

*Via National Infrastructure Planning
On-line portal*

Our refs: AE/2021/125964/02-L01,
20028009

Your ref: TR010040

Date: 19 July 2021

Dear Sir/Madam

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

Please find below the Environment Agency's further written representation for the A47 Blofield to North Burlingham project.

Summary of Representation

Our Relevant Representation for this proposal confirmed that we were broadly satisfied with the level of assessment and mitigation measures proposed as part of the application. However, we stated that we would require the opportunity to review, assess and approve some of the more detailed plans prior to the commencement of development.

We have considered the Applicant's response to our Relevant Representation, in particular the proposed amendments to the draft Development Consent Order (DCO). We are satisfied that the proposed amendments will ensure that we are able to appropriately review the detail of the proposed scheme for issues within our remit.

This Written Representation details how our previously raised issues have been addressed, and confirms our current position in respect of this application. Where our Relevant Representation included supportive comments, and our position remains the same, those comments have generally not been repeated in this response.

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1.0 Document 3.1 Draft Development Consent Order (DCO) (Revision 1)

1.1 Our Relevant Representation highlighted that Part 1 Article 3 of the draft DCO (Revision 0) included the proposed disapplication of certain permits required from the Environment Agency under the Environmental Permitting (England and Wales) Regulations 2016. Specifically, flood risk activity permits and water discharge consents.

1.2 We stated that we would not usually agree to dis-apply water discharge consents; and given that there are no designated Main Rivers within the extent of the order limits for the proposed scheme, there would be no requirement for any flood risk activity permits to be obtained.

1.3 We note that the draft DCO submitted by the Applicant at Deadline 1 (Revision 1) has had reference to dis-applying these permits removed. On that basis, we can confirm that we are satisfied that this issue is resolved.

1.4 Requirement 4 requires the preparation of an Environmental Management Plan (EMP) and associated documents. The EMP is a mechanism to ensure the delivery of mitigation measures during the construction phase as outlined in the Environmental Statement, including those in Chapter 13 Road drainage and the water environment. Although satisfied with the approach taken in identifying the potential adverse effects of the proposed scheme on surface water and groundwater, and with the mitigation outlined to date, we highlighted in our Relevant Representation that we should have the opportunity to review and comment on the detailed proposals prior to construction.

1.5 We therefore requested that the Environment Agency be added as a named consultee in respect of Requirement 4, for matters relevant to our remit. The draft DCO (Revision 1) includes the requirement for the Environment Agency to be consulted on the Second Iteration of the EMP. On that basis, we can confirm that we are satisfied that this issue is resolved.

1.6 We remain supportive of the inclusion of Requirement 6 Contaminated land and groundwater, and the inclusion of the Environment Agency as a named consultee. However, we would wish to suggest an amendment to the proposed wording. 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), specific mention should be made to the need for remedial measures to prevent any impacts on controlled waters, in addition to rendering the land fit for its intended purpose.

1.7 Requirement 8 is concerned with Surface and foul water drainage. As previously highlighted, we are satisfied with the approach proposed to date. However, the detailed drainage design is still to be finalised. The Environment Agency should have the opportunity to review and confirm that the detailed proposals are acceptable, in particular where the use of deep infiltration features is proposed.

1.8 In our Relevant Representation, we requested that the Environment Agency be added as a named consultee in respect of Requirement 8. We note that the draft DCO (Revision 1) includes a requirement for the Environment Agency to be

consulted. We also note and welcome for clarity the additional specific reference to the drainage strategy. On the basis that the amended wording remains, we can confirm that we are satisfied that this issue is resolved.

1.9 Although not raised in our Relevant Representation, we have responded to the Examining Authority's first written questions in respect of Requirement 18 Details of consultation. We stated that we do not consider 10 business days, as currently proposed, to be a sufficient time for the Environment Agency to respond to a consultation on the discharge of requirements. We would require a minimum of 21 days to enable internal consultation to take place, and to prepare a co-ordinated response.

2.0 Document 3.3 Consents and Licences Position Statement (Revision 1)

2.1 Paragraph 3.1.3 lists those consents which are to be addressed by the DCO. The list in Revision 0 included the consent to carry out flood risk and water discharge activities. As stated in our comments in relation to the draft DCO above, we would not agree to dis-apply water discharge consents, and there are no Main Rivers within the order limits to trigger the possible requirement for a flood risk activity permit. We therefore stated in our Relevant Representation that reference to these permits being included or addressed as part of the DCO should be removed.

2.2 Reference to flood risk activities has been removed from paragraph 3.1.3 in Revision 1, but reference to water discharge activities remains. For clarity and consistency, reference within this section to water discharge activities should be removed.

2.3 However, we note that Appendix A consists of a table which details the permits, consents and agreements that may need to be sought separately from the DCO. We welcome the reference now included in this table to water discharge activities, and the reference to the associated permitting and consenting requirements. We are therefore confident that the Applicant will seek the necessary permissions as required.

2.4 Additionally in respect of Appendix A, we note that reference to the Pollution Prevention and Control Act 1999 has been removed, which is welcomed. We also note that the regulating authority for mobile plant licences for the crushing of concrete has correctly been amended from the Environment Agency to Broadland District Council.

2.5 Appendix A in Revision 1 now also includes reference to the permitting requirements associated with dewatering activities. While we are supportive of the addition, we would highlight that the dewatering exemptions noted here are only applicable if the works will take less than 6 months. For works over a longer time period, an abstraction licence will be required for any dewatering at rates over 20 m³/d. We note that the anticipated construction period for the proposed scheme is approximately 22 months. We can discuss dewatering requirements further with the Applicant at the detailed stage, and in respect of the EMP.

3.0 Document 6.2 Environmental Statement Appendix 10.3 Outline Site Waste Management Plan (Revision 1)

3.1 We note and welcome the updated references to the Environmental Permitting (England and Wales) Regulations 2016 at paragraphs 10.1.20 and 10.1.32. This is in line with the request in our Relevant Representation.

4.0 Document 7.7 Environmental Management Plan (Revision 1)

4.1 Table 4-1 of Document 7.7 replicates Appendix A of Document 3.3, and lists consents and permissions that may be required. In our Relevant Representation we highlighted that the Environment Permitting (England and Wales) Regulations have replaced the permitting system in the Pollution Prevention and Control Act. In respect of 'Waste Materials', we highlighted that the regulating authority for mobile plant licences for the crushing of concrete is the relevant local authority, not the Environment Agency. Although these points have been addressed in Appendix A of Document 3.3 (Revision 1), they have not been made to Table 4-1 of Document 7.7 (Revision 1). This table should therefore also be updated.

4.2 As with Appendix A of Document 3.3, additional references should be added to Table 4-1 regarding the consenting requirements for temporary water discharge activities and dewatering. Reference to dewatering requirements should take into account our comments regarding dewatering exemptions in paragraph 2.5, above.

We trust that these comments are useful.

Yours faithfully



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