

A303 Amesbury to Berwick Down

TR010025

Additional Submission 3

A document explaining the relationship of the various documents required to be produced under the Outline Environmental Management Plan and how they are dealt with and secured in the draft DCO.

Response to Section 51 Advice

Planning Act 2008

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

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Contents

1	Background to this note	1-1
2	The technical and temporal relationship between the OEMP, the ‘preliminary works OEMP’ and the subsequent preliminary works and mains works CEMPs ..	2-1
3	The technical and temporal relationship between the CEMPS and other management plans.....	3-1
4	A visual aid showing the relationship between the CEMPS and other management plans.....	4-1
5	How the content of phase-specific CEMPs is secured in the DCO	5-1
6	The relationship between the provisions of the OEMP and draft DCO requirements dealing with the same topics	6-1

1 Background to this note

1.1 Introduction

1.1.1 PINs has requested a document clarifying:

- a) 'the relationship between the Outline Environmental Management Plan (OEMP) (Appendix 2.2 of the Environmental Statement); the 'preliminary works OEMP'; the Construction Environmental Management Plans (CEMPs); and other management plans for certain environmental topic areas (particularly those listed under 'MW-G7' of the OEMP). A visual aid to present the interrelationship across these plans would assist to clarify the technical and temporal overlaps. For example, the definition of 'preliminary works' in the Draft DCO includes (a) archaeological mitigation works; (c) investigations for the purpose of assessing ground conditions; and (d) remedial work in respect of any contamination or other adverse ground conditions. It is unclear if/ how these works relate to Draft DCO requirements 5 and 7 respectively; and
- b) the number of CEMPs that will be produced in relation to specific phases of works, and how the content of phase-specific CEMPs is intended to be specified in the Draft DCO and secured.'

1.1.2 This note includes a series of sections which explain the relationships and signpost those paragraphs of the OEMP' (refer to ES Appendix 2.2), which articulate the relationships, under the following headings:

- a) The technical and temporal relationship between the OEMP, the 'preliminary works OEMP' and the subsequent preliminary works and mains works CEMPs;
- b) The technical and temporal relationship between the OEMP, the CEMPS and other management plans;
- c) A visual aid showing the relationship between the CEMPS and other management plans;
- d) How the content of phase-specific CEMPs is secured in the draft DCO; and
- e) The relationship between the provisions of the OEMP and draft DCO requirements dealing with the same topics.

2 The technical and temporal relationship between the OEMP, the 'preliminary works OEMP' and the subsequent preliminary works and mains works CEMPs

- 2.1.1 The OEMP (Application Document reference 6.3 Appendix 2.2) (APP-187) is an overarching framework for CEMPs which will be produced in due course by the relevant contractors. These contractors will include the various preliminary works contractors and then later the main works contractor. The OEMP comprises three main parts:
- a) Sections 1-3 which explain how the OEMP is to be applied in developing CEMPs for both the preliminary and main works (see in particular paragraph 1.3.1). These sections explain how each CEMP must be prepared for the relevant phase of the scheme by the relevant contractor, based on, and incorporating the requirements of the OEMP relevant to that phase and the contractor's contractual scope (see paragraphs 1.1.6-1.1.9). Prior to the completion of the construction phase, the main works contractor will prepare a final version of the CEMP for the operational and maintenance phase of the Scheme in the form of a Handover Environmental Management Plan (HEMP), (see paragraph 1.1.12);
 - b) REAC Table 3.2a which provides all of the specific measures that are intended to apply to preliminary works and would be incorporated within the relevant preliminary works contractors' CEMPs as indicated; and
 - c) REAC Table 3.2b which provides all of the specific measures that are intended to apply to the main works and would be incorporated within the main works contractor's CEMP.

2.2 The Preliminary Works

- 2.2.1 As described in OEMP paragraphs 1.2.5 to 1.2.7, the preliminary works are planned to start in 2020, in advance of the appointment of a main works contractor. The preliminary works would consist of archaeological and ecological mitigation works, remedial work in respect of any contamination or other adverse ground conditions, erection of temporary fencing, diversion and laying of underground apparatus, site clearance and two sections of highways works at Rolleston Crossroads and east of Solstice Park.
- 2.2.2 It is envisaged that these preliminary works could be delivered as discrete contract packages by different contractors, including but not limited to contractors for utilities, ground investigation, roads, archaeology and ecology (as described at OEMP paragraph 3.2.7).
- 2.2.3 Preliminary works CEMPs are required so that individual preliminary works contractors can:
- a) progress the above listed preliminary works in advance of the appointment of a main works contractor, (and therefore before the preparation of the main works CEMP by that main works contractor) and

- b) for certain preliminary works excepted from the definition of ‘commence’ in the Article 2(1) of the draft DCO, without the discharge of certain pre-commencement requirements in Schedule 2 of the draft DCO. The provisions of the OEMP dealing with the preliminary works ensure that despite this, appropriate environmental controls apply to the preliminary works and no likely significant environmental effects will result. Further detail on this mechanism is contained in section 6 of this document.

2.2.4 The measures provided in the OEMP in relation to the preliminary works and upon which the preliminary works CEMPs must be based are therefore in some cases more detailed than for the main works and could potentially be used verbatim in the preliminary works contractors’ CEMPs. This is explained at paragraph 1.2.11 of the OEMP.

2.3 The ‘Preliminary Works OEMP’

2.3.1 In order to secure compliance with the provisions of the OEMP relating to preliminary works and the preparation of the preliminary works CEMPs, paragraph 1(1) of schedule 2 to the draft DCO (Application Document Reference 3.1) defines the “preliminary works OEMP” as follows –

‘ “preliminary works OEMP” means Table 3.2a and any other parts of the OEMP relating to the preliminary works.’

- and in recognition of the importance of these measures, specifically secures them in DCO Requirement 4(2) of Schedule 2 to the draft DCO.

2.3.2 The purpose of this definition is to allow the distinction to be made between the provisions of the OEMP that will apply to the preliminary works and the other provisions of the OEMP, which will apply to all other works. DCO Requirement 4(1) excepts the preliminary works from the general obligation to carry out the authorised development in accordance with the OEMP.

2.4 The Preliminary Works CEMPs

2.4.1 The OEMP requires the preliminary works contractors to prepare the Preliminary works CEMPs for their works, as applicable to the scope of their contract, for approval by and in consultation with Highways England (defined as ‘The Authority’ in the OEMP) prior to the commencement of their works (see PW-G1).

2.4.2 As illustrated in Figure 1, it is expected that seven preliminary works CEMPs will be prepared to cover the following works:

- a) Utilities – Esso Pipeline;
- b) Utilities – Water;
- c) Utilities – Electricity;
- d) Roads works;
- e) Ground Investigation;
- f) Ecology and site clearance; and
- g) Archaeology.

- 2.4.3 These CEMPs would be brought forward by the appointed preliminary works contractor for those works, in line with the provisions of the OEMP described above.

2.5 The Main Works CEMP

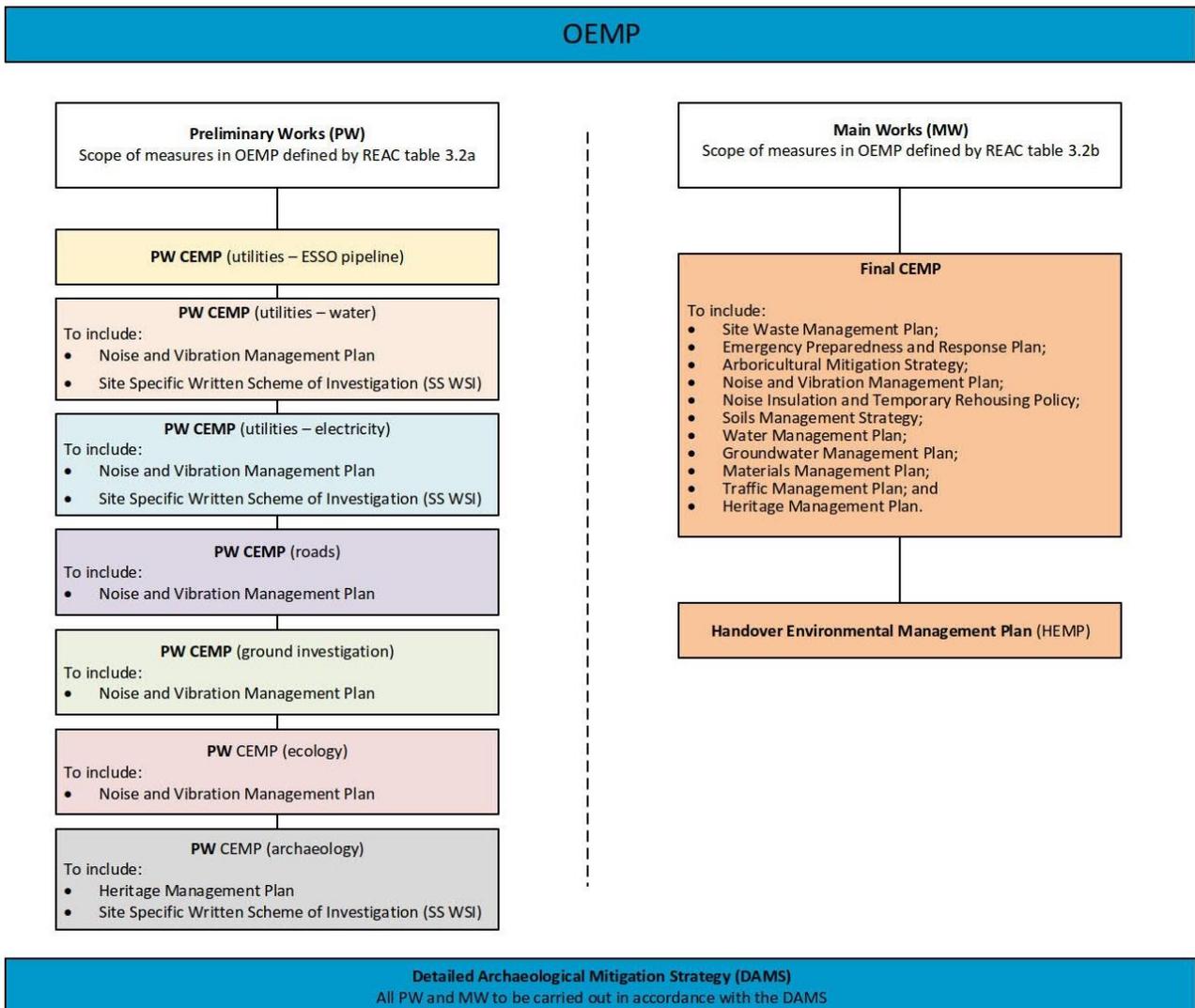
- 2.5.1 It is expected that just one CEMP will be prepared for the main works. Under the OEMP the main works contractor must prepare the CEMP for their works, as applicable to the scope of their contract, for approval by and in consultation with Highways England prior to the commencement of their works (see MW-G5).
- 2.5.2 In preparing the CEMP, the main works contractor must consult with Wiltshire Council and the Environment Agency (see MW-G5).

3 The technical and temporal relationship between the CEMPS and other management plans

- 3.1.1 In addition to preparing the preliminary works CEMPs and the main works CEMP, the OEMP requires relevant contractors to prepare management plans for certain topic areas.
- 3.1.2 Generally, given the relatively limited extent of likely impacts of the preliminary works, there are limited requirements for them to prepare additional topic plans. Certain preliminary works contractors (utilities, roads contractors, ground investigation) are required to prepare a noise and vibration management plan (see PW-NOI3). Also the preliminary works contractor (archaeology) is required to prepare a Heritage Management Plan (HMP, see PW-CH1), and where required by the ES or the Detailed Archaeological Mitigation Strategy, Site Specific Written Schemes of Investigation (see PW-CH3).
- 3.1.3 The heritage timeline is defined further in 'A document explaining the relationship between the detailed archaeology mitigation strategy and Outline Archaeological Mitigation Strategy (Appendix 6.11 of the Environmental Statement) (Application Document 6.3), (AS-003).
- 3.1.4 In preparing the CEMP for the main works (MW-G5), the main works contractor would prepare a series of management plans for individual topics, as follows (and as defined at MW-G7):
- a) Site Waste Management Plan;
 - b) Emergency Preparedness and Response Plan;
 - c) Heritage Management Plan;
 - d) Arboricultural Mitigation Strategy;
 - e) Noise and Vibration Management Plan;
 - f) Noise Insulation and Temporary Rehousing Policy;
 - g) Soils Management Strategy;
 - h) Water Management Plan;
 - i) Groundwater Management Plan;
 - j) Materials Management Plan; and
 - k) Traffic Management Plan.
- 3.1.5 As a minimum, each of the above management plans will be developed for approval by and in consultation with Highways England, but some of the plans also involve consultation with others, as set out in Table 3.2a and b. In order to comply with the obligation to carry out the relevant works in accordance with the management plans, it follows that the plans must be finalised and authorised before the relevant works commence.

4 A visual aid showing the relationship between the CEMPS and other management plans

4.1.1 A visual aid presenting the relationships across the OEMP, the preliminary works CEMPs, the main works CEMP, and the management plans required under them is included at Figure 1 below.



5 How the content of phase-specific CEMPs is secured in the DCO

5.1.1 The OEMP is secured within the DCO under Requirement 4 as follows:

‘Outline Environmental Management Plan

4.—(1) Save for the preliminary works, the authorised development must be carried out in accordance with the OEMP.

(2) The preliminary works must be carried out in accordance with the preliminary works OEMP...’

5.1.2 As set out above, the OEMP requires for both preliminary works and main works that contractors develop each CEMP based on, and incorporating the requirements of the OEMP relevant to that phase and the contractor’s contractual scope (see paragraphs 1.1.6-1.1.9). They are also subject to the requirements of the OEMP set out above requiring approval by Highways England of, and consultation of Highways England and others on, the phase-specific CEMPs and the Management Plans (see OEMP paragraph 1.1.10).

5.1.3 Failure to prepare and/or comply with phase specific CEMPs and/or management plans in accordance with the OEMP would be a breach of the OEMP or the preliminary works OEMP as relevant. If so, it would not be in accordance with the OEMP or the preliminary works OEMP as required by Requirement 4. That would constitute a breach of Requirement 4. The content of the phase specific CEMPs and management plans prepared under them is therefore secured by Requirement 4.

6 The relationship between the provisions of the OEMP and draft DCO requirements dealing with the same topics

- 6.1.1 The Applicant's intention is that the provisions of the OEMP will be consistent with, complementary to, and in certain instances make requirements beyond, the DCO Requirements dealing with the same topics. For that reason there are various references throughout table 3.2b of the OEMP making the connection to the DCO Requirement dealing with the same topic. See for example reference MW-LAN2 (landscaping and DCO Requirement 8) MW-TRA2 (traffic management and DCO Requirement 9) and MW-WA14 (drainage and DCO Requirement 10).
- 6.1.2 In respect of the specific examples given in the s51 advice, there is no overlap, because the requirements in question would not apply to the preliminary works in question, because those works are excepted from the definition of commence in Article 2(1) of the Draft DCO. This is the mechanism by which the draft DCO excepts certain of the preliminary works described in the OEMP from the requirement to discharge the draft Requirements before commencement of those works.
- 6.1.3 As explained above, that exception is coupled with the specific obligation to carry out those works in accordance with the preliminary works OEMP, i.e. the provisions of the OEMP (including table 3.2a) dealing with and applicable to the preliminary works. This ensures that appropriate environmental controls apply to those works in lieu of the pre-commencement requirements in the Draft DCO.
- 6.1.4 The only preliminary works described in the OEMP that are not excepted from the definition of 'commence' are the highways works Rolleston Crossroads and east of Solstice Park. This is because the scale and potential impacts of these works are such that it is appropriate that all of the Requirements apply to them.

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