

A47 Blofield to North Burlingham

**Scheme Number: TR010040**

**Volume 8**

**8.4 Statement of Common Ground with  
Highways England and Environment Agency**

Rule 8(1)(e)

Infrastructure Planning (Applications: Prescribed  
Forms and Procedure) Regulations 2009

November 2021

Deadline 7

Infrastructure Planning

Planning Act 2008

**The Infrastructure Planning  
(Applications: Prescribed Forms and  
Procedure) Regulations 2009**

A47 Blofield to North Burlingham  
Development Consent Order 202[x]

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**STATEMENT OF COMMON GROUND – ENVIRONMENT AGENCY**

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**STATEMENT OF COMMON GROUND**

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

Signed



Nikki Rowley-Todd

Project Manager

On behalf of Highways England

Date: 05/11/2021

Signed .....



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Jo Firth

Sustainable Places Team Leader

On behalf of Environment Agency

Date: 16/11/2021

## CONTENTS

<b>1</b>	<b>INTRODUCTION.....</b>	<b>1</b>
1.1	Purpose of this Document.....	1
1.2	Parties to this Statement of Common Ground.....	1
1.3	Terminology .....	2
<b>2</b>	<b>RECORD OF ENGAGEMENT .....</b>	<b>3</b>
<b>3</b>	<b>ISSUES.....</b>	<b>7</b>

## 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 Blofield to North Burlingham Scheme (“the Scheme”). A detailed description of the Scheme can be found in the ES Chapter 2 The Proposed Scheme (**REP4-017**).

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.



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) Highways England as the Applicant and (2) Environment Agency.

1.2.2 Highways England became the Government-owned Strategic Highways Company on 1 April 2015. It 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 Highways England 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 Highways England.

1.2.3 The Environment Agency is an executive non-departmental public body, sponsored by the Department for Environment, Food and Rural Affairs with the stated purpose “to protect or enhance the environment, taken as a whole”. Within England it is responsible for, amongst other things: regulating major industry and waste; treatment of contaminated land; water quality and resources; fisheries; inland river, estuary and harbour navigations; conservation and ecology; and managing the risk of flooding from main rivers, reservoirs, estuaries and the sea.

### **1.3 Terminology**

1.3.1 In the tables in Section 3 'Issues' of this SoCG the following terminology is used:

- "Agreed" indicates where the issue has been resolved
- "Not Agreed" indicates a final position
- "Under discussion" where these points will be the subject of on-going discussion wherever possible to resolve, or refine, the extent of disagreement between the parties.

1.3.2 It can be taken that any matters not specifically referred to in the Chapter 3 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 Environment Agency.

## 2 RECORD OF ENGAGEMENT

2.1.1 A summary of the meetings and correspondence that has taken place between Highways England 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)
07.03.2018	Letter	EA provided comment in the Scoping Opinion.
07.03.2018	Letter	<p>The EA's scoping opinion was received.</p> <p>The response included the following:</p> <ul style="list-style-type: none"> <li>• The assessments to include consideration of climate change on all sources of flooding, including groundwater.</li> <li>• The Source Protection Zones (SPZs) in this area were still under review and would be published later in 2018.</li> <li>• The potential for groundwater flooding to be assessed and the 'Bure Operational' catchment to be assessed.</li> <li>• Concern over diffuse groundwater pollution; alteration of shallow groundwater flow in the area of consented discharges; excavations extending into the shallow aquifer.</li> <li>• The Environment Agency welcomed opportunities for Sustainable Drainage System (SuDS) providing habitat enhancements.</li> <li>• Water Framework Directive mitigation measures should be included and in place for each waterbody</li> <li>• Assessment to be provided for any infiltration proposals within SPZs (which may prove unacceptable) and treatment trains may be required.</li> <li>• Future work is required that included a full assessment of hydraulic connections between the shallow and deeper aquifer and surface water features, in particular the Witton Run catchment.</li> <li>• The depth of groundwater to be confirmed beneath the application area.</li> <li>• The EA recommended as part of the review of drainage options that a review be undertaken of existing drainage to determine the location of outfalls, receptors and the presence of any water pollution control systems. In addition, any soakaways, infiltration basins and settlement ponds require a full hydrogeological impact assessment.</li> </ul> <p>It was also detailed that the maximum acceptable depth for infiltration SuDS is 2.0 m below ground level, with a minimum of 1.2 m clearance between the base of infiltration SuDS and peak seasonal groundwater levels.</p>

Date	Form of correspondence	Key topics discussed and key outcomes (the topics should align with the Issues tables)
24.05.2018	Meeting	<p>Joint meeting with the EA and the Lead Local Flood Authority (LLFA)<sup>1</sup> which discussed flood risk and drainage including:</p> <ul style="list-style-type: none"> <li>The LLFA had informal accounts of flooding on the A47 resulting from overland surface water flow paths. The Proposed Scheme should be designed to accommodate these flow paths through the use of 'dry culverts'. Siting of the culverts must be based on topographic survey rather than relying on LiDAR data.</li> <li>The LLFA requested that their Highways department be consulted with regards to the nature of the pond at Lingwood Road and whether this receives highways runoff.</li> <li>The LLFA stated that drainage design should be tested against a 40% allowance for climate change.</li> <li>Any 'dry culverts' or alterations to ordinary watercourses would require consent from the LLFA.</li> <li>The LLFA advised of the importance of reliable infiltration testing to inform the drainage design.</li> <li>The assessment of climate change on groundwater features should take the form of a simple qualitative assessment. Currently EA projections suggest annual groundwater recharge would remain the same but with altered seasonal timing.</li> </ul> <p>The EA requested that proposed groundwater monitoring as part of the ground investigation (GI) should allow for monitoring of groundwater levels until at least spring 2019.</p>
08.06.2018	Meeting	<p>Meeting to discuss scoping opinion for road drainage and water environment chapter and the following was discussed:</p> <p>EA confirmed changes to the Source protection Zone (SPZ) extents presented in the scoping report because the Anglian Water Services (AWS) abstraction licence has been revoked.</p> <p>Climate change considerations: simple qualitative assessment in line with assumptions made for flood risk is acceptable. Note: groundwater (GW) projects for Anglian region is that annual recharge remains the same, but with different timing. GW monitoring to be extended to observe max groundwater levels in spring and treatment mitigation will be required for soakaways.</p> <p>Suggestion that land between the existing A47 and proposed dualling is utilised for replacement priority habitat.</p>
24.04.2020	Email	Initial Email to EA highlighting potential requirement for use of deep drainage.
27.04.2020	Email	Email response from EA detailing conditions for use of deep drainage within the drainage design, and requesting a copy of the Drainage Strategy Report (DSR) plus additional information on groundwater conditions:

<sup>1</sup> Lead Local Flood Authority (LLFA) is Norfolk County Council



Date	Form of correspondence	Key topics discussed and key outcomes (the topics should align with the Issues tables)
		The EA requested evidence that there are no other feasible options. It was discussed that the discharge to groundwater is indirect, the design aims to maximise attenuation in the unsaturated zone, acceptable pollution control measures are in place, risk assessments have been completed to show no unacceptable discharges to groundwater, and that there are sufficient mitigating measures to compensation for the increased risk of using deep infiltration systems.
16.07.2020	Email	The DSR and technical note on deep drainage emailed to EA for review.
27.07.2020	Email	Draft Flood Risk Assessment (FRA) provided for review.
28.07.2020	Email	The Design Manual for Roads and Bridges (DMRB) published updated guidance that had been referenced in the proposed methodology section of the EIA Scoping Report. Technical disciplines contacted the EA to confirm changes to the proposed methodology to be adopted in the Environmental Statement (ES).
14.08.2020	Email	<p>Following consultation with their Norfolk Waste team with regards to the summary of the proposed scope, they note that the answers to the waste questions mean further assessments on the quantities likely to produced are required. They further noted this is what would be expected on a scheme of this scale.</p> <p>The outcome was that the ES chapter has been written in accordance with the approach approved by the EA Norfolk Waste Team.</p>
14.08.2020	Letter	Letter from EA providing comments in response to the draft DSR including a request for further details of penstock locations, treatment steps, treatment design, confirmation that all options other than deep drainage have been explored, clean water soakaways modelling & HEWRAT risk assessment.
17.08.2020	Letter	Letter from EA providing comments in response to the draft FRA.
16.09.2020	Letter	EA responded to updated guidance/scope proposed for Geology & Soils ES chapter. Request for a preliminary risk assessment to allow scoping out of the DMRB topic on contamination.
23.09.2020	Email	Response log issued to EA addressing comments raised. Additional query regarding SW monitoring raised.
12.10.2020	Email	Email response from EA with additional queries: Further information on catchpit locations requested & link to CD535.
15.10.2020	Email	Email to EA confirming that catchpits will be added to drainage plans & confirming that Lingwood pond is to be infilled, therefore not considered at risk.
24.11.2020	Email	EA confirm no further comment on UXO.
21.12.2020	Letter	Letter from EA responding to final version of the DSR including the Technical Note on Deep Drainage

Date	Form of correspondence	Key topics discussed and key outcomes (the topics should align with the Issues tables)
22.12.2020	Letter	Letter from EA confirming no further comments on revised FRA addressing previous EA comments.
06.01.2021	Letter	It was agreed that the EA content for contamination section would be scoped out.
06.01.2021	Email	Discussion regarding de-scoping of effects relating to historical contamination which was agreed by both parties.
30.09.2021	Meeting	Discussion regarding outstanding issues and Statement of Common Ground.

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

### 3 ISSUES

Table 3-1 : Issues

Issue	Document Reference (if relevant)	Environment Agency Comment	Highways England Response	Status	Date
Scoping Opinion	ES technical chapters	Comments on scope of assessment for EIA.	Adopted into the assessment with consultation with the EA.	Agreed	Jun-21
EA informed of DMRB guidance update	ES technical chapters	EA responded to individual discipline leads regarding scope.	Specialist teams responded to EA queries and adopted changes in the relevant ES chapters as per discussions.	Agreed	Jun-21
Approach to waste assessment	ES chapter 10: Material assets and waste (APP-048)	<p>Following consultation with the EA Norfolk Waste team, we note that the answers to the waste questions mean further assessments on the quantities likely to produced are required. This is what would be expected on a scheme of this scale.</p> <p>No further comments to make at this time. EA wish to review the further assessments once complete.</p>	<p>ES chapter has been written in accordance with the approach approved by the EA Norfolk Waste Team.</p> <p>EA to be included as part of the stakeholder engagement at the detailed design stage.</p>	Agreed	Jun-21
De-scoping of effects relating to historical contamination.	ES chapter 9: Geology and soils (APP-047)	The EA response requested for the contaminated land Preliminary Risk Assessment to agree the de-scoping of effects relating to historical contamination.	De-scoping of the effects relating to historical contamination which was agreed by EA.	Agreed	Jun-21

Issue	Document Reference (if relevant)	Environment Agency Comment	Highways England Response	Status	Date
Use of deep drainage within the drainage design	ES Chapter 13: Road Drainage and the Water Environment (APP-051) & Appendix 13.2 (DSR) (APP-110) including Annex on Technical note on deep drainage	The EA have requested evidence that there are no other feasible options, discharge to groundwater is indirect, the design aims to maximise attenuation in the unsaturated zone, acceptable pollution control measures are in place, risk assessments have been completed to show no unacceptable discharges to groundwater, and that there are sufficient mitigating measures to compensation for the increased risk of using deep infiltration systems.	DSR (including technical note appendix on deep drainage) issued to EA for review 16/07/2020. All viable options for drainage discharge were examined but there is an absence of watercourses along this Proposed Scheme. The nearest watercourse is 1 km away and the option to utilise this as a discharge point was examined. It was deemed unsuitable due to poor capacity and proximity to a flood risk zone. Additional details on penstock locations, treatment steps, treatment design, clean water soakaways modelling & HEWRAT risk assessments provided on 23/09/20 (as requested by EA on 14/08/20).	Agreed	Jun-21
Surface water monitoring requirements	N/A	Monitoring of Lingwood Pond is required if considered at risk.	Lingwood pond is to be infilled, therefore not considered at risk - no surface water monitoring to be undertaken.	Agreed	Jun-21
Flood risk and drainage	ES chapter 13: Road Drainage and Water Environment (APP-051)	Points raised at meeting with LLFA and Highways England.	Matters noted and actioned.	Agreed	Oct-21
Groundwater monitoring	Appendix 13.2 (DSR) including Annex on Technical note on deep drainage (APP-110)	GW monitoring to be extended to observe max groundwater levels in spring. Treatment mitigation will be required for soakaways.	Groundwater monitoring was undertaken over a period of 11 months between September 2018 and August 2019, which included information from spring months as requested.  Treatment mitigation for soakaways has been included in the drainage design. The DSR, containing details of treatment mitigation, was issued to the EA on 16 Jul 2020.	Agreed	Oct-21

Issue	Document Reference (if relevant)	Environment Agency Comment	Highways England Response	Status	Date
DSR	ES Appendix 13.2 DSR (APP-110)	No further comments to make at the pre-application stage and the EA await the detailed design stage review.	Noted	Agreed	Jun-21
FRA	ES Appendix 13.1 FRA (APP-109)	Satisfied that the proposed scheme is not within a fluvial or tidal flood risk area, no further comments on FRA.	Noted	Agreed	Jun-21
dDCO (R6)	Draft DCO (APP-016)	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 in possible.	Requirement 6 has been updated and agreed with the Environment Agency.	Agreed	Oct-21
dDCO (R8)	Draft DCO (APP-016)	EA to be included as a consultee under Requirement 8(1)	Requirement 8 has been updated and agreed with the Environment Agency.	Agreed	Jul-21
dDCO (R18)	Draft DCO (APP-016)	10 business days is not considered to be sufficient time to for the EA to respond to a consultation on the discharge of requirements. We would require a minimum of 21 days.	Requirement 18 has been updated to allow 28 days for response.	Agreed	Jul-21
Dewatering exemptions	Consents and Licences (REP4-011)	Further clarification is required regarding dewatering consent exemptions.	A footnote has been added to the Consents and Licences table, for clarity.	Agreed	Oct-21