

21 September 2020

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Our ref:
KJG1/RG1/381278.1
Your ref:
TR040011

Dear Mr Bartkowiak

**North Somerset Council
Development Consent Order application for Portishead Branch Line – MetroWest Phase 1
Application Ref: TR040011**

Applicant's Response to Rule 6 Letter

1. Introduction

- 1.1 In advance of the Preliminary Meeting in respect of the application for the Portishead Branch Line – MetroWest Phase 1 Order (the **Application**), the intention of this letter and its attachments is for North Somerset Council (the **Applicant**) to provide a brief update on the progress of the Application since submission. This letter addresses a number of matters raised in the Examining Authority's (**ExA**) notice of the Preliminary Meeting dated 7 September 2020 (the **Rule 6 Letter**), to be discussed further at the Preliminary Meeting if necessary.
- 1.2 The Applicant will shortly be providing the following documents in response to Annex G of the Rule 6 Letter:
- 1.2.1 Response to section 51 request dated 12 December 2019 – this will be provided on 22 September;
 - 1.2.2 A slightly revised draft DCO, Statement of Reasons, Land Plan and Works Plan will be provided with the section 51 response; and
 - 1.2.3 The Applicant also intends to provide a number of updated plans and habitats-related documents, reflecting the good progress made with Natural England on issues within the Avon Gorge, and also with emerging design generally, since submission of the Application in 2019. See further in Section 2 below.

2. Project Progress Update

- 2.1 Progress on the Application since submission is detailed below.

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Updated Documents and Outline Plans

- 2.2 As may be expected with a project of this nature, as a result of continued engagement with stakeholders, the Applicant has made updates to a number of documents submitted with the Application. The Applicant therefore invites the ExA to timetable a formal deadline for submission of the documents (and the Applicant would suggest providing these for the proposed Deadline 1 (Monday 2 November 2020), although the Applicant will endeavour to provide the revised documents in the course of the next week for the ExA's information and for uploading. We will then provide an updated Guide to the Application in accordance with the ExA's deadline. The documents are:
- 2.2.1 ES Chapter 7 Air Quality and Greenhouse Gases – Version 2 (DCO Document Reference 6.10);
 - 2.2.2 ES Volume 4 Appendix Series 7 Air Quality and Greenhouse Gases – Version 2 (DCO Document Reference 6.25);
 - 2.2.3 ES Chapter 9 Ecology and Biodiversity – Version 2 (DCO Document Reference 6.12);
 - 2.2.4 ES Volume 4 Appendix 9.2 Bat Technical Appendix – Version 2 (DCO Document Reference 6.25);
 - 2.2.5 ES Volume 4 Appendices 9.4 Great Crested Newt Survey Report – Version 2 (DCO Document Reference 6.25);
 - 2.2.6 ES Volume 4 Appendices 9.13 Reptile Mitigation Strategy – Version 2 (DCO Document Reference 6.25);
 - 2.2.7 Master Construction Environmental Management Plan – Version 2 (DCO Document Reference 8.14);
 - 2.2.8 Schedule of Mitigation – Version 2 (DCO Document Reference 6.31);
 - 2.2.9 Report to Inform Habitats Regulations Assessment – Version 2 (DCO Document Reference 5.5);
 - 2.2.10 Avon Gorge Vegetation Management Plan – Version 2 (DCO Document Reference 8.12);
 - 2.2.11 Environmental Masterplan – Version 2 (DCO Document Reference 2.53); and
 - 2.2.12 Disused railway engineering plans / GRIP 4 Minor Civils (Parts 1 and 2) – Version 2 (DCO Document Reference 2.7).
- 2.3 The Applicant anticipates that these documents, as well as the other outline plans, will also require updating throughout the course of Examination as matters progress with stakeholders. A submission of updated application documents, in an updated Guide to the Application, is therefore considered appropriate to allow any other changes resulting from the examination of the application to be addressed concurrently. We will endeavour to provide one at each Deadline.
- 2.4 It should also be noted that a revised draft DCO, Statement of Reasons, Works Plan and Land Plan will be provided with the S51 Advice on 22 September to show the ExA that the issues raised in the S51 Advice have been heeded. On that basis an earlier deadline than Deadline 1 may be felt appropriate for those documents.

Landowner negotiations and Statutory Undertakers

- 2.5 Following submission, the Applicant has continued to actively liaise with landowners affected by the Project in an attempt to reach agreement. Discussions with the 44 non-residential landowners

from whom the Applicant seeks to acquire land and/or rights over land are ongoing. To date a total of 9 (20%) of the affected landowners have signed Heads of Terms (**HoTs**) for either an Option Agreement, Deed of Easement or Transfer of Land in order to secure the necessary land and rights over their land. In relation to the residential properties at Lodway Close, Hardwick Road and Sambourne Lane in Pill, out of 39 properties agreements have been exchanged with 17 parties.

- 2.6 The Applicant is continuing to engage with those parties who have not yet signed HoTs and remains hopeful that further HoTs will be signed in the near future.
- 2.7 The Applicant is also liaising with various statutory undertakers including Bristol Water, CLH Pipelines, Openreach, National Grid, Wales & West Utilities, Wessex Water Services, Western Power, Bristol Port, and Network Rail in respect of Protective Agreements and Protective Provisions for the Project. It is anticipated that Protective Agreements and Protective Provisions for the statutory undertakers will be agreed during the course of the Examination.

3. Comments on the Rule 6 Letter

Statements of Common Ground

- 3.1 Since acceptance of the Application on 12 December 2019, the Applicant has been working towards producing a number of Statements of Common Ground (**SoCG**) with statutory and non-statutory consultees in relation to the Project. The ExA has requested that a progress update and any completed SoCG be submitted on 2 October 2020.
- 3.2 Although the Applicant will endeavour to meet the deadlines imposed in relation to submission of the SoCGs, the ability to do so will also depend on active engagement from the relevant bodies.
- 3.3 In relation to **National Grid Gas** – no apparatus or land of this company is within Order land or affected by the DCO Scheme. On that basis the Applicant would suggest that a SoCG with the Company might not be needed?

Timetable for Examination

- 3.4 The Applicant has the following comments on the ExA's timetable:

3.4.1 Open Floor Hearing 19 October

The Applicant team will attend all Open Floor Hearings.

The Applicant notes that requests for registration of parties wishing to speak is programmed for Procedural Deadline A. This is in advance of the notice of Open Floor Hearing being advertised and posted on site – which will occur during the period 23-25 September 2020. The Applicant would suggest that Procedural Deadline B may be more appropriate as the deadline for registration for interested parties.

- 3.4.2 **Updated documents** – as set out in Section 2 above, the Applicant requests the opportunity to submit updated documents to the ExA during the examination. The Applicant suggests that the first updated documents can be supplied at Deadline 1 (2 November 2020). Thereafter a list of what is to be updated can be settled by the Applicant and provided to the ExA at each deadline, anticipating the likely updates for the next deadline.

- 3.4.3 **Deadline 4 (Monday 18 January 2021)** – this deadline relates to the submission of post-hearing documents including written submissions of oral cases, an updated draft DCO, and any other information and/or submissions from Deadline 3. On the assumption that hearings are held up to and including the Wednesday preceding Deadline 4, the Applicant will only have two clear working days before documents must be submitted. The Applicant wishes to ensure that sufficient time is programmed to enable full and comprehensive documentation to be submitted to the ExA, and is

concerned that two clear days is insufficient time to do so. The Applicant does note that a number of further deadlines occur in short succession after Deadline 4. To keep to timetable but to allow sufficient response time, the Applicant would therefore suggest Deadline 4 be delayed by one further day. This would provide valuable time for the Applicant to assemble what is likely to be a major submission for Deadline 4 whilst not significantly impacting on the overall timetable.

3.4.4 **Deadline 7** – the Applicant recognises that Deadline 7 is the final opportunity to submit agreed form documentation together with updated documents such as the Final Draft DCO and any final outline/control plans. In order to capture the most up to date picture and maximise the opportunity for agreement with stakeholders, the Applicant therefore considers that it might be beneficial to set this deadline towards the very end of the Examination and for it to fall on, for example, Friday 16 April 2021.

3.5 In addition, whilst the Applicant recognises that the ExA will publish the submissions from each deadline and/or written questions as soon as possible, in view of (in some instances) the very short timeframes between deadlines, it will be essential for the Applicant to have sight of these documents on the day immediately following the timetabled Deadline in order to meet the subsequent Deadlines.

3.6 It will also assist the Applicant's preparation to have full agendas for all hearings as soon as is practicable and in good time prior to a hearing, to enable the Applicant to best assist the ExA in hearings.

3.7 The Applicant would be grateful if the ExA is able to provide an early indication of the precise nature of any additional Issue Specific Hearings (**ISHs**) in order for the Applicant, and stakeholders, to secure the availability of appropriate experts for the respective hearings.

Principal issues

3.8 The Applicant notes the ExA's initial assessment of principal issues.

3.9 In order to facilitate the ExA's consideration of the principal issues as currently identified, the Applicant includes at Schedule 2 a list of the issues and where they are dealt with in the Environmental Statement, application documents, or otherwise.

List of proposed attendees at the Preliminary Meeting and Subsequent Hearings

3.10 The Applicant will attend the Preliminary Meeting and proposes to address the ExA on the matters set out in this letter. The list of proposed attendees on behalf of the Applicant is enclosed at Schedule 3.

3.11 The Applicant will also be attending all hearings listed at Annex D of the Rule 6 letter and, following receipt of the agendas, the Applicant will produce a list of proposed speakers and present this to the ExA at the start of the relevant hearing.

Accompanied Site Visits (ASI)

3.12 The Applicant's suggestions for ASI are to be found at Schedule 4.

3.13 Much of the Order land is operational railway. Stringent safety restrictions apply to accessing operational railway and on that basis the Applicant is assuming the Panel is not looking to access any operational railway land. **If it is considered essential by the ExA to have such access then the Applicant can ask Network Rail if a possession could be possible. Any such access would have to be severely restricted in numbers of attendees and subject to strict regulation following health and safety assessments.** Given the limited safe access points to the railway it is also a time consuming process requiring a long walk along the track to reach the relevant areas.

- 3.14 Fortunately much of the operational railway land between Parson Street Junction and Pill that is within Order limits and the disused railway between Pill and Portishead can be seen from the River Avon Towpath and the national cycleway network respectively. There are also a number of highway bridges over the disused railway. The Applicant therefore hopes that such vantage points will be sufficient and that no access to the operational railway will be considered necessary. The disused railway is easier to arrange access to, but still requires full Personal Protective Equipment and must be very limited in numbers attending for safety reasons. It is also likely to require a full vegetation stripping exercise to make the line passable, so the Applicant would need sufficient time to arrange for that before an ASI could take place at the disused railway.
- 3.15 Parking is limited at many of the points proposed by the Applicant. It has to be anticipated that use of a shared means of transport for participants is not going to be permissible because of Covid-related restrictions. However, given the ASI are scheduled for March 2021 the Applicant anticipate that the logistical arrangements for the ASI be settled early in 2021.
- 3.16 It should also be noted that the locations associated with Junction 19 of the M5 and the A369 Portbury Hundred are subject to fast moving and heavy traffic. Caution at these locations will be essential.
- 3.17 The Applicant would anticipate that the ASI could only be completed in one day if there is a prompt start - and not in winter months. It is quite possible part of second day may be needed.

Yours faithfully

Womble Bond Dickinson (UK) LLP

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SCHEDULE 1

Status of Statements of Common Ground (as at 21 September 2020)

1. Introduction

Purpose

- 1.1 The Applicant submitted the application for development consent for the Project on 15 November 2019. The Planning Inspectorate, on behalf of the Secretary of State, accepted the application on 12 December 2019. The Applicant has subsequently sought to take a proactive approach with a number of key statutory bodies, to take advantage of the Statement of Common Ground (**SoCG**) process in advance of the Preliminary Meeting.
- 1.2 During the pre-examination phase the Applicant has engaged with a number of key statutory and non-statutory parties with a view to reaching common ground on outstanding issues.

General SoCG status

- 1.3 The table below reflects the list of SoCGs proposed to be submitted by the Applicant in order to assist the ExA. The Applicant has highlighted the progress of these SoCGs in the table below.

2. Individual SoCG status

| SoCG | Status update requested by the ExA for 2 October 2020 |
|--|---|
| North Somerset Council (as Local Planning Authority) | An advanced draft is in circulation. |
| Bristol City Council (as Local Planning Authority) | An advanced draft is in circulation. |
| Environment Agency | A draft is in circulation. |
| Forestry England | Heads for agreement are in circulation. This may mean a SoCG is either not needed or will only be short. The Applicant is concentrating on the agreement as a priority |
| Highways England | An initial draft is being worked on. Heads for agreement for land related issues are in circulation |
| Historic England | An advanced draft is in circulation. |
| National Trust | Heads for agreement are in circulation. This may mean a SoCG is either not needed or will only be short. The Applicant is concentrating on the agreement as a priority |
| Natural England | An advanced draft is in circulation. |
| North Somerset Levels Internal Drainage Board | A draft is in circulation. |
| Bristol Port Company | No SoCG is in circulation. The Applicant is concentrating on the Port's relevant Representation (which has been responded to by the Applicant) and then seeking an agreement as a priority. |

| SoCG | Status update requested by the ExA for 2 October 2020 |
|---|---|
| National Grid Electricity Transmission PLC | A draft is in circulation |
| Openreach | SoCG agreed and to be submitted to ExA at Deadline 1. |
| SoCG requested in Annex G of the Rule 6 Letter | Status Update |
| Bristol Water Limited | This has not started as it was not anticipated |
| Wessex Water Limited | This has not started as it was not anticipated |
| Network Rail Infrastructure Limited | Initial discussion with Network Rail have commenced and a draft SoCG is being scoped for circulation |
| National Grid Gas | The applicant would suggest this SoCG is not needed. The interests scheduled in the BoR are historic and we believe now benefit Wales and West Utilities Ltd. |
| Avon and Somerset Constabulary | This has not started as it was not anticipated. The Applicant is endeavouring to make contact with the Avon and Somerset Constabulary |
| Woodland Trust | This has not started as it was not anticipated. The Applicant is endeavouring to make contact with the Woodland Trust. |
| Somerset County Council | This has not started as it was not anticipated. The Applicant is endeavouring to make contact with the County Council. |

SCHEDULE 2

Initial Response to Assessment of Principal Issues

In order to assist the ExA in considering the principal issues the Applicant has, at the outset, prepared a table to cross-reference where the issue is initially addressed in the Application.

| Issue Topic | ExA Comments | Applicant's Initial Response |
|-------------|---|--|
| Air Quality | Air quality assessment methodology and assumptions used to inform modelling including relationship with Transport Assessment. | <p>Environmental Statement, Volume 2, Chapter 7 Air Quality and Greenhouse Gases (DCO Document Reference 6.10).</p> <p>ES Volume 4, Technical Appendices, (DCO Document Reference 6.25):</p> <p>7.1 Construction dust assessment;</p> <p>7.2 Air quality modelling methodology;</p> <p>7.3 Air quality model verification;</p> <p>7.4 Air quality modelling results; and</p> <p>7.5 Climate.</p> |
| | Effects within the Air Quality Management Area | <p>Environmental Statement, Volume 2, Chapter 7 Air Quality and Greenhouse Gases, (DCO Document Reference 6.10).</p> <p>The is included within the DCO Scheme area. The results of Operational effects on Bristol AQMA - DCO Document Reference 6.10, Section 7.6).</p> <p>Dust control measures identified in the Master CEMP (DCO Document Reference 8.14).</p> |
| | The construction and operation effects on human and ecological receptors. | <p>Environmental Statement, Volume 2, Chapter 7 Air Quality and Greenhouse Gases (DCO Document Reference 6.10).</p> <p>Results of assessment operational effects (DCO Document Reference 6.10, Section 7.6).</p> <p>Further discussion on the implications of air quality on designated habitats is provided in the ES Chapter 9 Ecology and Biodiversity (DCO Document Reference 6.12) and in Appendix 9.12 HRA Report (DCO Document Reference 5.5) of the ES.</p> <p>Master CEMP (DCO Document Reference 8.14), for construction dust reduction.</p> <p>Environmental Statement, Volume 2, Chapter 9 Ecology and Biodiversity (DCO Document 6.12).</p> |
| | The proposed use of Diesel Multiple Units | ES Volume 4, Technical Appendix 7.5 Climate (DCO Document Reference 6.25) |

| Issue Topic | ExA Comments | Applicant's Initial Response |
|--|--|--|
| Biodiversity Ecology and the Natural Environment | The effects on the integrity of the Avon Gorge Woodlands Special Area of Conservation (SAC) as a result of habitat loss of priority feature woodland habitat. | Report to inform HRA (DCO Document Reference 5.5) Avon Gorge Vegetation Management Plan (AGVMP) (DCO Document Reference 8.12) |
| | The proposed mitigation and compensation measures in respect of potential adverse effects on integrity to the Avon Gorge Woodlands SAC, and the extent to which they are secured in the draft Development Consent Order (DCO). | Report to inform HRA (DCO Document Reference 5.5) Avon Gorge Vegetation Management Plan (AGVMP) (DCO Document Reference 8.12) |
| | The extent to which the carrying out of the proposed development constitutes an imperative reason of over-riding public interest (IROPI) | Report to inform HRA (DCO Document Reference 5.5) |
| | Potential effects on North Somerset and Mendip Bats SAC. | Report to inform HRA (DCO Document Reference 5.5) ES Chapter 9 Ecology and Biodiversity (DCO Document Reference 6.12) ES Appendix 9.2 Bat Technical Appendix (DCO Document Reference 6.25) |
| | Potential effects on toads crossing at Lodway Farm. | ES Chapter 9 (DCO Document Reference 9.12) Master CEMP Submission issue paragraph 6.2.37 (DCO Document Reference 8.14) |
| | Potential indirect effects on ecology, including from invasive species transported along the railway line. | ES Chapter 9 Table 9.26 assesses indirect effects on designated sites and Section 9.6 assesses the risk of spread of invasive species and pathogens in the SAC during construction (DCO Document Reference 6.12) |
| | Effects on biodiversity associated with construction compounds and construction traffic movements. | ES Chapter 9. Loss of habitat within the Order Limits including construction compounds and haul roads (DCO Document Reference 6.12) Avon Gorge Vegetation Management Plan (DCO Document 8.12) |
| | Opportunities for the conservation and enhancement of biodiversity and ecological conservation interests. | ES chapter 9 covers conservation of existing features wherever possible (DCO Document Reference 6.12). ES Appendix 9.13 Reptile Mitigation Strategy (DCO Document Reference 6.25) ES Appendix 9.16 The Portbury Hundred Proposed Tree Planting (DCO Document Reference 6.25) |

| Issue Topic | ExA Comments | Applicant's Initial Response |
|-----------------------|---|--|
| | | <p>ES Appendix 9.18 Lux lighting plans for Pill station car park and highways (DCO Document Reference 6.25)</p> <p>AGVMP on the compensation package for the Avon Gorge Woodlands SAC (DCO Document Reference 8.12).</p> <p>CEMP (DCO Document Reference 8.11)</p> <p>Railway Landscape Plans (Disused Line) (DCO Document Reference 2.10)</p> <p>Environmental Masterplan (DCO Document Reference 2.53)</p> |
| | <p>The nature conservation impacts associated with the loss of other trees and hedgerows.</p> | <p>ES Chapter 9 (DCO Document Reference 6.12)</p> <p>Appendix 9.14 Hedgerow survey (DCO Document Reference 6.25)</p> <p>Avon Gorge Vegetation Management Plan (DCO Document Reference 8.12)</p> <p>Report to Inform HRA (DCO Document Reference 5.5)</p> <p>Railway Landscape Plans (Disused Line) (DCO Document Reference 2.10)</p> |
| | <p>Consideration of any necessary mitigation, monitoring, management and compensatory measures and their effectiveness.</p> | <p>ES Chapter 9 (DCO Document Reference 6.9)</p> <p>Report to Inform HRA (DCO Document Reference 5.5)</p> <p>CEMP (DCO Document Reference 8.14)</p> <p>Avon Gorge Vegetation Management Plan (DCO Document Reference 8.12)</p> <p>Schedule of Mitigation (DCO Document Reference 6.31)</p> |
| <p>Climate Change</p> | <p>The overall change in greenhouse gas emissions from transport which may arise from the implementation of the proposed development.</p> | <p>ES Volume 2, Chapter 7 Air Quality and Greenhouse Gases (DCO Document Reference 6.10)</p> <p>ES Volume 4, Technical Appendix, 7.5 Climate (DCO Document Reference 6.25)</p> |
| | <p>Emissions of greenhouse gases arising from the development, including during its operational phase.</p> | <p>ES Volume 4, Technical Appendix 7.5 Climate (DCO Document Reference 6.25)</p> <p>An outline estimate of embodied CO₂(e) emissions during the construction of the DCO Scheme is provided in Chapter 12 Material and Waste. The carbon assessment boundary is detailed in Paragraphs 12.3.27 and 12.3.28 of ES Chapter 12 Materials and Waste (DCO Document Reference 6.15).</p> |
| | <p>The use of Diesel Multiple Units and the potential for electrification</p> | <p>ES Volume 4, Technical Appendix 7.5 Climate (DCO Document Reference 6.25)</p> |

| Issue Topic | ExA Comments | Applicant's Initial Response |
|------------------------|---|--|
| | of the proposed service. | The introduction of these units in 2021 and 2023 were tested and reported in ES Chapter 7, Section 7.6.36 Regional Emission (DCO Document Reference 6.10). |
| Construction Impacts | The number, location and size of construction compounds and their effects on the local environment. | This is in part dealt with in the Environmental Statement on a topic specific basis and in the Applicant's Statement of Reasons (Document 4.1). |
| | Construction vehicles and their effect on traffic movement, road safety and occupants of nearby residential properties. | See CTMP – Construction Traffic Management Plan (DCO Document Reference 8.13). |
| | The proposed routeing and management of construction traffic. | See CTMP – Construction Traffic Management Plan (DCO Document Reference 8.13). |
| | Re-instatement of land at construction compounds and access ways. | To be dealt with in SoCG with the relevant planning authorities. |
| | Mitigation measures and how such measures would be secured. | To be dealt with in SoCG with the relevant planning authorities. |
| | Potential disturbance of contaminated land, uncontrolled run-off and risks to surface water and groundwater. | To be dealt with in SoCG with the relevant planning authorities. |
| Compulsory Acquisition | Whether the extent of the land, rights and powers sought to be compulsorily acquired are required for the proposed development. | See Statement of Reasons (Doc 4.1) |
| | Whether there is a compelling case in the public interest for the compulsory acquisition of the land, rights and powers that are sought by the draft DCO. | See Statement of Reasons (Doc 4.1) |
| | Whether all reasonable alternatives to compulsory acquisition have been explored. | See Statement of Reasons (Doc 4.1) |
| | Whether adequate funding is likely to be available to enable the applicant to carry out the compulsory acquisition within the statutory period. | See Statement of Reasons (Doc 4.1) and Funding Statement (Doc 4.2) |
| | The possible status of land within the Book of Reference as Open Space and whether exchange land | See Statement of Reasons (Doc 4.1) |

| Issue Topic | ExA Comments | Applicant's Initial Response |
|-------------------|---|---|
| | is proposed in respect of it. | |
| | The extent to which powers are sought over land or interests in land held inalienably by the National Trust or by the Crown. | See Statement of Reasons (Doc 4.1) |
| | Approach adopted in identifying Category 3 parties. | Response to S51 Advice will be provided on 22 September 2020 |
| Cultural Heritage | The effect of the Proposed Development on heritage assets and their visual and functional settings. | This is addressed in Chapter 8 Cultural Heritage of the ES and supporting appendices 8.1 and 8.2 (DCO Document Reference 6.25). In addition, heritage assets are also considered in Chapter 11 (LVIA) (DCO Document Reference 6.14) particularly in relation to effects on the Clifton Suspension Bridge and Conservation Areas. |
| | The effect of the Proposed Development on archaeological remains and whether further archaeological investigation would be required to understand any potential significant deposits. | This is addressed in Chapter 8 Cultural Heritage of the ES (DCO Document Reference 6.11) and supporting appendices 8.1 and 8.2. The proposed archaeological mitigation is detailed in the CEMP (DCO Document Reference 8.14) and Schedule of Mitigation (DCO Document Reference 6.31). |
| | The effectiveness of any mitigation measures. | The effectiveness of the mitigation measures is addressed in section 8.7 (mitigation and residual effects) in Chapter 8 Cultural Heritage of the ES (DCO Document Reference 6.11). |
| Design | The design, accessibility and layout of the railway stations and car parks and their relationship with surrounding land uses and the character and appearance of the area. | See Design and Access Statement (DCO Document Reference 8.1). |
| | The application of the National Policy Statement criteria for “good design” to the proposed development. | The Applicant will address any issues at the relevant Issue Specific Hearings. |
| | The extent to which the design of permanent structures should be controlled and secured through any DCO. | The Applicant will address any issues at the relevant Issue Specific Hearings. |
| Draft DCO | The construction, form, extent and definitions of the draft DCO including Requirements, Protective Provisions and design flexibility. | The Applicant will address any issues at the relevant Issue Specific Hearings. |
| | Adequacy of the draft DCO | The Applicant will address any issues at the |

| Issue Topic | ExA Comments | Applicant's Initial Response |
|---|--|---|
| | Requirements to secure the proposed mitigation. | relevant Issue Specific Hearings. |
| | Whether any additional requirements would be necessary. | The Applicant currently believes not. |
| | The need for and means of securing funding for any necessary monitoring and enforcement of the draft DCO Requirements. | To be dealt with in SoCG with the Relevant Planning Authorities. |
| | Associated obligations and agreements such as Development Consent Obligations. | The Applicant is not proposing any at this time. |
| | The scheme for the discharge of DCO Requirements and the appropriate authorities for approving such discharge. | To be dealt with in SoCG with the Relevant Planning Authorities. |
| | The proposed protective provisions in respect of the land and equipment of statutory undertakers. | To be dealt with in SoCG with the relevant utilities. |
| | The proposed disapplication of certain byelaws of the North Somerset Levels Internal Drainage Board and the justification for such disapplication. | To be dealt with in SoCG with the North Somerset Levels Internal Drainage Board |
| Environment Impact Assessment and Environmental Statement | The Environmental Impact Assessment (EIA) methodology. | The general approach to the EIA methodology is set out in the Environmental Statement Chapter 5 Approach to the Environmental Statement (DCO Document Reference 6.8). Further details on the EIA methodologies are provided in the Environmental Statement technical topic assessment chapters 7 to 18 (DCO Document References 6.10 to 6.21). |
| | Justification for assumptions used in the EIA and how they could be secured through any DCO. | The assumptions adopted in the EIA are described in the Environmental Statement Section 9 of each of the technical topic chapters 7 to 17 (DCO Document References 6.10 to 6.20). |
| | Approach to EIA, including the use of the 'Rochdale Envelope' and the 'design principles', whether worst-case parameters have been used throughout the EIA | The concept of the Rochdale Envelope has not been used in the EIA. The design principles are summarised in the ES Chapter 4 Design Standards and Requirements paragraphs 4.3.8 to 4.3.17 (DCO Document Reference 6.7). The EIA is based on the worst case as stated in the ES Chapter 4 paragraph 4.1.11 (DCO Document Reference 6.7). |

| Issue Topic | ExA Comments | Applicant's Initial Response |
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| | Whether all necessary parameters and mitigation measures are captured in the dDCO. | The dDCO captures requirements to implement all relevant mitigation, except for those measures identified on certified plans or will be sought through licences. (Document Reference 3.1). |
| | Consideration of alternatives to the proposed development. | Alternatives are considered in the Environmental Statement Chapter 3 Scheme Development and Alternatives Considered (DCO Document Reference 6.6). |
| | The approach to, and scope of, cumulative and in-combination assessments in the EIA and HRA. | <p>Each of the technical topic chapters in the ES consider the cumulative effects of that topic with other projects. See ES Chapters 7 to 17 (DCO Document References 6.10 to 6.20).</p> <p>The cumulative effects assessment is considered in the ES in Chapter 18 In-Combination and Cumulative Effects Assessment (DCO Document Reference 6.21) and Appendices 18.1 and 18.2 (DCO Document Reference 6.25).</p> <p>The cumulative effects assessment for the HRA is considered in the HRA Section 7.2 and the screening matrices in Annex D (DCO Document Reference 5.5).</p> |
| | The extent to which the powers sought by the applicant in respect of associated development have been fully assessed in the Environmental Statement. | <p>The associated development considered in the Environmental Statement is described in Chapter 4 Description of the Proposed Works (DCO Document Reference 6.7).</p> <p>The technical topic chapters 7 to 18 include the environmental assessment of the associated development during construction and operation (DCO Document References 6.10 to 6.21).</p> |
| | The identification of environmental mitigation and how mitigation measures will be secured. | <p>The environmental mitigation is identified in the following documents:</p> <p>ES technical topic chapters 7 to 18 (DCO Document References 6.10 to 6.21)</p> <p>ES Appendix 9.13 Reptile mitigation strategy (DCO Document Reference 6.25)</p> <p>ES Appendix 9.16 The Proposed Portbury Hundred Tree Planting (DCO Document Reference 6.25)</p> <p>ES Appendix 9.18 Lux Lighting Plans for Pill Station Car Park and Highways (DCO Document Reference 6.25)</p> <p>Code of Construction Practice (DCO Document Reference 8.15)</p> <p>Master Construction Environmental Management Plan (DCO Document</p> |

| Issue Topic | ExA Comments | Applicant's Initial Response |
|-------------------------|---|--|
| | | <p>Reference 8.14)</p> <p>Schedule of Mitigation (DCO Document Reference 6.31)</p> <p>Avon Gorge Vegetation Management Plan (DCO Document Reference 8.12)</p> <p>Flood Risk Assessment Chapter 10 Summary of Mitigation Measures, Appendix O Drainage Design Information and Appendix T Flood Plans (DCO Document Reference 5.6)</p> <p>General Arrangement Plans (DCO Document Reference 2.4)</p> <p>Railway Landscaping Plans (DCO Document Reference 2.10)</p> <p>Other plans as they may show details for planting, ecological mitigation measures, temporary diversions, modifications to the bridleways and cycle paths, etc.</p> <p>Environmental Management Plan (DCO Document Reference 2.53)</p> <p>Great Crested Newt Indicative Pond Design (DCO Document Reference 2.59). One pond was constructed in spring 2020 in the Portishead Nature Reserve. We are also liaising with Natural England over the District Local Licensing to complete the outstanding GCN mitigation in lieu of the mitigation described in the ES.</p> |
| Flood Risk and Drainage | The Flood Risk Assessment (FRA) methodology including the use of climate change allowances in modelled scenarios. | <p>See Environmental Statement, Appendix 17.1, Flood Risk Assessment (DCO Document 5.6).</p> <p>Planning Inspectorate s 51 Letter dated 24 January 2020 and Applicant Response dated March 2020</p> |
| | The location and adequacy of compensatory storage. | <p>Flood compensation is covered in the Environmental Statement, Appendix 17.1, Flood Risk Assessment (DCO Document Reference 5.6).</p> <p>The Surface Water Drainage Strategy for Portishead and Pill Stations, Haul Roads and Compounds (DCO Document Reference 6.26) sets out the methodology used to define the capacity of compensatory storage. The locations assessed are those listed in the document.</p> |
| | Proposed drainage systems and the risk of damage to existing watercourses, including culverts. | <p>Flood risk assessment, Appendix O Drainage Design Information (DCO Document Reference 5.6)</p> <p>Environmental Statement Chapter 17 (DCO</p> |

| Issue Topic | ExA Comments | Applicant's Initial Response |
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| | | Document Reference 6.20) |
| | Potential of increased flood risk to others. | Flood risk assessment, Appendix O Drainage Design Information (DCO Document Reference 5.6) |
| | Access requirements of the Environment Agency in respect of its statutory duties and assets. | To be dealt with in SoCG with Environment Agency |
| | The proposed disapplication of certain byelaws of the North Somerset Levels Internal Drainage Board and the justification for such disapplication. | To be dealt with in SoCG with the North Somerset Levels Internal Drainage Board |
| Noise, Vibration and Light | The potential effects upon the living conditions of the occupants of nearby residential properties by reason of noise, vibration or light, both during construction and operation. | <p>The potential effects from noise and vibration at nearby residential properties have been examined within ES Chapter 13 Noise and Vibration (DCO Document Reference 6.16).</p> <p>For both construction and operation, the legal and policy framework is discussed with Section 13.2. The methodology adopted for the assessment is discussed in Section 13.3. The approach adopted to determine whether effects resulting from the DCO Scheme are significant is described in Appendix 13.2.</p> <p>The potential effects from the construction phases of the DCO Scheme are addressed in Section 13.6. For noise this is in paragraphs 13.6.2 to 13.6.48, and for vibration this is in paragraphs 13.6.49 to 13.6.59.</p> <p>The potential effects from the operational phase of the DCO Scheme are addressed in Section 13.6. For noise this is in paragraphs 13.6.60 to 13.6.101, and for vibration this is in paragraphs 13.6.102 to 13.6.107.</p> <p>The potential effects from lighting on the landscape and visual receptors have been examined within ES Chapter 11 Landscape and Visual Impacts Assessment (DCO Document Reference 6.14).</p> <p>The Assessment of Landscape Effects are addressed in Section 11.6 and the Assessment of Visual Effects in Section 11.7. Further detail on the visual effects are addressed in Appendix 11.3 Visual Impact Assessment which identifies the visual receptors where the effects of proposed lighting during construction and operation have been identified.</p> <p>A detailed impact assessment of the lighting during construction and operation has not been undertaken.</p> |

| Issue Topic | ExA Comments | Applicant's Initial Response |
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| | <p>The extent to which such potential effects have been fully assessed and appropriate mitigations identified.</p> | <p>The potential effects from noise and vibration have been considered within ES Chapter 13 Noise and Vibration (DCO Document Reference 6.16) Section 13.6. This has been undertaken following the policy and legislation that is applicable to the DCO Scheme, and in accordance with appropriate guidance. Where significant effects have been identified within Section 13.6, mitigation has been considered.</p> <p>Significant effects from noise and vibration during the construction phase of the DCO Scheme have been identified and mitigation is discussed in Section 13.7 from paragraphs 13.7.1 to 13.7.4.</p> <p>Significant effects from noise during the operational phase of the DCO Scheme have been identified and mitigation is discussed in Section 13.7 from paragraphs 13.7.5 to 13.7.9. There were no significant effects from vibration identified for the operational phase of the DCO Scheme.</p> <p>ES Chapter 11 Landscape and Visual Impacts Assessment (DCO Document Reference 6.14) Table 11.3 refers to lighting design which will be to Network Rail and North Somerset Council standards.</p> <p>Section 11.4 makes reference to the existing lighting within the landscape within the various landscape character areas, for example 11.4.110 the high level mast lighting of the car storage areas.</p> <p>Section 11.6 makes reference to the effects of lighting in the landscape during construction.</p> |
| | <p>The potential for planning blight to arise and the timeframe for the construction of the project.</p> | <p>Statutory blight may arise at points in the project's evolution – Schedule 13 of the Town and Country Planning Act 1990 will apply.</p> |
| | <p>Approach to identifying potential category 3 parties in relation to noise, vibration and light.</p> | <p>These issues are to be addressed in the response to S51 Advice to be submitted on 22 September.</p> <p>The Applicant will also address any issues at the Compulsory Acquisition Hearings.</p> |
| <p>Planning Policy</p> | <p>Whether the Proposed Development complies with the National Policy Statement for National Networks.</p> | <p>See Planning Statement Annex A Tracker (DCO Document Reference 8.11)</p> |
| | <p>Policies of Local Development Plans and the extent to which they are relevant and important.</p> | <p>The ES Chapter 6 Planning Framework (DCO Document Reference 6.9) identifies relevant planning policy.</p> |

| Issue Topic | ExA Comments | Applicant's Initial Response |
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| | | <p>Technical topic ES Chapters 7 – 17 identify relevant local planning policy for that topic (DCO Document References 6.10 to 6.20).</p> <p>The Planning Statement contains a brief summary of the Local Plan structure (DCO Document Reference 8.11).</p> |
| | <p>Effect on the Green Belt and whether the Proposed Development would constitute inappropriate development and if it would whether a case of Very Special Circumstances would exist.</p> | <p>ES Chapter 15 Soils, Agriculture, Land Use and Assets (DCO Document Reference 6.18) Section 15.6.30.</p> <p>Planning Statement (DCO Document Reference 8.11) paragraphs 6.5.137 to 6.5.162.</p> <p>We consider the DCO Scheme is not inappropriate development, and if it were considered so, there is a case for Very Special Circumstances.</p> |
| <p>Public Rights of Way and cycle routes</p> | <p>The effect of the proposed development on users of public right of ways, including pedestrians, cyclists and horse riders, including in respect of temporary diversions during construction.</p> | <p>See CTMP – Construction Traffic Management Plan (DCO Document Reference 8.13).</p> |
| <p>Socio-Economic Effects</p> | <p>Baseline assessment methodology and the socio-economic evaluation.</p> | <p>See Outline Business Case 2017 (DCO Document Reference 8.4)</p> |
| | <p>Whether it would be necessary, in the light of applicable national and local policy and legislation, for the host communities to gain positive socio-economic benefits from the scheme.</p> | <p>See Outline Business Case 2017 (DCO Document Reference 8.4)</p> |
| | <p>Timing, frequency and capacity of proposed services.</p> | <p>Many documents include scheme description in introductory text that covers frequency and capacity of proposed service.</p> |
| | <p>Alternatives to the submitted scheme and the 'do nothing' scenario.</p> | <p>Outline Business Case 2017 (DCO Document Reference 8.4) (Part 3 of 3, Appendix 1.2, Options Assessment Report)</p> <p>Preliminary Business Case 2014 (DCO Document Reference 8.3)</p> <p>Report to inform the Habitat Regulations Assessment (DCO Document Reference 5.5)</p> |
| | <p>The extent to which the Proposed Development would affect availability and usability of public rights of way and open spaces.</p> | <p>ES Volume 2, Chapter 15 Soil, Agriculture, Land Use and Assets (DCO Document Reference 6.18).</p> <p>ES Volume 4 – Appendix 16.1 – Transport Assessment (DCO Document Reference 6.25) – Part 1 of 18 – Chapters 8 & 9</p> <p>CTMP – Construction Traffic Management</p> |

| Issue Topic | ExA Comments | Applicant's Initial Response |
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| | <p>The temporary impact of construction activities on access to community facilities and residential properties.</p> | <p>Plan (DCO Document Reference 8.13).</p> <p>ES Volume 2, Chapter 15 Soil, Agriculture, Land Use and Assets (DCO Document Reference 6.18).</p> <p>ES Volume 4 – Appendix 16.1 – Transport Assessment (DCO Document Reference 6.25) – Part 1 of 18 – Chapters 8 & 9</p> <p>CTMP – Construction Traffic Management Plan (DCO Document Reference 8.13).</p> |
| Statutory Undertakers | <p>The proposed acquisition of statutory undertakers' land and rights over such land and the detriment that may be caused to the carrying on of the undertaking in question.</p> | <p>These issues are addressed in the Statement of Reasons (document reference 4.1).</p> <p>The Applicant will also address any issues at the Compulsory Acquisition Hearings.</p> |
| | <p>Separation distances and protection measures in respect of natural gas and other pipelines in the proximity of the proposed development.</p> | <p>Proposed to be dealt with in relevant SoCG.</p> |
| | <p>The interaction between the proposed development and the Hinkley Point C Connection Development Consent Order.</p> | <p>Proposed to be dealt with in SoCG with National Grid Electricity Transmission PLC.</p> |
| | <p>Availability of rail paths for freight trains to and from Royal Portbury Dock (during construction and operation of the proposed development) and the interaction between those trains and passenger services.</p> | <p>Proposed to be dealt with in SoCG with Bristol Port Company.</p> |
| | <p>The potential for severance and other adverse effects on land safeguarded for port development.</p> | <p>Proposed to be dealt with in SoCG with Bristol Port Company.</p> |
| Traffic and Transport | <p>Transport Assessment methodology and assumptions used to inform modelling.</p> | <p>ES Volume 4 – Appendix 16.1 – Transport Assessment (DCO Document Reference 6.25) Part 1 of 18</p> <p>Outline Business Case 2017 (DCO Document Reference 8.4) Parts 2 and 3 of 3.</p> |
| | <p>The proposed routeing and management of construction traffic.</p> | <p>CTMP – Construction Traffic Management Plan (DCO Document Reference 8.13).</p> |
| | <p>Operational impacts on road users, particularly in the vicinity of the Ashton Vale Business Park.</p> | <p>ES Volume 4 – Appendix 16.1 – Transport Assessment (DCO Document Reference 6.25) Part 1 of 18. Also see Part 18 of 18 – Appendix N Ashton Vale Road.</p> |

| Issue Topic | ExA Comments | Applicant's Initial Response |
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| | The potential effects of the proposed stations on the availability of residential and other car parking in Pill and Portishead. | ES Volume 4 – Appendix 16.1 – Transport Assessment (DCO Document Reference 6.25) Part 1 of 18 – Chapter 7 |
| | The sufficiency of proposed car parking and future car parking capacity. | ES Volume 4 – Appendix 16.1 – Transport Assessment (DCO Document Reference 6.25) Part 1 of 18 – Chapter 7 Outline Business Case 2017 (DCO Document Reference 8.4) Parts 2 and 3 of 3 |
| | Potential effects of the proposed stations on traffic movements and road safety. | ES Volume 4 – Appendix 16.1 – Transport Assessment (DCO Document Reference 6.25) Part 1 of 18 – Chapter 7 Outline Business Case 2017 (DCO Document Reference 8.4) Part 3 of 3 |
| | The extent of land required for proposed highway realignments and improvements and potential effects on local businesses and occupants of nearby residential properties. | These issues are addressed in the Statement of Reasons (document reference 4.1). The Applicant will also address any issues at the Compulsory Acquisition Hearings. |
| | Severance and access issues. | ES Volume 4 – Appendix 16.1 – Transport Assessment (DCO Document Reference 6.25) Part 1 of 18 – Chapters 8 & 9 CTMP – Construction Traffic Management Plan (DCO Document Reference 8.13). |

SCHEDULE 3

List of Applicant Attendees at Preliminary Meeting

| | Attendee | Organisation |
|-----|---|--------------------------------------|
| 1. | James Willcock (Speaker at PM - NSC) | North Somerset Council/the Applicant |
| 2. | Richard Guyatt (Speaker at PM on dDCO/ overall procedure) | Womble Bond Dickinson (UK) LLP |
| 3. | Sarah Holmes (Speaker at PM – EIA/HRA) | Womble Bond Dickinson (UK) LLP |
| 4. | Steven Penaluna | North Somerset Council/the Applicant |
| 5. | Richard Matthews | North Somerset Council/the Applicant |
| 6. | Kevin Gibbs | Womble Bond Dickinson (UK) LLP |
| 7. | Tom Ewings | Womble Bond Dickinson (UK) LLP |
| 8. | Frances Everett | Womble Bond Dickinson (UK) LLP |
| 9. | Carolyn Francis | Jacobs |
| 10. | Andrew Linfoot | Jacobs |
| 11. | Steve Yates | Ardent |
| 12. | Charlotte Potts | Ardent |

List of possible attendees closely associated with the Applicant*

| | | |
|----|----------------|------------------------------------|
| 1. | Kate Trevarrow | West of England Combined Authority |
| 2. | Richard Cole | Network Rail |
| 3. | Niall Spencer | Network Rail |
| 4. | Monica Peto | Eversheds Sutherland |

*Please note that these attendees will confirm to the ExA their attendance at the Preliminary Meeting separately. It is not anticipated that any of them will speak but they will be available if it would assist the ExA to hear from them.

SCHEDULE 4

Applicant's Suggestions for Accompanied site Visit(s)

| Area | Locations | Purpose/Works nos. |
|--|--|---|
| Bristol | <ul style="list-style-type: none"> - Ashton Vale Rd and permissive cycle track to level crossing - Clange Road - Clifton Suspension Bridge and Clifton Observatory | <p>Proposed Path diversion and impact on Ashton Vale Road</p> <p>Works 28 and 29</p> <p>Work Nos 26 – 26B</p> <p>For LVIA assessment</p> |
| Avon Gorge | <ul style="list-style-type: none"> - Tow Path SAC between Suspension Bridge and Napier Miles Bridge (Please note a more detailed list of locations within the Avon Gorge SAC can be agreed between Natural England the relevant Planning Authority and the Applicant – some may require access to Operational Railway) | <p>For HRA and LVIA considerations and to view location of Work No 25</p> |
| Pill/Easton in Gordano | <ul style="list-style-type: none"> - Chapel Pill Lane/ Watch House Hill - Victoria Park - Pill station and local roads, including Pill Memorial Club - Avon Road to Marsh Lane on the cycle path parallel to the railway | <p>Works 24 and 24A</p> <p>Work No.1 B and 1 C, S132 considerations</p> <p>Work Nos 21-23</p> <p>Work Nos 15-20B</p> |
| <p>M5/Portbury Dock Road/Portbury Hundred</p> <p><i>(Note: the traffic conditions for these areas may make arrangements impractical for stopping and observing some of these sites, certainly in</i></p> | <ul style="list-style-type: none"> - J19 M5 - Marsh Lane/Court House Farm - Royal Portbury Dock Road - Proposed Compounds and | <p>Highway impacts</p> <p>Works Nos 1A-1C, 12 – 14B</p> |

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| <i>large groups)</i> | accesses on A369 | |
| Sheepway | - Sheepway/ Portbury Wharf | Work nos. 1, 8 – 12B |
| Portishead | - Quays Ave and Harbour Rd - Galingale Way/Tansy Lane | Work nos, 1 – 7D, S131/132 assessment regarding open space certification |