

From: Richard Guyatt <richard.guyatt@wbd-uk.com>
Sent: 23 October 2020 18:11
To: Bartkowiak, Bart <Bart.Bartkowiak@planninginspectorate.gov.uk>
Cc: Metrowest1 <Metrowest1@planninginspectorate.gov.uk>; James Willcock (<James.Willcock@n-somerset.gov.uk> <James.Willcock@n-somerset.gov.uk>); Tom Ewings <Tom.Ewings@wbd-uk.com>; Frances Everett <frances.everett@wbd-uk.com>
Subject: MetroWest Phase 1 - Open Floor Hearing - Mrs Freestone [WBDUK-AC.FID ██████████]

Bart

I attach a letter I have sent to Mrs Freestone following the Open Floor Hearing on 19 October.

Having carried out the Panel's suggested review of the relevant plans it is clear that there is a discrepancy in plans as picked up by Mrs Freestone.

I can confirm that I was correct in stating my client does seek to acquire the freehold of the whole of the ██████████ held by Mrs Freestone and her brother (albeit if agreement can be reached a lesser interest than full freehold acquisition can be agreed for at least some of the land). However the Works Plan suggests part of the land on the Pill side of the M5 is needed for the Lodway compound – this is not correct. The land on the Pill side of the M5 is required for reptile translocation and not for a compound.

I will deal with the issue formally in my client's response to the Open Floor Hearing but, given the discussions on Monday evening, I thought it was important that you, the Panel and Mrs Freestone have this clarification as soon as possible.

Please do pass my apologies on to the Panel. I anticipate that a redacted version of my letter will also be placed on the project website but I will in any event be attaching a redacted version to the written responses to the OFH, due on 2 November.

With best wishes

Richard

Richard Guyatt
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Please consider the environment! Do you need to phis email?

From: Richard Guyatt <richard.guyatt@wbd-uk.com>

Sent: 23 October 2020 17:58

To: [REDACTED]

Subject: [REDACTED] - Portishead Branch Line DCO - Open Floor Hearing 19 October [WBDUK-AC.FID [REDACTED]]

Dear Mrs Freestone

Please find attached a letter I've prepared following our discussion at the open floor hearing on Monday evening. I will arrange for it to be copied over to Greenslade Taylor Hunt and the Planning Inspectorate.

Apologies for sending it late on a Friday. I've been in virtual meetings for most of the last two days so have not been able to finalise the letter for dispatch until now.

I do not have your brother's email address so please could you forward this email and its enclosures to him?

I hope you have a peaceful weekend.

Richard Guyatt

23 October 2020

Susan Freestone

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

By email only

Email: [REDACTED]

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Our ref:
KJG1/RG1/381278.1
Your ref:

Dear Mrs Freestone

The Portishead Branch Line (MetroWest Phase 1) Order Open Floor Hearing - 19 October 2020

I am writing following our discussions at the Open Floor Hearing on 19 October. Many thanks once again for your participation in the Hearing.

At the Hearing on 19 October you and I discussed how your land interests were affected by the MetroWest proposals. I responded to your question, by reference to the Applicant's land plans, to confirm that all of your land comprising the plots forming [REDACTED] are plots that are included in the land plans and Book of Reference for freehold acquisition.

A plan has been prepared to show why each of the plots is sought. This is attached. I deal with each of the plots in turn below.

I can confirm that you were right in pointing out a discrepancy in a number of the plans. On behalf of my client I can only apologise for the discrepancy, but can confirm the currently proposed land acquisition, if compulsory powers have to be used, is as set out in the table below.

The relevant plans

A number of plans show what is proposed for [REDACTED] and there is indeed inconsistency in them. I set out below the plans that are correct, followed by the plans which my client will be requesting are substituted by revised plans showing the correct position.

Please note, where I refer to document references below (in square brackets) these are the references allocated by the Planning Inspectorate for the purpose of the examination.

A full list of the documents admitted into the examination can be found on the project web pages by clicking the blue Examination Library button under the Documents tab.

My client is also required to maintain an up-to-date Guide to the Application – also available on the project page – which lists all of the application documents. You may also find this useful as it lists both my client's 'application reference' and the Planning Inspectorate's 'examination reference' for each document/plan submitted.

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The relevant plans with the correct designations are:

Land Plan [AS-012] – plots 05/85 and 05/86 (west of the M5), plots 05/151 and 05a/05 are all shown for freehold acquisition.

Important Hedgerow Plan [APP-048] – extent of land labelled as "Lodway Construction Compound" is correct.

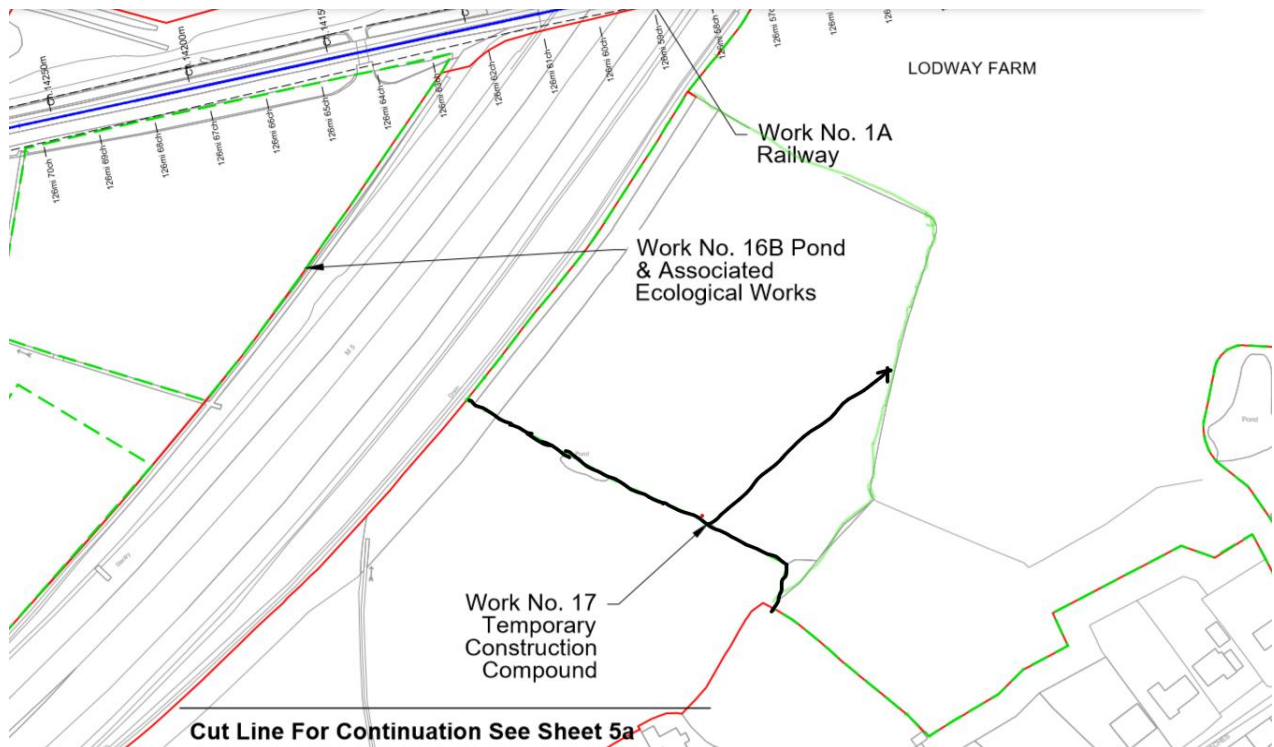
Plans requiring correction:

Works Plan [AS-013] – this shows part of the land forming plot 05/151. This incorrectly included within the boundary for Work No. 17, the temporary construction compound on Lodway Farm.

General Arrangement Plans [APP-010] – again part of plot 05/151 is incorrectly shaded blue to suggest that it is part of Work No. 17 – the construction compound.

Compound, Haul Road and Access to Works Plan [APP-024] – part of plot 05/151 is incorrectly shaded to suggest it is part of the Lodway Farm construction compound.

In an attempt to assist I've prepared an annotated version of the Works Plan to show you how the Lodway Compound will be shown in the amended plans. Those amended plans should be available next week. My rough sketch of the proposed change to the Works plan Sheet 5 is below:



Why the plots have been included in the Order Land and what is proposed for your land

The table below sets out, by reference to the enclosed plan, why each of the plots scheduled in the Order that are held by you and your brother are included in Order lands.

Plot No.	Reason for acquisition	Nature of acquisition if acquired compulsorily	Comments
05/85 and 05/86	Ecological mitigation works and flood mitigation	Freehold acquisition	Freehold acquisition is proposed for the land between the railway and the M5 (accessed by the accommodation bridge next to the M5) because the land is suitable for Great Crested Newt relocation and also for some minor flood mitigation. Further communication regarding this plot will be undertaken with you and other interested parties shortly.
05/151	Reptile relocation	Freehold acquisition	These plots are proposed to be acquired freehold because reptiles need to be relocated before the ballast from the existing Portishead railway line, and the area before Pill Goods Yard, can be cleared of reptiles and ballast replaced. It is anticipated that the reptiles are likely to migrate back to the railway over time. The need however is to secure the land for a sufficiently long time to allow for this to happen – about 6-8 years. It is not possible to acquire land by way of lease. The length of time needed to monitor the reptiles is longer than would be appropriate for temporarily powers to be sought. The compulsory powers sought can therefore only be freehold acquisition but my client would hope that agreement between the Applicant, yourself and your brother can be reached to allow the Applicant to take a lease of this plot.
05a/05	Reptile relocation	Freehold acquisition	

Concluding remarks

Once again I must apologise for the confusion in the plans and I am grateful to you for pointing out the discrepancies to my client.

My client will now be requesting the substitution of a number of our plans to make it completely clear that the Lodway Farm compound does not extend into the [REDACTED]

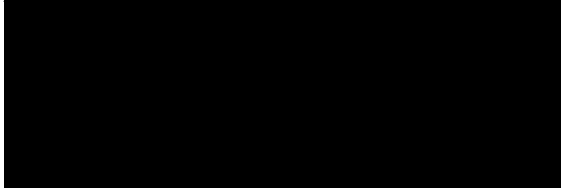
I would hope that the clarification can be accepted by the Panel for the compulsory acquisition hearing on 4 December. In any event this letter has been provided to the Inspectorate for information today and will be appended to the Applicant's formal response to submissions made at the Open Floor Hearing.

My client's agents will be in contact with yours shortly to discuss how to proceed by way of agreement, if that is possible.

I will notify you when updated works, haul roads and access plans and general arrangement plans are to be made available to the Examining Authority.

I will also arrange for a copy of this letter to be provided to Greenslade Taylor Hunt.

Yours sincerely



Richard Guyatt
Partner
Womble Bond Dickinson (UK) LLP










c.c. Metrowest1 Metrowest1@planninginspectorate.gov.uk

Enclosure:

1. Plan

The Portishead Branch Line (MetroWest Phase 1) Order 2021

Key:

-  Limits of Land to be Acquired or used
-  Land to be Acquired
-  HMLR Titles
-  Land Contouring
-  GCN Enhancement Area
-  Reptile Receptor Site
-  New GCN Pond
-  Reptile/GCN Hibernacular
-  Temporary Newt Exclusion Fence

Colourings on plans showing nature of acquisition is indicative only and nature of interest to be taken may change.

Plots contained within ST216097:

- 05/85 - Area: 25343.49 sqm / 6.263 acres
- 05/86 - Area: 73.18 sqm / 0.018 acres
- 05/151 - Area: 30334.73 sqm / 7.496 acres
- 05a/05 - Area: 14626.95 sqm / 3.614 acres

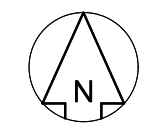
Title:
**The Portishead Branch Line
 (MetroWest Phase 1) Order 2021**
 Stephen James Bullock & Susan
 Elizabeth Freestone
 Environmental Mitigation Overlay
 Sheet 1 of 1

Scale: 1:1250 @ A3

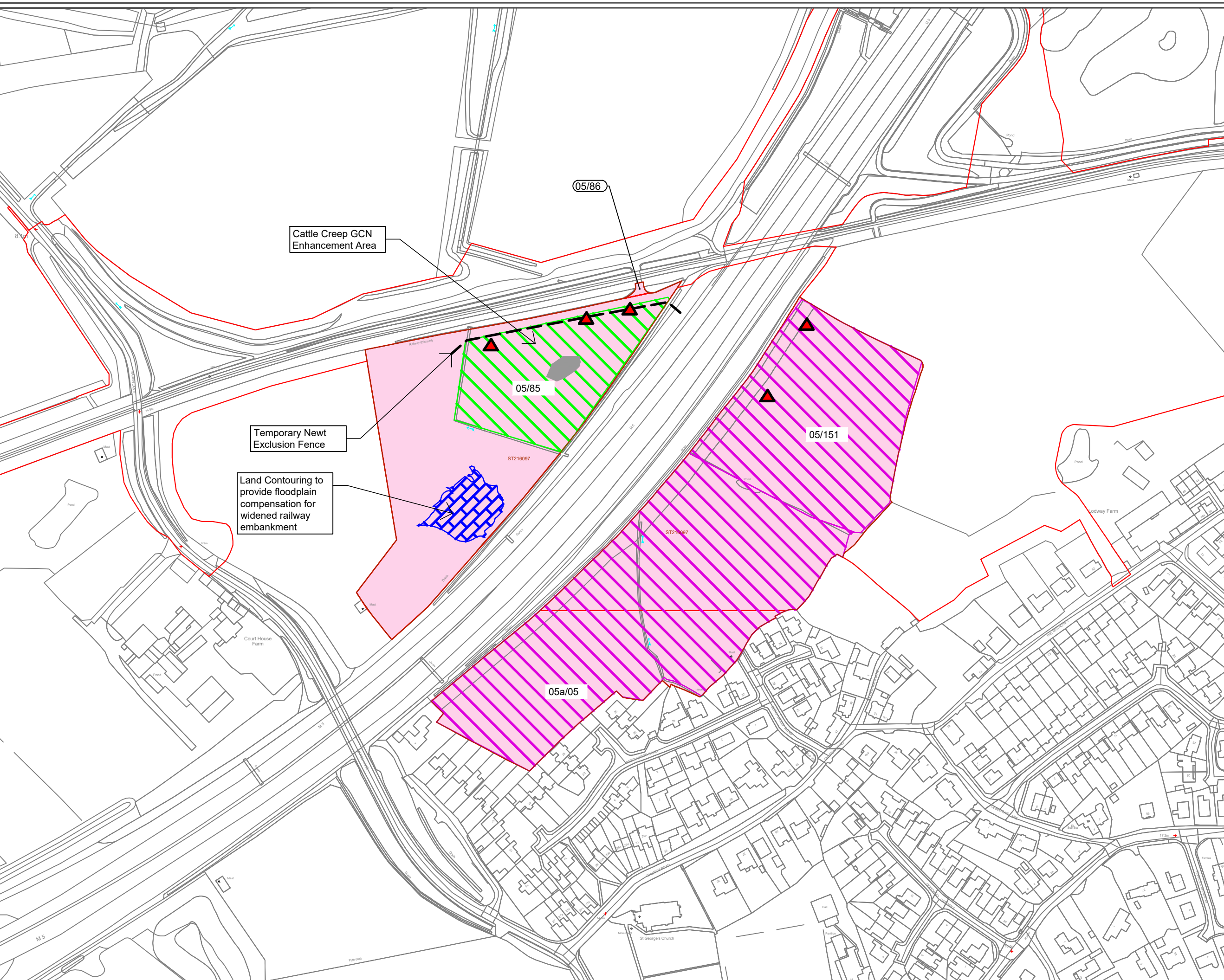

Dwg Ref:
 Stephen_Bullock_Susan_Freestone_R1.dwg

Plan Ref:
 Stephen_Bullock_Susan_Freestone_R1

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Date: 23.10.2020	Drawn by: G.J
Rev: 1	Checked: C.P



Cattle Creep GCN Enhancement Area

Temporary Newt Exclusion Fence

Land Contouring to provide floodplain compensation for widened railway embankment

05/85

05/151

05a/05

ST216097

ST216097

Court House Farm

St George's Church

Podway Farm