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October 2<sup>nd</sup> 2020

**Permit Application EPR/QB3092NR Consultation Response**

**1.0 Background Information**

**1.1 Permit Application**

We write in response to the consultation regarding permit number EPR/QB3092NR made on behalf of VolkerFitzpatrick Ltd, Sir Robert McAlpine Ltd and Bouygues Travaux Publics.

**1.2 The Proposed Activity**

The discharge of site drainage related to the construction of the Chiltern Tunnel which forms part of the HS2 national infrastructure project.

**1.3 Parties Responding**

1. The Colne Valley Regional Park (Colne Catchment Action Network Host)
2. The Colne Valley Fisheries Consultative (Colne Catchment Action Network member)
3. The River Chess Association (Colne Catchment Action Network member)

**2.0 Consultation Response**

**2.1 Consultation Timing and Visibility**

We fundamentally disagree with the way in which local stakeholders have been consulted regarding the proposed activity. The Colne Catchment Action Network represents stakeholders across the Colne Catchment to ensure catchment-wide thinking and appropriately focused, effective local action. The Colne Valley Fisheries Consultative is just one of many local partners that should have been made aware of this consultation. We urge the Environment Agency, as a key member of ColneCAN's steering group, to table such consultations at our meetings, to allow catchment partners the opportunity to review any plans that may be regarded as counterproductive to the improvement of the catchment and the delivery of the Water Framework Directive.

We would also like to express our frustration at being given so little time in which to respond to this important consultation. We have been given just a matter of days to do so – nowhere near enough time to make detailed comment on the proposed activity. This has happened before – other consultations regarding HS2 activities, e.g. changes to abstraction licences, have also been poorly promoted, and inadequate time allowed for responses. This is totally unacceptable. The Government's own Consultation Principles, published in 2018, require adequate consultation periods to be provided to stakeholders

and other statutory consultees. There is growing scepticism amongst many catchment partners who believe these tactics are intentional, a means of rushing through HS2's applications without proper scrutiny.

### 2.2.1 The Water Framework Directive

### 2.2.2 Chemical Status

The proposed activity is counterproductive to the delivery of The Water Framework Directive. The chemical status of the Lower Colne (Chess to Thames) waterbody has recently been reclassified from 'good' to 'fail'; 38% of the reasons for not achieving good status (RNAGS) are linked to point source and diffuse pollution. Recent river fly monitoring results taken in the area of proposed activity provide hard evidence of the trend of declining water quality, with scores of zero being returned in recent weeks. It should also be noted that existing HS2 construction activities in this area have increased the degree of human pressure on the waterbody and Mid Colne SSSI area, regardless of any new proposed discharges.

The existing poor baseline for water quality in combination with the effects of the proposed activity is certain to contribute to the further deterioration of the chemical status of the watercourse and should not be permitted by the Environment Agency. Insufficient evidence has been provided by the applicant to demonstrate that the proposed emissions limits can be achieved. The applicant has not yet provided detail of the composition of the effluent from the slurry treatment and concrete batching plants. We also note it has not specified how much water will be reused per day, in relation to how much will be discharged into the natural environment. Without this important statistic, we have no confidence that the proposed discharge rate of 50L/s will not be exceeded. We urge the Environment Agency to refuse the permit with pre-operational conditions, and to wait for the applicant to reapply at a time when all the necessary information is available to the Environment Agency and its consultees.

### 2.2.3 Ecological Status

The waterbody's ecological status is classed as 'moderate', but it is at risk of further deterioration. We believe the proposed activity will cause significant deterioration of the ecological status of the watercourse due to the mobilisation of invasive species. The presence of Floating Pennywort is classed a RNAGS for the Lower Colne Waterbody.

The area around the proposed discharge point is already severely compromised by the extensive presence of Floating Pennywort due to the slow flowing and modified nature of the Western Troy Loop channel. An increase in flow along the loop is certain to mobilise and distribute Floating Pennywort, pushing large rafts and fragments of it to other sites downstream.

Floating Pennywort is listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) and the EU Invasive Alien Species Regulations 2015. **It is an offence to cause it to spread in the wild.**

The Colne Valley Regional Park and the Environment Agency have invested more than £150,000 in the control of Floating Pennywort in this area over the past three years. Granting consent to the proposed activity will specifically lead to the proliferation of Floating Pennywort throughout our project control area, negating much of the good work that has already been achieved.

### 2.3 The Environment Agency's Responsibilities

We believe permitting the proposed activity will be counter-productive to the following functions of the Environment Agency:

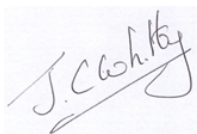
- The delivery of The Water Framework Directive (WFD) (2000/60/EC)
- Section 40 of the Natural Environment and Rural Communities Act 2006 states that: "Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity"
- Under section 4 of the Environment Act 1995 the EA has a sustainable development principal aim.

Once again, we must remind the Environment Agency that it is a key member of ColneCAN's steering group which works productively with catchment stakeholders to deliver WFD and its six core aims (control invasive species; improve water quality; improve wildlife corridors; manage flow; involve people with their local waterbodies; work together).

Permitting the proposed activity will send a confusing message to catchment partners regarding the Agency's role as a delivery partner. It is necessary in this instance, for the Agency to demonstrate that it is prepared to use its powers to prevent the further deterioration of the watercourse.

This permit must be refused, and the entire matter appropriately reassessed.

Yours sincerely



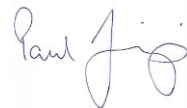
John Whitby  
Chairman  
Colne Valley Park



Tony Booker  
Chairman  
Colne Valley Fisheries  
Consultative



Tom White  
Colne River Project Manager  
ColneCAN Chair  
Colne Valley Park



Paul Jennings  
Chairman  
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