

The Planning Inspectorate
Room 4/04
Temple Quay House (2 The Square)
Temple Quay
Bristol
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BS1 6PN

Our ref: LT/2020/124958/01-L01
Your ref: A38 NSIP
Date: 3 February 2020

Dear Sir/Madam

**A38 DERBY JUNCTIONS - 2ND WRITTEN QUESTIONS (JANUARY 2020) FROM INSPECTOR
A38 DERBY JUNCTIONS**

Dear Sirs,

Thank you for the opportunity to respond to your second written questions document. Our response is detailed below and references the section numbers provided by the Planning Inspectorate.

Environment Agency Response

1.1 – The Environment Agency would welcome our suggested wording being added in. Please note this applies to Article 20 only.

1.4 - The Environment Agency confirms that protective provisions ensures that the EA's regulatory role is maintained when the legal provisions are disapplied.

1.11 – a) The Environment Agency would be satisfied with bullet points 1 and 2 of 1.11 a) being included as provisions within Article 20.

1.21 – The Environment Agency would be happy with these provisions being included.

1.22 – a) Please see our response to 1.23 below for information on the verification report.

c) The Environment Agency is satisfied that the wording we asked for is now included within requirement 4 (4).

1.23 – a & b) Following further discussions with AECOM, we have no objections with the principle of including the requirement of a Verification Report within the OEMP rather than within Requirement 8.

The key point from a groundwater and contaminated land point of view is that the wording of the verification statement must make reference to “demonstrating the effectiveness of the remedial measures”, as it is only successful remediation that reduces risks associated with contamination. This view was made clear in paragraph 7.3 of our Relevant Representations, and within the draft Statement of Common Ground. At the time of writing, this matter is still under discussion with the applicant's representatives though we understand that this wording will be incorporated.

Environment Agency
Trent Side North, West Bridgford, Nottingham, NG2 5FA.
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1.24 - a) We note that the proposed area of the main construction compound is situated on an historic landfill site, and within close proximity to a public water abstraction point. The compound would be located within Source Protection Zone (SPZ) 2, and very close to SPZ1 for this abstraction point. This is therefore a very sensitive location from a groundwater protection point of view.

We therefore seek within the Preliminary Works CEMP details of the drainage solution for the construction compound from the applicant, and relevant pollution prevention measures to reduce the risks of pollution to controlled waters from activities in this location (e.g. lining large parking areas or moving fuel storage locations to outside of SPZ2 etc).

1.24 - b) Provided that adequate information is submitted in relation to our response to questions 1.24a), we would have no preference on whether the construction of the compound happens as preliminary works or not.

1.26 – b) & c) The Environment Agency are satisfied with the 50% allowances proposed for the Little Eaton junction. Climate change allowances requirements are detailed on gov.uk dependent on the vulnerability of the development and the flood zone the development is situated in. For essential infrastructure in FZ3 the upper end climate change allowance in the Humber catchment would need to be used which is a 50% allowance, which is being proposed for the Little Eaton junction. Matters relating to the Kingsway junction will be answered by the Lead Local Flood Authority (LLFA).

1.34 - Highway England's legal representatives have started discussions around the inclusion of the Environment Agency's protected provisions. At the time of writing, discussions are still taking place.

1.37 – a) The Environment Agency has been contacted by Highways England to understand the requirements for the permits and consents relevant to the Environment Agency. The Environment Agency has provided back links to the guidance on gov.uk for each relevant permit and consent that may need to be applied for.

c) Standard pollution prevention control and best practice measures should be sufficient but the EA would expect a site meeting to be held shortly prior to works starting in order to agree the site specific pollution prevention measures and monitoring required.

1.38 – a) The Environment Agency are satisfied with the provisions for consultation except for the matters related to the verification report highlighted in our response to question 1.23 which needs further clarification.

b) The Environment Agency would be happy to see any updated documents as and when this is required and where it is related to matters for the Environment Agency.

5.4 – a) EA would expect a site meeting to be held shortly prior to works starting in order to agree the site specific pollution prevention measures and monitoring required.

Yours faithfully

Mr Joseph Drewry
Planning Specialist

Direct dial 02030 253277

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