

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

**Our ref:** UT/2018/117475/02-L01  
**Your ref:** TR050005  
**Date:** 05 April 2019

Dear Sir/Madam

**THE EXAMINING AUTHORITY'S WRITTEN QUESTIONS AND REQUESTS FOR INFORMATION (EXQ1): THE WEST MIDLANDS INTERCHANGE: CONSTRUCTION, OPERATION USE AND MAINTENANCE OF A RAIL FREIGHT INTERCHANGE (INCLUDING WAREHOUSING AND ASSOCIATED HIGHWAY WORKS)**

**LAND WEST OF JUNCTION 12 OF THE M6, IMMEDIATELY SOUTH OF THE A5 TRUNK ROAD**

The Environment Agency has the following advice to give in relation to the publication of EXQ1, as part of the Rule 8 Letter on 04 March 2019.

The following questions have all been directed to the Environment Agency, although some do not fall directly within our remit, we have deferred to other relevant bodies.

**1.5.5**

**Having regard to the assessments set out in ES Chapters 6 & 11, what evidence can be provided that there would be no significant adverse effect on soils due to the groundworks proposed during the construction of the development?**

The Environment Agency has no comments to make on this matter as it lies outside our remit. We understand from discussions with the applicant that they are working with Natural England to undertake a soil resource plan, and that this will be clarified within their Statement of Common Ground.

**1.6.6**

**Although Table 11.11 sets out the expected residual effects Chapter 11 does not appear to include an assessment of significant effects prior to the implementation of mitigation measures.**

**What evidence can be provided that the EA and other relevant stakeholders are satisfied that all potentially significant effects have properly been assessed and mitigated such that no significant residual effects are likely?**

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Cont/d..

Table 11.11 in final ES Chapter 11 picks up on two possible groundwater impacts from the planned Proposed Development (both during construction and operational phase). The first one is to do with changes to leaching and migration of contaminants via groundwater, but it is not expected that the new development will introduce contamination by itself (especially with their Construction Environmental Management Plan put in place) and the site investigations to date have not shown any significant pollution sources present on this largely greenfield land either.

The second residual effect is to do with potential reduction in remediation efficiency / operation, which is perhaps more realistic as the development will require the repositioning of some phenol abstraction and monitoring boreholes and also reduce the amount of infiltration into the ground which will possibly affect the efficacy of the MNA treatment scheme by the SI Group (e.g. due to less oxygenation and throughflow of upgradient groundwater). However, we have been liaising closely with the SI Group and the applicant's representatives for a long time to identify all the possible Controlled Waters issues involved, and with particular regards to protect the SI Group's existing (and permit secured) groundwater remediation scheme. The Remediation Safeguarding Report (Technical Appendix 11.5) reflects the agreements reached on this matter and identifies what we consider to be adequate mitigation and contingency measures. As such, we consider any potential risks to Controlled Waters post-development to be acceptable and/or manageable and not pose an obstacle to the proposed development proceeding.

#### **1.6.7.**

**Table 3.2 of Technical Appendix 11.3 (APP-094) indicates a high risk of contamination leakage from the Four Ashes Industrial Estate into the south west part of the Site but this does not appear to have been assessed in Chapter 11. Is the EA content that the ES is adequate in its scope in relation to this potential source of contamination and any risks that might arise to or from the Proposed Development in relation to on-site ground conditions and groundwater?**

The 'high risk' identified within this table appears to refer to the actual phenol plume migrating beneath the proposed development plot west of the railway line. Clearly, this has certainly been considered and discussed in the ES, our Statement of Common Ground and the Remediation Safeguarding Report (Technical Appendix 11.5). The previous site investigations included boreholes along the edge of the industrial estate and showed no contaminants coming off that area, eliminating any risks from other potential off-site sources of pollution. In light of this, we can confirm we are satisfied with the scope of Chapter 11 and do not require any further consideration of risks posed by the Four Ashes Industrial Estate. These comments are made in relation to our remit with regards to the protection of Controlled Waters only, as clarified within our Statement of Common Ground.

#### **1.6.8**

**Can evidence be provided to show that the EA is content that there is no assessment within the ES of the potential for on-site contamination to affect off-site conditions through groundwater or any of the other migration paths listed in paragraph 11.145?**

The (construction) pollution migration pathways identified in Paragraph 11.145 are theoretical as no actual soil or groundwater contamination sources have been found on the site to date (see Paragraphs 11.127 and 11.135 - 11.136), therefore we consider that further assessment is unnecessary. These comments are made in relation to our remit with regards to the protection of Controlled Waters only, as clarified within our Statement of Common Ground.

### 1.6.9

In connection with the ongoing remediation scheme being undertaken by the SI Group paragraph 32 ES Technical Appendix 11.5 (APP-096) states that the Proposed Development “*will incorporate contingency access to development areas to provide future flexibility for SIG to adapt remediation activities.*”

**(i) Where is this requirement reflected in the Parameter Plans or Works schedules?**

It is not included in these plans.

**(ii) How are all of the other ‘safeguarding measures’ set out in Table 1 of Appendix 11.5 secured through the dDCO?**

See Schedule 2 (Part 1) Requirement 12(3): *Ground Conditions – contamination risk* and Annex I Part 6: *For the Protection of the SI Group*.

### 1.6.11

**(i) How would the mitigation measures described in Chapter 11 and the ODCEMP (APP-060) be secured?**

See Schedule 2 (Part 1) Requirements 4: *Demolition and Construction Environmental Management Plan* and Requirements 12 and 13: *Ground Conditions – contamination risk*.

**(ii) Are the EA and other relevant stakeholders satisfied as to the adequacy of the proposed mitigation measures?**

We are satisfied, subject to the approval of details at detailed design stage as specified above

### 1.6.12

**Paragraph 5.17 of the ODCEMP proposes weekly inspections and monitoring during the construction period. What, if any, monitoring is proposed in the operational phase?**

No monitoring is proposed during construction period.

### 1.8.5

**ES Table 11.10 states that potential significant effects may arise from construction dust and identifies proposed mitigation measures but the Chapter 11 assessment does not cross refer to Chapter 7.**

**Can evidence be provided that the relevant stakeholders are content that the effects of construction dust on the Four Ashes Pit SSSI, off-site businesses and commercial users, residents and other receptors are capable of being mitigated such that no significant residual effects are likely as asserted in paragraph 7.215?**

The matters of dust lies outside our remit, therefore have no comment to make regarding this issue.

### 1.13.1

**Paragraphs 16.96-16.127 conclude that the potential construction effects on all identified receptors would be negligible. In each case this conclusion is reached on the basis that the requirements of the ODCEMP are implemented throughout the demolition and construction phase.**

**Can evidence be provided that these conclusions are accepted and agreed by all the relevant stakeholders?**

The Environment Agency support these conclusions with regards to matters within our remit.

### 1.13.2

The proposed Surface Water Drainage Strategy [APP-152] divides the site into 4 separate catchment areas with 2 of these eventually discharging surface water flows from the site into the River Penk and two discharging into the canal.

(i) Can evidence be provided of agreement with the relevant bodies as to the following key elements of that strategy:

(a) dividing the site into 4 catchment area and the identification of the most suitable and appropriate outfalls;

(b) the 'increased' discharge rates (paragraph 7.5.3.6) due to the unsuitability of the site for surface water to be managed through infiltration;

(c) the 'Allowable discharge rates' (Table 7.4) and Drainage Outfall Capacities (Table 7.5) set out in the Drainage Strategy;

(d) the required volumes of attenuation which have been used in the outline design of the water detention basin proposed as part of the GI provision;

(e) the schedule of 'special provisions' set out in paragraphs 9.3.1-9.3.13 of the Drainage Strategy which are required in order to direct surface water from the proposed catchments to existing outfalls whilst maintaining the existing hydraulic regime for the site.

The site is entirely within Flood Zone 1 and not within 20m of a Main River, as a result flood risk matters lie outside the Environment Agency's remit and we defer all matters to Staffordshire County Council as the Lead Local Flood Authority in this instance.

#### 1.13.4

Some of the RRs comment that the water table in the surrounding area is high and that the undeveloped land within the site is important for absorbing rainwater and reducing the risk of flooding. There is accordingly a concern about the effect of the development in increasing the risk of flooding elsewhere.

Is there any evidence for this concern and what implications, if any, does this have for the efficacy of the proposed drainage strategy?

We defer all matters to Staffordshire County Council as the Lead Local Flood Authority in this instance as surface drainage matters lie outside our remit.

#### 1.13.5

A concern is raised in some of the RRs that there is an existing problem of flooding in Brewood and that the Proposed Development could exacerbate both that risk and the frequency of flooding in that area. What evidence is there of this existing problem and what implications, if any, does this have for the efficacy and acceptability of the proposed drainage strategy?

The Flood Map for Planning shows Brewood to be affected by high and medium risk Flood Zones 2 and 3 from the Chilling Brook, classified an ordinary watercourse.

As the Lead Local Flood Authority, Staffordshire County Council may hold more information regarding flooding in this location. We defer all matters to Staffordshire County Council as the Lead Local Flood Authority in this instance as surface drainage matters lie outside our remit.

#### 1.13.7

Are the relevant bodies content that the mitigation proposals to secure the attenuation of surface water discharge into the identified water courses would be adequate so as not to increase the risk of flooding off-site?

We defer all matters to Staffordshire County Council as the Lead Local Flood Authority in this instance as surface drainage matters lie outside our remit.

#### 1.13.8

**Are the relevant bodies content that the drainage strategy and associated mitigation proposals would be adequate to remove the risk of any significant adverse effects in terms of the pollution or contamination of any water course, water bodies or groundwater resources?**

The Water Framework Directive Assessment contained within Appendix 16.2 of the ES confirms that the SuDs-based drainage strategy and does not pose a risk of polluting the water environment or causing the Humber River Basin Management Plan to not meet its required objectives.

1.16.10

**The SoCG between the Applicant and EA [AS-026] (paragraph 5.1.7) states that the parties are agreed that the variation of the Environmental Permit in relation to the groundwater remediation of the SI Land is not a significant impediment to the Proposed Development, although paragraph 24 of ES Technical Appendix 11.5 notes that this would need to go through a “full” variation process.**

**Is it possible to provide an estimate of how long it may take to prepare, process and approve such an application?**

The variation will require a consultation process (28 days) and the length of the permit determination will depend on the types of responses we get back from this. We may need to go back two or three times. As it is a bespoke permit providing a fixed timescale isn't possible, however it will likely be months rather than weeks. We have been fully involved with the groundwater remediation project over a number of years and variations have been granted to the operator for moving of borehole locations in the past in a relatively straightforward manner.

Yours faithfully

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