

*Via National Infrastructure Planning
On-line portal*

Our refs: AE/2021/126188/02-L01,
20028349

Your ref: TR010038

Date: 27 August 2021

Dear Sir/Madam

**APPLICATION BY HIGHWAYS ENGLAND FOR AN ORDER GRANTING
DEVELOPMENT CONSENT FOR THE A47 NORTH TUDDENHAM TO EASTON
PROJECT**

Please find below the Environment Agency's further Written Representation for the A47 North Tuddenham to Easton project.

Summary of Representation

Our Relevant Representation confirmed that although we were broadly satisfied with the level of assessment and mitigation measures proposed as part of this application, some further information was required. This was primarily in respect of the potential impacts on the ecology of the River Tud and the Hockering and Oak Farm watercourses; and also in relation to the provision of adequate flood storage compensation. We also stated that it should be ensured that we have the opportunity to review, assess and approve some of the detailed plans prior to the commencement of development; and that a number of the Requirements should be amended to facilitate that.

We have discussed some of the points raised within our Relevant Representation with the Applicant, and measures have been put in place to ensure ongoing engagement. The Applicant has verbally outlined approaches to providing the further information we requested. These appear to be acceptable and we have commented on that in this response.

This Written Representation provides some further detail on points made in our Relevant Representation, and highlights how some of our previously raised issues are being addressed, where known. Where our Relevant Representation included supportive comments, and our position remains the same, those comments have generally not been repeated in this response. Similarly, previously raised points for which we have not seen a response from the Applicant are outlined in this Written Representation, but remain as detailed in our Relevant Representation.

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1.0 Document 3.1 Draft Development Consent Order (DCO)

1.1 We previously requested that the Environment Agency be included as a named consultee in respect of Requirement 4 (Environmental Management Plan (EMP)), for matters relevant to our remit. This remains outstanding.

1.2 We also requested confirmation that an Emergency Flood Plan would be provided, given that construction activity will be required to take place in and around areas of fluvial Flood Zone 2 and 3 (medium and high probability). This could be as part of the EMP or as a standalone document.

1.3 We supported the inclusion of Requirement 6 Contaminated land and groundwater, but the proposed wording should be amended. The determination of the need for remediation in part (2) should be based on a consideration of the risk assessment by all parties, rather than determined solely by the undertaker. Additionally, and also in respect of part (2), remedial measures should be taken to render the land fit for its intended purpose and to prevent any impacts on controlled waters. We await confirmation of these changes.

1.4 We have highlighted that the Environment Agency should be a named consultee in respect of Requirement 8 Surface and foul water drainage system, to enable us to review and confirm that the detailed proposals are acceptable. For clarity, we would add that this should be in respect of both part (1) and (2) of Requirement 8.

2.0 Document 3.3 Consents and Licences Position Statement

2.1 Our Relevant Representation highlighted some amendments that should be made to Appendix A - Table of Consents and Agreements. We look forward to viewing an updated version of this document.

2.2 As stated within Appendix A, progress on consents required from the Environment Agency will be reported in a Statement of Common Ground (SoCG). We have now agreed with the Applicant a process for progressing the SoCG. All necessary permits must be in place prior to any works commencing.

3.0 Document 6.1 Environmental Statement Chapter 8 - Biodiversity

3.1 We highlighted in our Relevant Representation several measures to be included in the EMP, or in the Landscape and Ecology Management Plan (LEMP), which will form an Annex to the EMP. We would wish to review the further detail on these measures proposed for inclusion in the second iteration of the EMP, and therefore should be added as a named consultee for Requirement 4.

4.0 Document 6.1 Environmental Statement Chapter 9 – Geology and Soils

4.1 We highlighted a number of required amendments to Table 9-6: Baseline data in our Relevant Representation, and that records of former landfills taking 'inert' waste should be substantiated. We also emphasised the importance of ensuring that

no private drinking water supplies will be derogated, even temporarily, without the prior consent of the owner and the provision of mitigation measures.

5.0 Document 6.1 Environmental Statement Chapter 10 – Material Assets and Waste

5.1 We confirmed that Appendix 10.2 Outline site waste management plan is sufficient, but that the references at 10.1.20 and 10.1.32 to the Environmental Permitting (England and Wales) Regulations 2010, should be updated to Environmental Permitting (England and Wales) Regulations 2016.

6.0 Document 6.1 Environmental Statement Chapter 13 – Road Drainage and Water Environment and Appendices

6.1 In respect of **fluvial flood risk**, we have stated that we are generally satisfied with the Flood Risk Assessment (FRA), and with the proposals to manage fluvial flood risk across the scheme, subject to clarification on a number of points and the inclusion of some further information.

6.2 The Applicant has confirmed that further information to demonstrate that the required flood storage compensation at the proposed River Tud crossing can be accommodated is being prepared and will be submitted as an addendum to the FRA. We are satisfied with this approach and look forward to reviewing the addendum.

6.3 As previously highlighted, the Environment Agency would wish to review and agree the detailed River Tud compensatory flood storage scheme. The mechanism through which we will be consulted on this should be confirmed; it is not clear whether this would be through consultation on the EMP for example. It would not be appropriate for this matter to be considered as part of a Flood Risk Activity Permit consultation.

6.4 In response to our questions regarding the potential requirement for flood compensatory storage on the Oak Farm tributary, the Applicant has advised that a further statement will be provided to address the points we have raised, along with those highlighted by Norfolk County Council as the Lead Local Flood Authority (LLFA). We look forward to reviewing that statement.

6.5 Regarding the possible need for compensatory flood storage on the Hockering watercourse, we understand from the Applicant that the flood model is being updated with the outputs from the detailed topographical survey. This will provide a better understanding of the situation, and further detail on the implications of the scheme on this watercourse will subsequently be provided. Again, we look forward to reviewing that information.

6.6 In respect of **surface water and ecology**, in our Relevant Representation we stated it should be demonstrated that the potential impact of the new 30m wide bridge deck over the River Tud has been fully assessed. This was particularly in relation to the impact of shading on aquatic, marginal and bankside vegetation. Impacts should be considered both alone, and in combination with the retained existing crossing and with any other relevant projects.

6.7 We also stated that there must be certainty that the outlined ecological measures, and the areas identified across the scheme within which such measures will be accommodated, will be sufficient to appropriately compensate and mitigate all adverse impacts. This is relevant to those impacts arising from the new structure over the Tud, but also applies to the impacts of the new and extended culverts on the ecology of the Oak Farm and Hockering watercourses.

6.8 The Applicant has confirmed, through discussions, that further survey and assessment work is being undertaken on the River Tud and the Hockering and Oak Farm tributaries. This work will consider in more detail the scale of ecological impacts and opportunities for mitigation and enhancements, and will be completed during the Examination. We welcome this confirmation and look forward to reviewing the results of the assessments and considering the measures proposed.

6.9 In respect of **groundwater resources and quality**, our Relevant Representation included (from sections 6.12 – 6.22) a number of comments and observations on ES Chapter 13 and accompanying Appendices. We also highlighted the occasions when it should be ensured that we are consulted. We await to see how the points raised have been addressed.

6.10 Our Representation included, at section 6.19, a request that ‘drainage basins’ as well as filter drains are excluded from areas where groundwater is within 1m of the ground surface or within Source Protection Zone 1 (SPZ1). For clarity, ‘drainage basins’ should be taken to include any drainage feature that has the capacity to create a pathway to an unconfined aquifer for potentially contaminated water (even if that water is partially treated). Any such features should not be located in these areas without a clear demonstration that groundwater quality would not be affected.

6.11 Section 6.21 of our Relevant Representation stated that we would wish to review the Preliminary Risk Assessment for GWDTE (Groundwater Dependent Terrestrial Ecosystems) and groundwater abstractions, and any subsequent Hydrogeological Impact Assessments for sites in proximity to underground works, along with water features surveys for drainage at cuttings. For clarity, we can confirm that the consideration of GWDTE in the Groundwater Assessment (APP-129 6.3 ES Appendices Appendix 13.4) is sufficient at this time. However, we would wish to see the further assessments that are referred to in paragraph 4.2.11 of the Groundwater Assessment. This states that these are to be undertaken after the supplementary ground investigation has been completed. If significant impacts are subsequently anticipated, a risk assessment will be needed in order to determine and agree the relevant mitigation measures from the EMP.

6.12 In respect of **surface water quality**, we previously highlighted that we are generally satisfied with the consideration of potential issues and with the principles of the proposed mitigation measures for construction and operation. It should be made clear that there will be no deterioration in the status of any of the Water Framework Directive quality elements, in addition to the overall WFD status. We should be provided with the opportunity to review and comment on the detailed proposals.

7.0 Document 7.4 Environmental Management Plan

7.1 Our Relevant Representation re-emphasised that we should be included as a named consultee in respect of Requirement 4, and outlined the specific plans, strategies and assessments that we should be consulted on.


7.2 We also highlighted that dewatering can only be undertaken without a licence at the rates quoted in section RD5 of Table 3.1 and Table 4.1 if the dewatering works for the whole scheme will last for a period of 6 consecutive months or less. If dewatering will occur over a longer time frame, the maximum rate at which dewatering can be undertaken without an abstraction licence is 20 m³/d.

7.3 Additionally in respect of Table 4.1, we highlighted that the Environment Permitting (England and Wales) Regulations from 2007 onwards replaced the permitting system in the Pollution Prevention and Control Act. And that the consenting authority for certain mobile plant permits such as concrete crushers is the local authority and therefore they should be listed along with the Environment Agency.

7.4 We previously stated that the EMP does not currently appear to consider how catastrophic spills affecting the surface water drainage systems will be dealt with. We note that emergency procedures are to be included within Appendix D, which should address this concern, and we look forward to reviewing that section of the EMP prior to construction.

We trust that these comments are useful.

Yours faithfully



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