

A47 Wansford to Sutton Dualling

Scheme Number: TR010039

Volume 8

8.5 Statement of Common Ground with the Environment Agency

Planning Act 2008

Infrastructure Planning (Examination Procedure) Rules 2010
Rule 8(1)(e)

May 2022

Deadline 7

Infrastructure Planning

Planning Act 2008

**The Infrastructure Planning
(Examination Procedure) Rules 2010**

A47 Wansford to Sutton
Development Consent Order 202[x]

**8.5 STATEMENT OF COMMON GROUND WITH THE
ENVIRONMENT AGENCY**

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STATEMENT OF COMMON GROUND

This statement of Common Ground has been prepared and agreed by (1) National Highways Company Limited and (2) Environment Agency

Signed

Chris Griffen
Programme Lead
On behalf of National Highways

Date:

Signed

NAME:.....

POSITION:

On behalf of the Environment Agency

Date:

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1 INTRODUCTION

1.1 Purpose of this Document

- 1.1.1 This Statement of Common Ground (SOCG) relates to an application made by Highways England (“the Applicant”) to the Planning Inspectorate (“PINS”) under Section 37 of the Planning Act 2008 (“PA 2008”) for a Development Consent Order (a “DCO”). If made the DCO would grant consent for the Applicant to undertake the A47 Wansford to Sutton Scheme (“the Scheme”). A detailed description of the Scheme can be found in the ES Chapter 2 The Proposed Scheme (AS-013).
- 1.1.2 This SoCG does not seek to replicate information which is available elsewhere within the Application documents. All documents are available on the Planning Inspectorate website.
<https://infrastructure.planninginspectorate.gov.uk/projects/eastern/a47-wansford-to-sutton/?ipcsection=overview>
- 1.1.3 The SoCG has been produced to confirm to the Examining Authority where agreement has been reached between the parties to it, and where agreement has not (yet) been reached. SoCGs are an established means in the planning process of allowing all parties to identify and so focus on specific issues that may need to be addressed during the examination.

1.2 Parties to this Statement of Common Ground

- 1.2.1 This SoCG has been prepared by (1) National Highways as the Applicant and (2) the Environment Agency.
- 1.2.2 Highways England became the Government-owned Strategic Highways Company on 1 April 2015. In September 2021 Highways England Company Limited changed its name to National Highways Limited. National Highways is the highway authority in England for the strategic road network and has the necessary powers and duties to operate, manage, maintain and enhance the network. Regulatory powers remain with the Secretary of State. The legislation establishing National Highways made provision for all legal rights and obligations of the Highways Agency, including in respect of the Application, to be conferred upon or assumed by National Highways.
- 1.2.3 Established in 1995, the Environment Agency (EA) is a non-departmental public body sponsored by the Department for Environment, Food and Rural Affairs (DEFRA). The Agency's overall responsibility is the protection and enhancement of the environment in England.

1.3 Terminology

- 1.3.1 In the tables in Section 3 ‘Issues’ of this SoCG the following colour coding / terminology is used to indicate the status of the individual issue:
- “Agreed” (green) - indicates where the issue has been resolved
 - “Under discussion” (amber) indicates area(s) of current disagreement where resolution remains possible, and where parties continue discussing

the issue to determine whether they can reach agreement by the end of the examination

- “Not agreed”(red) indicates a final position for area(s) of disagreement where the resolution of divergent positions will not be possible, and parties agree on this point.

1.3.2 In this SoCG, the issues raised by the Environment Agency are presented alongside a response from National Highways. "Agreed" signifies that there is agreement between the parties that there are no further points to discuss as regards that particular issue, and the Agency is satisfied by the National Highways response.

1.3.3 It can be assumed that any matters not specifically referred to in the Issues section of this SoCG are not of material interest or relevance to the Environment Agency, and therefore have not been the subject of any discussions between the parties. As such, those matters can be read as agreed, only to the extent that they are either not of material interest or relevance to the Agency.

2 RECORD OF ENGAGEMENT

2.1.1 A summary of the meetings and correspondence that has taken place between National Highways and the Environment Agency in relation to the Application is outlined in Table 2-1.

Table 2-1: Record Of Engagement

Date	Form of Correspondence:	Key topics discussed and key outcomes (the topics should align with the Issues tables)
05.06.2018	Letter	Flood risk and floodplain compensation
11.02.2020	Letter	Provision of flood risk information.
25.03.2020	Letter	Reply to request for data.
14.08.2020	Email	RDWE - Email to consult on proposed approach to River Nene flood risk modelling including climate change allowances.
05.11.2020	MS Teams	RDWE - Meeting to consult regarding Water Framework Directive.
11.11.2020	MS Teams	RDWE - Meeting to discuss results of HEWRAT groundwater assessment risk results
17.11.2020	MS Teams	RDWE - Meeting to consult on flood risk and Water Framework Directive aspects of the Scheme.
04.03.2021	Email	RDWE - Requesting small change to the hydrology approach.
15.04.2021	Email	RDWE- Comments on FRA.
03.06.2021	Email	RDWE - Confirm approval of hydrology and hydraulic model approach.

2.1.2 It is agreed that this is an accurate record of the key meetings and consultation undertaken between (1) National Highways and (2) the Environment Agency in relation to the issues addressed in this SoCG.

3 ISSUES

3.1 Purpose of this Document

- 3.1.1 Section 3.2 summarises the key outstanding issues explored between the Environment Agency and National Highways and these issues are explored in more detail in Section 3.3. Annex A summarises the topics raised in representations by the Environment Agency.
- 3.1.2 There are no matters outstanding between the Environment and National Highways on any topics other than the Draft Development Consent Order itself.

3.2 Summary of Environment Agency Issue

Ref. No	Topic	Status	Date Agreed
1	Draft DCO Requirements (not in ExA List)	Not yet Agreed	

3.3 Issues in Detail

Table 3-1 Issues Raised

Ref No.	Issue	Document Reference (if relevant)	Environment Agency Comment	National Highways Response	Status	Date
1	Draft Development Consent Order Additional Requirement	Draft DCO (REP3-003)	The Environment Agency has requested an additional requirement to the Draft DCO. <i>The development shall be carried out in accordance with the submitted flood</i>	The Applicant is discussing the need for an additional Requirement with the EA. The Flood Risk Assessment (REP3-014) is a certified document under	Not yet agreed	

Ref No.	Issue	Document Reference (if relevant)	Environment Agency Comment	National Highways Response	Status	Date
			<p><i>risk assessment, reference number TR010039/APP/6.3, dated July 2021 and the following mitigation measures it details:</i></p> <ul style="list-style-type: none"> • <i>Compensatory storage shall be provided as shown in cation 7.9 (Primary location for the flood compensation area for the River Nene) and will provide a minimum volume of 560m3 .</i> • <i>Floodplain compensation should be constructed prior to the commencement of any works which will reduce the capacity of the floodplain.</i> <p><i>These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.</i></p> <p>The Environment Agency would wish to be a specific named consultee in respect of the requested Requirement.</p>	<p>Schedule 10 of the dDCO (REP3-003). The development therefore has to be carried out in accordance with it.</p>		

Annex A

Summary of Matters Raised in Submissions by the Environment Agency

Ref No.	Issue	Document Reference (if relevant)	Environment Agency Comment
1	Water Framework Directive	<i>Additional Submission (AS043-3)</i>	<p>We consider that the scheme adequately addresses water framework directive impacts and mitigates appropriately. In particular, we support the proposals in the Environmental Masterplan (TR010039/APP.6.8) for the works to facilitate mammal passage through the existing A47 and A1 culverts and the provision of additional wetland areas for water quality improvement and habitat creation at Sacrewell Farm.</p> <p>We therefore have no objection to proposed development consent order (DCO) being granted at this time in relation to WFD at the site.</p>
2	Road Drainage and the Water Environment Flood Risk	<i>Additional Submission (AS043-2)</i>	<p>The applicant has carried out hydraulic modelling to determine the baseline conditions for the site and for the proposed scheme. This included modelling of the Mill Stream and Whittering Brook. We have undertaken a review of the hydraulic modelling and have determined that it fit for purpose</p> <p>As the submitted flood risk assessment utilises information from the hydraulic model, we are satisfied that it is appropriate to the scale, nature and location of the development.</p> <p>We therefore have no objection to proposed development consent order (DCO) being granted at this time in relation to flood risk at the site.</p>
3	Geology and Soils	<i>Additional Submission (AS043-4)</i>	<p>Based on the available information, we are satisfied that the risks posed to controlled waters are understood and can be appropriately managed.</p> <p>4.2 We therefore have no concerns at this time with regard to the risks to groundwater from the proposed scheme and have no objection to the proposed DCO being granted at this time in relation to the protection of controlled waters from potential contamination at the site.</p>
4	Development Consent Order	<i>Additional Submission (AS043-5)</i>	<p>To ensure that the proposed scheme does not result in an increase in flood risk to areas located downstream of the site, we request the following Requirement be included on the DCO: 5.2</p>

Ref No.	Issue	Document Reference (if relevant)	Environment Agency Comment
			<p><i>The development shall be carried out in accordance with the submitted flood risk assessment, reference number TR010039/APP/6.3, dated July 2021 and the following mitigation measures it details:</i></p> <ul style="list-style-type: none"> • <i>Compensatory storage shall be provided as shown in cation 7.9 (Primary location for the flood compensation area for the River Nene) and will provide a minimum volume of 560m3.</i> • <i>Floodplain compensation should be constructed prior to the commencement of any works which will reduce the capacity of the floodplain.</i> <p><i>These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.</i></p> <p><i>The Environment Agency would wish to be a specific named consultee in respect of the requested Requirement.</i></p>