

The Planning Inspectorate  
National Infrastructure Planning  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

**Our ref:** WA/2019/126852/01-L01  
**Your ref:** TR010030

**Date:** 6 September 2019

Dear Sir/Madam

**Application by Highways England for an Order granting Development Consent for the M25 junction 10/A3 Wisley interchange improvement**

Please find enclosed our relevant representation for the M25 junction 10/A3 Wisley interchange improvement.

**The Role of the Environment Agency**

The Environment Agency has a responsibility for protecting and improving the Environment as well as contributing to sustainable development.

Our work helps to support a greener economy through protecting and improving the natural environment for beneficial uses, working with business to reduce waste and save money, and helping to ensure that the UK economy is ready to cope with climate change. We will facilitate, as appropriate, the development of low carbon sources of energy ensuring people and the environment are properly protected.

**We have three main roles:**

We are an **environmental regulator** – we take a risk-based approach and target our effort to maintain and improve Environmental standards and to minimize unnecessary burdens on business. We issue a range of permits and consents.

We are an **environmental operator** – we are a national organization that operates locally. We work with people and communities across England to protect and improve the environment in an integrated way. We provide a vital incident response capability.

We are an **environmental advisor** – we compile and assess the best available evidence and use this to report on the state of the environment. We use our own monitoring information and that of others to inform this activity. We provide technical information and advice to national and local governments to support their roles in policy and decision-making.

One of specific functions is as a Flood Risk Management Authority. We have a general supervisory duty relating to specific flood risk management matters in respect of flood risk arising from Main Rivers or the sea.

**Pre-application engagement**

Highways England (the applicant) approached us in December 2017 to discuss their initial plans for the project and the potential environmental issues that they would need to address. Since this early contact we have had positive, consistent engagement with representatives of the applicant. In March 2018 we provided a formal response to the Applicant's Section 42 (Planning Act 2008) consultation.

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**Outstanding Information and issues of concern**

Our relevant representation outlines where there is sufficient information for some matters and where we have identified issues in our review of the application documents. Our issues are broadly aligned with the issues that are shown as 'under discussion' in our Statement of Common Ground with the applicant (reference: TR010030/APP/8.3). We are continuing to engage with representatives of the applicant on these matters.

Please do not hesitate to contact us if you require any further information. We look forward to continuing to work with the applicant to resolve any outstanding matters to ensure the best environmental outcome for this project.

Yours faithfully

**Clark Gordon**  
**Strategic Planning Specialist**  
**Environment Agency, Thames area**

## **Relevant Representations On behalf of the Environment Agency**

### **Areas of agreement and outstanding issues**

#### **1.0 Draft Order**

- 1.1 We have previously advised the applicant that they should use our 'model' protective provisions (dated April 2019) in any Order, or otherwise discuss with us any changes to be proposed. We also advised that our agreement to disapply our Flood Risk Activity Permits (and/or any other consents) is subject to our approval of adequate protective provisions.
- 1.2 We note that the published protective provisions for the Environment Agency (Schedule 9, Part 3) of the draft Order (reference: TR010030/APP/3.1) deviate from our model provisions, and include some areas of significant concern to us. We have not been advised of these changes.
- 1.3 Of particular concern to us, the published provisions still refer to 'deemed approval' rather than 'deemed refusal' in part 19(3)(b). Due to legislative changes, we will only approve provisions containing 'deemed refusal'.
- 1.4 Substantial alterations or deletions have also been made to the indemnity provisions found in our model provisions.
- 1.5 We also recommend that Requirement 12 (Schedule 2, Part 1) may need to be amended to ensure it reflects the requirements laid out in other application documents.
- 1.6 We will engage with the representatives of the applicant on these matters shortly. We will ask that the Statement of Common Ground is updated to reflect these new concerns. We will be happy at a later date to provide more detailed written representations should any matters be ongoing.

#### **2.0 Flood risk**

- 2.1 Our main flood risk concerns are with works on and adjacent to the Stratford Brook (in the River Wey catchment) to the south-west of the scheme. This work includes a new road bridge over the Stratford Brook, works to/around culverts under the A3 and a construction compound in an area of flood risk.
- 2.2 Works in the River Mole catchment are limited and we agree that the fluvial flood risk of works in these areas is acceptable, notwithstanding any requirements to obtain Permits for works close to watercourses as required.
- 2.3 Due to apparent shortcomings, it is difficult for us to wholly agree with the conclusions of the Flood Risk Assessment (FRA) (reference: TR010030/APP/5.5) that "...*the proposed Scheme, with the incorporation of flood risk mitigation/considerations...is considered acceptable from a flood risk perspective.*" because of in the report. Further information is required for us to support this conclusion.
- 2.4 Of particular concern to us following a review of the FRA are a lack of demonstration that appropriate allowances for climate change have been considered, unclear terminology in places, and a number of assumptions made without supporting evidence.
- 2.5 We also note that within the Register of Environmental Actions and Commitments (reference: TR010030/APP/7.3) that we are proposed to review information related to surface water flood risk or drainage. These matters are not within our remit, so other

responsible agencies will need to agree to review these details.

- 2.6 We will engage with the representatives of the applicant on these matters shortly. We will ask that the Statement of Common Ground is updated to reflect these new concerns. We will be happy at a later date to provide more detailed written representations should any matters be ongoing.

### **3.0 Stratford Brook mitigation works**

- 3.1 We are pleased to have reached a broad agreement on an acceptable package of mitigation measures for impacts to the Stratford Brook, although the application documents have raised some new queries with us.
- 3.2 As we have noted through our pre-application engagement on this scheme, the additional mitigation measures that have been identified for the Stratford Brook (predominantly feasibility and implementation of fish passage measures on the A3/slip road culverts) are required to mitigate the full impacts of works on or adjacent to the Stratford Brook. We require further clarification from the applicant about the timescales for the delivery of these measures, as we have been unable to find this information in the application documents.
- 3.3 We also have some confusion about the exact nature of the works to the A3 slip road culvert. The works are described in different documents as 'strengthening' or 'straightening'. Our understanding is that there are no works to the culvert itself, only to the slab above it.
- 3.4 We will engage with the representatives of the applicant on these matters shortly. We will ask that the Statement of Common Ground is updated to reflect these new concerns. We will be happy at a later date to provide more detailed written representations should any matters be ongoing.

### **4.0 Boldermere mitigation works**

- 4.1 Our principal concerns in relation to the works on Boldermere lake are to ensure the Water Framework Directive status of the lake is protected and impacts from the construction of the new retaining wall. Other wider ecology matters are led by Natural England and the local Wildlife Trust.
- 4.2 The representatives of the applicant have engaged well with us on these matters and have proposed sufficient mitigation for the identified risks, such that our concerns are allayed by the inclusion of Requirements 10 and 13.
- 4.3 We will continue engage with the representatives of the applicant on these matters, particularly relating to the detailed design of the retaining wall, including reviewing the outstanding groundwater flow information to inform an appropriate design.

### **5.0 Groundwater and land contamination**

- 5.1 The applicant has acknowledged that their assessment to date for groundwater and land contamination issues has been limited by a lack of ground investigation data. The applicant made us aware very early during our pre-application engagement that this would be the case and for the matters within our remit, we agreed with this approach.
- 5.2 The most significant outstanding concern with the lack of ground investigation data relates to the permeability of the design of the retaining wall in Boldermere lake. However the applicant has demonstrated in the application documents that a suitable

design can be provided based on a variety of groundwater flow conditions.

5.3 We are therefore satisfied that any outstanding issues can be addressed through the appropriate Requirements.

5.4 We will continue engage with the representatives of the applicant on these matters, and can provide additional commentary should additional ground investigation data become available during the examination process.

## **6.0 Water Framework Directive (WFD)**

6.1 We are pleased with the scope and detail within the WFD Assessment (reference: TR010030/APP/5.4) submitted with this application. The applicant has demonstrated that, with appropriate mitigation measures in place, the scheme will be WFD compliant.