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Sent: 10 January 2021 23:29

To: Metrowest1 <Metrowest1@planninginspectorate.gov.uk>

Cc: Bartkowiak, Bart <Bart.Bartkowiak@planninginspectorate.gov.uk>

Subject: METROWEST DCO EXAMINATION – ISSUE SPECIFIC HEARING 3 (ENVIRONMENTAL MATTERS) – ENVIRONMENT AGENCY WRITTEN RESPONSE TO AGENDA ITEM 5 (FLOOD RISK, DRAINAGE AND CONTAMINATED WATERS)

Dear Sir/Madam

As discussed, due to a recent change in personal circumstances, the Agency's Area Flood Risk Management Officer is unable to participate in the above Issue Specific Hearing.

Notwithstanding the above, please find attached the Agency's written responses to issues raised under agenda item 5 (Flood Risk, Drainage and Contaminated Waters).

The Agency's Carol Bolt (Senior Lawyer) and Dave Pring (Planning Officer) will be present however, due to the nature of the issues under discussion, will not be in a position to answer specific technical questions from the Panel. Any additional issues or questions raised during the hearing will be noted by the aforementioned officers for discussion with the Agency's function specialists. Written responses to any additional questions will be provided at the earliest opportunity.

Please forward this email and the associated attachment to the members of the Examining Panel.

Kind regards

Dave Pring

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The Planning Inspectorate
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Our ref: WX/2019/133441/01-L09
Your ref: TRO40011
Date: 10 January 2021

Dear Mr Sir/Madam

**METROWEST DCO EXAMINATION – ISSUE SPECIFIC HEARING 3
(ENVIRONMENTAL MATTERS) – ENVIRONMENT AGENCY WRITTEN RESPONSE
TO AGENDA ITEM 5 (FLOOD RISK, DRAINAGE AND CONTAMINATED WATERS)**

Please find hereunder the Agency's response in respect of the above.

• Applicant and Environment Agency (EA) to provide an update on progress with regards to the updates and additional information requested in the EAs Deadline 2 response [REP2-040].

The Agency has either reviewed or is currently reviewing additional information regarding a range of issues detailed as requiring further information within its Written Representations (REP2-040). The Agency can confirm a number of these issues have now been resolved to its satisfaction, most notably, the applicant's flood risk modelling data has been confirmed as fit for purpose.

Discussions are currently ongoing regarding the remaining outstanding matters, including:

- The proposed Clange Road compound
- Associated development, which has not been assessed for flood risk
- Waste Management issues – supporting documentation is currently being further reviewed
- Requirement 17 – proposed rewording to be agreed
- Biodiversity issues - supporting documentation is currently being further reviewed
- The Agency's land interests

The Agency will provide a written update of its current position, including all outstanding issues, in accordance with the Examining Authority's timetable (Deadline 4).

• Applicant and EA to provide an update on the extent of progress towards a statement of common ground.

The applicant's representatives are maintaining/updating the Statement of Common Ground, in accordance with ongoing discussions.

• Discussion with EA as to why flood mitigation proposed as work No 16D would no longer be required.

The Agency has agreed the flood mitigation proposed as work No 16D is not necessary, on the grounds the submitted flood risk modelling has demonstrated it provided very little benefit. Without the attenuation pond, the scheme would result in a relatively minor increase in flood levels in some areas within the designated floodplain however, these areas are primarily on the margins of the flood zone within a rural location. Additionally, an attenuation pond in this location would have a negative environmental impact.

• Discussion with EA and Applicant regarding the implications for flooding and drainage as a result of climate change and what measures are proposed to ensure that the scheme is as resilient as possible.

As previously advised, the Agency's flood risk maps show the DCO application area to be within tidal Flood Zone 3 and Flood Zones 3b, 3a, 2 and 1 (fluvial and tidal). Accordingly, the application area has a high probability of flooding.

The Flood Risk Assessment (FRA) submitted in support of the proposal, has demonstrated that part of the site is in functional floodplain (Flood Zone 3b) and will, as a consequence, flood at a return period as low as 1 in 5 years at present. With the predicted impact of climate change, the frequency of flooding (and flood depth) increases to a potential 5 times a year in 2115.

The FRA has, in addition, demonstrated it is not possible to mitigate the flood risk on the line without increasing flood risk to third parties. Therefore, the proposed development would remain in flood zone 3b and, as a consequence, will not be operational during a flood event. Accordingly, an appropriately detailed Emergency and Evacuation Plan will be essential to ensure the safety/resilience of the line and its users. The acceptability or otherwise of the submitted Flood Plan (REP3-015) is a matter for the Local Authority's Emergency Planning Officer to determine.

The applicant's representatives have recently cited the updated Bristol Strategic Flood Risk Assessment as evidence that no part of the application area is located within Flood Zone 3b (functional floodplain). This is obviously at variance with the applicant's own site specific flood risk model, which should be considered a more detailed assessment of the actual flood risk. Accordingly, the Agency must advise that parts of the application area are within Flood Zone 3b (functional floodplain), as detailed in the applicant's Flood Risk Assessment.

• Potential for contamination of the water environment, likely significant effects on the Severn Estuary and necessity for a verification plan.

Any development involving the use/storage of materials and/or substances of a potentially polluting nature, including those mobilised during groundworks, has the capacity to cause pollution of the environment.

Accordingly, the onus is on the developer to ensure all necessary measures are adopted to prevent, as far as possible, any threat to the environment.

The Agency must be formally consulted in respect of any subsequent pre-application and formal submissions, pursuant to the discharge of the DCO Requirements pertinent to its interests, in particular, Pollution Incident Prevention and Control Plan, Site Waste Management Plan, Contaminated Land and Groundwater.

The Agency must advise that compliance with the aforementioned DCO Requirements, will necessitate the prior approval of all relevant Agency authorisations i.e. Permits, Consents, Regulatory Position Statements etc.

A verification plan is a standard stage of work following any remedial works. It is essential that those investing considerable time and other resources in site investigation, risk assessment and remedial works, are able to verify, i.e. prove, the remedial works undertaken have been in accordance with the implemented remediation strategy. For example, if contaminated soils are required to be remediated to a level below a specified concentration for a particular contaminant, then sampling, as part of a validation exercise, should demonstrate that the works are compliant with the risk assessment, or advise if additional remedial work is required in a particular area, following which more testing will be necessary. Put simply, if there is no requirement to undertake verification, it will not be possible to establish if the remedial work has been undertaken to a satisfactory standard. This should be a matter of interest for all pertinent parties, not just the Environment Agency.

Yours faithfully

Dave Pring
Planning Specialist

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