



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

Customer 0303 444 5000
Services:
e-mail: Metrowest1@planninginspectorate.gov.uk

Mr James Willcock

(by e-mail only)

Your Ref:

Our Ref: TR040011

Date: 12 December 2019

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). The Planning Inspectorate's section 55 Acceptance of Applications Checklist (the Checklist) has been published and made available on the project page of the National Infrastructure Planning website:

<https://infrastructure.planninginspectorate.gov.uk/projects/south-west/portishead-branch-line-metrowest-phase-1/>

In undertaking checks at the acceptance stage, the Planning Inspectorate made some observations in relation to the application. This letter comprises advice to the Applicant, provided under section 51 of the PA2008, in respect of those observations. The Applicant should pay attention to its content and consider the appropriate action to be taken.

1. Consultees identified on a precautionary basis

As detailed in the Checklist there are several potentially relevant bodies which, on the basis of the information provided by the Applicant do not appear to have been consulted at the pre-application stage. These are:

- Caldicot and Wentlooge Levels Internal Drainage Board
- Essex and Suffolk Water
- Cadent Gas Limited
- Energy Assets Pipelines Limited
- ESP Pipelines Ltd
- Murphy Gas Networks Limited
- Energy Assets Networks Limited

- Harlaxton Gas Networks Limited

Given the individual circumstances of this case, and taking a precautionary approach to ensure that all persons potentially affected by, or potentially likely to have an interest in, the application are given the opportunity to participate fully in the examination of the application, the Planning Inspectorate suggests that the Applicant may wish to include the bodies listed above amongst those on whom they serve notice of the accepted application under s56(2)(a) of the PA2008; unless there is a specific justification why this is not necessary.

2. Section 44 - persons who would or might be entitled to make a relevant claim

Chapter 7 of the Consultation Report (**Doc 5.1**) and Part 2 of the Book of Reference (**Doc 4.3**) identify "Category 3" consultees under section 44 of the Planning Act 2008. However, these documents do not discuss the criteria used for identification of these parties, particularly in respect of potential claims under Part 1 of the Land Compensation Act 1973. Consultation with these parties primarily took place in 2017. The Applicant should consider the extent to which the identification of Category 3 consultees is robust and fully documented in the updated Book of Reference to ensure that potentially Interested Parties are aware of the examination process going forward.

3. Book of Reference (BoR), Land Plans, Work Plans, Statement of Reasons and draft Development Consent Order

There are some inconsistencies relating to the referencing of plots on the Land Plans (**Doc 2.2**), Statement of Reasons (**Doc 4.1**), Book of Reference (**Doc 4.3**) and draft Development Consent Order (**Doc 3.1**). For example, there are several instances where plots do not appear to be listed in the Statement of Reasons but are on the Land Plans and in the Book of Reference (eg plots 1/100, 1/105, 1/113). There are also instances where plots are listed in the Statement of Reasons but not in the Book of Reference or on Land Plans (eg plots 3/72 and 1/122).

Additionally, some further errors were identified. For example: Plot 1/205 does not appear in Schedule 10 of the dDCO but is coloured blue on the Land Plan, or Plot 2/16 appears in Schedule 12 of the dDCO but is not listed within the Book of Reference or on Land Plans.

There are also inconsistencies between the Description of the Works in Schedule 1 of the draft Development Consent Order and the Works Plans (**Doc 2.3**) (eg Works Plan 2a, 7e, 13a).

The Applicant is advised to carry out a comprehensive check of these documents to ensure all information provided is complete and accurate and provide updated documents, if required.

Further s51 advice

Please note that some concerns have been identified during the acceptance stage relating to the Flood Risk Assessment. Further s51 advice relating to this specific matter will be published shortly.

Submission of updated documents

With regard to the items listed above it would be helpful, and assist the examination process, if the updated application documents were submitted to the Inspectorate no

later than 10 working days before the Preliminary Meeting (PM), to enable them to be published on the project page of our website before the PM.

Please pay close attention to the advice set out in this letter and act on it accordingly. This will contribute towards a more efficient examination and give any future ExA comfort that the documentation is complete and accurate.

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,

Hefin Jones

Mr Hefin Jones
Case Manager

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