraulic modelling as part of the FRAP process.</p>	
<p>9.1 All temporary works activities will need reviewing through the permitting process</p>	<p>These comments are noted by the Applicant.</p> <p>The Consents and Agreements Position Statement (APP-007) provides details of additional consents / licences / agreement and legislation that will be required for both permanent and temporary works. Should it become</p>	<p>Noted</p>

	<p>apparent throughout the course of the works that additional permits are required, the Applicant will work with the relevant regulator to ensure these are obtained.</p>	
<p>9.2. Chapter 13 – Road Drainage and Water Environment</p> <p>It is noted in Section 13.6.3 that a temporary culvert is proposed over an unnamed ordinary watercourse. It would be useful if this temporary culvert could be shown on the temporary works plan (Figure 2.5 Temporary Works). This is an area shown as Flood Zone 1. The ephemeral watercourse on which this culvert would be located is not shown on the Detailed River Network. Any associated flood risk impacts of this temporary culvert crossing on flood risk would be negligible.</p> <p>9.3. Section 13.10.15 describes how flooding has the potential to impact construction workers, equipment, and the scheme. This section also notes that contractors should sign up to the Environment Agency's Flood Warning service. This is welcomed. With regards to construction compounds and materials these should be placed outside of the functional floodplain.</p>	<p>The temporary culvert is within the satellite compound (Work 4A) which is shown on the Works Plan (APP-013).</p> <p>The Applicant is in discussion with Coventry County Council and Warwickshire County Council, the two Lead Local Flood Authorities (LLFA), regarding obtaining appropriate consent for the works. This is detailed in 8.6 Statement of Common Ground with Coventry City Council (TR010066/EXAM/8.6) and 8.7 Statement of Common Ground with Warwickshire County Council (TR010066/EXAM/8.7) submitted at Deadline 1.</p> <p>Paragraphs 2.6.10 - 2.6.20 of ES Chapter 2 (The Scheme) (APP-024) outlines the construction compounds, which includes the re-use of the existing Brinklow Compound and the establishment of the satellite compound and bridge laydown area to the west of the A46, north of the new junction, as</p>	<p>Noted</p>

	shown on ES Figure 2.5 (Temporary Works) (APP-044). These are not within the floodplain as shown in ES Figure 13.1 (Surface Water Features, Licensed Abstractions, Consented	
<p>9.4 Table 1312 - Potential residual effects on ground water and surface water receptors during construction of the scheme.</p> <p>This table identifies that construction activity has the potential to act as a barrier to flow redirecting flood risk to others. The proposed mitigation includes a temporary drainage strategy and adhering to the CIRIA guidelines on the control of water pollution. No mitigation appears to be proposed for the effects that construction activities might have on fluvial flood flows and loss of floodplain storage. Construction compounds and materials should be placed outside of the floodplain. Where this is not possible the impact on flood risk on construction activities should be quantified using the detailed hydraulic model developed for the scheme.</p>	<p>The Applicant confirms that no works are currently proposed in the floodplain of main rivers as detailed in paragraph 13.9.6 of ES Chapter 13 (Road Drainage and the Water Environment) (APP-035). However, as the Order Limits extend into the floodplain of a main river (the River Sowe), then a FRAP will be sought by the Applicant for any works that are required within the floodplain, in which the flood risk will be demonstrated to the Environment Agency for approval.</p> <p>The Satellite Compound and temporary constructions works are shown on ES Figure 2.5 (Temporary Works) (APP-044) and are located outside of the flood plain, which is shown in ES Figure 13.1((Surface Water Features, Licensed Abstractions, Consented Discharges and Fluvial Flood Risk) (APP-059).</p>	Noted
10.0 Groundwater & Contaminated Land	These comments are noted by the Applicant.	Noted

<p>10.1. Environmental Statement – Chapter 9 – Geology and Soils</p> <p>We are pleased to learn that the site investigation undertaken to date found only minor evidence of contamination from historical activities (some minimal ammoniacal nitrogen, sulphate and metal impacts). Also, no significant volumes of made ground have been identified outside of the landfill in the south (where no significant works are proposed anyway). As such, no remedial activities are recommended, only protection during the construction and operation of the scheme.</p>	<p>The commitment GS1 of the First Iteration EMP REAC (APP110) outlines how the Applicant will ensure identified risks associated with contamination are appropriately managed and minimised. Commitment GS1 will be implemented through the production of the Soil Handling Management Plan (SHMP), (including a Soil Resource Plan and a Soil Handling Strategy), which will be produced as part of the Second Iteration EMP to be implemented during construction of the Scheme. Adherence with the Second Iteration EMP is secured by Requirement 4 of the draft DCO (PD1-003). First Iteration EMP (APP-109) Appendix B.3 Outline Site Waste Management Plan, will be further developed as part of the Second Iteration EMP.</p>	
<p>10.2. Chapter 13 – Road Drainage and the Water Environment (and Appendix 13.4 Groundwater Assessment)</p> <p>We concur with the conclusion that <i>‘...Groundwater quality and routine runoff assessments were completed to assess the risks of impacts upon groundwater quality from unlined road drainage. The detailed assessment identified that road</i></p>	<p>The Applicant notes the Environment Agency’s comments and will continue to engage with Environment Agency during the detailed design stage</p>	<p>Noted</p>

<p><i>runoff poses a potential risk to groundwater receptors in terms of water quality and infiltration to saturated aquifer units due to the limited thickness of the unsaturated zone. The use of filter drains, and unlined drainage ditches will therefore require further reassessment at the detailed design stage and discussion with the Environment Agency</i></p> <p><i>to confirm the risk due to the presence of shallow groundwater across the Scheme...’.</i></p>		
<p>10.3. EMP Appendix A Register of Environmental Actions and Commitments</p> <p>We can only welcome the comprehensive actions proposed under GS1 – GS5 and RD1 – RD13 aimed at ensuring that all identified risks to soils and Controlled Waters associated with contamination, piling and dewatering are appropriately managed and minimised, with specific measures to be further detailed in the appropriate Environmental Management Plan, Site Waste Management Plan, Materials Management Plan, Piling Risk Assessment, Abstraction Licence, Discharge Permit and groundwater monitoring proposals.</p>	<p>This comment is noted by the Applicant.</p>	<p>The Environment Agency welcomes that the applicant has noted the comments on this matter. On site management should be dynamic to manage pollution risks and any failings should be identified and remedied without delay. This includes any updates to documents that reflect operational activities.</p>
<p>10.4. 6.7. Pre-commencement Plan</p> <p>The general mitigation measures outlined for soils and for water quality seem all appropriate to protect any impacts during the enabling works, notably controlling</p>	<p>This comment is noted by the Applicant.</p>	

soil stripping and stockpiling, as well as preventing site (sediment) run-off and water pollution.		
<p>10.5. 3.3 - Consents and Agreements Position Statement</p> <p>On page 8 of 13 it mentions about the use of a U1 waste exemption as part of the planned works. A consultancy concluded in 2023 that the U1 exemption needed to be changed to minimise the risk to the environment and human health from abuse. This will be done by restricting waste types, quantities and activities in relation to specific construction activities, rather than specifying an overall limit for the exemption. The proposed revisions mean that the U1 exemption will be more restrictive than it is currently in relation to the use of waste. However, there are alternative options available that avoid the need for an environmental permit. Waste derived materials can be used without a permit if they have been fully recovered and meet end of waste. For example, by using material that is compliant with a quality protocol (Quality Protocols will be known as Resource Frameworks in future).</p>	<p>This comment is noted by the Applicant.</p> <p>As stated in the Consents and Agreements Position Statement (APP-007) the Environment Agency will be informed of the intention by the Applicant to seek a U1 environmental permit waste exemption (for the reuse of limited non-hazardous made ground excavation arisings assessed as being chemically and geotechnically suitable) prior to the start of construction activities in the location where these exemptions are required. This will follow the latest available (most updated) <i>U1 waste exemption: using waste in construction guidance</i> or applicable quality protocols suggested.</p>	<p>The reform to waste exemptions is delayed. However, holders of exemptions will be written to in due course when the changes come into effect. The applicant should be aware that the new volumes/tonnage are less than what are currently allowed.</p>
<p>11.0. Further Representations</p> <p>11.1. In summary, we can confirm that we have no objections to the principle of the proposed development, as submitted. The issues outlined above are all capable of resolution and we look forward to receiving additional information to resolve our outstanding concerns. We will also continue to engage with the</p>	<p>These comments are noted by the Applicant.</p>	

Applicant and review the Statement of Common Ground (SoCG).		
11.2. We reserve the right to add or amend these representations, including requests for DCO requirements and protective provisions should further information be forthcoming during the examination on issues within our remit.		

In summary, we can confirm that we have no objections to the principle of the proposed development, as submitted. The issues outlined above are all capable of resolution and we look forward to receiving additional information to resolve our outstanding concerns.

We will also continue to engage with the Applicant and review the Statement of Common Ground (SoCG).

We reserve the right to add or amend these representations, including requests for DCO requirements and protective provisions should further information be forthcoming during the examination on issues within our remit.

Should you require any additional information, or wish to discuss these matters further, please do not hesitate to contact me on the details below.

Yours sincerely



Planning Specialist – National Infrastructure Team