

**From:** [Pring, Dave](#)  
**To:** [A303 Sparkford to Ilchester](#)  
**Subject:** URGENT FAO The Examining Authority - Hearing 2 (27 February 2019) A303 Sparkford to Ilchester Dualling Project  
**Date:** 26 February 2019 18:58:45  
**Attachments:** [A303EX2.pdf](#)

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Dear Michele,

Thank you for your email.

Unfortunately, I am now unable to attend Issue Specific Hearing 2 however, please find attached my response to the issues listed in your email (hereunder).

Please forward this email and the attached response to the Examining Authority at the earliest opportunity.

Regards

Dave

Dave Pring  
Planning Specialist  
Sustainable Places  
Wessex Area

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**Environment Agency, Rivers House, East Quay, Bridgwater, Somerset, TA6 4YS**

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**From:** A303 Sparkford to Ilchester  
[mailto:A303SparkfordtoIlchester@planninginspectorate.gov.uk]  
**Sent:** 22 February 2019 14:56  
**To:** Pring, Dave <dave.pring@environment-agency.gov.uk>  
**Cc:** Dean Alford <Dean.Alford@pins.gsi.gov.uk>  
**Subject:** RE: A303 Sparkford to Ilchester Dualling Project Examination Hearings

Dear Dave

Further to your email of 19 February 2019 at 16.45 I can confirm that the Examining Authority are likely to ask questions about the mechanisms to deal with surface water discharges at Issue Specific Hearing 2.

At Issue Specific Hearing 4 the Examining Authority will be concerned with the:

- Disapplication of legislative provisions
- Discharge of water
- Watercourses (physical effect on, if any)
- Construction Environmental Management Plan, consultation on requirements
- Land and groundwater contamination

Surface water drainage systems

- Unlicensed water abstractions

The Examining Authority have requested your attendance to help clarify any questions they may have regarding these matters. Apologies for any inconvenience in relation to missed phone calls.

Kind regards

Michele Gregory

Case Manager

A303 Sparkford to Ilchester Case Team

National Infrastructure Planning

The Planning Inspectorate, Temple Quay House, Temple Quay, Bristol, BS1

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Web: [www.gov.uk/government/organisations/planning-inspectorate](http://www.gov.uk/government/organisations/planning-inspectorate) (The Planning Inspectorate)

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**From:** Pring, Dave

**Sent:** 19 February 2019 16:45

**To:** 'A303Sparkfordtollchester@pins.gsi.gov.uk' <[A303Sparkfordtollchester@pins.gsi.gov.uk](mailto:A303Sparkfordtollchester@pins.gsi.gov.uk)>

**Subject:** FW: A303 Sparkford to Ilchester Dualling Project Examination Hearings

Hi Dean,

I called earlier and left a message with one of your colleagues, Liam.

Further to my email hereunder, I have been asked to attend Issue Specific Hearings 2 and 4.

Firstly, I am unlikely to usefully add to my earlier responses in respect of the issues to be discussed during Hearings 2 and 4.

Secondly, if the Inspectors believe my attendance would be beneficial to their deliberations, would they please forward any specific questions they may have, to determine whether a function specialist is required to attend. Additionally, details of specific questions would enable me to prepare a more informed response to assist the Inspector's decision making process. Alternatively, I could prepare a detailed written response.

An early response would be appreciated.

Regards

Dave

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**From:** Pring, Dave

**Sent:** 13 February 2019 17:37

**To:** 'A303Sparkfordtollchester@pins.gsi.gov.uk' <[A303Sparkfordtollchester@pins.gsi.gov.uk](mailto:A303Sparkfordtollchester@pins.gsi.gov.uk)>

**Subject:** A303 Sparkford to Ilchester Dualling Project Examination Hearings

Hi Dean,

With reference to our earlier telephone conversation, I can confirm that it is not considered necessary for the Environment Agency to make verbal representations at Issue Specific Hearing 2 (or any other).

Notwithstanding the above, I would like to observe proceedings at Hearing 2 and Hearing 4.

I hope this is acceptable.

Regards

Dave

Dave Pring  
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Dear Michele,

Thank you for your email.

Unfortunately, I am now unable to attend Issue Specific Hearing 2 however, for ease of reference, I can confirm the following points in respect of the issues listed in your email.

### **Disapplication of legislative provisions**

Further to its response in respect of Deadline 3 (REP3-009), the Agency must advise that it remains unable to agree to the proposed disapplication of legislative provisions pertinent to its interests, as detailed in Part 1 (3) of the draft DCO.

The Agency has reiterated that the submitted draft Protective Provisions are not specific to its interests (i.e. the Agency will require separate Protective Provisions) and do not accord with its requirements. The outcome of ongoing discussions regarding this matter will be conveyed to the Examining Authority and detailed in the final Statement of Common Ground.

### **Discharge of water**

The pertinent extract from the Agency's Relevant Representation dated 18 October 2018 (RR-034) is copied hereunder, with Highways England's responses shown in red:

*Part 4 Section 20 of the Draft Development Consent Order requires that water discharged into a watercourse must be as free as practicable of solid substances, matter in suspension and oil. To ensure controlled waters are adequately protected, we must request the extension of the requirement to include dissolved pollutants and discharges to ground, due to the potential for pollution of groundwater in the underlying Secondary A aquifer.*

Highways England proposes to make an amendment to Article 20 of the draft DCO to address this point as follows:

20 (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.

Comment to Examining Authority – The Agency advises that, subject to the inclusion of the amendments underlined above, it has no further comments regarding this matter.

### **Watercourses (physical effect on, if any)**

The Agency has no additional comments in respect of this matter however, it would be pleased to answer any specific questions from the Examining Authority.

### **Construction Environmental Management Plan, consultation on requirements**

Pertinent extracts from the Agency's Relevant Representation dated 18 October 2018 (RR-034) are copied hereunder, with Highways England's responses shown in red:

*We must advise that 'Requirement' 3 (Construction Environmental Management Plan) is amended to include a specific need to submit a Pollution Incident Control Plan, to ensure environmental pollution prevention and emergency response procedures are developed and implemented. The measures must be appropriate to the potential risk of the specific works being undertaken, impacting upon identified environmental receptors.*

Highways England suggest that instead of being added to Requirement 3 the need for and scope of the Pollution Incident Control Plan are added to the Outline Environmental Management Plan which will be a certified document approved as part of any grant. Inclusion in this document would allow more detail and explanation to be provided than would be appropriate in the requirement whilst still giving the Environment Agency certainty that the plan is secured.

*Further, it is noted that 'Requirement' 3 does not specify consultation with the Environment Agency. Due to potential risks to environmental receptors during construction we would request that we have the opportunity to comment on the CEMP and also the HEMP to ensure longer term risks can be adequately mitigated. With reference to the record of sensitive environmental features and Groundwater Monitoring Strategy, we may hold information that would assist in determining sensitive environmental receptors.*

Highways England proposes to make an amendment to Requirement 3 of the draft DCO to address this point as follows:

3.—(1) No part of the authorised development is to commence until a CEMP has been prepared in consultation with the Environment Agency, the relevant planning authority and the local highway authority and submitted to and approved in writing by the Secretary of State.

*We must advise that any subsequent documentation submitted pursuant to the discharge of any 'Requirement' pertinent to our interests, is forwarded for our consideration, prior to any approval or otherwise.*

Highways England is happy to consult the Environment Agency prior to submitting applications for approval under on requirements where you have an interest. It would be of assistance if further details could be given of which requirements the Agency considers you should be consulted on so that amendments to the draft DCO can be prepared for your consideration.

Comment to Examining Authority - The Agency is essentially satisfied with the Highways England response however, it is the Agency's preference for Requirement 3 to be amended, to include a specific need to submit a Pollution Incident Control Plan.

### **Land and groundwater contamination**

The Agency has no additional comments in respect of this matter however, it would be pleased to answer any specific questions from the Examining Authority.

### **Surface water drainage systems**

The pertinent extract from the Agency's Relevant Representation dated 18 October 2018 (RR-034) is copied hereunder, with Highways England's responses shown in red:

*We would advise that draft 'Requirement' 13 does not appear to make any provision for the future management/maintenance of the approved drainage details. This will be important to ensure the drainage system continues to perform as originally designed, for the lifetime of the scheme.*

Highways England would direct the Environment Agency to paragraph 23 of our proposed Protective Provisions which provides that all drainage works within the Order Land held by Highways England have to be maintained by Highways England to the reasonable satisfaction of the drainage authority. Accordingly we would not propose any amendment to Requirement 13 as this matter has already been addressed.

Comment to Examining Authority – See 'Disapplication of legislative provisions' above. The Highways England response cites their proposed Protective Provisions, which are currently unacceptable to the Agency. Accordingly, the Agency's original comment regarding the apparent omission of provisions for the future management/maintenance of the approved drainage details, still applies.

The Agency would be pleased to answer any specific questions from the Examining Authority regarding this matter.

### **Unlicensed water abstractions**

The Agency's Relevant Representation dated 18 October 2018 (RR-034) reiterated earlier concerns regarding the omission of any assessment of the proposal's potential impact on unregulated abstractions. On the 5 December 2018 the Agency received a '*Private Water Supplies Technical Note*' detailing an additional assessment of water interests in the vicinity of the proposed works.

Following a detailed review of the submission by the Agency's Area Hydrogeologist, the Agency confirmed:

*"We are satisfied that a reasonable water interest survey has been undertaken. It is agreed the identified sources are unlikely to be at significant risk from the proposed scheme.*

*Notwithstanding the above, it is noted the identified source at ST 55646 24982, is within the footprint of the proposed works and that discussions are underway with the landowner regarding its replacement. We would advise that the existing source must be appropriately decommissioned using current best practice, to ensure the borehole/well does not provide a preferential pathway, where contaminated runoff/spills can enter the aquifer during construction or operation of the road.*

*The above should be included in any revised SoCG."*

Accordingly, the Agency has no additional comments regarding this matter.

Should the Inspectors require clarification in respect of any issues relevant to the Environment Agency's interests, please forward the details of specific questions to me direct. If necessary, I will liaise with the appropriate function specialists and provide a detailed response to assist the Inspector's deliberations.

Please forward this email to the Examining Authority.

Dave Pring  
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