

22 September 2020

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By email only

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Our ref:
KJG1/RG1/381278.1
Your ref:

Dear Mr Bartkowiak

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

Applicant's Response to Section 51 Advice dated 12 December 2019

Following our response to the Rule 6 letter, which we provided on 21 September, we now provide our client's response to s51 advice.

As a result of the s51 advice a number of additional documents are provided to assist the examination.

Documents enclosed

With this letter we provide:

1. Our client's formal response to the s51 advice.
2. Revised draft Development Consent Order (Version 2), comprising:
 - (a) revised clean draft Development Consent Order – PDF format;
 - (b) tracked changes draft showing the changes from the draft submitted with the application – PDF format; and
 - (c) revised clean draft Development Consent Order – Word format.
3. Revised draft Statement of Reasons (Version 2) comprising:
 - (a) revised clean draft Statement of Reasons – PDF format;
 - (b) tracked changes draft showing the changes from the draft submitted with the application – PDF format; and
 - (c) clean draft Statement of Reasons – Word format.

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4. Revised Works Plan.
5. Revised Land Plan.
6. Revised Guide to the Application (previously referred to in our application as a navigation document).
7. Schedule of Changes to the draft Development Consent Order (Version 1).

A. Revised draft Development Consent Order (dDCO) (DCO Document Reference 3.1 – Version 2)

A.1 Only minor changes have been made to the revised dDCO.

A.2 These reflect the s51 advice suggesting further checking be carried out. In addition to typographical errors some more changes are proposed, which have no impact on the substance of the dDCO.

A.3 The typographical changes can be seen in the tracked changes version of the dDCO.

A.4 The other changes are explained in the attached document detailing our responses to the s51 advice and in the Schedule of Changes to the draft Development Consent Order (Version 1). They include the following:

- (i) The description of Work 1C has been amended in Schedule 1 of the dDCO to better reflect the drafting of the other railway works.
- (ii) We have been alerted to a typographical error in the dDCO at Requirement 10 dealing with archaeological works. This was pointed out to us by the local planning authority and the local planning authority has also requested we change the wording of that Requirement. This will be confirmed in the relevant Statement of Common Ground but we have taken this opportunity to update the draft DCO accordingly.
- (iii) We have agreed with Freightliner Limited to alter the description of the nature of powers sought over plots 17/10 and 17/15 of the Order land, as described in Schedule 12 of the dDCO.

B. Revised Statement of Reasons (DCO Document Reference 4.1 – Version 2)

B.1 The s51 advice alerted the Applicant to a number of typographical errors and incorrect cross-referencing in the Statement of Reasons. We have taken the opportunity to tidy up the Statement of Reasons accordingly.

B.2 The opportunity has also been taken to revise the Statement of Reasons to make it clear that there is a degree of flexibility in the delivery of the MetroWest Phase 1 project and that options are still being investigated in respect of procurement of the construction works. Network Rail's involvement as a key participant in the project remains, as the national network operator of railway and as one of the two principal landowners. However the revised Statement of Reasons as revisited no longer states that Network Rail will carry out a number of activities, as it may be that the relevant activity is carried out by a person directly procured by the Applicant and/or the West of England Combined Authority.

B.3 The submission draft Statement of Reasons contains a description of the status of negotiations with holders of Order lands, at November 2019, in Schedule 2. As the Examining Authority (ExA) has requested a regular update of the status of negotiations, we will henceforth provide this as a stand alone document. Schedule 2 of the Statement of Reasons has not been updated therefore.

C. Revised Works Plans (DCO Document Reference 2.3 – Version 2)

The s51 advice asked the Applicant to reflect on the nomenclature in the Works Plan. The nomenclature has been updated to reflect the s51 advice and more closely reflects the works descriptions in Schedule 1 to the dDCO.

D. Land Plan (DCO Document Reference 2.2 – Version 2)

D.1 The Land Plan contained an incorrectly coloured plot – 01/205. This plot is held by North Somerset Council as freehold owner in any event. The plot has now been altered from being shown as a permanent new right to a permanent freehold acquisition. No notifications to the relevant parties has been sent at this time on the basis that the Applicant is already the freehold owner of the relevant land.

D.2 In addition, insets have been added to the Land Plans to deal with the s51 advice that some plots were difficult to discern.

E. Response to s51 advice regarding Category 3 parties in the Book of Reference

The enclosed response to the s51 advice explains that:

(a) the Applicant's Agents used professional judgement, supported by the emerging environmental statement chapters, to advise the Applicant as to whom it might be thought could have a relevant claim, and prepared the Book of Reference accordingly; and

(b) in the period between formal consultation and submission of the Order the Applicant's agents continued to re-reference the Order Lands to maintain an up to date Book of Reference.

Concluding remarks and suggestion for formal direction for submission of updated documentation

We believe that this letter and its enclosures deals with all of the points arising from the s51 advice of 12 December 2019. Should the ExA have any further questions regarding s51 advice then we suggest these are discussed at the preliminary meeting.

In addition the Applicant is in the course of finalising a number of Environmental Statement-related documents and detailed updates of submitted plans, being updated as a result of progress made in discussions with interested parties since the Applicant's documents were submitted in November 2019.

We appreciate that the ExA may wish the revised draft documentation to be submitted on a more formal basis and again we can discuss this with the ExA at the preliminary meeting. If a more formal submission is required then we would suggest that Deadline 1 be used for this process or an additional early deadline be set at the preliminary meeting (perhaps 19 October?).

Yours faithfully

Womble Bond Dickinson (UK) LLP

Womble Bond Dickinson (UK) LLP



Portishead Branch Line (MetroWest Phase 1)

TR040011

Applicant: North Somerset District Council

Applicant's response to the Planning Inspectorate's letter of advice under section 51 of the Planning Act 2008 dated 12 December 2019

Section 51 Planning Act 2008

Author: Womble Bond Dickinson

Date: 22 September 2020

Actions arising from s51 Advice Letter dated 12 December 2019

1. INTRODUCTION

- 1.1 This document is the Applicant's response to advice under Section 51 of the Planning Act 2008 (PA 2008) received from the Planning Inspectorate (**Inspectorate**) on 12 December 2019.
- 1.2 The advice provided helpful observations from the Inspectorate on the application and requested consideration of appropriate reviews to be undertaken.
- 1.3 The actions suggested can be divided into three categories:
 - 1.3.1 a request for the Applicant to consider serving notices of acceptance under section 56 of the Planning Act 2008 on potential consultees identified by the Inspectorate, on a precautionary basis;
 - 1.3.2 consideration of how best to identify and check whether parties included in the Book of Reference (**BoR**) as "category 3" consultees that were consulted at statutory consultation remained correctly scheduled;
 - 1.3.3 cross-referencing between BoR, land plans, works plans, Statement of Reasons and draft Development Consent Order (**dDCO**).
- 1.4 The Applicant has reviewed each of the three points and provides its commentary in the table below.
- 1.5 As a result of the issues of cross-referencing referred to in the third part of the s51 advice, and noting the request that updated documents be provided 10 working days before the preliminary meeting, the Applicant has carried out a comprehensive review of the dDCO and Statement of Reasons. Accordingly the Applicant provides with this note:
 - 1.5.1 *Revised dDCO (DCO Document Reference 3.1 Version 2):*
 - (a) revised clean dDCO – PDF format;
 - (b) tracked changes dDCO showing the changes between Version 2 of the dDCO and the dDCO submitted at the application stage; and
 - (c) revised clean dDCO – Word format.The changes made reflect only

- the content of the s51 advice;
- typographical errors identified by the Applicant since December 2019;
- a request for a change to Schedule 12 of the dDCO relating to plots 17/10 and 17/15 made by Freightliner Limited. (The Applicant has agreed with Freightliner Limited to request changes to Schedule 12 of the dDCO to make it clear that the powers sought over plots 17/10 and 17/15 of the Order Lands should be for temporary access only and no temporary right of possession is to be sought. The Applicant has agreed that by way of assurance to Freightliner Limited both parties would prefer that the Order be amended so as to make this position clear); and
- a request for a change to a requirement, made by North Somerset Council as local planning authority (Requirement 10).

1.5.2 *Statement of Reasons (DCO Document Reference 4.1 Version 2):*

- (a) revised clean Statement of Reasons - PDF format;
- (b) tracked changes Statement of Reasons showing the changes between Version 2 of the Statement of Reasons and the Statement of Reasons submitted at the application stage; and
- (c) revised clean Statement of Reasons – Word format.

The Statement of Reasons has been updated, save for the summary of engagements with the principal landowners. This will be superseded by a document requested by the ExA providing an update on negotiations subsequent to submission of the Application.

1.5.3 *Updated Land plan (DCO Document Reference 2.2 Version 2).*

1.5.4 *Updated Works plan (DCO Document Reference 2.3 Version 2).*

1.5.5 *Revised Guide to the Application (DCO Document Reference 1.4 Version 2).*

1.5.6 *Schedule of Changes to the draft Development Consent Order (DCO Document Reference 9.1 ExA.SCh.D0.V1).*

2. RESPONSES TO S51 ADVICE

Row	Paragraph of s51 Letter/Checklist	Comment from PINS	Applicant's Response
A (i)	<p>1. Consultees identified on a precautionary basis</p>	<p>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:</p>	<p>These parties have all been included in the process required under s56 of the PA 2008 to notify them of the accepted application.</p>
(ii)		<ul style="list-style-type: none"> • Caldicot and Wentlooge Levels Internal Drainage Board 	
(iii)		<ul style="list-style-type: none"> • Essex and Suffolk Water 	
(iv)		<ul style="list-style-type: none"> • Cadent Gas Limited 	
(v)		<ul style="list-style-type: none"> • Energy Assets Pipelines Limited 	
(vi)		<ul style="list-style-type: none"> • ESP Pipelines Limited 	
(vii)		<ul style="list-style-type: none"> • Murphy Gas Networks Limited 	
(viii)		<ul style="list-style-type: none"> • Energy Assets Networks Limited 	
(ix)		<ul style="list-style-type: none"> • Harlaxton Gas Networks Limited 	
(x)		<p>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, PINS suggests that the</p>	

Row	Paragraph of s51 Letter/Checklist	Comment from PINS	Applicant's Response
		<p><u>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 PA 2008, unless there is a specific justification why this is not necessary.</u></p>	
B	<p>2. Section 44 – persons who would or might be entitled to make a relevant claim</p>	<p>Chapter 7 of the Consultation Report and Part 2 of the BoR identify "Category 3" consultees under s44 PA 2008.</p> <p>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.</p> <p>Consultation with these parties primarily took place in 2017.</p> <p><u>The applicant should consider the extent to which the identification of Category 3 consultees is robust and fully documented in the updated BoR to ensure that potentially Interested Parties are aware of the examination process going forward.</u></p>	<p>Category 3 Parties were identified by the Applicant's consultant team, principally relying on the professional judgement of the Applicant's land referencing agents, in consultation with the relevant ES chapter authors for those chapters covering one or more of the "physical factors" defined in Section 1(2) of the Land Compensation Act 1973.</p> <p>As some of the factors, particularly for potential noise impacts, will be intermittent, it was appropriate for the agents' assessment of the perception of anticipated claims, rather than a scientific assessment, to be the principal guiding factor in assessing the potential risk of claims.</p> <p>This then allowed the Applicant's surveyors and referencing agents to assess and advise the Applicant for what lands it would be appropriate to think that a claim under Part 1 of the 1973 Act might be made. The relevant lands were then referenced and included in the Applicant's BoR. As is clear from decisions of the Lands Chamber of the Upper Tribunal the principal professional judgement to rely on is valuation judgement, assisted by the more scientific approach of environmental consultants as required.</p> <p>The Applicant regularly refreshed the title and occupier information in the BoR.</p> <p>Following formal consultation in 2017 the Applicant's agents have sent out confirmation schedules (essentially a prepopulated Request for Information for return and confirmation to all scheduled parties) from July 2019 until the BoR was finalised for submission, asking recipients to confirm the details as scheduled for them in the emerging BoR.</p>

Row	Paragraph of s51 Letter/Checklist	Comment from PINS	Applicant's Response
			<p>As well as this, the Applicant's agents conducted site visits to follow up unreturned confirmation schedules and ascertain business occupiers where necessary. Where the agents were not able to confirm an occupier of a business premises or residential premises, the relevant interest was scheduled with 'The Occupier', which has been pulled through into the mailing list, so that the relevant business premises was served with notice of acceptance as well as any names, companies or persons also scheduled as an occupier.</p> <p>In addition, before notices of acceptance were sent the Applicant's referencing agents carried out a further title refresh (December 2019) which covered all those with interests listed below:</p> <ul style="list-style-type: none"> - Within the Order Limits; - Anticipated potential Part 1 claimants (Portishead, Portbury, Pill – residential areas); - Those affected by access/potential injurious affection claimants; and - Those with potential ownership of highway subsoil where highway is unregistered. (Pill, areas of Ashton Vale/Winterstoke Road)
C (i)	<p>3. BoR , Land Plans, Work Plans, Statement of Reasons, and draft DCO</p>	<p>There are some inconsistencies relating to the referencing of plots on the Land Plans, Statement of Reasons, Book of Reference, and draft DCO.</p> <p>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 (e.g. plots 1/100, 1/105, 1/113).</p>	<p>An errata sheet, and suggested amendments to the Statement of Reasons, dDCO and other relevant documents is provided at Appendix 1.</p> <p>In addition revised versions (and comparisons) of the dDCO and Statement of Reasons are provided with this response.</p>

Row	Paragraph of s51 Letter/Checklist	Comment from PINS	Applicant's Response
(ii)		There are also instances where plots are listed in the Statement of Reasons but not in the Book of Reference or on Land Plans (e.g. Plots 3/72 and 1/122).	An errata sheet, and suggested amendments to the Statement of Reasons, dDCO and other relevant documents is provided at Appendix 1 . In addition revised versions (and comparisons) of the dDCO and Statement of Reasons are provided with this response.
(iii)		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 BoR or Land Plans	An errata sheet, and suggested amendments to the Statement of Reasons, dDCO and other relevant documents is provided at Appendix 1 . In addition revised versions (and comparisons) of the dDCO and Statement of Reasons are provided with this response.
(iv)		There are inconsistencies between the Description of the Works in Schedule 1 of the draft DCO and the Works Plans (Doc 2.3). For example, Works Plan: <ul style="list-style-type: none"> • 2a • 7e • 13a 	An errata sheet, and suggested amendments to the Statement of Reasons, dDCO and other relevant documents is provided at Appendix 1
(v)		<u>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.</u>	

Appendix 1 - Errata sheet, suggested amendments to the Statement of Reasons and to the dDCO

	Summary of error/ required amendment	Relevant document(s)	Paragraph/ location of required amendment	Summary of remedial action undertaken
1.1	Consistency of plot references between dDCO, Land Plans, Statement of Reasons, and BoR.	dDCO, Land Plans, Statement of Reasons, and BoR.	Various	Review of Statement of Reasons against Land Plans, BoR and Schedules 10 (New Rights) and 12 (Temporary Powers) of the dDCO. In addition the Applicant has reviewed the dDCO and Statement of Reasons and identified a number of typographical errors. Comparison versions of the dDCO and Statement of Reasons are provided with this response and reflect the changes proposed to be made by the Applicant.
1.2	Plots not listed in Statement of Reasons but do appear in BoR and on Land Plans. e.g. Plots 1/100, 1/105 and 1/113.	Book of Reference , dDCO and Land Plans	Table S1 p126	Plots 1/100 and 1/105 are correctly listed as freehold plots in Table S1, Schedule 1 of the Statement of Reasons and on the Land Plans – no action taken. Plot 1/113 is a freehold plot not shown in Table S1, Schedule 1 of the Statement of Reasons – plot 1/113 added to Table S1 of Statement of Reasons.
1.3	Plots listed in Statement of Reasons but are not included in the BoR or Land Plans. e.g. Plots 3/72 and 1/122	Statement of Reasons	Table S1 p127 and 133	Plots 1/122 and 3/72 do not appear in the BoR or Land Plans – these plots are now removed from Table S1, Schedule 1, of the Statement of Reasons.
1.4	Plot 02/16 Table S1 of the Statement of Reasons but is not listed within the BoR or Land Plans.	Statement of Reasons	Table S1 p 129	Plot 02/16 does not appear in the BoR or land plans and is now removed from Table 1 Schedule 1 of the Statement of Reasons.
1.5	Plot 1/223 in BoR and Land Plans, not in Statement of Reasons	Statement of Reasons	Table S1	1/223 has been added to the list of freehold plots in Table S1, Schedule 1, of the Statement of Reasons.
1.6	Plot 1/252 shown twice as freehold and new right – new right on Land Plans	Statement of Reasons	Table S1	Plot 1/252 has been removed from the list of freehold plots in Table S1 of the Statement of Reasons.

	Summary of error/ required amendment	Relevant document(s)	Paragraph/ location of required amendment	Summary of remedial action undertaken
1.7	Plot 02/96 is a freehold plot not in Statement of Reasons	Statement of Reasons	Table S1	Plot 02/96 has been added to list of freehold plots in Table S1, Schedule 1, in the Statement of Reasons.
1.8	Plot 02/121 new right not in Statement of Reasons	Statement of Reasons	Table S1	Plot 02/121 has been added to list of new rights in Table S1, Schedule 1, in the Statement of Reasons.
1.9	Plot 04/19 showing in Statement of Reasons not in BoR or Land Plans	Statement of Reasons	Table S1	Plot 04/19 removed from list of 'permanent' plots in Table S1, Schedule 1, Statement of Reasons .
1.10	Inconsistency in plot labelling in Table S1	Statement of Reasons	Table S1	'Permanent' changed to 'freehold' on pages 134,135 and 137 in Table S1, Schedule 1, Statement of Reasons.
1.11	Plot 05/121 appears twice at p136 and p137 as a freehold plot	Statement of Reasons	Table S1	One of the entries of plot 05/121 removed in Table S1, Schedule 1, Statement of Reasons.
1.12	Plots 05/146 and 05/147 not in BoR or Land Plans	Statement of Reasons	Table S1	Plots 05/146 and 05/147 removed from Table S1, Schedule 1, Statement of Reasons.
1.13	Typographical error in Table S1 on p140	Statement of Reasons	Table S1	Correct typographical error in Table S1, Schedule 1, Statement of Reasons 06/26- changed to 06/260.
1.14	Plot 16/265 not shown on Land Plans or listed in BoR	Statement of Reasons	Table S1	Plot 06/265 removed from Table S1, Schedule 1, Statement of Reasons.
1.15	Land Plans show plot 06/280 as permanent right in subsoil only but Statement of Reasons shows as permanent rights in subsoil and temporary at surface level	Statement of Reasons	Table S1	Plot 06/280 changed in Table S1, Schedule 1, Statement of Reasons to show permanent rights in subsoil only.

	Summary of error/ required amendment	Relevant document(s)	Paragraph/ location of required amendment	Summary of remedial action undertaken
1.16	Plots 06/445, 455, 465, 475 not listed in Table S1 Statement of Reasons	Statement of Reasons	Table S1	Plots 06/445, 455, 465, 475 added to list of plots with permanent rights in subsoil only in Table S1 Statement of Reasons.
1.17	Plots 06/450, 460, 470, 480 not listed in table S1 Statement of Reasons	Statement of Reasons	Table S1	Plots 06/450, 460, 470, 480 added to list of plots with permanent new rights in subsoil and temporary possession at surface level in Table S1, Schedule 1, in Statement of Reasons.
1.18	Plot 06/566 already listed on p141 as new right, Land Plans shows as new right	Statement of Reasons	Table S1	Plot 06/566 removed from list of freehold plots in Table S1, Schedule 1, of Statement of Reasons
1.19	Plot 06/610 is a plot with permanent traffic regulation on Land Plans	Statement of Reasons	Table S1	Plot 06/610 removed from list of freehold plots in Table S1 Schedule 1, Statement of Reasons.
1.20	Plot 06/640 already listed correctly on p141 as 'freehold of structure with new right at ground level', listed on Land Plans as 'structures in land subject to compulsory acquisition of all estates and interests together with compulsory acquisition of permanent new rights'	Statement of Reasons	Table S1	Plot 06/640 removed from list of freehold plots in Table S1 Schedule 1, Statement of Reasons.
1.21	Plot 06/646 not listed in Table S1, new right in Land Plans and dDCO	Statement of Reasons	Table S1	Plot 06/646 added to list of new rights plots in Table S1 Schedule 1, Statement of Reasons.
1.22	Plots 06/670 and 06/700 shown on Land Plans as structures in land subject to compulsory acquisition together with temporary possession at ground level,	Statement of Reasons	Table S1	Status of plots 06/670 and 06/700 changed to structures in land subject to compulsory acquisition together with temporary possession at ground level Table S1 Schedule 1, Statement of Reasons.

	Summary of error/ required amendment	Relevant document(s)	Paragraph/ location of required amendment	Summary of remedial action undertaken
	listed in Table S1 Statement of Reasons as freehold			
1.23	Plot 06/725 not listed in Table S1, shown as freehold on Land Plans	Statement of Reasons	Table S1	Plot 06/725 added to list of freehold plots in Table S1 Schedule 1, Statement of Reasons.
1.24	Plot 07/61 shown on Land Plans as freehold and listed in BoR but not listed in Statement of Reasons	Statement of Reasons	Table S1	Plot 07/61 added to list of freehold plots in Table S1 Schedule 1, Statement of Reasons.
1.25	Plot 07/62 not shown on Land Plans or listed in BoR	Statement of Reasons	Table S1	Plot 07/62 removed from list of freehold plots in Table S1 Schedule 1, Statement of Reasons.
1.26	Plot 07/78 shown on Land Plans and dDCO Schedule 10 as new right but not listed in Table S1	Statement of Reasons	Table S1	Plot 07/78 added to list of new rights in Table S1 Schedule 1, Statement of Reasons.
1.27	Plot 07/57 in Table S1 not shown on Land Plans or in BoR	Statement of Reasons	Table S1	Plot 07/57 removed from list of temporary plots in Table S1. Schedule 1, of Statement of Reasons
1.28	Consistency in plot labelling in Table S1 Statement of Reasons (plots listed as 'temporary' and 'temporary access')	Statement of Reasons	Table S1	Plots 11/10, 15, 20 and 25 changed to 'temporary' instead of 'temporary access' (for consistency) in Table S1, Schedule 1, Statement of Reasons.
1.29	Plots 15/08 and 15/86 shown on Land Plans as freehold plots and listed in BoR but not listed in Statement of Reasons Table S1	Statement of Reasons	Table S1	Plots 15/08 and 15/86 added to list of freehold plots in Table 1, Schedule 1, Statement of Reasons.

	Summary of error/ required amendment	Relevant document(s)	Paragraph/ location of required amendment	Summary of remedial action undertaken
1.30	Plots 16/10, 26, 27, 29, 33, 38, 45, 60 and 131 shown as freehold plots on Land Plans and listed in BoR but not in Table S1 Statement of Reasons	Statement of Reasons	Table S1	Plots 16/10, 26, 27, 29, 33, 38, 45, 60 and 131 added to list of freehold plots in Table S1. Schedule 1, Statement of Reasons.
1.31	Plot 16/157 shown as freehold on Land Plans, not in Schedule 12 of dDCO	Statement of Reasons	Table S1	Plot 16/157 changed from temporary to freehold plot in Table S1 Schedule 1, Statement of Reasons,
1.32	Plot 16/95 entry repeated in Table S1 Statement of Reasons	Statement of Reasons	Table S1	One of the freehold plot 16/95 entries removed from Table S1, Schedule 1, Statement of Reasons.
1..33	Appendix 5 shows plot 01/113 instead of 01/213	Statement of Reasons	Appendix 5 , p104	Plot 01/113 changed to 01/213 on para 4.5, Appendix 5 Statement of Reasons.
1.34	Table A5.3 states temporary right is sought over plot 02/19 – shown as new right in Land Plans)	Statement of Reasons	Table A5.3, p111	Plot 02/19 removed from Table A5.3 in Statement of Reasons.
1.35	Top 5 rows from Table S1 Statement of Reasons p146 re Sheet 15 are repeated from p145 on submitted pdf but are not repeated in the original Word version.	Statement of Reasons	Table S1 P145/146	No repetition with new pdf created.
1.36	General proof read and sense-check of main text of Statement of Reasons	Statement of Reasons	Various	As above.

	Summary of error/ required amendment	Relevant document(s)	Paragraph/ location of required amendment	Summary of remedial action undertaken
2.1	Consistency of plot references between dDCO, Land Plans, Statement of Reasons, and BoR.	Check plots in BoR against plots in Land Plans	Various	Plots in BoR are consistent with plots in Land Plans. For Statement of Reasons see above.
3.1	<p><i>PINS Section 51 advice – 12 December 2019</i></p> <p>Additional consultees identified on a precautionary basis:</p> <ul style="list-style-type: none"> • Caldicot and Wentlooge Levels Internal Drainage Board; • Essex and Suffolk Water; • Cadent Gas Limited; • Energy Assets Pipelines Limited; • ESP Pipelines Limited; • Murphy Gas Networks Limited; • Energy Assets Networks Limited; and • Harlaxton Gas Networks Limited. 	<p>Issue raised in Paragraph 1 of Section 51 advice.</p> <p>Issue raised in Section 55 checklist – notes from PINS upon acceptance.</p>	N/A	Parties added to Section 56 consultee list. Letters with USB copies of application issued.

	Summary of error/ required amendment	Relevant document(s)	Paragraph/ location of required amendment	Summary of remedial action undertaken
	<i>"PINS 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 PA 2008, unless there is a specific justification why this is not necessary."</i>			
4.1	<i>Consistency of plot references between draft DCO, land plans, Statement of Reasons, and Book of Reference.</i>	dDCO	Schedule 12	Plots consistent with Land Plans apart from 2/16 (see para 4.3 below). Amended minor typographical error in plot 16/75 in Schedule 12 (currently shown as plot 16.75).
4.2	Plot 1/205 does not appear in Schedule 10 of the draft DCO but is coloured blue on the Land Plan.	dDCO	Schedule 10	Plot 1/205 is a freehold plot – no amendment to dDCO needed (see para 5.1 below).
4.3	Plot 2/16 appears in Schedule 12 of the draft DCO but is not listed within the Book of Reference or Land Plans.	dDCO	Schedule 12	Plot 2/16 is not a plot in the Land Plans - Plot 02/16 removed from dDCO
4.4	Inconsistencies between Description of the Works (Schedule 1) and the Works Plans. e.g. see Works Plans 2a, 7e and 13a.	dDCO and Works Plans.	Schedule 1	Minor amendments to Work descriptions (1c, 12, 22 and 29). Work 1C is suggested to be revised to better reflect the nature of the Work.
4.5	Work 13A area incorrectly described.	dDCO	Schedule 1	Works description - area amended. Work 13A changed to be 575.6m ² .

	Summary of error/ required amendment	Relevant document(s)	Paragraph/ location of required amendment	Summary of remedial action undertaken
4.6	North Somerset Council Archaeologist has requested changes to Requirement 10	dDCO	Schedule 2	<p>North Somerset Council as Local Planning Authority has requested the following amendments to Requirement 10:</p> <p>10.—(1) Work Nos. 5, 9, 10, 10A, 10C, 12A, 12B, 16B, 16D, 24, 24A, 26, 26A and 26B must not commence until a written scheme of investigation (WSI) or for a watching brief covering any areas of archaeological interest identified by the environmental statement relevant to that work has, after consultation with the Council’s archaeologist, been submitted to and approved by the relevant planning authority.</p> <p>(2) The WSI must identify areas where field work or a watching brief is required and the measures to be taken to protect, record or preserve any significant archaeological remains that may be found.</p> <p>(3) Where a WSI is required it must include a programme for post-investigation assessment and reporting and make provision for the publication and dissemination and for the archive deposition of the analysis and records of the site investigation as appropriate and commensurate with the archaeological material recovered.</p> <p>(4) The watching brief and any archaeological works carried out under the WSI must be carried out by a suitably qualified person or body approved by the relevant planning authority.</p> <p>(5) The watching brief and post-investigation assessment and reporting must be completed in accordance with the programme set out in the approved WSI and the provision made for analysis, publication and dissemination of results and archive deposition has been secured where appropriate.</p> <p>(6) In addition to the WSI required for Work No. 17, any part of Work No. 17 must not commence until details of a temporary fence to be erected to protect the linear earthworks feature reference number HER47401 as identified on the environmental master plan has, after consultation with the Council’s archaeologist, been submitted to and approved by the relevant planning authority.</p> <p>(7) The fence approved pursuant to paragraph (6) must be erected in accordance with the approved details and in accordance with a programme specified by the relevant planning authority and must be maintained to the reasonable satisfaction of the relevant planning authority until the land is restored following cessation of use of Work No. 17.</p>

	Summary of error/ required amendment	Relevant document(s)	Paragraph/ location of required amendment	Summary of remedial action undertaken
4.7	Freightliner Limited – Plots 17/10 and 17/15 to be access only	dDCO	Schedule 12	Description of proposed temporary power amended.
4.8	General typographical errors and changes for consistency	dDCO	Various	See comparison version of dDCO supplied with this response.
5.1	Plot 1/205 does not appear in Schedule 10 of the dDCO but is coloured blue on the Land Plans.	dDCO and BoR	Sheet 1	Plot 1/205 is a freehold plot – Land Plans amended to show plot 1/205 as a (pink) freehold plot.
5.2	Some plots are so small as to be illegible or barely legible on the Land Plans	Land Plans	Plots 01/225, 04/17, 06/705, 07/10, 07/165, 11/15 and 11/35	Revised Land Plans will be provided with insets.
5.3	Plots currently contain borders which look as though they are separate plots	Sheet 6 – Land Plans	Plots 06/640, 06/670 and 06/700	Revised Land Plans will be provided.
6.1	Inconsistencies between Description of the Works (Schedule 1) and the Works Plans. e.g. see Works Plans 2a, 7e and 13a.	Work Plans	Work Plan Sheets 1, 1A, 2, 3, 4, 5, 6, 12, 15 & 16	See amended work plan descriptions in Work Plans for the following works: 2a, 3, 4, 7, 7a, 7b, 7c, 7e, 9, 10, 11, 12, 13a, 14, 14a, 14b, 16, 16d, 19, 20, 20a, 20b, 21a, 24, 25, 26, 27, 28.

Womble Bond Dickinson (UK) LLP

22 September 2020