



Ms Wendy McKay  
Lead Member of the Panel of Examining  
Inspectors  
The Planning Inspectorate  
National Infrastructure Planning  
Temple Quay House  
2 the Square  
Bristol BS1 6PN

**Your Ref: TR010025**

Our Ref:  
A303Stonehenge\_WReps\_31052019

Date: 31 May 2019

Dear Ms McKay,

**A303 (Stonehenge) Amesbury to Berwick Down scheme**  
**Environment Agency – Written Representations – Deadline 3**

Please find enclosed our written representations for the A303 (Stonehenge) Amesbury to Berwick Down Scheme Development Consent Order (DCO) on behalf of the Environment Agency.

**Outstanding information and issues of concern**

Our representation outlines where further work, clarification or mitigation is required to ensure that the proposal has no detrimental impact on the environment. Our comments in particular cover Groundwater Protection and Land Contamination, Flood Risk Management, Fisheries and Biodiversity and highlight concerns which we believe need to be addressed prior to a development consent order being granted. In other instances, it may be acceptable for additional information to be provided later by Requirement or under our preferred Protective Provisions.

We have provided our comments to each of the documents submitted by the Applicant to the Planning Inspectorate at Deadline 2 (3 May 2019).

Please contact Katherine Burt, Planning Specialist, if you require any further information. We look forward to continuing to work with the applicant to resolve the matters outlined above, and to ensure the best environmental outcome for this project.

Yours sincerely



**Barry Smith**  
**Team Leader - Sustainable Places**  
**Environment Agency – Wessex Area**

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# Written Representations

## On behalf of the Environment Agency

Further to our previous responses dated the 11 January 2019 and 3 May 2019, we wish to provide comments on the documents submitted to the Planning Inspectorate at Deadline 2. We have continued to be involved in discussions with Highways England (the applicant) regarding the following matters.

### **1.0 First Written Questions – Draft Development Consent Order (DCO.1)**

#### **1.1 DCO.1.16 - Article 3 Disapplication of legislative provisions**

1.1.1 We note the response from the Applicant regarding this question. We confirm that we are still in discussions with the Applicant regarding the provisions of Article 3.

#### **1.2 DCO.1.23 - Article 7 Limits of Deviation**

1.2.1 It is noted that Limits of Deviation to the vertical and lateral alignment of the tunnel are to be set by the DCO to allow for changes in the currently proposed design during detailed design by the contractor.

1.2.2 The Bored Tunnel Limits of Deviation Plan (TR010025-2.16 Rev P02) submitted with the DCO application indicates an upper limit for the crown of the tunnel at 70 mAOD at the lowest point of the tunnel - beneath Stonehenge Bottom - and no lower limit to its vertical alignment. The groundwater risk assessment to date (most recently updated in *Implications of 2018 Ground Investigations to the Groundwater Risk Assessment, P04. AECOM, Mace, WSP, April 2019*) has assessed the impacts of an alignment where the crown, at its lowest point – beneath Stonehenge Bottom – is 55 mAOD. This assessment places the tunnel beneath the expected elevation of the Whitway Rock which acts as a preferential flow horizon (although the presence of these and exact location has not been confirmed to date). Due to the risk of the tunnel impeding flow along this horizon should its alignment, design or construction methodology change, it is essential that any changes to the detailed design are adequately risk assessed.

#### **1.3 DCO.1.40 – Maintenance of drainage works**

1.3.1 This is to be agreed between Wiltshire Council and Highways England, however, we would recommend any component built to ensure flood risk safety of the development for its lifetime to be maintained by the applicant. We understand that a Handover Environment Management Plan (HEMP) is to be produced and would include maintenance, which we would support. We would wish to be consulted on the HEMP, along with the Local Drainage Authority. We consider the definition and requirement for a HEMP should be more clearly stated in the DCO.

#### **1.4 DCO.1.70 (and DCO.1.85)**

1.4.1 These state that item MW-G5 of the OEMP requires that the Environment Agency is *consulted* during preparation of the CEMP. We would request that the wording is amended to require our *approval* or “agreed in writing with the Environment Agency” to ensure that risks to the environment are adequately managed. It would seem that as it stands, the only approval required is that of the applicant. We do not consider that this provides assurance that the CEMP will be adequately scrutinised prior to approval.

#### **1.5 DCO.1.72 (and DCO.1.85)**

1.5.1 We would also request that we are required to approve or “provide written agreement of” not just be consulted on the topic specific management plans referred to in OEMP item MW-G7 that fall within the remit of the Environment Agency.

## **1.6 DCO.1.83**

- 1.6.1 Relating to the requirement for approval to be sought for changes to the detailed design we note that as it stands, there is no requirement for public consultation if the changes are deemed to “*not give rise to any materially new or materially worse adverse environmental effects from those reported in the environmental statement*”. It is not clear that the Environment Agency would be involved in making the judgement as to the likely degree of impact of any changes. We would therefore suggest the EA should be consulted on any changes to the construction design or methodology and no development should take place until written agreement in writing is provided that all apparent environmental risk have been considered and mitigated.

## **2.0 Draft Development Consent Order, May 2019**

- 2.1 **Article 3 - Disapplication of legislative provisions** - We note the removal of Section 24 (restrictions on abstraction) of the Water Resources Act 1991, which we support. Consequently any abstraction (including dewatering), unless covered by exemption will require an abstraction licence.

### **2.2 Article 13 - Discharge of water**

- 2.2.1 We recommend that this article be amended to include groundwater and dissolved pollutants in the text. This is required because groundwater is a sensitive resource in the vicinity of the A303 Amesbury to Berwick Down site and requires particular protection. Here is our recommended amended wording:

“Discharge of water (5) The undertaker must take such steps as are reasonably practicable to secure that any water discharged into a watercourse or public sewer or drain or to the ground under this article is as free as may be practicable from gravel, soil or other solid substance, oil or matter in suspension or dissolved pollutants. “

- 2.2.2 This amendment is in line with the draft DCO recently discussed at the A303 Sparkford to Ilchester DCO Examination in Somerset. Please see Part 4 (Supplemental Powers) Article 20 Discharge of water of the A303 Sparkford to Ilchester DCO.

- 2.3 **Requirement 3 Preparation of detailed design, etc** - As discussed in our comments to question DCO.1.83 above, it is not clear that the Environment Agency would be involved in making the judgement as to the likely degree of impact of any changes to the detailed design. We would therefore suggest the EA should be consulted on any changes to the construction design or methodology and no development should take place until written agreement is provided that all apparent environmental risk have been considered and mitigated.

- 2.4 **Requirement 10 Drainage** - We welcome the addition of text requiring consultation and written agreement with the Environment Agency during detailed design of the drainage system.

- 2.5 **Schedule 11 Protective Provisions** - We are still in discussion with the Applicant with regard to Protective Provisions.

### **2.6 Additional Requirements recommended to be included in the DCO**

- 2.6.1 **Environmental Enhancement Plan** – we wish to reiterate the comments made in our earlier representations that the scheme should contribute to the delivery of more wetland habitat enhancements. As part of this we would recommend that a Requirement be included in the DCO for an Environmental Enhancement Plan to be produced. This should identify potential enhancement opportunities and provide a mechanism for relevant parties, including the EA, to agree what could be taken forward and delivered.

- 2.6.2 **CEMP and HEMP** – we also wish to reiterate our earlier comments requesting specific Requirements to be included in the DCO relating to the production of CEMP and HEMP.

The EA would wish to be consulted on the production of these documents at the earliest stages and throughout the process.

### **3.0 Explanation of Amendments to the Draft DCO, May 2019**

See comments above on the revised Draft DCO.

### **4.0 ES Appendix 11.3: Road Drainage Strategy, May 2019**

#### **4.1 Groundwater and contaminated land**

4.1.1 There are no significant changes that address comments we made previously on the version dated October 2018 and submitted with the DCO application. These related to the capacity to store contaminated runoff in the event of spillages and the efficacy of the proposed infiltration basin lining material at treating contamination and the maintenance any such material will require.

4.1.2 For example, the EA recommended the penstock discussed in 3.2.5 & 5.2.6, should be down stream of basin, to maximise the storage of contaminants in the event of an incident occurring and prior to them being discharged to the soakaway. The basin would then discharge to a soakaway system with proprietary treatment in place. It is likely with the current design that any contaminants from an incident will have drained through the pipework and discharged to the containment basin, by the time any penstocks are closed by automated incident control system.

4.1.3 In our Statement of Common Ground (SoCG) the Applicant has agreed to consult the EA on the detailed design of the drainage system and recognised that the sensitive nature of the environment may require pollution control and mitigation measures in excess of the minimum stated in DMRB HD45. We welcome the modification to Requirement 10 of the Draft DCO that requires consultation with the EA over the detailed drainage scheme design to ensure that our concerns have been addressed. However, we would also wish to ensure that as part of this Requirement our agreement on the details of the drainage system is obtained prior to the commencement of the development.

#### **4.2 Flood Risk**

4.2.1 Section 3.2.4 of the Drainage Strategy states that the road drainage will be designed to the 1 in 100 plus 30% allowance for Climate Change. Due to the major development and high flood risk area we would expect the road drainage to be designed to the 1 in 100 plus 40% allowance. If the 30% allowance is to be used, we strongly recommend that the applicant demonstrates what justification they have of not using the upper allowances and what mitigation they will be completing due to the consequences of having very little freeboard when testing the 40% allowance on the road drainage structures.

### **5.0 Consolidated Environmental Mitigation Schedule, May 2019**

#### **5.1 General comment**

5.1.1 We welcome the consolidation of all mitigation measures including those from the OEMP into a single, trackable and updateable document. We note that it is envisaged that both the OEMP and this document will be updated to reflect any future changes to required mitigation.

5.1.2 There does not however appear to be any mechanism by which measures set out in the CEMP are legally binding and it remains that the OEMP is the means by which environmental mitigation is secured.

**5.2 MW-WAT2 Water Management Plan** – We welcome that a Water Management Plan will be produced. The Consolidated Environmental Mitigation Schedule does not mention whether the Environment Agency would be consulted on the Plan. We would

request being consulted on the production of the Water Management Plan at the earliest stage.

- 5.3 MW-WAT10, MW-WAT11 and MW-WAT15** - The contractor should agree the groundwater monitoring and mitigation plan with the Environment Agency which should include the locations, method and quality determinants that will be monitored. Thresholds (for both groundwater level and quality) shall be agreed that might indicate some environmental impact and these shall be set at such a level as to provide sufficient time to put in place measures contained in an agreed action plan to mitigate the risk to the environment and/or protected rights of water users.
- 5.4 MS-SG1, MS-SG2, MS-RD1 in Table 1.4** (measures previously included in the Environmental Mitigation Schedule) refer to aspects of the drainage scheme that will ensure carriageway runoff will be treated prior to discharge to surface or ground water. The level of treatment however is not stated and we recommend this be included as part of the DCO application information.
- 5.5 MS-RD1** further states that discharges will be outside Source Protection Zones for licensed abstractions. Unlicensed abstractions used to supply potable water also have default 50m radius Source Protection Zones around them; these should be afforded the same protection as licensed abstractions and surface and groundwater quality should be protected inside and outside of the curtilage of the road. We would recommend that any environmental mitigation should be agreed in writing with the EA.
- 5.6 Invasive non-native species** – the scheme should commit to providing mitigation to include the removal and/or future management of invasive non-native species arising at the construction stage. We recommend this is included in the mitigation schedule.

## **6.0 Flood Risk, Groundwater Protection, Geology and Land Contamination (Fg.1), May 2019.**

### **6.1 Flood Risk**

6.1.1 **Fg.1.19** – hoarding and fences in areas at risk of flooding. We are pleased to see measures will be extended to both the River Till and Avon flood plain areas.

6.1.2 **Flood Risk Assessment (FRA)** – we understand that an updated version of the October 2018 FRA is due to be submitted at Deadline 3. We will provide further comments relating to flood risk when we have reviewed the updated FRA.

### **6.2 Groundwater and contaminated land**

6.2.1 **Fg.1.7** – We have previously requested inclusion of a pre-commencement requirement in the DCO to undertake investigation and risk assessment of potentially contaminated land along the route alignment, particularly the former military sites. We consider that where contamination may reasonably be expected to exist, risks should be investigated prior to works commencing rather than relying on a less controlled discovery and greater potential for mobilising contamination if found during the main construction works.

6.2.2 We understand that ground investigation and risk assessment of these sites has been or is currently being carried out. We would welcome the opportunity to review the results of these assessments at the earliest opportunity and would remove our request for the additional Requirement in the DCO should we be satisfied that acceptable risk to controlled waters has been demonstrated prior to construction taking place and appropriate methods are in place to investigate and where appropriate remediate any contamination identified during construction.

6.2.3 **Fg.1 document** - There are many items in the Flood Risk, Groundwater Protection, Geology and Land Contamination (Fg.1) document related to the drainage strategy and seeking greater detail on the proposal submitted with the DCO application. Whilst no significant additional information is provided above that contained in the Environmental

Statement Appendix 11.3, we welcome the applicant's general response that "the details of the drainage system will be developed in consultation with the EA".

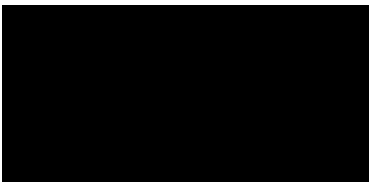
- 6.2.4 We would however consider it more appropriate for this consultation to be legally secured through naming of the EA in Requirement 10 of the draft DCO rather than under the DMRB guidelines as suggested by the applicant in response to Question Fg.1.39. The DMRB HA103 Clause 4.15 referred to by the applicant only describes consultation with the relevant Environmental Protection Agency in relation to determining the vulnerability of groundwater at the site, not regarding treatment of runoff or quality of discharges. Any such risks and mitigation should therefore be agreed in writing with the EA.
- 6.2.5 The majority of these controls regarding the drainage could be included in the Consolidated Environmental Mitigation Schedule, MW WAT 10 and agreement of a "Groundwater Management Plan" and or similar sections.

## **7.0 Waste and Materials Management (WM.1) May 2019**

- 7.1 We have no comments to make on document WM.1.

## **8.0 Biodiversity, ecology and biodiversity (Ec.1)**

- 8.1 **Impact on habitats, Ec.1.21** – We note the points raised by the Wessex Chalk Stream and Rivers Trust (WCSRT) and the response provided by Highways England. We would support the issues raised by the WCSRT and maintain our comments made in our earlier representations that the scheme should contribute to the delivery of more wetland habitat enhancements. As part of this we would recommend that a Requirement be included in the DCO for an Environmental Enhancement Plan to be produced. This should identify potential enhancement opportunities and provide a mechanism for relevant parties, including the EA, to agree what could be taken forward and delivered.



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