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Mr James Willcock
(by e-mail only)

Your Ref:

Our Ref: TR040011

Date: 24 January 2020

Dear Mr Willcock,

Planning Act 2008 – Section 51

Application by North Somerset District Council for an Order Granting Development Consent for the Portishead Branch Line – MetroWest Phase 1

Advice following issue of decision to accept the application for Examination

On 12 December 2019 the Secretary of State decided that the application for the above project satisfied the acceptance tests under section 55 of the Planning Act 2008 (PA2008). As indicated in the Planning Inspectorate's letter dated 12 December 2019, some concerns were identified during the acceptance stage relating to the Flood Risk Assessment. Our section 51 advice in this regard is provided below.

Flood Risk Assessment Currency

In undertaking the acceptance process for the Portishead project, the Inspectorate identified apparent inconsistencies within the Applicant's Flood Risk Assessment (FRA) [APP-076 to APP-092, duplicated in APP-173 to APP-189] relating to the climate change allowances used in modelled scenarios. The Inspectorate is concerned that climate change allowances applied in the FRA are, without explanation, inconsistent with those specified in technical guidance to the National Planning Policy Framework (NPPF) (<https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances#types-of-allowances>).

The inconsistencies relate to allowances for rainfall intensity, peak river flow and sea level rise. Section 5 of the Applicant's FRA Report states that projected climate change allowances were derived following the NPPF 2013 guidance (which is based on DEFRA 2006 climate change guidance). The Inspectorate notes that the NPPF was updated in February 2019, and revised in line with UK Climate Projections 2018, prior to the DCO application being made in November 2019.

The inconsistencies are broadly as highlighted in the tables below.

Note HC = Higher Central, UE = Upper End and C = Central.

Rainfall intensity:

	Applicant's Assessment		NPPF Guidance recommendation	
Year	2075	2115	2040 to 2069 (2050s)	2070 to 2115 (2080s)
Allowance	20%	30%	UE = 20% C = 10%	UE = 40% C = 20%

The guidance states that central and upper end allowances should be used in flood risk assessments to understand the range of impact.

Peak river flow (Severn):

	Applicant's Assessment		NPPF Guidance recommendation	
Year	2075	2115	2040 to 2069 (2050s)	2070 to 2115 (2080s)
Allowance	20%	20%	UE = 40% HC = 25% C = 20%	UE = 70% HC = 35% C = 25%

The guidance states that upper end allowances should be used for essential infrastructure in flood zones 2 or 3a.

Sea level (South west):

	Applicant's Assessment		NPPF Guidance recommendation				
Year	1990 to 2075	1990 to 2115	2000 to 2035 (mm)	2036 to 2065 (mm)	2066 to 2095 (mm)	2096 to 2125 (mm)	Cumulative 2000 to 2125 (m)
Allowance	0.59m	1.14m	HC = 5.8 UE = 7	HC = 8.8 UE = 11.4	HC = 11.7 UE = 16	HC = 13.1 UE = 18.4	HC = 1.21 UE = 1.62

The Inspectorate understands that rainfall intensity and peak river flow allowances have not been amended in the NPPF guidance since February 2019, but notes that further guidance on their use was added in the December 2019 update.

The Inspectorate also understands that updates to NPPF guidance for sea level were made in December 2019, after the DCO application was made.

Potential Issues Arising

The Applicant's FRA Report suggests throughout that ongoing consultation and agreement has been sought with the Environment Agency regarding the approach and scope of the assessment, however no specific evidence of agreements reached has been provided.

The Applicant's assessment identifies a number of residual risks, including:

(i) Frequency of incidents of flooding

At Bower Ashton - the simulation of impacts from River Avon tidal flooding indicates that this section of the operational NSIP would experience tidal flood events once every 5 to 10 years for the assessment year (taken to be 2015) and more than once a year on average in the future (scenarios 2075 and 2115) (taking into account climate change, including sea level rise, into consideration). In preparation for the examination the Inspectorate seeks to understand the extent to which the application of the revised climate change allowances may (or may not) affect the findings in this regard. In particular, whether such detail would result in anticipated flood events at more frequent intervals and at earlier points in the design life of the Proposed Development.

(ii) Potential need for compensation

The Clange Road maintenance and access compound will include access ramps to the main road and to the railway. These ramps displace existing floodplain storage. The Applicant proposes compensation to address this displacement by lowering ground levels within the compound site. In preparation for the examination the Inspectorate seeks to understand the extent to which the application of the revised climate change allowances may (or may not) affect the findings in this regard. In particular whether such detail would result in a need for increased levels of flood compensation to address greater levels of floodplain storage being displaced.

The Applicant also proposes to increase the footprint of the railway embankment within the Easton-in-Gordano Stream floodplain which would result in displacement of potential floodplain storage, south of the railway. The Applicant therefore proposes floodplain storage compensation. In preparation for the examination the Inspectorate seeks to understand the extent to which the application of the revised climate change allowances may (or may not) affect the findings in this regard. In particular whether such detail would result in a need for increased levels of flood compensation to address greater levels of floodplain storage being displaced.

More generally the Inspectorate is keen to understand the extent to which the application of revised climate change allowances may influence the findings of the assessment and/or the design of the Proposed Development, including any potential consequential needs for lands, rights or powers to deliver mitigation

(iii) Update on view of the Environment Agency

The Inspectorate recommends the Applicant responds to the specific points addressed above and in doing so explains if/how climate change allowances applied in the FRA, are robust and sufficient, taking into account any departure from the allowances proposed in existing guidance. The Applicant should provide confidence with regard to the robustness of the FRA and ideally demonstrate agreement with the Environment Agency on the scope of the assessment.

Timeframes for response

The Inspectorate recommends that the Applicant's detailed response to this advice be submitted on or before 21 March 2020. This will provide sufficient time for the

appointed Examining Authority to have regard to the response ahead of the anticipated start of examination.

We trust you find this advice helpful, however if you have any queries on these matters please do not hesitate to contact us using the contact details at the head of this letter.

Yours sincerely,

Sian Evans

Sian Evans
Case Manager

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