

A303 Amesbury to Berwick Down

TR010025

Deadline 7
8.2(1) - Statement of Common Ground –
The Environment Agency

APFP Regulation 5(2)(q)

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The Infrastructure Planning (Examination Procedure) Rules 2010

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Planning Act 2008

The Infrastructure Planning (Examination Procedure)

Rules 2010

A303 Amesbury to Berwick Down

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STATEMENT OF COMMON GROUND – The Environment Agency

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STATEMENT OF COMMON GROUND

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

Signed  .
Dave B
Project Manager
on behalf of Highways England
Date: 9 August 2019

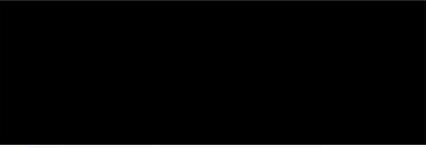
Signed 
Katherine Burt
Planning Specialist
on behalf of The Environment Agency
Date: 9 August 2019

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1 Introduction

1.1 Purpose of the Statements of Common Ground

- 1.1.1 Statements of Common Ground (SoCGs) record the engagement between Highways England and stakeholders and identify areas of agreement, disagreement and ongoing discussion.
- 1.1.2 Guidance about 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 version). Paragraph 58, copied below, confirms the basic function of SoCG's:
- 1.1.3 *"A statement of common ground is a written statement prepared jointly by the applicant and another party or parties, setting out any matters on which they agree. As well as identifying matters which are not in real dispute, it is also useful if a statement identifies those areas where agreement has not been reached. The statement should include references to show where those matters are dealt."*
- 1.1.4 Statements of Common Ground are a useful tool to ensure evidence at DCO examination focusses on material differences between the main parties and aims to facilitate a more efficient examination process.
- 1.1.5 The SoCGs have been developed in collaboration with the respective stakeholders and the wording of positions, matters and discussion outcomes in the SoCGs have been agreed with stakeholders.
- 1.1.6 Highways England has been proactively engaging with stakeholders since the options consultation in 2017, and has been working with stakeholders throughout the DCO pre-application to understand and resolve issues where possible.

1.2 Purpose of this document

- 1.2.1 This Statement of Common Ground ("SoCG") has been prepared in respect of the proposed A303 Amesbury to Berwick Down improvement scheme ("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").
- 1.2.2 The order, if granted would authorise Highways England to carry out the following works:
- A bypass to the north of Winterbourne Stoke with a multi span viaduct over the Till valley;
 - A new junction between the A303 and A360 to the west and outside the Stonehenge, Avebury and Associated Sites World Heritage Site (WHS), replacing the existing Longbarrow roundabout;
 - A twin-bore tunnel approximately two miles (3.3km) long; and

- A new junction between the A303 and A345 at the site of the existing Countess roundabout.

1.3 The Application was submitted to the Planning Inspectorate on 19 October 2018.

- 1.3.1 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.
- 1.3.2 This SoCG has been developed to record the engagement between Highways England and the Environment Agency and identifies that all areas have been agreed apart from one that is under discussion. There are no areas that are not agreed.

1.4 Parties to this Statement of Common Ground

- 1.4.1 This SoCG has been prepared by (1) Highways England as the Applicant and (2) the Environment Agency (“EA”).
- 1.4.2 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.
- 1.4.3 The Environment Agency is responsible for:
- managing the risk of flooding from main rivers, reservoirs and the sea;
 - regulating major industry and waste;
 - treatment of contaminated land;
 - water quality and resources;
 - fisheries;
 - inland river, estuary and harbour navigation; and
 - conservation and ecology of the aquatic environment.

Collectively Highways England and the Environment Agency are referred to as ‘the parties’.

1.5 Terminology

- 1.5.1 In the tables in the Issues chapter of this SoCG, “Not Agreed” indicates a final position, and “Under discussion” indicates 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.

2 Record of Engagement

2.1.1 A summary of the key meetings and correspondence that have taken place between Highways England and the Environment Agency in relation to the Application is outlined in the Record of Engagement in Table 2-1.

Table 0-1 – Record of Engagement

RoE	Date	Form of correspondence	Key topics discussed and key outcomes
1	25/07/17	Meeting	Introduction to AmW and discussion of road drainage and water key issues
2	15/08/17	Meeting	Groundwater risk assessment methodology and use of the Wessex Basin Groundwater Model
3	17/08/17	Meeting	Flood risk (with EA and Wiltshire Council) – special focus on groundwater flooding
4	05/10/17	Meeting	Outline of the preferred route following its Announcement
5	12/10/17	Meeting	Environment Working Group meeting to update the group on the proposed scheme design and EIA progress including road drainage and water
6	20/10/17	Meeting	AmW's road drainage and water assessment work up to DCO submission and anticipated requirement for Environment Agency data and advice
7	16/11/17	Meeting	Groundwater risk assessment methodology and use of the Wessex Basin Groundwater Model
8	05/12/17	Meeting	To update the key stakeholders on the proposed scheme design and EIA progress including road drainage and water
9	08/01/18	Meeting	Water Framework Directive (WFD) assessment methodology
10	11/01/18	Meeting	Groundwater risk assessment methodology and use of the Wessex Basin Groundwater Model
11	31/01/18	Meeting	Environment Working Group meeting to update the group on the proposed scheme design and EIA progress including road drainage and water
12	Monthly February – August 2018	Teleconference	Progress update on groundwater risk assessment
13	06/03/18	Meeting	Update on EIA progress and discuss key issues regarding water quality, road drainage, WFD, groundwater, flood risk and aquatic biodiversity
14	03/04/18	Letter	CL:AIRE Code of Practice

15	27/04/18	Letter	Environment Agency comments on AmW's draft road drainage reports
16	08/05/18	Meeting	Approach to land contamination and obtain local insight into some of the key areas of potential contamination identified.
17	15/06/18	Letter	Environment Agency comments on AmW's WFD screening and scoping report
18	16/08/18	Teleconference meeting	Between Environment Agency and AmW.
19	30/08/18	Letter	Environment Agency comments on groundwater model reports
20	20/09/18	Letter	Environment Agency comments on AmW's WFD Compliance Assessment
21	September 2018 – January 2019	Monthly Teleconferences	Groundwater and Groundwater Flooding
22	16/11/18	Letter	Environment Agency comments on flood modelling and flood risk assessment
23	20/12/18	Meeting	Flood risk hydraulic modelling
24	January 2019 - July 2019	Monthly Teleconferences	Groundwater, Flooding and Road Drainage updates
25	19/02/19	Teleconference	WFD matters
26	19/02/19	Teleconference	Biodiversity matters
27	01/04/19	Meeting	Updated Groundwater Risk Assessment (with Wiltshire Council)
28	17/04/19	Letter	Environment Agency comments on the updated Groundwater Risk Assessment
29	19/06/19	Letter	Preliminary notes on the updated Flood Risk Assessment
30	20/06/19	Teleconference meeting	Remaining comments on the updated Flood Risk Assessment (with Wiltshire Council)
31	11/07/19	Letter	Environment Agency comments on the updated Flood Risk Assessment and hydraulic modelling
32	11/07/19	Teleconference	Remaining comments on the updated Flood Risk Assessment and OEMP

2.1.2 The following sections set out Matters Agreed (Section 3); Matters Not Agreed (Section 4) and Matters Under Discussion (Section 5).

3 Matters Agreed

3.1.1 A summary of the key Matters Agreed are that:

- The level of detail provide in the ES is sufficient for the DCO application stage.
- The study area, scope and methodology for the assessments of surface water, Water Framework Directive (WFD), groundwater and flood risk are appropriate for the preliminary DCO design and DCO application.
- The outcomes of the surface water, WFD and groundwater assessments are appropriate for the preliminary DCO design and DCO application.
- The integrity of the River Till and River Avon SAC will not be significantly affected subject to the appropriate controls within the DCO application and any required environmental permits or licences.

Table 3-1 – Matters Agreed

Ref	Sub-Section Discipline	Interested Party's Comments	Highways England's Response	Status
3.1	All relevant matters	The EA acknowledge that the level of detail provided for the Scheme's design and for the consequent assessment of environmental risks is appropriate for its DCO application stage. The EA's comments in this SoCG reflect the level of detail provided to date. The subsequent detailed design stage may introduce changes to scheme design and/or construction methods that could cause significant detrimental environmental impacts. The EA therefore wish to be kept closely involved and consulted on the Scheme's evolving design and construction methods and highlight that their position may be subject to change.	It is acknowledged that the Scheme's detailed design and/or construction methods may change. Regular liaison with the EA will continue throughout the Scheme. The EA will be consulted on the relevant aspects of detailed design, construction methods, CEMPs and any subsequent risk assessment and mitigation measures, as set out in each case in the Requirements and protective provisions in the draft DCO and the Outline Environmental Management Plan (OEMP) n the application documents. Furthermore, the wording of Schedule 1, and paragraphs 3 and 10 of Schedule 2 of the draft Development Consent Order (DCO) [REP6-005] require that any changes do not lead to materially new or materially worse adverse effects than those	Agreed

			reported in the Environmental Statement.	
3.2	All relevant matters	The EA recognise the regular and productive liaison with Highways England and their AmW consultants from July 2017 to the present day. The efforts undertaken to collate available baseline data to inform the assessment of impacts is also noted.	Noted.	Agreed
3.3	All relevant matters	Any new environmental information or new analysis of existing information have the potential to change the current environmental risk assessment.	Further environmental risk assessments will be conducted and the EA consulted on them, should new information or analysis indicate the potential for changes to the currently identified environmental risks.	Agreed
3.4	All relevant matters	Outline and detailed Construction Environmental Management Plans (OEMP and CEMPs) are of great importance as the repository of information on mitigation measures needed to avoid significant environmental impacts. OEMPs and CEMPs must be fully taken into account to inform the detailed design and construction methods.	<p>The required content of the Construction Environmental Management Plans (CEMPs) is set out by the OEMP and the DCO requires that the authorised development must be carried out in accordance with the OEMP - as such the development will take account of the OEMP and the CEMP.</p> <p>The EA will be consulted on the relevant aspects of detailed design, construction methods, CEMPs and any subsequent risk assessment and mitigation measures, as set out in each case in the Requirements and protective provisions in the draft DCO and the Outline Environmental Management Plan in the application documents.</p>	Agreed
3.5	All relevant matters	The extent of the Study Area needs to be appropriate to enable a comprehensive assessment of impacts on water to be undertaken.	It is agreed that the Study Area's extent is appropriate and reflects changes requested by the EA to encompass WFD surface water and groundwater bodies and groundwater Source Protection Zones (SPZ).	Agreed

3.6	Biodiversity	Potential impacts to fish in the River Avon SAC and River Till SAC should be appropriately assessed and any impacts mitigated.	No impacts on fish are predicted in the ES. The risk assessment and mitigation measures for fish are appropriate and secured, in respect of the River Till, through item MW-BIO3 of table 3.2b of the OEMP [REP6-011] through a commitment to use non-impact piling for the construction of both the temporary bridge and the permanent viaduct at that location. The EA will be consulted as the detailed design and construction methods for the Till viaduct are developed. In addition, item D-BIO2 of the OEMP provides that there shall be no piling works within 8 metres of the boundary of the River Avon SAC.	Agreed
3.7	Biodiversity	Any adverse effects of shading of aquatic and riparian vegetation from the River Till viaduct should be minimised and be appropriately managed during construction.	The River Till viaduct has been designed as a twin deck open structure to allow adequate light to penetrate the gap between decks and sufficiently reduce shading impacts on the river, floodplain and associated vegetation. This is secured through item D-BIO1 of table 3.2b of the OEMP and the EA will be consulted as the CEMPs are developed.	Agreed
3.8	Biodiversity	Suitable mitigation for protected riparian species should be included in the Scheme and implemented during construction.	It is agreed that the mitigation measures outlined in the OEMP (item MW-BIO3 of table 3.2b) are appropriate. The EA will be consulted on the relevant aspects of detailed design, construction methods, CEMPs and any subsequent risk assessment and mitigation measures, as set out in each case in the Requirements and protective provisions in the draft DCO and the OEMP, which is to be a certified document and compliance with which is secured by the Requirements in the draft DCO.	Agreed
3.9	Biodiversity	The risk of spreading non-native species should	It is agreed that the risk of spreading non-native species has been adequately assessed as part of	Agreed

		be appropriately assessed and mitigated.	<p>the Habitats Regulations Assessment and this is an appropriate method to also address the WFD Compliance Assessment's requirement.</p> <p>It is agreed that appropriate management of the risk from non-native species is secured through item PW-BIO1, MW-BIO5 and MW-BIO6 of the OEMP. The EA will be consulted on the development of the CEMPs.</p>	
3.10	Surface water quality	The EA note the lack of modern road drainage standards on the current A303 from Amesbury to Berwick Down and associated impacts upon water quality and spillage control.	It is agreed that through the road drainage strategy and the application of requirement 10 of the draft DCO, the Scheme once constructed has the potential to provide significant betterment in terms of water quality and spillage control when compared to the existing situation.	Agreed
3.11	Water Framework Directive	The Lower Wylde water body to remain screened in to the EIA to enable any impacts on it from groundwater changes to be identified, assessed and avoided or mitigated.	It is agreed that all relevant waterbodies have been screened into the Water Framework Directive (WFD)[Compliance Assessment.	Agreed
3.12	3.1.2 Water Framework Directive	The WFD Compliance Assessment methodology should be appropriate, identifying all relevant waterbodies, quality elements and potential impacts.	It is agreed that the methodology used is the one recommended by the EA and is appropriate and that the findings of the WFD Compliance Assessment are also appropriate.	Agreed
3.13	3.1.3 Road drainage	Highway run-off from accidental spillages has the potential to damage receiving watercourse through discharge of liquid contaminants.	It is agreed that through the road drainage strategy and secured through requirement 10 of the draft DCO, the Scheme once constructed has the potential to provide significant betterment in terms of water quality and spillage control when compared to the existing situation. The road drainage for the scheme will be designed, constructed and maintained to DMRB standards. The EA will be consulted during the detailed design in line with HA103 Clause 4.15.	Agreed

3.14	3.1.4 Road drainage	Any new evidence or new analysis of existing information have the potential to change the current environmental risk assessment. Due to the sensitivity of the receiving environment, the level of road drainage treatment proposed for this Scheme may need to exceed that required by HD45 should the level or nature of the environmental risk change, as allowed for within HD33/16 paragraph 2.10.	The HEWRAT assessment will be reviewed, and the EA consulted, should any new information or analysis indicate the potential for changes to the currently identified environmental risks. Measures in excess of the minimum stated in HD45 may be required in line with HD33/16.	Agreed
3.15	3.1.5 Road drainage	The EA's Approach to Groundwater Protection (Version 1.2, February 2018) position statement C4 advises that discharges from sustainable drainage systems (SUDS) should be outside Source Protection Zone 1 and ideally outside Source Protection Zone 2.	All SuDS systems and other features of the drainage strategy which discharge to ground are outside SPZ1 and SPZ2 protection zones.	Agreed
3.16	3.1.6 Groundwater	The Environment Agency Wessex Basin groundwater model should be used in an appropriate manner for the impact assessment (on groundwater levels and flows) and the Groundwater Risk Assessment.	Based on current design and construction methods proposed in the submitted DCO application it is agreed that the Wessex Basin groundwater model as amended for the Scheme-specific A303 groundwater model has been used appropriately to assess the risks to groundwater levels and flows from the Scheme. Following peer review, further sensitivity testing of the A303 groundwater model has been undertaken and the results reported to the EA. The results confirm the validity of the findings of the GRA as reported in the ES.	Agreed
3.17	3.1.7 Groundwater	Appropriate methodologies should be used for the A303 groundwater numerical model (including groundwater flood risk) and the groundwater impact assessment.	The methodologies used for the A303 groundwater numerical model (including groundwater flood risk) and the groundwater impact assessment have been agreed with the EA as being appropriate.	Agreed

3.18	3.1.8 Groundwater	The extent of ground investigations needs to be appropriate to enable an adequate assessment of impacts.	It is agreed that the ground investigations that have been conducted are appropriate to enable an adequate assessment of impacts for the submitted scheme on groundwater and surface water receptors. Highways England acknowledge that further ground investigation may be required to support the construction phase and detailed design.	Agreed
3.19	3.1.9 Groundwater	<p>The EA request further clarity on the likelihood and nature of any temporary dewatering required for tunnel construction and that the assessment of risk and identification of any required mitigation measures be repeated if it is confirmed that dewatering will be required.</p> <p>The Environment Agency will not agree to the disapplication of legislation in respect of this activity and therefore HE will need to rely on an exemption or apply for a licence/permit if needed.</p>	Any need for dewatering will be minimised as far as reasonably practicable. The current proposal is to use tunnel construction techniques (such as the use of Tunnel Boring Machines) that limit the requirement for dewatering during construction and Highways England has committed to the use of a closed face tunnel boring machine (item D-CH32). The assessment of risk and identification of any required mitigation measures will be achieved through the OEMP (MW-WAT8) and the Environment Agency's licensing regime, if it is confirmed that dewatering will be required.	Agreed
3.20	3.1.10 Groundwater	Any leaching from phosphatic Chalk, such as from reuse of excavated material or possible separation of phosphatic Chalk during tunnel construction, is of concern because the River Avon is currently failing its WFD water quality standards for phosphorous. However it is understood that the majority of the available phosphorus comes from the Greensand aquifer.	<p>The importance of preventing any leaching of phosphorus is agreed. It is understood that low solubility means that the phosphatic Chalk is unlikely to be a problem following the results of tests that were undertaken and shared with the EA (Chapter 10: Geology and Soils para 10.6.75).</p> <p>The main works contractor shall prepare a Materials Management Plan (MMP) in accordance with the CL:AIRE Definition of Waste: Code of Practice, as secured by items MW-GEO7 and MW-MAT2 of the OEMP. This MMP will deal with the re-use of tunnel arisings and will include leaching tests as necessary as set out in the</p>	Agreed

			OEMP.	
3.21	3.1.11 Groundwater	The EA would like to see groundwater monitoring implemented before, during and after construction.	It has been agreed that a programme of groundwater monitoring will be implemented before, during and after construction. The use of the monitoring data for the assessment of risk to groundwater is part of ongoing discussions between the EA and HE for the development of the Groundwater Management Plan required under item MW-WAT10 of the OEMP.	Agreed
3.22	3.1.12 Groundwater	The EA have requested the eventual transfer of ownership from HE of a limited number of monitoring boreholes (subject to their site assessment criteria) to support the EA's groundwater flood warning network.	The transfer of a number of monitoring boreholes to the EA's ownership has been agreed in principle. Detailed arrangements, e.g. maintenance and leases, will be progressed after DCO Examination	Agreed
3.23	3.1.13 Groundwater	Based on the current design and construction methods it is assumed no abstraction of groundwater or surface water will be required. Should the final design or construction methods require abstraction of groundwater or surface water then abstraction impacts will need to be reassessed; a Section 32 consent will be required from the EA for pumping tests, and an abstraction licence will also be required for amounts >20m ³ /day.	The assessment of risk and identification of any required mitigation measures will be achieved through the OEMP (MW-WAT8) and the Environment Agency's licensing regime.	Agreed
3.24	3.1.14 Flood risk	The EA wishes to retain the Permitting powers within their remit for works affecting Main Rivers in order to formally authorise specific works relating to the River Till and the River Avon that will be agreed through the detailed design phase of the Scheme.	Details of the design commensurate with a Flood Risk Activity Permit application will become available during the detailed design phase after the making of the DCO (if the application is granted). The EA will be consulted on the relevant aspects of detailed design, construction methods, CEMPs and any subsequent risk assessment and mitigation measures, as set out in each case in the Requirements and protective provisions in the draft	Agreed

			DCO and the Outline Environmental Management Plan in the application documents. Any works affecting Main Rivers will be progressed via the Environment Agency's protective provisions within the DCO.	
3.25	3.1.15 Flood risk	No temporary soil storage, other construction materials or construction site compounds located within Flood Zone 3 or known locations of high flood risk from surface water or groundwater.	The design of the Scheme locates soil storage, other construction materials and construction site compounds outside of Flood Zone 3 and away from known locations of high flood risk from surface water or groundwater (Figure 2.7 of the ES, [APP-061]).	Agreed
3.26	3.1.16 Flood risk	The current climate change allowances (2016) for fluvial and surface water flood risk must be applied in the Flood Risk Assessment (FRA) for the lifetime of the development.	It is agreed that the climate change allowance methodology is appropriate. The FRA applied the peak river flow climate change allowance of 1% AEP +40% (higher Central estimate) along with a sensitivity test on the adoption of the 1% AEP +85% allowance (Upper estimate) on a precautionary basis in case the development's lifetime is extended beyond 100 years.	Agreed
3.27	3.1.17 Flood risk	All sources of flood risk (fluvial, pluvial / surface water and groundwater) to and from the Scheme should be assessed.	It is agreed that the scope of the FRA is appropriate, with it including assessment of all sources of flood risk (fluvial, pluvial / surface water and groundwater) to and from the Scheme.	Agreed
3.28	3.1.18 Flood risk	Methodologies for the hydrological assessment and fluvial hydraulic modelling to assess the impact of the Scheme on the River Till and River Avon.	The methodologies for the hydrological assessment and fluvial modelling have been agreed.	Agreed
3.29	3.1.19 Flood risk	Temporary works and permanent alterations to the existing A303 River Avon crossing may increase flood risk.	The EA acknowledge that the risk to receptors from fluvial flooding from the River Avon is anticipated to be low, evidenced from the results of the hydraulic modelling .	Agreed

3.30	3.1.20 Flood risk	Temporary works for the proposed new A303 crossing of the River Till increasing flood risk.	<p>The outline design of the temporary haul road and bridge crossing in the Till valley and associated mitigation measures have been agreed as set out within the DCO.</p> <p>The EA will be consulted on the relevant aspects of detailed design, construction methods, CEMPs and any subsequent risk assessment and mitigation measures, as set out in each case in the Requirements and protective provisions in the draft DCO and the Outline Environmental Management Plan in the application documents.</p> <p>Any works affecting Main Rivers will be progressed via the Environment Agency's protective provisions within the DCO.</p>	Agreed
3.31	3.1.21 Flood risk	The impact of the Scheme on groundwater flooding, impeding groundwater movement, raising water levels and diverting groundwater should be considered. Close liaison to be undertaken with Wiltshire Council as Lead Local Flood Authority for 'local' sources of flooding including surface water and groundwater.	<p>The scope of the FRA and Groundwater assessments included consideration of these issues and has been agreed.</p> <p>Joint meetings, correspondence and telecons have regularly been conducted with Wiltshire Council and the EA regarding the assessment of groundwater and surface water sources of flood risk.</p>	Agreed
3.32	3.1.22 Material assets and waste	Excavated tunnel arisings that are deposited within the Scheme boundary should be managed in accordance with the CL:AIRE Definition of Waste: Code of Practice and would not be considered as a waste.	Agreed. The main works contractor shall prepare a Materials Management Plan (MMP) in accordance with the CL:AIRE Definition of Waste: Code of Practice, as secured by items MW-GEO7 and MW-MAT2 of the OEMP. This MMP will deal with the re-use of tunnel arisings as set out in the OEMP.	Agreed
3.33	3.1.23 Material assets and waste	From a contaminated land perspective, several sites have been identified that have had potentially contaminative historical uses (namely	Since the ES submission a package of ground investigation referred to as Phase 7 is being undertaken to provide geotechnical,	Agreed

		former military installations). Site specific ground investigations should be undertaken in these areas to determine the presence or absence of contamination that may be disturbed during the proposed works and pose a risk to groundwater in the underlying principal aquifer.	hydrogeological and geo-environmental information for detailed design. These investigations included exploratory holes and geo-environmental testing along the route alignment specifically targeting key potentially contaminative sites including the former RAF Oatlands Hill, former RAF Stonehenge and current Countess filling station. The results of the Phase 7 investigations will be shared with the EA.	
3.34	3.1.24 All relevant matters	Protective Provisions and Requirements	The disapplication of bylaws made under, or having effect as if made under, paragraphs 5, 6 or 6A of Schedule 25 to the Water Resources Act 1991 and the disapplication of regulation 12 of the Environmental Permitting (England and Wales) Regulations 2016 in respect of 'flood risk activity' only, are agreed and the Agency has given its consent to those disapplications under section 150 Planning Act 2008 subject to the Protective Provisions, which are agreed and included in the draft DCO.	Agreed
3.35	3.1.25 Flood risk	Results of the hydrological assessment and fluvial hydraulic modelling undertaken to assess the impact of the Scheme on the River Till and River Avon.	The results of the hydrological fluvial modelling completed for this stage of the project have been agreed.	Agreed
3.36	3.1.26 Flood risk	The EA have requested that any loss of floodplain storage on either the River Till or River Avon resulting from the permanent works should be mitigated and the Scheme should not result in any increase in flood risk.	The detailed design for the Scheme will minimise built development within the area at fluvial flood risk of 1% Annual Exceedance Probability (AEP) plus appropriate allowance for Climate Change as set out in OEMP item MW-WAT13. If built development is necessary within the 1% AEP plus appropriate allowance extent, the consequences of any displacement of flood water will be mitigated in agreement with EA.	Agreed

4 Matters Not Agreed

Table 4-1 – Matters not Agreed

Ref	Subject Area	Description	Areas Not Agreed
4.1	Biodiversity	None	None
4.2	Water quality	None	None
4.3	Water Framework Directive	None	None
4.4	Road drainage	None	None
4.5	Groundwater	None	None
4.6	Flood risk	None	None
4.7	Material assets and waste	None	None

5 Matters Under Discussion

Table 5-1 – Matters Under Discussion

Ref	Subject Area	Description – revised	Matters under discussion - revised	Status
5.1	All relevant matters	Opportunities should be taken to deliver the River Avon Restoration Plan (RARP), which covers the whole River Avon catchment.	The DCO is not the place to do this, as it would all be offsite and not mitigation Wider benefits work is separate and cannot be included as part of the DCO. There is ongoing discussion between the EA and HE for the Scheme or HE's wider environmental enhancement initiatives to contribute to the delivery of River Avon Restoration Plan objectives.	Under discussion

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