



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_06092019

Date: 6 September 2019

Dear Ms McKay,

A303 (Stonehenge) Amesbury to Berwick Down scheme
Environment Agency – Written Representations – Deadline 8

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.

We provide our written summaries of our oral submissions for Issue Specific Hearing 10 (flood risk, groundwater projection, geology and land contamination) and Hearing 11 (draft DCO). We also provide comments on the latest versions of the draft DCO (revision 5 dated August 2019) and the OEMP (revision 4 dated August 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 any matters outlined in our comments, and to ensure the best environmental outcome for this project.

Yours sincerely

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

Contact details:

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Enc: MOU between Environment Agency and Highways Agency (Annex1 Water Environment)
dated November 2009

Written Representations

On behalf of the Environment Agency

Further to our previous responses dated the 11 January, 3 May, 31 May, 21 June, 26 July and 9 August 2019, we wish to provide our written summaries of oral submissions for the hearings that we attended on the 29 and 30 August 2019. We also provide our comments on the Draft DCO revision 5 and OEMP revision 4, both dated August 2019. We have continued to be involved in discussions with Highways England (the applicant).

1.0 DRAFT DCO (revision 5 dated August 2019)

1.1 Article 13 – Discharge of water

1.1.1 We wish to maintain our position in requesting amendments to Article 13. Our amendments are given below:

“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.”

1.1.2 Our position is that due to the sensitivity of ground water resources within the area of the development Article 13 must seek to minimise the risk of pollution or contamination arising from the construction or maintenance of the development. This approach is consistent with its wider environmental duties and responsibilities under the Environment Act 1995 and is in accordance with its national policy approach to ground water protection.

1.1.3 On the basis that Article 13 allows discharges to watercourses and does not expressly exclude discharges to the ground the Environment Agency requires assurance that in the event that there are discharges to the ground from the development (which will be a highway) that the undertaker will take such steps as may be practicable to ensure that they are free from the materials and substances, including dissolved pollutants, that are mentioned in Article 13. We acknowledge the applicant’s points raised at the hearing that the activities under Article 13 still requiring an environmental permit, however there are circumstances where highway undertakers do not need an environmental permit to undertake certain discharge activity; it is this scenario that the Environment Agency’s amendment seeks to address. This was raised at the hearing by reference to the MOU between Highways England and the Environment Agency, which referred to Annex 1 – The Water Environment, which is attached.

1.2 Other recommendations

1.2.1 We include other recommendations for amendments to the draft DCO within our Written Summaries in the tables given below.

2.0 OEMP (revision 4 dated August 2019)

2.1 This version of the OEMP still refers to approval of the CEMP and associated management plans by Highways England rather than the Secretary of State as is now stated in Requirement 4 of the dDCO. The OEMP should be amended to reflect that Secretary of State approval is required and not Highways England.

2.2 **Figure A.1B (Environmental Constraints Plan)** omits licensed abstraction points in and to the north of Winterbourne Stoke related to licence SW/043/0023/010. This omission has been raised previously by the holder of the licence who provided locations in [REP4-057] and recognition of the five abstraction points was stated by the applicant in their response to Examiners Second Written Questions Ag.2.1. These points should be added to the Environmental Constraints Plan to ensure they are appropriately considered and protected by the scheme.

2.3 **Annex A.3** – Outline Soils Management Strategy should also consider maintaining the hydrological characteristics of the existing soils and assessment of any impacts on runoff to surface watercourses and recharge to the aquifer. We recognise that a detailed Soils Management Strategy will be included in the CEMP and on which the Environment Agency will be consulted. We will expect this to include adequate consideration of any changes to the hydrological characteristics of soils as a result of the scheme if not considered elsewhere within the CEMP or management plans.

2.4 **MW-WAT12 – Flood risk management plan**

2.4.1 During the Issue Specific Hearing for flood risk, we supported Wiltshire Council with regard to flood risk issues. Since the hearing we have discussed possible wording to be included in the OEMP MW-WAT12. We recommend the following wording for MW-WAT12, which has been agreed with Wiltshire Council:

Flood Risk Management Plan:

The main works contractor shall prepare a Flood Risk Management Plan to the Authority for approval, as part of the Water Management Plan. The plan will summarise:

- a) any areas within the 1% AEP plus appropriate allowance for Climate Change, susceptible to groundwater flooding, and other flood risk sources, such as sewer flooding;
- b) any applications made, or likely to be made, pursuant to the Environment Agency's protective provisions in the DCO, where required in relation to flood defence, for temporary and permanent works and the status of the works;
- c) any specific requirements or conditions of the approval that will be obtained from the relevant consenting bodies;
- d) any flood risk management or mitigation measures implemented, or to be implemented, in support of temporary and permanent works proposals; and
- e) a statement on the cumulative flood risk impact of temporary and permanent works.

The plan shall build on the assessment of flood risk and mitigation recommended within the Flood Risk Assessment and its annexes submitted as part of the DCO examination (REP3-008).

The plan shall be developed and implemented following consultation with the Environment Agency and Wiltshire Council (in so far as relevant to its functions as lead local flood authority).

2.4.2 We are satisfied with the wording of MW-WAT12 and MW-WAT13 other than the above amendment.

2.5 **MW-GEO8 – Construction on or adjacent to land affected by contamination**

2.5.1 We request additional wording to MW-GEO8 relating to land contamination. This is discussed in more detail below in our written summary under agenda item 4 of Hearing 10.

2.6 **Other recommendations**

2.6.1 We include other recommendations for amendments to the OEMP within our Written Summaries in the tables given below.

3.0 EA WRITTEN SUMMARIES OF ORAL SUBMISSIONS

We provide our written summaries for Issue Specific Hearings 10 and 11 in the sections and tables below.

3.1 Issue Specific Hearing 10 – Flood risk, groundwater protection, geology and land contamination (29 August 2019)

Please refer to our comments in the table below.

ExA Question	EA response
<p>3. Flood Risk and Drainage</p> <p>3.1 Drainage design and climate change allowances</p> <p>i. 40% climate change allowance for peak rainfall intensity - update and discussion.</p> <p>ii. Is additional wording required in either MW-WAT14 of the OEMP or Requirement 10 of the dDCO to specify the capacity of the drainage design?</p>	<p>Our understanding from the response to the inspectors questions from Wiltshire Council and HE is that this has now been agreed, ie land drainage to 40% and road drainage to 30% allowance. The new OEMP wording ensures encroachment into fluvial flood plain will be minimal.</p>
<p>3.2 Road drainage strategy</p> <p>i. Are the pollution prevention measures sufficient?</p> <p>a. Are standards in excess of DMRB HD45 required? If so, how should this be secured?</p> <p>b. Are the measures to manage pollution risk in the Drainage Treatment Areas adequate?</p> <p>ii. Should the nature of the tunnel drainage (manual or automated) be secured at the pre-consent phase? If so, how (for example in the OEMP or dDCO Requirement 10)?</p>	<p>i) From the information submitted to date, it is not clear whether standards above the minimum stated in DMRB guidance will be required to ensure pollution risk will be adequately managed. Due to the sensitivity of the water environment in the vicinity of the scheme, we consider it is likely that measures over and above the minimum are likely to be required particularly in relation to storage volumes of potentially contaminated road runoff, up gradient of penstock. Following discussion with the applicant on this matter it was agreed that measures exceeding the minimum standards may be required and this agreement is recorded in our Statement of Common Ground with Highways England.</p> <p>Although we note that Requirement 10 of the DCO secures consultation with the Environment Agency on the final drainage design, to avoid wasted time on the part of ourselves and the applicant's contractor in repeating the above discussions during the detailed design stage we request that the recognition that measures exceeding the minimum standards may be required is included in the DCO documentation. We suggest some wording could be added to Requirement 10 of the DCO or MW-WAT14 of the OEMP to this effect.</p> <p>This addition will also reduce uncertainty on the part of potential contractors by providing greater transparency of the likely requirements for an acceptable drainage scheme prior to tendering.</p> <p>Regarding Drainage Treatment Areas, we have not seen sufficiently detailed plans to date to be satisfied that the current design measures are adequate although we agree to their proposed use in principle. We consider that DCO Requirement 10 and clauses within the OEMP provide sufficient security that the final</p>

ExA Question	EA response
	<p>design will be adequate provided the Environment Agency are fully consulted and our recommendations incorporated. However, where certain aspects have been agreed at pre-consent stage, in the interests of the scheme progressing in a timely manner following issue of any DCO, these details should be incorporated into the DCO documentation.</p> <p>ii) We maintain our position that the valve diverting runoff from within the tunnel to an impounding sump rather than discharge to the environment should be automatic so it is operated when any signage is operated to indicate there is an accident, maintenance work or incidents within the tunnel. This will help to ensure that the risk of any spillage or release of any contaminants are discharged appropriately, minimising the risk to the environment. It will also reduce the workload of any control room, during such circumstances, and not rely on human activation by either on-site controls or remotely. We consider that it would provide the most robust assurance of timely operation if the valve were linked to warning signs of incident or maintenance within the tunnel.</p> <p>We consider that if linked to signage, there will be low occurrence of inappropriate activation of the diverter valve as certain checks would have been made prior to or following their illumination. The automation simply removes the physical burden and risk of error/delay of an operative having to activate a valve separately to activating signage and dealing with a great number of other issues should an incident occur within the tunnel.</p> <p>Our position on this matter is unlikely to change and although we recognise that consultation under Requirement 10 of the DCO will provide an opportunity to make this recommendation at the detailed design stage, we feel that incorporating this design principle into the DCO or OEMP would provide greater clarity to potential contractors and reduce time repeating discussions during the tight timescales proposed for the scheme after consent is granted.</p>
<p>3.3 Field drainage</p> <p>i. Are the controls in the OEMP (for example MW-COM7) adequate?</p> <p>ii. Is the reporting criteria acceptable? For example, does the wording 'if required' introduce uncertainty?</p>	<p>No comment</p>
<p>3.4 Flood Risk Assessment</p> <p>i. Update on the outstanding matters raised by Wiltshire Council including related Protective Provisions.</p>	<p>In relation to a DCO requirement referencing the FRA, we would support Wiltshire with this request however, the EA have ensured the OEMP in MW-WAT12 and 13 covers our requirements in more detail than the DCO requires. The EA suggest this is what Wiltshire could also complete for surface water issues.</p>

ExA Question	EA response
<p>ii. Flood risk policy in the National Policy Statement for National Networks.</p>	<p>During the Issue Specific Hearing for flood risk, we supported Wiltshire Council with regard to the points raised about flood risk issues. Since the hearing we have discussed possible wording with Wiltshire Council to be included in the OEMP MW-WAT12. We recommend the following wording to be included in MW-WAT12:</p> <p>Flood Risk Management Plan: The main works contractor shall prepare a Flood Risk Management Plan to the Authority for approval, as part of the Water Management Plan. The plan will summarise:</p> <ul style="list-style-type: none"> f) any areas within the 1% AEP plus appropriate allowance for Climate Change, susceptible to groundwater flooding, and other flood risk sources, such as sewer flooding; g) any applications made, or likely to be made, pursuant to the Environment Agency's protective provisions in the DCO, where required in relation to flood defence, for temporary and permanent works and the status of the works; h) any specific requirements or conditions of the approval that will be obtained from the relevant consenting bodies; i) any flood risk management or mitigation measures implemented, or to be implemented, in support of temporary and permanent works proposals; and j) a statement on the cumulative flood risk impact of temporary and permanent works. <p><u>The plan shall build on the assessment of flood risk and mitigation recommended within the Flood Risk Assessment and its annexes submitted as part of the DCO examination (REP3-008).</u></p> <p>The plan shall be developed and implemented following consultation with the Environment Agency and Wiltshire Council (in so far as relevant to its functions as lead local flood authority).</p> <p>We are satisfied with the wording of MW-WAT12 and MW-WAT13 other than the above suggested amendment.</p> <p>We also requested at the hearing that 'flood risk' be included in Requirement 10, Drainage. This was subsequently agreed at Issue Specific Hearing 11 and we agree to the inclusion of 'management of flood risk' in this Requirement.</p>
<p>3.5 Need for additional drainage engineer post for Wiltshire Council</p>	<p>No comment</p>
<p>4. Contamination (including groundwater contamination)</p>	
<p>i. Whether the controls in dDCO Requirement 7 and the OEMP (for example PW-GEO1, PW-GEO2, MW-GEO6, MW-GEO7, MW-GEO8, MW-WAT6, MW-WAT7) are adequate.</p>	<p>i. We are satisfied with the current controls for dealing with risks from contamination once it is identified and during construction.</p>

ExA Question	EA response
<p>ii. Update on the Phase 7 surveys.</p> <p>iii. Is any other pre-commencement survey work necessary or are the proposed controls adequate?</p>	<p>However, to minimise the risk of mobilising contamination and inducing delays into the construction programme if contamination were discovered during construction, we consider that where there is reasonable potential for contamination to exist (eg former military land) these investigations are carried out and reported on prior to development works commencing.</p> <p>We welcome the addition of paragraph 'j' to MW-GEO8 in Revision 4 of the OEMP which largely addresses our concerns regarding the investigation and assessment of what might be termed 'anticipated' contamination. We do however request the addition of some method by which the results of the investigations and risk assessment are reported to regulatory bodies (Wiltshire Council and the Environment Agency) and that any remediation scheme is produced in consultation with regulatory bodies and delivered with their oversight (prior to development taking place). This addition would reflect the requirements for reporting and consultation for unexpected contamination that is currently included in the DCO (Requirement 7).</p> <p>Following the hearing, the following additional wording (in square brackets and capitals) for MW-GEO8 has been agreed with the Applicant which, if implemented would satisfy our concerns. We do however request one further change in that the phrase 'significant risk' is replaced with 'unacceptable risk' as the criteria for triggering further assessment or mitigation since this wording is aligned with the criteria in CLR11 Model Procedures for the Management of Land Contamination.</p> <p><i>j) proposed work areas located within 50m of potential or known areas of land contamination, as identified in the Environmental Statement, shall be investigated using a risk based approach in accordance with Contaminated Land Report 11, Model Procedures for the Management of Land Contamination (2004) both in the pre-construction and construction phases <u>[AND A RISK ASSESSMENT PRODUCED IN CONSULTATION WITH THE PLANNING AUTHORITY AND THE ENVIRONMENT AGENCY. THE UNDERTAKER MUST PROVIDE TO THE PLANNING AUTHORITY AND THE ENVIRONMENT AGENCY A COPY OF THE RISK ASSESSMENT AS SOON AS REASONABLY PRACTICABLE AFTER ITS COMPLETION]</u>. Where significant <u>UNACCEPTABLE</u> risks are identified, further assessment and/or appropriate mitigation (remediation) to reduce to acceptable levels the potential short and long-term health and safety and environmental risks to sensitive receptors will be identified <u>[IN CONSULTATION WITH WILTSHIRE</u></i></p>

ExA Question	EA response
	<p><i>COUNCIL AND THE ENVIRONMENT AGENCY] and implemented. Associated additional ground investigations will be undertaken in accordance with UK good practice, including BS 5930:2015 Code of Practice for ground investigations and BS 10175:2011 + A2:2017 Investigation of Potentially Contaminated Sites Code of Practice.</i></p> <p>Should these amendments be incorporated into the final OEMP then we do not consider that a further Requirement would be required in the DCO.</p> <p>ii. To date we have not received any specific details of the scope or results of the ongoing 'Phase 7' works.</p> <p>iii. At this stage we do not have sufficient details regarding the ongoing and planned survey work to determine whether further works will be necessary. However, provided the amendment to MW-GEO8 described above in 'ii' is implemented we consider that controls regarding the management of contaminated land will be adequate.</p>
<p>5. Private water supplies</p>	
<p>i. Whether the controls in the OEMP (for example MW-WAT2, MW-WAT4, MW-WAT10, MW-WAT11, MW-WAT15, MW-COM6) are adequate?</p> <p>ii. Should PW-WAT1 be expanded to specifically address monitoring and protection of private water supplies and should Wiltshire Council be consulted?</p> <p>iii. In the relevant sections of the OEMP, should Wiltshire Council's role be expanded to include its public health/protection functions?</p>	<p>i. We consider the listed controls adequate for the protection of private water supplies. In addition, MW-WAT9 will provide control regarding fluids used for ground treatment including grouts and drilling fluids.</p> <p>We will expect the trigger levels and action plans derived as part of the Groundwater Management Plan (OEMP MW-WAT10d) to be set so as to provide sufficient warning of likely impact to private water supplies to enable mitigation measures to be implemented. Detection of impacts at the private water supply should not be the trigger for mitigation/remedial action unless action is triggered at levels that provide a suitable 'safety margin'.</p> <p>ii. Where there is potential for preliminary works to impact private water supplies then the same degree of controls as placed on the main works should be implemented to ensure the supplies are protected.</p> <p>iii. We defer to Wiltshire Council on whether they consider amendments are required to enable them to fulfil their regulatory duties.</p>
<p>6. Tunneling</p>	
<p>i. Whether the OEMP (for example D-CH32, MW-WAT8, MW-WAT10) provides adequate controls (including reporting</p>	<p>i. We note and welcome the commitment to use closed face tunneling techniques for the main bored sections that will avoid the need for large scale dewatering. OEMP D-CH32 does not however make clear that this would also relate to cross passages. In early discussions with the Applicant's consultants it was</p>

ExA Question	EA response
<p>criteria, consultation and approval) to minimise dewatering and abstraction?</p>	<p>stated that small closed face tunnel boring machines are available that could potentially be used to construct the cross passages through saturated ground and therefore minimise the requirement for dewatering.</p> <p>Should closed face tunnel boring machines not be utilised for cross passages, we understand from representation made by the Applicant at Issue Specific Hearing 10 that grouting could be used prior to excavation of the cross passages by conventional excavator and that this would not require dewatering. If this were the case, we could agree in principle to this approach but would require further assurances that the potential for passive dewatering and/or impedance to groundwater flow from excessive grout invasion will be adequately controlled.</p> <p>We would therefore request that the following wording is added to OEMP D-CH32:</p> <p><u>“...Cross passages shall be constructed in the same way or using other techniques that prevent/minimise entry of water into the tunnel whilst also preventing or minimises the impedance of groundwater flow around, above or below the tunnel”</u></p> <p>We would expect such details to be included and assessed in the Groundwater Management Plan secured by OEMP MW-WAT10. With inclusion of this wording and the fact that construction dewatering now falls within the abstraction licensing regime regulated by the Environment Agency, we are satisfied that adequate controls would be in place to ensure dewatering is minimised and tunnelling will not result in unacceptable impacts on the environment.</p>
<p>7. Requirements and OEMP</p>	
<p>i. Any other proposed alterations to the Requirements in the dDCO, or the OEMP* not already discussed; to include the amendments to the OEMP suggested by Wiltshire Council in [REP7-043] and the Environment Agency [REP7-045] (for example dDCO Requirement 3, MW-G7, MW-WAT3, MW-WAT10, MW-WAT12, MW-WAT13, and Annex A.3 of the outline Soils Management Strategy).</p> <p>* Limited to matters relating to flood risk, groundwater protection, geology and land contamination.</p>	<p><u>Draft DCO</u></p> <p>Requirement 3 - Preparation of detailed design, etc.</p> <p>We request the following amendment to DCO Requirement 3 (in square brackets below) to provide greater assurance that the Environment Agency will be consulted on changes to the detailed design. We note the specific reference to consultation with the planning authority on matters related to its functions and seek an equally robust assurance that the environmental impacts of any proposed changes will be assessed by the appropriate regulatory body.</p> <p>Preparation of detailed design, etc.</p> <p>3.—(1) The authorised development must be designed in detail and carried out so that it is compatible with the works plans, the engineering section drawings (plan and profiles) and the engineering section drawings (cross sections) unless otherwise agreed in writing by the Secretary of State , following consultation with the planning authority on matters related to its functions and</p>

ExA Question	EA response
	<p>any other person the Secretary of State considers appropriate having regard to the proposed amendment in question, <u>and the statutory roles and responsibilities of the interested parties to the Scheme</u> and provided that the Secretary of State is satisfied that any amendments to the works plans, the engineering section drawings (plan and profiles) and the engineering section drawings (cross sections) would not give rise to any materially new or materially worse adverse environmental effects in comparison with those reported in the environmental statement.</p> <p>(2) Where amended details are approved by the Secretary of State under sub-paragraph (1), those details are deemed to be substituted for the corresponding works plans, engineering section drawings (plan and profiles) or engineering section drawings (cross sections) and the undertaker must make those amended details available in electronic form for inspection by members of the public.</p> <p>Requirement 10 – Drainage At the hearing we discussed the inclusion of ‘and flood risk’ in Requirement 10. The inclusion of ‘and management of flood risk’ was subsequently agreed during Issue Specific Hearing 11. Requirement 10 should now read as follows:</p> <p>10.—(1) No part of the authorised development is to commence until written details of the drainage system to be constructed for that part, based on the mitigation measures included in the environmental statement and including a timetable for implementation and means of pollution control <u>and management of flood risk</u>, have been submitted to and approved in writing by the Secretary of State, following consultation with the planning authority on matters related to its land drainage functions, and the Environment Agency.</p> <p>(2) The drainage system must be constructed in accordance with the approved details referred to in sub-paragraph (1) prior to that part of the authorised development becoming open for public use.</p> <p>OEMP We request that the OEMP clauses referring to approval of the CEMP or associated management plans (including but not limited to MW-G5 to MW-G7) are updated to reflect the latest version of Requirement 4 in DCO Revision 5 where approval is provided by the Secretary of State.</p> <p>OEMP MW-WAT12 - Flood Risk Management Plan We recommend that MW-WAT 12 includes wording similar to the following regarding dewatering:</p>

ExA Question	EA response
	<p data-bbox="842 225 2121 411"><u>“The construction method at present does not require any dewatering. It is essential that any changes to the detailed design are adequately risk assessed. The EA should be consulted on any updated design and risk assessment, and agreement reached with the EA regarding conclusions and any mitigation measures proposed. No works should commence until written agreement that these plans provide appropriate measures and mitigation to protect the site and surrounding area from flood risk during construction and operation of the scheme.”</u></p> <p data-bbox="842 443 1025 470">OEMP MW-G7</p> <p data-bbox="842 475 2112 564">We request that the Environment Agency are consulted on all updates to the management plans referred to in OEMP MW-G7. We consider that whether an update to a plan is material or not should be determined by the regulator rather than the Applicant.</p> <p data-bbox="842 596 1077 624">OEMP MW-WAT13</p> <p data-bbox="842 628 2101 687">We recommend the following wording relating to flood risk and groundwater data be included in the OEMP MW-WAT13, or another suitable location in the OEMP:</p> <p data-bbox="842 719 2107 809"><u>“Following the post construction groundwater monitoring, Highways England will provide data collected and allow the Environment Agency/Wiltshire Council to adopt the boreholes to inform their groundwater flood warning service.</u></p> <p data-bbox="842 841 2089 930"><u>Once further modelling work is completed by Highways England at detailed design stage, meeting the standards for flood map updates, the Environment Agency and Wiltshire Council can utilise this modelling work to update the fluvial, pluvial and groundwater flood map.“</u></p>

3.2 Issue Specific Hearing 11 - Draft Development Consent Order (30 August 2019)

Please refer to our comments in the table below.

ExA Question	EA response
3. Draft DCO Articles	
<p>Part 1 - Preliminary 3.1 Article 2 - Interpretation The extent of definitions, including the definition of “commence”.</p>	<p>No comment</p>
<p>Part 2 – Works provisions 3.2 Article 3 – Disapplication of legislative provisions i. Whether there are any outstanding concerns as regards Protective Provisions and amendments for the protection of drainage authorities? ii. The proposed disapplication of the provisions of the Neighbourhood Planning Act 2017 insofar as they relate to Temporary Possession of land under Articles 29 and 30.</p>	<p>We are satisfied that our Protective Provisions have been agreed and included in the latest version of the draft DCO.</p>
<p>3.3 Article 7 – Limits of deviation i. The tunnel Limits of Deviation (LoD) and the relevant mitigation measures within the DAMS and the OEMP including the interaction between the vertical tunnel LoD of the proposed tunnel and groundwater flows and whether the assessment of any further numerical modelling in the event of any deviation from the specific vertical alignment used to represent the tunnel in the numerical groundwater model should be specified as being addressed by the Groundwater Management Plan (MW-WAT10)? ii. The proposed LoD of up to 200m in a generally westerly direction for the western portal and whether any additional controls would be necessary to address any potential adverse visual impact that might result? iii. The provision made by the revised dDCO Article 7(6) for consultation by the Secretary of State in relation to the disapplication of the maximum vertical limits of deviation and</p>	<p>i. We consider that any change to the tunnel vertical alignment in the final detailed design would be assessed as part of the updated Groundwater Risk Assessment within the Groundwater Management Plan (OEMP MW-WAT10 b) and therefore existing controls are adequate. The updated Risk Assessment should assess whether the numerical modelling already conducted is representative of the final design or if updates to the modelling are required.</p> <p>ii. Any lateral deviation from the draft design should also be assessed for impacts on groundwater at the detailed design stage. We are satisfied that this would be secured by MW-WAT10.</p> <p>iii. Detailed design, risk assessments and mitigation measures put forward to protect the water environment should be agreed by the Secretary of State in consultation with the Environment Agency and other relevant authorities. We request the following additional wording (in square brackets) is added to the article to provide greater assurance that the Environment Agency will be consulted on matters within its remit.</p> <p>dDCO Article 7(6) (6) The maximum vertical limits of deviation referred to in paragraphs (4) and (5) do not apply where it is demonstrated by the undertaker to the Secretary of State’s satisfaction and the Secretary of State certifies accordingly, following consultation with the planning authority and any other person the Secretary of State considers appropriate having regard to the proposed deviation</p>

ExA Question	EA response
<p>whether any further amendment and/or provision for consultation would be required?</p> <p>iv. Whether within the World Heritage Site (WHS) and its setting the LoD should be permitted to be exercised where it would simply be “convenient” to do so?</p> <p>v. Whether there are any other outstanding concerns as regards the proposed LoD?</p>	<p>in question [and the statutory roles and responsibilities of interested parties], that a deviation in excess of these limits would not give rise to any materially new or materially worse adverse environmental effects in comparison with those reported in the environmental statement.</p> <p>iv. No comment.</p> <p>v. No comment.</p>
<p>Supplemental powers</p> <p>3.4 Article 13 – Discharge of water</p> <p>i. Whether it is necessary to amend sub-paragraph (5) of this Article as proposed by the Environment Agency to include reference to groundwater and dissolved pollutants in the text?</p> <p>ii. The clarification of the process whereby the connection to a drain would operate in practice and whether that should be set out in further detail in the OEMP?</p> <p>iii. Whether it is necessary to amend sub-paragraph (6) of this Article as proposed by the Wiltshire Council to include the words, “<i>or the need for any application pursuant to Wiltshire Council’s protective provisions in Schedule 11 Part 3 of this DCO</i>”?</p>	<p>i. We maintain our position that Article 13 should be amended to include discharges to ground and consideration of dissolved pollutants (as shown below in square brackets). This amendment is in line with the final draft DCO recently submitted to the A303 Sparkford to Ilchester DCO Examination in Somerset which relates to a less sensitive groundwater environment than the Amesbury to Berwick Down scheme.</p> <p>Discharge of water</p> <p>13.— (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 the powers conferred by this article is as free as may be practicable from gravel, soil or other solid substance, oil or matter in suspension [or dissolved pollutants].</p> <p>The Memorandum of Understanding between Highways Agency and Environment Agency: Annex 1 – Water Environment (2009) attached describes the provision within the Highways Act (1980) whereby an environmental permit is not required for discharges of highway runoff to ground provided it does not cause pollution. With the wording above we seek a commitment within the DCO that discharges to the environment will be acceptable and therefore fall within the situation described by the MoU. Without such a commitment it may be necessary for the discharges of runoff from the scheme to be permitted.</p> <p>ii. No comment</p> <p>iii. No comment</p>
<p>3.5 Article 15 – Authority to survey and investigate land</p> <p>i. Whether there are any outstanding concerns as regards this provision and the means by which any intrusive surveys would be regulated by the OEMP and DAMS?</p> <p>ii. Whether there are any additional matters that the notice required under Article 15(2) should specify such as who</p>	<p>No comment</p>

ExA Question	EA response
<p>would be entering the land; the duration of the survey or investigation and the type of equipment, if any, that would be used?</p>	
<p>Part 3 – Powers of acquisition and possession of land 3.6 Article 22 – Compulsory acquisition of rights Whether there are any outstanding concerns as regards the scope of restrictions that would be imposed upon the use of land above the tunnel and the implications that might have for archaeological investigations in the WHS?</p>	No comment
<p>Temporary possession of land 3.7 Article 29 – Temporary use of land for constructing the development i. Whether there are any outstanding concerns in relation to the scope of the powers sought and the extent of land that would be subject to powers of Temporary Possession? ii. Whether the 14 days' notice period set out in sub-paragraph 29(2) would be reasonable? iii. Whether the notice served pursuant to sub-paragraph 29(2) should also specify the total period for which the land might be subject to Temporary Possession?</p>	No comment
<p>Supplementary 3.8 Article 31 – Statutory undertakers The present state of negotiations with all Statutory Undertakers, including whether the Protective Provisions in Schedule 11 and/or asset protection agreements between various parties have been agreed?</p>	No comment
<p>3.9 Article 38 – Crown land Whether the necessary consents from the Secretary of State for Defence and the Secretary of State for Digital, Culture, Media and Sport have been obtained?</p>	No comment

ExA Question	EA response
<p>3.10 Article 53 – Operational land for the purposes of the 1990 Act</p> <p>Whether the exercise of permitted development rights under the Town and Country Planning (General Permitted Development) Order 2015 within the WHS would be appropriately regulated or whether there is justification to restrict permitted development rights within the WHS given the particular circumstances of this project and site?</p>	<p>No comment</p>
<p>4. Schedule 2 Requirements</p>	
<p>Interpretation</p> <p>4.1 Requirement 1(1) – Interpretation</p> <p>i. Whether “OEMP” is now satisfactorily defined by the revised dDCO and/or whether any further definitions of the supporting plans are required? For example, the Construction Environmental Management Plan (CEMP), the Handover Environmental Management Plan (HEMP) and the Landscape and Ecological Management Plan (LEMP).</p> <p>ii. The definition of “<i>preliminary works</i>” including whether the erection of plant equipment on site should be incorporated within the definition?</p>	<p>Yes we believe the OEMP is now satisfactorily defined.</p>
<p>Preparation of detailed design etc</p> <p>4.2 Requirement 3(1) and (2) – Preparation of detailed design etc</p> <p>i. Whether Requirement 3 should require the detailed design to be carried out so that it is “<i>in accordance</i>” with the listed plans rather than that it is “<i>compatible</i>” with them and include reference to the LoD, as suggested by Wiltshire Council?</p> <p>ii. Whether the revised draft OEMP includes appropriate and specific design principles and dispute mechanism or whether there are key aspects of design to which commitment should be made in the dDCO, for example, by way of the provision of a specific design parameters document secured by a dDCO Requirement and to be approved by the Secretary of State?</p>	<p>i. The Environment Agency supports Wiltshire Councils suggestion that detailed design should be “in accordance with” the listed plans and any departure from these is within the agreed Limits of Deviation and in line with principles outlined in OEMP. This is to ensure that the final design complies with the principles of the plans put forward at application and the assessment of impacts at the pre-consent stage (and considered by the Examination) accurately reflects the likely impacts of the completed scheme.</p> <p>ii. The final design will require further risk assessment. We are satisfied that the principles of the scheme have been agreed and the environmental risks can be adequately controlled in the final design provided the Environment Agency has meaningful influence through consultation. There are three design principles that have been discussed during Hearings 10 and 11 on which we maintain our position and consider the DCO should secure a commitment to include in the final design:</p> <ol style="list-style-type: none"> 1. Recognition that standards of drainage design in excess of the minimum stated in the DMRB may be required due to the sensitivity of the receiving environment

ExA Question	EA response
<p>iii. Whether Requirement 3(1) as amended at Deadline 6 makes satisfactory provision for consultation with relevant parties on key aspects of the detailed design or whether any further amendment of this Requirement and/or the OEMP is necessary?</p> <p>iv. Whether Requirement 3(1) should be further amended, as proposed by the Environment Agency, to require the Secretary of State to consult both the planning authority and any other person considered appropriate, having regard to the proposed amendments in question and the statutory roles and responsibilities of the Interested Parties?</p>	<ol style="list-style-type: none"> 2. The valve controlling diversion of contaminated runoff from within the tunnel from discharge to the environment or to an impounding sump should be automatically activated during incidents and maintenance activities. 3. OEMP D-CH32; Cross passages should be constructed using closed face tunnel boring machines or using other techniques that prevent/minimise entry of water into the tunnel during and after construction whilst also preventing or minimises the impedance of groundwater flow around, above or below the tunnel” <p>A commitment to these design aspects within the DCO will provide clarity to potential contractors on the standards of drainage design likely to be required and help speed up the design process following issue of a DCO.</p> <p>iii. We welcome the amendment at Deadline 6 but request further amendment as explained below in iv.</p> <p>iv. We request the stated amendment to DCO Requirement 3 to provide greater assurance that the Environment Agency will be consulted on changes to the detailed design. We note the specific reference to consultation with the planning authority on matters related to its functions and seek an equally robust assurance that the environmental impacts of any proposed changes will be assessed by the appropriate regulatory body</p>
<p>Outline Environmental Management Plan 4.3 Requirement 4 – Outline Environmental Management Plan</p> <p>i. Whether it is appropriate for Highways England to be the approving body for the CEMP and other management plans/documents?</p> <p>ii. Whether the Wiltshire Council should be the approving body for the DAMS and all the Site Specific Written Schemes of Investigations; the Emergency Preparedness and Response Plan; the Noise and Vibration Management Plan and Noise Insulation and Temporary Rehousing Policy; the Pollution Incident Control Plan; any contaminated land remediation proposals or schemes; the Traffic Management Plan; fencing design; the detailed design plans/drawings/specifications of all new public rights of way where maintenance responsibility would pass to the Council; the LEMP; the Arboricultural Mitigation Strategy; the Heritage</p>	<p>i. We do not think it is appropriate for Highways England to be the approver for the CEMP and other management plans. We are however satisfied with the amendment included in the latest (Revision 5) draft DCO in which the approver for the CEMP and associated management plans is secured as being the Secretary of State following the consultation specified in the OEMP.</p> <p>ii. We have no objection to Wiltshire Council being the approving body for plans relating to matters within their remit such as contaminated land and emergency preparedness.</p> <p>iii. We are satisfied that Requirement 4 as amended in the revision 5 version of the DCO and the revision 4 OEMP contains sufficient provision for consultation with the Environment Agency on matters regarding the CEMP and associated management plans.</p> <p>iv. We are satisfied with the provision for consultation within the revised OEMP (revision 4) and the method by which it is secured by the amended Requirement 4 of the DCO (revision 5).</p> <p>v. We are satisfied that the revised MW-G11 in the revision 4 OEMP requires a summary report of consultation regarding the HEMP to be submitted with the request for approval. This addresses our previous concern.</p>

ExA Question	EA response
<p>Management Plan; the Ground Movement Monitoring Strategy and the Soil Management Strategy?</p> <p>iii. Notwithstanding the existing provision within the revised OEMP for consultation with the Environment Agency, whether the OEMP and/or Requirement 4 should be amended to require the Applicant to <i>“consult with Environment Agency to ensure all environmental risks have been adequately assessed and that suitable mitigation measures are proposed and implemented to offset any impacts predicted”</i>?</p> <p>iv. Notwithstanding the provision within the revised OEMP for consultation with various stakeholders, whether there are any other outstanding concerns in this respect including the means whereby this would be secured by the dDCO?</p> <p>v. Whether the revised OEMP (MW-G11) in relation to the HEMP should require the contractor to submit a summary report of the consultation to the Authority including reasons should the consultee’s comments not be reflected in the submission?</p> <p>vi. Whether the revised OEMP satisfactorily deals with the detailed design of the public rights of way within the WHS or whether the relevant design commitments and principles remain to be agreed and a further specific Requirement in relation to this matter is necessary?</p> <p>vii. Whether further amendment of the revised OEMP is necessary in relation to field drainage, soil reinstatement and aftercare, flood risk and drainage as proposed by the National Farmers’ Union?</p> <p>viii. Whether the revised OEMP would provide sufficient control over the design of lighting at the tunnel portals or should the approval of the design of the lighting scheme be the subject of a specific dDCO Requirement?</p>	<p>vi. No comment</p> <p>vii. No comment</p> <p>viii. No comment</p>

ExA Question	EA response
<p>Archaeology 4.4 Requirement 5 – Archaeology Whether any additional provisions within the dDCO would be necessary to secure the required level of archaeological mitigation?</p>	<p>No comment</p>
<p>Contaminated land 4.5 Requirement 7 – Contaminated land Whether any additional Requirements would be necessary in relation to the risk from contaminated land and, if so, what form should they take?</p>	<p>We are satisfied with the current controls for dealing with risks from contamination once it is identified and during construction.</p> <p>However, to minimise the risk of mobilising contamination and inducing delays into the construction programme if contamination were discovered during construction, we consider that where there is reasonable potential for contamination to exist (eg former military land) these investigations are carried out and reported on prior to development works commencing.</p> <p>We welcome the addition of paragraph 'j' to MW-GEO8 in Revision 4 of the OEMP which largely addresses our concerns regarding the investigation and assessment of what might be termed 'anticipated' contamination. We do however request the addition of some method by which the results of the investigations and risk assessment are reported to regulatory bodies (Wiltshire Council and the Environment Agency) and that any remediation scheme is produced in consultation with regulatory bodies and delivered with their oversight (prior to development taking place). This addition would reflect the requirements for reporting and consultation for unexpected contamination that is currently included in the DCO (Requirement 7).</p> <p>Following the hearing, the following additional wording (in square brackets and capitals) for MW-GEO8 has been agreed with the Applicant which, if implemented would satisfy our concerns. We do however request one further change in that the phrase 'significant risk' is replaced with 'unacceptable risk' as the criteria for triggering further assessment or mitigation since this wording is aligned with the criteria in CLR11 Model Procedures for the Management of Land Contamination.</p> <p style="text-align: center;"><i>j) proposed work areas located within 50m of potential or known areas of land contamination, as identified in the Environmental Statement, shall be investigated using a risk based approach in accordance with Contaminated Land Report 11, Model Procedures for the Management of Land Contamination (2004) both in the pre-construction and construction phases <u>[AND A RISK ASSESSMENT PRODUCED IN CONSULTATION WITH THE PLANNING AUTHORITY AND THE</u></i></p>

ExA Question	EA response
	<p><u>ENVIRONMENT AGENCY. THE UNDERTAKER MUST PROVIDE TO THE PLANNING AUTHORITY AND THE ENVIRONMENT AGENCY A COPY OF THE RISK ASSESSMENT AS SOON AS REASONABLY PRACTICABLE AFTER ITS COMPLETION</u>. Where <i>significant UNACCEPTABLE</i> risks are identified, further assessment and/or appropriate mitigation (remediation) to reduce to acceptable levels the potential short and long-term health and safety and environmental risks to sensitive receptors will be identified <u>[IN CONSULTATION WITH WILTSHIRE COUNCIL AND THE ENVIRONMENT AGENCY]</u> and implemented. Associated additional ground investigations will be undertaken in accordance with UK good practice, including BS 5930:2015 Code of Practice for ground investigations and BS 10175:2011 + A2:2017 Investigation of Potentially Contaminated Sites Code of Practice.</p> <p>Should these amendments be incorporated into the final OEMP then we do not consider that a further Requirement would be required in the DCO.</p>
<p>Landscaping 4.6 Requirement 8 – Landscaping Whether the provisions in the revised OEMP would provide appropriate standards and consultation obligations in respect of the final design of ‘normal’ fences and walls within the WHS or should Requirement 8(3)(b) also include reference to such fences and walls?</p>	<p>No comment</p>
<p>Drainage 4.7 Requirement 10 – Drainage i. Whether any amendment would be necessary in relation to the matters on which the planning authority is required to be consulted? ii. Whether any related amendments to the drainage provisions set out in the revised OEMP would be required?</p>	<p>i. We are satisfied with the provision within Requirement 10 for consultation with the Environment Agency.</p> <p>ii. Although we note that Requirement 10 of the DCO secures consultation with the Environment Agency on the final drainage design, to avoid wasted time on the part of ourselves and the applicant’s contractor by repeating discussions conducted during the pre-consent stage during the detailed design stage, we request that recognition that measures exceeding the minimum standards set out for drainage design in DMRB guidance may be required is stated in the DCO documentation. We suggest some wording could be added to Requirement 10 of the DCO or MW-WAT14 of the OEMP to this effect. It should be noted that the potential for such measures has been agreed with the Applicant as recorded in the Statement of Common Ground (SOCG). Any link to the SOCG in the OEMP or DCO would be beneficial.</p>

ExA Question	EA response
	<p>This addition will also reduce uncertainty on the part of potential contractors by providing greater transparency of the likely requirements for an acceptable drainage scheme prior to tendering.</p>
<p>Details of Consultation 4.8 Requirement 11 – Details of Consultation Whether the wording of this requirement is now agreed or whether any further amendment would be necessary and reasonable?</p>	<p>We are satisfied with the wording of Requirement 11.</p>
<p>4.9 Whether any additional Requirements are necessary? i. The list of suggested Requirements with reasons proposed by Wiltshire Council as submitted within its Deadline 4 Comments on the dDCO [REP4-039] and in response to ExQ2 DCO.2.66 [REP6-041] relating to:</p> <p>(a) CEMP; (b) Traffic Monitoring and Mitigation; (c) Highway Lighting Scheme; (d) Traffic Management during tunnel closures; and (e) Flood Risk Assessment.</p> <p>ii. Whether there would need to be a corresponding amendment of Part 2, Schedule 2 of the dDCO if the Wiltshire Council was to be the approving body in some instances?</p> <p>iii. Whether the Proposed Development should contribute to improvements to waterbodies including the Countess Channel and Bowles Hatches proposals to fulfil the aims of the River Avon Restoration Plan, to maximise the water environment opportunities in the vicinity of the Proposed Development and to ensure that it would satisfy the requirements of national and local policies?</p> <p>iv. Whether it would be necessary and reasonable to impose a Requirement for an Environmental Enhancement Plan to</p>	<p>i. If Wiltshire Council's proposed CEMP Requirement is incorporated into the DCO, we request that the Environment Agency are added to part (1) as a consultee due to our responsibilities and expertise regarding environmental protection and the sensitivity of the environment in the area of the scheme.</p> <p>ii. No comment</p> <p>iii. Improvements to waterbodies/ RARP We are pleased to receive the letter from Highways England dated the 27 August 2019 relating to maximising outcomes for the environment and welcome the points raised about working with Highways England on proposals for the Designated funds, Biodiversity Strategy and Benefits Steering Group.</p> <p>However, we wish to maintain our position to request that the A303 Stonehenge scheme contributes to improvements to waterbodies in the vicinity of the scheme.</p> <p>We are aware of the designated funds scheme, but the success rate for obtaining funds has been low to date, so we consider that a bid from this fund may not provide financial support or certainty. Therefore we maintain our position that the A303 Stonehenge scheme should be supporting this directly.</p> <p>We believe the Proposed Development should contribute to improvements to waterbodies, due to national and local aims for improving the environment. There are government aspirations for river restoration, net gain, partnership working and multiple benefits. These include: Biodiversity 2020; A Green Future: Our 25 Year Plan to Improve the Environment (2018); National Planning Policy Framework (NPPF); SW River Basin Management Plan; and the River Avon Salmon Action Plan.</p> <p>In particular we would reference the recent Biodiversity Net Gain good practice guidance as published by CIEEM and CIRIA (and 2019 government consultation), promoting:</p> <ul style="list-style-type: none"> ○ Being inclusive, equitable, sharing benefits amongst stakeholders;

ExA Question	EA response
<p>be submitted, approved and adhered to, as proposed by the Environment Agency?</p> <p>v. Whether any additional Requirements would be necessary to minimise any impact on the surface and groundwater water quality, quantity (levels and flow) and environment, including the monitoring of ground water levels in the vicinity of Blick Mead and elsewhere and, if necessary, the carrying out of remedial measures?</p> <p>vi. Notwithstanding the addition of Requirement 11, whether there would be a need for a specific Requirement to secure the agreement of the Environment Agency to the Proposed Development to ensure that the adequacy of the environmental protection measures would be appropriately assessed?</p>	<ul style="list-style-type: none"> ○ Being additional to achieve conservation outcomes that demonstrably exceed existing obligations; ○ Optimise sustainability and the wider environmental benefits for a sustainable society and economy. <p>On a more local level the River Avon Restoration Plan sets out the aims for the River Avon catchment.</p> <p>iv. Environmental Enhancement Plan Requirement. We maintain our view that a Requirement for an Environmental Enhancement Plan should be included. However, we would also be satisfied if the need for producing and implementing the Environmental Enhancement Plan was included in the OEMP, if that is a more suitable location.</p> <p>We consider it would be reasonable and necessary to secure this within the dDCO for the reasons outlined above and given in our previous written representations. In particular to fulfil the aims of the River Avon Restoration Plan; to maximise the water environment opportunities in the vicinity of the A303 road scheme; and to ensure the scheme satisfies the requirements of national and local policy.</p> <p>Currently there is <u>no commitment within the current A303 Stonehenge road scheme</u> to directly enhance the water environment in the area nor take advantage of existing partnership opportunities that may contribute to overall net gain and achieve multiple benefits.</p> <p>Multiple benefits could be achieved by contributing to climate change resilience, potential air quality/noise benefits from any increased (wet) woodland, wellbeing and recreational benefits from angling and other public opportunities, not least alongside species and habitat improvements from improved morphology.</p> <p>The production and implementation of the Environmental Enhancement Plan would require Highways England and partners to explore and utilise the opportunities within the Hampshire Avon catchment, to help deliver the River Avon Restoration Plan and its associated multiple benefits. This would seek to achieve enhancement of the water environment and biodiversity net gain.</p> <p>v. We are satisfied that the existing OEMP clauses and DCO Requirements will be sufficient to minimise impacts on surface and groundwater subject to the recommendations we've made in our written representations and at Issue Specific Hearings. We consider that the Groundwater Management Plan, secured by OEMP MW-WAT10 makes adequate provision for monitoring of groundwater dependent receptors.</p> <p>vi. We consider that amendments to the draft DCO and OEMP have largely addressed our earlier concerns and that a separate Requirement is not necessary provided consultation on matters within our remit can be assured. Most notably we seek further assurance that the Environment Agency would be considered an</p>

ExA Question	EA response
	'appropriate person' and therefore consulted when the Secretary of State considers <u>any</u> changes to the detailed design or the management plans submitted as part of the CEMP.
5. Schedule 11 – Protective Provisions	
<p>i. Whether all Protective Provisions are now agreed?</p> <p>ii. Whether it would be necessary for a Protective Provision to be included in the dDCO which explicitly referred to the Proposed Development as being within the WHS and its setting?</p>	<p>i. Yes our Protective Provisions have been agreed and included in the latest draft DCO.</p> <p>ii. No comment</p>
6. Schedule 12 – Documents to be certified	
<p>i. The Environmental Statement to be certified including whether this should incorporate:</p> <p>(a) The relevant aspects of the Errata Report submitted at Deadline 7 [REP7-022]?</p> <p>(b) The additional LVIA figures 7.89 to 7.96 [REP7-026 to REP7-033] and 7.103 to 7.107 [REP7-034 to REP7-038] submitted at Deadline 7 and figures 7.97 to 7.102 [AS-079 to AS-084] published on 19 August 2019?</p> <p>(c) The Habitat Regulations Screening Assessment - Clarification Technical Note submitted at Deadline 7 [REP7-011, Appendix A]?</p> <p>ii. The OEMP to be certified and the inclusion of Annex A.4 – Illustrated Examples of Key Design Elements [REP7-024].</p> <p>iii. Whether any other documents should be certified and included within Schedule 12?</p>	No comment
7. Planning Obligations and any other agreements	
Whether any other obligations or agreements are intended to be submitted in support of the application?	No comment

ExA Question	EA response
8. Amendments to the draft DCO consequential to the proposed changes to the application sought by various parties	
i. The drafting of the proposed changes to the application sought by the Trail Riders Fellowship. ii. The drafting of the proposed changes to the application sought by the Applicant.	No comment