

The Infrastructure Planning Commission
Temple Quay House
Temple Quay
Bristol
BS1 6PN

Our ref: UT/2019/118003/01-L01
Your ref: TR010027
Date: 03 June 2019

Dear Sir/Madam

M42 JUNCTION 6 IMPROVEMENT – RULE 6 WRITTEN REPRESENTATION

M42 JUNCTION 6

This is the Environment Agency's Written Representation on the above DCO proposals which are currently under examination, with our reference 42J6-SP014. Having missed the opportunity to make Relevant Representations at the appropriate stage, this statement summarises our position with regards to the proposals.

Summary

We have been engaged in pre-application discussion with the applicant regarding matters relating to the protection of the water environment. Our main concerns relating to this scheme is the impact on flood risk on the affected Main Rivers, and to ensure the proposals cause no detrimental impact to water quality of ground water, surface waters or receiving SSSIs downstream of the proposals with particular reference to Water Framework Directive compliance.

We consider the proposals as they stand to be acceptable, however additional consents will be required under the Environmental Permitting Regulations to approve detailed designs and minimise environmental risks.

The Role of the Environment Agency

The Environment Agency has a responsibility for protecting and improving the environment, as well as contributing to sustainable development.

We have three main roles:

We are an **environmental regulator** – we take a risk-based approach and target our effort to maintain and improve environmental standards and to minimise unnecessary burdens on business. We issue a range of permits and consents.

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We are an **environmental operator** – we are a national organisation that operates locally. We work with people and communities across England to protect and improve the environment in an integrated way. We provide a vital incident response capability.

We are an **environmental advisor** – we compile and assess the best available evidence and use this to report on the state of the environment. We use our own monitoring information and that of others to inform this activity. We provide technical information and advice to national and local governments to support their roles in policy and decision-making.

One of our specific functions is as a Flood Risk Management Authority. We have a general supervisory duty relating to specific flood risk management matters in respect of flood risk arising from Main Rivers or the sea.

Flood Risk

The majority of the Scheme is to be located within Flood Zone 1, with some parts to the north of M42 Junction 6 located within Flood Zones 2 and 3 in the locality of Hollywell Brook (a Main River). Hydraulic modelling has been undertaken to accurately establish the flood plain in the critical 100 year plus 50% for climate change flood event. This has confirmed that floodflows do not come out bank at this location, and as such the proposals lie within low risk Flood Zone 1. In light of this no flood compensation is required. In light of the above, the Environment Agency have no comments to make on Appendix 14.4 Flood Risk Assessment and Figure 14.2 Flood Zones dated January 2019.

We do however recommend that the hydraulic model undertaken for the Hollywell Brook is submitted to the Environment Agency as an Evidence Review Request post development to update our flood zones and improve the data held for this area on flood risk.

We note that the report makes reference to constructing outfalls and extending culverts, amongst other works affecting rivers. As referenced with 6.1 - Environmental statement (ES) Chapter 14 - Road Drainage and the Water Environment paras 14.2.14-15 these works are likely to require an Environmental Permit from the Environment Agency under the terms of the Environmental Permitting (England and Wales) (Amendment) (No. 2) Regulations 2016 for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of the Holywell Brook and Shadow Brook designated a 'Main Rivers', its flood plain or from the outside edge of it where it lies in culvert. Some activities are also now excluded or exempt. This legislation has not been disapplied within the DCO and as such is required to be consented by the Environment Agency prior to construction.

Further details and guidance are available on the GOV.UK website:
<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>

Solihull Metropolitan Borough Council as the Lead Local Flood Authority should provide comment on aspects of the scheme relating to flood risk from surface water sources.

Pollution Prevention

Appendix 14.1 Preliminary WFD Assessment considers the impact of the proposals on all receiving surface and groundwater bodies including the River Blythe, a designated Site of Special Scientific Interest (SSSI). This waterbody is not meeting "Good"

ecological status as required under the Water Framework Directive (WFD) and as detailed in the EIA.

A drainage strategy proposes road runoff being discharged to various surrounding drainage ditches and small watercourses. The drainage system is based on sustainable drainage principles (SuDS) which should provide adequate treatment of any pollutants in surface runoff. The treatment includes the use of filter drains, wetlands, swales and ditches.

Activities at the site both during and after construction must not cause a pollution which includes polluting emissions to air, land or water resulting from actions by the developer or by its sub-contractors. As part of the mitigation measures all works should be carried out in accordance with the mitigation measures set out in report 6.11 Outline Environment Management Plan which includes a Water Environment Plan.

Any discharges to surface water of contaminated runoff would be controlled by a permit from the Environment Agency under the Environmental Permitting Regulations.

Pollution prevention guidance is available on our website.

<https://www.gov.uk/guidance/pollution-prevention-for-businesses>

Land Contamination

Appendix 6.3 - Environmental Statement Appendix 10.1 Ground Investigation Report assesses that the risk posed by the development to contamination to Controlled Waters, including the underlying Secondary A and B aquifers, surface waters such as the Holywell Brook and Shadow Brook and the Bickenhill Meadows SSSI and River Blythe SSSI.

The risk is assessed to be low, however further sampling and monitoring will be undertaken which will supplement this assessment.

If you have any further queries please contact me on the details below.

Yours faithfully

Ms Jane Field
Planning Specialist

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