highways england

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A303 Sparkford to Ilchester Dualling Scheme TR010036

8.1 Statement of Common Ground with Environment Agency

APFP Regulation 5(2)(q)
Planning Act 2008
Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009
July 2018

Infrastructure Planning

Planning Act 2008

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

A303 Sparkford to Ilchester Dualling Scheme

Development Consent Order 201[x]

STATEMENT OF COMMON GROUND

Regulation Number:	Regulation 5(2)(q)
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Author:	A303 Sparkford to Ilchester Dualling Scheme, Project Team, Highways England

Version	Date	Status of Version
Rev 0	July 2018	Application Issue

STATEMENT OF COMMON GROUND

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

Signed…….
[NAME]
[ROLE]
on behalf of Highways England
Date: [DATE]

Signed…….
[NAME]
[ROLE]
on behalf of the Environment Agency
Date: [DATE]

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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 proposed A303 Sparkford to Ilchester Dualling ("the Application") made by Highways England Company Limited ("Highways England") to the Secretary of State for Transport ("Secretary of State") for a Development Consent Order ("the Order") under section 37 of the Planning Act 2008 ("PA 2008").

1.1.2 This SoCG does not seek to replicate information which is available elsewhere within the Application documents. All documents are available in the deposit locations and / or the Planning Inspectorate website.

1.1.3 The 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 so 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 by (1) Highways England as the Applicant and (2) Environment Agency.

1.2.2 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 Highways England made provision for all legal rights and obligations of the Highways Agency, including in respect of the Application, to be conferred upon or assumed by Highways England.

1.2.3 The Environment Agency protects and improves the environment and promotes sustainable development. It plays a central role in implementing the government's environment strategy in England. The Environment Agency plays a lead role in managing flood risk and works to minimise the impact of flooding.

1.3 Terminology

1.3.1 In the tables in the Issues chapter of this SoCG, "Not Agreed" indicates a final position, and "Under discussion" where these points will be the subject of on-going discussion wherever possible to resolve, or refine, the extent of disagreement between the parties. "Agreed" indicates where the issue has been resolved.

1.3.2 It can be taken that any matters not specifically referred to in the Issues chapter of this SoCG are not of material interest or relevance to 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 Environment Agency

1.4 Record of Engagement

1.4.1 A summary of the meetings and correspondence that has taken place between Highways England and the environment agency in relation to the Application is outlined in table 1.1.

Table 1.1: Record of engagement

Date	Form of correspondence	Key topics discussed and key outcomes (the topics should align with the issues tables)
4 December 2015	Meeting with National Trust, Environment Agency, and Natural England	Introduction to the scheme and route options, DCO process, project timescales and engagement methodology.
22 March 2016	Meeting with National Trust, Environment Agency, South West Heritage Trust and Natural England	Scheme update and public consultation strategy discussion.
13 July 2016	Meeting with National Trust, Environment Agency, South West Heritage Trust and Natural England	Stakeholder engagement progress meeting. Discussion about public consultation activities timing. Feedback about route options presented. Discussion about planned public consultation programme.
11 November 2016	Meeting with National Trust, Environment Agency, South West Heritage Trust and Natural England	Stakeholder engagement progress meeting. Update about public consultation activities planned. Consideration of specific stakeholder groups including, landowners, discussions, parish councils, local authority politicians and Members of Parliament.
4 July 2017	Meeting with Environment Agency	Discussed the future assessment requirements for the scheme, including the requirement for a Water Framework Directive Screening Assessment.
7 December 2017	Environmental Technical Working Group Meeting I	Kick off meeting and general scheme update. Discipline specific discussions held with key stakeholders. Road drainage and water environment specific discussions held with Environment Agency, Somerset County council and Natural England. Overview of assessment work undertaken to data provided, discussed and agreed elements of the drainage strategy. Discussed opportunities for enhancement including funding to provide a flood alleviation scheme for residents in West Camel via Highways England's Environmental Designated Funds (EDF).
13 February 2018	Environmental Technical Working Group Meeting II	Overview of statutory consultation period which was currently taking place. Progress update since last environmental TWG, for each environmental discipline. Road drainage and water environment specific discussions held with Environment Agency. Provided an overview of the proposed methodology for the Road Drainage and Water Environment and explained how the Scoping Opinion comments from the Environment Agency would be addressed.
08 May 2018	Environmental Technical Working Group Meeting III	General scheme update. Discipline specific discussions held with key stakeholders. Road drainage and water environment specific discussions held with Environment Agency and Somerset Drainage Board Consortium. Discussions focussed on drainage strategy and flood risk assessment.

1.4.2 It is agreed that this is an accurate record of the key meetings and consultation undertaken between (1) Highways England and (2) the Environment Agency in relation to the issues addressed in this SoCG.

2. Issues

Topic	Sub-section	Environment Agency comment	Highways England response	Status
Environmental Impact Assessment (EIA) Scoping Opinion	Scope of the EIA Road Drainage and Water Environment Assessment Methodology	A distance of 2 kilometres may not be appropriate for water dependant SSSIs downstream of the proposed works. The River Cary feeds into designated sites and therefore, the potential would exist for a negative impact on such sites. Accordingly, these must be scoped in until it can be determined there would be little / no impact.	Agreed - We have extended our study area to incorporate water dependant SSSIs downstream of the works. The WFD Screening and Scoping assessment has identified a 'zone of influence' for the scheme to include any waterbodies within a 1 kilometre radius of the scheme, but to also include downstream / hydraulically connected waterbodies within a 10 kilometre radius of the scheme. The River Cary, Cam and Yeo (and the associated water dependant areas) are therefore all scoped in as part of the WFD Screening and Scoping assessment.	***AGREED*** ***(Appendix A)***
	Scope of the EIA Road Drainage and Water Environment Assessment Methodology	As stated above, water dependant designated sites downstream of water bodies, which may be impacted by the proposed works, must be scoped in until it can be determined there is little / no impact.	Water designated sites that are within 10 kilometres downstream of the scheme / have a hydraulic connection have been scoped in as part of the WFD Screening and Scoping assessment. The WFD Screening and Scoping assessment concluded that although there is a potential impact pathway present between the scheme and water dependent sites, the comprehensive drainage treatment (SuDs) installed as part of the scheme would prevent contaminated routine run off from reaching the sites in such quantities that could cause adverse impacts to occur.	***AGREED*** ***(Appendix A)***

Topic	Sub-section	Environment Agency comment	Highways England response	Status
			Much of the current routine runoff from the existing A303 carriageway is unattenuated and untreated, and therefore poses a high contamination risk to the surrounding area. The scheme is considered to provide an opportunity to improve the current status quo with regards to routine runoff, as reported within the WFD Screening and Scoping Report	
	Scope of the EIA Road Drainage and Water Environment Assessment Methodology	The Agency must advise that Wet Moor, which is at risk of deterioration due to eutrophication, should be scoped in at this stage. A programme of work is currently being progressed to reduce phosphate input to the system. The potential impacts of petrochemical runoff into the adjacent waterbody must be considered for both WFD and designated site risks.	Scope of the EIA Road Drainage and Water Environment Assessment Methodology	***AGREED*** ***(Appendix A)***
	Scope of the EIA Road Drainage and Water Environment Assessment Methodology	As a standard, the expectation for tree / hedgerow loss is like for like (or improved) replacement at a 3:1 ratio. For freshwater habitat loss the expectation is like for like (or improved) replacement at a 2:1 ratio.	There would be no freshwater habitat lost as part of scheme design. In terms of the loss of trees / hedgerows and the proposed strategy for replacement planting, we would be losing approximately 11 kilometres of hedgerows as a result of the scheme. Approximately 10 kilometres of species-rich hedgerows would be replaced as part of the scheme, along with approximately 5 hectares of broadleaved woodland, 23 hectares of native trees and shrubs, and 13	***AGREED*** ***(Appendix A)***

Topic	Sub-section	Environment Agency comment	Highways England response	Status
			individual trees. These would be of much better quality than the habitat being lost.	
	Scope of the EIA Road Drainage and Water Environment Assessment Methodology	There does not appear to be any information on the potential risk or impacts on fish populations within the adjacent water bodies. There is a risk of impact on water chemistry and sediments as a result of the proposed works, which would have a direct impact on fishery populations.	The effects of the scheme on fish populations have been considered as part of Chapter 8 Biodiversity of the ES. The biodiversity assessment concludes that the scheme is not anticipated to pose a risk to fish habitats / populations.	***AGREED*** ***(Appendix A)***
	Scope of the EIA Road Drainage and Water Environment Assessment Methodology	As a minimum, available fisheries data should be collated and gap analysis undertaken to determine whether additional monitoring is required.	The effects of the scheme on fish populations have been considered as part of Chapter 8 Biodiversity of the ES. The biodiversity assessment concludes that the scheme is not anticipated to pose a risk to fish habitats / populations.	***AGREED*** ***(Appendix A)***
	Scope of the EIA Road Drainage and Water Environment Assessment Methodology	For information, the Agency would prefer the WFD scoping report to be included at this stage. There appears to be sufficient evidence to inform the scoping report, which would then inform the need for a full WFD assessment. This assessment would be informed by additional information pertaining to ground/surface water linkages to WFD water bodies and anticipated sediment and water chemistry impacts.	A WFD Screening and Scoping report has now been completed and issued to the Environment Agency. The assessment concludes that a full, detailed WFD impact assessment would not be required as the potential impact pathways present a very low risk to WFD status and objectives of the River Cary, Cam and Yeo.	***AGREED*** ***(Appendix A)***
	Scope of the EIA Road Drainage and Water Environment	The Agency is unable to concur with the proposal to scope out any aspects of 'Road Drainage and the Water Environment' from the Environmental Statement.	Three detailed assessments (WFD screening and scoping report, HAWRAT report and Flood Risk Assessment) have since been produced. These detailed assessments have	***AGREED***

Topic	Sub-section	Environment Agency comment	Highways England response	Status
	Assessment Methodology.		concluded the scheme would have negligible impacts on the water environment (with potential for some benefits / opportunities). Further detailed assessment of the RDWE as part of the Environmental Statement would likely conclude the same negligible effects, and therefore in the interests of proportionate EIA, we believe that the 3 detailed assessments and a supporting RDWE technical appendix which sign posts to these documents is sufficient. It should be noted that potential groundwater effects associated with contaminated land are covered within Chapter 9 Geology and Soils of Volume 6.1 of the ES.	***(Appendix A)***
Water quantity	Not applicable	It is recommended that the effects of climate change are accounted for in the Flood Risk Assessment (FRA) and drainage strategy. This should include details of surface water attenuation features designed to control runoff to the receiving watercourses.	Accepted. The rainfall intensities used to calculate the design storms include an allowance for the effects of climate change by allowing for the upper bound 40% increase (Flood risk assessments: climate change allowances, Environment Agency). Evidenced in Flood Risk Assessment (Appendix 4.6 of ***TR010036/APP/6.3***) and Drainage Strategy Report (Appendix 4.7 of ***TR010036/APP/6.3***). Attenuation feature discharge rates and volumes shown in Outline Drainage Works Plans (***TR010036/APP/2.11***).	***AGREED*** ***(Appendix A)***

Topic	Sub-section	Environment Agency comment	Highways England response	Status
		Confirmation is sought that the proposed design will control the overall volume, as well as the overall rate of runoff with sufficient attenuation provided.	Attenuation has been provided, with discharge limited to 1% annual exceedance probability (1 in 100-year event) plus 40% to account for the effects of climate change (Flood risk assessments: climate change allowances, Environment Agency), to no greater than the undeveloped rate of runoff, determined by the calculation of the mean annual peak rate of runoff for a greenfield site (Qbar). Preliminary design discharge rates and volumes shown in Outline Drainage Works Plans (document reference ***TR010036/APP/2.11***).	***AGREED*** ***(Appendix A)***
		With reference to flood risk management issues, the documentation does not include the Agency's confirmation that the proposed route is located outside designated flood zones 2 and 3 and is therefore not liable to any significant main river fluvial or tidal risks. The highlighted risks are from surface water and or IDB/ordinary watercourses.	The Flood Risk Assessment considers all sources of flood risk, including but not limited to the fluvial and tidal flood zones, ordinary watercourse and surface water runoff. Evidenced in Flood Risk Assessment (Appendix 4.6 of ***TR010036/APP/6.3***).	
Maintenance and access	Not applicable	At the detailed design stage, it is expected that a long-term management strategy for sustainable drainage systems (SuDS) is provided.	Accepted. A maintenance plan for SuDS will be included within the detailed design.	***AGREED***
Groundwater resources	Not applicable	The submitted documentation does not include any reference to earlier discussions regarding the need to consider potential impacts on both quality and quantity of groundwater resources. The proposed route passes across areas designated as 'secondary A aquifer' and as a	The Flood Risk Assessment (Appendix 4.6 of ***TR010036/APP/6.3***) and Drainage Strategy Report (Appendix 4.7 of ***TR010036/APP/6.3***) discuss the interaction of groundwater and the proposed highway drainage for the scheme. The ground investigation has recently	

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		consequence there is the potential for private groundwater abstractions in the immediate vicinity to be adversely affected. Accordingly, the Agency must recommend specific reference to its request for a water features survey to establish potential risks and all subsequent actions.	completed (June 2018), comprising of approximately 45 boreholes across the route, to inform design development. The boreholes have been fitted with piezometers to monitor both superficial and bedrock groundwater levels. Over the course of the next 12 months data will be gathered to inform of seasonal fluctuations. Subsequently the data will be analysed to inform necessary provisions during construction and permanent drainage features. It should be noted that potential groundwater effects associated with contaminated land are covered within Chapter 9 Geology and Soils of ES (***TR010036/APP/6.1)***.	
Water quality	Not applicable	The requirement to ensure any surface water infiltration areas will be sufficiently clean to minimise the risk of mobilising contaminants.	As discussed within the Flood Risk Assessment (Appendix 4.6 of ***TR010036/APP/6.3***) and Drainage Strategy Report (Appendix 4.7 of ***TR010036/APP/6.3***), the proposed basins are clay lined as it is considered the infiltration potential to be low. Through incorporation of grass lined channels, filter drains, catchpits, vegetated ditches, sediment forebays and treatment volumes within the ponds the preliminary design has incorporated a series of sustainable drainage features to minimise the risk of mobilising contaminants.	
		The requirement to ensure adequate provision for containment and treatment / disposal of contaminated runoff arising from likely worst	The HAWRAT assessment (Appendix 4.4 of ***TR010036/APP/6.3***) and Drainage Strategy Report (Appendix 4.7 of ***TR010036/APP/6.3***)	

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		case accidents or spills along the route. This is needed to reduce the risk of pollution of surface waters or groundwater in the underlying aquifer.	the outfalls into ordinary watercourses will be fitted with penstocks, such that in the event of accidental spillage flows can be isolated (i.e. 'Pollution Control Device'). Upstream of the penstocks, any spillage will gravitate to the basins where it will contain any spillage with the clay liner preventing infiltration into the underlying secondary aquifer. In locations where open ditches / grass channels / filter media convey any accidental spillage into the basins, it is not proposed to line these with an impermeable liner as any contaminant would not be 'sat' within the ditch for any long period of time (with any substantial head). Post spillage the filter media / grass channels topsoil / ditches topsoil should be removed and replaced.	
Waste management	Not applicable	As previously advised, the Agency must recommend full consideration of all aspects of waste management pertinent to the proposed scheme. This includes any waste material that would need to be stored and/or removed from the site and potentially any imported for construction purposes. The Environment Agency should be contacted as early as possible to discuss any potential permitting and / or exemption requirements. General guidance regarding waste management issues, including permitting and formal exemption requirements, may be obtained through the following link:	An Outline Site Waste Management Plan has been produced to support the DCO submission which considers waste storage, reuse and recycling aspects as well as materials imported to site for use within the construction (to ensure they do not become waste). This outline SWMP will be developed into a full Site Waste Management Plan by the appointed contractor prior to construction. Appropriate waste consents including waste carrier licences, possible exemptions and environmental permits will be obtained from the Environment Agency, where appropriate, and all details of waste carriers and permitted facilities used to manage the unavoidable	

Topic	Sub-section	Environment Agency comment	Highways England response	Status
		https://www.gov.uk/topic/environmental-management/waste	waste from the construction will be checked as part of the appointed contractor's duty of care requirements.	

APPENDIX A – Letter received from the Environment Agency

Sophie Bennett
Mott MacDonald Sweco JV
Stoneham Place
Stoneham Lane
Southampton
Hampshire
SO50 9NW

Our ref: WX/2018/131402/02-L01
Your ref: TR010036-000004

Date: 22 May 2018

Dear Ms Bennett

PROPOSED DUALLING SCHEME A303 SPARKFORD TO ILCHESTER - SUBMISSION OF WFD SCREENING AND SCOPING ASSESSMENT HAWRAT ASSESSMENT AND FLOOD RISK ASSESSMENT (FRA)

Thank you for your consultation regarding the above.

WFD Screening and Scoping Assessment

The Agency accepts the approach to the assessment and concur that it is unlikely the scheme will affect the WFD status of the waterbodies identified. Any potential impact pathways can be mitigated by the measures included in the HAWRAT. Additionally, the Agency agrees that a Stage 3 WFD impact assessment is not necessary.

HAWRAT Assessment

The HAWRAT provides a thorough assessment of potential impacts of pollution from surface water run-off on the watercourses within the Zone of Impact and those within the wider catchment area. Where such impacts would result in a failure to meet ecological quality standards, mitigation measures in the form of SUDS and treatment systems are proposed to ensure that any run-off meets quality standards before it enters a watercourse. The Agency accepts this approach and has no objection to the proposed location of the treatment systems.

As previously discussed, the design of the ponds, drainage channels and ditches should include the provision of measures to maximise wildlife interest and habitat for the species noted in the Biodiversity section of the Preliminary Environmental Information Report.

FRA

The Agency can confirm that it has no additional observations or specific concerns regarding the submitted FRA.

With regard to the submitted schedule of scoping opinion comments/responses, the Agency is satisfied that the previously highlighted issues have been satisfactorily addressed.

Should you wish to discuss this matter further please contact the undersigned direct.

Yours sincerely

Dave Pring
Planning Specialist

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End