

23 April 2024

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Dear Lewis,

## **MetroWest Phase 1b**

Application to discharge Requirement 17 of the Portishead Branch Line (MetroWest Phase 1) Order 2022 for Stage 7.

Arup is writing on behalf of VolkerFitzpatrick Ltd (VFL) to request the discharge of Requirement 17 'Contaminated land and groundwater' for Stage 7 of the Portishead Branch Line (MetroWest Phase 1) Order 2022 ('the DCO').

Requirement 17 must be discharged in accordance with Schedule 2 of the DCO prior to commencement of any stage of the authorised development. Further information is provided below.

## **Background**

The MetroWest Phase 1b project aims to reconnect Bristol and Portishead by rail, providing the capability to introduce an hourly or hourly plus passenger service from Bristol Temple Meads to Pill and Portishead. Development Consent was granted for the above works by the Department for Transport on 14<sup>th</sup> November 2022 following consideration by the Secretary of State for Transport and the Planning Inspectorate.

The commission includes the discharge of Requirements related to the implementation of the DCO.

## **Legislative Framework**

The DCO is governed by primary legislation under the Planning Act 2008 (as amended) and is therefore considered and determined separately from the traditional planning applications submitted under the Town and Country Planning Act 1990 (as amended).

The DCO includes an extensive number of legal and legislative provisions which enables a developer to implement the project. The authorised development is outlined at Schedule 1 of the DCO.

Schedule 2 of the DCO includes a number of Requirements. Some of these require further information to be submitted for approval to the relevant authority (principally the relevant planning

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authority or the relevant highway authority), before the authorised development can commence, this includes Requirement 17.

## Requirement 17

The wording of Requirement 17 is set out in full below.

### *“Contaminated land and groundwater*

- (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.*
- (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.*
- (3) The stage of the authorised development must be carried out in accordance with the approved scheme.*
- (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.*
- (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 relevant planning authority) is to be carried out until a remediation strategy detailing how this unsuspected contamination will 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.*
- (6) Paragraphs (1) to (5) do not apply to any currently operational railway land.”*

### **This application**

This application has been submitted for approval to Bristol City Council as the relevant planning authority for the authorised development.

This discharge of Requirements application is supported with the following plans and technical documents:

Document / Plan Title	Document / Plan Number
GRIP 5 Geo-Environmental Desk Study (BCC)	140569-VLF-WST-POD-REP-EGE-000002

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Document / Plan Title	Document / Plan Number
Appendix A – Groundsure Report (appended to 140569-VLF-WST-POD-REP-EGE-000002)	N/A
Appendix B – Preliminary Risk Assessments (within GRIP 5 Geo-Environmental Desk Study (BCC))	140569-VLF-WST-POD-REP-EGE-000002 (part of GRIP 5 Geo-Environmental Desk Study (BCC))
Drawing 1 – DCO + Chainage	N/A
GRIP 5 Ground Investigation Report (BCC)	140569-VLF-WST-POD-REP-EGE-000010
Appendix A – Factual Ground Investigation Report (appended to 140569-VLF-WST-POD-REP-EGE-000010)	37628
Appendix B – Human Health Risk Assessment Screening Tables (appended to 140569-VLF-WST-POD-REP-EGE-000010)	N/A
Appendix C – Controlled Waters Risk Assessment Screening Tables (appended to 140569-VLF-WST-POD-REP-EGE-000010)	N/A
Drawing 1 – Exploratory Hole Locations (appended to 140569-VLF-WST-POD-REP-EGE-000010)	N/A
Photograph 1 – TP01 Site Photo, 1.20m Depth	N/A

I trust you have all the necessary information to consider this application. Please do not hesitate to contact me should you have any queries or require any further information.

Yours sincerely

**Nick Doyle**  
Principal Planner

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