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our ref
your ref TR040011
date 2nd December 2019

Dear Mr Jones

RE: Planning Act 2008 (as amended) – Section 55

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

Adequacy of consultation request

I am writing on behalf of Bristol City Council (BCC) in response to your letter dated 18th November 2019 regarding an adequacy of consultation request (Ref. TRO40011) for the MetroWest Phase 1 Project ('the Project').

Overview

North Somerset District Council ('the Applicant') has undertaken early engagement with BCC as a host local authority for the Project since 2015. This has included helpful briefings to Officers of BCC in 2015 and 2017, as well as regular pre-application meetings to review progress beginning 2017 and up until submission of the Development Consent Order ('the DCO') application in November 2019.

It is acknowledged that two stages of consultation have been undertaken by the Applicant prior to the submission of the DCO application for the Project. 'Stage 1 consultation' sought accordance with Section 47 of the Planning Act 2008 ('the Act'), whereas 'Stage 2 consultation' (statutory consultation) sought accordance with Sections 42, 47 and 48 of the Act.

Having had regard to Section 42, 47 and 48 of the Act, BCC considers that the Applicant has carried out adequate pre-application consultation in accordance with the provisions set out in Sections 42, 47 and 48 of the Act.

Bristol City Council's consideration of the Applicant's compliance with Section 42, 47 and 48 of the Act is set out in **Appendix A** and **Appendix B** enclosed with this letter.

Stage 1 consultation

The Applicant produced a Statement of Community Consultation (SoCC) relating to the Stage 1 consultation in June 2015.

Bristol City Council received notification of the Stage 1 consultation under Section 47(2) of the Act, with associated 'consultation materials' required under Section 47(4) of the Act, on 18th May 2015. Bristol City Council was invited to make comments in response to this consultation. The Applicant's deadline for a response was set for 15th June 2015, demonstrating accordance with Section 47(3) of the Act.

Bristol City Council responded to the Stage 1 consultation in June 2015. In this response, BCC flagged that changes to the proposed red line boundary through the Avon Gorge to enable the delivery of certain elements of the Project under permitted development rights could raise concern from the public in terms of authorisation and accountability.

Bristol City Council's comments made relating to the Stage 1 SoCC were acknowledged by the Applicant and have been addressed in Table 8.2 of the Consultation Report submitted with the DCO. Proposed works were identified as 'associated development' in Stage 2 Consultation and therefore within the remit of the DCO. Bristol City Council considers that amendments made to the SoCC and the DCO demonstrate 'regard' has been given to comments made during consultation in accordance with Section 47(5) of the Act.

In accordance with the requirements of Section 47(6)(za) and 47(6)(a) of the Act, the Stage 1 SoCC was made available for public inspection at nine locations within the vicinity of the Project, and was published in the Bristol Post and Western Daily Press on 18th June 2015. Bristol City Council considers that the publicity of the SoCC occurred at 'reasonably convenient' locations within the vicinity of the Project and therefore complied with Section 47(6) of the Act.

Consultation undertaken by the Applicant during Stage 1 is considered to be over and above that was proposed in the SoCC by virtue that one additional event was held at Somerset Hall, Portishead on 8th July 2015 and each event was one hour longer than that publicised in the SoCC.

Consultation undertaken by the Applicant is considered to be compliant with Section 47(7) of the Act and therefore adequate.

Stage 2 Consultation

Regarding Stage 2 consultation (statutory consultation), BCC was consulted under Section 42(1)b of the Act by virtue that BCC was identified by the Applicant as a host local authority under Section 43(1) of the Act.

The Applicant produced a SoCC relating to the Stage 2 consultation which BCC responded to in March 2016, November 2016 and August 2017.

Bristol City Council's response to the March 2016 Stage 2 consultation raised the following points:

- *'Bristol City Council considers that the SoCC would be more helpful if a clear explanation of each the project components was provided in the 'Introduction' section of the SoCC. This should include an explanation of which components comprise the DCO application, which are not included in the DCO, and the interrelationship between these components.*
- *At present it is not clear which elements of the overall Project are the subject of this consultation and the DCO. This is important in order to ensure that the responses received from the consultation are about the DCO rather than about those components which are not included in the DCO. It would be difficult for the Applicant to demonstrate compliance with Section 49 of the Act if responses are received about the wider scheme.*
- *Bristol City Council consider that the structure of the SoCC should be accessible and easy to read, with a clear structure setting out: The Project, Consultation Undertaken to Date and Proposed Consultation to be Undertaken.*
- *The SoCC is repetitious in the number of times it provides an explanation of consultation undertaken to date. It is suggested that this could be rationalised into one distinct section of the SoCC. A timeline to illustrate consultation undertaken to date would be useful to assist the reader's understanding of what consultation has already been undertaken for the project.*
- *Information about the consultation carried out to date, how this round of consultation will be conducted, and the relevant information underpinning the consultation, is currently spread throughout the document.*
- *The SoCC should be more specific and focused in its commitment to consultation. For example, "Posters will be placed in appropriate locations" and "we will engage with a broad range of stakeholder groups" are non-specific and as such, do not provide certainty to BCC that adequate consultation would be undertaken.*
- *Bristol City Council consider that the following documents and resources should be taken into account; Guidelines for Pre-Application Community Involvement (May 2015), Neighbourhood Planning Networks and BCC Statement of Community Involvement.'*

Bristol City Council's response to the November 2016 Stage 2 consultation raised the following points:

- *'Bristol City Council are pleased that comments provided to the Applicant on previous iterations of the SoCC have been responded to.*
- *Bristol City Council are pleased that amendments have be made to how the 'MetroWest Phase 1 Proposals' are referred to in the SoCC which provides clarity.*
- *Bristol City Council consider that the 'Previous Consultation' section of the SoCC and structure has been sufficiently addressed following March 2016 comments.*
- *Bristol City Council consider that amendments and rationalisation of the consultation undertaken has been sufficiently addressed following comments made in March 2016.*
- *Bristol City Council request the direct receipt of all relevant 'consultation materials', as set out in Section 47(4) of the Act.'*

Bristol City Council received notification of the SoCC consultation under Section 47(2) of The Act with associated 'consultation materials', required under Section 47(4) of the Act on 2nd August 2017. A deadline for response was set for 31st August 2017, compliant with Section 47(3) of the Act.

The points raised below were made by BCC in response to the August 2017 Stage 2 consultation, following ongoing iterations made by the Applicant:

- *'Bristol City Council are pleased that comments provided to the Applicant on previous iterations of the SoCC have been responded to.'*
- *Confirmation is sought from the Applicant that the West of England Combined Authority (WECA) will be afforded local authority status for the Project, as per Section 42 of the Act, with confirmation provided in the SoCC.*
- *The SoCC should include details of the West of England Joint Spatial Plan and Joint Local Transport Plan should be included in the SoCC.'*

Bristol City Council considers that the Applicant incorporated comments made on the March 2016, November 2016 and August 2017 into the final Stage 2 SoCC. This is outlined within the Table 8.3 of the Consultation Report submitted with the DCO and is considered to be in accordance with Section 47(5) of the Act.

Bristol City Council considers that the Stage 2 SoCC was made available for public inspection at 'reasonably convenient' locations and was published in 'newspapers circulating in the vicinity of the Project', namely the Bristol Post and Western Daily Press on 14th September 2017. It is considered that the consultation complied with Section 47(6) of the Act.

Consultation undertaken by the Applicant during Stage 2 is considered to be in accordance with the scope of consultation outlined in the SoCC, adhering to all consultation methodologies and undertaking statutory consultation events. As such, the BCC confirms that consultation undertaken by the applicant was adequate and in accordance with Section 47(7) of the Act.

When invited to comment through the Stage 2 (statutory consultation) in October 2017, BCC received a 'Notice Publicising a Proposed Application for a Development Consent Order' in accordance with Section 48 of the Act. This notice describes the Project, the consultation documents, the availability of the documents for inspection and times and locations for statutory consultation events. The notice set out how to respond and the deadline for responses was the 4th December 2017.

Summary

Bristol City Council has read the Applicant's Consultation Report and associated Appendices submitted in November 2019 and I am satisfied that the Applicant has undertaken an adequate multi-stage consultation programme in support of the MetroWest Phase 1 Project.

Bristol City Council considers that the Applicant's consultation was adequate and in line with the provisions set out in Section 42, 47 and 48 of the Planning Act 2008.

Yours sincerely,

Development Management

Appendix A: Stage 1 Consultation Compliance

The table below sets out the compliance of 'Stage 1 consultation' with Section 47 of the Planning Act 2008.

Section 47 Planning Act 2008	Accordance	Bristol City Council Comments
Section 47(1) – Provision of SoCC	Yes	A SoCC was published in June 2015
Section 47(2) – LPA Consultation	Yes	BCC was consulted on 18 th May 2015; a copy of this letter is exhibited in Appendix C3 of the Consultation Report.
Section 47(3) – 28-day consultation	Yes	BCC acknowledge that SoCC consultation took place between 18 th May and 15 th June 2015, meeting the statutory 28-day requirement set out in Section 47(3) of The Act.
Section 47(4) – Consultation materials	Yes	BCC acknowledges that 'Consultation Materials' were supplied.
Section 47(5) – Regard to LPA SoCC consultation response	Yes	BCC acknowledges that regard has been given to SoCC consultation comments submitted in June 2015, as outlined in Table 8.2 of the Consultation Report.
Section 47(6) – Public inspection, newspaper notices and publish in prescribed manner	Yes	BCC acknowledge that consultation materials were adequately made available for inspection and newspaper notices provided (Appendix C2 of the Consultation Report).
Section 47(7) – SoCC accordance	Yes	BCC acknowledges that Stage 1 consultation accorded with the proposals set out in the SoCC with 1 no. additional consultation event taking place on 8 th July 2015.

Appendix B: Stage 2 Consultation Compliance

The table below sets out the compliance of 'Stage 2 consultation' with Sections 42, 47 and 48 of the Planning Act 2008.

Section 42 Planning Act 2008	Accordance	Bristol City Council Comments
Section 42(a) Each Local Authority that is within Section 43	Yes	BCC is recognised as a Host Authority under Section 43(1) of The Act. BCC was informed of consultation through pre-consultation and statutory consultation letters exhibited in Appendices E3 and E4 of the Consultation Report.
Section 47 Planning Act 2008	Accordance	Bristol City Council Comments

Section 47(1) – Provision of SoCC	Yes	A SoCC was published in September 2017.
Section 47(2) – LPA Consultation	Yes	BCC was consulted on 2 nd August 2017; a copy of this letter is exhibited in Appendix D3 of the Consultation Report.
Section 47(3) – 28-day consultation	Yes	BCC acknowledge that SoCC consultation took place between 2 nd August and 31 st August 2017, meeting the statutory 28-day requirement set out in Section 47(3) of The Act.
Section 47(4) – Consultation materials	Yes	BCC acknowledges that 'Consultation Materials' were supplied.
Section 47(5) – Regard to LPA SoCC consultation response	Yes	BCC acknowledge that regard has been given to SoCC consultation comments submitted in March 2016, as outlined in Table 8.3 of the Consultation Report.
Section 47(6) – Public inspection, newspaper notices and publish in prescribed manner	Yes	BCC acknowledge that consultation materials were adequately made available for inspection and newspaper notices provided (Appendix D2 of the Consultation Report).
Section 47(7) – SoCC accordance	Yes	BCC acknowledge that Stage 2 consultation accorded with the proposals set out in the SoCC.
Section 48 Planning Act 2008	Accordance	Bristol City Council Comments
Section 48(1) – Publicise application in the prescribed manner	Yes	BCC acknowledges the receipt of the Section 48 Notice (Appendix H1 of the Consultation Report) and compliance with publicity under Regulation 4(3) of the APFP Regulations (Appendix H2 of the Consultation Report).
Section 48(2) – Publicity under subsection (1) to include deadline of response to publicity.	Yes	BCC acknowledges a response deadline of 4 th December 2017 as shown in Appendix H1 of the Consultation Report.