

14 October 2020

Bart Bartkowiak
Case Manager, National Infrastructure Planning
The Planning Inspectorate
Temple Quay House
Temple Quay
Bristol
BS1 6PN

By email only

Email: bart.bartkowiak@planninginspectorate.gov.uk

Womble Bond Dickinson (UK) LLP

3 Temple Quay
Temple Back East
Bristol
BS1 6DZ

Tel: 0345 415 0000
Fax: 0345 415 6900
DX: 200561 Bristol Temple Meads

richard.guyatt@wbd-uk.com
Direct: +44 (0)117 989 6877

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**

Response to Bristol Port Company's representation of 21 September 2020

We provide our responses to the letter from Wedlake Bell on behalf of Bristol Port Company dated 21 September 2020.

At the first part of the preliminary meeting on 6 October we indicated our agreement to an Issue Specific Hearing regarding the land in the vicinity of Bristol Port Company and the impacts of the project on Bristol Port Company's operations.

We deal with the individual numbered paragraphs in the letter from Wedlake Bell below:

1. Noted.
2. The Applicant agrees that the Bristol Port Company is a statutory undertaker, harbour and competent harbour authority for the Bristol Port.

The Applicant does not however accept that there is any likely serious detriment as a result of the Applicant's proposals but the Applicant will work closely with Bristol Port Company to seek to mitigate any impacts that may arise. Whilst there may be unavoidable impacts during construction it is not anticipated these would have any significant adverse impact on Bristol Port Company's operations. It is further believed that the operation of the Portishead Branch Line once the DCO scheme has constructed will have no material impact on the Port's operations or statutory undertaking.

Participation of preliminary meeting parts 1 and 2

3. Noted

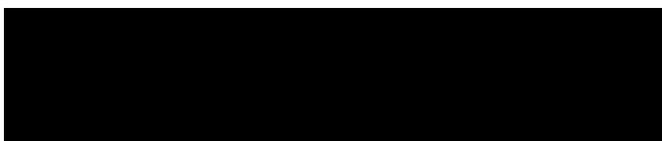
Initial assessment of the preliminary issues (Agenda item 4)

4. The Applicant does not believe that there will be serious detriment, nor any material impact on the Port's operations resulting from the DCO Scheme. The Applicant is continuing to try to liaise with the Port regarding a meeting to review the Port's concerns.

Issues Specific Hearings and compulsory acquisition hearing (Agenda items 6 and 7)

5. The Applicant has indicated that it is willing for the Bristol Port Company's concerns to be fully considered in an Issues Specific Hearing if necessary. The Applicant is continuing to liaise with the Port regarding a meeting to review the Port's concerns and hopes that the Protective Provisions within the Order and the further discussions between the parties will allay the Port's concerns.
6. As indicated above an Issues Specific Hearing regarding the Port's concerns is agreed to by the Applicant.
7. In relation to the concerns of Bristol Port, the Applicant would comment:
 - 7.1 The Applicant believes that the agreement between Network Rail Infrastructure Limited and the Bristol Port Company relating to Court House Farm makes provision for a notice period then termination of the existing Deed of Easement granting rights to Bristol Port Company. The Applicant will rely on Network Rail's ability to terminate that easement and has not sought compulsory powers relating to that easement.
 - 7.2 The Applicant has worked with Network Rail to ensure that there is line capacity to continue the existing maximum permitted train movements on the Port's railway from Royal Portbury Dock to Portbury Junction (20 trains each way per day) for which BPC has commercial rights and there is capacity for these freight train movements through to Parson Street Junction, where the branch line connects with the main line.
 - 7.3 The Applicant is discussing with Bristol Port the reason for its proposed acquisition of land that is safeguarded in the local plan for Port development. The reasons for the compulsory acquisition are inherently linked to the Port and the impacts of flood waters on Port land.
8. We would agree that a half day for the Issues Specific Hearing would be appropriate and would suggest that a date in the New Year would be the most suitable for this, so as to allow discussions between the parties to proceed to the extent that it may be possible that the Issues Specific Hearing can be shortened or may even no longer be required.

Yours faithfully



Womble Bond Dickinson (UK) LLP