

From: James Willcock <James.Willcock@n-somerset.gov.uk>

Sent: 04 September 2020 11:30

To: Bartkowiak, Bart <Bart.Bartkowiak@planninginspectorate.gov.uk>; Metrowest1 <Metrowest1@planninginspectorate.gov.uk>

Cc: Steven Penaluna <Steven.Penaluna@n-somerset.gov.uk>

Subject: FW: Portishead Branch Line (MetroWest Phase 1) Order – response to the Bristol Port Company representation

Dear Bart

See attached a letter to Bristol Port Company which we are cc-ing you into, which you may want to share with the Examining Authority. The content of the letter should be self explanatory but if you have any questions please let me know.

Regards

James

James Willcock

MetroWest Phase 1 Programme Manager

Corporate Services

North Somerset Council

Tel: 01934 426414 

E-Mail: James.Willcock@n-somerset.gov.uk

Post: Town Hall, Walliscote Grove Road, Weston-super-Mare, BS23 1UJ

Web: www.n-somerset.gov.uk

Date: 2 September 2020
My ref: LS/mf
Your ref:
Contact: Lucy Shomali
Tele: 01934 888885
Email: lucy.shomali@n-somerset.gov.uk



Mr John Chaplin
Director of External Affairs & Special
Projects
The Bristol Port Company
St. Andrew's House
St. Andrew's Road
Avonmouth
Bristol BS11 9DQ

Development and Environment
North Somerset Council
Town Hall
Walliscote Grove Road
Weston-super-Mare
BS23 1UJ

Dear John

Re: Portishead Branch Line DCO Scheme (MetroWest Phase 1)

I am writing to you to record our disappointment with the position of Bristol Port Company (BPC) in relation to the above project as outlined in your email to my colleague James Willcock on 20th August, which I have attached to this letter.

Background

North Somerset Council submitted an application for a Development Consent Order to the Planning Inspectorate on 15th November 2019 and this was accepted by the Planning Inspectorate on 12th December 2019.

Prior to the submission of the DCO application the project team met with BPC many times spanning several years from 2014. BPC responded to the project's formal consultation setting out various concerns and also wrote formally to the project team about its concerns. The project team addressed these concerns in its letter of 15th October 2019, prior to the submission of the DCO application.

From early January through to late February 2020, the DCO application was formally served on statutory bodies and undertakers and wider affected parties, who were invited to provide a Relevant Representation outlining any concerns or issues about the proposals. The project team received a detailed Relevant Representation from BPC outlining various concerns. Much of the content of the Relevant Representation repeated earlier concerns raised by BPC, however these matters were addressed in our letter of 15th October 2019.

On 12th March 2020, myself and the project team met with yourself and other senior staff of BPC to consider each of the concerns that had been raised. The focus of the meeting was:

- Acquisition of land
- Court House Farm Bridge
- Operational Impacts on the Port's business (temporary / permanent)

Various points of clarification were given by both the project team and BPC, which were captured in the agreed notes of the meeting. Various actions were agreed by the project team including:

- providing an updated schedule of all plots of Bristol Port land setting out the what is being sought and the reasons for it.
- providing further information about the flood mitigation proposals at Easton-in-Gordano.
- providing clarification regarding the justification for the proposed permanent access right over Bristol Port's perimeter access track.
- following up with Network Rail regarding the need for progress to be made for the arrangements between Network Rail and Bristol Port on the Court House Farm bridge agreement, the bridge design and related technical matters.
- providing the recently received an updated working timetable from Network Rail showing both passenger train and freight train paths.

There was also an action for BPC to provide a construction protocol in relation to the use of BPC's perimeter access track. This remains an outstanding action for BPC.

On 18th June 2020 the project team issued BPC a detailed response to the BPC Relevant Representation. This detailed response included: detailed explanations on a point by point basis, extracts of relevant plans, and sign posts to various DCO application documents for further information.

As you are aware the DCO Preliminary Meeting is expected to take place in w/c 5th October 2020, with the DCO Examination commencing shortly thereafter.

Engagement Prior to the DCO Preliminary Meeting & Examination

Our response to your Relevant Representation was issued to you over 2 months ago. Over the last 2 months we have chased a response from BPC on six occasions.

Your email of 20th August states *"We will, of course, share our findings about this as soon as we are in position to do so. However, these matters are unlikely to be finalised before October and thus we will participate at the Preliminary Meeting."*

The Preliminary Meeting is approximately 5 weeks away. There remains sufficient time to together review our response to your Relevant Representations and to establish where there is common ground, and what further work is required. Engaging now will reduce examination time and be to the benefit of both parties. We have repeatedly asked for such engagement. As a result this letter is being copied to the Planning Inspectorate to make it a matter of public record that the applicant has been seeking to engage with the Port over many months.

Our offer to meet with you and your lawyers as set out in our email of 18th June and more recent emails remains.

Yours sincerely



Lucy Shomali
Director of Development and Environment

Enc Attachment 1
Attachment 2

cc Bart Bartkowiak - Case Officer PINS
Jo Walker – Chief Executive North Somerset Council
David Brown – Chief Executive BPC
James Willcock – Project Manager North Somerset Council

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From: [John Chaplin](#)
To: [James Willcock](#)
Cc: [David Brown](#); [Lucy Shomali](#); [Jonathan Kirby](#); [Sara Stock](#)
Subject: RE: Portishead Branch Line (MetroWest Phase 1) Order – response to the Bristol Port Company representation
Date: 20 August 2020 11:22:42
Attachments: [image001.png](#)
[imageeef8ed.PNG](#)



Dear James,

Our lawyers are reviewing all the application documents in detail, seeking to determine whether (and if so to what extent) our concerns about the proposed development and the terms of the draft DCO are capable of being addressed to our satisfaction and the resulting form and content of amendments to the DCO (including protective provisions) and other legal agreements that would be required.

We will, of course, share our findings about this as soon as we are in position to do so. However, these matters are unlikely to be finalised before October and thus we will participate at the Preliminary Meeting.

Kind regards

John

John Chaplin BSc CEng FICE

Director of External Affairs & Special Projects



T: +44 (0) 117 982 0000 | [REDACTED]
john.chaplin@bristolport.co.uk | www.bristolport.co.uk

St Andrew's House | St Andrew's Road | Avonmouth | Bristol | BS11 9DQ

From: James Willcock <James.Willcock@n-somerset.gov.uk>
Sent: 19 August 2020 09:50
To: John Chaplin <john.chaplin@bristolport.co.uk>
Cc: David Brown <david.brown@bristolport.co.uk>; Lucy Shomali <Lucy.Shomali@n-somerset.gov.uk>; Jonathan Kirby <Jonathan.Kirby@n-somerset.gov.uk>; Sara Stock <Sara.Stock@n-somerset.gov.uk>
Subject: RE: Portishead Branch Line (MetroWest Phase 1) Order – response to the Bristol Port Company representation

Dear John

We haven't received any feedback from you on our response to your Relevant Representation which we provided on 18th June.

Please can you provide an indication of when you will be responding.

As you know the DCO Preliminary Meeting is likely to start w/c 5th October 2020, so there is time to address any outstanding matters between us ahead of the DCO Preliminary Meeting, via a Statement of Common Ground or a legal agreement.

I look forward to hearing from you.

Regards

James

From: John Chaplin <john.chaplin@bristolport.co.uk>
Sent: Monday, August 3, 2020 10:49 AM
To: Sara Stock <Sara.Stock@n-somerset.gov.uk>; Lucy Shomali <Lucy.Shomali@n-somerset.gov.uk>
Cc: David Brown <david.brown@bristolport.co.uk>; James Willcock <James.Willcock@n-somerset.gov.uk>; Jonathan Kirby <Jonathan.Kirby@n-somerset.gov.uk>
Subject: RE: Portishead Branch Line (MetroWest Phase 1) Order – response to the Bristol Port Company representation

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Thanks Sara,
I will e-mail an update when we have one.
Kind regards
John

John Chaplin BSc CEng FICE

Director of External Affairs & Special Projects



T: +44 (0) 117 982 0000

john.chaplin@bristolport.co.uk | www.bristolport.co.uk

St Andrew's House | St Andrew's Road | Avonmouth | Bristol | BS11 9DQ

From: Sara Stock <Sara.Stock@n-somerset.gov.uk>

Sent: 03 August 2020 10:34

To: John Chaplin <john.chaplin@bristolport.co.uk>; Lucy Shomali <Lucy.Shomali@n-somerset.gov.uk>

Cc: David Brown <david.brown@bristolport.co.uk>; James Willcock <James.Willcock@n-somerset.gov.uk>; Jonathan Kirby <Jonathan.Kirby@n-somerset.gov.uk>

Subject: RE: Portishead Branch Line (MetroWest Phase 1) Order – response to the Bristol Port Company representation

Dear John

Just so you are aware Lucy is on annual leave Monday to Wednesday of this week and has limited availability on Thursday or Friday but if you would like me to find a convenient slot for you both I'm happy to do so.

Kind regards, Sara

Sara Stock

PA to Director of Development and Environment

North Somerset Council

Tel: 01934 888 885

E-Mail: sara.stock@n-somerset.gov.uk

Post: Town Hall, Walliscote Grove Road, Weston-super-Mare, BS23 1UJ

Web: www.n-somerset.gov.uk

From: John Chaplin <john.chaplin@bristolport.co.uk>

Sent: Friday, July 31, 2020 4:44 PM

To: Lucy Shomali <Lucy.Shomali@n-somerset.gov.uk>

Cc: David Brown <david.brown@bristolport.co.uk>; James Willcock <James.Willcock@n-somerset.gov.uk>; Jonathan Kirby <Jonathan.Kirby@n-somerset.gov.uk>; Sara Stock <Sara.Stock@n-somerset.gov.uk>

Subject: RE: Portishead Branch Line (MetroWest Phase 1) Order – response to the Bristol Port Company representation



Dear Lucy,

Thank you for your message and I apologise that I have not been in contact with an update for you; or for James who has reminded me on several occasions.

I am working with our professional advisers considering the details of the Development Consent Order. I am aware that one of my tasks is to propose a Construction Protocol and whilst I have yet to commence that activity it should be relatively quick.

I will give you a call next week with an update.

Kind regards and have a good weekend

John

John Chaplin BSc CEng FICE

Director of External Affairs & Special Projects



T: +44 (0) 117 982 0000 | [REDACTED]
john.chaplin@bristolport.co.uk | www.bristolport.co.uk

St Andrew's House | St Andrew's Road | Avonmouth | Bristol | BS11 9DQ

From: Lucy Shomali <Lucy.Shomali@n-somerset.gov.uk>

Sent: 31 July 2020 16:19

To: John Chaplin <john.chaplin@bristolport.co.uk>

Cc: David Brown <david.brown@bristolport.co.uk>; James Willcock <James.Willcock@n-somerset.gov.uk>; Jonathan Kirby <Jonathan.Kirby@n-somerset.gov.uk>; Sara Stock <Sara.Stock@n-somerset.gov.uk>

Subject: Portishead Branch Line (MetroWest Phase 1) Order – response to the Bristol Port Company representation

Dear John

I hope all is well with you.

We had a very helpful meeting in March with you and other colleagues at Bristol Port to discuss the BPO representations to the Portishead Branch Line Order and to try to identify those issues where agreement could be reached before the DCO process commences.

Given the DCO Preliminary Meeting is now likely to start w/c 5th October we are very keen to make progress on this and I wonder if a virtual meeting would be helpful to go through any remaining concerns that you have.

I am happy to attend with James and Jonathan as I did last time and have copied Sara in to find a time with you over the next few weeks. If you think we can move forward without the need for a meeting then please do let me know.

Kind regards

Lucy

Lucy Shomali

Director of Development and Environment

North Somerset Council

Tel: 01934 888885

Mob: [REDACTED]

Email: lucy.shomali@n-somerset.gov.uk

Post: Town Hall, Walliscote Grove Road, Weston-super-Mare, BS23 1UJ

Web: www.n-somerset.gov.uk

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From: [John Chaplin](#)
To: [James Willcock](#)
Subject: RE: Portishead Branch Line (MetroWest Phase 1) Order – response to relevant representation of Bristol Port Company
Date: 16 July 2020 15:48:31
Attachments: [image003.png](#)
[image6ea481.PNG](#)



Dear James,

I regret that the assessment of the very detailed responses you have kindly provided to our numerous queries and concerns is taking longer than initially anticipated. I will contact you next week with an update.

Best wishes

John

John Chaplin BSc CEng FICE

Director of External Affairs & Special Projects



T: +44 (0) 117 982 0000 | [REDACTED]

john.chaplin@bristolport.co.uk | www.bristolport.co.uk

St Andrew's House | St Andrew's Road | Avonmouth | Bristol | BS11 9DQ

From: James Willcock <James.Willcock@n-somerset.gov.uk>

Sent: 13 July 2020 14:47

To: John Chaplin <john.chaplin@bristolport.co.uk>

Subject: RE: Portishead Branch Line (MetroWest Phase 1) Order – response to relevant representation of Bristol Port Company

Dear John

Following your email last week, can you give me an indication of when you think you will be in a position to respond.

Regards

James

From: John Chaplin <john.chaplin@bristolport.co.uk>

Sent: Tuesday, July 7, 2020 12:08 PM

To: James Willcock <James.Willcock@n-somerset.gov.uk>

Subject: RE: Portishead Branch Line (MetroWest Phase 1) Order – response to relevant representation of Bristol Port Company

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Dear James,

I will try by the end of the week, I am just tied up with several urgent and time consuming activities

Best wishes

John

John Chaplin BSc CEng FICE

Director of External Affairs & Special Projects



T: +44 (0) 117 982 0000 | [REDACTED]
john.chaplin@bristolport.co.uk | www.bristolport.co.uk

St Andrew's House | St Andrew's Road | Avonmouth | Bristol | BS11 9DQ

From: James Willcock <James.Willcock@n-somerset.gov.uk>

Sent: 07 July 2020 10:59

To: John Chaplin <john.chaplin@bristolport.co.uk>

Subject: RE: Portishead Branch Line (MetroWest Phase 1) Order – response to relevant representation of Bristol Port Company

Dear John

I called this morning but it went to answer phone. I'd be grateful if you could respond to my email of 18th June.

Thanks

James

From: James Willcock

Sent: Thursday, July 2, 2020 1:24 PM

To: John Chaplin <john.chaplin@bristolport.co.uk>

Subject: RE: Portishead Branch Line (MetroWest Phase 1) Order – response to relevant representation of Bristol Port Company

Dear John

Further to my email, our lawyer can't make w/c 27th July, so could you let me have your availability for w/c 13th July and w/c 20th July.

Thanks

James

From: James Willcock

Sent: Thursday, July 2, 2020 11:53 AM

To: John Chaplin <john.chaplin@bristolport.co.uk>

Subject: RE: Portishead Branch Line (MetroWest Phase 1) Order – response to relevant representation of Bristol Port Company

Dear John

I hope you are well and getting through all the Covid 19 challenges that we all have, I'd be grateful for your feedback on my email of 18th June. We would like to have a conference call meeting with you. In order to make progress on the various matters particularly relating to the land interfaces we think this needs to be a with lawyers meeting and we can provide a draft agenda.

Please can you let me have some dates for your availability w/c 13th July and w/c 27th July.

Also can you give me an update on the Construction Protocol document.

Regards

James

From: James Willcock

Sent: Thursday, June 18, 2020 12:09 PM

To: John Chaplin <john.chaplin@bristolport.co.uk>

Cc: Richard Guyatt <richard.guyatt@wbd-uk.com>; Cole Richard (Sponsor)

<Richard.Cole2@networkrail.co.uk>; Lucy Shomali <Lucy.Shomali@n-somerset.gov.uk>; Jonathan

Kirby <Jonathan.Kirby@n-somerset.gov.uk>; Colin Medus <Colin.Medus@n-somerset.gov.uk>

Subject: Portishead Branch Line (MetroWest Phase 1) Order – response to relevant representation of Bristol Port Company

Dear John

The Council has been working on responses to key relevant representations, with a view to using the time before we start the MetroWest examination to make good progress on Agreements and Statements of Common Ground where possible.

The attached response to the Port's relevant representation is therefore provided, well in advance of our needing to do so for the examination, with a view to narrowing issues between the Council and the Port and to focus on what matters can be recorded in an Agreement or Statement of Common Ground.

Any agreement would be between the Council, Bristol Port and Network Rail and it is likely that Network Rail will be a party to a Statement of Common Ground also. I have therefore included Richard Cole of Network Rail in this email and suggest that all three parties continue to work together.

The response to your relevant representation is deliberately detailed to help you understand the Council's position in full. I would hope that, once you have had a chance to read it, we could arrange to meet, most likely still virtually rather than in person, together with our legal teams to look at what can be agreed now and if matters cannot be agreed, whether a Statement of Common Ground would assist to further narrow the issues.

The principal matters for discussion/agreement relate to MetroWest's impact on the Port's land, which we believe is minimal and with your assistance it may be possible to avoid permanent acquisition of land via suitable agreement for access rights and dedication of land as PROW.

I understand that discussions are continuing between Network Rail and the Port regarding the Court House Farm overbridge.

I suggest that, once you and your advisors have had a chance to consider the relevant representation we agree a date to set up a meeting. I could ask Womble Bond Dickinson to provide a suggested agenda – or even a Framework Agreement for consideration at that discussion if that would assist. We should also consider the protective provisions the Port wishes to settle with Network Rail and the Council so these can be incorporated into a revised draft DCO for the Panel to consider.

If you require any further information beyond the response to relevant representation do let me know. Otherwise I look forward to catching up with you shortly.

Regards

James

<< File: Response_to_Bristol_Port_Relevant_Representation 18-06-20 - FINAL.docx >>

James Willcock

MetroWest Phase 1 Project Manager

Corporate Services

North Somerset Council

Tel: 01934 426414 or [REDACTED]

E-Mail: James.Willcock@n-somerset.gov.uk

Post: Town Hall, Walliscote Grove Road, Weston-super-Mare, BS23 1UJ

Web: www.n-somerset.gov.uk

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