

# M20 Junction 10a

TR010006

## Statement of Common Ground between (1) Highways England and (2) Environment Agency



Volume 8.3  
May 2017



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between  
(1) Highways England  
and  
(2) Environment Agency**

Volume 8.3

Revision B



# Issue and revision record

Revision	Date	Originator	Checker	Approver	Description
A	April 2017	Mott MacDonald Sweco	Mott MacDonald Sweco	Highways England	DCO submission (deadline 6)
B	May 2017	Mott MacDonald Sweco	Mott MacDonald Sweco	Highways England	DCO submission (deadline 7)

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# 1. Introduction

## 1.1 Purpose of Statement of Common Ground

1.1.1 This Statement of Common Ground (SoCG) has been prepared in respect of the proposed M20 Junction 10a Scheme. Guidance on the purpose and possible content of SoCGs is given in paragraphs 58 – 65 of the Department for Communities and Local Government's "Planning Act 2008: Guidance for the examination of applications for development consent" (March 2015). Details of the Scheme are provided in Chapter 1 and Chapter 2 of the Environmental Statement (Volume 6.1) that accompanied the DCO application.

## 1.2 Parties to this Statement of Common Ground

1.2.1 This SoCG has been prepared in respect of the Scheme by (1) Highways England, as the Applicant, and (2) The Environment Agency.

1.2.2 The Environment Agency is an Executive Non-departmental Public Body responsible to the Secretary of State for Environment, Food and Rural Affairs. The Environment Agency's aim is to protect and improve the environment and to promote sustainable development.

## 1.3 Terminology

1.3.1 Throughout this SoCG the phrase "It is agreed..." is used as a precursor to any point of agreement that has been specifically stated to be agreed between (1) Highways England and (2) The Environment Agency. The phrase "It is not agreed..." is used as a precursor to any point that (1) Highways England and (2) The Environment Agency have not yet agreed.

## 2. Overview of Engagement

2.1.1 A summary of the meetings and correspondence undertaken pre-application and pre-examination between (1) Highways England and (2) The Environment Agency in relation to the Scheme is outlined in Table 2.1 and Table 2.2 respectively.

Table 2.1 Pre-application: Engagement Activities between Highways England and the Environment Agency

Date	Form of Contact	Key issues raised / outcomes
23 December 2014	Letter	Advice provided on the Lacton Farm culvert design, update on meeting minutes between the Environment Agency and URS dated 20/10/2010, proposed ground investigation and design rationale statement relating to surface water drainage.
21 January 2015		Environmental Impact Assessment Scoping Report issued to the Planning Inspectorate who then issued to statutory environmental bodies and other relevant consultees for the collation of a Scoping Opinion.
17 February 2015 and 2 September 2015	Meeting	<p>The Environment Agency was made aware of the details of the Scheme with regards to the water environment and flood risk.</p> <p>Original Flood Risk Assessment methodology agreed, including method for assessing channel capacity. However, subsequent design changes have resulted in further modelling requirements which are ongoing.</p> <p>Environmental Statement and Water Framework Directive methodology agreed, including new Water Framework Directive screening guidance document recently produced by the Environment Agency.</p> <p>Drainage strategy agreed, including requirements for climate change allowance and run-off rates. This responsibility now lies with Kent County Council.</p>
26 February 2016	Email correspondence	Information received from the Environment Agency of otters within the area close to the Junction. Advice that the otter surveys and mitigation should take a high priority.
17 March 2016	Written response to the Public Consultation	Comments received in response to the consultation materials (specifically the Preliminary Environmental Information Report) regarding flood risk, ecology and land contamination.
21 March 2016	Meeting	Discussion surrounding the proposed weir removal, flood activity permits, SoCG, new government guidance on climate change, Water Framework Directive assessment and pollution prevention strategy.

Date	Form of Contact	Key issues raised / outcomes
		Highways England agreed to provide the Environment Agency with a draft of the protective provisions and drawings showing the current conditions and the proposed design - including cross-sections / plan view / elevations with dimensions. Highways England agreed to also provide the draft Flood Risk Assessment, Water Framework Directive and DCO wording to facilitate the Environment Agency commenting on DCO submission documents and in order to inform the production of the SoCG.
21 April 2016`	Letter	Response and advice from the Environment Agency in regard to the drawings submitted in support of the disapplication of the Flood Risk Activity Permit as well as on the Flood Risk Assessment and inclusion of new climate change guidance.
21 June 2016	Email correspondence	Comments received on the draft Water Framework Directive assessment, draft Flood Risk Assessment and advice on design of the Schemes to assist in disapplication of Flood Risk Activity Permits.
24 June 2016	Email correspondence	Comments received from the Environment Agency lawyers on the draft protective provisions.

Table 2.2 Pre-examination: Engagement Activities between Highways England and the Environment Agency

Date	Form of Contact	Key issues raised / outcomes
8 August 2016	Email correspondence	Initial contact made to arrange a SoCG Inception meeting.
16 August 2016	Meeting	SoCG Inception meeting.
27 September 2016	Email correspondence	An overview provided from the Environment Agency of the points raised in the relevant representations.
29 September 2016	Email correspondence	Relevant representations received.
21 June 2016	Email correspondence	Comments on draft WFD and FRA, including the need to use 2016 'Flood risk assessments: climate change allowances' Guidance for flood risk modelling
6 October 2016	Meeting	Discussion surrounding the relevant representations and matters agreed for the SoCG.
19 December 2016	Telecon	Discussion surrounding the relevant representations and matters agreed for the SoCG.

Table 2.3 During the examination: Engagement Activities between Highways England and the Environment Agency

Date	Form of Contact	Key issues raised / outcomes
22 February 2017	Issue specific hearings (environment)	Discussion of ongoing flood modelling work, requirements for remediation of legacy contamination and Protective Provisions.
23 February 2017	Issue specific hearings (draft DCO)	Discussion of requirements for remediation of legacy contamination and Protective Provisions.
7 March 2017	Telecon	Discussion of ongoing flood modelling work
25 March 2017	Telecon	Discussion about contamination and what investigations are required to ensure controlled waters are protected.

2.1.2 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.

### 3. Issues

#### 3.1 Issues related to the Environmental Statement

##### Chapter 14: Road Drainage and the Water Environment

Reference	Issue	Highways England position	Environment Agency position	Status
3.1.1	Road Drainage and the Water Environment chapter of the Environmental Statement (ES)	The Road Drainage and Water Environment Chapter (Chapter 14) of the ES and associated figures and technical appendices (DCO Documents 6.1, Chapter 14) properly assess the potential impacts of the Scheme on road drainage and the water environment and the methodology used is appropriate.	The assessment of impacts, proposed mitigation measures and conclusions regarding Road Drainage and the Water Environment and the methodology used is appropriate as long as pollution prevention guidelines are followed regarding suspended solids, spillages and vehicle washing facilities during construction.	Agreed
3.1.2	Water Framework Directive (WFD) Assessment	The recommendations in the WFD assessment regarding hydromorphological quality are accepted. There are no concerns regarding the impact of the Scheme on hydromorphological quality.  The proposed biodiversity mitigation and enhancement measures contained within the Scheme design are acceptable.	The recommendations in the WFD assessment regarding hydromorphological quality, biodiversity and enhancement measures are appropriate. There are no concerns regarding the impact of the Scheme on these WFD elements.	Agreed
3.1.3	Flood Risk Assessment (FRA)	Further detailed assessment, including flood modelling and an addendum to the FRA, has been carried out using the climate change allowances provided in the 2016	Effects of the proposed structures within Flood Zone 3 (embankments, mammal pipe bridge and mammal ledge within the Lacton Farm culvert) need to be clarified and confirmed through	Under discussion

Reference	Issue	Highways England position	Environment Agency position	Status
		<p>'Flood risk assessments: climate change allowances' guidance. The proposed soffit level of the Aylesford Stream animal pipe bridge and the proposed Lacton Farm Culvert mammal ledge were included in the flood modelling.</p> <p>The modelling encountered issues due to conflict between the new climate change guidance and the existing flood model, which was developed prior to the 2016 climate change. A telecon was held between Highways England and the Environment Agency on the 8<sup>th</sup> March 2017 during which a method for verifying model outputs was suggested, which enabled the FRA modelling addendum to be submitted in time to allow the required 8-9 week Environment Agency model review period.</p>	<p>modelling and an updated FRA and compensatory storage considered to mitigate any flood risk displacement</p> <p>Highways England needed to provide an updated FRA that takes into account the new climate change guidance (2016), using the most appropriate allowance for the lifetime and type of this development. It also needed to consider the effects not only of the embankments in Flood Zone 3, but of all elements (including crossings) of the Scheme within the flood zones, demonstrating no impact on flood risk. All modelling produced will need to undergo a model review to ensure it is fit for purpose. The Environment agency is currently undergoing a review of the addendum to the FRA and the model outputs that were submitted on 30 March 2017. The FRA has yet to be updated.</p>	
3.1.4	Outline Construction Environmental Management Plan (CEMP)	<p>The provision within the Outline CEMP for pollution prevention are acceptable although further detail of the full CEMP is required, when available.</p> <p>The Outline CEMP is based on the current preliminary design. It has been prepared in accordance with Highways Agency Guidance DMRB Volume 11, Section 2, Manual of Contract Documents for Highways Works (MCDHW) and Interim Advice Notes (IAN) 183/14 Environmental Management Plans and 182/ 14 Major Schemes: Enabling Handover into Operation and Maintenance. A full CEMP</p>	<p>The measures included in the Outline CEMP regarding Pollution Prevention and the Water Environment are appropriate in principle, although we would wish to see more detail in the full CEMP on the following</p> <ul style="list-style-type: none"> <li>- Pollution prevention guidelines are followed regarding suspended solids, spillages during construction and vehicle washing facilities.</li> <li>- No vehicle washing effluent can discharge to watercourses under any circumstances, designated area containing all run-off must be used. The effluent must be tankered off site. Same for designated concrete and cement mix areas. All effluent must be contained and tankered off site.</li> </ul>	Agreed

Reference	Issue	Highways England position	Environment Agency position	Status
		<p>will be prepared by the Principal Contractor (PC) once the design and construction plans have been finalised.</p> <p>The final version of the CEMP will be adopted and integrated into the PC's overall Project Handover Environmental Management Plan (HEMP) and Construction Phase Health and Safety Plan, the indicative contents of a HEMP are detailed in Annex C of IAN 183/14. It will be managed alongside the PC's generic and site-specific environmental management plan and systems, meeting ISO14001 requirements.</p> <p>Highways England has amended Requirement 3 (Construction Environment Management Plan) of the dDCO so that the Environment Agency is consulted on the various plans and pollution prevention measures, including the full CEMP.</p>	<ul style="list-style-type: none"> <li>- All oil and fuel storage must be on impermeable surfacing and secondary contained.</li> <li>- All nozzles must be kept within the secondary containment and securely locked at all times.</li> <li>- Any pollution from contaminated run-off during operations should be contained by penstocks upstream and downstream of the attenuation ponds to ensure isolation within the drainage system to prevent pollution to the river system.</li> </ul> <p>The Environment Agency acknowledges that Requirement 3 will be amended to make it a consultee on pollution prevention measures and waste management.</p>	

### Chapter 15: Combined and Cumulative Effects

Reference	Issue	Highways England position	Environment Agency position	Status
3.1.5	Combined and Cumulative Effects	The Combined and Cumulative Effects Chapter (Chapter 15) of the Environmental Statement and associated figures and technical appendices. (Volumes 6.1, 6.2 and 6.3) properly assess the potential impacts of the Scheme in combination and in conjunction with other relevant development and the methodology used is appropriate.	<p>We are not in a position to agree or disagree yet.</p> <p>The M20 Lorry Area (Operation Stack site) is a major development nearby with considerable surface water issues. We cannot fully confirm the cumulative implications on flood risk for both this site and the Operation Stack Lorry Site until both FRAs are complete and signed off. However, as</p>	Not agreed

Reference	Issue	Highways England position	Environment Agency position	Status
		Highways England is unable to provide the FRA for the M20 Lorry Area, as this work is ongoing and will not be complete by the end of the M20 Junction 10a Examination.	both proposals will be required to demonstrate no adverse impact on flood risk, we don't envisage any cumulative impact.	

### Issues relating to the Environmental Statement as a whole

Reference	Issue	Highways England position	Environment Agency position	Status
3.1.6	The Main and Alternative Schemes	The ES and associated figures and technical appendices (Volumes 6.1, 6.2 and 6.3) has properly assessed both the Main and the Alternative Schemes.	The Main and Alternative Schemes have been properly assessed by the ES and appendices.	Agreed

### Issues Relating to Scheme Design

Reference	Issue	Highways England position	Environment Agency position	Status
3.1.7	Clear span bridges replacing previous design of culvert extension and channel diversion	The proposed design amendment of clear span bridges for the new slip roads, which replaces the previous design of culvert extension and channel diversion, is acceptable. Further detailed flood risk assessment, including flood modelling and an update to the FRA, has been carried out using the climate change allowances provided in the 2016 'Flood risk assessments: climate change allowances' guidance.	The Environment Agency accepts this in principle as an improvement to the initially proposed design. This is subject to an updated FRA and model confirming no adverse impact on flood risk is approved by the Environment Agency.  The Environment Agency acknowledges the ongoing work between Highways England and the Environment Agency regarding the Protective Provisions and accepts that detailed drawing and method statements will be supplied to the Environment Agency prior to construction. The overall acceptance is pending additional details on Mammal Ledge and appropriate Climate Change allowances for the lifetime and type of development.	Under discussion

Reference	Issue	Highways England position	Environment Agency position	Status
		The flood modelling included the proposed animal pipe bridge over the Aylesford Stream and the mammal ledge within the Lacton Farm Culvert, as described in the FRA modelling addendum submitted on the 30 <sup>th</sup> March 2017.	The Environment Agency is in receipt of the FRA modelling addendum and supporting model outputs and is currently undergoing a review of the evidence.	
3.1.8	Surface water outfalls	<p>The outline design of the surface water outfalls, including the materials to be used in construction, is acceptable.</p> <p>Protective Provisions in favour of the Environment Agency ensure that detailed drawings and method statements will be supplied to the Environment Agency prior to construction.</p>	<p>The Environment Agency accepts the outline design in principle. We acknowledge that outfalls will be designed and materials used in accordance with Environment Agency guidance, which can be confirmed during detailed design. Highways England will need to submit detailed drawings and method statements at this stage. Advice provided previously includes alignment of outfalls to watercourse and no protrusion into the channel.</p> <p>The Environment Agency acknowledges the ongoing work between Highways England and the Environment Agency regarding the Protective Provisions and accepts that detailed drawings and method statements will be supplied to the Environment Agency prior to construction.</p>	Agreed
3.1.9	Works to the existing headwall	<p>The proposed headwall outline design, as shown on the Lacton Slip Roads Option 1 drawing, is acceptable.</p> <p>Protective Provisions in favour of the Environment Agency ensure that detailed drawings and method statements will be supplied to the Environment Agency prior to construction.</p>	The Environment Agency accepts proposals in principle for works to the bridge deck. Headwalls to be designed and use of materials in accordance with Environment Agency guidance, which can be confirmed during detailed design. Highways England will need to submit detailed drawings and method statements at this stage. Advice provided previously includes materials used, scour protection and splash aprons with no projection of headwall beyond or above the profile of the riverbank.	Agreed

Reference	Issue	Highways England position	Environment Agency position	Status
			The Environment Agency acknowledges the ongoing work between Highways England and the Environment Agency regarding the Protective Provisions and accepts that detailed drawings and method statements will be supplied to the Environment Agency prior to construction.	
3.1.10	Access to the Aylesford Stream	<p>Satisfactory access to the Aylesford Stream will be maintained via gated access roads.</p> <p>Protective Provisions in favour of the Environment Agency ensure that detailed drawings and method statements will be supplied to the Environment Agency prior to construction.</p>	<p>The Environment Agency accepts the principles of access however further information at detailed design would be required to ensure the area can be accessed for maintenance and incident management purposes.</p> <p>The Environment Agency will need access to the channel during and post development, as we cannot know what interventions may be required in the long term.</p> <p>Previous advice has included the need for vehicular access and need for access during works and post development. Highways England will need to submit detailed drawings of the access track from A2070 serving Pond 1 to the existing farm bridge over the Aylesford Stream. Environment Agency has requested to see the fencing plan at detailed design stage as this could hinder access. New access track from the A2070 (Bad Munstereifel Rd), e.g. serving Pond 1, to the existing farm bridge over the Aylesford Stream. This is to ensure that the new track from the A2070 is suitable for Environment Agency vehicular access to the Aylesford Stream to allow us to continue to carry out essential maintenance works on the Aylesford Stream (e.g. weedcutting, blockage clearance, desilting).</p> <p>The Environment Agency acknowledges the ongoing work between Highways England and the Environment Agency re the Protective Provisions and accepts that detailed drawings</p>	Agreed

Reference	Issue	Highways England position	Environment Agency position	Status
			and method statements will be supplied to the Environment Agency prior to construction.	
3.1.11	Surface water drainage (pollution prevention measures)	The pollution prevention measures described within the Drainage Strategy included within the FRA (DCO Document 6.3, Appendix 14.2), including gully pots and three attenuation ponds are acceptable. This is demonstrated by the Highways Agency Risk Assessment Tool (HAWRAT) assessment in DCO Document 6.3, Appendix 14.3.	The Environment Agency agrees that the proposed pollution prevention measures within the surface water drainage design are appropriate as long as pollution prevention guidelines are followed regarding suspended solids and spillages.  We note the drainage report explains that Earthworks drainage would incorporate catchpits/sumps to reduce the risk of silt, that pond 2 is intended to be a wet pond which would provide attenuation and treatment of flows and sediment removal. We also note that penstock shall be installed upstream of each pond to allow isolation in case of a spillage within the catchment.  For all other aspects of the surface water drainage design, the Environment Agency defers to Kent County Council.	Agreed

### Issues relating to contaminated land

Reference	Issue	Highways England position	Environment Agency position	Status
3.1.12	Historic contamination	The proposed approach to construction adjacent to the known contaminated site (former landfill at Mersham Quarry, to the north of the M20) and approach to any contamination discovered during the construction of the Scheme, as set out in the Environmental Statement, Outline CEMP and draft DCO, is acceptable.  Highways England notes the Environment Agencies preferred wording for	The Environment Agency acknowledges that Requirement 3 will be amended to make it a consultee on pollution prevention measures and waste management. This however does not reduce the risk that historic contamination poses (identified as Moderate/low in the Contaminate Land Desk Study already submitted). The CLRA (DCO Document 7.4) assessed groundwater to be at risk from historic sources. This is due to the vertical migration of leachates, and the vertical and horizontal migration of contaminants in the	Agreed

Reference	Issue	Highways England position	Environment Agency position	Status
		<p>Requirement 8 and is content to (subject to minor amendments) add this to Version E of the draft DCO that will be submitted at Deadline 7, as follows:</p> <p><b><i>Land and groundwater contamination</i></b>  <i>8.—(1) No part of the authorised development is to commence until a contamination risk assessment in respect of controlled waters has been produced which is to include details of-</i></p> <ul style="list-style-type: none"> <li><i>any existing sources of contamination within the Order limits that may be affected by the carrying out of the authorised development;</i></li> <li><i>any reasonably required protective measures to ensure that the carrying out of the authorised development does not make worse any adverse conditions or risks associated with such existing sources of contamination;</i></li> <li><i>appropriate remediation strategies and mitigation measures to address any historic contamination which is shown to be having significant, unacceptable effects on the environment within the context of the proposed works,</i></li> </ul> <p><i>and the assessment has been submitted to and approved by the Secretary of State following consultation with the Environment Agency.</i></p>	<p>saturated zone. The introduction of mitigation measures during construction will not reduce this risk as it is already present prior to construction. The current requirement 8 refers to foundations risk assessment and a watching brief should unsuspected contamination be found. This is not enough to reduce identified moderate/low risk to groundwater. We are recommending that requirement 8 details that further contamination risk assessments are carried out identify what remedial strategies and mitigation measures the applicant needs to consider to reduce the level of risk to groundwater quality found from the historic contamination. The findings from this additional Contamination Risk Assessment will help the Applicant comply with relevant legislation (such as the Water Resources Act and Water Framework Directive). This ensures that the works do not inadvertently mobilise historic contaminants.</p> <p>We have agreed the appropriate wording with Highways England and recommend that that Requirement 8 refers to <b>Land and Groundwater Contamination</b>.</p> <p>The Environment Agency acknowledges that Requirement 8 will be included to make it a consultee on additional appropriate contamination risk assessment, investigations and remediation of identified contamination that pose a risk to controlled waters</p>	

Reference	Issue	Highways England position	Environment Agency position	Status
		<p><i>(2) The steps and measures that are identified as necessary for the purposes of carrying out the authorised development in the assessment referred to in sub-paragraph (1) must be implemented as part of the authorised development.</i></p> <p><i>(3) In the event that contaminated materials, including impacted groundwater, is found at any time when carrying out the authorised development, which was not previously identified in the environmental statement, the undertaker must cease construction of the authorised development in the vicinity of that contamination and must report it immediately in writing to the Secretary of State, the Environment Agency and relevant planning authority, and in agreement with the Environment Agency and the relevant planning authority, undertake a risk assessment of the contamination.</i></p> <p><i>(4) Where the undertaker determines that remediation is necessary, a written scheme and programme for the remedial measures to be taken to render the land fit for its intended purpose must be prepared submitted to and approved in writing by the Secretary of State following consultation with the Environment Agency and the relevant planning authority.</i></p> <p><i>(5) Remedial measures must be carried out in accordance with the approved scheme.</i></p>		

Reference	Issue	Highways England position	Environment Agency position	Status
3.1.13	Piling	<p>There is to be no piling in the vicinity of Mersham Quarry and a backfilled historical quarry (referred to as Hythe Road Quarry in the Contaminated Land Risk Assessment (CLRA)) located beneath the existing carriageway in the vicinity of the proposed East Bridge St Key 33031 is therefore the only location where piles could penetrate through a former backfilled quarry.</p> <p>Borehole and trial pits logs have been provided to the Environment Agency at Deadline 4.</p> <p>A Foundation Works Risk Assessment will be produced prior to construction in accordance with Environment Agency guidance: "Piling and Penetrative Ground Improvement and Methods on Land Affected by Contamination: Guidance on Pollution Prevention" and "Piling into Contaminated Sites". However, given the wealth of existing recent ground investigation information in the vicinity of the Schemes, it is proposed to undertake Foundation Works Risk Assessment without undertaking additional ground investigation.</p>	<p>The Environment Agency acknowledges there will be no piling in the vicinity of Mersham Quarry. However, there will still be piling/foundation works onsite potentially over a historic garden centre and the unnamed quarry and in close proximity to the backfilled quarry (according to the Ground Investigation Borehole Plan Revision P page 148 of the Contaminated Land Desk Study and PIR).</p> <p>The Environment Agency accepts that the Foundation Works Risk Assessment is captured under requirement 3, the CEMP, for which the Environment Agency will be a consultee. We have no objection with Highways England writing a Foundations Works Risk Assessment based on the Site Investigation data collected to date, but cannot "agree" that there will not be a need in the future to carry out additional ground investigations in the SoCG. This is because the findings of a Foundation Works Risk Assessment may not be sufficient and further investigation will still need to be carried out anyway.</p> <p>The Environment Agency accepts the outline proposals, but will review when work is completed and when consulted under the appropriate requirement If the Foundation Works Risk Assessment is to be submitted under the CEMP as per chapter 9 (page 23) of the ES the Requirement 8 does not need to refer to it but needs to refer to the additional Contamination Risk Assessment we per our comments under 3.1.13 above.</p>	Under discussion

Reference	Issue	Highways England position	Environment Agency position	Status
			The borehole and trial pit logs for exploratory hole positions were reviewed and they formed part of source of evidence for the site investigation that was carried out.	
3.1.14	Groundwater monitoring	<p>Groundwater level monitoring and groundwater samples for analysis will be carried out on a quarterly basis to provide a baseline to groundwater quality prior to construction, using standpipes installed in the 2015 ground investigation.</p> <p>Highways England has amended Requirement 3 (Construction Environment Management Plan) of the draft DCO so that the Environment Agency is consulted on the various plans and pollution prevention measures, including the full CEMP.</p> <p>Please refer to line 3.1.12 above for the proposed wording for Requirement 8.</p>	<p>The Outline CEMP suggests that selected water courses will be sampled during construction operations. Given the potentially contaminative historic uses, proposed piling, and sensitive groundwater receptors, this should also include groundwater analysis. We need the CEMP, when produced, to clearly show that groundwater monitoring will take place before, during and after construction, and detail the list of determinants to be analysed (such as those identified in the Contaminated Land Desk Study and Preliminary Interpretative report).</p> <p>Baseline groundwater quality data would need to be provided, and should include more than the single round of groundwater analysis currently undertaken and should include pre, during and post construction work. We expect further details to be submitted as part of the CEMP with regards what elements will be monitored. We have no objection to the proposed use of the standpipes.</p> <p>The Environment Agency acknowledges that Requirement 3 will be amended to make it a consultee on pollution prevention measures and waste management.</p> <p>The Environment Agency acknowledges that Requirement 8 will be included to make it a</p>	Agreed

Reference	Issue	Highways England position	Environment Agency position	Status
			consultee on additional appropriate contamination risk assessment, investigations and remediation of identified contamination that pose a risk to controlled waters	

### 3.2 Issues not related to the Environmental Statement

#### DCO Draft (Requirements)

Reference	Issue	Highways England position	Environment Agency position	Status
3.2.1	Protective Provisions (Schedule 8)	<p>The Protective Provisions in favour of the Environment Agency that are included in Schedule 8 of the draft DCO have been revised and clarified following discussion with the Environment Agency's solicitor. This particularly applies to the disapplication of abstraction and dewatering legislation.</p> <p>Following confirmation from the Environment Agency that there are no relevant byelaws made under paragraphs 5, 6 and 6A of Schedule 25 to the Water Resources Act 1991 affecting the Aylesford Stream, these references have been removed from Article 3.</p>	<p>The Environment Agency confirms there no relevant fisheries bylaws affecting the Aylesford Stream.</p> <p>The Environment Agency has supplied Highways England with the preferred wording it would like for the protective provisions and acknowledges that discussions are ongoing with regards to the protective provisions however agreement has not yet been reached.</p>	Not Agreed
3.2.2	Requirements (Schedule 2)	The Requirements contained in Schedule 2 of the draft DCO are agreed between Highways England and the Environment Agency.	We are unable to agree to acceptance of the Requirements until we have accepted the Protective Provisions given the interface between the two.	Not agreed

## 4. Agreement on this Statement of Common Ground

This Statement of Common Ground has been jointly prepared and agreed by:

**Name:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

**Position:** \_\_\_\_\_

**On behalf of:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Name:** See attached e-mail dated 24<sup>th</sup> April 2017.

**Signature:** \_\_\_\_\_

**Position:** \_\_\_\_\_

**On behalf of:** The Environment Agency

**Date:** \_\_\_\_\_

# Appendices

# Appendix A. Environment Agency correspondence

## Postlethwaite, Clare

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**From:** KSLPlanning <KSLPlanning@environment-agency.gov.uk>  
**Sent:** 28 April 2017 12:26  
**To:** Postlethwaite, Clare  
**Cc:** Connolly, Niall; Stevenson, Laura  
**Subject:** FW: 170317\_Statement of Common Ground Environment Agency (Rev B) v2 (Deadline 7) - 121628-3  
**Attachments:** 170317\_Statement of Common Ground Environment Agency (Rev B) v2 (Deadline 7) .docx

Dear Clare

Thank you for checking with us. We are happy for the attached version of this SoCG to be sent to the ExA.

As the SoCG is an iterative process, our practice is not to "sign them" at this stage of the inquiry. We are happy that the attached v4 reflects the current discussion between Highways England and the Environment Agency.

Please don't hesitate to contact me if you wish to discuss the above.

Yours truly

Ghada

**Mrs Ghada S. Mitri Renner**

Planning Specialist, Sustainable Places

**Environment Agency** | Orchard House, Endeavour Park, London Road, Addington, Kent, ME19 5SH

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