

North West Relief Road, Shrewsbury


Review of Environment Agency Planning Conditions – Final Findings

Date: 01 February 2024

Client Name: Shropshire Council

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This document has been prepared and checked in accordance with Waterman Group's IMS (BS EN ISO 9001: 2015, BS EN ISO 14001: 2015 and BS EN ISO 45001:2018)

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1. Introduction

- 1.1. Waterman Infrastructure & Environment Ltd (Waterman) has been commissioned by Shropshire Council (SC), to provide commentary on each issue raised by the Environment Agency (EA) on the draft planning conditions in relation to the North West Relief Road (NWRR) proposals (the 'Proposed Scheme'), located in Shrewsbury. The Proposed Scheme would be a single carriageway road with at-grade junctions, linking the A5 Shrewsbury Southern Bypass with the A5124 Battlefield Link Road.
- 1.2. In February 2021, SC as the Highways Authority (hereafter referred to as 'the Applicant') submitted a detailed planning application in respect of the Proposed Scheme to SC as Planning Authority (planning application reference: 21/00924/EIA¹).
- 1.3. Under the Town and Country Planning (Environmental Impact Assessment), Regulations, 2017², (the 'EIA Regulations'), the Applicant recognised the need for the Proposed Scheme to follow the full EIA process and commissioned WSP as its EIA Consultant. This led to the preparation of an Environmental Statement (ES) (Ref. no. 70056211-WSP-EGN-AS-RP-LE-00007, dated February 2021) which was submitted with the detailed planning application (the 'Feb 2021 ES').
- 1.4. In August 2021, WSP submitted a Supplementary ES Addendum (the 'Aug 2021 SESA') to report on the environmental assessment of the August 2021 Planning Addendum design changes and, in turn, present any changes to the conclusions reported in the Feb 2021 ES, especially where these may concern likely significant effects. The Aug 2021 SESA also responded to received consultee comments to the planning application, in particular those raised by the EA.

¹ Shropshire Council (on-line); 'Planning application: 21/00924/EIA' <https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?keyVal=QOXI5QTD06Z00&activeTab=summary>

² The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations, 2017.

- 1.5. In January 2023, WSP submitted Supplementary Environmental Information ('Jan 2023 SEI') to review the EIA as a result of Proposed Scheme design changes (such as amending the Application Boundary) and in response to further consultee comments relating to nitrogen, geology and soils, water environment, biodiversity, air quality, and noise.
- 1.6. Waterman was commissioned by SC to provide independent EIA advice on the adequacy of the submitted Feb 2021 ES, Aug 2021 SESA, and Jan 2023 SEI as well as a review of consultee comments received from the EA, Better Shrewsbury Transport and Severn Trent Water Limited and WSP's corresponding responses. A final EIA Review Report detailing the findings of this independent review was submitted to SC by Waterman in October 2023 (ref: WIE20223-100-R-1.3.2-ES_Rev-Final-Redacted).
- 1.7. The planning application received planning approval from SC on 31st October 2023, subject to agreement of planning conditions. SC has since been working on the draft planning conditions, which the EA has reviewed and provided comment on in a letter dated 12 December 2023 (ref: SV/2021/110934/06-L01).
- 1.8. This technical note presents Waterman's review of the EA consultation response letter (ref: SV/2021/110934/06-L01, dated 12th December 2023) with a specific focus on the topics hydro-geology, drainage and biodiversity.
- 1.9. It should be noted that this technical note refers to a draft set of planning conditions received by the EA on 14th November 2023. The purpose of this technical note is to provide SC guidance on the issues raised by the EA to assist SC on its revisions to the draft planning condition wording. As SC has further developed its planning condition wording, it should also be noted that the final list of planning conditions will have different numbering than referenced within this technical note, however for consistency this technical note has kept the same numbering as the draft planning condition list reviewed by the EA in December 2023.

2. Documents Reviewed

- 2.1. The following documents have been reviewed within this technical note:
 - Comments raised in the EA consultation response letter (ref: SV/2021/110934/06-L01, dated 12th December 2023);
 - SC's draft planning conditions list (received by Waterman on 22nd December 2023);
 - WSP's sign posting response (including annexes) to the EA response letter received by Waterman on 15th January 2024; and
 - Waterman EIA Final Review Report (ref: WIE20223-100-R-1.3.2-ES_Rev-Final-Redacted) and associated EIA planning documentation.

3. Review of EA Consultee Comments

Water Framework Directive (WFD) Assessment

- 3.1. The EA stated that the Water Framework Directive (WFD) assessment has missing information, and this has the ability to change the scheme's principles and impact potential to the water environment.

- 3.2. Waterman's comments in the EIA Final Review Report (October 2023) highlighted that there was a requirement for a WFD assessment to fully consider piling works and road spills especially relating to public water supply sources and high groundwater conditions. As noted by the EA, this is difficult to condition as it is covered by a number of different and specific items e.g. Detailed Quantitative Risk Assessment (DQRA), turbidity protocol, and details on road drainage design.
- 3.3. The EA has stated that a planning condition to prepare a WFD assessment update is required.
- 3.4. Waterman recommends a pre-commencement planning condition is included to address this matter.

Dispensivity

- 3.5. Waterman's EIA Final Review Report (October 2023) stated that '*further consideration of the surface water – groundwater interaction is required and whether additional potential pollutant pathways need to be included in the DQRA/dispersivity modelling*'.
- 3.6. The EA has stated that, whilst not advocating such an approach, a pre-commencement planning condition could be applied whereby additional dispersivity modelling could be submitted and agreed in writing by the LPA and any subsequent mitigation implemented.
- 3.7. WSP recent correspondence (dated 15th January 2024) states that there has been '*significant convergence regarding the EA and WSP understandings*' and that '*the only difference now concerns the potential significance of this under high/flood flow conditions*'.
- 3.8. Waterman suggests that, given the complex nature of the assessment, details of this convergence of understandings be included within an updated DQRA and dispersivity modelling documents. Hence, Waterman suggests pre-commencement planning conditions are included to require the submission and subsequent agreement by the LPA of an updated DQRA and dispersivity modelling documents.

Detailed Quantitative Risk Assessment (DQRA)

- 3.9. The EA has raised a concern that there is no planning condition relating to furthering the outstanding DQRA aspects.
- 3.10. As per Waterman's previous comment stated above, the DQRA should be updated to include the additional clarifications/consultations. Waterman agrees with the EA that a pre-commencement planning condition to cover this should be included.

Piling mitigation, test piling and Piling Works Risk Assessment (PWRA)

- 3.11. The EA has acknowledged the draft SC planning conditions relating to piling (Nos. 20, 21 and 22) but has suggested amendments /additional planning conditions in respect of the proposed turbidity protocol and the piling risk assessment.
- 3.12. SC's draft planning conditions cover the turbidity protocol and test piling which appear generally acceptable to the EA. Waterman recommends that the proposed test piling and turbidity protocol should include details of proposed action plans, feasibility, timeframes, and trigger values. 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.

- 3.13. Note, 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.

Bank protection works

- 3.14. The EA has stated that the nature and extent of the bank protection (right bank) and how it transitions to natural bank, including habitat improvement, should be included within the Development Site. The detailed design should include the location, length, transitions, etc for the bank protection works. In addition, a longer-term vegetation/bank protection management strategy and Flood Risk Activity Permit is requested.
- 3.15. Waterman agrees with all points raised by the EA including that relating to bankside habitat enhancement. The green bank protection measures should include habitat types of high distinctiveness such as reedbed to offset temporary and permanent decline in biodiversity and should be considered within the design. In addition, Waterman's comments in the EIA Final Review Report (October 2023) highlighted that a scour assessment should also be undertaken.
- 3.16. Waterman recommends a pre-commencement planning condition is included to address the requirement for a longer-term vegetation/bank protection management strategy. Reference to the SEI Jan 2023, Chapter 1, Appendix 1.P Bank Protection and Appendix 6.F Geomorphological Assessment should be included in the planning condition.
- 3.17. Waterman recommends that a further pre-construction planning condition is included to address the requirement for the detailed design including details and agreements on the future maintenance plan.
- 3.18. The EA has stated that pre-commencement Planning Condition 19 should also reference Main Rivers and the requirement for Flood Risk Activities Environmental Permits. Waterman recommends amendments are made to Planning Condition 19 to include reference to Main Rivers and Flood Risk Activity Permits.

Outline Construction Environmental Management Plan (CEMP)

- 3.19. The EA has raised that additional points should be included in pre-commencement Planning Condition 25 on the CEMP to cover pollution control.
- 3.20. Waterman agrees with the EA's suggestion that additional wording is included in Planning Condition 25 to cover pollution. Waterman recommends reference is made within the planning condition wording to the protection of highly sensitive environmental receptors (water abstractions, surface waters, etc) from contamination. Specific measures suggested by the EA on what should be included in the CEMP, should be further developed in consultation with the EA when it comes to preparing the CEMP.

Road drainage management plan and road drainage strategy

- 3.21. The EA has stated that the road drainage strategy contained technical errors including the proposal of a non-seal drainage system within Source Protection Zone (SPZ) 1 and 2.

- 3.22. Waterman agrees with the points raised by the EA. In addition, Waterman's comments in the EIA Final Review Report (October 2023) highlighted that *'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 Environmental Statement (ES) assessment given the design proposals are not wholly complete and/or suitably detailed'*.
- 3.23. Waterman agrees with the EA's suggested wording for an additional planning condition and that it should be a pre-commencement planning condition. Reference to the Drainage Strategy 70056211-WSP-HDG-AS-RP-CD-00001 P02 July 2021 should be included in the planning condition.
- 3.24. In addition, Waterman recommends that, following Planning Condition 36, a pre-construction planning condition is included to address the requirement for the detailed design including details and agreements on the future maintenance plan.
- 3.25. In addition, Waterman recommends that a pre-construction planning condition is included to address the requirement of a Multi-Agency Flood Response Plan.

Highway signage

- 3.26. The EA has recommended wording for bespoke highway signage denoting groundwater vulnerability to be added to Planning Condition 45. Waterman advises that consistency will be required with other SC signage, and suggests that SC agrees this with the SC Highways team.

Viaduct barrier system

- 3.27. The EA has stated that the 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.
- 3.28. Waterman agrees with the EA's suggested wording for an additional planning condition and that it should be a pre-commencement planning condition.

Baseline water quality and water quality construction monitoring strategy

- 3.29. The EA has stated that the proposed network of water quality monitoring points identified by WSP provide an adequate coverage and that the suggested frequency should represent the bare minimum frequency.
- 3.30. In view of the high sensitivity of ground and surface waters along the route, Waterman agrees with the EA's suggestion of a pre-commencement planning condition to detail the scheme, analytical suites, screening levels, reporting mechanisms and subsequent decommissioning.
- 3.31. Waterman recommends a separate pre-operation planning condition for the submission of monitoring data and confirmation of the borehole decommissioning works should be included.

Protection of private water supplies

- 3.32. The EA has suggested that the location and presence of non-licensed small volume private groundwater sources is not commented upon or risk assessed by WSP.

- 3.33. In response to the EA comments, WSP has acknowledged that such water supplies will be afforded protected rights against any impact and has identified three potential sources and provided a brief assessment of each.
- 3.34. Whilst the EA did not advocate the use of a pre-commencement planning condition, it did suggest what it would expect to see within a planning condition.
- 3.35. Waterman recommends that a pre-commencement planning condition for a water feature survey be included and appropriate assessment be included in the updated DQRA above.

Fluvial flood risk

- 3.36. The EA has stated that the flood risk mitigation measures lacked technical detail including the flood compensation works, levels and betterment proposals.
- 3.37. Waterman agrees with the EA's suggested wording for an additional planning condition and that it should be a pre-commencement planning condition.

Biodiversity

- 3.38. The EA has raised that there is no mention of otters which were previously raised in connection with mammal passage and has recommended Planning Condition 13 is expanded to secure/include for details to be provided of all mammal passages within each part of the route/phasing plan.
- 3.39. A riparian mammal survey undertaken in May 2022 confirmed the presence of otter *Lutra lutra* along the River Severn, among the evidence found included the presence of a potential holt (see Point 11 in Figure 3 in SEI Jan 23 Chapter 3, Appendix 3.J³). As recommended within the Riparian Mammal Survey Report⁴ "*Should the pre-construction surveys identify the presence of otter or water vole, species-specific mitigation and/or compensation may be required. This may include fencing along the road to reduce the risk of mortality, designing suitable passage for these species under the road and habitat compensation*". All culverts, as listed in ES Feb 21 Chapter 8 Biodiversity: Alkmund Park Culvert, Willow Pool Wildlife Culvert and the Hencott Pool Culvert, should have a mammal ledge.
- 3.40. As such, Waterman suggests the wording of pre-commencement Planning Condition 13 is amended to be aligned with the Riparian Mammal Survey Report to include reference to Alkmund Park Culvert, Willow Pool Wildlife Culvert and the Hencott Pool Culvert as having a mammal ledge.

Other Planning Conditions

- 3.22 The EA has not made any comment on the ground contamination/remediation strategy planning condition (Planning Condition 44). Waterman agrees with the draft planning condition but also recommends that a separate pre-operation planning condition is included for the production of a validation report which will provide full details of any contamination encountered and any subsequent remedial works, as well as details of the groundwater monitoring and monitoring borehole de-commissioning.

³ Shropshire Council, January 2023. Supplementary Environmental Information Chapter 3: Biodiversity SEI Jan 23 70056211-WSP-EGN-AS-RP-LE-00014.

⁴ Shropshire Council, February 2021. Environmental Statement 70056211-WSP-EGN-AS-RP-LE-00008.