

The Planning Inspectorate
National Infrastructure Planning
Temple Quay House
2 The Square
Bristol
BS1 6PN

Our ref: WX/2019/133441/01-L10
Your ref: TRO40011
Date: 11 January 2021

Dear Sir/Madam

**METROWEST DCO EXAMINATION - HEARING ACTION POINTS ARISING FROM
ISSUE SPECIFIC HEARING 1 ON THE DRAFT DEVELOPMENT CONSENT ORDER
HELD VIRTUALLY ON MONDAY 7 DECEMBER 2020**

The following issues have been highlighted for the attention of the Environment Agency:

Article 22 (Discharge of water)

Discussion regarding maintenance to be had at ISH2/3 when other flood risk and drainage issues will be discussed.

The applicant has not indicated any intention to request the disapplication of legislation pertinent to the Agency's interests. Additionally, the above Article provides that:

'Nothing in this article overrides the requirement for an environmental permit under regulation 12(1)(b) of the Environmental Permitting (England and Wales) Regulations'

Accordingly, any proposal to discharge will be subject to the requirements of the Agency's Regulatory processes.

Requirement 5

Applicant to check with EA whether the requirement as drafted addresses their concerns regarding waste management and if not the EA to provide their preferred wording.

The Agency previously requested further information in respect of a number of waste management issues. Additionally, the Agency requested clarification of the applicant's intentions to either submit the requisite details during the examination process, or through any subsequent submission pursuant to the discharge of the proposed Site Waste Management Plan, submitted in accordance with proposed Requirement 5.

The Agency has not requested the rewording of Requirement 5 however, without the requested details, the Agency would be unable to recommend the discharge of the Requirement when formally consulted.

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.

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 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:

'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.'

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:

'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.'

Discussions are ongoing regarding this matter.

Update on progress with obtaining the relevant consents/ permits from the EA.

As previously advised, the applicant must secure formal approval of the proposed scheme, prior to applying for the relevant Agency consents/permits. This will ensure full details, including the exact nature and location of the works are determined, prior to the submission of any consent/permit application. All authorisations must be approved, prior to any pertinent works commencing. For information, permit applications can take up to 60 days to determine.

Applicant to seek a separate letter (rather than the EA's D2 response [REP2-040]) to confirm that the EA has no objection to the proposed change request.

The Agency has previously confirmed the changes to the draft DCO proposed by the Applicant, as set out below, are acceptable:

- Work 16 D removed from Schedule 1;
- All references to Work 16D removed from the draft Order;
- Requirement 30 deleted, and the definition of Easton in Gordano flood mitigation plan in Schedule 2 removed.

Yours sincerely

**Dave Pring
Planning Specialist**

End