Mr John Macholc
Ribble Valley Borough Council
Development Control
Council Offices Church Walk
Clitheroe
Lancashire
BB7 2RA

Our ref: NO/2019/112209/02-L03
Your ref: 3/2021/0119

Date: 23 March 2021

Dear Mr Macholc

EIA SCOPING REQUEST FOR THE INSTALLATION OF TUNNELLED PIPEWORK AT THE BOWLAND SECTION OF THE HAWESWATER AQUEDUCT AND ASSOCIATED WORKS.
CONSTRUCTION SITED D. ADJ. BURNSIDE FARM, BACK LANE, SLAIDBURN & CONSTRUCTION SITE E. ADJ. FOBER FARM, DUNSOP ROAD, NEWTON.

Thank you for consulting us on the EIA Scoping Addendum for the Haweswater Aqueduct Resilience Project which we received 08 February 2021.

Environment Agency position

We have reviewed the following document;

Haweswater Aqueduct Resilience Programme, Proposed Bowland Section - EIA Scoping Report Addendum, produced by Jacobs, dated February 2021.

Please find below our detailed comments which should be reviewed alongside our original EIA Scoping Response to planning Ref: 3/2019/0977, dated 06 December 2019.

Chapter 7, Water Environment

Surface Water

The reduction of open cut sections reduces the risks to surface waters. There have been no substantial changes to the original scoping document with regards to surface water, we therefore have nothing further to add to our original comments, other than to reiterate the following advice;

Compounds will need to be sized and designed to enable full and proper separation of clean and dirty water.
Adequate sized waste storage/treatment areas for the tunnel arising and associated slurries etc. will be needed
Dependent on the nature of discharges from the site, an Environmental Permit may be needed at the compounds to enable discharges to occur.

Surface waters in and around the compound areas will need protecting from silt, hydrocarbon and chemical pollutants that could originate from the compounds.

Groundwater

There have been no substantial changes to the original scoping document with regards to groundwater, we therefore have no additional comments to make.

Water Environment

We have nothing further to add to our previous response other than to reiterate that, in the modified compound areas, effective surface water management for both clean and dirty water will be needed and they should be designed to accommodate sufficient environmental protection measures.

The submitted scoping report suggests discharging waste water into the River Hodder Biological Heritage Site (local wildlife site). This watercourse is considered to support high water quality and fish migration routes for eels, salmonid and coarse fish. Prior to discharge water waste would need to be treated e.g. filtration, siltbuster or settlement to remove silt and contaminants before discharging into this watercourse, to prevent silt pollution and smothering of aquatic habitats. This mitigation should be outlined within the EIA.

In addition to the staus mentioned above, River Jelly Lichen (UK BAP species and Red data list species) records are held by the Environment Agency on the River Hodder approx. 9km downstream of the proposed water discharge location. River Jelly Lichen should be considered for further survey work on the River Hodder and an impact assessment carried out as part of the EIA. River Jelly Lichen is sensitive to siltation therefore silt prevention measures such as filtration, siltbuster or settlement are important considerations in this location.

We have also previously identified that some watercourses had been assessed as medium and low value based on a desk based aerial photography exercise alone. These low and medium watercourses were then scoped out for fluvial geomorphology impact assessment. We would recommend that all watercourses affected are assessed for geomorphological impacts and included in the scope of the EIA.

<u>Chapter 8, Flood Risk</u>

We note that the design changes are stated to have no additional impact on Chapter 8 - Flood Risk, of the existing scoping report for the section of the Bowland tunnel that falls within Ribble Valley LPA's jurisdiction. Therefore, we have no further comments to add to those made previously for the EIA scoping report.

It should however be noted that other proposed areas of construction, such as temporary parking areas and sub-compounds, may be located close to smaller ordinary watercourses. Many of the ordinary watercourses are not modelled, therefore consideration must be made in relation to flood risk when proposing developments around these areas. The Environment Agency's surface water flood maps should be

used as an indicator for flow paths and flood extents in these locations.

United Utilities have been in discussion with the flood risk team at the Environment Agency regarding the proposed haul road and bridge crossing of the River Hodder. Discussions regarding suitable bridge designs and the production of a hydraulic model have been undertaken which demonstrates that the proposed crossing will not increase flood risk in this area or elsewhere. The final detail regarding the impact of the haul road should be submitted as part of the EIA.

More recently, discussions regarding the proposed haul road and crossing of the River Ribble have been discussed and we would expect the same conditions regarding the design of the proposed crossing and associated hydraulic modelling to be finalised and form part of the EIA.

Chapter 9, Ecology

Construction area E area has been reduced, it now mostly avoids Gamble Hole Farm Pasture (Local Wildlife Site) except for a stream crossing and a small impact area. Construction areas B and D have been removed.

We have also been consulted on the design of the proposed crossings for the River Hodder near Newton and the River Ribble with regards to mitigating damage to riverine habitats and fisheries within these rivers. The River Hodder has Biological Heritage Site status and is also a local wildlife site. The River Ribble also has Biological Heritage Site status.

The current proposal for a clear span bridge over the River Hodder is acceptable as is the same approach proposed over the River Ribble which also avoids the Brickworks Biological Heritage Site. We would request that we are involved in future discussions around the river crossings. Siting of bridges and haul roads should aim to avoid impacts on bankside habitats and we advise that Phase 1 habitat survey data is used to assess the impact to habitats impacted by the haul roads and recommend the use of the hierarchy of valuable habitats to determine the siting of the bridges.

The haul roads are temporary and once removed, natural conditions should be reinstated after all works are completed. Details regarding this proposed mitigation should be submitted as part of the EIA

We also refer the applicant to our comments regarding the required protection for high water quality and fish migration routes for eels, salmonid and coarse fish in the River Hodder noted in “Chapter 7 – Water Environment” above.

The disposal options are currently unknown for the large amounts of waste soil arisings that will be generated by the project. Once further information is available regarding the disposal options for this material, any reuse or disposal outside of approved landfill disposal should be assessed for ecological impact.

We note that the provision of environmental net gain is mentioned as a requirement of the planning process in the submitted report, however the HARP project approach to net gain and how it aims to deliver net gain is not mentioned. We are aware that discussions around biodiversity net gain for the scheme are ongoing, detail regarding this should be incorporated in future submissions.

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Chapter 11, Soils, Geology and Land Quality and Chapter 12, Materials and Waste

Within the original scoping document for the Bowland section “The Proposed Bowland Section EIA, Scoping Report dated October 2019” states in paragraph 448 of Section 12.2 ‘Proposed Methodology’ that;

- ‘*There are potential sources of contamination within the assessment area that may impact the characterisation and management of the material resources and waste arisings. The extent of any soil contamination and any associated impacts are discussed in Chapter 11 Soils, Geology and Land Quality. The intrusive ground investigation and existing information will provide an indication on the physical and chemical properties of the excavated arisings within the route alignment. This will help identify the suitability for re-use of the excavated arisings and the facilities or locations that could manage any arisings removed from site*.

In Chapter 11 ‘Soils, Geology and Land Quality' of the same report, it specifies that:

- ‘*Current guidance for the assessment of land contamination is contained in Land Contamination: risk management (Environment Agency, 2019) and will be followed. The impact on identified receptors will be initially assessed by production of a Preliminary Risk Assessment (PRA) containing a Conceptual Model. Baseline conditions of potential sources of land contamination will be presented within this report, which will form part of the baseline conditions reference material used to develop the assessment. This will involve a detailed review of the environmental setting of specific sites, and will identify any potentially contaminative historical land-uses via environmental record searches (e.g. Landmark Envirocheck) and through consultation with the appropriate regulatory authorities. Depending on the outcome of the PRA, ground investigation and laboratory analysis of soil groundwater samples may be required, the results of which may be subject to generic or detailed Quantitative Risk Assessment.’*

- *‘There are a limited range of historical land uses within proximity to the assessment area that could have led to ground contamination. These are principally related to agriculture, the construction or operation of the existing Haweswater Aqueduct, the local road network or other utility services. Further consultation and desk study will be undertaken to identify potentially contaminated land. These will be identified during the Preliminary Risk Assessment process and their potential impact assessed initially by development of a Conceptual Model.’*

- *Although unlikely, the presence of potentially contaminated made ground, associated with historical development, farming and agriculture, quarrying and waste disposal activities could be present and cannot be discounted at this stage. These factors have the potential to affect human health, soil, surface water, groundwater and infrastructure receptors, and require further assessment.*

  The environmental baseline has not been adequately characterised to allow potential impacts in respect of soils, geology and land quality receptors to be discounted.

Unfortunately, at this stage our comments relating to materials and waste submitted in our response to the original EIA Scoping request dated December 2019, still need to be addressed. We still do not have the detail required regarding the characterisation of the tunnel waste.

In Chapter 12: 'Materials' of Appendix A. 'Minor Scoping Changes' of the 2021 Bowland Scoping Addendum. The "Assessment Criteria" have been restricted to local planning policy documents and regulations that are relevant to the assessment of materials and waste. We consider that national planning policy documents and regulations are also relevant to the assessment of materials and waste, and should be considered as assessment criteria.

The Scoping Addendum document, dated February 2021, states that;

> '*Following in principle agreement between United Utilities and the operators of Waddington Fell Quarry, the basis of assessment for the EIA will be an assumption that all surplus material would be directed to the quarry for processing and placement as part of the site's restoration plan. Except for the Lower Houses Compound there are no proposals to retain surplus material within the planning application boundaries*.' (Table 1: Comparison of Proposed Bowland Section features described in the 2019 and 2021 reports)

Also;

> '*United Utilities entered into discussion with the operators of Waddington Fell Quarry during 2020 to explore options for the use of tunnel arisings (and from the Proposed Marl Hill Section, although this is subject to a separate Scoping Addendum) at the quarry. The operators of Waddington Fell Quarry are presently seeking planning consent from Lancashire County Council to enable this solution to be delivered. The basis of assessment for the Proposed Bowland Section EIA will therefore assume that the destination for all materials being exported off site is covered under a separate planning application*.' (para 46)

Unfortunately, there is still some uncertainty around these statements. Further detail will need to be added to the EIA regarding the following points;

- It is not yet clear what 'all surplus material' will actually mean, as there is no detailed information given in the EIA documents thus far regarding the quantities, types of materials and wastes that will be generated from this project, and their physical and chemical properties.
- As far as we are aware there has been no assessment to determine whether 'all surplus material' generated by the project will be suitable for use in the remediation of Waddington Fell Quarry. The opportunities to re-use or recover 'all surplus material' will depend on the volume produced, the type of excavation method used (which may impact the physical and chemical properties of the spoil) and the environmental constraints in the source area.

Another issue to be clarified with regards to waste management is connected to the proposed start date for excavation of the Bowland section of tunnel. According to the Scoping Addendum, the proposed Programme of Works for this section might start in quarter two of 2023. The current operator at Waddington Fell Quarry has a planning permission that only extends to 2022. Therefore consultation with Lancashire County Council on this matter may be required.

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Materials and Waste aspects must be covered in sufficient detail by the Environmental Impact Assessment.

In Chapter 11: ‘Soils, Geology and Land Quality of Appendix A ‘Minor Scoping Changes’ of the ‘2021 Bowland Scoping Addendum it states that;

’*it is anticipated that Ground Investigation and subsequent assessment activities will not be completed in advance of the application for planning permission*’.

We would expect that all the assessments mentioned in Chapter 11 ‘Soils, Geology and Land Quality' of the Bowland EIA October 2019 Scoping Report’ should be completed as part of the EIA, to inform the assessment and characterisation of all sources of surplus materials as well as the decisions about their re-use, recovery or disposal options.

Yours sincerely

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