

*Via National Infrastructure Planning
On-line portal*

Our refs: AE/2021/126472/01-L01,
20028009

Your ref: TR010040

Date: 09 September 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 Deadline 4 submission, which provides comments in response to document 9.14 Applicant's Response to Written Representations [REP3-025], and comments in respect of Issue Specific Hearing 1 (dDCO) Hearing Action Points.

In paragraph 1.6 of our Written Representation [REP2-013], we requested that **Requirement 6 Contaminated land and groundwater**, part (2) be amended. This was because we felt it appropriate that the determination of the need for remediation should be based on a consideration of the risk assessment by all parties, rather than determined solely by the undertaker.

We note the Applicant's response on this point, which highlights that remediation will not always be necessary, and that we will be consulted on the details of any proposed remediation scheme under R6 (2). However, our view remains that all parties, not just the undertaker, should contribute at the earlier stage in respect of deciding whether remediation is necessary based on the risk assessment completed under R6 (1). We do accept that specific reference to controlled waters is not strictly necessary in R6 (2), but we would prefer to see it included if possible.

As highlighted in our Written Representation at paragraph 1.8, we welcome the specific reference to the Environment Agency as a named consultee in respect of **Requirement 8 Surface and foul water drainage** part (1). We note the discussion at ISH1 regarding the further addition of the Environment Agency as a consultee for part (2) of R8, and the corresponding request at Note 14 of the Hearing Action Points for the Applicant to amend the dDCO accordingly. We can confirm that the addition

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of the Environment Agency as a named consultee in part (2) of R8 is something we would welcome and support.

We note that **Requirement 18 Details of consultation** has been amended in the dDCO submitted at Deadline 3 [REP3-005]. We welcome the amendment which provides parties 28 days, rather than 10 working days to respond to a consultation on the discharge of requirements. We can confirm that this timescale is acceptable to us and resolves our concern raised in paragraph 1.9 of our Written Representation.

With regards to **Document 3.3 Consents and Licences Position Statement**, we note that Revision 2 submitted at Deadline 3 [REP3-009], has removed the reference to water discharge activities from paragraph 3.1.3. This has resolved the point raised in paragraph 2.2 of our Written Representation.

In paragraph 2.5 of our Written Representation, we highlighted that Appendix A in Revision 1 of the **Consents and Licences Position Statement** [REP1-011] makes reference to dewatering exemptions, but that those exemptions are only applicable if the works will take less than 6 months. Revision 2 [REP3-009] has an added line in the section on temporary abstraction for construction dewatering so that it reads (addition underlined):

Works within the saturated aquifer may require dewatering. Dewatering volumes above 100m³/day require a transfer or abstraction licence. Exemptions may apply but are only applicable of (if) the works will take less than 6 months. A licensing exemption limit may be reduced to 50m³/day, depending on whether there are conservation sites within 500m or springs, wells or boreholes used to supply water for any lawful use within 250m of the proposed abstraction. Licensing will be subject to further impact assessments on any identified receptors

We would clarify that dewatering at rates of up to 100m³/day (or 50m³/day within the restricted areas identified) is exempt from the need for an abstraction licence if the works would take less than 6 months in total. If the works take place over a longer time period, an abstraction licence will be required for any dewatering at rates over 20 m³/d. The exemption allows increased dewatering to occur without the need for an abstraction licence for short term works of less than 6 months.

In paragraphs 4.1 and 4.2 of our Written Representation, we requested some further amendments to Table 4-1 of **Document 7.7 Environmental Management Plan** (Revision 1). Table 4-1 of the EMP replicates Appendix A of Document 3.3 and lists consents and permissions that may be required. Amendments requested by us in our Relevant Representation had been made in Revision 1 to Appendix A, but not to Table 4-1.

We note that in Revision 2 [REP3-015] of the EMP, Table 4-1 has been removed and reference is simply made to Appendix A of Document 3.3. We can confirm this resolves the issue raised in our Written Representation on this point.

We trust that these comments are useful.

Yours faithfully



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Sustainable Places - Planning Specialist

