

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

This document reviews the Officer’s Report (OR) 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 before they meet to decide the application on 31st October.

Shropshire Council as Applicant and Local Planning Authority

As Shropshire Council is both applicant and local planning authority for this application it is vital that these two roles are kept completely separate: any blurring of the lines would immediately make any decisions liable to legal challenge. This separation and the presentation of an objective assessment of the application is particularly important in the OR, as this is the main document that you will rely on for your decision making.

We have now carefully reviewed the OR and I have to tell you that it fails to present the information about many important aspects to you accurately and with the requisite standard of objectivity. I will discuss some of these in more detail below, but some examples include:

- Treatment of the climate emergency (7.4.16-18 and 8.16).
- Advising that the Environment Agency’s position about the Shelton public water supply can be overlooked (7.11.6-11 and 8.12-15).
- Advising that you can ignore the NPPF and allow the proposed destruction of nine “irreplaceable” veteran trees and damage to 37 more apply (7.6.2-12) (8.8-9).
- Failing to afford due weight to conflicts with landscape policies (7.3.8), those impacts cannot be offset against improving sustainability of rural communities, serious harm to ecology, including European Protected Species (EPS).
- The OR fails to realise that the proposals for changes to the layout of Welshpool Road form an integral part of the application. The report does not address the proposals or the detailed objections that have been made to them.

From this you will immediately appreciate the risks for Shropshire Council if it accepts the OR’s recommendation to approve the application, subject to conditions. I have provided more detail about the key issues in the following sections.

Many Outstanding Issues

The OR (7.11.10-11) describes how Shropshire Council has commissioned an independent review of the Environmental Impact Assessment EIA by Waterman. In 8.14 the OR claims that the Waterman report says that “*the information contained within the ES was complete and included everything that is necessary to make an informed decision.*” We have reviewed the Waterman report in detail ([BeST Comment 26 Oct 2023](#) labelled Mike Streetly) and would advise you that this is not a reliable summary of what it says.

Waterman’s review was highly critical of the EIA and made over 100 recommendations for improvements. They then went through a series of discussions with WSP to try and resolve

these. The OR implies that these were almost entirely resolved but in fact Waterman caveats its final comment on nearly three quarters of these issues by saying that further information or action is required of WSP. In particular, the Waterman report flags and supports the outstanding concerns of the Environment Agency (see below).

You should also know that consideration of traffic and transport issues was excluded from Waterman’s brief on the grounds that it was not part of the EIA. As a result, they did not examine the reliability of the traffic modelling (something that has been subject to extensive criticism by both ourselves and a transport expert on behalf of Morris Leisure, owners of Oxon Caravan Park). The traffic modelling is fundamental to the noise and air quality impact assessments, the assessment of greenhouse gas emissions and for the claimed benefits of the scheme – if the traffic model is unreliable then all these other impacts and benefits will not be correctly assessed.

Waterman also did not review the impacts on footpaths, pedestrians or cyclists or the proposed provision of facilities for people on bike or foot. Many people and organisations including Cycling UK have criticised this aspect of the application, particularly as footways and cycle paths are not compliant with the latest standards (LTN1/20¹). This is not mentioned in the OR.

It seems to us incredible that the EIA of a major road project should exclude consideration of transport issues.

You may make your own judgement about how complete the process is by considering the number and nature of the draft planning conditions: there are a large number of pre-commencement orders (together with the proposed S106 Agreements) and some of these will involve agreement with third parties. NPPF 56 states that pre-commencement orders should be avoided without clear justification. We understand Shropshire Council’s urgency to progress this project, but it seems to us that rather than resolve many complex and important issues, this has merely pushed them down the line. Ignoring these issues now does not make them go away and will not speed up progress as conditions will still need to be agreed.

Veteran Trees

You will no doubt be very concerned about the large number of “irreplaceable” veteran trees (nine) that will be destroyed or damaged (37) by progressing with this application. The government’s statement of policy for England’s ancient and native woodland (Keepers of Time, 2005) states that “*ancient woodland and trees represent a natural living cultural heritage, a natural heritage that is equivalent to our great churches and castles*” while the NPPF describes them as “irreplaceable” and only to be destroyed or damaged in “wholly exceptional circumstances”.

¹ In launching the new standard, Chris Heaton-Harris MP Minister of State with responsibility for cycling and walking said “It sets out the much higher standards now expected, and describes some of the failings common in the past, **which will be strongly discouraged in future.**”

The proposed new road would also destroy 0.62 ha of wet woodland, a UK priority habitat with similarly high conservation status. Nine trees are protected by Tree Protection Orders would also be impacted (7.6.3).

Shropshire Council’s Tree team is objecting to the application as is the Woodland Trust. The national headlines that have followed trees being cut down in Sheffield, Plymouth and the Sycamore Gap show what an emotive issue this is for the public. I attach a short document that provides useful visual information on the veteran trees that would be cut down, including T58 the 550 year old ‘Darwin Oak’ that you will probably be able to see on Monday if you visit Shelton Rough.

The OR says at 7.6.9 *“The route of the NWRR has been carefully considered to minimise the loss of trees and woodland, however there are also other competing factors.”* This clearly indicates that alternatives were available, but the Applicant chose not to apply them. This kind of justification requires the Applicant to demonstrate that “wholly exceptional circumstances” apply which they have clearly failed to do. A good example of this is the decision to design the road for 60 mph travel: selecting a lower speed limit would potentially allow many trees to be saved, yet there is no clear justification that the higher speed limit is needed for “wholly exceptional circumstances”.

The OR advises that the Planning Statement and Transport Assessment set out the “wholly exceptional circumstances” that justify the environmental damage. However, detailed review of those documents shows that there is no case made that there are “wholly exceptional circumstances”. The documents describe a number of traffic congestion issues that might be relieved by building the road but does not put these in any sort of local, regional or national context to show that these issues are particularly bad. It is not even clear that these are the worst traffic problems in Shrewsbury: the main road to benefit is Smithfield road and yet [government statistics](#) show that traffic levels on Welsh bridge have been falling for 20 years. Likewise, there is no assessment about what long term effect the pandemic has had on traffic levels.

The OR is deficient in failing to draw your attention to the Local Transport Plan which has a hierarchy of transport measures that should be prioritised before new roads are considered: policy E6 say that *‘new road building will be restricted to where all other options have been fully considered.’* In our [2023 response](#) we show that the reality is that over recent decades Shropshire Council has consistently focused on measures that favour road transport and has failed to invest in these alternatives. As a result:

- Bus usage in Shropshire has declined by 31% over the last decade;
- The number of passengers using the Park and Ride schemes in Shrewsbury has more than halved; and
- Even cycle journeys in Shropshire have declined when the national narrative has been that cycling has become more popular.

The Applicant has not properly evaluated the potential for alternatives to the NWRR such as active and sustainable transport to deliver the required reductions in congestion since 2003² with a partial update in its report prepared under the Transport Innovation Fund in 2007. That study did not include consideration of a combination of public transport, park and ride and cycling which would clearly be more likely to permanently resolve the problems of congestion in the town. This is despite the various public consultations held to date showing high levels of support for such combinations of non-road investment. The Big Town Plan Movement strategy may represent such a study and its implications should be fully evaluated as part of the planning application for the NWRR.

In short, the Applicant has completely failed to show that there are no alternatives to the destruction of veteran trees that building the NWRR entails.

We may each take a differing view about the effectiveness of the NWRR in addressing traffic in Shrewsbury, but the fact is that the evidence is not set out before you in the Applicant’s documents to show that this road is essential to addressing “wholly exceptional circumstances”.

Risks to Shrewsbury’s water supply

As a hydrogeologist with over 30 years of experience, Shropshire Council’s proposal to build the road through the innermost Source Protection Zone of the Shelton public water supply borehole has always been a major concern to me personally. The Environment Agency advised Shropshire Council from the start (nearly twenty years ago) that “*progression of the route in the Shelton area would be complex, as it is highly sensitive and there are risks that need to be fully understood/accepted if this were to be pursued*” (Environment Agency, 1 Sept 2023).

Source Protection Zones are defined to protect groundwater that is used for drinking water from contamination because, once polluted, it can take many decades and large sums of money to clean up. As ground conditions are always difficult to predict with 100% accuracy, an inner source protection zone (SPZ1) is defined where development should be completely excluded. Shropshire Council’s draft Local Plan DP19 3 states that “*Proposals in SPZ1 are not encouraged*” yet the NWRR would involve building a roundabout within the SPZ1 of the Shelton borehole. Roundabouts are the road junction with the highest risk of accidents occurring and there have been examples of tractors or tankers overturning on roundabouts in Shropshire every year since this application was submitted.

The Environment Agency is quite clear on its position saying on 1 Sept 2023 “*We would reiterate our previous position, in that, we are not sufficiently reassured at this stage based on matters that need more detail and advise that the EIA needs to be robust, and risks/mitigation fully explored, prior to determination.*” It goes on to say that “*should your Council be minded to grant permission we would consider potential conditions and other mechanisms proposed by yourselves.*” However, it is clear that, given that the Environment Agency is not satisfied with the reliability of the evidence presented now, it will not be in

² Shrewsbury NWRR Public Consultation Report no. 1051/14/4 (Mouchel Parkman, July 2003)

position to agree planning conditions until this further work is carried out (as OR explains in 7.11.6).

The OR’s description of the Environment Agency’s ‘unwillingness to engage’ (7.11.6) in the process is highly misleading and biased. The active level of engagement of the Environment Agency is borne out by the OR’s report containing nearly 30 pages of comments made by the Environment Agency over the last 30 months. However, it is not for the Planning Officer (with no access to independent hydrogeological experts) to say whether a regulator should be satisfied with the adequacy of the Applicant’s technical submission: that is a matter for Environment Agency alone. It is also not a matter for the OR to advise you to ignore the Environment Agency’s concerns (7.11.9). Courts take the view that expert evidence provided by statutory consultees such as the Environment Agency should be afforded great weight and should not be ignored save in very exceptional circumstances.

We would draw to your attention the letter from the Minister for Environmental Quality and Resilience (12 Sept 2023, available on the planning portal for the application [here](#)) which makes clear that the Environment Agency has been consistent in its approach and open to continuing to work with the council. It also makes clear that the delays mentioned in the OR are attributable to the Applicant failing to submit the required evidence and not, as claimed in the OR (7.11.9), due to the Environment Agency’s stance.

It is also clear from the most recent responses that the Environment Agency, Severn Trent Water and ourselves have significant differences in our understanding of the local groundwater system to WSP, acting on behalf of Shropshire Council. In essence, WSP has conceptualised the Shelton borehole as ultimately drawing most of its water from the Rea Brook (4 km to the south) whereas the other hydrogeologists looking at this consider that the borehole draws a significant proportion of its water from the River Severn (a few hundred metres to the east). Clearly the adopting the latter view means that the risk of spillages in the Shelton area would be much more significant.

Despite these differences, in its most recent response, Severn Trent Water has indicated that it is willing to accept key risk mitigation measures being addressed after outline permission is granted whereas the Environment Agency has maintained its position that these risks are so significant that the overall acceptability of the scheme cannot be judged until they are addressed.

The OR clearly prefers the approach adopted by Severn Trent Water (7.11.9). The OR does not however make clear that Severn Trent Water is potentially conflicted in its approach to this application as it owns a significant amount of land around Hencote that would be crossed by the NWRR and thus has a potentially significant financial interest in the road being constructed³. Whether this is the explanation of Severn Trent Water’s differing approach or not is not for us or the OR to speculate but the relevant evidence needs to be put to you for your consideration.

³ Severn Trent Water is listed in the OR as one of the parties with whom a S106 agreement will be required

The OR places particular emphasis on the conservative nature of the risk assessment carried out for the water supply (7.11.7-8) but does not explain that this approach was consistent with Environment Agency guidance⁴ on how risks should be assessed in such a sensitive setting and was agreed by the Applicant. The risk assessment⁵ itself says *“In summary, the probability of an overturning incident is a low frequency event in the UK. Furthermore, the probability of a consequent substantial contaminant loss by rupture is also a low frequency event. However, such an accident can, on occasion, still arise.”*

Furthermore, the OR does not highlight concerns mentioned by the Environment Agency, Severn Trent Water and ourselves in recent responses that the predictions of contamination breakthrough with the risk assessment as currently configured are concerning and there are aspects of the risk assessment that are not conservative and there are further scenarios that need to be considered.

In summary, the risk to the public water supply is of deep concern to the Environment Agency and Severn Trent Water. The fact that the two parties have adopted slightly different approaches as to whether this can be fully addressed before or after a planning decision is made does not get away from the fact that there are substantial uncertainties and risks with this issue. The practical effect of the Environment Agency’s position is that in the event of the water supplies being contaminated, the responsibility would lie solely at Shropshire Council’s door, does this Committee wish to assume that responsibility of behalf of the Council?

Landscape and visual impacts

In 2018, Shropshire County Council commissioned Knight Architects to develop an ‘enhanced design’ for the NWRR viaduct, which celebrated Darwin and drew upon the relationship between the man and his origins. The architects’ website says *“A concept design was developed to represent the notion of evolution, with the bridge supports evolving from a simple column to increasingly tall Y-piers, as the height above ground increases. The design also evokes Darwin’s theory of the Tree of Life and offers a distinctive and memorable elevation, **visible from afar across the open countryside**. The concept design explored a dedicated shared path, protected from the adjacent traffic, with rest points and interpretation of the views towards Shrewsbury. The design was well received by the Project Board, but a decision was taken in December 2019 to progress with a ‘functional structure”.*

⁴ Such an incident would be considered to fall into a Category 1 or 2 incident as defined by the Environment Agency in their Common Incidents Classification Scheme (CIS)

⁵ WSP, 2023 Supplementary Environmental Information: Appendix 5.C: Appendix 10.2: Detailed Quantitative Risk Assessment (Revision 4) para 3.1.7



2019 Darwin Bridge Design



BeST's visualisation of the 2021 'Functional' Design

It is clear from the above that the viaduct, which will require piers as high as the Market Hall Tower in Shrewsbury will have a major visual impact on large areas of north west Shrewsbury. Despite our repeated requests that a visualisation of this major structure from a local person’s perspective should be provided, this has not been done. The EIA submitted by Shropshire Council is seriously deficient in this area and in its summary section the OR does not sufficiently draw your attention to the policy conflicts (7.3.8).

Climate emergency

We are particularly concerned about the OR’s treatment of the Climate Emergency (paras 7.4 and 8.16). The EIA describes the increase in greenhouse gas emissions as a **significant adverse effect**⁶ and this was a major aspect of the numerous objections to the application from consultees and members of the public.

Reduction of carbon emissions is one of the stated objectives of the NWRR (WSP, 2021 Planning Statement 2.2.1) but the scheme as presented results in a significant increase in emissions. This failure to achieve a key objective is not mentioned in the OR.

The OR is incorrect in stating in 7.4.11 that the Climate Change Act has a target of 80% reduction in GHG by 2050. This was amended to 100% (i.e. net zero) by the government in 2019⁷. This is a fact of common knowledge and to make such an error surely shows a fundamental lack of knowledge/interest in an issue that has been declared an emergency by the UK Government, Shropshire Council and Shrewsbury Town Council. Climate change affects residents and businesses in Shrewsbury on an annual basis through increasingly frequent flooding.

The OR only quotes the net greenhouse gas emissions over the lifetime of the road (27,500 tonnes CO_{2e}). Given the much shorter timescales by which the UK is legally required to get to net zero, this timescale is inappropriate. The correct approach for Shropshire Council to ‘own’ these emissions (and the way in which they would appear in the council’s annual carbon accounts) would be to quote the construction emissions (48,233 tCO_{2e}) which would be allocated to the year of construction and the saving per year (359 tCO_{2e} per annum) and explain that the latter are only an estimate based on assumptions about how

⁶ Chapter 9 Climate Addendum Part 1, Table 1.4

⁷ Climate Change Act 2008 (2050 Target Amendment) Order 2019 (S.I. 2019/1056), arts. 1, 2

the road will affect traffic in Shrewsbury. The council can then base any annual ‘savings’ on observed changes in traffic each year.

In our submissions in [2021](#) we contend that the council’s conclusion that induced traffic (extra journeys caused by the extra road capacity) will only amount to a few per cent is not supported by extensive evidence that new roads (especially in peri-urban areas like this) create new traffic. The operational savings assumed by the Applicant are therefore unlikely to materialise: it is more likely that the new road will cause more traffic growth, further worsening the impact of this scheme on the climate.

The OR makes reference in 7.4.12 to the Climate Change Act 2008 requiring regular assessments of progress towards the net zero target but fails to mention the establishment of the independent Climate Change Committee (CCC) or its annual reports to Parliament on progress towards the net zero target. This is highly relevant and omission of this reference amounts to either ignorance or bias, both of which we have commented on above.

The OR fails to tell you about the CCC’s June 2023 report which are highly relevant to this application. It says *“Surface transport remains the UK’s highest emitting sector, contributing 23% (105MtCO₂e) of total emissions in the UK.”* It expresses concerns that carbon savings from plug-in hybrid vehicles (PHEVs) are three to five times lower in the real world than previously assumed and also questions the commitment to achieving modal shifts (page 108). It further states that road transport demand in 2022 is around 5% below pre-pandemic levels and could represent a new “steady state” (page 113). This new base level has not been taken into account in the traffic model for the NWRR.

The CCC 2023 report also states that *“measures to limit growth in road traffic are also crucial for decarbonising transport”* (page 113), and that *“without policy action to embed a reduction in the need to travel by car or grow the availability and attractiveness of alternative lower-carbon modes, traffic is likely to increase beyond the CCC’s pathway.”* (page 113). In stark terms, carbon reduction targets will not be achieved unless travel by private car is significantly reduced.

The Outline Business Case (Table 82) shows that the economic benefits of the NWRR are highly sensitive to assumptions of future traffic growth: with little or no long term traffic growth, the benefits will be much less than assumed. We can see from this that the required reductions in carbon emissions from transport will only be achieved if active measures are taken to promote alternatives whereas building a new road will lock in traffic growth and take us further away from where we urgently need to head.

At 7.4.17 in the section on Climate Change OR states: *“the scheme will allocate a sum of money equivalent to that to the value of (sic) carbon credits (£1.4m) which would be needed to offset the carbon footprint of the scheme. However, rather than buy carbon credits, the funding will be used to directly fund projects in the county so that the benefits are actually realised locally. Potential examples of where this fund will be invested include biochar and currently this is potentially being looked at for surfacing of the road.”*

This idea was first floated in the ‘Benefits’ document issued by the Applicant in August 2023 which says *“Options are currently being explored by Shropshire Council to use the NWRR as a catalyst for the commencement of active carbon management processes (local biochar production). The opportunity now exists to use the NWRR quantified carbon costs of £1.4m (budget allocations for the management of this have now been made within the overall project costs), in order to seed and develop this initiative **to initially manage down the carbon legacy of the road, potentially to neutrality in due course**, and also to leave an established local processing capability that can assist with the mitigation of wider Council carbon impacts.”*

Funding for a biochar scheme was only approved by Shropshire Council on 21 Sept 2023 and there was no mention of the NWRR’s role as a "catalyst" in that proposal. The proposal was presented as offsetting Shropshire Council’s existing emissions, not new emissions. In summary, this seems to be an entirely speculative proposal with no substance behind it. The OR should not include this uncritically in its conclusion.

The next paragraph in the OR (7.4.18) states *“The fast-moving industry around carbon capture and carbon offsetting means that new innovations are continually being worked on and being introduced to the market”*. Again, this is the OR promoting carbon offsetting on behalf of the Applicant. The Applicant has made no such statement in its submissions. No specific and currently operating Carbon Capture and Storage schemes are listed as being definite ways that the CO₂ from NWRR will be offset.

Guidance of how to balance the pros and cons of the application

The conclusion section of the OR is particularly weak in setting out the planning balance in clear terms for you to be able to make an informed decision. The OR has to invoke the economic benefits of the scheme (which we have criticised as being grossly exaggerated in our [2021](#) submission) to do heavy lifting against the numerous impacts that would on their own be considered grounds for refusal:

- Destruction of 9 “irreplaceable” veteran trees and damage to dozens of others;
- Loss of 0.62 ha of wet woodland (a UK priority habitat) and failure to provide like for like compensation;
- Emission of 48,000 tonnes CO_{2e};
- Creating a huge visual impact across Shrewsbury’s unique Green Wedge – a vital amenity for local people;
- Putting the water supply for Shrewsbury and a large part of Shropshire at risk.

This is the balance that needs to be clearly presented in the OR to allow you to make an informed judgement of the planning balance. We have done so here in the hope that this will help you to make a robust and balanced decision about this application.

Regards

Mike Streetly

On behalf of Better Shrewsbury Transport