



MetroWest+

Portishead Branch Line (MetroWest Phase 1)

Planning Inspectorate Reference: TR040011

Applicant: North Somerset District Council

9.3.3 ExA.SoCG-EA.D5.V3 – Statement of Common Ground

Between

- (1) North Somerset District Council;
- (2) Network Rail Infrastructure Limited; and
- (3) Environment Agency

Version: 3

Date: February 2021



Version history			
Date	Version	Status	Description/changes
2 November 2020	1	D1 Submission	Draft for submission to examination at Deadline 1
21 December 2020	2	D3 Submission	Draft for submission to examination at Deadline 3
16 February 2021	3	D5 Submission	Draft for submission to examination at Deadline 5

1. Introduction

- 1.1 This Statement of Common Ground ("SoCG") has been prepared by North Somerset District Council ("the Applicant"), Network Rail Infrastructure Limited ("NRIL"), and the Environment Agency ("EA") to set out the areas of agreement and disagreement between the parties in relation to the Development Consent Order ("DCO") application for the Portishead Branch Line (MetroWest Phase 1) ("the DCO Scheme") based on consultation to date. For the avoidance of any doubt, the DCO Scheme is the "authorised development" as defined in the dDCO which includes the development and the associated development described in Schedule 1 of the d DCO.
- 1.2 This SoCG comprises an agreement log which has been structured to reflect topics of interest to the EA in relation to the application for the DCO Scheme. Topic specific matters agreed and not agreed between the EA and the Applicant are included.

2. Scheme overview

- 2.1 The Applicant has applied to the Planning Inspectorate ("PINS") for a DCO to construct the Portishead Branch Line under the Planning Act 2008 ("Application"). The Application was made on 15 November 2019 under reference TR040011 and was accepted for examination on 12 December 2019.
- 2.2 The DCO Scheme will provide an hourly (or hourly plus) railway service between Portishead and Bristol Temple Meads Railway Station, with stops at Portishead, Pill, Parson Street and Bedminster.
- 2.3 The DCO Scheme comprises the Nationally Significant Infrastructure Project ("NSIP") as defined by the Planning Act 2008 ("the 2008 Act") to construct a new railway 5.4 km long between Portishead and the village of Pill, and associated works including a new station and car park at Portishead, a refurbished station and new car park at Pill and various works along the existing operational railway line between Pill and

Ashton Junction where the DCO Scheme will join the existing railway. Ashton Junction is located close to the railway junction with the Bristol to Exeter Mainline at Parson Street.¹

- 2.4 The Application has been accompanied by an Environmental Statement ("ES") because the DCO Scheme is classified as EIA development in the EIA Regulations 2017².

¹ Please refer to Schedule 1 of the DCO for more detail.

² The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017

3. The Environment Agency's role in the DCO Scheme

- 3.1 The EA is a non-departmental public body established under the Environment Act 1995 and sponsored by the Department for Environment, Food and Rural Affairs ("DEFRA"). The EA's principal aim is to protect or enhance the environment and contribute towards attaining the objective of achieving sustainable development.
- 3.2 The EA's role in the DCO process derives from the 2008 Act and secondary legislation made under it. In addition to its overarching role under the sponsorship of DEFRA, it is a prescribed consultee under section 42 of the Act and a consenting body in respect of a wide range of environmental matters including waste operations/discharge, water abstraction and flood risk.

4. Overview of Engagement

4.1 Introduction

- 4.1.1 This section briefly summarises the consultation that the Applicant has had with the EA. For further information on the consultation process please see the Consultation Report (Examination Library Document Reference APP-058). All further document references in this SoCG use the Examination Library Document references.

4.2 Pre-application engagement

- 4.2.1 The Applicant has engaged with the EA on the DCO Scheme during the pre-application process, both in terms of informal non-statutory engagement and formal consultation carried out pursuant to Section 42 of the Planning Act 2008.
- 4.2.2 The Applicant has had regular and constructive engagement with the EA throughout the pre-application process on both a formal and an informal basis. The Applicant adopted a multi-stage approach to formal consultation which has allowed the DCO Scheme proposals to evolve iteratively through the Applicant's consideration and regard for the EA's input, in keeping with the (former) Department for Communities and

Local Government (DCLG) Pre-Application Guidance (2015). This has meant that the EA was able to direct the scope of the studies and review interim findings, in particular with regard to the submitted Flood Risk Assessment ("FRA") (APP- 173) modelling studies, such that the EA meaningfully contributed to the development of the proposals in the DCO Scheme.

The formal consultation was carried out in three main stages:

- i. "Stage 1 Consultation", from 22 June 2015 to 3 August 2015 (pursuant to Section 47 only);
- ii. "Stage 2 Consultation", from 23 October 2017 to 4 December 2017; and
- iii. "Additional Stage 2 Consultation" at several different points following Stage 2 Consultation.

A full account of the Applicant's pre-application engagement with the EA is contained in the Consultation Report (Document APP-058).

4.3 Post-application

4.3.1 Following the submission of the application on 15 November 2019, the Applicant has continued to engage with the EA to discuss the content of this document.

4.3.2 During the examination the Applicant updated the FRA and provided an Addendum which outlined the post application developments which together are contained in the Updated FRA ("UFRA") [document reference to be added on completion....]

5. Flood risk

The following tables set out the flood risk issues arising which are either resolved or not resolved between the Applicant and the EA.

5.1 Flooding.

Ref	Topic	Environment Agency position	Applicant position	Status (Issue Resolved/Issue Outstanding)
5.1.1	Climate Change Allowances	<p>Peak River Flow (fluvial) concern</p> <p>This has been reviewed by the Agency’s modellers, who have agreed that the modelling is fit for purpose.</p>	<p>The climate change allowances have been correctly modelled</p>	<p>Issue Resolved: Parties agree that the climate change allowances have been correctly modelled for peak river flow</p>
5.1.2	Climate Change Allowances	<p>Peak Rainfall Intensity (pluvial) concern</p> <p>This has been reviewed by the Agency’s modellers, who have agreed that the modelling is fit for purpose.</p>	<p>The climate change allowances have been correctly modelled</p>	<p>Issue Resolved: (1) The climate change allowances for peak rainfall intensity have been correctly modelled (2) based on modelling and applying the 70% allowance in the Longmoor and Colliter’s Brooks catchments in 2075 and 2115 provides an “upper limit” of the frequency of flooding of the DCO Scheme at the crossing of Longmoor and Colliter’s Brooks of approximately once every 50 to 75 years on average in 2075 and once every 25 to 50 years on average in 2115..</p>
5.1.3	Climate Change Allowances	<p>Sea Level Rises concern</p> <p>The Agency’s modellers have reviewed the comment and advised in respect of</p>	<p>Sea Level: It is not accepted that additional information is lacking but rather EA has acknowledged that there has been a</p>	<p>Issue Resolved: The climate change allowances for sea level rises have been correctly modelled for future flooding using both the updated</p>

Ref	Topic	Environment Agency position	Applicant position	Status (Issue Resolved/Issue Outstanding)
		<p>the lack of information regarding the tidal boundary. The model review certificate has requested additional information</p> <p>Ideally the CFB should be updated to CFB 2018 EWL</p>	<p>change of personnel in the organisation and the current modeller doesn't have access to all the modelling submitted previously.</p> <p>As a result, the Applicant has resubmitted the full modelling dataset and the EA has confirmed that the modelling is fit for purpose for future flooding.</p>	<p>CFB2018EWLs and the most recent UKCP2018 climate change allowances.</p>
5.1.4	Flood Zone ("FZ") 3b Functional Flood Plain ("FFP") (methodology)	The Applicant's FRA provides evidence that certain parts of the DCO Scheme are within the FFP	Briefly (i) FZ boundaries are determined by simulated present day flooding (ii) The FRA modelling for present day simulated flooding uses the earlier CFB2011EWLs which produces higher flood levels than the CFB2018EWLs (iii) modelling for present day simulations is not to be confused with the revised modelling undertaken by the Applicant which uses both the updated CFB2018EWLs and the most recent UKCP2018 climate change allowances for future flooding predictions. Climate change allowances are not relevant for determining	Issue Outstanding

Ref	Topic	Environment Agency position	Applicant position	Status (Issue Resolved/Issue Outstanding)
			<p>present day flooding simulations. (iv) The Applicant has taken into account in the UFRA the lower CFB2018EWLs and local flooding history including the March flooding event to conclude that no part of the DCO Scheme is within the FFP.</p>	
5.1.5	Flood Zones: Location of the undefended areas of the DCO Scheme in flood zones 3.	Certain parts of the seven listed sets of works most prone to flooding are within the FFP.	<p>Table 4.9 of UFRA has a list of seven sets of works as defined in the DCO (not areas) in undefended flood zone 3..</p> <ol style="list-style-type: none"> 1. Portbury Ditch, Portishead foot and cycle path (not the railway) 2. Easton in Gordano stream area 3. Markham brook (which is in culvert while the railway is elevated on Pill Viaduct) 4. Temporary cycle diversion Avon Road, Pill (Jenny's Meadow) (not railway) 	Issue Outstanding: Parties disagree whether Clamage Road compound is within the FFP

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			<p>5. Temporary micro compound under Pill Viaduct (not railway)</p> <p>6. Clanage Road Compound (not railway)</p> <p>7. Bower Ashton area railway.</p> <p>For the purposes of assessing flood risk the DCO Scheme includes all associated development (car parks, compounds etc) within the meaning of s 115 PA 2008. Therefore all the works and the full extent of the DCO Scheme have been assessed for flood risk.</p>	
5.1.6	Flooding at Clanage Road Compound (present day)	The site is within the FFP. The Applicant's FRA indicates predicted depth during flood events at present day the risk of 150 mm of flooding is likely for a return period of between 5 and 10 years.	<p>Whilst the EA is correct in its reading of the modelling, expert opinion is required to interpret the modelling and the Applicant's opinion is that the site is not within FFP. The evidence for the Applicant's position is:</p> <p>1. The FRA modelling for simulated present day flooding (which is used to define flood zones) over estimates the risk</p>	Issue Outstanding

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			<p>of flooding since is uses the more extreme CFB2011EWL. It is likely that the frequency of flooding based on modelling is in the realm of one in 20 years.</p> <p>2. There has been no recorded flood event at the site for at least 50 years and the March 2020 extreme flood event for central Bristol did not result in flooding on the site.</p>	
5.1.7	If the Clanage Road Compound is within FFP	<p>The temporary and permanent Clanage Road compound is within the FFP and the proposed ramp, welfare facilities and storage of materials will inhibit its flood storage capacity.</p> <p>If the site is to be used the option of 7.3 m AOD is preferable to mitigate offsite impacts.</p>	<p>The Applicant has undertaken to:</p> <ul style="list-style-type: none"> (i) Provide the welfare cabin one meter above ground level on stilts. (ii) For the railway works to bring much of the heavy material (eg. rail, ballast etc) to site by train and dropped directly on to the track. The Applicant is prepared to amend the CEMP specifically to reduce 	Issue Outstanding: EA considering the Applicant's proposals including an amendment to Requirement 31 to provide for a flood plan for the compound

Ref	Topic	Environment Agency position	Applicant position	Status (Issue Resolved/Issue Outstanding)
			<p>the storage of material at the Clanage Road compound by requiring the contractor to bring as much material as possible by train. There will still be a need to deliver smaller items (eg. cables and associated troughing) to the compound and for it to be stored for short periods of time. In addition to this there will be car parking for staff which by its nature is temporary.</p> <p>(iii) To prepare a site specific flood plan for both the construction and operational phases setting out the emergency and evacuation procedures to be followed.</p> <p>The preferred option is for the ground level of the site to be at 7.4m AOD. The Technical Note Annexure of the UFRA [...] explains that the increased flood</p>	

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			<p>risk at this level and including the ramp to some properties of within +/-1mm as modelled is insignificant and is within model accuracy. (The 1 D model convergence limit is +/- 10 mm.) This is particularly the case when balanced against functionality of the Clamage Road compound.</p> <p>For clarification:</p> <p>1)The proposed compensation area is within the site itself</p> <p>2)The proposed compensation area involves lowering ground levels within the compound by approximately 0.1m on average. This detail of the design will not significantly impede use of the permanent compound as:</p> <p>The access to the compound and ramp up to the track are designed to a specification that accommodates a range vehicular types (taking account of the vehicles that may use the compound).</p>	

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			<p>- Whilst the lowering of compound levels by approximately 0.1m may lead to slightly wetter ground conditions during periods of wet weather, the impact of this on use of the permanent compound will be insignificant as it is only expected to be used periodically for maintenance inspections and for occasional site works.</p>	
5.1.8	Clanage Road compound and railway at Bower Ashton: future flooding	<p>The EA agrees to the frequency of future flooding using the revised climate change allowances.</p> <p>However, there is the potential for the Longmoor tunnel and the Colliters Brook system to fail. It is important to note that a valve on the outlet of the Longmoor tunnel, could fail either open or closed. Both scenarios would have consequences in terms of flooding the railway, which must be assessed, together with the potential impact on the railway, in the</p>	<p>Based on revised climate change allowances the calculated frequency of future flooding of the DCO Scheme at its most vulnerable section at Clanage Road and Bower Ashton is approximately:</p> <p>1 to 2 times per year in 2075 applying the higher central sea level rise allowances,</p>	Issue Resolved: Parties agree to predicted frequency of future flooding at the Clanage Road Compound and railway at Bower Ashton. The parties also agree that matters regarding Longmoor and Colliter's Brook culverts can be addressed through the FRAP

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		<p>event of the Longmoor tunnel collapsing. The Agency is initiating a project to invest in the Longmoor/Colliters Brook system and will review options to work in partnership with any parties benefitting from the project.</p> <p>However these matters may be considered at the stage of application for a Flood Risk Activities Permit</p>	<ul style="list-style-type: none"> - 2 to 3 times per year in 2075 applying the upper end sea level rise allowances. - Once every 1 to 2 years in 2060 applying the higher central sea level rise allowances, - Once per year in 2060 applying the upper end sea level rise allowances <p>The calculated frequency of future (2115) flooding is approximately 5 to 6 times per year applying the higher central sea level rise allowances, and approximately 8 times per year applying the upper end sea level rise allowances</p> <p>APP-173 – 8.1.22 Colliter’s Brook and Longmoor Brook culverts’ structural performance will be assessed in the context of the DCO Scheme and the culverts will be improved if required to allow for any additional structural loading.</p>	

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			<p>It is acknowledged that a FRAP is required before any works are undertaken – see APP-073 Consents and Licences</p> <p>Information on structural loading will be included in the UFRA [...].</p> <p>The reference to wider improvement of Longmoor tunnel and Colliters Brook system has not been raised previously by the EA. There is no additional loading for the proposed scheme since the railway is remaining at its current elevation. We note that EA is evaluating the condition of its assets.</p>	
5.1.9	Easton in Gordano Stream	The EA agrees that specific flood compensation is not required however, this relies on a flood relief channel in the form of a farm access track running under the railway line. As a result, appropriate provisions are required within the DCO,	There are no plans to block Cattle Creep access track and it will be maintained in its current form.	<p>Issue Outstanding: The Applicant is considering a requirement text for Cattle Creep access track as follows:</p> <p>33.— (1) Work No. 1B must not commence before the undertaker has provided to the relevant planning authority and the Environment Agency</p>

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				<p>a topographic survey setting out the existing ground levels at Cattle Creep bridge, Easton in Gordano.</p> <p>(2) Works to Cattle Creep Bridge must be carried out in accordance with the principles set out in the Cattle Creep Proposed General Arrangement drawing and in particular the arch of the Cattle Creep Underbridge must not be altered and the ground level beneath the Cattle Creep Underbridge must not be raised without the prior consent in writing of the relevant planning authority following consultation with the Environment Agency and (if relevant) the lead local flood authority</p>
5.1.10	Portbury Ditch and Portishead Station	The EA requires details of a flood plan for Portishead Station and surrounding areas showing evacuation and emergency procedures in the event of a flood.	The proposed Portishead station and car park are located in defended Flood Zones 2 and 3. For the present day (2015) and future (2075) scenarios, the station and car park and surrounding areas are defended from coastal flooding for return period above 1000 years	Issue Outstanding: The parties disagree that a flood plan is required for Portishead Station and surrounding area but do agree that no further assessment or flood plain storage is required for Portbury Ditch.

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			<p>Portishead Station APP-187 provides details of drainage at Portishead Station and maintenance.</p> <p>The DCO Scheme would flood at Bower Ashton for lower return period tidal flood events than at Portishead station and car parks, i.e. before the car parks, station and access routes flood and so the service would cease operation before the car parks, station and access routes flood. A Flood Plan (operational phase) is not therefore required.</p> <p>All other associated development works at and around Portishead Station are either defended FZ 1 or 2 and</p> <p>Whilst Work 3 is partly in undefended fluvial Flood Zone 3a, all Work 3 proposed works are above the flood level and so the works will not displace floodplain storage and no floodplain compensation is required.</p>	

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5.1.11	Markham Brook/Underbanks	<p>The EA requested more information on the discharge rates of track / station drainage into Markham Brook to make sure it is acceptable.</p> <p>Also requested discharge rates for any track/ highway drainage that outfalls into any main river or watercourse that connects to a main river. Stated that without this the scheme could end up with a pre-commencement condition that gives the maximum outfall rate into these watercourses.</p>	<p>The existing Pill Station and track drainage was found to either drain directly into the ground beneath the viaduct or flow along the surface of Underbanks road until it runs into existing highway drainage.</p> <p>The proposed drainage design was revised recently, so that Pill Station and track drainage is connected into the highway drainage in Underbanks and will use an existing highway drainage outfall from Underbanks into Markham Brook / River Avon (the harbour area adjacent to Underbanks). The existing highway drainage that outfalls into this location will be improved to increase its capacity and extended to the viaduct.</p> <p>For background see FRA APP-173 and Surface Water Drainage Strategy APP-192.</p>	Issue Resolved: The parties agree that the proposed works are well above Markham Brook and also agree the drainage arrangements for the track and Pill Station.

Ref	Topic	Environment Agency position	Applicant position	Status (Issue Resolved/Issue Outstanding)
5.1.12	Temporary cycle diversion Avon Road, Pill (Jenny's Meadow) (not railway)	The EA requires an FRA for the diversion	The diversion is on higher ground than the existing cycle path and the flooding consequences are therefore less than currently experienced.	Issue Resolved: The parties agree that an FRA is not required
5.1.13	Temporary micro compound under Pill Viaduct (not railway)	The EA requires more information and an FRA for the temporary compound.	This is a very small area currently used as car parking for the library. The intended use is also for parking for the contractor	Issue Outstanding: The EA to consider the use for parking further.
5.1.14	Design life of the DCO Scheme	The proposal's design lifetime has been agreed as 60 years, however all models and the scheme itself, have been assessed for flood risks up to a 100 year lifetime	The design life of the DCO Scheme is 60 years (2075) but flood risks up to 100 years (2115) has been assessed for sensitivity purposes only.	Issue Resolved: Parties agree that the DCO Scheme design life is 60 years.
5.1.15	Bristol Avon Strategic Flood Report 2020 (BASF)	There is uncertainty regarding the delivery of the proposals in the BASF and no assumptions should be made regarding delivery of flood defences.	Whilst the FRA modelling assumes that no strategic flood defences are built throughout the whole study area, the Applicant is of the view that the DCO Scheme is likely to be defended by 2030.	Issue Outstanding.

Ref	Topic	Environment Agency position	Applicant position	Status (Issue Resolved/Issue Outstanding)
5.1.16	The Sequential Test	The submitted FRA advises the flood risk Sequential Test has been applied and passed. The Agency acknowledges that the fundamental nature and objectives of the proposal, effectively precludes the use of other sites at a lower risk of flooding	The DCO Scheme utilises operational railway along a historic alignment, which could not be changed without prohibitive costs.	Issue Resolved
5.1.17	The Exception Test	Provided the Applicant implements emergency and evacuation procedures detailed within the requisite flood plan to the satisfaction of the relevant local authority's Emergency Planning Officer, the DCO Scheme meets the NN NPS exception test save for the FFP at Clanage Road compound.	The DCO Scheme meets the NN NPS exception test.	Issue Outstanding: .
5.1.18	Portishead to Pill		The design life is 60 years and for a return period of up to 1,000 years the railway does not flood. (see table 4.10 FRA APP- 173)	Issue resolved
5.1.19	Drove Rhine	The FRA concludes the flood risk impact of the scheme is negligible and there is no need for a post	Applicant has undertaken sensitivity testing with an increase of 200mm and	Issue Resolved

Ref	Topic	Environment Agency position	Applicant position	Status (Issue Resolved/Issue Outstanding)
		<p>development model. Unfortunately, the FRA does not detail how the railway line will be raised and whether there will be a need to widen the embankment as a result. If this is the case, would there be any loss of floodplain as a result of a wider footprint and a consequential need for appropriate floodplain storage compensation?</p>	<p>difference plots have been added to the Drove Rhyne modelling report.</p> <p>The DCO Scheme will not result in displacement of Drove Rhyne fluvial floodplain storage and therefore no floodplain compensation is required. All proposed works at Drove Rhyne are above the fluvial flood level.</p>	
5.1.20	Main River Culverts	<p>Culverts will need to be surveyed to ensure they are structurally sound and sufficient in respect of any proposed works. Any deficient culverts will need to be repaired or replaced on a like for like basis, which will require a FRAP from the Agency, prior to works commencing</p>	<p>APP-186 provides details of track culvert survey for the disused line. It is recommended that all culverts save for two are fully replaced along the disused line (p 7). Also the two remaining culverts are not main river culverts.</p> <p>For the operational line the FRA [APP-173] paragraph 8.1.22 explains the position until further detailed design is undertaken.</p> <p>The Master CEMP AS-046 provides details of flood plain and permitting –</p>	Issue Resolved

Ref	Topic	Environment Agency position	Applicant position	Status (Issue Resolved/Issue Outstanding)
			section 2.7. Also the Consents and Licences submission [APP-073 to be updated at DL5] provides details of permitting.	
5.1.21	Access Requirements	EA comment 21.12.2020: Encouraging to see that work is progressing on getting access approval from the EA. Issue in progress	Land agreements and details of EA assets were received from the EA on 26 January 2021. [The Applicant has responded with the attached spreadsheet of possible access solutions.]	Issue Outstanding: The Applicant will forward its response to access arrangements for all EA assets. Following a review of the Applicant's response, the Agency will confirm the need or otherwise for appropriate protective provisions.
5.1.22	Permitting	The lack of confirmation the Environment Agency's Flood Risk Activity Permitting requirements are fully understood.	See Master CEMP and requirement 5. FRAPs will be required – see Consents and Licences APP-073	Issue Resolved
5.1.23	Draft DCO	A Requirement should be included in the DCO necessitating a Flood Plan.	Requirement 5 and CEMP (AS-046) provides for Flood Plan (Construction Stage).	Issue resolved: The Applicant will consider text for the site specific flood plan.

Ref	Topic	Environment Agency position	Applicant position	Status (Issue Resolved/Issue Outstanding)
			<p>For the operational stage, a Flood Plan has been produced by Network Rail for the Railway and is being produced for Clamage Road compound as part of the DCO Scheme.</p>	

6. Ground investigation and contamination

6.1 The following table details the process whereby the topics have been scoped through dialogue between the Applicant and the EA, how issues have been resolved, or where matters remain outstanding.

	Sub-topic	Environment Agency position	Applicant position	Status Issue resolved/Issue outstanding
6.1.1	Contaminated Land (Relevant Representation)	<p>The EA requires amendment to requirement 17 to include a remediation strategy and verification plan.</p> <p>Requirement 17 Applicant to review revised wording suggested by EA regarding the need to submit a verification plan. Applicant to review either including the additional wording suggested by the EA regarding previously unidentified contamination either within Requirement 17 or whether it should be a separate requirement.</p> <p>The Agency has received details of the proposed rewording of Requirement 17 however, the Agency’s Hydrogeologist has advised the verification element is not sufficiently</p>	<p>All contaminated Land investigations and assessment are set out in the relevant ES chapter APP -105 and APP 144, 145 – 150.</p> <p>The Master CEMP at AS-046 provides details of the Applicant's approach to construction and investigations where appropriate. Requirement 5.</p> <p>Proposed draft amended requirement 17 below.</p> <p>Contaminated land and groundwater 17.—(1) A stage of the authorised development must not commence until a written scheme applicable to that stage to deal with the contamination of any land, including groundwater, within the Order limits which is likely to cause significant harm to persons or pollution</p>	Issue Outstanding: EA to consider the Applicant's latest revised requirement 17

	Sub-topic	Environment Agency position	Applicant position	Status Issue resolved/Issue outstanding
		<p>distinct. It is a separate stage of works and should be afforded a separate, concluding bullet point, as detailed within the Agency's Written Representations:</p> <p>'A verification plan must be submitted providing details of the data that will be collected in order To demonstrate that the works set out in the remediation strategy are complete and identifying Any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.'</p> <p>Additionally, the applicant's proposed Requirement wording regarding previously unidentified contamination, is not considered sufficient. The Agency would recommend the following wording, either within an amended Requirement 17, or as a separate Requirement:</p> <p>'If, during development, contamination not previously identified is found to be present at the site, no further development (unless</p>	<p>of controlled waters or the environment has, after consultation with the relevant planning authority and the Environment Agency, been submitted to and approved by the relevant planning authority.</p> <p>(2) The scheme must include an investigation and assessment report, prepared by a specialist consultant approved by the relevant planning authority, to identify the extent of any contamination and the remedial measures to be taken with respect to any contaminants on the site.</p> <p>(3) The stage of the authorised development must be carried out in accordance with the approved scheme.</p> <p>(4) Where the scheme sets out remedial measures to be taken with respect to any contaminants on the site, a verification plan must also be submitted providing details of the data that will be collected in order to demonstrate that the remedial measures are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.</p>	

	Sub-topic	Environment Agency position	Applicant position	Status Issue resolved/Issue outstanding
		<p>otherwise agreed in writing with the LPA) shall be carried out, until the developer has submitted a remediation strategy to the LPA detailing how this unsuspected contamination shall be dealt with and obtained written approval from the LPA. The remediation strategy shall be implemented as approved.'</p> <p>Discussions are ongoing regarding this matter.</p>	<p>(5) If, during development, contamination not previously identified is found to be present at the site, no further development (unless otherwise agreed in writing with the LPA) is to be carried out, until a remediation strategy detailing how this unsuspected contamination shall be dealt with has, after consultation with the relevant planning authority and the Environment Agency, been submitted to and approved by the relevant planning authority. The remediation strategy must be implemented as approved.</p> <p>(6) Paragraphs (1) to (5) do not apply to any currently operational railway land.</p>	
6.1.2	Contaminated Land (Consultation)	Queried why further investigation of land contamination at Avon Road Underbridge is not deemed necessary.	Further ground investigation is not planned as it is considered there is sufficient information available to inform the detailed design of measures included in the ES Chapter 10 APP- 105 - Geology, Hydrogeology, Ground Conditions and Contaminated Land	Issue Resolved

	Sub-topic	Environment Agency position	Applicant position	Status Issue resolved/Issue outstanding
			The master CEMP will address Avon Road and Pill Station.	
6.1.3	Hazardous Waste	<p>Stated that hazardous waste would need to be removed from the site using hazardous waste consignment notes as waste code 170503* and sent for appropriately permitted disposal or remediation before any further use.</p> <p>The Non-hazardous waste would be coded as 17 05 04.</p>	The Applicant agrees with this statement from the EA.	Issue Resolved
6.1.4	Hazardous and non-hazardous Waste and Waste Storage generally	<p>Stated that there is an indication to sort the ballast at depots along the line, which implies both hazardous and non-hazardous sections of ballast would be bought together at the depots and then sorted. Stated that any mixing of hazardous and non-Hazardous waste is prohibited, unless undertaken as expressly stated under a Permit; if mixed, the resultant material would also be deemed hazardous waste.</p>	<p>All materials are to be handled in accordance with NR standards for ballast handling. See 'Used Ballast and Excavation Waste' standard NR/L3/ENV/044.</p> <p>The spoil is likely to be contaminated and there is a large amount of soil and vegetation mixed in with the old track formation. The ballast may need to be separated on site before onward travel to the Network Rail recycling centre.</p> <p>Information on the proposals to excavate, store and handling old ballast is provided in the Environmental</p>	Issue Outstanding: The EA will consider the Applicant's proposals

	Sub-topic	Environment Agency position	Applicant position	Status Issue resolved/Issue outstanding
			<p>Statement Chapter 12 Materials and Waste [APP-107], the Construction Strategy [APP-074], and the Master CEMP [AS-046].</p> <p>The details for the excavation, storage and off-site disposal of old ballast will be developed by the contractor who will prepare site specific management plans for the construction compounds, a Site Waste Management Plan, and a Materials Management Plan. These plans will form part of their CEMP which will be approved by the local planning authorities in accordance with requirement 5. The contractor will also liaise with the Environment Agency regarding waste licences and any associated exemptions.</p>	

7. Wildlife and habitat

7.1 The following table details the process whereby the topics have been scoped through dialogue between the Applicant and the EA, how issues have been resolved, or where matters remain outstanding.

	Sub-topic	Environment Agency position	Applicant position	Status Issue Resolved/Issue Outstanding
7.1.1	Risk to habitats (Relevant Representations)	Issues of particular relevance to the Environment Agency include the treatment of watercourses and wetlands, together with the species that are dependent on such habitats, in particular otter, water vole, eel and other fish species. It is acknowledged that extensive survey work has been undertaken to identify potential risks to these habitats and dependent species however, the Environment Agency must be satisfied in respect of the proposed mitigation measures, to ensure any impacts are minimal and short-term. Additionally, measures must be included for habitat re-creation and enhancement, which must result in a net gain in biodiversity from the proposal. Additionally, the Environment Agency will require full details of how it is proposed to treat and control invasive species. A commitment to long-term control of	All issues that the Applicant is required to consider are addressed in the Master CEMP APP-211 and ES Chapter 9 Ecology and Biodiversity APP-031.	Issue Resolved

	Sub-topic	Environment Agency position	Applicant position	Status Issue Resolved/Issue Outstanding
		species, including Japanese knotweed, would therefore be required.		
7.1.2	Risk to Habitats (Consultation)	Include otter assessments / surveys particularly in respect of breeding sites and use of any areas near watercourses. Appropriate mitigation will be required during construction, including covering work holes/trenches at night. Provision of otter passes must be considered.	Otter survey and assessment completed for the DCO Scheme and included in Section 9.6 of ES Chapter 9 APP- 031– Ecology and Biodiversity and in the Otter Survey Report APP-139. Mitigation for otters has been considered in the Master CEMP APP-211. Otter passes are not considered necessary to mitigate the impact of the DCO Scheme.	Issue Resolved

8. Main rivers and watercourses (excluding flooding) and groundwater

8.1 The following table details the process whereby the topics have been scoped through dialogue between the Applicant and the EA, how issues have been resolved, or where matters remain outstanding.

	Sub-topic	Environment Agency position	Applicant position	Status Issue Resolved/Issue Outstanding
8.1.1	Pollution Prevention (Relevant Representation)	The Environment Agency has previously advised the Applicant regarding the measures required to prevent pollution of the water environment and the specific regulatory requirements pertinent to the proposal and associated works. Accordingly, the Agency must be satisfied in respect of all relevant proposals, particularly those concerning pollution prevention and incident control and waste management, including potentially hazard waste	The Applicant has adequately addressed the EA's concerns throughout during consultations. Master CEMP APP-211 has requirements to produce plans to prevent pollution during construction. Plus environmental permits will be sought – Consents and Licencing APP-073	Issue Resolved
8.1.2	Pollution Prevention (Consultation)	Stated a need for evidence to show that ground water won't change.	This has been assessed in the ES Chapter 10 APP-105 and it was determined that construction will have no impacts on the underlying hydrogeology in terms of regional and local flows or groundwater quality. There were no likely significant effects from operation on groundwater and so	Issue Resolved

	Sub-topic	Environment Agency position	Applicant position	Status Issue Resolved/Issue Outstanding
			this was scoped out at the Scoping Opinion APP- 093	
8.1.3	FRA EA maintenance access	Stated that the FRA should include a 10m maintenance strip adjacent to all main rivers.	This will be addressed once the EA has supplied the land agreements. The DCO Scheme will have no adverse impact on access required to maintain Main River culverts and Main River watercourses, included in the FRA APP-173	See 5.1.21 above

9. Site-specific and other matters

9.1 The following table details the process whereby the topics have been scoped through dialogue between the Applicant and the EA, how issues have been resolved, or where matters remain outstanding.

	Sub-topic	Environment Agency position	Applicant position	Status Issue Resolved/Issue Outstanding
9.1.1	EA protective provisions	Stated a need for text on Protective Provisions to be included in the DCO application.	The Applicant understands that protective provisions will not be required.	Issue Resolved: Not yet agreed – awaiting land access arrangements to determine need for protective provisions
9.1.3	Avon Gorge EA maintenance access	Stated a need for prior notification of tow path closures through the Avon Gorge, in case there is a clash with the Agency's maintenance programme.	There are short duration closures proposed but the sites will be manned and access required by the EA will be reasonably accommodated. The Applicant and NRIL will develop a community engagement strategy as set out in the Master CEMP APP-211() for the DCO Scheme during construction.	See 5.1.23 above

10. Conclusions

10.1 This Statement of Common Ground records that, in summary:

10.1.1 [insert summary of topics agreed/ not agreed].

11. Agreement on this Statement of Common Ground

This Statement of Common Ground has been jointly prepared and agreed by:

Environment Agency
<i>Name:</i>
<i>Signature:</i>
<i>Position:</i>
<i>On behalf of:</i>
<i>Date:</i>

The Applicant
<i>Name:</i>
<i>Signature:</i>
<i>Position:</i>
<i>On behalf of:</i>
<i>Date:</i>

Network Rail Infrastructure Limited
<i>Name:</i>
<i>Signature:</i>
<i>Position:</i>
<i>On behalf of:</i>
<i>Date:</i>