



MetroWest+

Portishead Branch Line (MetroWest Phase 1)

TR040011

Applicant: North Somerset District Council

9.1 ExA.SCh.D0.V1 – Schedule of Changes to the draft Development Consent Order

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DCO Document Reference: 9.1 ExA.SCh.D0.V1

Deadline 0

Date	Issue No.	Reason for Issue	Author	Checked	Approved
22/09/2020	01.	Revised DCO prior to Preliminary Meeting	LM	TE	RG

Schedule of changes to the draft Portishead Branch Line (MetroWest Phase 1) Development Consent Order

Ref.	DCO Ref.	Consultee	Rationale for the change	Change made	DCO Version
Deadline 0 (September 2020)					
1.	Art 2 - Interpretation	N/A	Correction of a typographical error	<i>(1) ... “authorised development” means the development and associated development described in Part 1 of Schedule 1 (authorised development) and any other development authorised by this Order, which is development within the meaning of section 32 (meaning of development) of the 2008 Act;..</i>	2
2.	Art 2 - Interpretation	N/A	For clarification	<i>(1) ... “the design drawings” means the drawings described as such in Schedule 17 (documents to be certified) and certified as the design drawings by the Secretary of State for the purposes of this Order;..</i>	2
3.	Art 2 - Interpretation	N?A	Correction of a typographical error	<i>(5) References in this Order to numbered works are references to the works as numbered in Part 1 of Schedule 1 (Aauthorised development).</i>	2
4.	Art 5 - Development consent etc. granted by the Order	N/A	For clarification	<i>Subject to the provisions of this Order, including the requirements in Schedule 2 (requirements), the undertaker is granted development consent for the authorised development to be carried out within the Order Limits.</i>	2

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5.	Art 14 - Permanent stopping up of streets	N/A	Correction of a typographical error	<p><i>(1) Subject to the provisions of this article, the undertaker may, in connection with the carrying out of the authorised development—</i></p> <p><i>(a) stop up the street specified in columns (1) and (2) of Part 1 of Schedule 4 (Sstreets to be stopped up) to the extent specified in column (3) of that part of that Schedule; ...</i></p>	2
6.	Art 15 - Temporary stopping up of streets and public rights of way	N/A	To correct and standardise the approach to referencing Schedules.	<p>...</p> <p><i>(4) The street specified in columns (1) and (2) of Part 1 of Schedule 5 (Sstreets to be stopped up temporarily for which a substitute is to be provided) is not to be wholly or partly stopped up under this article to the extent specified, by reference to the letters and numbers shown on the permanent and temporary stopping up and diversion plan, in column (3) of that Schedule, unless the temporary alternative route to be constructed and substituted for it, which is specified in column (4) of that Part of that Schedule, has been constructed and completed to the reasonable satisfaction of the street authority and is open for use.</i></p> <p><i>(5) Without limitation on the scope of paragraph (1), the undertaker may temporarily stop up the public rights of way described in Part 2 of Schedule 5 (streets to be stopped up temporarily Bridleways and footpaths to be temporarily suspended for)</i></p>	2

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				<p><i>which no substitute is to be provided during suspension) to the extent specified in column (3) of that part of that Schedule.</i></p> <p><i>(6) The undertaker may not temporarily stop up, alter, divert or use as a temporary working site—</i></p> <p><i>(a) any street or public right of way specified as mentioned in Schedule 3 (streets subject to street works) or paragraphs (4) or (5) without first consulting the street authority; and</i></p> <p><i>(b) any other street or public right of way without the consent of the street authority which may attach reasonable conditions to any consent in relation to the placing of street notices and traffic signs...</i></p>	
7.	Art 16 - Bridleways, cycle tracks and footpaths		To correct and standardise the approach to referencing Schedules.	<p><i>(1) With effect from the date of coming into force of this Order, the public right of way (being a footpath) specified in columns (1) and (2) of Part 1 of Schedule 6 (bridleways, cycle tracks and footpaths) and all private rights of way (if any) are stopped up to the extent specified in column (3) of that Part of that Schedule.</i></p> <p><i>(2) With effect from the date of coming in to force of this Order the section of footpath specified in column (4) of Part 1 of Schedule 6 is created.</i></p> <p><i>(3) Unless otherwise agreed with the relevant planning authority, the new public</i></p>	2

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				<i>rights of way set out in Part 2 of Schedule 6 (public rights of way) and identified on the new highways plan are to be constructed by the undertaker in the specified locations and open for use from the date that part of the authorised development consisting of the new railway is first open for use.</i>	
8.	Art 17 – Access to works	N/A	Correction of a typographical error	<i>The undertaker may, for the purposes of the authorised development— (a) form and lay out means of access, or improve existing means of access, in the locations specified in columns (1) and (2) of Schedule 7 (aAccess to works) and shown on the compounds, haul roads and access to works plan; and...</i>	2
9.	Art 20 - Closure of level crossings and crossings over disused railway	N/A	Correction of a typographical error	<i>(1) Subject to paragraph (3), the crossings specified in columns (1) and (2) of Part 1 of Schedule 8 (closure of crossings) are to be permanently stopped up and discontinued...</i>	2
10.	Art 21 - Accommodation and occupation crossings	N/A	To correct and standardise the approach to referencing Schedules, and to correct a typographical error	<i>(1) Subject to paragraph (2) and regardless of anything in section 68 (accommodation works by Company) of the Railways Clauses Consolidation Act 1845 as incorporated in the Portishead Railway Acts or any other enactment or instrument, all public or private rights of way (if any) afforded by means of the accommodation or occupation</i>	2

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				<p><i>facilities specified in columns (1) and (2) of Parts 1 and 2 of Schedule 9 (aAccommodation and occupation crossings), including those specified in column (3) of Parts 1 and 2 of that Schedule, are extinguished.</i></p> <p><i>(2) Paragraph (1) does not take effect with respect to the extinguishment of the public or private rights of way (if any) by means of a facility specified in columns (1) and (2) of Part 1 of Schedule 9 (accommodation and occupation crossings extinguished: works required) until the works specified in relation to it in column (4) of Part 1 of that Schedule have been provided.</i></p> <p><i>(3) Paragraph (1) takes effect with respect to the extinguishment of the public or private rights of way (if any) specified in column (3) of Part 2 of Schedule 9 (Accommodation and occupation crossings for which no substitute is to be provided) by means of the facilities specified in column (1) and (2) of Part 2 of that Schedule 9 on the date this order comes into force...</i></p>	
11.	Art 27 - Compulsory acquisition of rights or imposition of covenants	N/A	Correction of typographical errors	<p>...</p> <p><i>(3) In the case of the Order land specified in column (1) of Schedule 10 (land in which only new rights etc., may be acquired) the undertaker's powers of compulsory acquisition are limited to the acquisition of such new rights in the land for the purpose specified in relation to that</i></p>	2

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				<p>land in column (2) of that Schedule or the imposition of restrictive covenants in accordance with paragraph (2).</p> <p>(4) Subject to Schedule 2A (counter-notice requiring purchase of land) to the 1965 Act (as substituted by paragraph 5 of Schedule 11 (Ammodification of compensation and compulsory purchase enactments for creation of new rights or imposition of restrictions)) where the undertaker acquires a right over land or the benefit of a restrictive covenant, the undertaker is not required to acquire a greater interest in that land.</p> <p>(5) Schedule 11 (Modification—of compensation and compulsory purchase enactments for creation of new rights or imposition of restrictions) has effect for the purpose of modifying the enactments relating to compensation and the provisions of the 1965 Act in their application in relation to the compulsory acquisition under this article of a right over land by the creation of a new right or the imposition of a restrictive covenant...</p>	
12.	Art 33 - Temporary use of land for carrying out the authorised development	N/A	Correction of a typographical error	<p>(6) The undertaker may, in connection with the carrying out of the authorised development but subject to article 26(1) (time limit for exercise of authority to acquire land compulsorily or take land temporarily)—</p>	2

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				<p><i>(a) enter on and take temporary possession of—</i></p> <p><i>(i) the land specified in columns (1) and (2) of Schedule 12 (Land of which temporary possession may be taken) for the purpose specified in relation to that land in column (3) of that Schedule relating to the part of the authorised development specified in column (4) of that Schedule; and...</i></p> <p><i>(d) construct any works as are mentioned in Schedule 1 (Aauthorised development);...</i></p> <p><i>(3) The undertaker must not, without the agreement of the owners of the land, remain in possession of any land under this article—</i></p> <p><i>(a) in the case of land specified in paragraph (1)(a)(i), after the end of the period of one year beginning with the date of completion of the part of the authorised development specified in relation to that land in column (4) of Schedule 12 (Land of which temporary possession may be taken); or....</i></p>	
13.	Art 37 - Statutory undertakers and electronics communications	N/A	Correction of a typographical error	<p><i>(1) Subject to Schedule 16 (pProtective pProvisions), and paragraph (2) the undertaker may—...</i></p>	2

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	code network operators				
14.	Art 44 – Important Hedgerows	N/A	Correction of a typographical error	<p><i>(1) The undertaker may, for the purposes of the authorised development—</i></p> <p><i>(a) subject to requirement 6 of Schedule 2 (landscaping scheme – disused railway) and paragraph (2) below, remove any hedgerows within the Order limits that may be required for the purposes of carrying out the authorised development; and...</i></p>	2
15.	Art 46 –Traffic regulation	N/A	Correction of a typographical error	<p><i>(1) Subject to the provisions of this article, the undertaker may at any time for the purposes of the construction, operation or maintenance of the authorised project permanently regulate traffic as described in Schedule 14 (tTraffic rRegulation), in the manner specified in column (3) on those roads specified in column (1) and along the lengths and between the points specified, or to the extent otherwise described in column (2) of that Schedule...</i></p> <p><i>(4) Any prohibition, restriction or other provision made by the undertaker under paragraphs (1) or (2)—</i></p> <p><i>(a) has effect as if duly made by, as the case may be—</i></p> <p><i>(i) the traffic authority in whose area the road is situated as a traffic regulation order under the 1984 Act; or</i></p>	2

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				<p><i>(ii) the local authority in whose area the road is situated as an order under section 32 (power of local authorities to provide parking places) of the 1984 Act(),</i></p> <p><i>and the instrument by which it is effected may specify savings and exemptions (in addition to those mentioned in Schedule 14 (traffic regulation) to which the prohibition, restriction or other provision is subject; and...</i></p>	
16.	Art 49 - Procedure in relation to further approvals, etc	N/A	To correct and standardise the approach to referencing Schedules, and to correct a typographical error	<p>...</p> <p><i>(5) Where any application is made to a relevant authority and the application includes submissions relating to the discharge of an obligation under Part 3 of Schedule 16 (Pprotective Pprovisions) at the same time, paragraph (2) does not apply to that application.</i></p> <p><i>(6) Where a consent, agreement or approval is required or requested by the undertaker from a relevant planning authority under a requirement in Schedule 2 (requirements) then the procedure set out in Part 2 of Schedule 2 (procedure for approvals etc under requirements) for obtaining such consent, agreement or approval, and appealing against the refusal or failure to approve or refuse such consent, agreement or approval, applies....</i></p>	2

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17.	Art 52 - Amendment of local byelaws	N/A	To correct and standardise the approach to referencing Schedules.	<i>(1) The local byelaws specified in Schedule 15 (amendment of local legislation) are hereby excluded and do not apply insofar as inconsistent with a provision of, or a power conferred by, this Order...</i>	2
18.	Art 53 - Protective provisions	N/A	Correction of a typographical error	<i>Schedule 16 (pProtective pProvisions) has effect.</i>	2
19.	Art 55 - Documents to be certified	N/A	Correction of a typographical error	<i>(1) As soon as practicable after the making of this Order, the undertaker must submit copies of each of the plans and documents set out in Schedule 17 (dDocuments to be certified) to the Secretary of State for certification as true copies of those plans and documents...</i>	2
20.	Schedule 1	ExA	To ensure the consistency of work descriptions in the dDCO and the Works Plans as requested by PINS in their letter dated 19 December 2019. Work 13A area description also amended as the area was incorrectly described.	<i>Work No. 1C - a realignment of existing railway of 1003 for a distance of 1,003 metres in length being a realignment of the Parson Street to Royal Portbury Dock railway shown on sheets 6 and 7 of the works plans, commencing at a point 262 metres north west of the bridge carrying that railway over public footpath LA8/5/40 between Avon Road and Lodway Close, Pill then terminating at a new junction with the Parson Street to Royal Portbury Dock railway, at a point 86 metres to the north of the junction of the highways of Ham Green and Westward Drive, Pill, being part of the</i>	2

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				<p><i>existing railway between Parson Street and Royal Portbury Dock.</i></p> <p>Work No. 4 - a car park of 4,841 square metres in area, foot and cycle track of 275 metres in length and a new vehicular access to the highway of Harbour Road, shown on sheets 1 and 1A of the works plans, south of Harbour Road, Portishead and east of the Portbury Ditch, together with landscaping, lighting, signage, fencing, drainage in to the adjacent Portbury Ditch, to the west of Quays Avenue, Portishead;</p> <p>Work No.6 - car park, of 4,419 square metres in area...</p> <p>Work No 7D - temporary construction compound, of 2,876 square metres in area...</p> <p>Work No. 9 - Work No. 9 – permanent vehicular compound of 1,862 square metres in area...</p> <p>Work No. 10A – temporary construction compound of 2,179 square metres in area...</p> <p>Work No. 12 – permanent vehicular new access to the A369 classified road known as Portbury Hundred, shown on sheet 3 of the works plans, including hardstanding, gate and visibility splays;</p>	

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				<p>Work No. 13A – temporary vehicle turning space of 575.617 square metres in area, shown on sheet 4 of the works plans, south of the disused Portishead Branch Line railway, Portbury;</p> <p>Work No. 16A – temporary construction compound of 7,509 square metres in area...</p> <p>Work No. 16D – flood mitigation area of 4,078 square metres in area...</p> <p>Work No. 17 – temporary construction compound of 89,293 square metres in area...</p> <p>Work No. 17A – temporary construction haul road, of 1,078.35 metres in area...</p> <p>Work No. 20B – demolition of existing garages and temporary construction compound of 1,990 square metres in area...</p> <p>Work No. 21 – car park of 2,004 square metres in area...</p> <p>Work No. 22 – new railway station, shown on sheet 6 of the works plans, comprising platform, ramp, signage, seating, ticket vending machine, closed circuit television equipment, demolition of No. 7 Station Road, passenger help point, information boards and displays, passenger refuge</p>	

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				<p><i>area, car park drop off point (including mobility impaired spaces) and cycle parking facilities, lighting, fencing, landscaping, ground strengthening and stability works, communications apparatus, drainage and utilities apparatus, to the north west of Station Road, Pill</i></p> <p>Work No. 22B – temporary construction compound of 1,067 square metres in area...</p> <p>Work No. 24 – permanent vehicular compound of 2,011 square metres in area...</p> <p>Work No. 24A – temporary construction compound of 6,653 square metres in area...</p> <p>Work No. 26 – permanent vehicular access, ramp, flood mitigation works and railway maintenance compound, of 2,948 square metres in area...</p> <p>Work No. 26A – temporary construction compound of 3,346 square metres in area...</p> <p>Work No. 29 – temporary construction compound of 3,176 square metres within the rail freight facility at Liberty Lane, Bristol, shown on sheet 17 of the works plans.</p>	

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21.	Schedule 2, Requirement 3 (Stages of authorised development)	N/A	Correction of a typographical error	<i>(4) Any restriction in a requirement in this Sschedule that prevents a stage from commencing until details regarding that stage have been approved by the relevant planning authority does not prevent the undertaker carrying out any preparatory activities for that stage or the use of land within Order limits as a temporary construction compound.</i>	2
22.	Schedule 2, Requirement 10 (Archaeology)	North Somerset Council Archaeologist	Amendment requested to clarify information required by North Somerset Council in respect of archaeology	<p><i>(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.</i></p> <p><i>(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...</i></p> <p><i>(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..."</i></p>	2

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23.	Schedule 2, Requirement 40 (Appeals)	N/A	For clarification	<i>(11) If an approval is given by the appointed person under this Schedule, it is deemed to be an approval for the purpose of any consent, agreement or approval required under the Order or for the purpose of this Schedule 2 (requirements) as if it had been given by the discharging authority. The discharging authority may confirm any determination given by the appointed person in identical form in writing but a failure to give such confirmation (or a failure to give it in identical form) is not to be taken to affect or invalidate the effect of the appointed person's determination.</i>	2
24.	Schedule 10 - Land in which only new rights, etc., may be acquired	N/A	Correction of a typographical error	<i>Land in which only new rights, etc., may be acquired:</i> <i>06/160, 06/280, 06/285, 06/290, 06/295, 06/300, 06/305, 06/310, 06/315 06/320, 06/325, 06/330, 06/335, 06/340, 06/345, 06/350, 06/355, 06/360, 06/365, 06/370, 06/375, 06/380, 06/385, 06/390, 06/395, 06/400, 06/405, 06/410, 06/415, 06/420, 06/425, 06/430, 06/435, 06/440, 06/445, 06/450, 06/455, 06/460, 06/465, 06/470, 06/475, 06/480, 06/485,- 06/490, 06/495, 06/500, 06/510, 06/520.</i>	2
25.	Schedule 12	ExA	Correction of a typographical error highlighted by PINS in their letter dated 19 December 2019.	<i>Land of which temporary possession may be taken:</i>	2

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				02/05, 02/06, 02/07, 02/08, 02/10, 02/16, 02/20 02/26, 02/27" (Work No. 1)	
26.	Schedule 12	N/A	Correction of a typographical error	Land of which temporary possession may be taken: 16/56, 16/57, 16/58, 16/61, 16/62, 16/63, 16/75 , 16/80, 16/85	2
27.	Schedule 12	N/A	Correction of a typographical error: description of proposed temporary power amended so that 17/10 and 17/15 are access only	Temporary construction compound, materials storage and access to works: 17/05, 17/10, 17/15, 17/20 Access to works: 17/10, 17/15	2