



Date: Thursday, 15 February 2024

Time: 2.00 pm

Venue: Council Chamber, Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND

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NORTHERN PLANNING COMMITTEE

SCHEDULE OF ADDITIONAL LETTERS

NOTE: This schedule reports only additional letters received before 5pm on the day before committee. Any items received on the day of Committee will be reported verbally to the meeting

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Agenda Item 5

NORTH PLANNING COMMITTEE		
SCHEDULE OF ADDITIONAL LETTERS		
Date: 15 February 2024		
NOTE: This schedule reports only additional letters received before 5pm on the day before committee. Any items received on the day of Committee will be reported verbally to the meeting		
Item No.	Application No.	Originator:
4	21/00924/EIA	Severn Trent.
<p>Further correspondence has been received from Severn Trent as follows:</p> <p>We would request that any condition included to protect water supplies should have us referenced as a consultee. We note we are referenced in a number of conditions, but given the sensitivities we request to be named in a number of other conditions.</p> <p>These are:</p> <ul style="list-style-type: none"> • Condition 20 – request that consultation with STW and the EA is required. • Condition 21 - request that consultation with STW and the EA is required. • Condition 23 - request that consultation with STW and the EA is required. • Condition 43 - request that consultation with STW and the EA is required. <p>We would also like to see a requirement for us to be briefed on the outputs of conditions 54 and 55 on contamination and remediation reports. Wording requesting consultation around any contamination matters in and around the SPZ area should require consultation with us and the EA.</p> <p>Finally, condition 56 fails to request any specific signage around SPZs as requested. We remain keen on seeing a requirement here for some form of signage despite WSP’s view that these are ineffective.</p> <p>Officer comments.</p> <p>The above is noted and will be given consideration as part of the conditions to be attached to the approval notice.</p>		
Item No.	Application No.	Originator:
4	21/00924/EIA	EA.
<p>Confirmation has been received from the Environment Agency that further to previous correspondence, they acknowledge receipt of the Council’s revised set of conditions (8 February 2024) which we are minded to take to planning committee on Thursday.</p> <p>The EA have confirmed that they await the outcome of the committee decision and would engage further as appropriate on any future matters.</p>		

Item No.	Application No.	Originator:
4	21/00924/EIA	Letter on behalf of Morris Leisure.
<p><i>A letter has been received from IRWIN MITCHELL LLP Solicitors on behalf of Morris Leisure Limited and this is repeated in full below:</i></p> <p><i>'As you are aware, we are instructed by Paterson Enterprises Ltd trading as Morris Leisure Limited ("the Claimant") in relation to the planning application for a road scheme known as the North West Relief Road ("the NWRR").</i></p> <p><i>The NWRR was considered at planning committee on 31 October 2023, with a committee resolution recommending grant, subject to the detailed planning conditions being brought back before the committee for consideration.</i></p> <p><i>A special planning committee to consider those conditions has been scheduled for 15 February 2024. The committee report and draft conditions were published on the Council's website on 8 February 2024.</i></p> <p><i>We have reviewed the committee report and the draft conditions and are writing to urge the Council to:</i></p> <ul style="list-style-type: none"> <i>• Defer the committee meeting on 15 February 2024; and</i> <i>• Bring the application back for a full redetermination once additional investigations have been carried out.</i> <p><i>This request is not being made lightly; however, we are concerned that:</i></p> <ul style="list-style-type: none"> <i>• the committee report published on 8 February 2024 is factually inaccurate and is likely to substantially mislead the committee.</i> <i>• the committee will not have sufficient time to fully absorb and understand the latest position of the Environment Agency, which is due to be reported to the committee by way of a 'late update' at the committee meeting itself; and</i> <i>• finally, the range and scope of pre-commencement conditions proposed for the NWRR highlight the fact that this proposal is simply not ready to be determined by the Council.</i> <p><i>The matters that have been reserved to be dealt with by way of conditions are fundamental to the acceptability of the project. The details that come forward through the condition discharge process could fundamentally alter the design, impacts and nature of the development that has been applied for and should be fully understood before a resolution to grant permission can be made.</i></p> <p><i>Taking each of these concerns in turn:</i></p> <p><i>1. Misleading Statements in the Committee Report</i></p> <p><i>Paragraphs 5.2.21 to 5.2.22 of the committee report read as follows:</i></p> <p><i>"5.2.21 The EA still maintain that in their view the EIA is not robust. The applicant maintains that the EIA is fit for purpose. The EIA submission was thoroughly reviewed by Waterman on behalf of the LPA and a comprehensive report was produced in October 2023, prior to the application being considered by the Northern Planning Committee, with the findings of this report being reported to the committee.</i></p> <p><i>5.2.22 The Waterman review of the EIA concluded that they considered the submission robust and in accordance with the EIA Regulations as such the development will be carried out in accordance with the EIA submission and this will be secured via condition 2."</i></p>		

Unfortunately, these paragraphs significantly oversimplify the conclusions of the October 2023 Waterman review, which found that significant clarifications and additional information was required from the applicant in a number of areas of concern.

In particular, Waterman's "Detailed EIA Review of Geology and Soils and Road Drainage and Water Environment" attached to the report at Annex A concludes as follows:

"5.1. In general, the importance and impact on the quality of public water supply source should be revised upward. Appropriate mitigation measures to the construction through monitoring and reporting, design through containment and control, and operation through funding and management agreements of the road by the Highways Agency and emergency services, should be evidenced. The SuDS Manual water quality assessment and mitigation measures should be applied, as should asset selection suitability and mitigation indices from DMRB CG501. In summary, the road drainage and water environment proposals does not clearly demonstrate that flood risk, water management, water quality, and pollution control is being suitably considered in terms of ES assessment given the design proposals are not wholly complete and/or suitably detailed. As such spatial planning is therefore not clearly and robustly identified which may notably impact the scheme design principles.

5.2. In summary, there is a lack of supporting data related to hydrology and hydrogeology including groundwater monitoring with a detailed focus on groundwater level fluctuation, tested locations, and coordination with the proposed road and drainage proposals. Furthermore, the consideration of water quality, pollution pathways and infiltration rates are not clearly demonstrated whilst soakaway systems have been proposed. As such spatial planning is therefore not clearly and robustly identified which may notably impact the scheme design principles and local and surrounding water environment.

5.3. In terms of geology and soils, clarification is sought regarding information missing from the DQRA. The DQRA should be updated in line with the latest consultation responses with the Environment Agency and Severn Trent Water Limited, including integrating further modelling of extensive hydrocarbon spill at the Holyhead Road Roundabout, clearly presenting the ground investigation data, and providing details on the outcome of the chlorinated solvent scenarios. The Piling Works Risk Assessment needs to be revised with appropriate risk ratings, and subsequently revisited following completion of detailed pile design."

This is a long way from concluding that the ES's approach to the water environment is robust, fit for purpose, and can be relied upon to override the Environment Agency's objections to the scheme.

This is important. It appears from the committee report that the October 2023 Waterman review is the reason that the Council is comfortable with its decision to grant consent contrary to the advice of the Environment Agency. However, neither the October 2023 Waterman report nor the Waterman review of the planning conditions endorse or advocate this approach. Instead, Waterman's conclusions support the Environment Agency's ongoing concerns over the lack of information available about the potential impacts of the development on the water environment.

2. Late publication of Environment Agency comments

We understand that the latest set of comments from the Environment Agency are still outstanding and will be reported to the committee by way of a late submissions update. Given the nature of the risk the development poses and the ongoing concerns of the Environment Agency, we are concerned that members of the committee will not be given sufficient time to fully grapple with (and understand) the latest set of comments from the

Environment Agency, before they are asked to sign off the proposed conditions for the development.

The severity of the potential impacts of this scheme, in a worst-case scenario, are such that it is vital that committee members are given sufficient time to understand all the impacts of the decision they are being asked to make. Deferring the committee would ensure that the committee members have the time to do this, whilst also enabling adjustments to be made to the committee report to address point 1 (above).

3. Scope of the pre-commencement conditions

Finally, as set out above, the range and scope of pre-commencement conditions proposed for the NWRR highlight the fact that this proposal is simply not ready to be determined. The matters that have been reserved to be dealt with by way of conditions include:

- Extensive investigations and the submission of additional information to attempt to reassure the Environment Agency that the impacts of the road on the water environment are acceptable;
- The full noise mitigation strategy for the road, including the detailed specification for acoustic barriers;
- The traffic mitigation strategy for the entirety of the project;
- The Carbon Assessment Plan demonstrating how the project will meet the Council's Net Zero objectives; and
- The details of the compensatory flood storage solution for the project.

These are matters that are fundamental to the acceptability of the project as a whole and should not be left to the stage of condition discharge to be resolved. The details that come forward through the condition discharge process could significantly alter the design, impacts and nature of the development that has been applied for and should be fully understood before a resolution to grant permission can be made.

By way of an example, paragraphs 5.2.38 to 5.2.40 of the committee report currently state:

“5.2.38 The EA has recommended wording for bespoke highway signage denoting groundwater vulnerability to be added to the highway's signage condition. It is considered that consistency is required with other SC signage, and that the concern in relation to speed at the SPZ roundabout may be better addressed by use of rumble strips and speed signage to slow vehicles entering the roundabout down.

5.2.39 Location signs for Pollution Control Devices (PCD) could be placed within the source protection zone to signify the location of PCDs. These would be limited to standard variants, in line with Design Manual for Roads and Bridges (DMRB) requirements, visible from the carriageway and locally specifying the distance and/or direction to devices (e.g. a penstock) for those attending an incident.

5.2.40 The appropriateness of public information and warnings at the site need to be carefully considered in the context of drawing attention to the sensitive nature of the location. i.e. an information sign asking drivers to take action to reduce the risk of an accident could highlight the opportunity to someone who wished to cause harm to the public. Therefore, it may be more appropriate to use other measures which don't draw attention to the SPZ, but slow traffic down. This issue was covered by C16.7 in the Waterman report.”

The ultimate solution to this issue needs to be understood now, as slowing down traffic speeds on part of the NWRR will inevitably impact the outcomes of:

- the highways modelling, traffic impacts of the NWRR and the level of mitigation required, all of which will be impacted by the resultant changes in traffic flows;

- the extent and nature of the noise mitigation that will be required, as again, this will all be impacted by the changes in traffic flows; and
- the potential utility and justification for the project itself.

Deferring the application would allow the Council more time to resolve these matters before reaching a final determination.'

Yours faithfully

IRWIN MITCHELL LLP

Officer comments.

A verbal response will be given on this at Committee

Item No.	Application No.	Originator:
4	21/00924/EIA	Member of the public. (In support).

A member of the public who appears to have been a former Civil Engineer responsible for the sinking of a bore hole at Shelton, in order to pump 80 million gallons of water per day into the River Severn during low flows.

The letter, (handwritten), comments about disputes whether there was an abstractable resource from the sandstone beneath Shelton, as the EA felt there was not. Author along with an Hydrogeologist on behalf of Severn Trent considered there was a sufficient abstractable resource from the underlying stand stone.

Tests were consequentially carried out and eventually a license was granted so as the test borehole became part of the Shelton water resource for residents of Shrewsbury.

Comment is made about water pollution that occurred from other river sources and thus a second borehole was sank as part of tests for the Shelton area.

Both boreholes were constructed to prevent surface pollution, oversized with a solid steel sleeve inserted.

Item No.	Application No.	Originator:
4	21/00924/EIA	On behalf of Morris Leisure.

A letter dated 12/02/2024 was also received from Paterson Enterprises Ltd on behalf of Morris Leisure and this states:

'We are instructed by Paterson Enterprises Ltd trading as Morris Leisure to review the Development Management Report and appendices 1,2 and 3 namely.

•Appendix 1 - Final Conditions List.

•Appendix 2 - Public Reports Pack 31102023 1400 Northern Planning Committee.

•Appendix 3 - WIE2023-100-BN-1.2.4-EA Conditions Review.

As you are aware, the Northern Planning Committee resolved to recommend granting planning permission on 31st October 2023, subject to the detailed planning conditions

being brought back before the committee for consideration. The detailed planning considerations are being considered on 15th February 2024.

We have reviewed the Development Management Report and appendices, and our concerns are as follows.

- 1. There is part of the development that is outside the redline, namely the right bank of the River Severn at Shelton Rough.*
- 2. Scope of the pre-commencement conditions.*
- 3. The phasing of conditions is not appropriate.*
- 4. The conditions do not satisfy the six test that are set out within the NPPF and Planning Practice Guidance that require the planning condition to be:*
 - 1. necessary.*
 - 2. relevant to planning and*
 - 3. to the development to be permitted;*
 - 4. enforceable;*
 - 5. precise; and*
 - 6. reasonable in all other respects.*

- 1. There is part of the development that is outside the redline, namely the right bank of the River Severn at Shelton Rough.*

The right bank of the River Severn at Shelton Rough is outside the redline application boundary, but there are works proposed requiring construction of bank protection works in condition 28 of the draft list of conditions. Condition 28 states.

Prior to the commencement of the relevant phase of development, as set out in the approved Phasing Plan, detailed designs including drawings showing extent and tie-in details and method statements for the construction of the bank protection works on the right bank of the River Severn at Shelton Rough, substantially in accordance with the details defined within SEI Jan 2023, Chapter 1, Appendix 1.P Bank Protection and Appendix 6.F Geomorphological Assessment, shall be submitted to and approved in writing by the Local Planning Authority. A longer-term vegetation/bank protection management strategy, including consideration of additional bankside habitat enhancement as well as the mitigated length, should be produced to ensure good structural vegetation is maintained appropriately which includes the maintenance buffer zone within the boundary of the site and submitted to and approved in writing by the LPA. The development shall be carried out in accordance with the approved details.

The red line boundary is the primary boundary that you need to identify on a location plan. It is the minimum requirement for a location plan and highlights the area of land that is included in an application for planning permission.

At the very least the red line boundary should be amended to include the right bank of the River Severn at Shelton Rough and the appropriate certificate completed.

Consequently, a fresh consultation exercise should be undertaken prior to determining the application.

It is considered that the application is not valid, and therefore cannot be determined by the local planning authority, unless the relevant certificate has been completed. It is an offence to complete a false or misleading certificate, either knowingly or recklessly.

- 2. Scope of the pre-commencement conditions*

The number of conditions (62) proposed confirms that there is still a significant amount of detailed information outstanding to assess the impact of the scheme which are fundamental to its acceptability as a whole. In particular, the following should not be dealt with by condition:

- Extensive investigations and the submission of additional information to attempt to reassure the Environment Agency that the impacts of the road on the water environment are acceptable.
- The full noise mitigation strategy for the road, including the detailed specification for acoustic barriers.
- The traffic mitigation strategy for the entirety of the project.
- The Carbon Assessment Plan demonstrating how the project will meet the Council's Net Zero objectives.
- The details of the compensatory flood storage solution for the project.

These matters should be addressed in advance determining the application.

3. The phasing of conditions is not appropriate.

There are several conditions where phasing is not considered appropriate. These should be a comprehensive true condition precedent that restricts any works as these conditions should be considered as going to the heart of the permission. The relevant conditions are identified in appendix 1. Where we have not commented on a condition it should not be taken as our acceptance of that condition.

4. The conditions do not satisfy the six test that are set out within the NPPF and Planning Practice Guidance

There are several conditions that are not enforceable or precise. The relevant conditions are identified in appendix 1. Changes have been suggested in red in the condition.

Where we have not commented on a condition it should not be taken as our acceptance of that condition.'

Officer comments.

A verbal response will be given on this at Committee.

Item No.	Application No.	Originator:
4	21/00924/EIA	Better Shrewsbury Transport

Correspondence dated 14th February 2024 has been received from Better Transport Shrewsbury and this states:

'Planning Application Ref. NO. 21/00924/EIA | North West Relief Road (NWRR) scheme – Comments on Officer's Report

This document presents Better Shrewsbury Transport's (BeST's1) review of the latest Officer's Report (OR issued on 8th Feb 2024) for this application and points out some significant deficiencies that need to be urgently drawn to the attention of members of the Northern Planning Committee (NPC) before they meet to consider the proposed planning conditions for the application on 15th February 2024.

Summary

BeST is calling on the Northern Planning Committee to defer the meeting planned for 15th February 2024 and take the planning decision back for full re-determination once the work demanded by the Environment Agency to protect Shrewsbury's water supply has been carried out.

General points

We wrote a detailed critique (27th Oct 2023) of the previous Officer's Report and separately of the Waterman Report which provided an independent review of the EIA

(excluding transport and traffic aspects) (26th Oct 2023). Since we wrote those critiques we note that the Environment Agency (12th Dec 2023) has responded to the Officer's Report and provisional grant of planning permission on 31st Oct 2023 expressing its significant concern about that decision, stating that the Applicant had still not provided the information requested to support any sound decision and confirming that the issues with respect to the water environment that they (and we) raised remain significant and unaddressed. Notwithstanding this position, the Environment Agency provided some text for draft conditions as it seemed that Shropshire Council (as both Applicant and Local Planning Authority) was determined to press ahead with determining the application despite this statutory consultee's position.

It is very disappointing to note that in the latest Officer's Report does not highlight to members of the NPC that the Environment Agency, a statutory consultee, has said that 'the EIA is inadequate/incomplete in some key areas'.² I should not need to remind the Planning Officer that the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 Part 1 Reg 3 states.

The relevant planning authority, the Secretary of State or an inspector must not grant planning permission or subsequent consent for EIA development unless an EIA has been carried out in respect of that development.

Clearly, if 'the EIA is inadequate/incomplete in some key areas' an EIA has not been fully or properly carried out and planning permission should not have been granted on 31st Oct 2023. However, instead of acknowledging that the previous Officer's Report was at fault in advising members that they could safely award planning permission at that time, the new Officer's Report advises members to press ahead and agree conditions despite being told by the Environment Agency that it is 'premature to be advising on what conditions and mitigations may be necessary.'

Waterman Report on planning condition text provided by the Environment Agency Following that highly critical letter from the Environment Agency, the Local Planning Authority commissioned Waterman to review the Environment Agency's comments (1st Feb 2024). In this review Waterman does not make it clear that the Environment Agency's position in its letter of 12th Dec 2023 is:

Our opinion/advice was, and is, that the EIA and some key parts of the assessment, including around water supply protection, was necessary to inform the planning application and could not reasonably be

1 The following organisations are members of the BeST alliance: Shropshire Wildlife Trust, CPRE - Campaign to Protect Rural England, Friends of the Earth Shrewsbury Branch, Extinction Rebellion Shrewsbury Branch, Sustainable Transport Shropshire.

2 Note that the Officer's Report at 5.2.22 repeats a claim from the previous Officer's Report that "The Waterman review of the EIA concluded that they considered the submission robust and in accordance with the EIA Regulations as such the development will be carried out in accordance with the EIA submission and this will be secured via condition 2." As detailed in our review of the EIA (26th Oct 2023), the Waterman report does not claim this as it caveats any suggestion of completeness with a requirement to agree important aspects with the Environment Agency. In fact, the Officer's Report of Feb 2024 highlights a number of areas in which the Waterman Report highlights inadequacies in the EIA (e.g. paras 5.2.4, 5.2.10, 5.2.28 & 5.2.33).

Planning Application Ref. NO. 21/00924/EIA | North West Relief Road (NWRR) scheme conditioned. We consider and have consistently advised that sufficient detail should be provided within the EIA, determined at planning stage and in some cases not deferred to a post determination planning condition.

Having raised an overarching concern on the planning submission due to there being an incomplete assessment of the risks, we consider (ed) it premature to be advising on what conditions and mitigations may be necessary. Appropriate mitigation is guided by and can only be determined once the complete picture is understood. This is covered further below. Having felt it necessary to clarify the above, we provide comments on conditions to help minimise the gaps and risks.

The Waterman review of the Environment Agency's letter (and the Feb 2024 Officer's Report) has failed to explain that the text for planning conditions that the Environment Agency issued on 12th December 2023 is not provided with any reassurance that they are complete or appropriate. In fact, the Environment Agency (12th Dec 2023) says: The following comments should not be taken as agreeing these conditions are robust or appropriate. But they are provided in the context of where you are at with your decision making.

It is a serious omission that members of the NPC have not been clearly advised about this situation.

The Waterman Feb 2024 report then reviews the various conditions from the Environment Agency's letter and confirms that:

- 1. All the issues raised by the Environment Agency are justified (the text says that 'Waterman Agrees with EA eight times in six pages); and*
- 2. Agreeing with all the proposed conditions.*

The Waterman report of 1st Feb 2024 makes one caveat which is to say that with respect to the risks from piling 'the EA's main concern on this topic appears to be the action plans and financial reparations; this is outside of Waterman's scope and no further comment on this is made.'

Consultation

The Officer's Report 2.1 states that:

Since the decision of the committee, officers have consulted with both internal and external consultees to finalise the full list of conditions prior to reporting back to the committee to seek their approval of the conditions.

and in 3.1.47 states that:

The LPA are continuing to work proactively with the EA to find solutions and common ground. An updated set of conditions has been shared with them following their comments summarised above and an update on the EA position will be provided as a late item to the Committee.

Given the seriousness of the issues raised by the Environment Agency, it seems extraordinary (and hardly proactive) that Shropshire Council has only provided them with the latest version of the planning conditions a week before the relevant meeting and that their response has only become available to committee members as a late item with no Officer commentary. Given that none of the Environment Agency's concerns have been in any way addressed we wouldn't expect any late response from them to be in any way different to that expressed in December 2023.

3 The Environment Agency has responded on 9 Feb 2024 simply to say "Further to previous correspondence, we acknowledge receipt of your revised set of conditions (8 February 2024) which you are minded to take to planning committee on Thursday. We await the outcome of the committee decision and would engage further as appropriate on any future matters." It would seem clear that the Environment Agency has said all they are going to say on the matter (i.e. on 12th Dec 2023) until this matter reaches a court.

Clearly these conditions have been rushed to the NPC without the final views of key consultees being addressed. This is not meaningful consultation.

Note that the Severn Trent Water has specifically asked to be named (along with the Environment Agency) as a consultee in relevant conditions (e.g. see paras 3.2.4, 3.2.5 and 3.2.6 of Officer's Report) and in 5.2.23 the Officer's Report states that "The turbidity protocol aims to manage a residual risk and this will be developed in consultation with both the EA and STW to help make it as practicable and comprehensive as possible." Yet in 5.2.3 the Officer's Report says that "Conditions usually only refer to approval by the LPA and having regard to this it not deemed necessary to include reference to consultation with STW and EA in the condition as this will happen as a matter of course." In the conditions themselves Severn Trent Water and the Environment Agency are mentioned as consultees in conditions:

- 24 (turbidity protocol),*
- 27 (piling work design),*
- 30 (WFD assessment) and*
- 42 (road drainage plan)*

but not in conditions:

- 16 (scheme of surface water drainage),*
- 17 (scheme for dealing with exceedance flows),*
- 18 (SuDS and Highway Drainage Maintenance Plan),*
- 19 (scheme of habitat and biodiversity enhancements),*
- 20 (scheme for dispersivity modelling),*
- 21 (a scheme for an update to the Detailed Quantitative Risk Assessment (DQRA)),*
- 22 (water feature survey),*
- 23 (scheme for groundwater and surface water monitoring),*
- 25 (detailed proposals that demonstrate how a minimum of a 10m standoff), NB explicit reference to "consultation with Severn Trent Water Ltd and the Environment Agency" removed from the previous version of this condition.*
- 26 (final details of how a 10m standoff between the base of any piles and the underlying competent bedrock has been achieved),*
- 28 (method statements for the construction of the bank protection works on the right bank of the River Severn),*
- 29 (surface water drainage scheme),*
- 31 (Construction Environmental Management Plan (CEMP)),*
- 43 (emergency response plan),*
- 45 (scheme for the provision and implementation of compensatory flood storage works).*

This inconsistency is concerning. In its email response of 9th February, Severn Trent Water has asked to be explicitly named in conditions 20, 21, 23 and 43 and to be briefed on the outputs from 54 and 55. It is unclear why they haven't mentioned other important conditions for the protection of the Shelton public water supply borehole such as 29.

Shropshire Council's inability to provide re-assurance

A key issue for both Severn Trent Water and the Environment Agency is the need for re-assurance that, not only will the key mitigation measure proposed by the Applicant (the 'sealed' drainage system in SPZ1) be properly designed and constructed but also that it will be adequately maintained in perpetuity. In Severn Trent Water's email of 7th Dec 2023 they say about Condition 36-Long Term Drainage Maintenance in the SPZ:

As I have noted previously this condition relies on an assumption that the funding and commitment to adherence to an approved plan is in place for the lifetime of the road. The potential need to confirm this via a legal agreement has been discussed, but this has been dismissed due to the statutory duty of the Council to maintain the highway drainage

in any event i.e. you have explained that it simply has to happen and therefore there is no need for a specific legal agreement. We would like some further comfort on this point, as it does remain a point of concern and something that is often raised by interested parties. When you return to committee some specific commentary around this, so everyone understands the issues and the need for appropriate cover to be put in place, should be provided.

The Officer's Report issued last week outlines the Environment Agency's concerns:

5.2.18 The planning conditions covering the turbidity protocol and test piling cover the additional information that the EA require. The proposed test piling and turbidity protocol has been amended to include details of proposed action plans, feasibility, timeframes, and trigger values. This should be a pre-commencement condition. It should be noted that the EA's main concern on this topic appears to be the action plans and financial reparations which are outside the scope of what can be conditioned via a planning permission, this should be dealt with under the emergency response plan between the applicant, EA and STW.

Yet the Officer's Report says:

5.3.2 In relation to the undertakings requested, these need to come from the applicant and not the LPA. The LPA is distinct from the applicant and operates as such and therefore it cannot make a commitment on its behalf. The LPA, like the applicant has statutory responsibilities and it is not the role of the LPA to police the statutory responsibilities of another part of the authority. As stated these are statutory responsibilities of the Highway Authority as applicant and it is incumbent on them to fulfil its statutory responsibilities. Whilst, clearly both the EA and STW have concerns in relation to these matters, this is a matter that the applicant has to sort out with the representative parties and not something that can be conditioned through the planning permission. Paragraph 194 of the NPPF is explicit in this stating 'The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively.

The Highway Department's 'reassurance' is given second hand as follows:

5.2.36 Following completion, the North West Relief Road and associated structures will become a maintainable asset of Shropshire Council under its established Highway Maintenance Programme. It will be subject to the established asset inspection and proactive maintenance regime as is currently effectively delivered across the wider c.5,200 km of highway asset. Forward funding of the maintenance programme is set annually by Council on a rolling basis. Based on future expected financial allocations, and in the light of the recent Government announcement around enhanced funds for Highways and Pothole maintenance in particular (up to 2036 at least), the Councils Highway Department can give a categoric undertaking that the NWR asset will be effectively managed and maintained within required standards for the lifetime of the road. It seems that one part of Shropshire Council is abrogating responsibility for this issue to another and says that, regardless of Severn Trent Water's concerns, they just need to trust the Highways Dept. to do the right thing. This might be acceptable if Shropshire Council's Highways Dept. had a reputation for maintaining its Highways at a safe level of service. However, in para 3.3.2 of the Officer's Report we read views of the Lead Local Flood Authority function within the council (responsible for reviewing the drainage networks on the new road) that:

I share the EA's concern around how the road will be maintained in perpetuity as unless there is ringfenced budget allocated to the scheme the road will eventually be maintained

in the same manner as other A roads in the County which, given the known risks and impacts in this location, would not be sufficient to avoid ground water contamination in the event of a major incident

No proposals for providing such guarantee of a ring fenced budget appears to have been provided.

Note that Shropshire Council's Planning enforcement protocol (Sept 2015) online FAQs says about response times for Level 1- High priority cases (Immediate or irreparable harm): Site visit within 48 working hours. This level of reaction to an emergency of the type anticipated is hardly reassuring for the Environment Agency and Severn Trent Water.

Surveys and risk assessments

The enormous list of 62 planning conditions gives a clear indication that the Environment Agency's view that the EIA is incomplete/inadequate is correct. Of particular concern in that the conditions include provision for carrying out surveys and risk assessments, both of which are core parts of the EIA process.

- Without baseline surveys being carried out it is not possible to confirm that potentially vulnerable receptors have been identified, impacts assessed and appropriate mitigation determined.*

- Including significant risk assessments in the planning conditions assumes that the results of the risk assessment will be acceptable and/or any impacts can be adequately managed and mitigated. Given the very significant and complex risks involved (particularly with respect to the public water supply) this should not be taken as a given. What happens if the risk assessment says that the risks cannot be mitigated or requires mitigation measures that significantly affect the viability of the scheme?*

This is not something that should be happening post determination.

Planning conditions requiring surveys include:

22. No development shall commence until a water feature survey has been submitted to and approved in writing by the LPA.

Planning conditions requiring risk assessments include:

21. No development (excluding test piling) shall commence until a scheme for an update to the Detailed Quantitative Risk Assessment (DQRA) is submitted to and approved in writing by the LPA.

30. No development shall commence until an amended Water Framework Directive Assessment (WFDa) has been submitted to and approved in writing by the LPA in consultation with the Environment Agency.

The Environment Agency has made it abundantly clear in its responses that it will be inappropriate and difficult to condition these risk assessments. Note that the Officer's Report ironically gives this complexity as a reason for making a pre-commencement condition instead of acknowledging the Environment Agency's position that this work should be completed pre-approval as part of the EIA.

5.2.13 It is suggested that, given the complex nature of the assessment, details of this convergence of understandings be included within updated DQRA and dispersivity modelling documents. Hence, pre-commencement planning conditions are included to require the submission and subsequent agreement by the LPA of an updated DQRA and Dispersivity modelling documents.

Pre-commencement conditions

The proposed conditions include 38 pre-commencement conditions. This extraordinary reliance on such conditions clearly validates the Environment Agency's (and our) view that the Applicant has not done the work required for the NPC to be able to properly

assess the scheme let alone grant planning and discuss planning conditions. The Feb 2024 Officer's Report discusses various requirements set out in the NPPF with which conditions should comply but fails to mention the following paragraph:

56. Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision-making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification.

The only clear explanation of why these pre-commencement conditions are required is given by WSP in its contributions to the Waterman 2023 Report⁴. This makes clear that pre-commencement conditions are needed to avoid further delay to the application. This may be a practical reason why the Applicant is keen for pre-commencement conditions but this is not a reason that should sway the planning process: if the Applicant has failed to do the work required (recall that this application was submitted three years ago), then that is a problem of its own making, not a reason to ignore a statutory consultee's views. Whatever the reasons that the LPA has been satisfied to rely on so many pre-commencement conditions, it has failed to provide clear justification as set out above.

Development Boundary

Supplementary Environmental Information Chapter 4: Agriculture and Soils (WSP, 2023) says:

4.1.2. This chapter addresses the amendment to the Application Boundary, specifically the extension of the Application Boundary to include land surrounding Hencott Pool Special Site of Scientific Interest (SSSI) and Midland Meres and Mosses Phase 2 Ramsar Site (hereafter referred to as "Hencott Pool").

The additional area extends to 50.5 ha of agricultural land surrounding Hencott Pool, a very significant area compared to the area within the original development boundary (120 ha).

In its response (12 Dec 2023) to Shropshire Council's decision to award itself planning permission for this application, the Environment Agency has requested additional details be provided for the proposed bank stability works on the River Severn. These are now covered in planning condition 28. This area is not within the published Development Plan for the Application.

We are not aware that the correct processes to advertise such significant changes to the Development Boundary of the application have been carried out or that the resultant revised Development Boundary has been published. If this is the case then it is a significant omission in the process.

⁴ Quoted here: Piling and need for a turbidity protocol – WSP does not fully understand their demand to fully resolve and develop Turbidity Protocol given monitoring and work is not yet complete and will delay the application: Waterman understands that WSP has advocated for this issue to be dealt with via a Planning Condition and therefore would not be required to be fully covered by the EIA.

Specific points on conditions

Condition 4, 5 and 6 (relating to veteran trees). As far as we are aware from the public record, Shropshire Council's Tree team still has an outstanding objection to the scheme so it is essential that their comments and inputs to the process of developing these planning conditions is made clear. We have asked for these exchanges to be made public but this has not happened. It is only acceptable to propose a Compensation Strategy for veteran trees once 'exceptional circumstances' have been demonstrated.

This is not the case for this application. NPC members should be aware that the petition to 'Save the Darwin Oak' now has over 100,000 signatures giving a clear indication of what a high level of public concern there is about the planned destruction of veteran trees.

Condition 6 (wet woodland). Compensating wet woodland (a UK BAP Priority habitat and a priority habitat for conservation as defined by the NERC Act) with broadleaf planting is not acceptable and it is not clear that Shropshire Council's Tree Officer's concerns about double counting of broadleaf planting mitigation has been addressed.

Condition 16 (a scheme of surface water drainage). Waterman 2023 suggest that "Consent(s) related to discharge rates and the proposed connection/discharge point should be agreed with the relevant stakeholder(s), if not already addressed. This is normally dealt with before planning permission is granted. It is a fundamental aspect of the drainage design that requires attention at an early stage of the project." This points to the inadequacy of the EIA.

Severn Trent Water has said "Whilst our concerns over the long term management remain (condition 365), we should also be involved in the detailed design of the drainage where it drains the road through the source protection zones. If conditions can be appropriately worded here to enable us to deploy appropriate engineering expertise to this design, to review and input to the designs that are put forward, this would enable us to be satisfied that all efforts are being made to mitigate risk. This will also demonstrate to the numerous people with concerns over impacts to water supply that we and the EA will have an important role in this design.

When considering the need for us to be actively involved in the drainage system design, we have noted that there are five conditions related to highway drainage (16, 17 18, 36 and 37). It is quite hard to decipher exactly what each one covers/what each objective is. We would like to see them grouped together and for the wording to be tightened up to ensure that we are involved in the process as noted above. We appreciate that these are there for the design of the entirety of the road, but our request is for these to be reviewed and for a requirement for consultation with ourselves and the EA to be inserted into appropriate conditions. Condition 16, as currently worded, appears to be the most appropriate condition for us to be named in as parties to be consulted on design. The other option is for a bespoke condition to be inserted to the list, alongside condition 36, requiring a scheme for design of the drainage system from the SPZs to be done in consultation with STW and the EA. We would be happy to work with you on the appropriate wording of this, and again we would point to the fact that this would give us and many stakeholders further comfort that these matters are being taken very seriously. As a minimum requirement, we ask that you amend the wording to condition 16 [we presume this refers to this condition but the numbers may have changed] to include a requirement for detailed consultation with STW and the EA for specific drainage design for the system serving the road through the SPZs."

Condition 18 (SuDS and Highway Drainage Maintenance Plan). Waterman (Oct 2023) recommend that this should be a pre-commencement condition for the entire scheme rather than for each phase.

Condition 20 (Dispersivity modelling). The Environment Agency has requested that the following phrase should be appended "Any subsequent changes to mitigation shall be implemented." This has been omitted.

Condition 21 (DQRA) How can a risk assessment be conditioned? This should be part of the EIA.

5 Note that some of the references to condition numbers by the Environment Agency and Severn Trent Water in the text quoted below refer to a version of the conditions that is not on the public record and so there is some potential for confusion in this area.

Condition 22 (water features survey). This should have been completed as part of the EIA and should not be conditioned. Note that the condition includes a requirement for impact assessment and remediation.

Condition 24 (turbidity protocol). The Environment Agency has specifically requested the following text 'We would also recommend you add in some points to refer to the Piling Works Risk Assessment (PWRA) aspects into Bullet Point 3 (of condition 20) as follows - 'Agreed Piling methodology including a Piling Works Risk Assessment and standoff limits between toe of piling and bedrock'. (PWRA refinements are still required). This has been omitted and there is no condition requesting a revised PWRA.

Waterman (Oct 2023) states that "The PWRA should be revised following completion of the final pile design." This has been omitted. They also say that Waterman also recommends that Planning Condition 21 be a pre-commencement planning condition, rather than pre-commencement of the relevant phase, as this has the potential to have a major impact on programme if construction works have already commenced. This has not been amended.

The Environment Agency (Dec 2023) has said: "However, the condition doesn't address the need for action plans (financial, replacement sources, impact/remedial actions, investigation/monitoring of) if adverse impact arises. Possible impacts? What solutions are to be delivered? Feasibility and timeframes? How would they be implemented? This is a key element as monitoring, triggers and control of construction/methods are only part of the required mitigation.

Details of any contingency and mitigation proposals should a trigger level be breached and an impact apparent at the public water supply are not included within condition 20."

[we assume that their condition 20 refers to condition 24 in the latest version – Feb 2024]

The Environment Agency (Dec 2023) has also said that: "Condition no. 20, 21, and 22– piling/standoff– the detail should be about avoiding impact on, not solely managing the risk, and should focus on protection of the water environment (including public water supply)". [again noting the different condition numbers in the version they were commenting on].

It seems clear that these concerns have not been addressed in the relevant condition.

Condition 25 (10m standoff). Why has reference to consultation with Severn Trent Water Ltd and the Environment Agency been removed from this condition?

Condition 28 (Bank protection). The Environment Agency and Waterman have suggested that this work should be included in the Development site. This has not been done.

Condition 29 (surface water drainage scheme). Severn Trent Water has said "As I have noted previously this condition relies on an assumption that the funding and commitment to adherence to an approved plan is in place for the lifetime of the road. The potential need to confirm this via a legal agreement has been discussed, but this has been dismissed due to the statutory duty of the Council to maintain the highway drainage in any event i.e. you have explained that it simply has to happen and therefore there is no need for a specific legal agreement. We would like some further comfort on this point, as it does remain a point of concern and something that is often raised by interested parties. When you return to committee some specific commentary around this, so everyone understands the issues and the need for appropriate cover to be put in place, should be provided."

Condition 30 (WFD Assessment). WFDa will address matters concerning risks and impacts to the Water Environment associated with the Proposed Scheme and propose mitigation measures where appropriate. How can a risk assessment be conditioned? This should be part of the EIA.

Condition 33 (Site Waste Management Plan). Waterman (Oct 2023) recommends a condition for Site Waste Management Plan (SWMP) which the Principal Contractor will manage (see Section 14.12). The SWMP will identify and suitably manage any proposed waste, further reducing any possible waste to landfill. Committing to a minimum of 90% diversion from landfill would meet the requirement of a suitably worded planning condition.

Note that Waterman, 2023 criticises the lack of an adequate baseline and says “without the confidence in the baseline we cannot say if it is actually requiring further assessment without WSP advising further on the baseline and so we are unable to accept this clarification.”

It seems that Waterman’s concerns about the proposed approach to site waste management have not been properly addressed through the EIA or conditions.

Condition 36 (footpaths, cycleways and Bridleway). It is not clear whether this includes the measures proposed for Welshpool Road. This should be clarified, especially as it was not clear from the Oct 2023 Officer’s Report that these aspects had been included in the scheme that was approved on 31st Oct 2023..

Condition 42. (A road drainage management plan) and Condition 43 (emergency response plan). Note that the Environment Agency and Severn Trent Water had been led to believe that Shropshire Council were fully committed to further developing a Multi-Agency Recovery Plan (2014) as a Planning Condition. However, in the Officer’s Report this has now been discounted. These consultees have had less than a week to consider the revised conditions and this issue has not been properly set out or explained.

The Environment Agency (Dec 2023) has said:

“Condition 36 attempts to address the (i) maintenance of road drainage system.

However, there is currently no provision within the draft condition to address point (ii) concerning appropriate and specific emergency response mechanisms for incidents within the Source Protection Zones under the umbrella of the Multi Agency Response Plan.

Confirmation is required on the following aspects.

What are the third-party management responsibility, responses, or actions?

How would the monitoring, proactive preventative maintenance and corrective actions of the road drainage system be secured? (not just a ‘schedule’).

How will remedial mitigation options (not solely limited to the immediate emergency services response) and associated financial provision (i.e. an emergency contingency remedial fund made available) be secured?

The above actions need to work effectively and in a timely fashion. We have previously commented about other planning mechanisms to secure matters such as these.

There is currently no provision within the draft condition to address our concerns about appropriate and specific emergency response mechanisms for incidents within the Source Protection Zones under the umbrella of the bespoke Plan.

We need to reiterate our previous comments and concern that... ‘Given the sensitivity and potential risk to receptors defined by the source protection zones (SPZ) and Detailed Quantitative Risk Assessment modelling at Shelton, we would seek a commitment to an immediate and timely remediation clean up strategy for any pollutant spill within the SPZ and specifically highly sensitive SPZ 1 and 2 as part of the emergency response. Taking

into consideration the proximity to the sensitive receptors, an emergency contingency fund must be made available to expedite the rapid deployment of remedial measures and/or corrective actions’.”

Severn Trent Water has said:

In terms of specific wording, we would like to see an amendment to the condition around emergency response planning so ourselves and the EA can review this accordingly i.e. if there is a spill what happens/how quickly etc? The current wording of the condition requires the plan to cover 'remedial work arrangements, and we would like this amended to require 'Emergency Response Plan and remedial work arrangements. We would also like you to consider whether the condition could be further amended to require the plan to become embedded within a wider Council commitment/annual budgeting. If you were able to provide comfort to us and other stakeholders that this was a requirement not at risk of being forgotten about/lost in a list of planning conditions I think this would go a long way to giving assurance that the Council absolutely understands the importance of this issue. Again, covering this off specifically at planning committee is requested.

It seems that there is inadequate information in these planning conditions to provide the level of comfort that the Environment Agency and Severn Trent Water wish to see to give themselves comfort that timely, effective and appropriate action will be taken in an emergency.

Condition 45 (flood compensation). There is inadequate detail of what is proposed. This should have been provided and assessed in the EIA.

Missing Conditions

The Environment Agency (Dec 2023) has said:

Of relevance, one of the draft suggested conditions (condition no. 46) seeks to ensure that development will accord with the EIA, Environmental Statement (ES) mitigation (in compliance with the mitigation measures identified and set out in the supporting ES). However, as the EIA is inadequate/incomplete in some key areas, we would not consider this to be a robust condition particularly if other conditions are necessary which could amend the overall ES conclusion/mitigation

We are advising as part of the EIA for the applicant to assess and consider necessary measures and as developer to make a commitment to provide financial reparation options for any foreseen and unforeseen impact arising from the construction and future operation of the proposed application.

The relevant condition does not appear to be in the final list of planning conditions so it is unclear how these important issues are being addressed.

The Environment Agency (12 Dec 2023) has specifically requested a planning condition as follows:

A separate condition should be imposed to secure – ‘if the turbidity/monitoring scheme approved under ‘condition 20 above’ shows any adverse risk of deterioration to water features (groundwater and surface water quality) including public water supply boreholes/abstraction, proposals:

- 1. to investigate the cause of deterioration*
- 2. to remediate any such risks and secure alternative water supplies.*
- 3. to monitor and amend any failures of the remediation undertaken, shall be submitted to the*

The Environment Agency (12 Dec 2023) has specifically noted that viaduct barrier system lacked technical detail including the assurances on the mitigation and robustness of the proposed design for the viaduct barrier system over the River Severn. Waterman (Dec 2023) agreed with the Environment Agency’s suggested wording for an additional

planning condition and that it should be a pre-commencement planning condition. This has not been included.

No development shall commence until a scheme for the viaduct barrier design is submitted to and agreed in writing by the LPA. Details shall include, but may not be limited to, design, including pollution control measures, construction and future maintenance of an effective containment barrier system. Thereafter it shall be maintained for the lifetime of the road.

Shropshire Council's Regulatory Services (Air Quality) noted on 28th April 2021 that: The NWRR has the potential to increase air pollution in some localities while alleviating pollution levels in others through a redistribution of motorised road vehicle movements around Shrewsbury. Critically there is an existing Air Quality Management Area (AQMA) in the town centre where levels of nitrogen dioxide are significantly above national objective levels. There are existing properties which are found in close to the proposed road. which are expected to see an increase in the annual average daily traffic numbers (AADT). There are also expected to be properties close to existing roads which will have reduced traffic flows. As the proposal requires a significant construction project it is necessary to consider the impacts of construction on properties close to the proposed road as well as during the operational phase

As an AQMA exists in the town centre it is recommended that, should the application be granted planning approval, that a condition is placed which prohibits the movement of construction vehicle traffic through the AQMA.

This has been omitted.'

Officer comments

A verbal response will be given on this at Committee.

Item No.	Application No.	Originator:
4	21/00924/EIA	Town Planning Manager, Severn Trent.

The following statement has been received from Severn Trent.

'Position Statement from Severn Trent

Severn Trent has been responding to this planning application since its initial submission. During this time we have submitted a number of responses to the application, on each occasion making it very clear that our supplies to customers must be protected at all times during construction and operation of the road.

As the application has progressed we have been consulted on various planning conditions designed to ensure that the required protections are put in place. We have now reached the stage where members are being asked to approve the final list of conditions, many of which will require consultation with us before relevant aspects of the development can be constructed.

Our position now relies on the Council to treat these conditions with the upmost importance and apply true rigour to the assessment of all information that is submitted.

A number of our customers/local residents remain concerned that these conditions may not provide sufficient protection, and that the Council may face challenges when funding

the ongoing maintenance of the constructed road and its drainage assets. Whilst we of course expect the Council to treat all conditions appropriately and to ensure that highway maintenance remains funded throughout the lifetime of the road, we request that members are asked to make these requirements clear to senior officers.

We will dedicate time and resources to the assessment of all information submitted to discharge of the various conditions, and whilst we are not the ultimate decision maker we request that the inputs we provide are treated as crucial contributions to the Council's decision making.

A commitment should be made by committee that a rigorous process will be employed here to ensure all necessary mitigations are in place.

Item No.	Application No.	Originator:
4	21/00924/EIA	EA

Copy of letter from the EA Manager to SC Planning Service Manager.

'You are aware of the comments we have made on the application, and we undertook to assist in the wording of conditions, upon your Committee resolving to grant permission, notwithstanding our advice that some of that information would be best considered prior to such. I don't intend to make further comment on the wording of the conditions at this stage.

I take your point and appreciate the matter of cost recovery will principally be for Shropshire Council as the applicant, but I think it will be relevant to yourselves as decision maker, when detailed matters are being submitted to you and then to us and others for comment/advice. Based on the experience to date, it may see some 'to and fro' of such. Perhaps it won't if that work is undertaken prior to submission.

I would suggest that our position as a consultee on this application has been clear. We have engaged in positive discussion with the applicant/consultants and yourselves as decision makers, in seeking to ensure that what we considered the appropriate level of information and assessment was submitted to enable comprehensive advice and an informed decision. You may have disagreed with that level of detail, and/or when that should be necessary, and we acknowledge and appreciate that decision.'

Item No.	Application No.	Originator:
4	21/00924/EIA	SC and Severn Trent.

As a result of further discussions between the SC Service Manager and Severn Trent in consultation with the Environment Agency it is recommended the following conditions are amended as follows: (Further detail on this is available on the application website).

Condition 20:

No development (excluding test piling) shall take place until a scheme for dispersity modelling including reporting, and any mitigation measures, has been submitted to and agreed in writing by the LPA in consultation with Severn Trent Water Ltd and the Environment Agency. The development shall be carried out in accordance with the approved details.

Reason: To avoid impact and provide protection of the surface water environment and associated sensitive public water supply sources in accordance with Policy CS18.

Condition 21:

No development (excluding test piling) shall commence until a scheme for an update to the Detailed Quantitative Risk Assessment (DQRA) is submitted to and approved in writing by the LPA in consultation with Severn Trent Water Ltd and the Environment Agency. The scheme shall include, but may not be limited further revised modelling, review of risk, Review strategy, any monitoring, and implementation of any necessary avoidance and mitigation measures. The development shall be carried out in accordance with the approved details.

Reason: To avoid impact and provide protection of the groundwater environment and associated sensitive public water supply sources in accordance with Policy CS18.

Condition 23:

No development shall commence until a scheme for groundwater and surface water monitoring is submitted to and approved in writing by the LPA in consultation with Severn Trent Water Ltd and the Environment Agency. The scheme shall include, but may not be limited to

- Details of the proposed groundwater and surface water monitoring strategy, the proposed monitoring network, monitoring frequency/duration and analytical testing suites.
- Assessment criteria including screening levels and reporting mechanisms (standard and in response to screening exceedances).
- Review and implementation of any necessary mitigation measures should screening levels be exceeded.
- Details of a borehole decommissioning strategy.

The development shall be carried out in accordance with the approved details.

Reason: to protect the water environment, including public and private water supplies in accordance with Policy CS18.

Condition number 29

No development shall commence until a surface water drainage scheme for all road systems and infrastructure within the Shelton Source Protection Zone has been submitted to and approved in writing by the LPA in consultation with Severn Trent Water Ltd and the Environment Agency. The scheme shall include design, construction, pollution control, and future maintenance of an effective road drainage system in accordance with the Drainage Strategy 70056211-WSP-HDG-AS-RP-CD-00001 P02 July 2021.

Reason: To ensure a satisfactory drainage scheme and protect the water environment including Public water supply in accordance with Policy CS18.

Condition number 43: An emergency response plan, for the section of the road through Source Protection Zones 1 and 2, shall be submitted to and approved in writing by the Local Planning Authority in consultation with Severn Trent Water Ltd and the

Environment Agency in advance of the opening of the road. The approved emergency response plan will be implemented in the event of any accident leading to a pollution incident covering both rapid clean up measures as well as considering related monitoring, investigatory and other remedial actions.

Reason: To ensure that that the Drinking Water Protection Area (including the Source Protection Zone) is not compromised in accordance with Policy CS18.

Condition 54:

If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted and received approval for a remediation strategy to the Council as Local Planning Authority detailing how this unsuspected contamination shall be dealt. Should this occur in the Shelton Source Protection Zone this will be in consultation with Severn Trent Water Ltd and the Environment Agency in addition to the LPA. The remediation strategy shall be implemented as approved.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property, and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to human health and offsite receptors.

Condition 55

Prior to the first use of the road, a remediation verification report shall be submitted to and approved by the LPA. This shall include details of any unforeseen contamination encountered during construction, remedial works undertaken, validity testing and subsequent assessment of any residual risks. The verification report shall also include details of all contamination monitoring undertaken during construction (including those identified in the Water Features Survey), any actions undertaken during construction based on the monitoring results, and details of borehole decommissioning works undertaken. Severn Trent Water Ltd and the Environment Agency shall be consulted on any verification report involving remediation work within the Shelton Source Protection Zone.

Reason: To ensure that risks from contamination are minimised, together with those to controlled waters, property, and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to human health and offsite receptors.

Item No.	Application No.	Originator:

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