



MetroWest+

Portishead Branch Line (MetroWest Phase 1)

Planning Inspectorate Reference: TR040011

9.3.3 ExA.SoCG-EA.D7.V5 – Statement of Common Ground

Between:

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

Version: 5

Date: 14 April 2021



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.

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

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

² The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017

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-076 and 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 by providing a FRA Addendum which outlined the post application developments including, a number of non-material changes to the draft DCO, the Applicant's response to the Examining Authority's s51 advice letter (PD-006) and further information and studies which have been undertaken since the FRA was submitted (Examination Library Document Reference: REP6-065).

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>	The climate change allowances have been correctly modelled	Issue Resolved: Parties agree that the climate change allowances have been correctly modelled for peak river flow

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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 the lack of information regarding the tidal boundary. The model review certificate has requested additional information</p>	<p>Sea Level: It is not accepted that additional information is lacking but rather EA has acknowledged that there has been a 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</p>	<p>Issue Resolved: The climate change allowances for sea level rises have been correctly modelled for future flooding using both the updated CFB2018EWLs and the most recent UKCP2018 climate change allowances.</p>

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		Ideally the CFB should be updated to CFB 2018 EWL	dataset and the EA has confirmed that the modelling is fit for purpose for future flooding.	
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	Issue Outstanding

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			<p>determining present day flooding simulations. (iv) The Applicant has taken into account in the FRA Addendum the lower CFB2018EWLs, local flooding history including the March flooding event and the publication of the Strategic Flood Risk Assessment in December 2020 to conclude that no part of the DCO Scheme is within the FFP.</p>	
5.1.5	<p>Flood Zones: Location of the undefended areas of the DCO Scheme in flood zones 3.</p>	<p>Certain parts of the seven listed sets of works most prone to flooding are within the FFP.</p> <p>Text added 12 April 2021: The EA does not agree with the wording provided. Part of the line around Bower Ashton and Clanage Road are in the functional</p>	<p>Table 4.9 of the FRA has a list of seven sets of works as defined in the DCO (not areas) in undefended flood zone 3. The FRA Addendum clarifies that reference to any part of the DCO Scheme being within flood zone 3b is removed including in table 4.9</p> <ol style="list-style-type: none"> 1. Portbury Ditch, Portishead foot and 	<p>Issue Outstanding: Parties disagree whether Clanage Road compound is within the FFP.</p>

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		<p>floodplain. The scheme no longer includes raising the railway level above the flood level as no mitigation could be found to ensure the scheme would not increase flood risk to others. However, the railway remains in functional floodplain and is only considered safe in terms of its users and operatives, due to the submission of an emergency and evacuation plan.</p> <p>The other locations listed were never considered to be in the functional floodplain, but within other designated flood zone, which would require the submission of an FRA. Following the submission of further information,</p>	<p>cycle path (not the railway)</p> <ol style="list-style-type: none"> 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) 5. Temporary micro compound under Pill Viaduct (not railway) 6. Clanage Road Compound (not railway) 	

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		<p>including details of the proposed works and their locations, the Agency assessed the flood risk and agreed the works are not considered to be an issue.</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	<p>Flooding at Clanage Road Compound (present day)</p>	<p>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>	<p>The FRA Addendum details the Applicant's case that the Clanage Road compound is not within the FFP.</p>	<p>Issue Outstanding: Parties disagree whether Clanage Road compound is within the FFP</p>

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5.1.7	If the Clamage Road Compound is within FFP	<p>The temporary and permanent Clamage 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>By email dated 30 March 2021 the EA state: "Lowering the ground level to 7.4 m AOD does not provide total coverage for the floodplain compensation, whereas 7.3 m AOD does."</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 the storage of material at the Clamage Road compound by 	<p>Issue Resolved:: The EA agrees the amendment to Requirement 31 and the amendment to the CEMP.</p> <p>Issue Outstanding: The EA does not agree to the Applicant's proposal for the ground level of the compound to be at 7.4 mAOD as provided for in APP-044. The parties agree to disagree.</p>

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			<p>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</p>	

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			<p>setting out the emergency and evacuation procedures to be followed.</p> <p>Bristol City Council as the lead local flood authority has accepted the Applicant's proposals.</p> <p>The preferred option is for the ground level of the site to be at 7.4m AOD. The Technical Note at REP2-022 explains that the increased flood 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</p>	

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			<p>against functionality of the Clanage 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</p>	

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			<p>account of the vehicles that may use the compound).</p> <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</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:	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>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 event of the Longmoor tunnel collapsing.</p> <p>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 (FRAP)</p>	<ul style="list-style-type: none"> - 1 to 2 times per year in 2075 applying the higher central sea level rise allowances, - 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</p>	

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			<p>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> <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 FRA Addendum.</p> <p>The reference to wider improvement of Longmoor tunnel and Colliters Brook</p>	

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			<p>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	<p>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.</p> <p>By email dated 30 March 2021 the EA state "Providing the means to secure the ground level and arch</p>	<p>There are no plans to block Cattle Creep access track and it will be maintained in its current form.</p> <p>The Applicant points out that sub section 2 of the new requirement 33 provides the comfort the EA requires.</p>	<p>Issue Resolved: The EA has accepted new requirement³³ for Cattle Creep access track within the dDCO with an amendment to retain the works thereafter. 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 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 and retained thereafter 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</p>


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		design is confirmed, the Agency can confirm the issue is agreed."		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.
5.1.10	Portishead Station to also include dDCO Works 2 and 2 A, 4, 5 and 6, 7A to 7E and 8 to 12 A (with the exception of work 11) and Works 13 to 14B	<p>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.</p> <p>By email dated 12 March 2021 the EA now requires a Flood Risk Assessment is produced in accordance with the NPPF and associated guidance.</p> <p>By email dated 30 March 2021 the EA has accepted the additional details of an FRA provided in the FRA Addendum (REP6-065) with</p>	<p>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</p> <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</p>	<p>Issue Resolved: The Applicant has provided additional details of an FRA for Portishead Station and listed work numbers which the EA has now accepted. . The Applicant notes that the ExA in REP6- 008 has added the following sub paragraph (4) to requirement 27.</p> <p>"(4) Work No 5 must not commence until a Flood Risk Assessment (FRA) for this work has been submitted to and approved by the relevant planning authority in consultation with the Environment Agency. If the FRA concludes that Work No 5 is at risk of flooding then the FRA shall include details of the mitigation, such as a flood emergency and evacuation plan, that would be required to ensure that the station and users would remain safe should a flood event occur."</p>

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		<p>no requirement for a flood plan at this stage.</p>	<p>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 in Flood Zone 1 or defended Flood Zone 2 or 3 except for Work 3 which 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>	<p>The Applicant has no objection to the addition of this sub paragraph.</p>

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5.1.10a	Portbury Ditch – Work number 3.	<p>By email dated 30 March 2021 the EA state: "Although these works have been identified as being within the defended area for coastal flooding and not impacted by a breach, the site is also within fluvial Flood Zone 3a. Accordingly, a Flood Risk Assessment will be required to fully assess the potential impact on the floodplain and/or how the works will remain safe"</p> <p>Email from the EA 12 April 2021: "Would only require a cross section drawing, to detail the works, the location and an explanation of the flood risk. At the moment it is not clear how Flood zone 3 will be affected"</p>	Due to the topography Work number 3 is well above Portbury Ditch and the flood levels in the ditch which is FZ3a are very unlikely to reach the level of the works.	Issue Outstanding: The Applicant is of the view that no further FRA is required.

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5.1.10b	Agricultural access at Sheepway Work number 11	By email dated 30 March 2021 the EA state "These Works would be affected as a result of a breach. The Agency will require the ground level at the track to remain the same following the works."	These works relate to improvements to access the field off Sheepway. The works are at grade and NGET has already made the access. However the Applicant agrees to the ground level of the access track to remain the same following the works.	Issue Resolved. The Applicant agrees to retain the existing ground levels.
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</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</p>	<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 as follows.</p> <p>For Pill Viaduct drainage, the Applicant will provide a separate drawing for the new carrier drain over the top of the Markham Brook main river culvert and if required by the EA a FRAP, prior to works commencing. In addition the Applicant will provide the EA a drawing showing its tidal defence earth embankment from underbanks to the Markham Brook pumping station, to determine how close</p>

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		<p>could end up with a pre-commencement condition that gives the maximum outfall rate into these watercourses.</p>	<p>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> <p>The Applicant provided drainage network calculations and drainage drawings to the EA for Pill Station drainage and Pill Viaduct drainage for review and feedback was provided by the EA on 24th March 2021 stating these are acceptable subject to provision of further</p>	<p>the toe is in relation to the new carrier drain and the associated trench.</p> <p>For Pill station drainage, the Applicant will explore with the EA the whether an improvement can be identified regarding the operation of the existing highway drainage flap valves, to assist future maintenance.</p>

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			information which is set out in the Status column opposite.	
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	<p>Issue Resolved on the basis of the following text:</p>  <p>The Micro-Compound comprises an existing asphalted area off Underbanks and under Pill</p>

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				Viaduct – see this photo taken from NR’s Construction Strategy [APP-074]. The Construction Strategy states “Small welfare unit, small scale deliveries and storage. Pill Library car park to be used for parking.” The Applicant does not propose any works to this site, which will remain as it is now ie the Applicant will not be breaking ground and there will be no change in levels.
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.

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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: The parties agree to disagree but the Applicant has proposed a number of changes to the dDCO and other documents which the EA accepts.

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		<p>By email dated 30 March 2021 the EA states: "Although the Agency has previously agreed on-site works in respect of the welfare building etc the Agency's comments regarding proposed site levels and flood zone designation, still apply"</p>		
5.1.18	Portishead to Pill		<p>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).</p>	Issue resolved
5.1.19	Drove Rhine	<p>The FRA concludes the flood risk impact of the scheme is negligible and there is no need for a post development model. Unfortunately, the FRA does not detail how the railway line will be raised and</p>	<p>Applicant has undertaken sensitivity testing with an increase of 200mm and difference plots have been added to the Drove Rhyne modelling report.</p>	Issue Resolved

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		<p>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>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>	Issue Resolved

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			<p>The Master CEMP AS-046 provides details of flood plain and permitting – section 2.7. Also the Consents and Licences submission [APP-073 to be updated at DL5] provides details of permitting.</p>	
5.1.21	Access Requirements	<p>EA comment 21.12.2020: Encouraging to see that work is progressing on getting access approval from the EA. Issue in progress</p>	<p>Land agreements and details of EA assets were received from the EA on 26 January 2021. The Applicant responded to the EA's spreadsheet of possible access solutions and final details are agreed and attached at Appendix 1.</p>	<p>Issue Resolved: The Applicant has agreed to provide short form protective provisions in the dDCO as required by the EA. The Applicant has also agreed to adhere to the regulatory procedures and commitments it has made in the Applicant's Comments column in the schedule at Appendix 1.</p>
5.1.22	Permitting	<p>The lack of confirmation the Environment Agency's Flood Risk Activity Permitting requirements are fully understood.</p>	<p>See Master CEMP and requirement 5. FRAPs will be required – see Consents and Licences APP-073.</p>	<p>Issue Resolved</p>

Ref	Topic	Environment Agency position	Applicant position	Status (Issue Resolved/Issue Outstanding)
5.1.23	Draft DCO	A Requirement should be included in the DCO necessitating a Flood Plan.	<p>Requirement 5 and CEMP (AS-046) provides for Flood Plan (Construction Stage).</p> <p>For the operational stage, a Flood Plan has been produced by Network Rail for the Railway. Requirement 31 and the FRA Addendum contains further details on the flood plan.</p>	Issue resolved:.

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</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 as required by the EA in email dated 29 March 2021 save for the deletion of sub paragraph (6). .</p> <p>Contaminated land and groundwater</p>	Issue Outstanding: The parties do not agree the final form requirement 17.

	Sub-topic	Environment Agency position	Applicant position	Status Issue resolved/Issue outstanding
		<p>Requirement 17 however, the Agency’s Hydrogeologist has advised the verification element is not sufficiently 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,</p>	<p>17.—(1) Any 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 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 (including a desk based study) , 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</p>	

	Sub-topic	Environment Agency position	Applicant position	Status Issue resolved/Issue outstanding
		<p>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 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>By email dated 29 March 2021 the EA stated: "It is noted point (6) advises the requirement does not apply to any currently operational</p>	<p>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 in accordance with the approved scheme and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.</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</p>	

	Sub-topic	Environment Agency position	Applicant position	Status Issue resolved/Issue outstanding
		<p>railway land. As previously advised, the Agency is concerned that any works within currently operational railway land, have the capacity to mobilise any contaminants present , potentially polluting the water environment. Accordingly, the Requirement should specifically advise that it also applies to any works within currently operational railway land, or point 6 should be removed"</p>	<p>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> <p>Sub paragraph (6) is not deleted because NR routinely carry out maintenance and other works to their operational railway land under their permitted development rights as part of their normal operations; and existing processes and safeguards apply which include carrying out pre-work trials to identify any contaminants. For example, if ballast is being renewed, samples of the existing ballast are tested for contaminants before being moved. The results of the</p>	

	Sub-topic	Environment Agency position	Applicant position	Status Issue resolved/Issue outstanding
			tests determine whether the ballast can be stored, processed, re-cycled, disposed of etc. The usual processes and safeguards will apply to any works on operational land carried out in connection with Metrowest. It would not be necessary or appropriate for different requirements to apply merely because works are being carried out in connection with the works authorised under the DCO.	
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 The master CEMP will address Avon Road and Pill Station.	Issue Resolved

	Sub-topic	Environment Agency position	Applicant position	Status Issue resolved/Issue outstanding
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. Information on the proposals to excavate, store and handling old</p>	<p>Issue Resolved: The EA has advised that the Network Rail document does not provide sufficient coverage in respect of the issues raised by the EA.</p> <p>Accordingly, the Agency requires confirmation that the issues raised will be fully addressed through submissions pursuant to the discharge of a proposed Site Waste Management Plan, submitted in accordance with proposed Requirement 5. The Applicant is able to give this confirmation.</p>

	Sub-topic	Environment Agency position	Applicant position	Status Issue resolved/Issue outstanding
			<p>ballast is provided in the Environmental 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	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
		Environment Agency will require full details of how it is proposed to treat and control invasive species. A commitment to long-term control of 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 hazardous 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	Issue Resolved

	Sub-topic	Environment Agency position	Applicant position	Status Issue Resolved/Issue Outstanding
			quality. There were no likely significant effects from operation on groundwater and so 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.	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: Short form protective provisions have been incorporated in the dDCO as required by the EA.
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

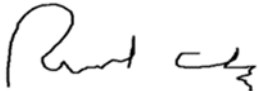
- 10.1 This Statement of Common Ground records that, in summary, the following issues are not agreed:
- 10.1.1 **Flood Zone 3b Functional Flood Plain (methodology):** Issue Outstanding: The parties disagree on the methodology to determine the functional flood plain.
 - 10.1.2 **Flood Zones: Location of the undefended areas of the DCO Scheme in flood zones 3.** Issue Outstanding: Parties agree on those areas within flood zone 3a but disagree whether Clanage Road compound is within the Functional Flood Plain.
 - 10.1.3 **Flooding at Clanage Road Compound (present day):** Issue Outstanding: Parties disagree whether Clanage Road compound is within the Functional Flood Plain.
 - 10.1.4 **If the Clanage Road Compound is assumed to be within the Functional Flood Plain:** Issue Resolved: The parties agree the amendment to Requirement 31 and the amendment to the CEMP. The parties do not agree to the Applicant's proposal for the ground level of the compound to be at 7.4 mAOD as provided for in APP-044. The parties agree to disagree.
 - 10.1.5 **Portbury Ditch (Work number 3):** Issue Outstanding - The Applicant is of the view that no further FRA or information is required.
 - 10.1.6 **Bristol Avon Strategic Flood Report 2020 (BASF):** Issue Outstanding – The parties disagree that no assumptions should be made regarding delivery of flood defences.
 - 10.1.7 **Exception Test:** Issue Outstanding - The parties agree to disagree but the Applicant has proposed a number of changes to the dDCO and other documents which the EA accepts.
 - 10.1.8 **Contaminated Land:** Issue Outstanding - The parties do not agree the final form requirement 17 in the dDCO due to the EA's position for sub paragraph (6) to be included.

11. Agreement on this Statement of Common Ground

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

Environment Agency
<i>Name: D E Pring</i>
<i>Signature:</i> 
<i>Position: Planning Specialist</i>
<i>On behalf of: Environment Agency</i>
<i>Date: 14/04/2021</i>

The Applicant
<i>Name: James Willcock</i>
<i>Signature:</i> 
<i>Position: MetroWest Programme Manager</i>
<i>On behalf of: North Somerset District Council</i>
<i>Date: 14/04/2021</i>

Network Rail Infrastructure Limited
<i>Name: Richard Cole</i>
<i>Signature:</i> 
<i>Position: Senior Sponsor</i>
<i>On behalf of: Network Rail Infrastructure Limited</i>
<i>Date: 14/04/2021</i>

Appendix 1

MetroWest DCO: Description of EA Assets and Interests						
EA Plan Ref. No.	Description	Comments	Project Land Plan Ref. No.	NGR.	Relevant Agreement	Applicant's Comments
1	Old Colliters Brook Culvert Trash Screen, south-east of Cala Trading Estate	24/7 access required, how is this to be maintained during construction phase and when project completed.	16 of 17	ST5679071129	Not applicable	User worked level crossing at Barons Close will be closed. Maintenance will need to be carried out from public footpath on west side of railway. EA vans may be parked at Silbury Road or Ashton Vale Road. If this is agreed by EA then no impact to access to trash screen during construction or operation.
2	Old Colliters Brook Culvert including associated inspection hatches east of Old Colliters Brook Trash Screen	Will the scheme affect the culvert? If so, how and what protections are the project team proposing in order to protect the structure of the culvert? How is access to the inspection	16 of 17	ST5685971163	Not applicable	No Network Rail impact to culvert during operation. The construction work carried out in this area will be limited to track reballasting and formation treatment which is a normal NR maintenance activity. The culvert will be surveyed prior to construction in order to confirm depth below track. Any mitigations required during construction will be recorded in the Designers Risk Assessment and Work Package Plan (method statement). A FRAP will be required and the highway works to Wintersoke Road will not impede access

		hatches to be maintained?				
3	Yard at Ashton Vale Road, north west of Cala Trading Estate	24/7 access required, how is this to be maintained during construction phase and when project completed?	16 of 17	ST5659971295	Not applicable	No impact during operational phase - access controlled to trading estate via level crossing. During construction the work carried out will be limited to track reballasting and formation treatment which is a normal NR maintenance activity. Businesses will be notified when there will be a level crossing closure to facilitate the works. Emergency access to the Trading Estate will be allowed and will be documented within the Contractor's Work Package Plan (method statement).
3a	Longmoor Brook Emergency overflow Culvert including associated inspection hatches Ashton Vale Road level crossing	Will the scheme affect the culvert? If so, how and what protections are the project team proposing in order to protect the structure of the culvert? How is access to the inspection hatches to be maintained?	16 of 17	ST5671871349	Not applicable	No Network Rail impact to culvert during operation. The construction work carried out in this area will be limited to track reballasting and formation treatment which is a normal NR maintenance activity. The culvert will be surveyed prior to construction in order to confirm depth below track. Any mitigations required during construction will be recorded in the Designers Risk Assessment and Work Package Plan (method statement)..Access to the inspection hatches would be maintained at all times during construction

4	Access to Longmoor Brook over land at AV196751	24/7 access required, how is this to be maintained during construction phase and when project completed.	16 of 17	ST5652371225	Deed of Grant re. Access to Longmoor Brook dated 6th March 2007	No impact during operational phase - access controlled to trading estate via level crossing. During construction the work carried out will be limited to track reballasting and formation treatment which is a normal NR maintenance activity. Businesses on the trading estate will be notified of the level crossing closure and its duration during construction. Emergency access to the Trading Estate will be allowed and will be documented within the Contractor's Work Package Plan (method statement). Access to the inspection hatches would be maintained at all times during construction
5	Longmoor Brook Tunnel running from Longmoor Brook to River Avon	Will the scheme affect the Longmoor Tunnel? If so, how and what protections are the project team going to put in place to protect the structure of the tunnel?	15 of 17	ST5660272027 (railway crosses culvert at this location)	Location of Relevant Documents Unknown	No Network Rail impact to culvert during operation. The construction work carried out in this area will be limited to track reballasting and formation treatment which is a normal NR maintenance activity. The culvert will be surveyed prior to construction in order to confirm depth below track. Any mitigations required during construction will be recorded in the Designers Risk Assessment and Work Package Plan (method statement).

6	Pill Flood Defence Scheme including pumping station	Although the railway goes over the bridge above Pill, how are the project team proposing to deal with drainage from the railway? Are they proposing to put it through the Agency's pumping station? Alternatively, will the water be piped out to the river through the flood defences at Pill?	6 of 17	ST5255275975 (Pumping Station) ST5255176161 (Tidal Defences)	Lease of Land at Watchouse Green, Pill dated 19th June 1995	Track drainage in Pill area will outfall to Underbanks highway drainage and thereafter to river.
7	Flood Defence Bank west of M5	Access route to sea defence bunds. Will the access route be affected by the scheme and if so, how?	5 of 17	ST5163076520	Deed of Grant re. Tidal Defences at Royal Portbury Dock dated 1st May 2001	This access route will be used as a construction access point and haul road from Marsh Lane. Refer to DCO Document 2.29. NR to provide for EA access during construction.

8	Flood Defence Bank west of M5	Access route to sea defence bunds. Will the access route be affected by the scheme and if so, how?	5 of 17	ST5159576741	Deed of Grant re. Tidal Defences at Royal Portbury Dock dated 1st May 2001	This route is on Port land and will not be used for construction of DCO Scheme
9	Drove Rhyne including ditch east of Royal Portbury Dock Road and culverted sections between the Portbury Hundred and Drove Rhyne	Statutory main river. Scheme appears to overlap with culverted sections of Drove Rhyne between the Portbury Hundred and the Rhyne as well as sections around RPD Road. How are project team proposing to manage this?	4 of 17	ST5036075907 (Culverted Sections) ST5071376023 (Ditch east of RPD Road)	Grant of Easement re. Land at Portbury dated 12th September 1979	Culverted sections beneath railway will be surveyed and assessed to confirm continuing structural support. Should assessment fail then project would propose to replace or strengthen culverted sections beneath railway include at Royal Portbury Dock Road. Refer to DCO Document 2.7 Disused Railway Engineering Plans which communicate scheme intent. Existing ditches adjacent to the railway will be cleaned out and maintained. Existing outfalls from these ditches to the main river including culverted sections will be maintained. Access as current and no obstruction to access due to the DCO Scheme
10	Sandy Rhyne	Statutory main river. EA undertake routine maintenance	3 of 17	ST4950575481	EA freehold land ST285345	Outside the Order limits and not affected by the DCO Scheme.

		and weed cutting. 24/7 access with or without vehicles required.				
11	Land at Portbury Wharf Nature Reserve, east of Sheepway	Raised earth embankment tidal defence. 24/7 access required to track off the Sheepway in order to access culvert at north-west end of embankment. Project Team may want to note that the embankment was built in 1990s. In light of predicted sea level rises the level of the embankment may need to be raised to protect the railway.	2 of 17	ST4856976045 (Entrance to access track off the Sheepway)	Agreement Bristol City Council, EA, et al dated 24th October 1997	Project will construct new maintenance compound for railway at Sheepway. Project will maintain a 3 metre wide public footway/cycleway and gravel area for public car parking off entrance to Sheepway. Refer to DCO Document 2.49.No future increase in the embankment height is anticipated to be required on account of the railway. The need to raise the embankment in the future is not part of the DCO Scheme

12	Portbury Ditch	Statutory main river. EA undertake routine maintenance and weed cutting. 24/7 access with or without vehicles required.	1 of 17	ST4721176492	Not applicable	Access to the Portbury Ditch would not be interrupted during construction.
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