



Application by North Somerset District Council for Portishead Branch Line – MetroWest Phase 1
The Examining Authority’s written questions and requests for information (ExQ1)
Issued on 26 October 2020

The following table sets out the Examining Authority’s (ExA’s) written questions and requests for information - ExQ1. If necessary, the examination timetable enables the ExA to issue a further round of written questions in due course. If this is done, the further round of questions will be referred to as ExQ2.

Questions are set out using an issues-based framework derived from the Initial Assessment of Principal Issues provided as Annex B to the Rule 6 letter of 7 September 2020. Questions have been added to the framework of issues set out there as they have arisen from representations and to address the assessment of the application against relevant policies.

Column 2 of the table indicates which Interested Parties (IPs) and other persons each question is directed to. The ExA would be grateful if all persons named could answer all questions directed to them, providing a substantive response, or indicating that the question is not relevant to them for a reason. This does not prevent an answer being provided to a question by a person to whom it is not directed, should the question be relevant to their interests.

Each question has a unique topic prefix identifier (two or three letters) and reference number which starts with 1 (indicating that it is from ExQ1) and then a question number. For example, the first question on air quality and emissions issues is identified as AQ.1.1. When you are answering a question, please start your answer by quoting the unique reference number.

If you are responding to a small number of questions, answers in a letter will suffice. If you are answering a larger number of questions, it will assist the ExA if you use a table based on this one to set out your responses. An editable version of this table in Microsoft Word is available on request from the case team: please contact Metrowest1@planninginspectorate.gov.uk and include ‘Portishead Branch Line – MetroWest Phase 1’ in the subject line of your email.

Responses are due by Deadline 2: Monday 23 November 2020.

Abbreviations used:

AGVMP	Avon Gorge Vegetation Management Plan [APP-141 and APP-209]	LSE	Likely Significant Effects
ALC	Agricultural Land Classification	NSDC	North Somerset District Council
BPC	Bristol Port Company	PA2008	Planning Act 2008
BoR	Book of Reference [APP-057]	RR	Relevant Representation
CA	Compulsory Acquisition	SAC	Special Area of Conservation
CEMP	Construction Environmental Management Plan [APP-127]	SI	Statutory Instrument
CoCP	Code of Construction Practice [APP-126]	SMS	Site Management Statement
CTMP	Construction Traffic Management Plan [APP-210]	SoCG	Statement of Common Ground
dDCO/DCO	Draft/Development Consent Order [AS-014]	SPA	Special Area of Protection
DLL	District Level Licence	SSSI	Site of Special Scientific Interest
EIA	Environmental Impact Assessment	TP	Temporary Possession
EPS	European Protected Species	TPO	Tree Preservation Order
ES	Environmental Statement [APP-094 to APP-114]	VMP	Vegetation Management Plan
ExA	Examining Authority	WR	Written Representation
FRA	Flood Risk Assessment [APP-173]		
HRA	Habitat Regulation Assessment [APP-142]		
LIR	Local Impact Report		
LoNI	Letter of No Impediment		



The Examination Library

References in these questions set out in square brackets (eg [APP-010]) are to documents catalogued in the Examination Library. The Examination Library can be obtained from the following link:

[https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR040011/TR040011-000588-Portishead%20Examination%20Library%20\(pdf%20version\).pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR040011/TR040011-000588-Portishead%20Examination%20Library%20(pdf%20version).pdf)

It will be updated as the examination progresses.

Citation of Questions

Questions in this table should be cited as follows:

Issue reference: question number, eg GC.1.1 – refers to General and Cross-topic question 1 in this table.



Index	
GC General and Cross-topic Questions 5	SE Socio-economics 55
General 5	
Contaminated Land and Waste 9	
Environmental Statement 10	
Policy 11	
AQ Air Quality and Emissions 12	
BIO Biodiversity, Ecology and Natural Environment (including Habitats Regulations Assessment(HRA)) 12	TT Traffic and Transport 56
Avon Gorge 14	Public Rights of Way, including cycle routes 61
Trees 18	
HRA 25	
CC Climate Change 27	
CI Construction Impacts 27	
CA Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations 30	
DE Design 34	
DCO Draft Development Consent Order (DCO) 37	
Articles 39	
Requirements 46	
FR Flood Risk and Drainage 49	
HE Historic Environment 51	
NV Noise, Vibration and Light 52	
Noise and Vibration 52	
Light 55	

ExQ1: [26 October 2020]**Responses due by Deadline 2: Monday 23 November 2020**

ExQ1	Question to:	Question
GC General and Cross-topic Questions		
General		
GC.1.1	<i>Construction Phase</i> The Applicant	<p>The construction programme is set out in paragraph 4.6.1 of Environmental Statement (ES) Chapter 4 [APP-099] has work commencing in Winter 2021-22, with opening in winter 2023-24. Given the delay in the start of the Examination since the acceptance of the Application in December 2019 and the current public health restrictions:</p> <p>i) Confirm if there is any change to the anticipated programme, and if so, provide reasons for this and an updated programme.</p> <p>ii) Will this affect any of the assumptions in the ES particularly with regard to in-combination cumulative effects (and HRA in-combination effects)?</p> <p><i>You may wish to combine the answer to this question with the answer to question DCO.1.17.</i></p>
GC.1.2	<i>Updates on development</i> All Relevant Planning Authorities	Provide an update of any planning applications that have been submitted, or consents that have been granted, since the Application was submitted that could either effect the proposed route or that would be affected by the Proposed Development and whether this would affect the conclusions reached in Chapter 18 and Appendix 18 of the Environmental Statement (ES) [APP-131 and APP-191]
GC.1.3	<i>Update on development</i> The Applicant	Part of the Order Limits are operational railway land and as a result benefit from Permitted Development rights under Part 8, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Have any works that would elsewhere be Associated Development already been carried out under Permitted Development and if yes what and where are these works?
GC.1.4	<i>Clarification</i> North Somerset Council	You have referred to yourself throughout the application documentation as both North Somerset Council and North Somerset District Council. Which is the correct title to use for the purpose of the Examination?

ExQ1: [26 October 2020]**Responses due by Deadline 2: Monday 23 November 2020**

ExQ1	Question to:	Question
GC.1.5	<i>Other Consents and Permits</i> The Applicant	<p>Application document 5.3 (Consents and Licences Required Under Other Legislation) [APP-073] confirms that other consents and permits would be required by the Proposed Development. Can you:</p> <ul style="list-style-type: none"> i) Provide an update on progress with obtaining these consents/ licences. ii) Include a section providing an update on these consents/ licences in any emerging Statements of Common Ground (SoCG) that are being drafted with the relevant consenting authorities. <p><i>You may wish to combine the answer to this question with the answer to question BIO.1.32.</i></p>
GC.1.6	<i>Alternatives</i> The Applicant	<p>A number of RR [RR-048, RR-066, RR-108, RR-120] mentioned the alternative of a busway as being more cost effective, efficient and producing less carbon. When considering alternatives was a busway considered and if it was why was it discounted? If it wasn't considered, why not?</p>
GC.1.7	<i>Trinity Anglican Methodist Primary School</i> The Applicant	<p>At the Open Floor Hearing [EV-005] it was put to the ExA that the catchment area for Trinity Anglican Methodist Primary School is to the north of the railway line and the need for the footbridge was questioned in this respect. Can the Applicant:</p> <ul style="list-style-type: none"> i) Provide details of school catchment areas in this area of Portishead, for both primary and secondary provision. ii) Provide justification for the footbridge in terms of its use by school children.
GC.1.8	<i>Public Open Space</i> The Applicant North Somerset Council	<p>The public open space around Tansy Lane and Galingale Way in Portishead would be used to provide a footpath/cycle link to the new station. Can the Applicant:</p> <p>Applicant: Explain the difference between public open space and publicly available land and why the use of this land for cycle paths/footpaths in connection with the Proposed Development would not constitute a loss of open space.</p> <p>North Somerset Council: The ExA observed on their Unaccompanied Site Inspection [EV-002] that this area of land appears to have been designed as a pocket greenspace for residents of the Ashlands and Vale Estate, can you confirm if this is correct, if so what status this area of land has</p>

ExQ1: [26 October 2020]

Responses due by Deadline 2: Monday 23 November 2020

ExQ1	Question to:	Question
		and if it was lost what alternative provision would there be for the residents of these estates?
Land Use		
GC.1.9	<p><i>Agriculture</i> The Applicant</p>	<ul style="list-style-type: none"> i) Explain whether any site-specific Agricultural Land Classification (ALC) Surveys were undertaken for the Application or were the designations for agricultural land drawn from the 1:250,000 countrywide mapping? ii) If this information was drawn from the countrywide mapping what certainty can the ExA have that the ALC classifications of Grade 3a and 4 in relation to the Whimple soil association and Newchurch 2 soil association is correct? iii) Confirm whether the Proposed Development would result in any severance issues for farms along the route and if it does how would this be addressed, in particular can the Applicant respond to the concerns raised in relation to severance at Shipway Farm [RR-056]? iv) Explain if/ how short and long-term breaches of Agri-Environment schemes potentially caused by the Proposed Development, would be dealt with and who would take responsibility for dealing with any breaches – the applicant or the signatory of the scheme? If it is the signatory is the Applicant proposing to provide any support/advice? v) If this information has been provided, signpost where in the Application documents it can be found.
GC.1.10	<p><i>Green Belt</i> The Applicant</p>	<p>The Proposed Development would pass through areas of land designated as Green Belt. Can you:</p> <ul style="list-style-type: none"> i) Using the information provided at paragraph 15.4.36 of Chapter 15 of the ES [APP-110] which sets out which parts of the scheme would be located within the Green Belt explain whether these elements already exist (eg disused track) or whether they would be new elements and whether they would be temporary or permanent? ii) For both temporary and permanent elements would they be classified as inappropriate or not inappropriate development? iii) For those elements that would be classified as inappropriate development does a case of Very Special Circumstances exist to justify the Proposed Development? and if so either set this out or signpost where in the application documentation this matter is dealt with. <p>Alternatively, if this information has already been provided please signpost where in the application documentation this can be found.</p>

ExQ1: [26 October 2020]**Responses due by Deadline 2: Monday 23 November 2020**

ExQ1	Question to:	Question
GC.1.11	<i>Further Information</i> North Somerset Council	<p>The Bristol Port Company (BPC) [RR-010] refer to land at their site being safeguarded for Port Development by 'North Somerset Council's adopted policy'.</p> <p>i) Confirm if this statement is correct ii) If it is correct provide a copy of the policy, any relevant plans or extracts from the policy map and detail of the status of this policy (eg adopted, emerging) and the weight that the Examining Authority (ExA) should attach to it.</p>
GC.1.12	<i>Current Operational Practices</i> Bristol Port Company The Applicant	<p>BPC: In your RR [RR-10] you raise a concern that the proposed development would, when operational, potentially interfere with the operation of the existing freight line to the port. In order to be better able to better understand this concern please provide the following information as to how the freight line operates:</p> <p>i) How many freight movements are there on a daily basis? ii) Are these movements scheduled, if so, provide a copy of the timetable? iii) If they are not scheduled how are they arranged/ managed and what is the maximum number of movements in any one day? iv) How is the interface of the freight line with the existing rail network managed?</p> <p>The Applicant: In their RR [RR-010] BPC state that application documentation indicates that there would be an adverse effect on freight movements during the construction period. However, they could not find where in the application documents the information that resulted in this conclusion can be found. Please either provide this information or signpost where in the application documents this information can be found.</p> <p><i>You may wish to combine the answer to this question with the answer to question CI.1.4.</i></p>
GC.1.13	<i>Permitted Development rights for Ports</i> The Applicant	<p>The Government recently consulted (https://www.gov.uk/government/consultations/freeports-consultation) on whether from April 2021 Ports should have the same Permitted Development rights as airports and that the use of Local Development Orders in such facilities would be 'encouraged'. What, if any, implications would this have for Royal Portbury Docks and for the Proposed</p>

ExQ1: [26 October 2020]**Responses due by Deadline 2: Monday 23 November 2020**

ExQ1	Question to:	Question
	Bristol Port Company	Development?
Contaminated Land and Waste		
GC.1.14	<i>Contaminated Land</i> The Applicant	<p>Can you respond specifically to the points raised by the Environment Agency in their RR [RR-013] regarding the assessment of contaminated land that was submitted with the application and explain the validity of your assessment of potential risks associated with the development from potential historic contamination</p> <p><i>The ExA acknowledge that this may be covered by the SoCG that is currently being drafted which is currently expected at the same deadline as the response to these questions. If the answer to this question would be covered by the SoCG in response to this question, please indicate where in that document the answer to this question could be found.</i></p>
GC.1.15	<i>Waste</i> The Applicant	In response to the Environment Agency's RR [RR-013] provide further detail on pollution prevention, incident control and waste management (including hazardous waste) or indicate whether this matter would be addressed by updating the provisions in the relevant sections of the Code Of Construction Practice (CoCP) [APP-126] and/ or the master Construction Environmental Management Plan (CEMP) [APP-127] and signpost where in these documents this information can be found.
GC.1.16	<i>Hazardous Instillations</i> The Health and Safety Executive	<p>In your RR [RR-015] you state that you have no objection to the Proposed Development subject to providing appropriate separation distances/ protection measures between the Proposed Development and the two natural gas pipelines operated by Wales and West utilities. Could you:</p> <ul style="list-style-type: none"> i) Provide details of what these distances/protection measures or a link to where they can be found. ii) Confirm whether the Proposed Development achieves the required distances/ protection measures. iii) Confirm whether these pipelines are those that the ExA observed in the vicinity of proposed access to Work No 12. <p><i>You may wish to combine the answer to this question with the answer to question CI.1.6.</i></p>

ExQ1: [26 October 2020]**Responses due by Deadline 2: Monday 23 November 2020**

ExQ1	Question to:	Question
GC.1.17	<i>Severn Estuary SAC</i> The Applicant Natural England	<p>Limited information is provided in Section 6 of the Habitats Regulation Assessment (HRA)[APP-142] report to support the assertion at paragraph 7.3.2 of the HRA that "<i>no hydrological connectivity is present between the DCO Scheme and the SAC qualifying habitat</i>" in respect of the Severn Estuary Special Area of Conservation (SAC). Can the applicant point to where additional information is provided in chapters 9 and 17 of the Environmental Statement (ES) to demonstrate that such connectivity can be excluded, given the proximity of the works at 30-80m from the SAC and Ramsar designations.</p> <p>Can the Applicant also confirm the closest point to the Severn Estuary SAC at which ballast removal could take place and whether effects of potential contamination release from ballast removal during construction have been considered?</p> <p>Do Natural England agree that there is no pathway of effect of potential contamination to the SAC despite the proximity of these works?</p>
GC.1.18	<i>Trees</i> The Applicant	<p>At the Unaccompanied Site Inspection [EV-002] the ExA observed that there are a number of mature trees adjacent to the existing roundabout on Quays Avenue and adjacent to the location of the proposed station. Can you confirm if these trees would be retained? If not, why not and what alternative/replacement planting would be provided?</p>
Environmental Statement		
GC.1.19	<i>Baseline Surveys</i> The Applicant	<p>The ExA recognises that some of the baseline survey information included within the ES is of some age. Can the Applicant set out in a single schedule (with reference to the relevant chapters) any additional baseline data gathering that has taken place or is ongoing or otherwise set out that existing baseline data remains fit for purpose.</p>
GC.1.20	<i>Decommissioning</i> The Relevant Planning Authorities Statutory Consultees	<p>Do you have any concerns about the extent to which decommissioning has been considered in paragraphs 5.6.3 to 5.6.10 of Chapter 5 of the ES [APP-100]? If yes, what are these concerns?</p>

ExQ1: [26 October 2020]**Responses due by Deadline 2: Monday 23 November 2020**

ExQ1	Question to:	Question
Policy		
GC.1.21	<i>Development Plan</i> North Somerset Council Bristol City Council	<p>Section 5.6 of the Planning Statement [APP-208] provides an overview of the local planning framework. North Somerset Council in their RR [RR-002] refer to preparation of a new Local Plan, and paragraph 5.6.13 of the Planning Statement refers to a Local Plan Review consultation. Can both Local Planning Authorities:</p> <ul style="list-style-type: none"> i) Check this overview for accuracy. ii) Provide an update on any emerging plans and documents. iii) Advise whether they contain any policy that the ExA should be aware of when considering the Proposed Development, and if they do the timescale for the adoption of these emerging plans or documents and what weight the ExA should afford them. iv) Provide a copy of the relevant emerging policies. <p><i>If these matters will be covered in your Local Impact Report (LIR) please signpost where in the LIR this information can be found.</i></p>
GC.1.22	<i>Neighbourhood Plan</i> Pill & Easton-in-Gordano Parish Council The Applicant	<p>The Planning Statement [APP-208] at paragraph 5.6.10 mentions two emerging Neighbourhood Plans: 1) Portbury NDP and 2) Pill, Easton-in-Gordano and Abbots Leigh.</p> <ul style="list-style-type: none"> i) Confirm their current status and expected timescales for their completion. ii) Provide a copy of the latest drafts of each Neighbourhood Plan. iii) Indicate what weight you consider the ExA should give these documents.
GC.1.23	<i>Central Government Policy and Guidance</i> The Applicant The Relevant planning Authorities	<p>Are you aware of any updates or changes to Government Policy or Guidance that have occurred since the Application was submitted? If yes what are these changes and what are the implications, if any, for the Application?</p>

ExQ1: [26 October 2020]

Responses due by Deadline 2: Monday 23 November 2020

ExQ1	Question to:	Question
AQ Air Quality and Emissions		
AQ.1.1	<p><i>Methodology</i> The Applicant</p>	<p>In respect of the assessment of dust on ecological receptors;</p> <ul style="list-style-type: none"> i) Explain whether the methodology applied in the ES [APP-102] is suitable to assess the effects on distinct ecological features, and whether there is potential undervaluation of the sensitivity of ecological features when relying on the level of designation or legal protection rather than their susceptibility to dust impacts from the Proposed Development. ii) Include reference in your response to any advice received from ecological experts or relevant stakeholders.
AQ.1.2	<p><i>Nitrogen Deposits</i> Natural England All Interested Parties</p>	<p>Paragraph 6.2.21 of the HRA [APP-142] and Table 7.10 in Chapter 7 the ES [APP-102] indicate that the current nitrogen deposition rate for <i>Tilio-Acerion</i> forests in the Avon Gorge SAC is 28.3 kg N ha⁻¹ y⁻¹, which exceeds the critical load of 15-20 kg N ha⁻¹ y⁻¹ for the relevant nitrogen critical load class of meso- and eutrophic <i>Quercus</i> woodland habitat.</p> <p>Similarly the current deposition rate for semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) in the Avon Gorge SAC is 16.9 kg N ha⁻¹ y⁻¹, which exceeds the lower end of the relevant critical load range of 15-25 kg N ha⁻¹ y⁻¹.</p> <p>The applicant concludes that there is no Likely Significant Effects (LSE) during operation on the basis that the magnitude of impacts in terms of additional nitrogen deposition are “small” on both of the above SAC qualifying features (table 7.1 of the HRA Report). The Applicant has therefore not provided information to inform an appropriate assessment for operational air quality effects.</p> <p>Do Natural England and other relevant interested parties agree that no LSE can be concluded where critical loads are already exceeded and where the Proposed Development would increase nitrogen deposition by an additional 0.7 kg N ha⁻¹? The ExA is mindful of their duty to ensure the Secretary of State has sufficient information to undertake an appropriate assessment if required.</p>
BIO Biodiversity, Ecology and Natural Environment (including Habitats Regulations Assessment(HRA))		

ExQ1: [26 October 2020]

Responses due by Deadline 2: Monday 23 November 2020

ExQ1	Question to:	Question
BIO.1.1	<p><i>Surveys</i></p> <p>Natural England Relevant Planning Authorities</p>	<p>i) Confirm whether you are satisfied with the range of surveys for Chapter 9 of the ES (Ecology and Biodiversity) [APP-104]; and</p> <p>ii) If you consider the baseline information presented to be a reasonable reflection of the current situation?</p> <p>iii) In respect of i) and ii) if not, why not and what would resolve any residual concerns?</p>
BIO.1.2	<p><i>Toads at Lodway Farm</i></p> <p>The Applicant Natural England Interested Parties</p>	<p>A number of relevant representations [RR-031, RR-043, RR-050, RR-053, RR-054, RR-057, RR-061, RR-068, RR-071, RR-071, RR-073, RR-074, RR-077, RR-078, RR-088, RR-095, RR-096, RR-097, RR-098, RR-101, RR-108, RR-110, RR-114, RR-117, RR-124] have made reference to mass toad migration occurring in the vicinity of Lodway Farm.</p> <p>Applicant:</p> <p>i) Whether it is only the common toad <i>bufo bufo</i> that is a relevant consideration at this location (and if there are others, what their status is as a protected species)?</p> <p>ii) When and in what volume are the toads migrating, and where to/from?</p> <p>iii) The ExA is aware that Section 6.2.37 of the master CEMP [APP-127] broadly outlines that ‘procedures’ would be developed by the contractor in consultation with local toad patrol groups to reduce impacts to toad populations (as also set out in [PDR6-005]). Can the Applicant provide further details as to what these procedures/ measures would comprise?</p> <p>iv) Would mitigation for other species (eg Reptile mitigation plan [AS-040]) also provide potential benefits to toad populations? Can the applicant clarify why there is not a need for a separate amphibian mitigation plan?</p> <p>Natural England: Are you aware of the toad migration and if so, are there any comments/ concerns you wish to raise?</p> <p>Interested Parties: The same first two points as asked of the Applicant and what measures/ practices are currently in place to manage this migration? (reference has been made to a Pill Toad Patrol, can further information about this organisation be submitted into the Examination, to explain its role, governance etc as appropriate).</p>
BIO.1.3	<p><i>Portishead Station</i></p>	<p>With reference to the Portishead station area, paragraph 3.2.7 of the HRA [APP-142] refers to “pollution control units” but it is unclear what these comprise or how they would be secured in the</p>

ExQ1: [26 October 2020]

Responses due by Deadline 2: Monday 23 November 2020

ExQ1	Question to:	Question
	The Applicant	<p>dDCO.</p> <p>i) Explain what these are, their purpose and how they would be secured by the draft Development Consent Order (dDCO).</p> <p>This term does not seem to be defined in either the CEMP [APP-127] or CoCP [APP-126] or as part of Requirements 11 or 17.</p> <p>ii) Does it need to be defined and if it does where should it be defined and can you provide a suggested form of wording.</p>
BIO.1.4	<i>Portishead Station</i> The Applicant	Section 9.5 of the schedule of mitigation measures [APP-193] – Habitats are included in the Portishead Station Car Park layout and access plan [Environmental Master plan AS-026]. To ensure precision and enforceability should requirement 27 (Portishead Station) refer to the Environmental master plan?
BIO.1.5	<i>Train Speeds</i> The Applicant	<p>Paragraph 3.2.31 of the HRA [APP-142] states that the "<i>line speed on the existing operational railway between Pill and Ashton Junction will remain unchanged at 30 mph</i>". The HRA and Environmental Impact Assessment (EIA) then appear to be based on that assumption. Can you:</p> <p>i) Explain how this speed restriction would be enforced through the dDCO or other relevant legal mechanism?</p> <p>ii) Is there a need for this speed restriction to be specified in the dDCO?</p> <p><i>You may wish to combine the answer to this question with the answer to question NV.1.5.</i></p>
Avon Gorge		
BIO.1.6	<i>Avon Gorge Vegetation Management Plan</i>	There are two seemingly identical versions of the Avon Gorge Vegetation Management Plan (AGVMP) – APP-141 and APP-209 that were submitted with the Application and a further version

ExQ1: [26 October 2020]

Responses due by Deadline 2: Monday 23 November 2020

ExQ1	Question to:	Question
	The Applicant	has been submitted recently [AS-044]. It would appear from APP-209 that the document contained within the ES [APP-141] would not be updated. For the purposes of certification and implementation how can the ExA differentiate between these documents and what reassurance can the ExA have that if consent was granted that the most up to date version of the AGVMP would be the one that would to be certified by the Secretary of State under dDCO Schedule 17?
BIO.1.7	<p><i>Avon Gorge Vegetation Management Plan</i></p> <p>Network Rail</p> <p>Natural England</p> <p>The Applicant</p>	<p>The Applicant's AGVMP [APP-141/APP-209/AS-044] is proposed to complement Network Rail's existing Site Management Statement (SMS) and Vegetation Management Plan (VMP) which are included in ES Appendix 9.15 [APP-143].</p> <p>Do Network Rail and Natural England agree that the AGVMP would successfully complement the existing plans as intended?</p> <p>Can the Applicant confirm the anticipated process for any "handover" or succession plan between their AGVMP for the Proposed Development and the existing and future Network Rail VMPs in respect of the minimum 10-year monitoring plan set out in section 7 of the AGVMP.</p> <p>Paragraph 6.1.1 of the AGVMP states that "<i>Vegetation management during operation is detailed in NR's SMS and VMP...The work plan for the four years of the VMP is currently being developed by NR and a draft is currently being discussed with Natural England.</i>" Can the Applicant provide an update as to the status of the work plan and provide a copy to the examination? Can the relevant parties confirm whether any emerging revised VMPs would require amendments to the AGVMP?</p>
BIO.1.8	<p><i>Avon Gorge Vegetation Management Plan</i></p> <p>Network Rail</p> <p>Natural England</p> <p>Forestry Commission</p> <p>The Applicant</p>	<p>Section 11 of the HRA Report [APP-142] states that Network Rail is in the process of seeking approval from Natural England for a management plan to secure the conservation of "<i>that part of the Avon Gorge Woodlands SAC that lies within its ownership</i>". The ExA also understands that "<i>at the time of preparing the package of protective and compensatory measures for the DCO Scheme the NR's VMP for the first year (2019-20), NR Avon Gorge Planned of Works, has not been approved</i>" and that the Applicant's proposed package of compensatory measures have been prepared on this basis.</p> <p>i) Can the Applicant, Natural England and Network Rail provide an update to the examination as to the status of this plan approval?</p>

ExQ1: [26 October 2020]**Responses due by Deadline 2: Monday 23 November 2020**

ExQ1	Question to:	Question
		<p>ii) Can the Applicant explain why Natural England can only "require the delivery of 1.6ha of compensatory measures in accordance with the Habitats Regulations" within the total package of compensatory measures of 3.2ha proposed as part of the DCO scheme.</p> <p>iii) Can the Applicant provide a definitive plan of the total package of 3.2ha of compensation measures and a breakdown of how this figure has been calculated?</p> <p>The HRA report [APP-142] states that these provisions are "...intended to provide Natural England with the ability to approve whichever of the DCO Scheme areas of compensation it considers will best compensate for the predicted harm". Further, paragraph 11.2.1 sets out that "the package of compensation measures is presented within the AGVMP...However, an option has been included to carry out positive management on FC land that is outside but abuts the boundary of the Avon Gorge Woodlands SAC...Providing a larger number of potential sites by including the potential for compensatory measures on an equivalent area of land on FC managed property as an alternative to providing some of the compensation sites only on NR land will allow an adaptive approach to compensation." The ExA understands that this would enable Natural England to evaluate the compensation site options to be provided by the DCO Scheme in combination with the conservation measures to be provided by Network Rail to achieve the "optimum outcome".</p> <p>Noting the above, the ExA is therefore uncertain about the extent of measures that would actually be delivered in terms of the certainty which can be placed on them by the competent authority. For example, Forestry Commission land (identified on AGVMP Annex F, Figure 4) [APP-141/ APP-209 / AS-044] is identified as a possible alternative but this land is not included within the DCO boundary and it is only "envisaged" that the land would be incorporated within the Forestry Commission's Forest Design Plan (which is not provided as part of the application documents).</p> <p>iv) What is the status of any agreement between Forestry Commission and the Applicant for use of this alternative land and why was it not included as part of the DCO boundary given its apparent importance as part of overall compensation package?</p> <p>v) Could the final compensation be a combination of both Forestry Commission and Network Rail land?</p> <p>vi) What comfort can the ExA have that compensation entirely on Network Rail or Forestry Commission land (or a combination of both) would be sufficient given the optionality that remains?</p> <p>vii) The Applicant, Natural England, Forestry Commission and Network Rail are asked to update the</p>

ExQ1: [26 October 2020]

Responses due by Deadline 2: Monday 23 November 2020

ExQ1	Question to:	Question
		<p>ExA as to the outcomes of any further discussions / negotiations that have been reached in this regard.</p> <p><i>Please note that this question was drafted prior to the receipt of a number of additional submissions by the applicant and therefore the ExA accept that the answers to these questions may be addressed by these documents if this is the case please signpost where in these documents the answers to these questions can be found.</i></p>
BIO.1.9	<p><i>Fencing</i> The Applicant</p>	<p>The Schedule of Mitigation [APP-128, APP-193 and AS-042] states that there is potential to reduce impacts on the Avon Gorge Woodlands through further detailed design to reduce the amount of new and replacement fencing and therefore vegetation removal. Can the applicant confirm whether the potential further mitigation has been relied upon in the assessment of effects? If yes, can the applicant confirm how the mitigation would be secured and if no, why not?</p>
BIO.1.10	<p><i>Monitoring</i> North Somerset Council</p>	<p>The AGVMP [APP-141 and AS-044] proposes that the monitoring of rock cress and rare whitebeam will be undertaken by a specialist contractor managed by North Somerset District Council (NSDC) – as this part of the route is within the jurisdiction of Bristol City Council are NSDC content to take on this responsibility?</p>
BIO.1.11	<p><i>Monitoring</i> The Applicant Relevant Planning authorities Natural England Forestry Commission</p>	<p>The AGVMP [APP-141 and AS-044] states that the proposed mitigation works within the Avon Gorge would be managed and inspected for a ten-year period up to 2033.</p> <p>Applicant: What would happen if the line opens after 2023, would the management and inspection still be undertaken for a ten-year period?</p> <p>Relevant Planning Authorities/Natural England/Forestry Commission: Is a ten-year management/inspection period sufficient and if it isn't what should it be and why?</p>
BIO.1.12	<p><i>Management</i> The Applicant</p>	<p>No remedial action appears to have been proposed for areas where positive management would be undertaken in the Avon Gorge Woodlands SAC – if not, why not? And if so, how would this be secured?</p>

ExQ1: [26 October 2020]

Responses due by Deadline 2: Monday 23 November 2020

ExQ1	Question to:	Question
Trees		
BIO.1.13	<i>Trees</i> Forestry Commission/ Forestry England The Applicant	<p>Whilst on our Unaccompanied Site Inspection [EV-001] the ExA observed that Forestry England was undertaking clear felling along the Avon Gorge and within Leigh Woods. Can you provide information on the following:</p> <ul style="list-style-type: none"> i) Timescales for the works; ii) Details of the nature and extent of the works (including location plans and any supporting arboricultural surveys); iii) An explanation as to why these works do not appear to be captured in the Applicant's assessment of in-combination effects (Paragraph 7.2.3 of the HRA [APP-142] states that "<i>no projects or plans which would lead to habitat loss or habitat degradation in the Avon Gorge Woodlands SAC have been identified and thus there are no projects that are considered likely to have in-combination effects on the SAC</i>"); iv) Whether the compensation measures in Section 11 of the HRA [APP-142] would remain sufficient for any such in-combination effect and whether any mitigation measures proposed by Forestry England are compatible with the compensatory measures proposed by the Applicant in respect of <i>Tilio-Acerion</i> woodland, <i>Festuco-Brometalia</i> grassland and whitebeam species in the Avon Gorge SAC; and v) The currency and validity of ES Volume 4 – Appendix 9.10 <i>Flora Survey: Avon Gorge woodlands SAC/Avon Gorge SSSI</i> [APP-140] in light of these works being carried out by Forestry England.
BIO.1.14	<i>Trees</i> Bristol City Council The Applicant	<p>In your RR [RR-001] you raise a concern regarding the potential loss of trees within Bristol.</p> <ul style="list-style-type: none"> i) How many trees would be lost? ii) Where are the trees that would be lost located? If possible, provide a plan showing the location of the trees that would be affected. iii) Are the trees that would be lost protected and if so how? iv) Are any of the trees noble or veteran trees? v) Could the loss of trees be mitigated and if so how?
BIO.1.15	<i>Trees</i>	<p>Woodland planting at Pill Tunnel Eastern Portal compound is shown on plan APP-040 but it is not</p>

ExQ1: [26 October 2020]

Responses due by Deadline 2: Monday 23 November 2020

ExQ1	Question to:	Question
	The Applicant	referenced within the dDCO. How would this be secured?
BIO.1.16	<i>Whitebeam Planting</i> Natural England Forestry Commission The Applicant	<p>In their RR [RR-022] Natural England indicate that of the three sites originally selected by the Applicant they considered that there was some question of suitability of two of the sites. There is now an additional compensation package proposed in the AGVMP [APP-141 and APP-209].</p> <p>AS-044 presents a revised version of the AGVMP now including two “alternative packages” for rare whitebeam planting sites adding the new planting sites on Forestry Commission land but removing the sites which raised concerns with Natural England during further discussions post-submission of the DCO application. Package 2 (proposed in response to Natural England concerns) is stated as “the preferred option”, but both options are retained as the necessary agreements with the Forestry Commission are not yet finalised. Can you:</p> <ul style="list-style-type: none"> i) Provide further detail as to what the concerns are in relation to these two sites and whether or not these are now resolved in light of [AS-044]. ii) Confirm whether or not “Package 1” should be and will be removed entirely during the course of the examination so as to provide the ExA with a degree of certainty as to the compensatory measures that are to be put in place and how they are secured as part of the DCO provisions. iii) Explain how, given they are not in the ownership of the Applicant, the compensation sites could be secured/ used for alternative planting.
BIO.1.17	<i>Loss of Whitebeam</i> The Applicant	<p>Paragraph 8.5.7 of the HRA Report [APP-75 and APP-142] states that “<i>It is anticipated that the loss of whitebeams can be reduced through further refinement of the construction activities, and that greater certainty is likely to emerge prior to the determination of the DCO application.</i>”</p> <p>Could you explain the basis for ‘greater certainty’ that would emerge and if/ how such information would form part of the ExA’s recommendation and or Secretary of State’s ultimate decision?</p>
BIO.1.18	<i>Loss of Whitebeam</i> The Applicant	Of the 27 Whitebeam trees that would be potentially affected, 12 of these are the “critically endangered” Avon Whitebeam species (table 8.5 of the HRA [APP-75 and APP-142]). However, of the proposed 54 replacement Whitebeams, only 5 Avon Whitebeams would be planted (ie there

ExQ1: [26 October 2020]

Responses due by Deadline 2: Monday 23 November 2020

ExQ1	Question to:	Question
	<p>Natural England Forestry Commission</p>	<p>would be a net loss of 7). The Applicant states “<i>Not all species can be replanted on a two for one basis, however, due to some species such as Avon whitebeam being more difficult to propagate</i>”. Currently, there would still be a net loss of the world’s population of Avon Whitebeam as a result of the development even taking into account the replacements.</p> <p>i) Confirm that whitebeam seeds collected in Autumn 2019 are now under propagation at Paignton Zoological Gardens, how many and if more seeds are to be collected/propagated in the current season?</p> <p>ii) Are Natural England and the Forestry Commission satisfied with current and future proposals for propagation and the Applicant’s overall compensation package in respect of the SAC qualifying woodland habitat as a whole?</p>
<p>BIO.1.19</p>	<p><i>Biodiversity Net Gain</i> The Applicant</p>	<p>The Environment Agency in their RR [RR-013] request measures to be included for habitat re-creation and enhancement, which “<i>must result in a net gain in biodiversity</i>”. Please could the Applicant explain if a biodiversity net gain is to be achieved, by how much, and what measures will be taken to achieve this.</p>
<p>BIO.1.20</p>	<p><i>Invasive Species</i> The Applicant</p>	<p>i) Provide further details of exactly which invasive species are problematic, and how you would propose to treat and control invasive species particularly in terms of the long-term management of this matter.</p> <p>ii) Highlight where in either the CoCP [APP-126] or the CEMP [AS-046] the measures to prevent the transportation of invasive species up or down the proposed route during construction would be secured and if there are no measures proposed, why not?</p>
<p>BIO.1.21</p>	<p><i>Schedule of mitigation measures and Compensation in relation to European Sites</i> The Applicant</p>	<p>In their RR [RR-022] Natural England suggested that key measures relating to European Sites – mitigation measures and compensation - should be drawn into a single summary to provide a clear and transparent summary of HRA matters in one place. The ExA request that you provide this.</p>

ExQ1: [26 October 2020]**Responses due by Deadline 2: Monday 23 November 2020**

ExQ1	Question to:	Question
BIO.1.22	<i>Protected Trees</i> The Applicant	Are any of the trees that would be affected protected by either a Tree Preservation Order (TPO) or by virtue of being located in a Conservation Area? If they are, provide details of where these trees are located and extracts from the relevant TPO citations. <i>You may wish to combine the answer to this question with the answer to question BIO.1.14.</i>
BIO.1.23	<i>Pre-commencement tree clearance</i> The Applicant	Is any pre-commencement tree and vegetation clearance proposed (over and above the works currently being undertaken in Leigh Woods? If so, where would this be and what trees would be affected? When would this clearance occur? Under what legislation would these works be undertaken.
Protected Species		
BIO.1.24	<i>Bats</i> The Applicant	The ExA is aware of passing reference to consultation with members of the Avon Bat group as part of ES Technical Appendix 9.2 [AS-036]. Can the Applicant elaborate on this consultation and any other consultation that has been undertaken with any other local bat groups?
BIO.1.25	<i>Bats</i> The Applicant Natural England	In Paragraph 2.22 of their RR [RR-022] Natural England indicate that a screen/ shield would protect the day/ night roost at Pill station from light and maintain the dark corridor that bats use. The references to such screen fencing (and lighting) have since been removed from paragraphs 8.4.60 – 8.4.63 of the HRA Report [APP-142]. Can you: i) Explain the reason for deletion of these paragraphs from V.2 of the HRA Report [APP-142]. ii) If such mitigation measures are no longer necessary following the more recent bat survey (ES Vol. 4 Appx 9.2 Version 2 [APP-134]) could Natural England confirm if they are content with this or provide further details of any alternative measures or signpost where in the application documentation this information can be found. iii) Explain how and where these measures would be secured.

ExQ1: [26 October 2020]**Responses due by Deadline 2: Monday 23 November 2020**

ExQ1	Question to:	Question
BIO.1.26	<p><i>Bats</i></p> <p>The Applicant</p>	<p>Paragraph 1.2.3 of ES Volume 4, Appendix 9.16 "The Portbury Hundred Proposed Tree Planting" [APP-143] states that the scheme has the potential to disturb bats by removing linear vegetation features between foraging grounds and roosts. <i>"To compensate for the impacts, trees will be planted along the A369 Portbury Hundred within land owned by NSDC to create and improve the corridor along the carriageway and ensure there is a continuous linear feature between Portishead and Portbury to enhance the bat navigational route."</i> However, this planting is not listed in the dDCO works list and does not appear on the Environmental Master plan [APP-045]. Can you confirm how this would be secured and delivered and why it does not appear as part of the environmental masterplan?</p> <p><i>You may wish to combine the response for this question with the answer to questions CI.1.5 and TT.1.3.</i></p>
BIO.1.27	<p><i>Bats</i></p> <p>The Applicant</p>	<p>At Pill station, construction and operational lighting could affect the navigational route along the freight line used by horseshoe bats. A preliminary lighting design in Appendix 9.18 of the ES [APP-143] has also been submitted.</p> <p>i) The lighting design submitted is a preliminary design - at what point will the actual lighting design be submitted?</p> <p>ii) Requirement 28 of the dDCO deals with operational lighting at Pill Station. As currently worded the requirement would not require any lighting design to be in accordance with the preliminary lighting design contained in Appendix 9.18, should it and if not, why not?</p> <p><i>You may wish to combine the response on this question with the answer to question BIO.1.28.</i></p>
BIO.1.28	<p><i>Bats</i></p> <p>The Applicant Network Rail Natural England</p>	<p>ES Ch.9 paragraph 9.4.34 [APP-104] states that the development has a sensitive lighting strategy. dDCO Requirement 28 stipulates that written details of operational lighting at Pill Station must demonstrate lighting levels of >0.5 lux.</p> <p>i) As this only applies to Pill Station, what confidence can be provided that lighting levels will be >0.5 lux along the railway corridor?</p>

ExQ1: [26 October 2020]**Responses due by Deadline 2: Monday 23 November 2020**

ExQ1	Question to:	Question
		<p>ii) Why does dDCO Requirement 29 (operational lighting) not also stipulate the same lighting levels (>0.5 lux) as in Requirement 28, should it and if not, why not?</p> <p><i>You may wish to combine the response on this question with the answer to question BIO.1.27.</i></p>
BIO.1.29	<p><i>Bats</i> The Applicant</p>	<p>The derelict store west of Station Road which is used by bats is proposed to be retained and fenced from the operational railway (9.6.26 – [AS-026]) however no reference is made to this in dDCO Requirement 24 - how would the retention of this store be secured?</p>
BIO.1.30	<p><i>Protected Species</i> The Applicant Natural England</p>	<p>A Districted Level Licence (DLL) is now proposed as a potential alternative to a European Protected Species (EPS) licence (ES Chapter 9 [AS-031]).</p> <p>i) What certainty does the DLL give that the proposed measures would be secured rather than the EPS licence?</p> <p>ii) Summarise what, if any, changes the DLL approach (as an alternative to the EPS) make to the mitigation proposals, for example what are the consequences for the proposed GCN ponds and enhancement areas.</p> <p>iii) At what point will it be determined whether the standard EPS or DLL will be sought?</p> <p>iv) Paragraph 9.7.24 of ES Chapter 9 [AS-031] refers to developer contributions – how would such contributions be secured?</p>
BIO.1.31	<p><i>Great Crested Newt - Tunnels</i> The Applicant</p>	<p>Appendix 9.13 [AS-040] refers to the fact that only one permanent reptile underpass is now proposed as part of the proposals for habitat manipulation and translocation. This would be at Quays Avenue only, rather than five locations between Portishead and the M5 as was in the previous iteration:</p> <p>i) Explain the reasoning for this change.</p> <p>ii) Paragraph 5.1.2 states that the tunnel should be at least 500 mm in diameter, although 1 m is preferable. Which type of tunnel is proposed and what would this look like?</p> <p>iii) How would this be secured?</p>

ExQ1: [26 October 2020]**Responses due by Deadline 2: Monday 23 November 2020**

ExQ1	Question to:	Question
BIO.1.32	<i>Great Crested Newts</i> The Applicant Natural England	<p>Natural England request additional information [RR-022] to enable them to issue a Letter of No Impediment (LoNI) for Great Crested Newts.</p> <p>i) Confirm whether this has been submitted and provide an update on the progress of obtaining this letter.</p> <p>ii) With respect to the DLL question above, can Natural England confirm if this has any implications for issuing of an LoNI.</p> <p><i>You may wish to combine the response to this question with your response to question GC.1.5.</i></p>
BIO.1.33	<i>Great Crested Newts</i> The Applicant	<p>Paragraphs 3.2.10, 3.2.13 and 3.2.16 of the HRA and Chapter 9 of the ES [APP-75 and APP-142] contain references to new ponds to be created in for Great Crested Newts as part of flood compensation strategies. It would appear that you have done some sensitivity testing in response to post-acceptance s.51 advice and are continuing to discuss Flood Risk Assessment (FRA) matters with the Environment Agency. Can you confirm that these sensitivity analyses and additional works would not lead to changes to the assumptions made around these ponds?</p>
BIO.1.34	<i>Great Crested Newts</i> The Applicant	<p>dDCO Schedule 2 Part 1 defines a Great Crested Newt strategy however it is not referenced elsewhere in the dDCO nor is it mentioned in these terms in the ES. Can you confirm the location and purpose of the Great Crested Newt strategy referred to in the dDCO and provide a copy if one has not been provided?</p>
BIO.1.35	<i>Great Crested Newts</i> The Applicant	<p>Paragraph 9.7.23 of the chapter 9 v.2 of the ES [AS-031] details six enhancement areas for Great Crested Newts but Work numbers 10C, 12B and 16B refer to three pond works.</p> <p>i) Explain why only these 3 are cited whereas 6 enhancement areas are referred to.</p> <p>ii) Explain how these enhancement areas would be secured?</p> <p>iii) Should the enhancement areas be the subject of separate numbered works?</p>

ExQ1: [26 October 2020]**Responses due by Deadline 2: Monday 23 November 2020**

ExQ1	Question to:	Question
BIO.1.36	<i>Great Crested Newts</i> The Applicant	Planting of scrub and long grass at Pill Station for newt habitat is shown on Pill Station Car Park plan [APP-038] but is not referenced in the dDCO - how would adherence with this plan be secured?
BIO.1.37	<i>Wildlife Corridor</i> Bristol Port Company The Applicant	<p>Whilst on our Unaccompanied Site Inspection [EV-001] the ExA observed the existence of a wildlife corridor adjacent to Royal Portbury Dock that is managed/ owned by the BPC.</p> <p>BPC: Provide further detail of the wildlife corridor including why it is provided, what animals use it, how long it has been in existence and any plans/ maps to show the extent of the corridor.</p> <p>The Applicant: Signpost where in the application documentation the effect of the proposed development on this wildlife corridor has been considered and if it hasn't, why not.</p>
HRA		
BIO.1.38	<i>HRA</i> The Applicant	There are two (seemingly identical) versions of the HRA Report ([APP-142] and [APP-075]). On this basis, the ExA intends to refer to the standalone version of the HRA Report as updated September 2020 V2 [AS-027] for the purpose of these written questions and subsequent hearings as relevant. In any supplementary material and/ or revised versions of the HRA Report, the Applicant is asked to clearly set out which document(s) should prevail as the most recent versions and definitive information to inform the competent authority in this regard.
BIO.1.39	<i>HRA</i> Natural England	<p>The Applicant has submitted a legal opinion from Stephen Tromans QC regarding the Report to Inform the Habitats Regulations Assessment [APP-197]. Provide comment and confirm whether you agree with its conclusions.</p> <p><i>Or if this matter will be covered in your WR or SoCG please signpost where in these documents this information can be found.</i></p>
BIO.1.40	<i>European Sites</i> The Applicant	The search area for European sites for consideration in the HRA was based on a 10 km radius around the DCO Scheme boundary (extended to 30 km for sites with bats as a qualifying feature).

ExQ1: [26 October 2020]

Responses due by Deadline 2: Monday 23 November 2020

ExQ1	Question to:	Question
	<p>Natural England Relevant Planning Authorities</p>	<p>Applicant: Can you clarify the basis in guidance (or otherwise) for these defined zones and whether the search area/ buffer zone was agreed with the Statutory Nature and Conservation Bodies at the HRA Screening Stage.</p> <p>Natural England and Relevant Planning Authorities: Do you consider whether these zones are appropriate for the purposes of the HRA?</p>
<p>BIO.1.41</p>	<p><i>Pathways</i> Natural England Relevant Planning Authorities</p>	<p>Paragraphs 5.2.1 (construction) and 5.2.2 (operation) of the HRA [APP-75 and APP-142] report set out the potential impact pathways to the identified European sites. Can you:</p> <p>i) Confirm you are content that these identified pathways consider all aspects of the Proposed Development that could affect European site(s)?</p>
<p>BIO.1.42</p>	<p><i>Decommissioning</i> Natural England Relevant Planning Authorities</p>	<p>i) Is it appropriate that the Applicant has not assessed the potential decommissioning of the railway in terms of HRA, on the basis that it would remain available either for re-development and that such proposals would be subject to their own assessment and consideration of environmental effect (ie meaningful assessment cannot be made at this stage)?</p> <p>ii) Explain why you do or do not agree and, if relevant, how you would wish to see the Applicant address this issue.</p> <p><i>You may want to combine the response to this question with the answer to question GC.1.20.</i></p>
<p>BIO.1.43</p>	<p><i>Hydrological Connectivity</i> The Applicant</p>	<p>Limited information is provided in Section 6 of the HRA report [AAP-75 and APP-142] to support the assertion at paragraph 7.3.2 that “<i>no hydrological connectivity is present between the DCO Scheme and the SAC qualifying habitat</i>” in respect of the Severn Estuary SAC.</p> <p>Can the applicant signpost where additional information is provided in chapters 9 and 17 of the ES to demonstrate that such connectivity can be excluded, given the proximity of the works at 30-80m from the SAC and Ramsar designations (<i>The closest of the SAC / Ramsar is 80m from the DCO Scheme at Pill Marshes. However, there are elements of temporary works that are closer to the</i></p>

ExQ1: [26 October 2020]**Responses due by Deadline 2: Monday 23 November 2020**

ExQ1	Question to:	Question
		<p><i>designation, namely the temporary cycle path diversion at Jenny's Meadow in Pill (30m)).</i></p> <p>Can the Applicant also confirm the closest point to the Severn Estuary SAC at which ballast removal could take place and whether effects of potential contamination release from ballast removal during construction have been considered?</p>
BIO.1.44	<p><i>Management of SAC Grassland</i></p> <p>The Applicant</p>	<p>The proposals for positive management of SAC grassland, as set out in the AGVMP [APP-141] focuses on scrub control and the removal of non-native species. Part of the management may also require Herbicide treatment (potentially in in proximity to watercourses) which would require a licence from the EA.</p> <p>Having regard to the Sweetman case, and the likelihood and location of herbicide treatment, has the potential for likely significant effects / adverse effects on the integrity of any European sites from herbicide treatment been considered as part of the assessment i.e. as part of a worst case assumption that it may be required? If not, why not?</p>
CC Climate Change		
CC.1.1	<p><i>Use of diesel trains</i></p> <p>The Applicant</p> <p>Network Rail</p>	<p>North Somerset Council have declared a climate change emergency and require all new projects to take this into account. The indication is that the trains that would use the route would be diesel.</p> <p>i) How would the use of diesel trains address concerns regarding climate change?</p> <p>ii) Has the proposed development been designed so that the track could, at some point in the future, either be electrified or used by trains powered by alternative fuels (eg hydrogen)?</p> <p>iii) Are there any long-term proposals for either electrifying the line or using engines powered by alternative fuels?</p>
CI Construction Impacts		
CI.1.1	<p><i>Access to Trinity Anglican Methodist</i></p>	<p>i) When on their Unaccompanied Site Inspection [EV-002] the ExA observed that the school appeared to be using a rear pedestrian access from Tansy Green that is the proposed location of</p>

ExQ1: [26 October 2020]**Responses due by Deadline 2: Monday 23 November 2020**

ExQ1	Question to:	Question
	<i>Primary School</i> The Applicant	work no 7D. Can the Applicant confirm whether this access to the school would be maintained for the duration of the works? ii) If not, why not? iii) Would an alternative access be provided?
CI.1.2	<i>Update</i> Bristol City Council	In your relevant representation [RR-001] you state that you are in discussion with the Applicant regarding the measures in the CEMP [APP-127] however no further details are provided. Please provide an update on any discussions and set out any outstanding concerns in this respect or highlight where in the revised version of the CEMP [AS-046] these concerns have been addressed.
CI.1.3	<i>Update</i> The Applicant	When the ExA carried out their Unaccompanied Site Inspection [EV-002] it was noted that works have started on the Hinkley Point C Connection project including on areas of land within the Application around Sheepway, Portbury Wharf and Shipway Gate Farm. Please advise of current timescales for such works, whether there would be any overlap between the projects given the delays caused to both projects as a result of the current COVID-19 pandemic and any proposals to utilise such land in relation to this Application before it is re-instated to its original use and if so who would be liable for its reinstatement?
CI.1.4	<i>Railway Freight</i> Bristol Port Company Freightliner Ltd	Paragraphs 4.9.4-4.96 of the Transport Assessment [APP-155] refers to existing freight movements and data relating to a period between February and March 2016. Would the relevant Interested Parties: i) Confirm the accuracy of this information. ii) Provide your own data of existing rail freight movements to and from the port, in terms of frequency and typical movements in a more recent time period. iii) Details of any expected increase in such movements during the anticipated project construction period to winter 2023. <i>You may wish to combine the answer to this question with the answer to question GC.1.12.</i>
CI.1.5	<i>Access in Sheepway</i> The Applicant	Work No 12B would require the creation of a new access off Sheepway. Can you advise whether access to these works via the proposed Portbury Hundred Construction Compound and a disused

ExQ1: [26 October 2020]**Responses due by Deadline 2: Monday 23 November 2020**

ExQ1	Question to:	Question
		<p>level crossing as suggested by RR-066 was considered? If not, why not? If it was considered why was it discounted?</p> <p><i>You may wish to combine the response for this question with the answer to questions BIO.1.26 and TT.1.3.</i></p>
CI.1.6	<p><i>Safety</i> The Applicant</p>	<p>On the Unaccompanied Site Inspection [EV-001] the ExA observed that access to Work No 12 would run alongside a number of fuel pipelines. RR-066 also raised this as a concern. Can you confirm whether the use of this access by construction vehicles has been assessed as to whether it would cause damage to these pipelines? If not, why not and if it has what was the outcome?</p> <p><i>You may wish to combine the answer to this question with the answer to question GC.1.14.</i></p>
CI.1.7	<p><i>Temporary construction compounds</i> The Applicant</p>	<p>Table 4.4 of ES Ch 4 [APP-099] estimates the areas of the proposed temporary construction compounds at Portbury Hundred (Work no. 12A) and Lodway Farm (Work no. 17) to be 11.39ha and 9.128ha respectively.</p> <p>i) Provide further explanation for the need for two compounds of this scale, in relatively close proximity to each other. ii) Provide details of the need for the areas of land required for each of these compounds.</p>
CI.1.8	<p><i>Lodway Farm Compound and Pill street network</i> The Applicant</p>	<p>The Compounds, Haul Roads and Access to Works Plan [APP-024] details a range of access points leading to Lodway Farm compound, the temporary compound at Pill Memorial Club, the proposed railway station and car park.</p> <p>On their Unaccompanied Site Inspection [EV-001] the ExA observed that the roads in and around the centre of Pill are very narrow, have a number of sharp bends and steep gradients. Further details are required on the following:</p> <p>i) A more precise location of the proposed main HGV access into Lodway compound and the haul road – provide larger scale plans of this area. ii) The size and type of vehicles which would use Pill’s street network for construction of the</p>

ExQ1: [26 October 2020]**Responses due by Deadline 2: Monday 23 November 2020**

ExQ1	Question to:	Question
		<p>railway line and station infrastructure which cannot be accessed from the proposed haul road.</p> <p>iii) The likely frequency and time periods for movement of any such heavy vehicle movements through Pill's street network</p> <p>iv) Mitigation measures to prevent access of streets not suitable for use by heavy vehicles, and to ensure the safety of other road users, and how such measures can be secured in the dDCO, specifically for Pill.</p>
CI.1.9	<p><i>Road Network</i> The Applicant The Relevant Highways Authorities</p>	<p>Concerns have been raised [RR-066] that construction traffic would have the potential to damage the existing road network with particular reference to drainage.</p> <p>i) Has/ will an assessment of the effects on road and bridge condition (surface, drainage etc) proposed to be used by construction traffic been undertaken?</p> <p>ii) What mitigation eg weight limits, agreed delivery routes are proposed to minimise any damage to the road network by construction traffic and how would this be secured through specific provisions in the Construction Traffic Management Plan (CTMP) [APP-210]?</p> <p>iii) Who would be liable for any damage to the road network and who would be responsible for any repairs?</p>
CA Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations		
CA.1.1	<p><i>Update Table</i> The Applicant</p>	<p>In their Rule 6 letter [PD-007], the ExA requested an updated table to be regularly provided on the progress of negotiations for Compulsory Acquisition (CA) of the Freehold of land, of new rights over existing land and of Temporary Possession (TP) of land.</p> <p>Confirm acceptance of this request.</p>
CA.1.2	<p><i>Protective Provisions</i> The Applicant Statutory Undertakers</p>	<p>Applicant: The Book of Reference (BoR) [APP-057] includes a number of Statutory Undertakers with interests in land:</p> <p>i) Provide a progress report on negotiations with each of the Statutory Undertakers listed in the BoR, with an estimate of the timescale for securing agreement with them.</p> <p>ii) State whether there are any envisaged impediments to the securing of such agreements.</p>

ExQ1: [26 October 2020]**Responses due by Deadline 2: Monday 23 November 2020**

ExQ1	Question to:	Question
		<p>iii) State whether any additional Statutory Undertakers have been identified since the submission of the BoR and whether the latest version of BoR includes any recently identified Statutory Undertakers.</p> <p>A number of Statutory Undertakes have requested that their Protective Provision wording should be used as opposed to that which is currently contained within the draft DCO [AS-014]</p> <p>Statutory Undertakers: Either provide copies of preferred wording or if you have provided it explain why you don't want to use the wording as currently drafted.</p>
CA.1.3	<p><i>Protective Provisions</i> National Grid Electricity Transmission and National Grid Gas</p>	<p>Your RR [RR-020] makes reference to the need for the DCO to contain Protective Provisions to ensure that your interests are adequately protected and ensure compliance with relevant safety standards with particular reference to the installation of the new transmission line in relation to Hinkley Point C connection project. Please provide suggested wording.</p>
CA.1.4	<p><i>Statutory Undertakers</i> The Applicant</p>	<p>Where a representation is made by a statutory undertaker under section 127 of the Planning Act 2008 (PA20080 and has not been withdrawn, the Secretary of State would be unable to authorise powers relating to the statutory undertaker land unless satisfied of specified matters set out in section 127. If the representation is not withdrawn by the end of the examination confirmation would be needed that the "expedience" test is met.</p> <p>The Secretary of State would also be unable to authorise removal or repositioning of apparatus unless satisfied that the extinguishment or removal would be necessary for the purpose of carrying out the development to which the Order relates in accordance with section 138 of the PA2008. Justification would be needed to show that extinguishment or removal would be necessary.</p> <p>i) Indicate when, if the objections from Statutory Undertakers are not withdrawn, this information would be submitted into the Examination.</p>
CA.1.5	<p><i>Availability of Funding</i></p>	<p>The Applicant is reminded that the Department for Communities and Local Government (as it then</p>

ExQ1: [26 October 2020]

Responses due by Deadline 2: Monday 23 November 2020

ExQ1	Question to:	Question
	<p>The Applicant</p>	<p>was) Guidance related to procedures for CA (September 2013) states that ;“<i>Applicants should be able to demonstrate that adequate funding is likely to be available to enable compulsory acquisition within the statutory period following the Order being made, and that the resource implications of a possible acquisition resulting from blight notice has been taken account of</i>”.</p> <p>i) The Funding Statement [APP-056] identifies that £3.461m would be required for land acquisition but that this includes the cost of land already acquired by the Applicant. Can you provide the CA costs separately from the overall land acquisition costs and provide a copy of the Property Cost Estimate undertaken by Ardent that resulted in this figure?</p> <p>ii) Clarify how the CA figure was arrived at, and how these costs would be met.</p> <p>iii) Clarify when the contributions detailed in table 2 of the Funding Statement [APP-056] were calculated, do they need to be updated given the delay to the start of the Examination and whether these contributions would still be available given the recent impacts on local authority finances as a result of the COVID-19 pandemic.</p> <p>iv) Paragraph 6.3 of the Funding Statement [APP-056] states that the ‘<i>Secretary of State can therefore be satisfied that funds are likely to be available</i>’ at what point would you know for certain that funds would be available.</p> <p>v) Provide an update on the outcome of Direct Award 3, whether the Proposed Development was included in it and if it was, what the implications are in terms of funding with particular reference to revenue support.</p>
CA.1.6	<p><i>Special Category Land</i> The Applicant</p>	<p>The DCO as drafted means that special parliamentary procedure should not apply in relation to the proposed CA of special category land. Provide full details, or signpost where in the application documentation this information can be found, to support the application of the relevant subsections in Section 131 or 132 of the PA2008.</p>
CA.1.7	<p><i>National Trust Land</i> The Applicant National Trust</p>	<p>Provide an update on negotiations for plots 11/61, 11/80. 12/07, 12/10, 12/20, 12/21, 12/30, 13/7, 13/31, 13/55 and 14/05.</p> <p><i>You may wish to combine the answer to this question with the answer to question CA.1.14.</i></p>
CA.1.8	<p><i>Crown Land</i></p>	<p>Consent is required for any other provision in the DCO which relates to Crown land or rights</p>

ExQ1: [26 October 2020]**Responses due by Deadline 2: Monday 23 November 2020**

ExQ1	Question to:	Question
	The Applicant	<p>benefiting the Crown in accordance with s135(2) PA2008. Among other things this includes consent for any Temporary Possession sought over Crown land.</p> <p>Indicate whether consent for any provisions affecting Crown land or rights is forthcoming.</p>
CA.1.9	<i>Access</i> Babcock Integrated Technology Ltd and the Applicant	<p>In their RR [RR-009] Babcock raise concerns about how access to their site would be maintained during construction given the proposal to CA plots 15/81, 15/85, 15/87 and 16/20 which are adjacent to their site access.</p> <p>i) Provide an update as to whether the discussions mentioned in their RR have occurred and what the outcome of these discussions was;</p> <p>ii) What measures are proposed to ensure that Babcock would be able to maintain access and how would they be secured?</p>
CA.1.10	<i>Access</i> The Applicant	<p>In their RR [RR-010] the BPC raise a concern regarding potential severance of part of their site near Court House Farm. Provide further detail of this including, if available, a layout of the area in question and details of how this matter would/ could be managed or signpost where in the application documentation this matter has been addressed.</p>
CA.1.11	<i>Update</i> The Applicant Freightliner Limited	<p>Provide an update on the progress of negotiations regarding plots 17/05, 17/10, 17/15 and 17/20.</p>
CA.1.12	<i>Manor Farm/ Lodway Farm</i> The Applicant	<p>At the Open Floor Hearing [Annex E, PD-007] concerns were raised that plots linked to Lodway Farm and Manor Farm had been mixed up. Can you check the land plans and the BoR and confirm that the plots in this location have been assigned to the correct farm?</p>
CA.1.13	<i>Rock fences and access arrangements</i>	<p>i) Provide an update on the negotiations with regards to the on-going liability for the management for rock fences and whether there would be any on land owned by the National Trust or if they</p>

ExQ1: [26 October 2020]**Responses due by Deadline 2: Monday 23 November 2020**

ExQ1	Question to:	Question
	National Trust The Applicant	<p>would all be located within National Trust land.</p> <p>ii) Provide an update with regards to the access arrangements to land owned by the National Trust in relation to Quarry Underbridge 2. RR-021 indicates that the agreement would be that the National Trust would be in 'no worse position', is this the case and how and where is this secured?</p> <p><i>You may wish to combine the answer to this question with the answer to question CA.1.8.</i></p>
CA.1.14	<i>Category 3</i> The Applicant	Provide further detail/ justification as to how you have identified Category 3 parties for the purposes of the BoR.
DE Design		
DE.1.1	<i>Work No 5 Portishead Station</i> The Applicant	<p>Part 4 of the Design and Access Statement [APP-196] largely focuses on the chosen site of the railway station and its functional layout. dDCO Requirement 4 seeks post-consent approval of detailed design.</p> <p>i) Explain the design approach for the external appearance/elevations of the Portishead railway stations and associated structures. Reference should be made to the criteria in section 4.31 of NPS for National Networks, and how the proposed development seeks to address or exceed the expectations of good design set out in the National Design Guide. In particular, explain what would make the design of Portishead Station a 'gateway feature'.</p> <p>ii) Provide details of when more detailed designs of the external appearance of the station building and associated structures will be available for consideration, and if not available during the course of the Examination period, why not.</p>
DE.1.2	<i>Work No 7 Trinity Footbridge - Design</i> The Applicant	<p>Plans 2.15-2.17 [APP-019] include general arrangement plans of the proposed footbridge at Tansy Lane ('Trinity Bridge'). The Design and Access Statement [APP-196] figures 31-33 provides indicative visuals of Portishead railway station but not the bridge. Provide:</p> <p>i) Indicative visuals of the type of footbridge proposed.</p> <p>ii) A more detailed explanation of the design and locational criteria for the proposed footbridge</p>

ExQ1: [26 October 2020]**Responses due by Deadline 2: Monday 23 November 2020**

ExQ1	Question to:	Question
		<p>having particular regard to the surrounding residential development and school building.</p> <p>iii) Details of colour/paint finish of the footbridge, or how this will be determined at a later stage.</p> <p>iv) Any mitigation proposed to reduce the visual impact of the bridge.</p> <p><i>You may wish to combine the answer to this question with questions DE1.3 and NV.1.3.</i></p>
DE.1.3	<p><i>Work No 7 Trinity Footbridge - Alternatives</i></p> <p>The Applicant</p>	<p>ES Chapter 11 paragraphs 11.6.134-135 indicate that the Trinity Bridge would be a new relatively large-scale feature in the small-scale open landscape between the houses at Tansy Lane and the School, and that there would be a slight adverse significance of effect.</p> <p>The Design and Access Statement [APP-196] sets out alternative locations considered for the proposed Portishead railway station but not for the bridge.</p> <p>i) What alternatives, if any, to a footbridge were considered in this location?</p> <p>ii) If alternatives were considered what were they and why were they discounted?</p> <p>iii) What would be the implications of there being no crossing over the railway in this location and what is the alternative route for pedestrians and cyclists?</p> <p>iv) If no alternative methods of crossing the railway were considered, why not?</p> <p><i>You may wish to combine the answer to this question with questions to DE.1.2 and NV.1.3.</i></p>
DE.1.4	<p><i>Biodiversity Enhancements in Design</i></p> <p>The Applicant</p>	<p>Paragraph 9.14 of the Schedule of Mitigation [APP-128] refers to installation of bird boxes along the railway line. Are any biodiversity enhancements proposed to be built into the design of the railway stations and bridge, if so what form are these likely to take and how would they be secured?</p>
DE.1.5	<p><i>GSM-R Masts</i></p> <p>The Applicant</p>	<p>The ExA noted on their Unaccompanied Site Inspection [EV-001] the presence of an existing mast near to Pill junction. The GRIP 4 Minor Civils Plan for this area [APP-013] states that this is to be retained and antenna mounted on existing. Requirement 27(2) would require the submission of details of the GSM-R mast to be located at Portishead Station stating that it must be no more than 12m in height.</p>

ExQ1: [26 October 2020]**Responses due by Deadline 2: Monday 23 November 2020**

ExQ1	Question to:	Question
		i) Provide details and an illustrative/photographic example of the proposed GSM-R masts and the works required to the existing mast near Pill junction. ii) Explain why a GSM-R mast could not be incorporated into the design of Portishead station so as to minimise any visual impact (or signpost where in the application documentation this information can be found). iii) Are there any other GSM-r masts which would be retained/ added to?
DE.1.6	<i>Work No 22 Pill Station</i> The Applicant	The Design and Access Statement [APP-196] figs 46-49 provides indicative visuals of Pill railway station ramp and platform. Figure 50 provides details of indicative materials of minor works. Confirm the following details: i) That there would be no enclosed station building at Pill? ii) Provide further detail of the proposed shelter/canopy, ramp and associated development at Pill on a larger scale plan, including use of materials and indicative visuals of the proposed canopy/shelter. iii) Explain how the station access, including parking, would comply with the Disability Discrimination Act (DDA).
DE.1.7	<i>Acoustic Fencing Design</i> The Applicant	i) Provide further detail of the proposed design, height and materials of acoustic fencing proposed adjacent to existing residential properties at Portishead and Old Station House, Portbury. ii) If this cannot be provided now, when would it be available and would the occupiers of residential properties who would be affected by the proposed fencing be consulted on the design/ location of the proposed fencing and if not, why not? <i>With regards to Old Station House, Portbury you may wish to combine the answer to this question with the answers to questions NV.1.9 and NV.1.10.</i> <i>With regards to the properties in Portishead you may wish to combine the answer to this question with the answers to questions NV.1.10 and NV.1.12.</i>
DE.1.8	<i>Railway Fencing Design</i> The Applicant	Provide the following further details of fencing: i) Explanation of the design criteria for the fencing alongside the railway line and the choice of

ExQ1: [26 October 2020]**Responses due by Deadline 2: Monday 23 November 2020**

ExQ1	Question to:	Question
		<p>paladin, palisade or post and wire (Grade I, II or III).</p> <p>ii) Summarise the locations of where the Grade I paladin fence would be located and details of proposed colour.</p> <p>iii) Advise whether the fencing through the Avon Gorge would need to be replaced and if it would why, given this is already an operational railway and what would it be replaced with?</p>
DE.1.9	<i>Landscape and Visual</i> The Applicant	Please set out where in the documentation measures to manage the effects of construction on landscape and views is set out. If it is not set out, why not?
DE.1.10	<i>Built Environment</i> The Applicant North Somerset Council	Has there been any changes to the built environment around the proposed railway stations since the plans and Design & Access Statement were produced? If so, please identify where, and consider if the plans and statements would need to be updated/ amended.
DCO Draft Development Consent Order (DCO)		
DCO.1.1	<i>General Advice</i> The Applicant	<p>Please note the dDCO should be:</p> <p>i) In the Statutory Instrument (SI) template;</p> <p>ii) follow guidance and best practice for SI drafting (for example avoiding “shall/ should”) in accordance with the latest version of guidance from the Office of the Parliamentary Counsel;</p> <p>iii) follow best practice drafting guidance from the Planning Inspectorate and the Departments contained in Advice Note 15 – <i>drafting development consent orders</i> (and see specific references to Advice Note 15 below);</p> <p>iv) fully audited to ensure that there are no inconsistencies within the dDCO and its constituent parts such as definitions or expressions in the articles, requirements, protective provisions, other schedules and any book or reference, that all legislative references in the dDCO are to extant provisions and all schedules refer to the correct articles.</p>
DCO.1.2	<i>Precedents</i> The Applicant	Notwithstanding that drafting precedent has been set by previous DCOs or similar orders full justification should be provided for each power/ provision taking into account the facts of this

ExQ1: [26 October 2020]**Responses due by Deadline 2: Monday 23 November 2020**

ExQ1	Question to:	Question
		<p>particular DCO application.</p> <p>Where drafting precedents in previous made DCOs have been relied on, these should be checked to identify whether they have been subsequently refined or developed by more recent DCOs so that the DCO provisions reflect the Secretary of State’s current policy preferences. If any general provisions (other than works descriptions and other drafting bespoke to the facts of this particular application and dDCO) actually differ in any way from corresponding provisions in the Secretary of State’s most recent made DCOs, an explanation should be provided as to how and why they differ (including but not limited to changes to statutory provisions made by or related to the Housing and Planning Act 2016).</p> <p>Provide a list of all previous DCOs which have been used as a precedent for the drafting of this dDCO.</p>
DCO.1.3	<p><i>Novel Drafting</i> The Applicant</p>	<p>The purpose of and necessity for any provision which uses novel drafting, and which does not have precedent in a made DCO or similar statutory order should be explained. The drafting should:</p> <ul style="list-style-type: none"> • be unambiguous; • achieve what the Applicant wants it to achieve; • be consistent with any definitions or expressions in the provisions of the dDCO; and • identify the PA2008 power on which the provision is based.
DCO.1.4	<p><i>Discharge of Requirements</i> Bristol City Council</p>	<p>In your RR [RR-001] you raised a concern regarding the discharge of requirements please provide further details of this concern or signpost where in either your Local Impact Report (LIR) or Written Representation (WR) this information can be found.</p>
DCO.1.5	<p><i>Informatives</i> The Coal Authority</p>	<p>In your RR [RR-011] you suggest that should consent be granted an informative be attached to the consent regarding the fact that the route would fall within your defined Development High Risk Area. However, informative notes are not attached to a DCO. Could you therefore advise how, in the DCO, you would want this information conveyed to the Applicant?</p>

ExQ1: [26 October 2020]**Responses due by Deadline 2: Monday 23 November 2020**

ExQ1	Question to:	Question
DCO.1.6	<i>Suggested Requirement</i> The Applicant	The Royal Mail [RR-027] have requested the addition of two requirements to the dDCO to enable the delivery of mail services throughout the construction period. Please comment as to whether you consider these requirements would be necessary or whether the concerns raised by the Royal Mail could be addressed in another way and if so, how would this be secured?
DCO.1.7	<i>Drainage</i> The Applicant Relevant Flood Authorities and Drainage Boards	<p>The dDCO as currently drafted does not include an article that would require the maintenance of drainage of land, whether that responsibility is imposed or allocated by any enactment.</p> <p>i) Why not and how would the maintenance of drainage be secured by the DCO as currently drafted?</p> <p>ii) If an article would be necessary, provide a form of suggested wording.</p>
Articles		
DCO.1.8	<i>General Advice</i> The Applicant	<p>The extent of any flexibility provided by the dDCO should be fully explained, such as the scope of maintenance works and ancillary works, limits of deviation and the ability (through tailpieces in requirements) of discharging authorities to authorise subsequent amendments.</p> <p>The preferred approach to limiting this flexibility is to limit the works (or amendments) to those that would not give rise to any <u>materially new or materially different</u> environmental effects to those identified in the ES.</p> <p>The drafting which gives rise to an element of flexibility (or alternatives) should provide for unforeseen circumstances and define the scope of what is being authorised with sufficient precision. For example, the Secretary of State had to amend article 6 (Benefit of Order) of the National Grid (Richborough Connection project) Development Consent Order 2017 at decision stage to remove ambiguity (as later corrected by Richborough connection correction order).</p> <p>In relation to the flexibility to carry out advance works, any “carve out” from the definition of “commencement” should be fully justified and it should be demonstrated that such works would be</p>

ExQ1: [26 October 2020]

Responses due by Deadline 2: Monday 23 November 2020

ExQ1	Question to:	Question
		<p><i>de minimis</i> and would not have environmental impacts which would need to be controlled by a requirement (see section 21 of Advice Note 15).</p> <p>The drafting of requirements should reflect sections 17 and 19 of Advice Note 15.</p>
DCO.1.9	<p><i>Article 2 – definition of “commence”</i></p> <p>The Applicant The Relevant Planning Authorities</p>	<p>This is a broad definition, the effect of which would be to permit a wide range of works before the discharge of the requirements.</p> <p>Applicant: Explain why you consider it would be necessary to undertake these works prior to the discharging of requirements and clarify whether the impact of these works has been assessed.</p> <p>The Relevant Planning Authorities: Confirm whether you are concerned with the range of works that could be carried out prior to the discharge of requirements and if you are why and if you are should any of these works to be controlled by a requirement?</p>
DCO.1.10	<p><i>Article 2 – definition of Secretary of State</i></p> <p>The Applicant</p>	<p>i) Should a definition of “Secretary of State” be included? If yes provide a definition and if no, why not?</p> <p>ii) Can you confirm whether there are any circumstances that would engage a Secretary of State other than that for Transport; and</p> <p>iii) Confirm that the correct Secretary of State has been identified throughout the dDCO.</p>
DCO.1.11	<p><i>Article 6</i></p> <p>The Applicant The Relevant Planning Authorities</p>	<p>This article as drafted would allow development not authorised by the DCO to be carried out within the Order limits pursuant to planning permission. Which would appear to obviate the need to apply to change the DCO (through section 153 of the PA2008). The Explanatory Memorandum [APP-053] states that this would be necessary to enable Network Rail to carry out works to the operational railway following the carrying out of the development.</p> <p>The Applicant: Given the extensive Permitted Development rights for operational railway land why is this article considered necessary and what works are envisaged that would be covered by this article?</p>

ExQ1: [26 October 2020]

Responses due by Deadline 2: Monday 23 November 2020

ExQ1	Question to:	Question
		<p>The Relevant Planning Authorities: Do you consider that this should be secured in order to provide certainty that the power could not be used in other circumstances? If yes how would you want it to be secured?</p>
DCO.1.12	<p><i>Article 13</i> The Applicant The Relevant Highway Authorities</p>	<p>i) Are the activities listed at 13(1) sufficient to cover the works that would be required to implement the proposed development? Should the list be expanded/amended as follows –</p> <ul style="list-style-type: none"> (a) break up or open the street, or any sewer, drain or tunnel within or under it; (b) tunnel or bore under the street or carry out any works to strengthen or repair the carriageway; (c) remove or use all earth and material in or under the street; (d) place and keep apparatus in the street; (e) maintain, alter or renew apparatus in the street or change its position; (f) demolish, remove, replace and relocate any street furniture within the street; (g) execute any works to improve sight lines; (h) execute any maintain any works to provide hard and soft landscaping; (i) carry out re-lining and placement of road markings; (j) remove and install temporary and permanent signage; and (k) execute any works required for or incidental to any works referred to in sub-paragraphs (a) to (k) <p>ii) Are the activities listed at 13(2) sufficient to cover the works that would be required to implement the Proposed Development? Should the list be expanded to include – make and maintain crossovers and passing places; execute any works of surfacing or resurfacing the highway; carry out works for the provision or alteration of parking places, loading bays and cycle tracks; execute any works necessary to alter or provide facilities for the management and protection of pedestrians.</p> <p>iii) This article would give the Applicant the power to alter the layout and width of any street within the order land. While it would be necessary to obtain the consent of the street authority (which may not be unreasonably withheld) to exercise this power it is still a wide-ranging power. Should it therefore be limited to identified streets and if yes, which streets?</p>
DCO.1.13	<p><i>Supplemental Powers</i> The Applicant</p>	<p>The dDCO as currently drafted does not contain an article requiring the applicant to carry out protective works to any buildings lying within the Order Limits or which may be affected by the authorised development.</p>

ExQ1: [26 October 2020]**Responses due by Deadline 2: Monday 23 November 2020**

ExQ1	Question to:	Question
		i) Why not and how would these protections be secured by the DCO as currently drafted? ii) If an article would be necessary, provide a suggested form of wording
DCO.1.14	<i>Article 15</i> The Applicant	Notwithstanding other precedents justify why this power is appropriate and proportionate having regard to the impacts on pedestrians and others of authorising temporary working sites in these streets.
DCO.1.15	<i>Article 23</i> The Applicant	As currently drafted this article in addition to giving the Applicant the power to enter, survey and investigate land within the Order limits it extends to land " <i>which may be affected by the authorised development</i> ". Can you: i) Clarify which land outside the Order limits would likely to be affected. ii) Justify the need and extent of this power.
DCO.1.16	<i>Article 24</i> The Applicant	i) For clarity and precision should 24(1) be amended to 'the undertaker may acquire compulsorily so much of the Order land described in the book of reference and shown on the land plans as is required...' ii) Explain why 24(2) does not include reference to article 26 (time limit for exercise of authority to acquire land compulsorily or take land temporarily) iii) Explain the reasoning as to why 24(2) only refers to paragraph 8 of article 33 rather than the whole of article 33 iv) Should 'nothing in this article authorises the acquisition of an interest which is for the time being held by or on behalf of the Crown' be added as 24(3) and if not, why not? v) Should the list included in 24(8) include wayleaves?
DCO.1.17	<i>Article 26</i> The Applicant	The proposed construction programme indicates that work would commence in Winter 2021/22 can you therefore explain why a 5-year time period would be required? <i>You may wish to combine the answer to this question with the answer to question GC.1.1</i>
DCO.1.18	<i>Article 27</i>	For clarity and precision should 27(1) be amended to '...by acquiring rights and the benefits of

ExQ1: [26 October 2020]

Responses due by Deadline 2: Monday 23 November 2020

ExQ1	Question to:	Question
	The Applicant	restrictions already in existence'?
DCO.1.19	<i>Article 28</i> The Applicant	<ul style="list-style-type: none"> i) These provisions (and any relevant plans) should be drafted in accordance with the guidance in Advice Note 15, sections 23 (extinguishment of rights) and 24 (restrictive covenants). Review drafting and amend accordingly. ii) Review the drafting in light of paragraph 62 of the Secretary of State's Department for Transport's decision on the M4 Motorway (junctions 3 to 12) (Smart Motorway) DCO) and either amend the drafting or explain why the current inclusion of tailpieces is necessary and appropriate. i) Where this article refers to all private rights should this be amended to 'all private rights or restrictive covenants over land subject to....' ii) Does a similar provision to that contained within 28(1) need to be included for land owned by the undertaker eg 'Subject to the provisions of this article, all private rights or restrictive covenants over land owned by the undertaker which, being within the Order limits, is required for the purpose of this Order, are extinguished on the commencement of any activity authorised by this Order which interferes with or breaches such rights or such restrictive covenants' iii) 28(4) explain why section 152 of the 2008 Act is not referred to.
DCO.1.20	<i>Article 30</i> The Applicant	<ul style="list-style-type: none"> i) Do you need to add (2a) In section 1 (application of Act) for subsection 2 substitute- "(2) This section applies to any Minister, any local or public authority or any other body or person authorised to acquire land by means of a compulsory purchase order" ii) Should 28(7) refer to section 7 (constructive notice to treat) (f) not (e) iii) Should 28(8) refer to Schedule A1 (counter notice requiring purchase of land not in general vesting declaration) (g) not (f) iv) Should 28(9) refer to article 26 (modification of Part 1 of the 1965 Act) not article 25?
DCO.1.21	<i>Article 31</i> The Applicant	<ul style="list-style-type: none"> i) For clarity and precision should 31(1) be amended to '...over the land referred to paragraph (1) of article 24 (Compulsory Acquisition of land)...' ii) For clarity and precision should 31(3a) include '...to the 1965 Act (as modified by article 265 (modification of Part 1 of the 1965 Act)
DCO.1.22	<i>Article 33</i>	<ul style="list-style-type: none"> i) Should 33(2) be amended to include '...entry on the owners and occupiers of the land and

ExQ1: [26 October 2020]**Responses due by Deadline 2: Monday 23 November 2020**

ExQ1	Question to:	Question
	The Applicant	explain the purpose for which entry is taken in respect of land specified under paragraph 1(a)(ii).'
DCO.1.23	<i>Article 34</i> The Applicant	<p>As currently worded Article 34 requires a 28-day notice period for intended entry. How does this article allow access where the undertaker has identified a potential risk to the safety of the authorised development or any of its parts; the public and/or the surrounding environment? Would the following wording address this and, if so, should it be inserted into the article?</p> <p>'The undertaker is not required to serve notice under paragraph (3) where the undertaker has identified a potential risk to the safety of –</p> <ul style="list-style-type: none"> (a) the authorised development or any of its parts; (b) the public; and/or (c) the surrounding environment <p>and in such circumstances, the undertaker may enter the land under paragraph (1) subject to giving such notice (if any) as is reasonably practicable in the circumstances.'</p>
DCO.1.24	<i>Article 38</i> The Applicant	Does this article have effect in relation to apparatus to which Part 3 (street works in England and Wales) of the 1991 Act applies? If it does not, does the article need to state this or would it be captured by Article 37(2a)?
DCO.1.25	<i>Article 43</i> The Applicant Natural England	<ul style="list-style-type: none"> i) As currently worded this article would only allow trees to be felled or loped for completeness does it need to include other arboricultural practices such as pruning, coppicing, pollarding or reducing in height or width? ii) Article 44 would only allow removal of hedgerows subject to requirement 6 (landscaping). Is the same preclusion needed in article 43 and if not, why not?
DCO.1.26	<i>Article 44</i> The Applicant The Relevant Planning Authorities	This article would give the Applicant the power to remove any important hedgerows listed in Schedule 13, <u>plus any other hedgerows</u> within the Order limits. Contrary to the guidance contained within Advice Note 15 the 'other hedgerows' are not listed in a schedule nor is there a requirement that would require the Applicant to submit and have approved the removal of these hedgerows.

ExQ1: [26 October 2020]**Responses due by Deadline 2: Monday 23 November 2020**

ExQ1	Question to:	Question
		<p>Applicant: Explain the current drafting.</p> <p>The Relevant Planning Authorities: Should the removal of hedgerows outside of those listed in Schedule 13 be controlled and, if so, how by article or requirement? Provide the preferred wording.</p>
DCO .1.27	<p><i>Article 45</i> The Relevant Planning Authorities</p>	<p>Are the Relevant Planning Authorities satisfied with the defence to proceedings in respect of statutory noise nuisance and, if not, what alternative wording would they suggest?</p>
DCO .1.28	<p><i>Article 46</i> The Applicant The Relevant Highway Authorities</p>	<p>Applicant: Why is this article included in Part 7 (miscellaneous and general) rather than Part 3 (streets, highways and level crossings).</p> <p>The Relevant Highway Authorities: are the measures proposed by this article appropriate? If not, why not and please provide any alternative wording that you consider would address your concerns.</p>
DCO .1.29	<p><i>Article 56</i> The Applicant</p>	<p>Explain the reasoning behind the choice of the President of the Institution of Civil Engineers as the person chosen to appoint an arbitrator.</p>
DCO .1.30	<p><i>Removal of Human remains</i> The Applicant</p>	<p>Should the dDCO include an article to deal with the removal of human remains (see article 17 of the model provisions). If not, why not and if it should please amend the next draft to include an appropriately worded article.</p>
DCO.1.31	<p><i>Schedule 1</i> The Applicant The Relevant Planning Authorities</p>	<p>Paragraph 14.6 of the Explanatory Memorandum [APP-053] sets out the defining characteristics of associated development and states that it must not be an aim in itself and must be subordinate to and necessary for the effective operation of the NSIP. Provide an explanation as to how the following works would fulfil this criteria:</p> <ul style="list-style-type: none"> i) Work No 3 ii) Work No 7B iii) Work No 22A

ExQ1: [26 October 2020]**Responses due by Deadline 2: Monday 23 November 2020**

ExQ1	Question to:	Question
		iv) Work No 27 v) Work No 28
DCO.1.32	<i>Schedules 3, 4, 5,6, 7,8 and 9</i> The Relevant Highway Authorities The Relevant Planning Authorities	Confirm that the streets, bridleways, cycle tracks and footpaths listed in these schedules accurately reflect your understanding of the streets, bridleways, cycle tracks and footpaths that would be affected as a result of the proposed development and if not, why not?
DCO.1.33	<i>Schedule 17</i> The Applicant	Reference is made to the ES being a certified document however it is not currently included in Schedule 17. Should it be included? if it should be included please include it the next version of the dDCO and if it shouldn't be included please explain why.
Requirements		
DCO.1.34	<i>Requirement 6 and 7</i> The Applicant The Relevant Planning Authorities	For precision should 6(4) and 7(2) be amended to read ' Any tree or shrub planted as part of the approved railway landscaping scheme that, within a period of five years after the date that it is planted is removed, uprooted, destroyed , dies or becomes in the opinion of the relevant planning authority, seriously damaged or diseased, must be replaced with a specimen of the same species and size as that originally planted, unless the relevant planning authority gives written consent to any variation.'
DCO.1.35	<i>Requirement 8</i> The Applicant The Relevant Planning Authorities	For precision and enforceability should 8(4) include a time period by which the temporary fencing should be removed and if yes, how long should this be?
DCO.1.36	<i>Requirement 9</i> The Applicant	For precision and enforcement should 9(2) be amended as follows '...in accordance with the approved details and timetable and the stage of the authorised development must not

ExQ1: [26 October 2020]**Responses due by Deadline 2: Monday 23 November 2020**

ExQ1	Question to:	Question
	The Relevant Planning Authorities The Relevant Highway Authorities	commence until these works have been completed'
DCO.1.37	<i>Requirement 10</i> The Applicant	i) Provide an explanation why this requirement only applies to a limited number of works or signpost where in the application documentation this information can be found. ii) Explain why Work No 17 is not included in the list at 10(1) as works requiring a Written Scheme of Investigation (WSI) but a WSI for Work No 17 is then referred to at 10(6) and 10(7). How would a WSI for Work No 17 be secured?
DCO.1.38	<i>Requirement 11</i> The Applicant Environment Agency Lead Local Flood Authorities	i) Why is the tailpiece at 11(2) necessary? ii) And if it is necessary why is only the agreement of the relevant planning authority required when the original details would have to be agreed with the relevant planning authority in consultation with the lead local flood authority and the Environment Agency?
DCO.1.39	<i>Requirement 12</i> The Applicant The Relevant Planning Authorities	i) For precision should this requirement make reference to BS 5837:2012? ii) For precision and enforceability should 12(4) include a time period by which the fencing must be removed?
DCO.1.40	<i>Requirement 16</i> The Applicant	i) Should this be entitled Construction hours rather than construction noise given the requirement sets out the working hours? ii) Clarify why works within compounds would need to be carried out, outside of the 6am to 6pm timeframe? iii) Clarify why works on a Saturday would need to be undertaken between 6am and 6pm rather than the reduced hours normally used on a Saturday?

ExQ1: [26 October 2020]**Responses due by Deadline 2: Monday 23 November 2020**

ExQ1	Question to:	Question
DCO.1.41	<i>Requirement 18</i> The Applicant The Relevant Planning Authority The Relevant Highway Authority	Requirement 18 would appear to duplicate requirement 4 as both would require the submission and approval of details for Work No 28. Are both requirements necessary or could 4 be reworded to capture the detail contained within 18 or should reference to work No 28 be deleted from requirement 4?
DCO.1.42	<i>Requirement 19</i> The Applicant	<ul style="list-style-type: none"> i) It would appear that there is some wording missing from 19(1)(b) which as drafted requires a 'statement detailing that the temporary path....'. Clarify if this is correct and if it is provide the missing wording ii) Explain why there would be time constraints on the use of this path or signpost where in the application documentation this information can be found iii) Explain how the time constraints for the use of the path would be enforced
DCO.1.43	<i>Requirement 20 and 21</i> The Relevant Planning Authority	Is the use of the phrase 'as soon as reasonably practicable' in relation to the removal of temporary works sufficiently precise for the purposes of enforcement or should a timeframe such as 6 months from the date of completion of the works be used and if so what timeframe would be appropriate?
DCO.1.44	<i>Requirement 24</i> The Applicant The Relevant Planning Authority	<p>Parts (1), (2) and (3) of this requirement relate to the proposed tree planting on the A369 Portbury Hundred. Can you:</p> <ul style="list-style-type: none"> i) Confirm if the land required for this planting is within the Order Limits and if not, why not? ii) Given the additional tree planting is to encourage the foraging/commuting of bats should the details submitted be also considered by Natural England as well as the Highway Authority?
DCO.1.45	<i>Requirement 28</i> The Applicant Natural England	The requirement proposes a number of measures in relation to minimising the impact of proposed lighting at Pill station on bats. Part (4) would only require the maintenance of the lighting scheme for a ten-year period. Would such a period be sufficient to protect the bats?
DCO.1.46	<i>Requirement 29</i>	The requirement as currently worded would only require the installation and not the retention of

ExQ1: [26 October 2020]**Responses due by Deadline 2: Monday 23 November 2020**

ExQ1	Question to:	Question
	The Applicant	any approved lighting scheme. Should 29(2) be amended to 'installed in accordance with the approved details and thereafter retained ' and if not, why not?
DCO.1.47	<i>Requirement 31</i> The Applicant	31(1) and 31(3) would require works to be carried out in accordance with approved plans. Is the rider 'to the reasonable satisfaction of the relevant planning authority' therefore necessary? If yes, why?
DCO.1.48	<i>Requirement 32, 33 and 34</i> The Applicant	i) Reference is made at 32(1), 33(1) and 34(1) to details being 'submitted to and approved in writing by'. However, Requirement 35 would require that all approvals must be given in writing. For consistency amend wording. ii) As with requirement 31 the phrase 'to the reasonable satisfaction of the relevant planning authority' is used where the requirement would require the works to be carried out in accordance with the approved details. Is the rider therefore necessary and if yes, why?
DCO.1.49	<i>Requirement 38</i> The Relevant Planning Authorities	38(2) would give deemed consent for any application to discharge a requirement if a decision has not been made by the relevant planning authority within the defined 8-week period or where an extension of time has not been pre-agreed. Can you comment on whether you are content with this?
FR Flood Risk and Drainage		
FRD.1.1	<i>Updated Flood Information</i> Bristol City Council	Does the additional flood information submitted by the Applicant [AS-007] address the concerns raised in your RR [RR-001], if not, why not?
FRD.1.2	<i>Culverts</i> The Applicant	Provide further details in relation to the proposed works to the Easton-in Gordano culvert and the unnamed culvert linking the Court House Farm site, beneath the north abutment of the Royal Portbury Dock Road that leads eventually to the Drove Rhyne.
FRD.1.3	<i>Updated information</i> The Environment	In your RR [RR-013] you raised a number of concerns regarding the application. The Planning Inspectorate raised similar concerns in the s51 advice [PD-003] that was issued in January 2020.

ExQ1: [26 October 2020]

Responses due by Deadline 2: Monday 23 November 2020

ExQ1	Question to:	Question
	Agency	<p>The Applicant submitted additional information [AS-007] in response to the advice. Can you confirm if this information addresses your concerns and if not, why not and what additional information is required (and potentially being discussed with the Applicant)?</p> <p>In your RR you mention that additional flood modelling information had been received and you were reviewing it, provide an update with the progress on this review.</p>
FRD.1.4	<p><i>Disapplication of Byelaws</i> North Somerset Levels Internal Drainage Board</p>	<p>In your RR [RR-024] you advised that the drawings submitted with the application did not provide sufficient information to enable you to agree to the disapplication of a number of byelaws. Can you:</p> <ul style="list-style-type: none"> i) Provide an update with regards to discussions and whether this detail has been provided by the Applicant ii) If it has not been provided, provide further detail as to what the Applicant needs to provide to address your concerns.
FRD.1.5	<p><i>Mitigation</i> The Applicant</p>	<p>Paragraph 3.2.38 of the HRA [APP-142] Refers to “mitigation measures” potentially being necessary prior to the start of works to protect the watercourse which flows under the bridge to Ham Lakes. With reference to the CoCP, CEMP and other provisions, can the applicant clarify what mitigation measures would be proposed, the duration for which they would be required and how they would be secured?</p>
FRD.1.6	<p><i>Updated information</i> The Applicant The Environment Agency The Relevant Lead Local Flood Authorities</p>	<p>In your response the s51 advice [AS-007] you state “<i>However, the Applicant formally acknowledges that at detailed design GRIP 5 it will need to consider a design capacity reflecting an allowance for 40% for climate change which may be enforced through Requirement 11 of the dDCO</i>”.</p> <p>Applicant: If the GRIP process would require a higher climate change allowance than is currently assessed how would this be secured through dDCO requirement 11 as currently drafted? Why hasn’t a 40% allowance been modelled on the basis that it is foreseeably required as part of GRIP 5?</p>

ExQ1: [26 October 2020]

Responses due by Deadline 2: Monday 23 November 2020

ExQ1	Question to:	Question
		<p>The Environment Agency/The Relevant Lead Local Authorities: Are you satisfied that the design capacity submitted to the Examination is acceptable or should it reflect the higher allowance required for GRIP 5 and if it should are you satisfied that Requirement 11 as currently drafted could capture this or is this information required prior to the determination of the Application?</p>
FRD.1.7	<p><i>Additional information</i> The Applicant</p>	<p>The response to the s51 advice [AS-007] states "<i>furthermore, notwithstanding the reference to the small size of the catchments (see table 1) the Applicant will also re-run the simulation with a 70% allowance for fluvial flooding as an 'upper limit' sensitivity test</i>". Can you confirm when this information will be submitted into the Examination and confirm whether it will include an appraisal of effects beyond what is already presented in the FRA?</p>
<p>HE Historic Environment</p>		
HE.1.1	<p><i>Historic Bridges</i> The Applicant</p>	<p>RR-066 raised concerns that two historic bridges, Station Bridge and Tarr Bridge, would be damaged as a result of construction traffic.</p> <p>i) Confirm whether these are listed or are non-designated heritage assets? ii) Would these bridges be able to bear the weight of construction traffic? iii) Was any assessment of the impact of construction traffic on these bridges carried out if yes signpost where in the application documentation this information can be found and if no, why not?</p>
HE.1.2	<p><i>GSM-R Mast Avon Gorge</i> The Applicant Historic England</p>	<p>The Explanatory Memorandum [APP-053] (paragraph 11.6) refers to a number of 'minor' works within the Avon Gorge including a proposed GSM-R mast. Can you:</p> <p>Applicant:</p> <p>i) Provide further detail of what these minor works are and where they would be located? ii) Provide further details of the height, location and design of the GSM-R mast. iii) Confirm whether any of these works, particularly the GSM-R mast would affect the setting of the Clifton Suspension Bridge or any other designated heritage assets within the Avon Gorge.</p>

ExQ1: [26 October 2020]**Responses due by Deadline 2: Monday 23 November 2020**

ExQ1	Question to:	Question
		<p>Historic England:</p> <p>Given the sensitivities of this location should the detail of these works be provided now or are you satisfied it could be considered as part of the discharge of requirements should development consent be granted?</p>
HE.1.3	<p><i>Clanage Road</i> Bristol City Council Historic England</p>	<p>A permanent maintenance depot is proposed at Clanage Road which would be located in the Bower Ashton Conservation Area. It would be in close proximity to Ashton Court Registered Park and Garden and a number of listed buildings at Bower Ashton. Are you satisfied that the proposed depot would not adversely affect the setting of these heritage assets?</p>
NV Noise, Vibration and Light		
Noise and Vibration		
NV.1.1	<p><i>Noise Survey</i> The Applicant</p>	<p>Provide a response to the concerns raised in AS-002 regarding the noise survey work undertaken in the Fennel Road/The Vale area. In particular how the survey work undertaken is representative of these areas and whether additional mitigation had been considered in respect of these receptors?</p>
NV.1.2	<p><i>Baseline Survey</i> The Applicant Interested Parties</p>	<p>i) Can the Applicant provide the ExA with assurances that the baseline noise environment remains valid and robust, taking into account the time since the noise measurements were undertaken (primarily in September and October 2015 for noise and March 2016 for vibration)?</p> <p>ii) In terms of the impacts of existing freight traffic on the baseline noise environment, paragraph 13.3.31 of the ES [APP-108] explains that the number of freight movements in 2015 was lower than the previous five years; therefore it concludes that the impact from the Proposed Development services would be worst case, since a higher baseline level would have meant the passenger services would contribute less to the predicted noise climate. Whilst this is noted, can the Applicant comment on whether this approach could also result in the overall predicted noise and vibration levels not representing a true worst case (ie of higher freight traffic levels). Do any Interested Parties have comments in this regard?</p>
NV.1.3	<p><i>Operational Noise Levels</i> The Applicant</p>	<p>Two methods have been used by the Applicant to compare Operational noise levels with and without the scheme, depending on existing noise sources in the area;</p>

ExQ1: [26 October 2020]

Responses due by Deadline 2: Monday 23 November 2020

ExQ1	Question to:	Question
	<p>The Relevant Planning Authorities</p>	<p>i) Do the Environmental Health Officers from the Relevant Planning Authorities agree with the methodologies used?</p> <p>ii) Can the Applicant explain how method two takes into account different times of the day, for example evenings when the dominant noise source of traffic is likely to decrease?</p> <p>iii) Paragraph 13.3.33 [APP-108] states that in order to focus on the impact of the Proposed Development, no noise contribution from freight traffic has been assumed in either the Do-Minimum or Do-Something scenarios assessed using method 2. Can you comment on whether this has the potential to mask the potential effects of noise from freight movements plus movements from the Proposed Development?</p>
NV.1.4	<p><i>Noise from construction traffic</i></p> <p>The Applicant</p>	<p>Can you clarify how the contribution of noise from construction traffic has been assessed?</p>
NV.1.5	<p><i>Assessment for Significant Effects</i></p> <p>The Applicant</p>	<p>Can you explain how the assumptions listed in Table 3.1 of Appendix 13.3 [APP-153] would be secured?(with particular reference to train type, speed limit, number of train movements, closure of Barons Close Crossing).</p> <p><i>You may wish to combine the answer to this question with the answer to question BIO.1.5.</i></p>
NV.1.6	<p><i>Assessment of Significant Effects</i></p> <p>The Applicant</p>	<p>The opening Assessment Year is defined in paragraphs 13.3.34-13.3.38 [APP-108] as 2021 (and a future scenario of 2036). It states that the actual year of opening is likely to be winter 2023/24 but states that the difference in terms of predicted levels of road traffic between these years is considered to be negligible in noise terms and not considered to be a limitation of the assessment. Can you justify this statement further, for example by providing figures of predicted traffic movements to back up this assertion?</p>
NV.1.7	<p><i>Timetabling of trains</i></p> <p>The Applicant</p>	<p>The Scoping Opinion [APP-093] states that "<i>The Secretary of State has already noted the uncertainty regarding the characteristics and timetabling of the trains that would operate on the line. Should any such uncertainty remain at the time of submission the Secretary of State recommends that the noises modelling should consider a range of scenarios, including the potential</i></p>

ExQ1: [26 October 2020]**Responses due by Deadline 2: Monday 23 November 2020**

ExQ1	Question to:	Question
		<i>worst case.</i> Table 13.4 of the ES [APP-108] states that this is addressed in Section 13.3. However, there is no further reference to the uncertainty from timetabling. Can the Applicant confirm how any such uncertainty has been considered in the assessment?
NV.1.8	<i>Soil Stability</i> The Applicant	Can the Applicant direct the ExA to the specific parts of the ES which assess the effects of vibration on the stability of soil, as highlighted by a member of the public and reported in Table 13.4 of ES Chapter 13 Noise and Vibration [APP-108]?
NV.1.9	<i>Living conditions</i> The Applicant	<p>Requirement 26 would require the installation of a 2.4m high fence from track bed level adjacent to the disused Station at Portbury:</p> <ul style="list-style-type: none"> i) Can you confirm that the 'disused Portbury Station' referred to in the requirement is the Old Station House which has now been converted into a residential dwelling. ii) Given that the former station is elevated above the track would the proposed acoustic fencing be of the correct height iii) How would the outlook from this property be affected as a result of the proposed fencing and if it is adversely affected what measures are proposed to minimise the impact? <p><i>You may wish to combine the answer to this question with the answer to questions DE.1.7 and NV.1.10.</i></p>
NV.1.10	<i>Living Conditions</i> The Applicant	<p>The ES stipulates the performance required of the noise barriers along Peartree Field and at Old Station House in Portbury in paragraphs 13.7.7 and 13.7.8 [APP-108]. The performance levels are not referred to in dDCO Requirement 26. Can the Applicant explain how these performance levels would be secured?</p> <p><i>You may wish to combine the answer to this question with the answers to questions DE.1.7 and for the Old Station House NV.1.9 and for Peartree Field NV.1.12.</i></p>
NV.1.11	<i>Monitoring</i>	<p>Applicant:</p> <ul style="list-style-type: none"> i) Confirm whether the noise and vibration monitoring proposed in the outline CEMP [APP-127]

ExQ1: [26 October 2020]

Responses due by Deadline 2: Monday 23 November 2020

ExQ1	Question to:	Question
	<p>The Applicant The Relevant Planning Authorities</p>	<p>would be made available to local authorities?</p> <p>ii) Outline how would thresholds be identified and implemented, and indicate whether the CEMP should include a commitment to remedial measures should monitoring identify higher than predicted noise and vibration levels?</p> <p>Applicant and Relevant Planning Authorities:</p> <p>iii) Comment on the need for monitoring of operational phase noise and mitigation?</p> <p>iv) Can the Applicant explain if monitoring (and appropriate trigger levels) would be required to determine whether measures need to be implemented to reduce rail squeak? If so, how would these and any requisite remedial measures be secured?</p>
Light		
<p>NV.1.12</p>	<p><i>Living conditions</i> The Applicant</p>	<p>The ramp of the proposed footbridge at Portishead station would run alongside a number of residential properties in Peartree Field.</p> <p>i) Would the footbridge and ramp be lit?</p> <p>ii) If yes how would the lighting be designed/ managed so as to minimise any light spillage to adjoining residential properties and how would this be secured?</p> <p><i>You may wish to combine the answer to this question with the answers to questions DE.1.7 and NV.1.10.</i></p>
<p>NV.1.13</p>	<p><i>Lighting Levels</i> The Applicant</p>	<p>Give reasons why dDCO Requirement 29 (operational lighting) does not also stipulate the same lighting levels (>0.5 lux) as in Requirement 28?</p>
SE Socio-economics		
<p>SE.1.1</p>	<p><i>Tourism</i> The Applicant</p>	<p>Has there been an assessment of tourism benefits at Portishead and Pill resulting from the future use of the railway line? If it has been provided with the Application can you signpost where in the application documentation this information can be found or submit it into the application. If an assessment of the tourism benefits has not been undertaken, why not and would there be any?</p>

ExQ1: [26 October 2020]

Responses due by Deadline 2: Monday 23 November 2020

ExQ1	Question to:	Question
TT Traffic and Transport		
TT.1.1	<p><i>Permanent Railway Maintenance Compounds</i></p> <p>The Applicant</p>	<p>ES Chapter 4 [APP-099] paragraph 4.8.8 sets out that the existing maintenance regime required by Network Rail would be increased.</p> <p>i) Where are the maintenance compounds located in respect of the existing freight line?</p> <p>ii) What additional maintenance/emergency access is required over and above that necessary for the existing freight line?</p> <p>iii) Provide an overview/ summary to explain the purpose of each permanent maintenance compound and the reasons for the location and scale.</p>
TT.1.2	<p><i>Removal of ballast and old track</i></p> <p>The Applicant</p>	<p>The Construction Strategy [APP-074] states that there is an estimated 15,000 cubic metres of waste ballast and old track to be excavated. Can you provide the figure for each element separately?</p> <p>The strategy assumes that old ballast taken from the disused line could be transported by rail to a Network Rail recycling facility. If this is not the case it states that it would need to be transported by road to a local site but that this would be determined as the scheme progresses.</p> <p>i) Advise if the method for removal of old ballast has been determined.</p> <p>ii) Advise whether the Transport Assessment [APP-155] assess for the removal of this ballast by road and if it does not what would be the implications for construction traffic if ballast had to be removed by road.</p> <p>The Construction Strategy highlights a number of potential options for removing old track. Can you confirm which option or options has been decided upon and whether this has been assessed as part of the Transport Assessment [APP-155]. If not, why not and what would be the implications for construction traffic.</p>
TT.1.3	<p><i>Access from Portbury Hundred – Works no. 12</i></p> <p>The Applicant</p>	<p>GA Plan Sheet 3 [APP-010] indicates a new permanent access point from the A369 Portbury Hundred. In relation to this proposed access, Para 4.5.10 of the ES Ch 4 [APP-099] states <i>'This will provide access to the field between the A369 Portbury Hundred to the south and the disused railway to the north, to be used initially for access to the temporary construction compound then to</i></p>

ExQ1: [26 October 2020]**Responses due by Deadline 2: Monday 23 November 2020**

ExQ1	Question to:	Question
		<p><i>replace the current accommodation crossing over the disused railway providing access to that field’.</i></p> <ul style="list-style-type: none"> i) Provide further detail of the location and size of the construction compound access or direct the ExA to where in the application documents that this can be found. ii) Would the access be altered in size or specification once the compound is no longer required for construction purposes? iii) Is the access required to be made permanent for any other reason than to enable access to Elm Tree Farm land following closure of their historic crossing? <p><i>You may wish to combine the response for this question with the answer to questions BIO.1.26 and CI.1.5.</i></p>
TT.1.4	<p><i>Further Information</i> Bristol City Council</p>	<ul style="list-style-type: none"> i) Provide further details on the proposed highway improvements on Winterstoke Road referred to in your RR [RR-001] and how the Proposed Development would affect them or signpost where in either your LIR or WR this information can be found. ii) In your relevant representation [RR-001] you state you are in discussion with the applicant regarding the measures in the CTMP [APP-210] however no further details are provided – please provide an update on any discussions and set out any outstanding concerns in this respect.
TT.1.5	<p><i>National Highway Design Guidance</i> The Applicant</p>	<p>Design Manual for Roads and Bridges guidance has been revised since the 2005 version which is referred to in the ES chapter 16 [APP-111]. Explain the extent to which you consider the changes might affect the findings in the ES.</p>
TT.1.6	<p><i>Significant effects</i> The Applicant</p>	<p>ES Table 16.9 [APP-111] states that there would be no significant impacts to the local road network at construction stage. However, paragraph 5.1.1 of the Non-Technical Summary [APP-094], in summarising likely significant adverse effects, includes impact of construction traffic on the local road network – please explain this inconsistency and if significant effects are likely can the applicant explain why these cannot be further mitigated.</p>
TT.1.7	<p><i>Traffic Management</i></p>	<p>ES Table 16.9 [APP-111] sets out that local traffic management measures which should reduce the</p>

ExQ1: [26 October 2020]**Responses due by Deadline 2: Monday 23 November 2020**

ExQ1	Question to:	Question
	Relevant Highway Authorities The Applicant	<p>effects of the works would be agreed with the Highway Authority post the granting of any consent – are the relevant Highway Authorities content that such measures could be agreed post consent?</p> <p>In the absence of reference to such measures in the CTMP [APP-210] can the Applicant provide assurances that such measures would be implemented if necessary and how would they be secured?</p>
TT.1.8	<i>Infrastructure Mitigation Measures</i> The Applicant	<p>ES Table 16.8 [APP-111] and section 10 of the TA [APP-155] detail infrastructure measures to be implemented however the TA indicates that these measures have yet to be finalised.</p> <p>i) Explain what reliance has been placed on the implementation of these measures in the assessment of effects.</p> <p>ii) If the measures are yet to be finalised what confidence can the Applicant provide that they would be successful in mitigating potential impacts?</p> <p>iii) The measures do not appear in the CTMP [APP-210] so how would they be secured?</p>
TT.1.9	<i>Weight Restrictions</i> The Applicant	<p>In their RR [RR-008] Avon and Somerset Constabulary advise that there is a weight restriction of 4 tonnes in place on Clanage Road/Rownham Hill where a storage compound would be located. Are you:</p> <p>i) Aware of this weight restriction and if so, was this considered when the location of the storage compound was selected?</p> <p>ii) If you were not aware of this weight restriction would it effect the siting of the storage compound in this location?</p> <p>iii) What measures are proposed to ensure that the weight limit is not breached and how would these be secured?</p>
TT.1.10	<i>Strategic Road Network</i> Highways England The Applicant	<p>In their RR [RR-016] Highways England requested additional detailed information in relation to a number of matters in the Transport Assessment [APP-155] and CTMP [APP-210].</p> <p>i) Has this information been provided? The ExA notes the Applicant’s response to these points as</p>

ExQ1: [26 October 2020]

Responses due by Deadline 2: Monday 23 November 2020

ExQ1	Question to:	Question
		<p>part of [PDR6-005] that a response will be provided as part of the SoCG process.</p> <p>ii) If it has are Highways England now satisfied with the information submitted? If not, why not?</p> <p>iii) If it hasn't is this information going to be provided and if it is when will this information be provided? If the information is not going to be provided why not?</p> <p>iv) In the RR Highways England mention the potential need for a capacity assessment of Junction 19 of the M5 is this required? if so why and when would it be required ie during the Examination or is it a matter that could be provided post decision?</p> <p>v) In the RR Highways England mention that they are likely to request a number of additional or amended requirements – provide further information on what requirements they consider would be required, why and preferred wording</p>
TT.1.11	<p><i>Ashton Vale Industrial Estate</i> The Applicant</p>	<p>Provide a response to the concerns raised in RR-019 regarding access to the Ashton Vale Industrial Estate including an explanation as to why the option of a rear access road was not progressed.</p>
TT.1.12	<p><i>Local Parking Provision</i> The Applicant</p>	<p>ES Table 16.11 [APP-111] identifies a moderate adverse impact in relation to parking provision in the vicinity of the proposed Portishead Station, which is linked to other committed developments in the vicinity at Harbour Road and Serbert Way. The table states “<i>This issue is considered further in Section 16.8 in relation to cumulative effects</i>” however there is no evidence of these developments being considered further.</p> <p>i) Please provide further explanation as to how the conclusion that moderate adverse effects would arise was achieved.</p> <p>ii) If significant effects were likely, could these be further mitigated?</p>
TT.1.13	<p><i>Local Parking Provision</i> The Applicant</p>	<p>The TA [APP-155] indicates that there would be monitoring of the Pill and Portishead Station car parks after opening. Please provide further detail:</p> <p>i) How would parking be monitored at the stations and with which bodies would the results be shared?</p> <p>ii) What would the triggers be for remedial action and what actions would these be?</p>

ExQ1: [26 October 2020]**Responses due by Deadline 2: Monday 23 November 2020**

ExQ1	Question to:	Question
		iii) Would the monitoring programme be agreed with those bodies in advance?
TT.1.14	<p><i>Local Parking Provision Avon Road – Work no. 20B</i></p> <p>The Applicant</p>	<p>ES chapter 4 [APP-099] and Access to Works Plan sheet 6 [APP-024] shows 12 garages to be demolished on Avon Road to enable access point AW 6.1 and provide space for a crane. Please provide further information:</p> <p>i) What would be the alternative parking arrangements for residents of Avon Road during construction?</p> <p>ii) Paragraph 4.5.169 of APP-099 indicates that it is not proposed the garages will be rebuilt. What are the re-instatement proposals for this area of land and alternative parking arrangements for user's post-construction?</p>
TT.1.15	<p><i>Operatives Parking</i></p> <p>The Applicant</p>	<p>Between 20 and 50 construction operatives are assumed at each of the main compounds during construction and up to 20 at the satellite compounds (CTMP paragraph 5.4.5 [APP-169 and APP-210]).</p> <p>i) Provide details of the location and design parameters of the parking provision for operative's vehicles to demonstrate that each of the car parks would include sufficient capacity to avoid "fly parking" on and adjacent to the local highway network.</p> <p>ii) How would "fly parking" on and adjacent to the local highway network be prevented?</p>
TT.1.16	<p><i>Travel Plans</i></p> <p>The Relevant Highway Authorities</p>	<p>TA Appendix M [APP-171] sets out the outline travel plans for Portishead and Pill and the CTMP [APP-169 and APP-210] (TA Appendix K) at section 6.9 refers to a Construction Workers' Travel Plan which would be prepared by the contractor. Could the Relevant Highway Authority:</p> <p>i) Confirm if the limited information provided for the construction workers' travel plan is sufficient at this stage, and if not, what else would be required?</p> <p>ii) Confirm if the outline station travel plans including arrangements for monitoring and review provide a suitable basis for agreement of detailed travel plans post consent?</p>

ExQ1: [26 October 2020]**Responses due by Deadline 2: Monday 23 November 2020**

ExQ1	Question to:	Question
Public Rights of Way, including cycle routes		
TT.1.17	<i>Bridleways</i> The Applicant	Proposed bridleway improvement works include an extension around and under the M5. Have the relevant horse societies been consulted and, if so, how have their views been addressed?
TT.1.18	<i>Public Rights of Way</i> The Applicant Bristol City Council	The Planning Statement [APP-209] at paragraph 6.4.57 states that the Metrobus works at Ashton Vale are to become a public right of way. Please provide an update.