



MetroWest+

Portishead Branch Line (MetroWest Phase 1)

Planning Inspectorate Reference: TR040011

Applicant: North Somerset District Council

9.3.1 ExA.SoCG-NSC.D1.V1 – Statement of Common Ground

Between

- (1) North Somerset Council;
- (2) Network Rail Infrastructure Limited; and
- (3) North Somerset District Council (as Local Planning Authority)

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2. ABBREVIATIONS

2008 Act	Planning Act 2008
AGVMP	Avon Gorge Vegetation Management Plan
Applicant	North Somerset District Council
CEMP	Construction Environmental Management Plan
dDCO	draft Development Consent Order
EA	Environment Agency
ES	Environmental Statement
GCN	Great Crested Newt
LLFA	Lead Local Flood Authority
NE	Natural England
NPPF	National Planning Policy Framework
NRIL	Network Rail Infrastructure Limited
NSIP	Nationally Significant Infrastructure Project
PINS	Planning Inspectorate
SAC	Special Area of Conservation
SoCG	Statement of Common Ground
SSSI	Site of Special Scientific Interest
WECA	West of England Combined Authority

In the text, "DCO Document Reference" refers to the DCO document reference number as shown on the documents on the Portishead Branch Line (MetroWest Phase 1) [project page on the PINS website](#).

In cases where a document appears twice and there are two DCO Document Reference numbers, (for example, the AGVMP which appears twice as standalone DCO Document Reference number 8.12 and as ES Appendix 9.11, DCO Document Reference 6.25), we have used the DCO Document Reference number for the standalone document.

3. INTRODUCTION

- 3.1 This Statement of Common Ground ("SoCG") has been prepared by North Somerset District Council ("the Applicant"), Network Rail Infrastructure Limited ("NRIL"), and North Somerset Council in its capacity as Local Planning Authority ("the LPA") to set out the areas of agreement and disagreement between the parties in relation to the Development Consent Order ("dDCO") application for the Portishead Branch Line (MetroWest Phase 1) ("the DCO Scheme") based on consultation to date.
- 3.2 This SoCG comprises an agreement log which has been structured to reflect topics of interest to the LPA in relation to the application for the DCO Scheme. Topic specific matters agreed and not agreed between the LPA, NRIL and the Applicant are included.

4. SCHEME OVERVIEW

- 4.1 The Applicant has applied to the Planning Inspectorate ("PINS") for a development consent order to construct the Portishead Branch Line under the Planning Act 2008 ("Application"). The Application was made on 15 November 2019 under reference TR040011 and was accepted for examination on 12 December 2019.
- 4.2 The DCO Scheme will provide an hourly (or hourly plus) railway service between Portishead and Bristol Temple Meads Railway Station, with stops at Portishead, Pill, Parson Street and Bedminster.
- 4.3 The DCO Scheme comprises the Nationally Significant Infrastructure Project ("NSIP") as defined by the Planning Act 2008 ("the 2008 Act") to construct a new railway 5.4 km long between Portishead and the village of Pill, and associated works including a new station and car park at Portishead, a refurbished station and new car park at Pill and various works along the existing operational railway line between Pill and Ashton Junction where the DCO Scheme will join the existing railway. Ashton Junction is located close to the railway junction with the Bristol to Exeter Mainline at Parson Street.¹

¹ Please refer to Schedule 1 of the DCO (Document [APP 052]) for more detail.

- 4.4 The Application has been accompanied by an Environmental Statement ("ES") because the DCO Scheme is classified as EIA development in the EIA Regulations 2017².

5. MATTERS OF INTEREST TO NORTH SOMERSET LPA IN THE DCO SCHEME

- 5.1 As North Somerset Council is the Local Planning Authority for the area in which part of the DCO Scheme lies – the remainder being within the Bristol City Council LPA – the LPA has a particular interest in the DCO Requirements. Applications to discharge a number of the Requirements will be made to the LPA, and therefore a key area for agreement is the process by which those applications are made by the Applicant and dealt with by the LPA.
- 5.2 As North Somerset Council is a unitary authority, it is also the Local Highway Authority. It therefore has a particular interest in the impact of construction and the operational phase upon the highway network, specifically stations and work compounds. North Somerset Council is also the Lead Local Flood Authority and therefore flood risk and drainage are key issues. Ecology is another key area of interest, given the location of the scheme in close proximity to key ecological sites.

6. OVERVIEW OF ENGAGEMENT

6.1 Introduction

- 6.1.1 This section briefly summarises the consultation between the Applicant and LPA. For further information on the consultation process please refer to the Consultation Report (APP-058).

6.2 Pre-application

- 6.2.1 The Applicant (together with NRIL) engaged with the LPA on the DCO Scheme during the pre-application process, both in terms of informal non-statutory engagement and formal consultation carried out pursuant to Section 42 of the 2008 Act.
- 6.2.2 The Applicant has had regular and constructive engagement with the LPA throughout the pre-application process on both a formal and an informal basis. The Applicant adopted a multi-stage approach to formal consultation which has allowed the DCO Scheme proposals to

² The Town and Country Planning (Environmental Impact Assessment) Regulations 2017

evolve iteratively through the Applicant's consideration and regard for the LPA's input, in keeping with the (former) Department for Communities and Local Government (DCLG) Pre-Application Guidance (2015). This has meant that the LPA's responses meaningfully contributed to the development of the proposals in the DCO Scheme.

6.2.3 The formal consultation was carried out in three main stages:

- (a) "Stage 1 Consultation", from 22 June 2015 to 3 August 2015 (pursuant to Section 47 only);
- (b) "Stage 2 Consultation", from 23 October 2017 to 4 December 2017; and
- (c) "Additional Stage 2 Consultation" at several different points following Stage 2 Consultation.

6.2.4 A full account of the Applicant's pre-application engagement with the LPA is contained in the Consultation Report (APP-058).

6.3 **Post-application**

6.3.1 Following the submission of the Application on 15 November 2019, the Applicant has continued to engage with the LPA and progressed the substantive matters that are recorded in this document.

6.3.2 The LPA's Relevant Representation is set out in Table 7.1 of this SoCG alongside the Applicant's response.

6.3.3 Meetings between the Applicant and LPA have continued post submission with discussion focused on settling the content of this comprehensive SOCG.

6.4 **Overview of key issues raised in Relevant Representation and at Section 42 consultation**

6.4.1 When formally consulted during the Section 42 consultation, the LPA raised the following key issues:

- (a) Concerns about the Portishead Station building, car park design and the surrounding environment;
- (b) Requests for further information/ clarification/ mitigations regarding ecology; and
- (c) General requests for further information.

6.4.2 Outside of the formal consultation process the LPA raised the following key issues:

- (a) Requested 14 days' notice before the end of the 8 week approval period prior to deemed consent of Requirements (as set out in Schedule 2 of the dDCO (APP- 052) taking effect;
- (b) Requested further detail on how the larger car park access at the junction with Harbour Road and Papermill Gardens will operate. The proposed operation of this junction will need to be tested to demonstrate that it will operate satisfactorily;
- (c) Requests for further details around the Pill Station design, raised safety concerns about pedestrian and vehicle movements around Pill Station Car Park;
- (d) Raised various comments on the Surface Water Drainage Strategy for Portishead and Pill Stations, haul roads and compounds and suggested DCO Requirements around drainage;
- (e) Raised queries about noise mitigation;
- (f) Concerns raised and request for further ecology mitigation;
- (g) Requested an archaeological "watching brief" at compound sites and for the recording of historic railway assets along the railway; and
- (h) Stated that the impacts of new structures cannot rely solely on landscaping to make them appropriate – they need to meet LPA planning policies, be proportionate, and not have unacceptable adverse impacts on the living conditions of neighbours and other land uses.

6.4.3 In addition the LPA requested a number of clarifications regarding the operation of requirements contained in Schedule 2 of the dDCO (App-052). The Applicant's drafting notes are provided at Appendix 1 to this SOCG.

6.4.4 In its Relevant Representation (RR -002) , following publication of the acceptance of the Application pursuant to Section 56 of the 2008 Act, the LPA highlighted the following:

- (a) The LPA is in the process of preparing a new Local Plan for the period up to 2036, and therefore has a good understanding of committed development in its area and the relationship of those developments to the DCO Scheme;
- (b) The LPA's remit is informed by the wider responsibilities of North Somerset Council including in the areas of highways and transport, flooding, public health, education and

social care, crime prevention and emergency management, and waste management. These responsibilities are undertaken in partnership with bodies including the West of England Combined Authority ("WECA"), the emergency services, government agencies, and neighbouring authorities. Therefore the LPA will continue to take an interest and seek engagement in relation to a broad range of issues and the interaction of the DCO Scheme proposals during the construction and operational phases.

- (c) In scoping its Local Impact Report the LPA is conscious that a large part of the DCO Scheme passes through Green Belt, and there will be location-specific considerations for example where the stations are proposed, where there will be road realignment, and in the Avon Gorge. These issues are a key focus for the SoCG.
- (d) The process for discharge of DCO Requirements and other procedural matters are a significant focus for the LPA.

6.4.5 The following sections provide detail on the matters raised by the LPA during the course of the DCO Scheme consultation, the actions taken by the Applicant and NRIL in response, and whether the matter is agreed or remains to be agreed.

7. RELEVANT REPRESENTATIONS

The following table sets out the comments received by the Applicant and NRIL from the LPA as Relevant Representations (RR-002) following PINS' acceptance of the Application, and the Applicant's response. The table focuses on high level topics and incorporates signposting to the parts of this SoCG where the issues are addressed in further detail.

Table 7.1: Relevant Representations and Applicant responses

Ref.	Topic	LPA position	Applicant position
RR-002 (1)	Support for the scheme	The Council fully supports the proposal to re-open the rail line between Portishead and Bristol and believes it will reduce traffic movements with attendant carbon reduction and air quality benefits and reduction of congestion on the network including the M5 and A369 and increase the resilience of the sub-regional transport network. It considers there are potentially significant economic benefits to the region, improving accessibility to the Temple Quarter growth hub in Bristol and providing access to job opportunities in this location.	The Local Planning Authority's support of the DCO Scheme and its benefits is noted.
RR-002 (2)	Planning policy	The Council, which has declared a Climate Emergency, will also wish to make representations concerning matters including: The Planning statement gives a thorough overview of the issues that arise from the proposal. We are the Unitary authority for the area through which most of the line passes through. North Somerset Council has responsibility for Local Planning policies and making decisions on planning applications. We are currently preparing a new Local Plan for the period up to 2036. We therefore have considerable knowledge of committed development within the locality and its relationship with the proposed rail	A full Environmental Impact Assessment of the DCO Scheme has been undertaken. The Planning Statement will be updated before examination to reflect the latest position regarding North Somerset Council's Local Plan.

Ref.	Topic	LPA position	Applicant position
		line. We also have a responsibility for Highways and Transport including roads, travel and parking.	
RR-002 (3)	Role of the LPA and its remit when considering the DCO Scheme	Our role extends to being Lead Flood and Public Health Authority, provider of social care, children, young people and families' services and education authority. We also have an important role in community safety, crime prevention and emergency management. The Council is a Waste Management Authority. We have partnerships with other bodies in the area including the Avon Fire and Rescue Service, the NHS and Ambulance service, the Police, WECA and work closely with neighbouring authorities, Town and Parish Councils and other organisations such as the Environment Agency, and North Somerset Levels Internal Drainage Board to deliver services to our communities.	The project team has been liaising with the planning authority regarding their interests with the DCO Scheme. Stakeholders for the scheme have been fully consulted. This is reported in the Consultation Report (APP-058).
RR-002 (4)	Basis for a SoCG	Consequently, we will have interests in matters including traffic generation, highways, parking, accessibility for all groups, equal opportunities, living conditions of our residents, quality of design and landscape, the historic environment, air quality, biodiversity and ecology (there are several national and international designations), flood risk and drainage, contamination, materials and waste, noise and vibration. These include construction and operational phases.	<p>A Statement of Common Ground ("SoCG") is being agreed between the Applicant and the Local Planning Authority, which addresses points of agreement and disagreement on matters raised through the consultation and application process and issues raised post-application.</p> <p>The SoCG covers: location-specific and project-wide issues; cultural heritage; ecological mitigation; station access and highways works; drainage; Portishead Station; the draft DCO Requirements</p>

Ref.	Topic	LPA position	Applicant position
		<p>Importantly much of the area through which the line passes is Green Belt. Key locations include proposed stations, road re-alignment, and the Avon Gorge. Our Local Impact Report will detail these matters. We will continue to work with the applicant over these matters and a Statement of Common Ground.</p>	<p>and LPA approvals process; the Environmental Statement; and Consultation.</p> <p>A Green Belt assessment has been undertaken in the Environmental Statement Chapter 15 'Soils, Agriculture, Land Use and Assets' (DCO Document Reference 6.18) at paragraph 15.6.30. It concludes that potential harm to the Green Belt from the construction and operation of the DCO Scheme will be minimal and is clearly outweighed by the other important and relevant considerations in relation to the strategic benefit of the DCO Scheme. The DCO Scheme has also been assessed against Green Belt policies in the National Policy Statement for National Networks, as detailed in the Planning Statement (DCO Document Reference 8.11) at paragraph 6.5.137. It is concluded that the DCO Scheme is not inappropriate development in the Green Belt, though if it were classed as such there exist very special circumstances to justify the DCO Scheme.</p>
RR-002 (5)	Economic regeneration	<p>In addition, we have a vision for our four main towns and are committed to delivering economic regeneration in Portishead.</p>	<p>MetroWest Phase 1 has compelling strategic and economic benefits along with a sound management, commercial and finance case. The key benefits of the project in summary include:</p>

Ref.	Topic	LPA position	Applicant position
			<ul style="list-style-type: none"> • Value for Money: the project will provide over £3 of economic benefits for every £1 invested to deliver the project. This places the project in the 'high value for money' category used by the Department for Transport in its evaluation of transport investment proposals. • Modal Shift: Reduction of 580 car trips per day in the opening year, increasing to 890 fewer car trips per day by 2036. • Job Creation: 514 net new direct permanent jobs + temporary jobs during construction. • Gross Value Added (GVA) to the economy: £31.87M PA in the opening year, totalling £271M discounted GVA during the first 10 years. Plus a further £59.27M during construction. • Forecast Rail Passenger demand: 2021: 958,980 passenger trips, 2036: 1,295,103 passenger trips. • Population Benefiting: Will upgrade the existing train service at 16 existing stations across three rail corridors, directly benefiting 180,000 people within a 1 kilometres catchment and bring an additional 50,000 people within the catchment

Ref.	Topic	LPA position	Applicant position
			<p>of the 2 new stations. The total population benefiting from the project is 230,000.</p> <p>The economic appraisal of the scheme is reported in the Outline Business Case 2017 (DCO Document Reference 8.4), at Chapter 2 'Economic Case'. Appendix 2.2 presents the Economic assessment report.</p>
RR-002 (6)	Cross-boundary issues	Together with our close neighbour Bristol City Council we are aware of interests immediately outside our administrative boundaries such as the Conservation Areas and designations of national significance such as the Avon Gorge that straddle the boundary.	Discussions have taken place with both North Somerset and Bristol Local Planning Authorities with joint meetings on cross boundary issues.
RR-002 (7)	Arrangements for discharge of Requirements/ other procedural matters	As a Local Authority we have a responsibility to use our resources wisely and in a financially prudent way and the arrangements for discharge of Requirements and other procedural matters that form part of the Development Consent Order will be of significance to the Council.	A Planning Performance Agreement is being produced between North Somerset Council as Local Planning Authority and the Applicant, which will cover financial and programming arrangements for discharge of Requirements and other procedural matters that form part of the DCO.

8. LOCATION-SPECIFIC AND PROJECT-WIDE ISSUES

The majority of the issues within this SoCG can be dealt with on a 'thematic' basis. However, for a limited number of issues raised by the LPA there is benefit in framing them differently. Table 8.1 addresses points which relate to a specific location, though cutting across

themes which may be explored in other parts of this SoCG. Table 8.2 focuses on high level matters which apply to the whole DCO Scheme either geographically or conceptually.

Table 8.1: Location-specific issues

Ref.	Topic	LPA position	Applicant position	Status (Agreed/ Not Agreed)
8.1.1	Pill Station – design (Consultation)	The finish on the vertical wall at Pill Station could have texturing to it rather than be smooth concrete.	It was agreed to engage further with the LPA at the detailed design stage.	Agreed. The LPA's preference is noted, and both parties agree points concerning detailed design will be addressed collaboratively post-DCO.
8.1.2	Pill Station – bats (Consultation)	Concerns regarding the impacts from lighting upgrades to the bat roost at Pill Station. The LPA requests a constraints plan for the site, showing the areas of the roost and any identified horseshoe bat commuting route(s) that must be retained unlit (at or below 0.5lux) that could be provided to the station lighting design team to inform the site lighting constraints for the lighting design. If this is not feasible due to the wide-reaching operational lighting requirements of the station, it needs to be considered if an alternative roost provision can be	Bat surveys revealed a presence around Pill Station. Work to assess and provide mitigation for the operational lighting impacts has been undertaken and is detailed in Section 9.6 of ES Chapter 9 – Ecology and Biodiversity (DCO Document Reference 6.12, APP-104) with the survey reports in the Bat Technical Appendix (ES Appendix 9.2, DCO Document Reference 6.25, APP-116). Examples of mitigations proposed include a barrier or modifications to the lighting design. These will be	[In principle the deferral of the detailed measures until a later detailed design stage is acceptable. It is understood that licensing is likely to be required for this proposal. With the licensing process, to be carried out by Natural England, and further consultation at the detailed design stage

Ref.	Topic	LPA position	Applicant position	Status (Agreed/ Not Agreed)
		provided within a suitable location in proximity.	determined at the detailed design stage.	there is adequate opportunity to resolve this.]
8.1.3	Pill Station – highway drainage (Consultation)	Request checks take place at Pill Station car park as there are existing problems with the highway drainage network in the area, particularly with tide lock, which will require a capacity check and improvement of the system to adoptable standards.	<p>The existing highway drainage system has been surveyed to check its condition and capacity as detailed in Section 6.6.6 of the Surface Water Drainage Strategy for Portishead and Pill Stations, Haul Roads and Compounds (APP-192). The highway drainage survey reports have been issued to the Local Highway Authority and the information used to develop a proposed outline design for the drainage of Pill Station. The Pill Station Drainage Report (issued to the Local Highway Authority in February 2020) sets out the proposed route, capacity, outfalls and flow rates.</p> <p>The proposed solution will be developed further at the detailed design stage and subject to approval from the LPA.</p>	<p>Agreed.</p> <p>The proposed approach is agreed and outline designs are being developed in accordance with this.</p> <p>Detailed designs (performance modelling, implementation and maintenance details), will need to be submitted and approved by the LPA as set out in Requirement 11 of the dDCO (APP – 052).</p>
8.1.4	Old Portbury Station House – noise mitigation	At Old Portbury Station House, an Environmental Protection Officer needs to confirm whether the noise barrier	Section 13.7 of Chapter 13 Noise and Vibration (DCO Document Reference 6.16) of the ES details that the significant effect predicted at the Old	Agreed.

Ref.	Topic	LPA position	Applicant position	Status (Agreed/ Not Agreed)
	(Consultation)	must be constructed before opening and be retained thereafter.	Station House in Portbury is to be mitigated by the provision of a 2.4 metre high noise barrier (i.e. 2.4 metres in relation to the track bed level) of a minimum 35 metres in length. This is secured in DCO Requirement 26 which requires the barrier to be in place prior to first commercial use of DCO Work Nos. 1 and 1A and to be retained thereafter.	

Table 8.2: Project-wide issues

Ref.	Topic	LPA position	Applicant position	Status (Agreed/ Not Agreed)
8.2.1	Impact of new structures (Consultation)	The impacts of new structures cannot rely solely on landscaping to make them appropriate, as it is necessary to ensure that it meets Council planning policies as far as possible, is proportionate, and does not have unacceptable adverse impacts on the living conditions of neighbours and other land uses.	The details including local policy fit are set out in the Design and Access Statement (DCO Document Reference 8.1).	[The LPA to confirm approach is acceptable.]
8.2.2	Noise mitigation (Consultation)	Noise levels at sensitive receptors during construction and night time working especially on operational	More discussion will be required when a contractor has been appointed and more detail is available. The Master	Agreed.

Ref.	Topic	LPA position	Applicant position	Status (Agreed/ Not Agreed)
		railway will need to be discussed with Environmental Protection Officers.	Construction Environmental Management Plan ("CEMP") (DCO Document Reference 8.14) sets out a framework for Environmental Management Consents during construction.	
8.2.3	Interface with local events (Consultation)	Consideration must be given to the potential impact of events such as the Balloon Fiesta and the Tour of Britain as key routes are closed and restrictions in place. Also stated that the Clanage Road compound would affect the Balloon Fiesta specifically, so engagement with event organiser is required.	Noted and to be considered as part of the development of the construction works information. Section 3.2.5 of the CTMP (DCO Document Reference 8.13) states the contractor will need to engage with the LPA about events to ensure impacts are minimised.	Agreed

9. CULTURAL HERITAGE

The following table sets out the comments received by the Applicant and NRIL from the LPA in respect of Cultural Heritage.

Table 9.1: Cultural heritage issues

Ref	Topic	LPA position	Applicant position	Status (Agreed/ Not Agreed)
9.1.1	Historic buildings	The heritage officers requested a Historic Building Record ("HBR") for	A HBR for features along the DCO Scheme has been undertaken and the	Agreed.

Ref	Topic	LPA position	Applicant position	Status (Agreed/ Not Agreed)
	(Consultation)	features that would be lost as a result of the DCO Scheme.	only feature identified for further assessment (7 Station Road, Pill) is detailed in the ES Appendices 8.1 (Cultural Heritage Gazetteer) and 8.2 (Level 1 Historic Building Record for Station House, 7 Station Road, Pill) respectively (both in DCO Document Reference 6.25).	The information provided is sufficient for the LPA to update its records.
9.1.2	Archaeology (Consultation)	There is archaeological interest in various sites across the project area, including construction compounds. The LPA requires site-specific watching briefs.	<p>The LPA have been directed to the baseline information on heritage assets in section 8.4 of the ES Chapter 8 – Cultural Heritage (DCO Document Reference 6.11), and ES Appendix 8.1 – Cultural Heritage Gazetteer (DCO Document Reference 6.25). All relevant heritage assets have been appropriately accounted for.</p> <p>The proposals for a watching brief are covered in Section 8.6 of the ES Chapter 8 – Cultural Heritage (DCO Document Reference 6.11), and in the Master CEMP (ES Appendix 4.2, DCO Document Reference 8.14).</p> <p>We further direct the LPA to DCO Requirement 10 (Archaeology) which sets out a requirement to agree a Written Scheme of Investigation for a watching brief with the LPA in respect of</p>	Agreed

Ref	Topic	LPA position	Applicant position	Status (Agreed/ Not Agreed)
			areas of archaeological interest identified in the ES.	
9.1.3	Historic buildings (Consultation)	Pill Station House (a non-designated heritage asset) is to be demolished and the LPA would expect a Level 2 building survey to be carried out.	A Level 1 building survey is sufficient for this building. As concluded at section 4 of the Level 1 Historic Building Record for Station House, 7 Station Road, Pill (ES Appendix 8.2, DCO Document Reference 6.25) the asset is of limited architectural and historic interest.	Agreed. The LPA Heritage Officer agreed in March 2018 that a Level 1 building survey would be sufficient for No. 7 Station Road, Pill. This is provided in the ES Appendix 8.2 (Level 1 Historic Building Record for Station House, 7 Station Road, Pill, DCO Document Reference 6.25).
9.1.4	Historic structures (Consultation)	The old railway infrastructure is an historic asset and the LPA would like a record of where these are, what they are, and whether examples could be left in place. The Council would like a record of these features to update their Historic Environment Records.	A Level 1 survey of the historic railway assets is provided in the ES Appendices 8.1 (Cultural Heritage Gazetteer) and 8.2 (Level 1 Historic Building Record for Station House, 7 Station Road, Pill) respectively (both in DCO Document Reference 6.25). Section 8.6 of Chapter 8, Cultural Heritage (DCO Document Reference 8.13) details the assets that will be removed and retained.	Agreed. The information provided in the DCO application provides an appropriately detailed record of the historic railway assets.]

10. ECOLOGICAL MITIGATION

The following table sets out the comments received by the Applicant and NRIL from the LPA in respect of ecological mitigation.

Table 10.1: Ecological mitigation issues

Ref.	Topic	LPA position	Applicant position	Status (Agreed/ Not Agreed)
10.1.1	Vegetation removal and/or preservation (Consultation and Post- Application)	<p>Overall it is considered that the approach to the ecological impacts have been considered appropriately. The report demonstrates awareness of the essential requirement to retain sufficient vegetation structure adjacent to the line, to support continued commuting and foraging by horseshoe bats.</p> <p>an extensive amount of scrub habitat is indicated as being removed that will result in net loss, but it is accepted that this is unavoidable due to the nature of the project requirements within the construction footprint. When scrub is present as mosaic habitat it provides habitat for bats, birds, great crested newt, and other wildlife. Importantly, however, the applicant has tried to minimise this loss of scrub and trees; and replant generally where opportunities allow, albeit replanting will have a significant time lag of 5-15 years</p>	<p>No wet woodland has been identified on the disused line in the Phase 1 habitat survey. The majority of the habitat is scrub with scattered broadleaved trees. Broad leaved woodland is mapped to the west and east of Portbury Dock Road. To the west, the woodland is dominated by silver birch and to the east it is dominated by silver birch, hawthorn and bramble. These woodlands are on railway ballast which is not “poorly drained or seasonally wet” and are therefore not wet woodland.</p> <p>Below is extracted text (in italics) from the Phase 1 habitat survey (ES Appendix 9.1, DCO Document Reference 6.25) where we have discussed natural (rather than planted) willow and alder habitat on the disused line and stated whether it is going to be lost or retained. These areas are small and are generally not mapped as wet woodland for a Phase 1 habitat survey</p>	Agreed

Ref.	Topic	LPA position	Applicant position	Status (Agreed/ Not Agreed)
		before it replicates the pre-existing structural habitats.	<p>at the scale undertaken for the DCO Scheme. It is however accepted that these small areas could be defined as wet woodland under the Joint Nature Conservation Committee ("JNCC") UK Biodiversity Action Plan Priority Habitat descriptions for Wet Woodland.</p> <p>Paragraph 4.4.38 states: "<i>Willow Salix sp. scrub is also frequent, where it is rooted in drainage ditches</i>". This is mostly present between the Wessex Water Pumping Station and Marsh Lane. Most will be retained except for some small areas – please refer to the Railway Landscape Plans (Disused Line) (DCO Document Reference 2.10).</p> <p>Paragraph 4.4.84 states: "<i>An area of semi-natural (partially self-seeded) goat willow Salix caprea woodland has been found on the southwest corner of Drove Rhyne in Portbury (Annex 2A TN39)</i>". This will be retained.</p> <p>Paragraph 4.4.84 further states: "<i>Similar woodland was also found east from Marsh Lane (Annex 2A TN51)</i>". A small area will be lost here for DCO Work No. 16 'realignment of the existing permissive cycling route' as shown on</p>	

Ref.	Topic	LPA position	Applicant position	Status (Agreed/ Not Agreed)
			<p>Sheet 5 of the Works Plan (DCO Document Reference 2.3).</p> <p>Paragraph 4.4.87 states: "<i>Around TN 14 (Annex 1) at Quays Avenue/Harbour Road roundabout, there is also a small willow and alder woodland with a rose, bramble and hawthorn understory</i>". This small area will be affected by Portishead Station Car Park A.</p>	
10.1.2	Bio-Diversity Enhancement (Post-Application)	<p>There has and will be significant vegetation removal. This will obviously remove a considerable biomass of biodiversity to include insects which are a key base of food webs, and which are a highly complex component of biodiversity to assess. Hence the precautionary principle is recommended to be applied for insect conservation and therefore wherever feasible must be applied to retain habitat types and connectivity and mosaic through the corridor.</p> <p>It is acknowledged that assessment of biodiversity and particularly insect biodiversity is challenging. A key component of biodiversity retention requires effective insect conservation</p>	<p>The impacts of the DCO Scheme have been fully assessed and mitigated for.</p> <p>Consideration has been given to retaining as much habitat as possible. The vegetation losses for construction between Portishead and Pill are 76,551 m² (7.66 ha), and of this the permanent loss is 58,420 m² (5.84 ha). A total of 45,051 m² (8.5 ha) will be retained, replanted or enhanced.</p> <p>Table 9.30 of the ES Chapter 9 – Ecology and Biodiversity (DCO Document Reference 6.12) presents a comparison of vegetation losses and gains between Portishead and Pill. The Railway Landscape Plans (Disused Line) (DCO Document Reference 2.10)</p>	<p>The overall approach to this is accepted; it is also noted that there are limitations on what is possible within the DCO application boundary and operational rail requirements. It is also noted that as an NSIP it is primarily assessed against the National Policy Statement for National Networks rather than the NPPF.</p>

Ref.	Topic	LPA position	Applicant position	Status (Agreed/ Not Agreed)
		<p>which is highly complex due to the variety of species and the differing requirements of their life stages but retaining as many wild refuges as possible and minimising existing habitat removal is the main precautionary measure. It is therefore important to retain existing unmanaged habitats as refuges with cover which are also important for legally protected species wherever opportunities allow.</p> <p>In Table 9.3 of the ES Chapter 9 – Ecology and Biodiversity (DCO Document Reference 6.12), the Natural England ("NE") consultation response included reference to assessment of Biodiversity Net Gain and suggested possible use of the Defra metric but I have not yet come across evidence that biodiversity loss is evaluated?</p> <p>Losses in extent of each habitat will obviously remove associated species and increase likelihood of fragmentation of populations. Tables showing loss in extent of area of various habitat types or other biodiversity evaluation need to be included and referenced. As NE have raised as an issue, this information must be clearly presented</p>	<p>shows the vegetation to be retained or replanted.</p> <p>Given that NRIL keeps the operational railway clear of vegetation that might affect the safe operation of the freight services the Applicant has not undertaken an assessment of losses and gains between Pill (Portbury Junction) and Bristol (Ashton Junction) with the exception of the Avon Gorge Woodlands Special Area of Conservation ("SAC")/ Site of Special Scientific Interest ("SSSI").</p> <p>Vegetation losses and compensation is presented in the Avon Gorge Vegetation Management Plan ("AGVMP") (DCO Document Reference 8.12) and the Report to inform the Habitats Regulation Assessment (DCO Doc 5.5).</p> <p>Compensation for the loss of rare whitebeam trees, woodland and grassland habitat within the SAC will be undertaken by positive management and is proposed in a total area that is approximately double the size of the area lost. A 3:1 ratio of positive management compared to habitat lost</p>	

Ref.	Topic	LPA position	Applicant position	Status (Agreed/ Not Agreed)
		so that PINS can readily understand the likely net biodiversity outcome.	<p>is used for ancient woodland habitat, given its relatively higher ecological value, as compared to secondary (recent) woodland habitat (DCO Doc 8.12, Section 4.1 and Table 4).</p> <p>More details on the compensation proposals are given in section 4 of the AGVMP (DCO Document Reference 8.12).</p> <p>The planting of 54 rare whitebeam trees within the Avon Gorge has been proposed to compensate for loss of 27 rare whitebeam and more detail is discussed in section 5.7 of the AGVMP (DCO Document Reference 8.12).</p>	
10.1.3	Bio-Diversity Enhancement (Post-Application)	The LPA notes the NE comments regarding Biodiversity Net Gain in its consultation response (Table 9.3 of ES Chapter 9 – Ecology and Biodiversity (DCO Document Reference 6.12). The National Planning Policy Framework ("NPPF") Paragraph 15 has a requirement for biodiversity net gain and it is a legal duty for the LPA, hence previous LPA comments regarding considering and taking opportunities for enhancement.	MetroWest Phase 1 is a Nationally Significant Infrastructure Project ("NSIP") and thus will be primarily assessed against the National Policy Statement for National Networks rather than the NPPF. Biodiversity enhancement requirements will only apply to Town and Country Planning applications when the Environment Bill becomes legislation.	Agreed

Ref.	Topic	LPA position	Applicant position	Status (Agreed/ Not Agreed)
10.1.4	Horseshoe bat (Consultation and Post- Application)	The current functionality of the route needs to be maintained for horseshoe bats. Unclear what is proposed.	<p>The importance of retaining and planting vegetation on the disused line to maintain the navigational route for bats is described and considered in the ES Chapter 9 - Ecology and Biodiversity (DCO Document Reference 6.12) and Section 9.7 presents mitigation and residual effects. Table 9.28 sets out the area of woodland or scrub retained or replanted between Portishead and Pill. In addition, Table 9.30 presents a comparison of vegetation losses and gains between Portishead and Pill. The Railway Landscape Plans (Disused Line) (DCO Document Reference 2.10) shows the areas of vegetation to be retained or replanted.</p> <p>Vegetation removal along the existing rail corridor has been avoided wherever practicable. For example, access routes to install fences from adjacent land have been included in the DCO Scheme to avoid additional vegetation being removed from the line to access the fence line at the edge of the rail corridor.</p>	The general approach to maintaining bat habitat is now understood and agreed.

Ref.	Topic	LPA position	Applicant position	Status (Agreed/ Not Agreed)
			<p>The important bat navigational route between Pill Viaduct and Avon Road is also recognised in Section 9.7 of ES Chapter 9 - Ecology and Biodiversity (DCO Document Reference 6.12). Measures will include screens to shield the northern side of the railway corridor and retention of embankment vegetation, keeping light levels on the navigational route at 0.5 lux or less for horseshoe bats.</p> <p>The DCO Scheme mitigation measures will ensure the retention of a corridor for horseshoes bats along the line between Portishead and Pill and along the existing Portbury Freight Line.</p> <p>No additional lighting has been proposed for permanent maintenance compounds, underbridges or the M5 bridleway extension because of the recognised importance of the bat corridors.</p>	
10.1.5	General approach	The LPA ecology team has been consulted on the project and are	Measures have been developed in consultation with stakeholders to	Agreed

Ref.	Topic	LPA position	Applicant position	Status (Agreed/ Not Agreed)
	(Consultation)	broadly content with the approach but have asked that measures to enhance the ecological setting of the route be considered wherever possible. For example, that disused railway structures be retained and protected to support roosting features for bats and that herbicide is not used on the rail corridor in close proximity to any of the non-statutory and statutory designated sites during the operation and construction of the DCO Scheme.	mitigate predicted likely significant effects of the DCO Scheme. These are presented in Section 9.7 of the ES Chapter 9 Ecology and Biodiversity (DCO Document Reference 6.12). Enhancement measures are not assessed for the ES. NRIL have to use herbicide to maintain safe operation of the railway. However, herbicide is hand sprayed in the Avon Gorge Woodlands SAC to avoid impacts on protected species as part of the Site Management Statement agreed with Natural England.	
10.1.6	Protected species and habitats (Consultation)	The LPA request inclusion of protection of Section 41 species (i.e. common toad and hedgehog) and their habitats. Ponds and reedbeds comprise Section 41 habitats, and there may be some opportunities to retain, enhance or create such Section 41 habitats within the mitigation proposals to retain a mosaic of locally appropriate habitats.	Information on amphibians other than great crested newt ("GCN") are included in the ES Chapter 9 - Ecology and Biodiversity (DCO Document Reference 6.12). Summary information on results of pond surveys have been included for amphibians. Hedgehogs have not been considered specifically in the ES because the mitigation for reptiles is considered appropriate for the protection of hedgehogs, e.g. appropriate vegetation removal, appropriate clearance of	Agreed. Appropriate opportunities have been utilised for retention and enhancement of Section 41 habitats and the protection of associated species.

Ref.	Topic	LPA position	Applicant position	Status (Agreed/ Not Agreed)
			<p>hibernacula and provision of new hibernacula.</p> <p>No pond habitat will be affected by the DCO Scheme. One pond, at the Portishead Ecology Park, has already been created. 655 m² of swamp habitat (including some areas of reedbed) will be affected by the DCO Scheme. The provision of additional ponds (and possible scope for swamp habitat) within the DCO Scheme remains subject to a decision on GCN district level licensing.</p> <p>Table 9.30 of the ES Chapter 9 - Ecology and Biodiversity (DCO Document Reference 6.12) presents a comparison of vegetation losses and gains between Portishead and Pill. The Railway Landscape Plans (Disused Line) (DCO Document Reference 2.10) shows the vegetation to be retained or replanted.</p>	
10.1.7	Great Crested Newt ("GCN") (Consultation)	The operational impacts between Portishead and Pill on GCN need to be considered.	This consideration has been included in the ES Chapter 9 - Ecology and Biodiversity (DCO Document Reference 6.12) and a GCN District licence or traditional licence will be obtained.	Agreed. The overall approach and proposed measures for mitigation

Ref.	Topic	LPA position	Applicant position	Status (Agreed/ Not Agreed)
			<p>Following the new policy of Natural England to establish district level licensing for GCNs, the Applicant is applying for a district level licence to mitigate the impact of the DCO Scheme on GCN and has submitted an enquiry form to Natural England for this.</p> <p>As district level licensing will operate so as to better protect GCN populations through developer contributions to create strategic favourable compensatory habitats offsite of development, its use for the DCO Scheme will mean that the site specific GCN compensatory habitat identified in Chapter 9 of the ES (Document reference 6.12) will no longer be required. Instead, following the grant of development consent and the approval by Natural England of the Applicant's district licence application, the Applicant will be required to make a conservation payment under a scheme agreement and await issue of its district level licence before starting work.</p> <p>Pending introduction of the district level licensing for GCN and in advance of the determination of the DCO Application,</p>	<p>of impacts on GCN are agreed by the LPA. Connectivity (rough grass and scrub) between foraging, hibernation and breeding ponds is important.</p>

Ref.	Topic	LPA position	Applicant position	Status (Agreed/ Not Agreed)
			to ensure that GCN habitat is available prior to construction commencing the Applicant has constructed one of the ponds to be used as GCN compensation habitat at the Portishead Ecology Park with permission of the LPA. This pond is proposed to form part of the compensation habitat to be taken into account in calculating the amount of the conservation payment for the Applicant's district licence.	
10.1.8	Amenity grassland (Consultation)	Query whether the inclusion of Bower Ashton Playing Fields Wildlife Site, cited 'Qualifying Feature' as 'Amenity Grassland' (in the ES Chapter 9) is correct. This is believed to be only low value habitat.	<p>The majority of the habitat is Amenity Grassland and the Bower Ashton Wildlife Site is important as a wildlife corridor rather than the habitat itself.</p> <p>The relevant heading in the ES Chapter 9 – Ecology and Biodiversity (DCO Document Reference 6.12) has been changed to “Ecological Features” to end confusion.</p>	Agreed
10.1.9	Invasive species (Consultation)	Request an effective ongoing programme of containment and reduction (and where feasible eradication) of invasive species, particularly along the Portbury Freight Line.	This is outside the scope of the DCO Scheme.	Agreed.

Ref.	Topic	LPA position	Applicant position	Status (Agreed/ Not Agreed)
10.1.10	Passerine birds (Consultation)	Concerns regarding the referencing of the magnitude of the impact of loss of habitat to passerine birds in the ES Chapter 9 – Ecology and Biodiversity (DCO Application Document Reference 6.12).	The impact on passerine birds is from unavoidable site clearance and vegetation removal, which has potential to damage or destroy nests. Whilst nesting birds are protected, the habitat is not. Nevertheless, standard measures to protect breeding birds through sensitivity to their habitat have been included in the Master CEMP (DCO Document Reference 8.14), such as removal of vegetation outside of the bird nesting season or the vegetation being checked for nests within 24 hours of clearance if cleared during the bird nesting season. The magnitude of impact on nesting passerine birds after mitigation is therefore considered to be minor.	Agreed. The approach set out in the Master CEMP (DCO Document Reference 8.14) is agreed to the extent of the measures proposed to protect passerine birds and manage their associated habitats.
10.1.11	Whitebeam (Consultation)	A continuing project for propagation from seed to generate further whitebeam saplings is indicated as likely required to effectively conserve these populations (subject to Natural England specialist consultation advice remit). Query if there is any scope for a longer term project to be initiated and pursued by local interest/expert groups/organisations, to include	This is outside the scope of the DCO Scheme and would be outside of the Applicant's control to ensure that this happened. However, during the development of the AGVMP (DCO Document Reference 8.12), the DCO Scheme was the catalyst for discussions between NRIL and the Forestry Commission for proposals to work together to implement the Forestry Commission	Agreed. NSC to confirm it accepts that a wider project to support the whitebeam population is outside the scope of the DCO Scheme, and that the measures being taken are appropriate.

Ref.	Topic	LPA position	Applicant position	Status (Agreed/ Not Agreed)
		possibilities for further extension of distributions (by generation and planting of seedlings within other potentially suitable sites, (i.e. within limestone quarry sites?)) to reduce the apparently high vulnerability of the extremely limited existing populations within the Avon Gorge.	<p>plan to undertake tree felling close to the freight line. The tree felling work requires a rail possession which NRIL may supply as part of their Site Management Statement. More seed was collected from the rare whitebeam trees in the Avon Gorge in October 2019 to propagate and make available the resulting trees to the Forestry Commission for replanting.</p> <p>Surplus propagated whitebeams from more widespread species will be offered to the Avon Gorge SSSI landowners for planting as detailed in the AGVMP.</p> <p>Overall the AGVMP will result in improved management of Tilio-Acerion woodland, restoration of some areas of Festuco-Brometalia grassland and management of endemic whitebeams. (AGVMP, DCO Document Reference 8.12)</p>	
10.1.12	Whitebeam (Consultation)	Is there any potential to increase the distribution of some of the sub species within habitats with similar geological conditions?	Rare whitebeams can only grow in certain conditions. Areas have been chosen for rare whitebeam replanting that offer the right conditions for their successful growth.	<p>Agreed.</p> <p>Rare whitebeam planting is to be within the Avon Gorge only, as this is the only area</p>

Ref.	Topic	LPA position	Applicant position	Status (Agreed/ Not Agreed)
				within the DCO Scheme boundary which provides suitable conditions for them to thrive.
10.1.13	Rare plant species (Consultation)	Query if it may be possible to retain some of the original ballast (selected by ecologist/botanist) to re-use, to retain a component of the seed bank for rare plant species associated with the existing ballast.	As stated in the ES Chapter 9 – Ecology and Biodiversity (DCO Document Reference 6.12), mitigation as proposed is preferred, which is more defined and manageable for the contractors and NRIL. This will be translocation of Pale St John's wort plants from the cess to a safe area suitable for this species, identified by a plant specialist. Narrow-leaved bittercress will recolonise because it colonises recently disturbed habitats.	Agreed. Given the operational limitations of retaining original ballast for the seed bank, the mitigation proposals in respect of rare plant species, favouring translocation as opposed to seed preservation, are approved.

11. STATION ACCESS AND HIGHWAY WORKS

The following table sets out the comments received by the Applicant and NRIL from the LPA in respect of Station Access and Highway Works.

Table 11.1: Station access and highway works issues

Ref	Topic	LPA position	Applicant position	Status (Agreed/ Not Agreed)
11.1.1	Portishead Station Car Park B access (Post- Application)	Requested further detail on how the larger car park access at the junction with Harbour Road and Papermill Gardens will operate. The proposed operation of this junction will need to be tested to demonstrate that it will operate satisfactorily.	<p>The Applicant is considering feasibility of moving the Car Park B entrance further along Harbour Road. However, this will only be settled at the detailed design stage. The final design will be subject to road safety audits and approval from the LPA.</p> <p>Requirement 4(3) of the DCO requires that any changes to the design drawings will be in accordance with the principles set out in the ES</p>	<p>Agreed.</p> <p>It is accepted that the precise location of the Car Park B access is pending detailed design at which point the LPA's approval will be sought pursuant to DCO Requirement 4.</p>
11.1.2	Pill Station Car Park (Post- Application)	We have some safety concerns about pedestrian and vehicle movements around Pill Station Car Park.	Road safety is a key consideration of the design at Pill Station car park and the final design will be subject to road safety audits and approval from the LPA pursuant to Requirement 4 of the dDCO.	[Not yet Agreed]
11.1.3	Stations – Non- Motorised User ("NMU") access (Consultation)	There is a need for consideration of desire lines for station access. For example, note the use of an existing informal crossing north west of Quays Avenue, Portishead.	Consideration has been given to the desire lines for station access. Mitigation is outlined in the ES Chapter 16- Transport, Access and Non-Motorised Users (DCO Document Reference 6.19). Table 16.8 shows where desire lines have been given consideration.	<p>[Not yet Agreed.]</p> <p>Acknowledging the constraints, including safety factors, of satisfying NMU desire lines within the DCO Scheme design, the LPA is satisfied with the work done to</p>

Ref	Topic	LPA position	Applicant position	Status (Agreed/ Not Agreed)
				assess and meet NMU desire lines at stations.
11.1.4	Stations – car parking (Consultation)	Concerns over increased on-street parking by rail users.	<p>The impacts on parking provision are discussed within section 16.6 of Chapter 16 - Transport, Access and Non-Motorised Users (DCO Document Reference 6.19). This document further sets out the post-implementation monitoring of parking provision within Portishead and Pill.</p> <p>The Transport Assessment (EA Appendix 16.1, DCO Document Reference 6.25) also details the impact of the DCO Scheme on local roads and parking. It should be noted that in addition to the provision under the DCO Scheme the Local Highway Authority has powers to control on-street parking.</p>	[Agreed that monitoring of impact of parking on areas around station will be carried out once station operational. Applicant to work with LHA to design and implement any necessary parking restrictions, including the funding of Traffic Regulation Orders (TRO) and associated costs].
11.1.5	Car parking (Consultation)	Car parks should have electric charging points in line with other developer requirements, and also solar panels on buildings.	A new electric vehicle rapid charging hub with up to 10 charging bays is currently being promoted as a separate project by North Somerset Council highways authority on Harbour Road, a short distance from the proposed site of Portishead Station (planning application reference: 18/P/3106/R3). However Electric vehicle charging technology will now be made available within the	Agreed

Ref	Topic	LPA position	Applicant position	Status (Agreed/ Not Agreed)
			<p>Portishead Station and Pill Station car parks and will be shown at detail design stage.</p> <p>Solar panels will be fitted for power as shown on the Portishead Station Building Design: Proposed Station Buildings Plan (DCO Document Reference 2.11).</p>	
11.1.6	Pedestrian routes – Portishead (Consultation)	Suggested improvements to the footpath along Harbour Road in Portishead as this is likely to be a well-used route.	A wide, shared use pedestrian/cycle footpath is planned. This is included in The Portishead Station Car Park Layout, Landscaping and New Boulevard and Access Plan, (DCO Document Reference 2.38).	Agreed.

12. DRAINAGE

The following table sets out the comments received by the Applicant and NRIL from the LPA in respect of Drainage.

Table 12.1: Drainage issues

Ref	Topic	LPA position	Applicant position	Status (Agreed/ Not Agreed)
12.1.1	Management/ maintenance plan	Request a management and maintenance manual for all drainage	It is agreed that management and maintenance manual for each drainage	Agreed.

Ref	Topic	LPA position	Applicant position	Status (Agreed/ Not Agreed)
	(Consultation)	<p>features with information on permeable paved areas to describe any non-standard maintenance activities (e.g. replacing paviour filler material / “vacuuming” permeable asphalt / replacing clean stone after x years).</p> <p>Query why infiltration was not considered at Pill.</p>	<p>feature and not just the manufacturer’s or installer’s specifications</p> <p>It has not been possible to undertake appropriate tests, and a worst case i.e. non-infiltration approach, has been adopted.</p>	
12.1.2	Stations (Consultation)	Request an addition to the “Surface Water Drainage Strategy for Portishead and Pill Stations, Haul Roads and Compounds” July 2018 to reduce the risk of flooding to the development in accordance with the NPPF, the North Somerset Core Strategy policy and the North Somerset Sites and Policies Plan Part 1 (Development Management Policies).	The requirement was added to the Surface Water Drainage Strategy for Portishead and Pill Stations, Haul Roads and compounds, DCO Document Reference 6.26.	Agreed.
12.1.3	Drainage design (Consultation)	No above ground work to take place until surface water drainage works have been implemented in accordance with details that have first been submitted to and approved in writing by the local planning authority.	Requirement 11 of the draft Order (DCO Document Reference 3.1) requires the Applicant to secure the LPA's approval of the detailed designs, save for in respect of currently operational railway land.	Agreed.

Ref	Topic	LPA position	Applicant position	Status (Agreed/ Not Agreed)
12.1.4	Drainage design (Consultation)	<p>The detailed surface water management plan and flood plan should be agreed with the local flood risk authority.</p> <p>In the surface water management plan, the detailed design of the drainage systems needs to be carried out by the designers not the contractors, and the discharge of Requirements should be submitted by the developer, not the contractor.</p>	<p>Noted. These will be shared at detailed design (post-consent).</p> <p>Noted. Detailed design is a post-consent matter and will be undertaken at (NRIL) GRIP Stage 5.</p>	Agreed.

13. PORTISHEAD STATION

The following table sets out the comments received by the Applicant and NRIL from the LPA in relation to Portishead Station and the surrounding environment, including the proposed public realm and highway works.

Table 13.1: Portishead Station issues

Ref	Topic	LPA position	Applicant position	Status (Agreed/ Not Agreed)
13.1.1	Terminus wall (Post-Application)	The LPA prefer the stone cladding option for the buffer stop wall with a natural stone look and will need confirmation on its durability.	The materials that could be used for the buffer stop wall are constrained by the engineering considerations. Due to the height of the buffer stop wall, a conventional structural wall using	<p>Agreed</p> <p>It is accepted that further engagement is required ahead of</p>

Ref	Topic	LPA position	Applicant position	Status (Agreed/ Not Agreed)
			natural stone would require piled foundations and as there is a 900mm diameter sewer in this locality, that is not feasible. However, there are now modern cladding materials that are light weight that have the appearance of natural stone, which could be used as they wouldn't require a piled foundation. The Applicant will engage further with the LPA on this matter to reach agreement ahead of the detailed design.	detailed design. Following the completion of detailed design, the LPA's approval will be sought pursuant to DCO Requirement 4
13.1.2	Portishead Station Building (Post-Application)	The LPA consider there may be opportunity within the Portishead Station building for commercial development and the design should be adaptable to take advantage of such potential. Could the station be extended at a later date?	We are reviewing the feasibility of making a change to the station building design to make the passenger waiting area an enclosed room, rather than being open to the platform. This would create a large enough space for a combined waiting room and retail concession. Beyond the construction and opening of the DCO Scheme, there is also the possibility to extend the station building into the forecourt area at a later date. However it would reduce space in the forecourt and utilities are a constraint for such an extension.	Agreed It is accepted that further engagement is required ahead of detailed design. Following the completion of detailed design, the LPA's approval will be sought pursuant to DCO Requirement 4
13.1.3	Portishead Station ecology	Briefing attended regarding station design where the LPA highlighted that Section 40 Natural Environment and Rural Communities Act duties to	Please note the responses given by the Applicant in section 10 of this SoCG.	Agreed

Ref	Topic	LPA position	Applicant position	Status (Agreed/ Not Agreed)
		<p>conserve and enhance biodiversity should be a key objective in the design of the landscaping for stations to help offset biodiversity loss within the rail corridor, but there is no mention of ecology/biodiversity and only mention of removal of bramble behind Sainsbury's and an indicated tidying up.</p> <p>There have also been various issues with reptiles and GCN within developments in this wider location within the last 10 years and various pockets of habitat were to be retained so there is some risk that such limited pockets of potential mitigation habitat cover and refuge for insects, birds and protected species will be removed.</p>	<p>Biodiversity has been considered in the car park design which includes a swale, grass and tree planting on the southern side to connect the Portbury Drain with habitat to the east. Amphibian friendly drainage design will be used as detailed in the CEMP (DCO Document Reference 8.14) at Section 6.2.35.</p> <p>Mitigation is provided for reptiles as detailed in the Reptile Mitigation Strategy (ES Appendix 9.13, DCO Document Reference 6.25). Mitigation for reptiles in the area of Portishead Station includes:-</p> <ul style="list-style-type: none"> • reptile translocation to the Portishead Ecology Park with habitat improvements to the receptor site; • a reptile tunnel under Quay's Avenue to provide continued connectivity; and • a swale with scrub and long grass in the design for Portishead Station car park along the southern boundary to provide connecting habitats. <p>Mitigation is also presented for badgers in the draft badger licence for the dis-</p>	

Ref	Topic	LPA position	Applicant position	Status (Agreed/ Not Agreed)
			<p>used line. A Letter of No Impediment ("LONI") has been received from Natural England for the draft licence.</p> <p>District licensing for GCN is the preferred licensing route of the Local Planning Authority, which contributes strategically favourable compensatory habitats off-site rather than site-specific GCN compensatory habitat under the traditional licensing route.</p> <p>Recent developments in Portishead have had an increasingly urbanising effect on the area surrounding the proposed station. The urban/ rural boundary has moved further east and connectivity has been provided for GCN/Reptile to the Ecology Park/ Portbury Wharf Nature Reserve through landscaping proposals along the rail corridor.</p>	
13.1.4	Terminus wall (Consultation)	Concerned about the way in which the track is enclosed at the end of the line, and the impact this has on the pedestrian environment, the termination of the views down the pedestrian 'boulevard', and the	The appearance and view to and from the proposed Portishead Station evolved following stakeholder and public feedback. Options were limited as NRIL have a range of rules in relation to station and track security. The design consists of a walled enclosure to the	<p>Agreed</p> <p>It is accepted that further engagement is required ahead of detailed design. Following the</p>

Ref	Topic	LPA position	Applicant position	Status (Agreed/ Not Agreed)
		impression created for the 'gateway' to the station generally.	track, screening the buffer zone from view (as opposed to palisade fencing). The Applicant will engage further with the LPA on this matter to reach agreement ahead of the detailed design.	completion of detailed design the LPA's approval will be sought pursuant to DCO Requirement 4
13.1.5	Fencing and terminus wall (Consultation)	There is scope for the wall to incorporate some simple, aesthetically pleasing station signage to a) assist legibility and b) break up the wall to some extent. Also possible incorporation of climbing plants and artwork.	<p>These matters are generally post-consent considerations, at the detailed design stage. However drawings were provided in the consultation to convey potential facings.</p> <p>It should be noted that there is very little space for climbing plants so this will not be incorporated.</p> <p>Signage will be considered during detailed design, however the walls have been designed so that they make a positive contribution to the view. The walls have been included on the Portishead Station Building Design: Proposed Station Buildings Plan (DCO Document Reference 2.11). Further discussion of the design is presented in the Design Access Statement (DCO Document Reference 8.1). Requirement 4 of the draft Order (DCO Document Reference 3.1) requires the Applicant to secure the LPA's approval of the detailed designs.</p>	[It is accepted there are limitations on the general approach to design, imposed by operational requirements of NRIL but that detailed design is to be approved post-consent so is not required to be agreed in this SoCG to that extent.]

Ref	Topic	LPA position	Applicant position	Status (Agreed/ Not Agreed)
13.1.6	Public realm (Consultation)	Requested retention of any historic features and the use of public art.	<p>There are no historic features left in the Portishead area of the DCO Scheme, however the Applicant will provide history boards about the railway and history of Portishead, in conjunction with community groups and schools etc.</p> <p>There is no budget for public art, but the Applicant would be willing to work with interested parties if they would like to install some.</p>	[The LPA to confirm this approach is agreed.]
13.1.7	Station building (Consultation)	It should be noted that the Portishead Station building is the public face of the DCO Scheme and a gateway to the centre of Portishead. It is an important civic space, that should create a sense of pride in the town and the efforts that have gone into re-opening the line. It is noted that reference is made in the Socioeconomic chapter that reference is made to the potential for commercial opportunities in the station environs. We would welcome continuing discussion over the design to ensure this potential to evolve to meet changing needs is not lost.	The station has been designed to blend with the existing modern high-quality urban design. Therefore, the station design is a modern, functional and clean design and will form an important gateway into Portishead. The design was also informed by the comments received from the Stage 1 and Stage 2 Consultation periods. The approach to the DCO Scheme design is set out in the Design and Access Statement (DCO Document Reference 8.1).	It is accepted that the station building has addressed a combination of cost, functional and aesthetic considerations. See also 13.1.2 concerning its ability to adapt to changing future circumstances and opportunities.

Ref	Topic	LPA position	Applicant position	Status (Agreed/ Not Agreed)
13.1.8	Public realm (Consultation)	<p>Request some additional features at Portishead Station and car parks:</p> <ul style="list-style-type: none"> • planting consistent with crime prevention objectives; • boundaries be high enough to create a sense of enclosure and local identity, and extended further visually e.g. to close the gap between disabled parking and covered cycle parking; and • more low planting would be welcomed to soften the appearance of the car park whilst not compromising security. • Landscape design and planting should be the subject to coordinated work by the landscape designer and ecological advisers 	<p>The landscaping was reviewed in line with consultation comments, in particular to reduce the hardness of the area, provide some sense of enclosure and provide returns to ends of walls around the station building environment and car park.</p> <p>Further discussion of the design is presented in the Design and Access Statement (DCO Document Reference 8.1). Requirement 4 of the draft Order (DCO Document Reference 3.1) requires the Applicant to secure the LPA's approval of the detailed designs.</p>	Agreed. The general design approach is satisfactory – detailed design to be approved post-consent so not required to be agreed in this SoCG to that extent.
13.1.9	Public realm (Consultation)	There is a lack of clarity regarding the proposals for the land to the north of the Portishead car park south of Harbour Road, suggesting that if the space is grassed it would remove the edge to the street that is currently	The landscaping has been designed to fit with the ecology constraints. The western end was always planned to account for other development proposals. This is included in the Portishead Station Car Park Layout,	Agreed-general approach to landscaping is satisfactory.

Ref	Topic	LPA position	Applicant position	Status (Agreed/ Not Agreed)
		formed by the existing vegetation, and would result in open views across to the linear car park and the rear of Sainsbury's beyond.	Landscaping and New Boulevard and Access Plan, (DCO Document Reference 2.38). Please also note the Applicant's responses in respect of GCN district licensing in section 10 of this SoCG.	
13.1.10	Public realm (Consultation)	Stated a preference for the vegetation to the rear of Sainsbury's be cut back (but still providing enclosure to the street and screens the rear of Sainsbury's), and replaced with a strip of grass with an avenue of trees planted, ensuring greater legibility as a primary route and continuing the theme of tree lined streets in this area.	The quality of the existing vegetation behind Sainsbury's is very poor, mainly brambles. On the northern side of the car park, the avenue of trees is underplanted with ground cover, not grass. The proposed boulevard provides high quality route legibility all the way to the edge of the site at the northern end of the car park. This is included in the Portishead Station Car Park Layout, Landscaping and New Boulevard and Access Plan, (DCO Document Reference 2.38).	Agreed.

14. DRAFT DCO – REQUIREMENTS AND LPA APPROVALS

14.1 Approach to discharge of requirements

- 14.1.1 Requirement 38 of the draft Order sets out a non-standard process for deemed discharge of Requirements, which has been drafted in consultation with the LPA and in recognition of the particular challenges of project cost control when working in an environment where there are operating trains already and where timing and duration of works is critical. In summary, Requirement 38 provides that if the relevant planning authority has not indicated its decision within eight weeks of submission of an application to discharge a Requirement then, as long as the detail is within the parameters of the ES, the Requirement is deemed to have been discharged. A drafting note on the process and the need for a deeming mechanism is proved at Appendix 2.
- 14.1.2 As a precaution to avoid decisions being made through deeming rather than a positive consideration the LPA asked for the provisions of Sub-paragraph (4) to also be included. Sub-paragraph (4) provides a 'final reminder' before the deeming provisions are triggered, requiring the Applicant to give 14 days' notice that the date for determination is approaching (i.e. 14 days before the end of the 8 week determination period), before it can rely on the deeming provisions. This process has been agreed by the Applicant and the Relevant Planning Authority.
- 14.1.3 Sub-paragraph (4) also states that if the details go outside of the ES then the application is deemed to be refused.
- 14.1.4 The suggested drafting in PINS Advice Note 15 in respect of fees is not included in the draft Order. It is expected that the LPA will instead be seeking a Planning Performance Agreement with the Applicant to set out a suitable process for consultation and submission of applications to discharge Requirements and provide the necessary resource to meet the demands of this process, which is expected to be time intensive, cannot be met within existing staffing levels and in some instances may require engagement of external expertise.
- 14.1.5 The deeming provisions in Requirement 38 were further amended prior to submission of the draft DCO, and without further consultation with the LPA, to reflect the relevant PINS Advice Note 15 which was issued after the approach had been substantially approved by the LPA. Nevertheless, following subsequent review of Requirement 38 in full the process has been agreed with the LPA.

14.1.6 The Explanatory Memorandum (DCO Document Reference 3.2) provides further detail on the rationale for the non-standard wording for discharge of Requirements. A further explanatory note is appended to this SoCG at Appendix 2.

14.2 LPA approvals

14.2.1 The Requirements include details of matters which shall be subject to the approval of the LPA as a prerequisite for their discharge. In some cases, it has been agreed with the LPA that there is additional benefit in building flexibility into the Requirements. For example, Requirement 3 sets out the proposed stages of authorised development within each local planning authority area, though with 'tail piece' wording allowing the Applicant to apply for (and the LPA to approve) "such other stages of the Works that are agreed in writing with the relevant planning authority". A note on the use of tailpiece wording is provided at Appendix 3.

14.3 Requirements

14.3.1 The following table sets out the Requirements in the draft DCO where the subsequent approval of the LPA will be required, and the process whereby the Applicant may apply for such approvals.

Table 14.1: DCO Requirements

Requirement	LPA position	Applicant's position	Status: Requirement Agreed/ Not Yet Agreed
Requirement 1 Interpretation	<p>Query definition of 'preparatory activities'. This definition should not allow early commencement of activities which themselves would require consents.</p> <p>Do the CEMP and CTMP still bite on the preparatory activities?</p>	<p>[Applicant to review scope of preparatory activities and against standard DCO drafting.]</p>	<p>[TBC]</p>
Requirement 2 Time limits	<p>No comments.</p>	<p>Time limit of 5 years from the date of the Order in accordance with Regulation 3 of the Infrastructure Planning (Miscellaneous Prescribed Provisions) Regulations 2010 (2010 SI No 105).</p>	<p>Agreed.</p>
Requirement 3 Stages of authorised development	<p>The Stages as currently presented appear logical in terms of the types of work and geographical scope.</p> <p>Agree the flexibility given by the 'unless otherwise agreed' with the LPA and sub-paragraph (submission for approval of part of a Stage) wording is necessary and the LPA considers this to be acceptable.</p>	<p>Stages are necessary to reflect the different types of activity, and because different contractors may be employed to carry out different works at different times.</p> <p>The Stages reflect the current intention of the Applicant and NRIL but flexibility is necessary and built into the drafting with 'tail piece wording' ('unless otherwise agreed' with the LPA). The Stages will be finalised once the contractors are engaged and with the input of NRIL.</p>	<p>Agreed.</p>

Requirement	LPA position	Applicant's position	Status: Requirement Agreed/ Not Yet Agreed
<p>Requirement 4</p> <p>Submission and approval of design detail</p>	<p>No specific comments though the LPA notes the importance of having an agreed approach for how applications to discharge Requirements will be dealt with—approval of designs may require significant resource commitment.</p>	<p>[Regarding resourcing, a PPA is being concluded and the Applicant and LPAs have proposed a 'process flow' which is annexed to the SoCG.]</p> <p>A lot of detail has already been provided in the DCO submission and in many cases the designs are as detailed as would be used for a full Town and Country Planning Act planning application, going beyond what is necessary for a DCO Application.</p> <p>The Applicant and NRIL expect very few changes to the designs.</p> <p>The railway design is not included in the list as being subject to LPA approval. This is outside the remit of the LPA and is for NRIL to implement as the body with the technical knowledge to deliver safe railways.</p>	<p>[TBC]</p>
<p>Requirement 5</p>	<p>Note there is a Master CEMP but there will also be Stage-specific CEMPs.</p>	<p>Agreed, as per Requirement 5(1).</p>	<p>[Not yet agreed.]</p>

Requirement	LPA position	Applicant's position	Status: Requirement Agreed/ Not Yet Agreed
Construction Environmental Management Plan ("CEMP")	The LPA notes that the effect of Requirement 5(6) is that the preparatory activities do not have to be undertaken in accordance with the COCP and Master CEMP. They are also excluded from any Stage-specific CEMP. This is a concern in particular for preparatory activities involving erection of plant and machinery.	[Applicant to review drafting of Requirement 5. It may be that we can provide amended wording for this Requirement but would need to consider the feasible alternatives and potential secondary effects of loosening the carve-out of preparatory activities.]	
Requirement 6 Landscaping scheme – disused railway	In regards to Requirement 6(4) the LPA would usually expect to see maintenance of vegetation for 10 years after planting. However, in the context of the railway corridor 5 years is acceptable. It is noted that Natural England have not queried the maintenance period particularly in respect of the bat corridor.	It should be noted that given the operational requirements NRIL would not normally accept a landscaping requirement for future operational railway. The 3m railway must be kept clear and within 5 metres NRIL require the option to clear the land for future works, as shown on the Landscape plans and ES Chapter 9 – Ecology and Biodiversity (DCO Document Reference 6.12)	[Agreed subject to approval of LPA ecologist to the 5 year maintenance period.]

Requirement	LPA position	Applicant's position	Status: Requirement Agreed/ Not Yet Agreed
Requirement 7 Landscaping – other works	10 year maintenance period for landscaping works outside of the rail corridor is agreed.	Note this Requirement excludes both the rail corridor (covered by Requirement 6) and the works covered by the AGVMP (DCO Document Reference 8.12).	Agreed.
Requirement 8 Temporary fencing	This appears to be standard wording but query whether it would cover Heras fencing used for contractor compounds. Also, does it cover temporary ecological fencing?	The Applicant envisages the Requirement does include types of temporary fencing. Applicant to review the wording and consider whether it should be amended to be more precise.	[TBC.]
Requirement 9 Highway accesses	No comments	This is a standard form Requirement. Note removal of haul roads is controlled separately under Requirement 22.	Agreed.
Requirement 10 Archaeology	The Requirement is generally acceptable though some amendments proposed by the LPA's archaeologist: change 'or a watching brief' to 'for a watching brief' in Requirement 10(1); and delete words 'field work or' in Requirement 10(2).	The amendments appear acceptable but the Applicant will review and changes will be subject to NRIL approval.	[TBC.]
Requirement 11	Under normal planning applications, drainage conditions are exempt	There is no exemption from the deeming provisions for drainage consents.	[Agreed-see also 12.1.1.]

Requirement	LPA position	Applicant's position	Status: Requirement Agreed/ Not Yet Agreed
Surface and foul water drainage	<p>from deemed discharge – is this still the case for the DCO Scheme?</p> <p>The Requirement is different to the one previously proposed by the Lead Local Flood Authority ("LLFA").</p> <p>The details to be submitted shall include:</p> <p>a) a timetable for its implementation and maintenance during construction and handover; and</p> <p>b) a management and maintenance plan for the lifetime of the development which shall include details of land ownership; maintenance responsibilities/arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable urban drainage scheme throughout its lifetime; together with a description of the system, the identification of individual assets, services and access requirements and details of routine and periodic maintenance activities."</p>	<p>The design requirements have been incorporated into the outline approach to the temporary and permanent drainage of the railway, stations, car parks, haul roads and compounds.</p> <p>The detailed designs will meet the LPA's requirements and will be subject to approval by the LPA.</p> <p>[TBC – Applicant's response in respect of these proposed planning conditions and links to how the draft Order deals with these.]</p> <p>Requirement 11(1) requires consultation with the EA before foul water drainage designs are</p>	

Requirement	LPA position	Applicant's position	Status: Requirement Agreed/ Not Yet Agreed
	<p>The information is required before works start on site because it is necessary to understand how the system will be maintained during construction works and before the hand over to a management company to prevent flooding downstream of the system.</p> <p>The new requirement wording should be checked against the LLFA wording to make sure that it is asking for the same thing. The new condition also refers to foul drainage. Any foul drainage requirement would need to be discharged in liaison with Wessex Water / Environment Agency ("EA") not the LLFA.</p> <p>Agree that discharge of the Requirement needs specialist sustainable drainage design skills which may not be available to all construction contractors. The other concern around detailed drainage design being carried out later in the</p>	<p>submitted to the LPA for approval.</p> <p>The dDCO would allow for any necessary changes to layout which may be required following detailed drainage designs.</p>	

Requirement	LPA position	Applicant's position	Status: Requirement Agreed/ Not Yet Agreed
	process, is that detailed drainage design could result in changes to layouts. Does the DCO fix layout? (probably not actually a problem for anything apart from Pill Station Car Park which is currently being discussed between the LLFA and Applicant.		
Requirement 12 Trees	Requirement appears standard and is acceptable.	No comments.	Agreed.
Requirement 13 Control of Invasive Plants outside of Avon Gorge Woodlands SAC	No comments.	Note this Requirement does not apply to the Avon Gorge Woodlands SAC, to which the AGVMP will apply.	Agreed.
Requirement 14 Avon Gorge Woodlands SAC	The principles of this Requirement are accepted. The LPA would like further detail on the timescales for the relevant works and how this relates to the ultimate obligation to carry out those works in the AGVMP.	This is a key Requirement and Natural England will be heavily involved. The timing of the works depends on several factors including securing of Habitat Regulations consents.	Agreed. The Applicant to provide further details to the LPA on the timing of the works in the Avon Gorge Woodlands SAC and the

Requirement	LPA position	Applicant's position	Status: Requirement Agreed/ Not Yet Agreed
		The AGVMP is in the process of being updated.	updates being made to the AGVMP.
Requirement 15 External lighting and control of artificial light emissions during construction	Requirement appears standard and is acceptable.	No comments.	Agreed.
Requirement 16 Construction Noise	<p>The proposed working hours for the DCO Scheme are 06:00 to 18:00 Mondays to Saturdays with no working on Sundays or Bank Holidays. Whilst I support the no working on Sundays and Bank Holidays, the 06:00 start is too early.</p> <p>Construction hours should be 07:00 to 18:00 Mondays to Fridays, 08:00 to 17:00 Saturdays, with no works on Sundays or Public Holidays.</p>	<p>The proposed working hours of 0600 to 1800 Mondays to Saturdays and no working on Sundays or Bank Holidays except as agreed with the LPA is proposed for works along the disused railway line. We expect to use S61s for construction noise.</p> <p>[TBC – scope to identify specific areas where potential noise impacts and introduce alternative working hours to be discussed with NRIL. Suggest these details can be captured in the SoCG</p>	[TBC The applicant's proposal to apply for consent under s61 if necessary is noted.]

Requirement	LPA position	Applicant's position	Status: Requirement Agreed/ Not Yet Agreed
	<p>Piling operations should be between the hours of 08:00 to 17:00 Mondays to Fridays and 09:00 to 14:00 Saturdays.</p> <p>Should the Applicant require works to be undertaken outside of these hours then a S61 application will need to be made under the Control of Pollution Act 1974.</p>	<p>and incorporated into the CEMP and noise management plan]</p> <p>The exceptions – existing highway land, operational railway land, and works undertaken at compounds associated with those works – must be excluded and in such cases night working has the benefit of reducing the period of disruption for those affected .</p> <p>Along the operational railway, the works have to accommodate freight train passes. As such, the works may be conducted in a range of shift patterns, including 24 hr working. The pattern of working will subject to agreement with the Bristol Port Company over freight train movements and the proposed construction scheduling developed by the successful contractor.</p> <p>24hr working may be required at the construction compounds to support ongoing works and deliveries and waste removal.</p>	

Requirement	LPA position	Applicant's position	Status: Requirement Agreed/ Not Yet Agreed
Requirement 17 Contaminated land and ground water	Requirement appears standard and is acceptable.	No comments.	Agreed.
Requirement 18 Works to Winterstoke Road, Bristol	No comments as this location is outside of the LPA boundary	No comments.	Agreed.
Requirement 19 Temporary path south of Trinity Primary School, Portishead	Query whether the drafting of this Requirement is correct – there are two references to approval of the LPA in sub-paragraph (1). Also query in sub-paragraph (4) when removal of the temporary path will be as refers only to 'following' opening of Work No. 7 for public use.	The Applicant will review the Drafting of (1) and clarify if necessary. The Applicant will review the drafting of (4) and clarify if necessary.	[TBC.]
Requirement 20 Path at Marsh Lane, Easton in Gordano	This Requirement is acceptable. The 'tail piece' wording at (2) in particular is acceptable.	No comments.	Agreed.

Requirement	LPA position	Applicant's position	Status: Requirement Agreed/ Not Yet Agreed
Requirement 21 Temporary Path at Avon Road, Pill	This Requirement is acceptable.	No comments.	Agreed.
Requirement 22 Restoration of land used temporarily for construction	This Requirement is acceptable though the LPA queries whether it provides a mechanism for the Applicant to retain works on land subject only to temporary possession.	This is a standard Requirement save for sub-paragraph (2) which is necessary owing to the temporary possession of National Trust Land for installation of rock bolts. Once installed by NRIL it is intended that they will be maintained by National Trust. It is correct that the Requirement does allow for retention of some works on temporary possession land, in accordance with Article 33(4)(d).	Agreed.
Requirement 23 Watercourses	This Requirement is acceptable.	No comments.	Agreed.
Requirement 24 For the protection of bats	Is the first planting season following approval the earliest that this planting can be delivered?	The Applicant is investigating whether the planting can be undertaken as early works, to allow the secondary bat corridor to mature. The LPA's ecologist will be engaged on this issue.	[TBC.]

Requirement	LPA position	Applicant's position	Status: Requirement Agreed/ Not Yet Agreed
	In respect of the planting referred to in (3), the LPA would normally expect to see a maintenance period of 10 years where dealing with highway planting. The Requirement only allows for 5 years.	Applicant and NRIL to consider feasibility of 10 year maintenance.	
Requirement 25 Permanent Fencing outside of Avon Gorge Woodlands SAC	This Requirement is acceptable.	Please note the Disused railway engineering plans/ GRIP 4 Minor Civils (DCO Document Reference 2.7) show the fencing but NRIL will provide detailed fencing design at GRIP 5 and these will be subject to LPA approval under this Requirement.	Agreed
Requirement 26 Permanent acoustic fencing	Whilst the LPA notes that this Requirement relates to acoustic fencing and requires the acoustic fencing to be installed prior to the works commencing, I understand previously that there some issues with the owner of Old Portbury house and the installation of the fencing. It would be useful to know if this has now been resolved. (Post Application).	The acoustic fence has been agreed in principle with the landowner and draft Heads of Terms have been issued. The Requirement means the written details for the fence have to be discharged before works begin and that commercial use cannot start until the fences have been constructed.	Agreed.

Requirement	LPA position	Applicant's position	Status: Requirement Agreed/ Not Yet Agreed
Requirement 27 Portishead Station	This Requirement is acceptable.	No comments.	Agreed.
Requirement 28 Operational lighting – Pill Station	Unclear what is meant by 'lighting screens' to restrict light spill onto the northern platform.	These are a type of fence erected so as to create a permanently dark place on the platform.	Agreed.
Requirement 29 Operational lighting – highways, bridges, paths and carparks	This Requirement is acceptable.	The locations where this Requirement is of significance are, amongst others, the Tansy Lane footbridge and the station car parks. The Requirement ensures the LPA must approve the detailed design for lighting in these areas.	Agreed.
Requirement 30 Flood compensation works at Marsh Lane, Easton in Gordano	This Requirement is acceptable.	No comments.	Agreed.
Requirement 31 Clanage Road, Bristol	No comments as this location is outside of the LPA boundary	No comments.	Agreed.

Requirement	LPA position	Applicant's position	Status: Requirement Agreed/ Not Yet Agreed
Requirement 32 New bridleway east of M5 Avonmouth Bridge	This Requirement is acceptable.	Note this Requirement addresses the possible /extension of the bridleway which peters out in the area under the M5. There are possible benefits in terms of creation of additional bat corridor, though this is an additional benefit rather than compensation. The approach will be informed by ongoing discussions with Bristol Port Company.	Agreed.
Requirement 33 New ramp between Ashton Vale Road and A370, Ashton	No comments as this location is outside of the LPA boundary	No comments.	Agreed.
Requirement 34 Ponds	Will this Requirement be needed if district licensing is approved.	All proposed mitigation is within the LPA's boundary. Note a pond has already been constructed. Others are unlikely to be built by the DCO Scheme if the GCN district licensing application is approved by Natural England (in which case a financial contribution will instead be made). However, this	Agreed.

Requirement	LPA position	Applicant's position	Status: Requirement Agreed/ Not Yet Agreed
		Requirement should remain until that is decided. Once decided, the Requirement is likely to be deleted from the draft Order.	
Requirement 35 Requirement for written approval	This Requirement is acceptable.	No comments.	Agreed.
Requirement 36 Amendments to approved details	This Requirement is acceptable.	No comments.	Agreed.
Requirement 37 Anticipatory steps towards compliance with any requirement	This Requirement is acceptable.	No comments.	Agreed.
Requirement 38 Applications made under requirements	<p>What is meant by 'contemplated by' a requirement in 38(1)?</p> <p>The LPA's drainage officer notes that under a normal planning application the drainage consent would be excluded from any deemed consent provisions. Is this the case with the Requirement?</p>	It is accepted that the phrase 'contemplated by' is perhaps unclear so the Applicant will review the drafting of this sub-paragraph. Generally speaking, the intention is to keep the scope of applications for consent of the LPA as broad as possible, to include consents for matters	[Not yet agreed.]

Requirement	LPA position	Applicant's position	Status: Requirement Agreed/ Not Yet Agreed
		<p>which may not be expressly stated in the Requirement but would be impliedly necessary to achieve the same end.</p> <p>The drafting of this Requirement is largely drawn from the PINS drafting, save for the deeming provisions (though this does utilise precedent from made orders).</p> <p>Drainage is not excluded from the deemed consent provided for under this Requirement.</p> <p>This Requirement is subject to ongoing discussions with the LPA and Bristol City Council.</p>	
Requirement 39 Further information	It is not clear how this Requirement works practically.	Applicant to review drafting of this Requirement against precedents and revert with clarified wording if necessary, or alternatively a detailed explanation.	[Not yet agreed.]
Requirement 40 Appeals	This Requirement is acceptable.	No comments.	Agreed.

Requirement	LPA position	Applicant's position	Status: Requirement Agreed/ Not Yet Agreed
Requirement 41 Interpretation of Schedule 2	This Requirement is acceptable.	No comments.	Agreed.

15. ENVIRONMENTAL STATEMENT – GENERAL

The following table sets out the additional comments raised by the LPA in respect of the Environmental Statement chapters.

Table 15.1: Environmental Statement

Chapter	LPA position	Applicant position	Status (Agreed/ Not Yet Agreed)
Chapter 1 – Introduction (DCO Document Reference 6.4)	General comment for all of ES chapters – they should read North Somerset Council and not North Somerset District Council. No comments on this chapter.		Agreed
Chapter 2 – Description of the Study Area	No comments on this chapter		Agreed

Chapter	LPA position	Applicant position	Status (Agreed/ Not Yet Agreed)
(DCO Document Reference 6.5)			
Chapter 3 – Scheme Development and Alternatives Considered (DCO Document Reference 6.6)	We are satisfied with the approach to alternatives.		Agreed
Chapter 4 – Description of the Proposed Works (DCO Document Reference 6.7)			
Chapter 5 – Approach to the Environmental Statement (DCO Document Reference 6.8)	No comments on this chapter		Agreed

Chapter	LPA position	Applicant position	Status (Agreed/ Not Yet Agreed)
Chapter 6 – Planning Framework (DCO Document Reference 6.9)	Policies DM32 (high quality design and place-making) and DM33(Inclusive access into non-residential buildings and spaces) missing from the list of relevant policies in the North Somerset Sites and Policies Plan (Part 1). Also missing is Policy CS6: North Somerset’s Green Belt from the North Somerset Core Strategy.		
Chapter 7 – Air Quality and Greenhouse Gas (DCO Document Reference 6.10)	<p>Policy: The National Policy Statement for National Networks (NPSNN), December 2014 sets out the factors that need to be assessed as part of any impact assessment.</p> <p>Paragraph 5.13 of the NPSNN also states the Secretary of State should refuse consent where, after taking into account mitigation, the air quality impacts of the scheme will:</p> <ul style="list-style-type: none"> • Result in a zone/agglomeration which is currently reported as being compliant with the Air Quality Directive becoming non-compliant; or • Affect the ability of a non-complaint area to achieve compliance within the most recent timescales reported to the European Commission at the time of the decision. <p>Chapter 7 of the Environmental Statement assess the impact on Air Quality and Greenhouse Gas emissions.</p> <p>The assessment of the DCO Scheme’s impact on air quality has been undertaken in accordance with DEFRA’s Local Air Quality Management Technical Guidance TG16 (2016) along with the Highways Agency’s Design Manual for Roads</p>	<p>A copy of the methodology to update the Air Quality chapter was sent to the LPA. The revised chapter will be sent for review once complete.</p> <p>Noted. More specific measures will be provided in the air quality management plan that will be discharged with the requirement for the detailed CEMP.</p>	Agreed

Chapter	LPA position	Applicant position	Status (Agreed/ Not Yet Agreed)
	<p>and Bridges (DMRB), Volume 11, Section 3, Part 1 HA 207/07. Significance criteria were reported following Environmental Protection UL (EPUK) and Institute of Air Quality Management (IAQM) Guidance on the Development Control Planning for Air Quality (2017,). Construction dust impacts were considered against Guidance on the assessment of dust from demolition and Construction (IAQM, 2014). It is considered that this is the appropriate guidance to use.</p> <p>The study area for local air quality for assessing rail impacts has been defined using TG(16). DEFRA recommends that air quality impacts from non-road sources (including railway lines) only need to be considered where any sections of the railway meet the following criteria:</p> <ul style="list-style-type: none"> • Where there is heavy traffic from diesel trains • Where estimated background NO2 concentration is greater than 25 µg m-3 and • Where there is potential for long-term exposure within 30m of the edge of the railway line. <p>Air quality impacts due to the new passenger service between Portishead and Ashton Junction would not require an assessment based on the first two criteria above. However, there are areas for potential long-term exposure within 30 m of the railway in Portishead, Sheepway and Pill. Air Quality has therefore been scoped into the assessment.</p>		

Chapter	LPA position	Applicant position	Status (Agreed/ Not Yet Agreed)
	<p>For road traffic, the study includes all roads that were screened in against EPUK and IAQM criteria (around Portishead) and within 200m of any rail line where additional DMU movements are planned.</p> <p>The study area, methodology and assumptions made to predict the impact on air quality from the project are generally satisfactory. We are also satisfied with the identified receptors assessed with the air quality chapter.</p> <p>The air quality assessment has predicted that for all the receptors modelled within North Somerset, there will be no exceedances of the air quality objective for NO2 and PM10 and that the impact will be negligible for operational phase. This conclusion is supported and it is considered that air quality has been assessed in accordance with the appropriate guidance and the NPSNN.</p> <p>Mitigation: In terms of the construction impacts on air quality, the Master Construction Environmental Management Plan outlines a number of different measures in which construction impacts on air quality can be mitigated. These are supported but are generic. More project specific measures will need to be submitted for each phase of the works.</p>		

Chapter	LPA position	Applicant position	Status (Agreed/ Not Yet Agreed)
Chapter 8 – Cultural Heritage	No comments on this chapter. We are satisfied that it has been thoroughly examined.		Agreed
Chapter 9 – Ecology and Biodiversity	Overall, we are satisfied with approach to ecology and the methodology is sound		Agreed
Chapter 10 – Geology, Hydrogeology, Ground Conditions and Contaminated Land (DCO Document Reference 6.13)	<p>Chapter 10 of the ES assess the impact on Geology, Hydrogeology, Ground Conditions and Contaminated Land.</p> <p>The chapter indicates that a previous ground investigation has identified a number of areas of contaminated land across the DCO route, which include:</p> <ul style="list-style-type: none"> • Elevated levels of lead in track ballast • Elevated levels of contamination including lead and chloromethane and leachable materials have been identified at the Portishead Station and Car Park. Additionally, elevated levels of carbon dioxide above long term and short-term limits have been identified from Made Ground and underlying strata at the site of the proposed new Portishead Station. • At the Avon Road Bridge site elevated levels of polyaromatic hydrocarbons (PAH) and leachable materials have been identified in soils. Asbestos has also been detected. • Some metal and PAH contamination has been identified in ground water at the Pill Station site. <p>These areas of contamination have been assessed in the ES chapter and have been determined as a low risk. However,</p>	<p>The applicant has referred the LPA to appendix 10.1 Risk classification and appendix 10.2 Land Contamination Summary Report (DCO Doc 6.25) where there are further details on the risk assessment and ground investigation.</p> <p>Requirement 17 means the LPA will sign off a written scheme of investigation, which will include an investigation and assessment report. This report will address the gaps</p>	Agreed

Chapter	LPA position	Applicant position	Status (Agreed/ Not Yet Agreed)
	<p>no details of the ground investigation have been submitted in support of the application e.g. trial pit or borehole locations, certificates of analysis of soil samples, borehole and trial pit logs etc, conceptual model have been submitted. Additionally, there does not appear to be any details of how the risk assessment has been carried out. Without this information it is impossible to determine the impact of contamination.</p> <p>Depending on the contents of the site investigation report, it is likely that further investigations along the route may be required.</p> <p>The assessment has only looked at the impacts of contaminated land on the construction phase, which in general can be dealt with through health and safety measures.</p> <p>Paragraph 10.3.10 states that it has been agreed with the Secretary of State that the operational impacts of the DCO Scheme on Geology, Hydrogeology, Ground Conditions and Contaminated Land have been scoped out. Whilst it is acknowledged that the impact of the scheme on contaminated land is likely to be low there is no assessment of the impact of current contamination on the operation of the scheme e.g. the need for gas protection measures to be incorporated into the proposed Portishead Station.</p>	identified in section 4.7 of appendix 10.2.	

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Chapter 11 Landscape and Visual Impacts Assessment	<p>The LVIA is comprehensive. The key issues below:</p> <p>In 11.6 Assessment of Landscape Effects, Construction Phase it is noted that the landscape effects during the construction phase are 'considered as temporary in nature'</p> <p>Over the respective Landscape Character Areas, the vegetation removal is considered the most noticeable change, particularly the loss of the larger trees. However, for the majority of Landscape Character Areas the significance of effect is slight adverse.</p> <p>Areas of more significant effect include the D1 Avon Gorge LCA, Sheepway, Pill and Bower Ashton.</p> <p>At the Avon Gorge LCA, there is a moderate adverse significance of effect. Tree management for safety, removal of trees for fence construction and future Ash dieback (which is likely to kill a large number of trees), all contribute to the increased visibility of the line, albeit that it is an existing operational freight line.</p> <p>The impact of the paladin fencing is noted in Table 11.14 and there are areas where it cannot be screened and may be prominent. These areas should be looked at in detail both regarding the type and colour of fence and if any other mitigation is possible. Paladin (mesh) has been chosen to help reduce its visibility.</p>		

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	<p>Extensive geotechnical works for safety are also proposed along the Avon Gorge, including installing rock bolts, 3 catch fences and removing unstable rocks. This results in vegetation removal summarised in Tables 11.15 and 11.16 for rare trees and plants in the Avon Gorge SAC and increases visibility of the slopes. The catch fences where visible may be visually intrusive features. Repeater masts, micro compounds and lighting will also all be visible during construction.</p> <p>At Sheepway there is a moderate adverse significance of effect where a large-scale access, haul road and construction compound are all visible in the generally open landscape. Here some ecological mitigation is proposed, consisting of belts of field margin planting and shrubs.</p> <p>At Pill (and also visible from Royal Portbury Dock) the Lodway Farm construction compound will contain ballast storage that will be noticeable in the local landscape.</p> <p>Rebuilding the Avon Road Bridge requires demolition of 12 garages, temporary siting of a compound and a crane. A temporary access route crosses 6 gardens at Lodway Close.</p> <p>Demolition of 7 Station Road to construct the station forecourt is locally damaging to the character at street level. The large-scale construction activities here are considered to have a large significant adverse impact on the character area.</p>		

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	<p>Operation Phase</p> <p>The sense of remoteness of the character areas through which the line passes could be reduced, but overall the effect is neutral significance.</p> <p>Commercial Portishead</p> <p>New landscape elements such as the station, car park, trains and GSM-R mast all increase the urbanisation of the area's character. However, amenity landscape would be enhanced and therefore there would be a slight beneficial significance of effect.</p> <p>Residential Portishead</p> <p>The new bridge is a large-scale feature in the landscape in the vicinity of Tansy Lane. Combined with movement along the railway a slight adverse significance of effect arises.</p> <p>Sheepway / Royal Portbury Dock</p> <p>Again, a slight adverse significance of effect arises, due to a reduction in tranquillity and opening up of views due to vegetation loss, with a similar effect upon views at Royal Portbury Dock.</p> <p>Pill</p> <p>As the freight line is already a feature, there is no change in overall character, but views are opened to the north and the new bridge and embankment at Avon Road would be considerably more exposed due to vegetation loss.</p>		

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	<p>New elements to the landscape include the rebuilt station and introduction of passenger trains, but much of it is in a cutting. Transport related features are introduced into an otherwise mostly residential area. Whilst there are some beneficial elements to streetscape and pedestrians, overall there is a moderate adverse significance of effect.</p> <p>Ham Green Lakes</p> <p>Only a small proportion of the character area is affected, with localised impact at The Pill Tunnel maintenance and emergency access point. A loss of part of the Unregistered Historic Park and Garden of Ham Green Hospital occurs, affecting its parkland character. Overall there is a neutral significance of effect recorded.</p> <p>Avon Gorge</p> <p>No overall change in landscape character. Loss of mature trackside vegetation, increasing visibility of fencing and passing trains. More open views of rock formations where selected trees are removed from slopes, giving a less wooded appearance. Some natural regeneration over time anticipated, resulting in a slight adverse significance of effect.</p> <p>Ashton Vale</p> <p>New element of passenger train movement in the urban fringe, but overall a neutral significance of effect.</p> <p>Conservation Areas</p>		

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	<p>The significance of impact upon local Conservation Areas is predominantly neutral, except for The Downs where loss of vegetation makes trains more visible and at Bower Ashton where the permanent access point is visible, both resulting in a significance of slight adverse.</p> <p>Registered Parks and Gardens</p> <p>During construction there is localised significance of effect of slight adverse arising from fence construction and vegetation removal at the edge of Leigh Court. During operation this significance becomes neutral.</p> <p>During construction there is a neutral significance of effect arising from work along the line and views towards Clanage Road compound from Ashton Court. During operation this significance becomes neutral.</p> <p>Lighting</p> <p>Dark winter mornings and evenings introduce a new element of lighting passing through the landscape, most noticeable through the Avon Gorge and at Sheepway.</p> <p>Visual Impact Assessment</p> <p>https://metrowestphase1.files.wordpress.com/2020/01/6.25-es-volume-4-appendix-11-series-lvia-11.3-and-11.4.pdf</p>		

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	<p>This is broken down into two sections, Portishead to Pill section (the disused line), and from Pill to Ashton Gate (the operational freight line)</p> <p>Inevitably where construction is concentrated, such as around the station at Portishead, there are some significant changes to the outlook from nearby receptors, particularly local residences and paths.</p> <p>Even after 15 years and allowing time for mitigation to take effect, visual impacts upon the following residential properties remain Magnitude: major adverse Significance: large adverse:</p> <p>Peartree Field - Properties No.1 to 11 affected with upper storey views to the station and Trinity bridge, lighting columns, fencing, passenger trains and pedestrians on new path.</p> <p>No.6 Holmlea - Faces towards the Trinity bridge and lighting.</p> <p>Tansy Lane – Residences have direct views in close proximity of Trinity bridge, as well as reconstructed railway, fencing and passenger trains.</p> <p>Old Station House, Sheepway – Open view in close proximity of acoustic and screen fence, with trains passing behind.</p>		

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	<p>Lodway Close, Pill (houses on north side) – Views to new embankment and bridge, fencing and trains. Trains run closer to Lodway Close, with no opportunity to screen.</p> <p>Avon Road PRow, Pill – More open view to fencing and passing trains as a consequence of vegetation loss.</p> <p>There are numerous other visual impacts of lesser severity, as outlined in the document. See also in-combination and cumulative effects that also affect many of these properties, including noise, vibration and air quality, albeit temporary.</p> <p>https://metrowestphase1.files.wordpress.com/2020/01/6.21-es-chapter-18-in-combination-and-cumulative-effects-assessment.pdf</p> <p>Photomontages Technical Report</p> <p>This provides useful visuals to assist the assessment of the scheme.</p> <p>It backs up the view below that the final landscape schemes can be enhanced in places to further assist mitigation for some of the most adversely affected sites, such as Tansy Lane.</p> <p>Portishead Station Landscaping</p> <p>The area around the new roundabout shows extensive groundcover planting and trees. NSC would be unable to</p>		

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	<p>maintain groundcover of this extent and would prefer to see trees, drought tolerant shrubs and grass / wildflower areas.</p> <p>The station car park appears somewhat open and would benefit from tree planting within it.</p> <p>The visibility of the line and trains from Quays Avenue and the pedestrian approaches may be a feature of interest, provided any wall or security fence is not obtrusive.</p> <p>The site landscaping indicated appears comprehensive and where opportunities for further planting are indicated, particularly trees, these should be taken.</p> <p>This does not raise any concerns in landscape terms.</p> <p>Trinity Bridge</p> <p>Trinity pedestrian bridge proposals show tree moving on the north side of it, but it is unclear what these trees are or where they are being moved from (Quays Avenue ?). Moving established trees is difficult, expensive and carries a high risk of failure. It would be better to see new trees and shrubs planted around the bridge to help screen both the bridge and the timber fencing. There are no shrubs screening the fence on the north side (east of bridge).</p> <p>Trees need to be of upright form where close to the structure to avoid overgrowing it and it is likely that the trees to be moved won't therefore be of an appropriate species. Note that trees won't entirely screen pedestrians</p>		

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	<p>on this structure and some consideration may need to be given to side screens on the more elevated parts of the structure, particularly to the south where in places there are no trees at all. Careful colour choice for this structure could also help integrate it.</p> <p>There is no need for the three benches around the small paved square north of the bridge. These will be a source of complaint in this location as this arrangement will encourage anti-social behaviour close to residences. It would be preferable for people to congregate at the station, not in residential areas. If the purpose is to rest, having used the bridge, then one bench should be sufficient. Consider containing this square with shrub or hedge planting to make it less prominent and assist screening the lower part of the bridge.</p> <p>I am satisfied that you can add the LVIA and supporting documents to the SOCG, although matters of detailed landscape will need some additional input.</p>		
Chapter 12 Materials and Waste	<p>We are satisfied that the ES chapter is a very comprehensive examination of the potential of the project to give rise to likely significant environmental impacts and effects in relating to the use and consumption of materials and the production and management of waste.</p> <p>It has also identified the wide-ranging policy and legislative framework affecting these matters. We are pleased to note</p>		

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	<p>that the chapter also covers Network Rail's own policies and contractual relationships with contractors who are fundamental to avoiding and minimising such impacts. It is noted that the scheme has applied the government policy regarding the waste hierarchy of prevent; reuse; recycle; recover (for heat); and disposal (to landfill).</p> <p>We also note that the inter-relationships with other chapters is considered.</p> <p>The DCO Scheme follows the existing railway and highways alignments and is not located within an area designated by North Somerset District Council ("NSDC") as a Minerals Safeguarding Area and is therefore unlikely to result in the sterilisation of existing mineral resources.</p> <p>We are assured by the project's commitment to following best practice on minerals and waste across a wide-range of government and professional bodies.</p> <p>12.3.2 explains that the assessment primarily focuses on the potential environmental impacts arising from the construction, operation and decommissioning of the DCO Scheme in the form of: 1. Embodied carbon emissions associated with material extraction, manufacturing and any pre-distribution transportation; 2. The depletion of natural resources (primary aggregates have been chosen to act as a surrogate for indicating the DCO Scheme's use of natural resources); 3. The generation and management of</p>		

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	<p>construction waste on-site; potential impact on the available waste management infrastructure; and 4. The potential of the alignment of the DCO Scheme proposals with the legislative and policy framework for sustainable development, material resources and waste. This again appears very comprehensive in its approach.</p> <p>It is noted that much weight is placed on the role of the master CEMP and this emphasizes the importance of ensuring the process relating to discharge of Requirements is adequately resourced and set out to achieve consistent and adequate submissions. The relationship with other documents including a series that are also covered by the Requirements is critical: principles set out in the environmental statement, the Master CEMP, the COCP and the Master Construction Traffic Management Plan.</p> <p>The setting of environmental objective and targets is welcomed though it is noted that there may be tensions between initial financial costs e.g. and energy efficiency and sourcing from sustainable materials.</p> <p>Recognition of the respective roles and responsibilities and the importance of communication and engagement with local communities is vital on a project of this scale and complexity.</p> <p>Emergency Preparedness and Response Plan for inclusion within their CEMP to cover accidents on site, environmental</p>		

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	<p>hazards (flooding, heavy rain, high winds), pollution incidents, and other risks that may occur during construction are to be prepared and early contact with our ecologists, transport, flood risk, heritage officers, tree officers and emergency management teams is encouraged.</p> <p>Whilst various protections are detailed in Section 3 of the CEMP it should be noted that appointment of contractors and personnel with suitable skills, capacity and experience and provision of appropriate training will be important to complying with targets and meeting objectives. It is also important that their respective powers within any contracted stage of work is clear. The Council will assist but is unlikely to be able to provide resources on these matters and others that should properly be provided by the contractor for each stage.</p> <p>It is noted that it is not anticipated that there will be significant decommissioning processes required.</p> <p>It is noted that capacity for aggregates and waste have been examined.</p> <p>It is noted that the conclusion is reached that no likely significant effects have been identified, and therefore no further mitigation measures are proposed. Notwithstanding, the adoption of those best practices techniques detailed in the Master CEMP (DCO Document Reference 8.14), and compliance with all applicable legislative and policy</p>		

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	requirements, will ensure that any residual environmental effects are minimised during the construction of the DCO Scheme. We would encourage continuing contact with NSC in the light of its declaration of a climate emergency to explore whether any of the identified impacts can be further mitigated.		
Chapter 13 – Noise and Vibration (DCO Document Reference 6.16)	<p>Policy: Noise The Noise Policy Statement for England, 2010 sets out the Government’s Long-Term vision on noise policy, which is supported by the three noise policy aims as follows:</p> <p>“Through the effective management and control of environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development:</p> <ul style="list-style-type: none"> • avoid significant adverse impacts on health and quality of life; • mitigate and minimise adverse impacts on health and quality of life; and • where possible, contribute to the improvement of health and quality of life <p>The NPSE also introduces the concept of “Significant adverse” and “Adverse” impacts of noise, which are described below.</p> <p>NOEL – No Observed Effect Level</p>	<p>Matters such as the height, length and density of the acoustic fence will be produced during detailed design.</p> <p>Noted more specific measures will be provided in the Noise and Vibration Control Plan that will be discharged with the requirement for the detailed CEMP. The contractor will also adopt Best Practical Means and Section 61 consents will be sought where required.</p>	Agreed

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	<p>This is the level below which no effect can be detected. In simple terms, below this level, there is no detectable effect on health and quality of life due to the noise.</p> <p>LOAEL – Lowest Observed Adverse Effect Level This is the level above which adverse effects on health and quality of life can be detected.</p> <p>SOAEL – Significant Observed Adverse Effect Level This is the level above which significant adverse effects on health and quality of life occur.</p> <p>Paragraph 2.22. of the NPSE recognises that it is not possible to have a single objective noise-based measure that defines SOAEL that is applicable to all sources of noise in all situations. Consequently, the SOAEL is likely to be different for different noise sources, for different receptors and at different times.</p> <p>The first aim of the NPSE is to “Avoid significant adverse impacts on health and quality of life from environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development.</p> <p>The first aim of the NPSE states that significant adverse effects on health and quality of life should be avoided while also taking into account the guiding principles of sustainable development (paragraph 1.8).</p>	<p>The majority of trains running would be 165s/166’s Diesel Multiple Units (DMUs) as the 150s/153s have been cascaded elsewhere in the region, so have been assessed as a reasonable worst case in the modelling. NR will not accept any planning constraints on the type of stock they can use on the line as with elsewhere across the rail network. It is unlikely 150/3 DMUs will be used on the proposed railway.</p> <p>As these are unmanned stations, fixed plant (e.g. AC units) would not be</p>	

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	<p>The National Policy Statement for National Networks (NPSNN), December 2014 sets out the factors that will determine the likely noise impacts from development, which include:</p> <ul style="list-style-type: none"> • Construction noise and the inherent operational noise from the proposed development and its characteristics. • The proximity of the proposed development to noise sensitive premises (including residential properties, schools and hospitals) and noise sensitive areas including certain parks and open spaces); • The proximity of the proposed development to quiet places and other areas that are particular valued for their tranquillity acoustic environment or landscape quality such as National Parks, the Broads or Areas of Outstanding Natural Beauty; and • The proximity of the development to designated sites where noise may have an adverse impact on the special features of interest, protected species or other wildlife. <p>The NNPSN also requires that developments must be undertaken in accordance with statutory requirements for noise. Due regard must be given to the relevant sections of the <i>Noise Policy statement for England, National Planning Policy Framework</i> and the Government's associated planning guidance on noise.</p>	<p>required and we do not consider it necessary to assess the noise levels of fixed plant.</p>	

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	<p>Development consent should not be granted unless the Secretary of State is satisfied that the proposals will meet the following aims, within the context of Government policy on sustainable development:</p> <ul style="list-style-type: none"> • Avoid significant adverse impacts on health and quality of life from noise as a result of the new development; • Mitigate and minimise other adverse impacts on health and quality of life from noise from the new development; and • Contribute to improvements to health and quality of life through the effective management and control of noise, where possible. <p>In determining an application the NNPSN the Secretary of State should also consider whether requirements are needed which specify that the mitigation measures put forward by the applicant are put in place to ensure that the noise levels from the project do not exceed those described in the assessment or any other estimates on which the decision was based.</p> <p>The noise chapter of the Environmental statements has therefore been assessed on the basis of the above.</p> <p>The noise and vibration assessment has been based on the following guidance:</p>		

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	<ul style="list-style-type: none"> • Design Manual for Roads and Bridges (DMRB) Volume 11, Section 3, Part 7 (HD213/11) Noise and Vibration • Department of Transport Calculation of Road Traffic Noise (CRTN), 1988 • Department of Transport Calculation of Rail Noise (CRN), 1995 • British Standard 5228-1:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites – Part 1 (Noise). <p>It is considered that this is the most appropriate guidance to use to assess noise and vibration from the development.</p> <p>Methodology: The definition of the study area for the scheme is considered to be appropriate to assess the impact of noise and vibration from the development.</p> <p>The noise chapter has also identified front or back onto the proposed railway line on Pill the following receptors within the North Somerset, where the impact of noise from the scheme has been assessed:</p> <ul style="list-style-type: none"> • Houses that either front or back onto the proposed railway line in Portishead • Shipway Gate Farm • Old Station House and Elm Tree Park at Portbury • Bridge. • NHS Marina Healthcare Centre and Haven Lodge. • Trinity Anglican Methodist Primary School. 		

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	<p>In general, we are satisfied with the methodology used; the assumptions made to predict the impact of noise and vibration; the chosen receptors and noise monitoring locations. It is also welcome to see that that the requested additional noise monitoring for Pill has been carried out.</p> <p>The noise chapter sets the following assessment criteria for operational noise from the scheme, which are shown in table 13.9 of the report and replicated below.</p> <p>The ES also sets the effect levels for construction noise for residential receptors in Table 2.4 of Appendix 13.2. The noise effect levels for both operational and construction noise are considered appropriate and are considered to be acceptable.</p> <p>As a summary the ES suggests that for operational noise, for the majority of receptors assessed, the impact of operational noise is predicted to be slight adverse, with the exception of properties to the south of Peartree Field in Portishead and Old Station House in Sheepway, where operational noise is assessed to have a large adverse impact and the change in noise level is considered to be significant.</p> <p>To mitigate the impact, the ES suggests the use of acoustic barriers in these locations. The ES suggest height, length</p>		

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	<p>and recommend density of the acoustic fencing, however it would be useful to see a detailed design.</p> <p>Construction noise impacts for some of the works including road realignment in Portishead, particularly around Portishead, Old Station House in Portbury and Pill, railway line works, trinity Primary School Bridge and station construction are calculated to be above the SOAEL and would be considered to have a significant adverse impact. Some of the works may be required at night which would mean that they have an unacceptable adverse impact.</p> <p>Section 10 of the Master Construction Environmental Management Plan outlines generic measures to mitigate noise from construction but leaves any detailed measures to individual contractors. Whilst this is understandable at this early stage that detailed constructions land are not in place, the noise assessment does indicate that some noise impacts from construction could have a significant adverse impact. Additionally, some night works are likely to have unacceptable adverse impact.</p> <p>Additionally, construction works required at Avon Road require the existing bridge to be demolished and reinstated with a precast concrete box to enable two rai lines to be installed. These works also include the demolition of the existing garages and hard standing to be laid in order to bring in a road crane. The noise assessment indicates that some of the noise levels from these works will have a significant</p>		

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	<p>adverse impact to residential properties in the vicinity. Some of these works may be required at night due to possession of the railway line. If these works need to be carried out, then the noise levels would be above the unacceptable adverse effect level.</p> <p>Mitigation: The noise chapter presents some generic methods to control noise from construction works, however a more detailed plan to mitigate construction noise should be submitted.</p> <p>Conclusion: Overall, the noise assessment is acceptable, and is accordance with NPSE, 2010 and the NPSNN, 2014. However, the following points will need to be addressed:</p> <ul style="list-style-type: none"> • The noise chapter suggest that Class 165 and 166 Diesel Multiple Units are proposed for the scheme, which have been used in the assessment. However, Chapter 4 <i>Description of the Proposal</i> notes that these train types will be used or Class 150/3. The noise chapter hasn't provided an assessment for Class 150/3 trains. • Whilst it is acknowledged that definitive details of fixed plant on stations was unlikely to be known when the assessment was written, a general assessment of fixed plant noise should be included in the noise chapter. 		

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Chapter 14 Socioeconomics and Economic Regeneration	<p>The wider regional and sub-regional context of the scheme is examined thoroughly and provide strong justification for the re-opening of the line.</p> <p>It is noted in 14.2.9 that key NS key strategic objectives and themes pertaining to socio-economic development and regeneration are set out. These are:</p> <p>Strategic Objective 1: To create the conditions for higher value local employment; • Strategic Objective 2: To grow and enhance the competitiveness of our business base; • Strategic Objective 3: To foster a culture of enterprise, innovation and aspiration; • Theme 1: Facilities and infrastructure. The theme includes improving transport, accessibility and connectivity, and specifically mentions Portishead Rail; and • Theme 3: Competitive businesses and enterprise. This theme aims to develop niche clusters and supply chains; encourage innovation and collaboration; support business start-ups, self-employment, small and medium sized enterprises; and attract high profile, high value businesses to the area.</p> <p>The synergy between the project and demographic profile is noted and agreed and show that generally the project will have beneficial effects and not harmful effects.</p> <p>The area of Portishead and Pill is a relatively prosperous, open economy with high levels of out-commuting within the sub-region and little evidence of self-containment within</p>		

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	<p>individual towns. Policy documents at the national and local level also support the drive towards sustainable economic growth and highlight the role that investment in transport infrastructure can play in achieving economic development.</p> <p>It is accepted that the two themes of transport and economy are related in the sense that improving transport provision can act as a driver for economic growth by increasing connectivity and accessibility to employment markets for businesses and employment opportunities for workers. Transport infrastructure can also make locations more attractive for inward investment and business start-up.</p> <p>The socio-economic analysis and consultation with NSDC have identified a number of vulnerable or disadvantaged groups in the context area. These include disabled, ethnic minorities, young people and elderly, low income groups. However, the analysis suggests that these groups tend to form a smaller than average proportion of the local population in the study areas. The exception is Pill, which is home to an above average proportion of elderly and disabled residents.</p> <p>The positive impact from the project on jobs in the construction sector is welcomed. In 14.6.12 it is noted that, direct employment creation of 720 jobs could generate indirect employment creation of 720 jobs, and direct GVA uplift of £32.9 million could translate to £29.6 million of</p>		

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	<p>indirect GVA. The supply chain and consumer services business receptors that will benefit from the boost could be local, considering the need to establish a local supply chain to reduce transportation costs. Similarly, expenditure impacts are also likely to be local, given that construction stage employees are likely to be local and consume goods and services from nearby businesses.</p> <p>NSC welcomes recognition in 14.6.7 that MetroWest Phase 1 has the potential to generate operational phase employment related to the functioning of the reopened rail line. Employment creation could be realised through the pathway of new and redeveloped stations at Portishead and Pill respectively. These facilities will necessitate ticket office, passenger welfare support and other staff in cleaning, maintenance and other roles on a day-to-day or regular basis. Although no explicit space has been made available for concessions at this point, there is future potential for some retail employment associated with the provision of concessions at Portishead. Within this context, the direct (operational) employment impact at Portishead and Pill Stations is expected to be positive.</p> <p>It is stated in 14.6.40 that the DCO Scheme could lead to wider regeneration throughout Portishead, Pill and the West of England as a whole, via a range of potential routes. Whilst perceiving welcome benefits for various sectors of the population in and around Portishead by providing connections to educational and other opportunities in</p>		

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	<p>Bristol conversely, the DCO Scheme could make Portishead more attractive to high-value industries meaning transport and communications and banking, finance and insurance businesses increasingly locate in the town, thereby reducing the need for out commuting from Portishead. This is a potential that will require further investigation and development through the local plan process.</p> <p>The ES chapter concludes that the DCO could transform the study area's socioeconomic profile, by on the one hand providing a viable alternative mode of transport to private car use for commuters, but on the other hand, providing incentives for investment and business relocation to Portishead and Pill to support self-containment of the economy. This could assist residents in the study area to secure local employment that is commensurate to their relatively high levels of skills, qualifications and social grading, as well as providing an opportunity to rebalance the residential and workforce sectoral profile of employment. These would be welcome benefits.</p> <p>The potential benefits of realising planning policy objectives and the potential for the scheme to enhance land values and development viability for land owners and developers due to enhanced transport linkages would be a positive outcome of the scheme. Numerous station and rail investment programmes have resulted in regeneration, as</p>		

Chapter	LPA position	Applicant position	Status (Agreed/ Not Yet Agreed)
	<p>measured by land value uplift and unlocked development land,</p> <p>It is noted that the business impacts on the Docks which is important as an employer and a national asset is covered.</p> <p>The improved public access to Bristol afforded by the DCO Scheme will improve journey times to Bristol, a major employment and service centre in the region. The train journey time of about 23 minutes compares favourably with the travel time by car of between about 30 minutes off peak and an hour during peak travel times. This will increase the attractiveness of the new residential developments in the vicinity of Portishead marina and close to the proposed station. Overall, the impact of the DCO Scheme on the viability and amenity of development land in Portishead is beneficial.</p>		
Chapter 15 Soils, Agriculture, Land use and Assets	<p>The ES has examined the impacts on a range of aspects reflecting the varied landscape through which the rail line passes and the land which is required in order to carry out the DCO works. This includes farmland, based on the inherent soil qualities and on which businesses operate, urban areas including development land, land used for the community and utilised by Utilities, much of which is Green Belt.</p>		

Chapter	LPA position	Applicant position	Status (Agreed/ Not Yet Agreed)
	<p>The ES chapter identifies the key national and local policies that affect these features. It is noted that there is no specific guidance to preparation of environmental assessment for railways and that cues have been taken from other linear projects such as highways and this is considered a suitable approach.</p> <p>It is noted that impacts on agriculture and soil quality in general is limited though individual farm operations may be affected to some degree. The role of the CEMP will be important and inevitable impacts in the short term are proposed to be subject to restoration plans.</p> <p>It is noted that dialogue with the Bristol Port Company has and will take place to minimise adverse impacts on a key business and employer with national significance, which has land holdings and is accessed by road and rail that will be affected by the DCO. This is welcome.</p> <p>Much of the impact is dictated by the alignment of the track that is being re-opened and the accessibility needs in order to construct it but it is designed to minimise impacts.</p> <p>Construction, operational decommissioning and cumulative impacts have all been considered.</p> <p>The ES has examined impacts on potential development land, particularly around Portishead, Pill and the Royal Portbury Dock. This is to be welcomed as land not affected</p>		

Chapter	LPA position	Applicant position	Status (Agreed/ Not Yet Agreed)
	<p>by Green belt, flood risk, AONB or protected species and habitats in North Somerset and available for development is a relatively scarce and finite resource and is therefore a challenging aspect of meeting the needs of housing, economic development, biodiversity and community needs. It is considered that the DCO avoids significant negative impacts on land with development potential and will potentially have benefits for Portishead including for the town centre which will be close to the proposed station.</p> <p>Impacts on the purposes for which the Green Belt is designated are considered to be unavoidable, to the extent that the line cannot realistically avoid the Green Belt and changes are in the main dictated by operational needs, and convenient and technically feasible requirements to construct the DCO works. Some of these works will be temporary. There will be some impact on landscape features but our main view on this is set out in commenting on that chapter.</p> <p>15.5.2 again underlines the significance of the master CEMP and CoCP. This will be particularly the case for assets such as soil, temporary uses of land and Utilities.</p> <p>The CoCP (DCO Document Reference 8.15) provides the over-arching principles for the management of environmental aspects of the construction of the DCO Scheme. The CoCP is developed in more detail in the Master CEMP (DCO Document Reference 8.14), which</p>		

Chapter	LPA position	Applicant position	Status (Agreed/ Not Yet Agreed)
	<p>describes the approach to be taken by the contractor(s) to manage the adverse effects during the construction phase. That this indicates a reliance on the LPA to supervise for compliance is a clear marker that reinforces the need for a comprehensive PPA to recover resources, as this scale of activity to monitor ongoing works across the numerous stages and geographical area is expected to be very significant.</p> <p>The Summary of the assessment of the DCO Scheme on soils, agriculture, land use and assets appear to be comprehensive.</p>		
Chapter 16 Transport, Access and Non-Motorised Users	<p>this chapter focuses on the immediate impacts of the DCO Scheme.</p> <p>The outline CTMP (see Appendix K of the TA, ES Appendix 16.1, DCO Document Reference 8.13) identifies five areas in which measures can reduce or avoid predicted transport effects. Many of these are standard measures that would be proposed whether or not the proposed development was an EIA development, so are not presented as measures to mitigate identified likely significant effects. The five areas are: • Highway delivery routes; • Management of abnormal loads; • Phasing of construction and operating periods; • Traffic management measures within compounds including parking; and • Local traffic management measures relating to temporary or partial local highway network closures.</p>		

Chapter	LPA position	Applicant position	Status (Agreed/ Not Yet Agreed)
	<p>We would encourage ongoing dialogue with our Highways team over traffic management issues.</p> <p>The chapter identifies a wide range of policies and advice at national down to local level.</p> <p>It highlights several aspects that are important features of policy and these have, if anything become more important themes in recent government announcements in response to the climate emergency and the coronavirus pandemic.</p> <p>The chapter outlines the need</p> <ul style="list-style-type: none"> • to address congestion • to provide safe, expeditious resilient, networks that can support social and economic activity, capable of stimulating and supporting economic growth. • to enhance accessibility for non-motorised users. • To reduce pollution • To consider the impacts on both the strategic and local transport networks. • To not prejudice opportunities for a station off Royal Portbury Dock Road • to protect the needs of the Port and other businesses in the area <p>The regional and sub-regional benefits of the new line have been thoroughly researched and are proven, which will assist in addressing local issues at J19 and Portbury</p>		

Chapter	LPA position	Applicant position	Status (Agreed/ Not Yet Agreed)
	<p>Hundred. It is considered that the re-opening of the line will secure a modal shift from private vehicles.</p> <p>There appears to have been a thorough consultation with stakeholders over transport issues and these have covered a wide range of matters including localised concerns over parking and accessibility for non-motorised users.</p> <p>The local multi-modal impacts have been the subject of discussion with NSC as highway authority. The study area includes not only assessments of traffic flows at roads and junctions but also on street parking at specific locations in Portishead and Pill. The assessment also includes walking and cycling networks at specific distance thresholds in Portishead and Pill. Public rights of way between Portishead and Pill are also considered.</p> <p>A Transport Assessment has been submitted. The relationship between the new rail line and public transport has also been considered.</p> <p>In terms of impacts during construction, a Construction Strategy (DCO Code of Construction Practice and Master CEMP (ES Appendix 4.2, DCO Document Reference 8.14), including an outline Construction Traffic Management Plan have all been submitted, which will play an important part in mitigation. .</p>		

Chapter	LPA position	Applicant position	Status (Agreed/ Not Yet Agreed)
	<p>In 16.5.10 it states that there will be a requirement for the main contractor(s) to produce Construction traffic management plans for the impacts on the highway network, which is a common requirement for larger developments. The traffic management plans will provide details of the following. • Control measures that may be required such as manning of signals, notification and enforcement by local police; and • The need for Travel Demand Management (“TDM”) measures that comprises communication and measures for the public, businesses and local services. These matters will need to be appropriately resourced for Highways officers to manage these.</p> <p>Operational phase impacts have also been covered. The notable adverse impacts relate to parking implications in Pill and Portishead. Varied measures are proposed to provide attractive alternatives to car trips to the stations. Cumulative impacts with other developments, particularly during construction are recognised. It is noted that considerable weight is attached to the role of the CTMP in respect of mitigation of cumulative impacts on traffic. The role of the PPA is crucial in ensuring the process of agreeing these is adequately resourced to match the expectations and requirements on progression of the stages.</p>		
Chapter 17 Water Resources, Drainage and Flood Risk	NSC is satisfied with the ES and Chapter 17 and agree with the methodology, baseline, assessment, mitigation and conclusions and are aware that this has also been commented on by the Environment Agency. NSC’s main focus is on securing satisfactory sustainable drainage		Agreed

Chapter	LPA position	Applicant position	Status (Agreed/ Not Yet Agreed)
	strategies for the stations, car parks, compounds and haul roads.		
Chapter 18 – In-combination and Cumulative Effects Assessment (DCO Document Reference 6.21)	<p>The cumulative effects of the development when taken with other planned or committed developments has been the subject of discussion with NSC. We have provided up to date information on those that should be considered. This may need some updating as the situation inevitably changes frequently over time. This should be reviewed again prior to the next stages and may require updates on developments around Portishead and at Portbury Dock. There may also be changes close to the NS and Bristol boundary e.g. Long Ashton P&R proposals.</p> <p>The examination of other developments is comprehensive, and it is noted that the analysis of in-combination effects has encompassed a range of possible implications.</p>		Agreed . We have commented elsewhere on matters that relate to biodiversity.
8.5 Major Accidents and Disasters.	This seems very comprehensive – identifies all the possible factors that could impact on the construction and the operation of the railway and related works and ways in which the construction and operation could impact on		Agreed

Chapter	LPA position	Applicant position	Status (Agreed/ Not Yet Agreed)
	<p>everything else. It seems to identify all the mitigating factors to bring any risk down to an acceptable level.</p> <p>NSC is likely to be further involved in the future once works are complete/nearing completion – for example – the Pill Tunnel – which has a fire safety assessment and we will need to be aware of any evacuation procedures for the tunnel.</p> <p>Para 2.4.10. which implies that COMAH regulations are applicable to nuclear sites. Is not correct, REPPIR 2019 regulations applies to sites which could result in a radiation emergency, such as nuclear sites. We do not have a REPPIR site in North Somerset, our nearest being Hinkley Point. Hinkley does have an emergency plan owned by Somerset CC, however part of the planning zone (outline planning zone) covers North Somerset. The outline planning does not cover the locations in this development so you will not need to include this in the document.</p>		

16. AGREEMENT ON THIS STATEMENT OF COMMON GROUND

This Statement of Common Ground has been jointly prepared and agreed by:

North Somerset District Council (as Local Planning Authority)
<i>Name:</i>
<i>Signature:</i>
<i>Position:</i>
<i>On behalf of:</i>
<i>Date:</i>

North Somerset District Council (as Applicant)
<i>Name:</i>
<i>Signature:</i>
<i>Position:</i>
<i>On behalf of:</i>
<i>Date:</i>

Network Rail Infrastructure Limited
<i>Name:</i>
<i>Signature:</i>
<i>Position:</i>

<i>On behalf of:</i>
<i>Date:</i>

**17. APPENDIX 1 – DRAFTING NOTE – DEFINITIONS OF "COMMENCE" AND
"PREPARATORY ACTIVITIES" IN THE DRAFT ORDER**

The Portishead Branch Line (MetroWest Phase 1) Order

Drafting note - definitions of "Commence" and "Preparatory Activities" in the draft Order

1. INTRODUCTION

- 1.1 This note has been prepared at the request of the relevant planning authorities to explain the relationship between the definitions of Commencement and Preparatory Activities in the draft Order.
- 1.2 It is designed to inform the two local planning authorities and hopefully then to be incorporated in the relevant Statements of Common Ground and agreed by the parties.

2. DEFINITION OF "COMMENCE"

- 2.1 Article 2 of the draft Order includes the largely standard definition "commence". It reads:

"commence" means beginning to carry out material operation (as defined in Section 155 (when development begins) of the 2008 Act) forming part of the authorised development other than operations consisting of environmental surveys and monitoring, investigations for the purpose of assessing ground conditions, receipt and erection of construction plant and equipment, utility diversions, works to clear watercourses, erection of any temporary needs of enclosure, the temporary display of site notices or advertisements, and "commencement" is to be construed accordingly.

- 2.2 The definition of "commence" would apply to development control operations as may be capable of being enforced by the relevant planning authority in connection with the discharge of the requirements listed in Part 1 of Schedule 2 to the Order.

3. PREPARATORY ACTIVITIES

- 3.1 The definition of "preparatory activities" is included in Requirement 1 in Part 1 of Schedule 2 of the Order. It reads:

"preparatory activities" means ecological mitigation works, archaeological investigations, boreholes, intrusive surveys, environmental surveys and monitoring, other investigations for the purpose of assessing ground conditions or the receipt and erection of construction plant and equipment, utility diversions or ground clearance works"

- 3.2 In the paragraph below the words in red appear only in the definition of commence in Article 2. The words in blue appear only in the definition of preparatory activities. The words in black text are common to both definitions.

"commence" means beginning to carry out material operation (as defined in Section 155 (when development begins) of the 2008 Act) forming part of the authorised development other than operations consisting of "preparatory activities" means ecological mitigation works, archaeological investigations, boreholes, intrusive surveys, environmental surveys and monitoring, other investigations for the purpose of assessing ground conditions or the receipt and erection of construction plant and equipment, utility diversions or ground clearance works, works to clear watercourses, erection of any temporary needs of enclosure, the temporary display of site notices or advertisements, and "commencement" is to be construed accordingly.

4. THE RELEVANCE OF "PREPARATORY ACTIVITIES"

- 4.1 "Preparatory activities" is used only in Requirement 3 and 5. These relate respectively to stages and the CEMP.
- 4.2 In relation to Requirement 3, the last paragraph (Requirement 3(4)) states that preparatory activities may be carried out before staging has been settled by the parties. It is provided to make it clear that the preparatory activities relating to a stage may be carried out without needing all of the requirements for the whole of that stage to be discharged. The preparatory activities can take place in the scenario where development as a whole has commenced in development control terms but all of the discharges for the relevant stage has not yet been approved by the relevant planning authority.
- 4.3 This is an appropriate balance between keeping control over development and allowing enabling activities to proceed before the details have been fully established.

5. REQUIREMENT 5 – CONSTRUCTION AND ENVIRONMENTAL MANAGEMENT PLAN ETC

Requirement 5(6) makes it clear that preparatory activities are not regulated by the stage specific CEMP if it they are carried out prior to the stage specific CEMP being approved by the relevant planning authority. Control remains because the preparatory activities must be carried out in accordance with the COCP and the Master CEMP which will be certified documents that will have been considered by and approved by the relevant planning authorities.

Womble Bond Dickinson

27 July 2020

18. APPENDIX 2 – NOTE ON ANTICIPATED PROCESS FOR APPLICATION AND DISCHARGE OF REQUIREMENTS

THE PORTISHEAD BRANCH LINE (METROWEST PHASE 1) ORDER

Requirements – Provisions for Deemed Discharge

Note to relevant Local Planning Authorities

Drafting Note: explanation for inclusion of Deeming Provisions relating to discharge of requirements

1. INTRODUCTION

- 1.1 This note is provided to the two host local planning authorities (North Somerset Council and Bristol City Council) to further clarify why North Somerset Council (Applicant) has included a process for deeming the approval for requirements that are being discharged in accordance with Schedule 2 of the draft Portishead Branch Line (MetroWest Phase 1) Development Consent Order (the draft DCO).
- 1.2 This note is provided following discussions on the Statement of Common Ground between, principally, Bristol City Council and the Applicant. It is intended that this note, or a revised version of it, be included as an Appendix to the Statement of Common Ground submitted to the examination.

2. WHY HAVE DEEMING PROVISIONS BEEN INCLUDED?

- 2.1 Practice varies in DCO drafting as to whether or not a mechanism for deemed consent by relevant planning authorities is included for requirements following applications for discharge post development consent.
- 2.2 There is some precedent for the inclusion of deeming provisions, albeit in a different context, for recently made Orders determined by the Secretary of State for Transport.
- 2.3 Whilst not all SoST determined Orders include deeming processes for requirements, several Orders made following application by Highways England do include a process for deeming. See for instance requirement 17 contained in Schedule 2 Part 2 of the M20 Junction 10A Development Consent Order 2017 (2017 SI No. 1202).

<https://infrastructure.planninginspectorate.gov.uk/document/TR010006-000893>

And also the recently made M42 Junction 6 Development Consent Order 2020

[https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010027/TR010027-000970-200520%20M42%20DCO%20\(SI%20number%20included\).pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010027/TR010027-000970-200520%20M42%20DCO%20(SI%20number%20included).pdf)

- 2.4 For DCOs overall therefore, and for DCOs made by the Secretary of State for Transport, there is no single approach – deeming provisions can be included by the Secretary of State in made Orders, but this is not the case for every Order. For the MetroWest DCO Scheme, the relevant provisions of the Order are provided in Appendix 1 to this document whilst Figure 1 provides a flow chart demonstrating how the process should work. Annex 1 provides a draft tracker for the host planning authorities and the Applicant to use to manage the discharge of requirements process.

3. PRECEDENT FOR DEEMED DISCHARGE OF DCO REQUIREMENTS

- 3.1 As is clear from the preceding section of this note, the Applicant has undertaken a review of recent made DCOs, on the basis that recent examples are most likely to reflect the wording the Planning Inspectorate will find to be acceptable.

3.2 MetroWest comparables – made Orders with similar deeming provisions

- 3.2.1 A large number of the recently made Orders reviewed which include deeming provisions do so with very similar wording to the draft MetroWest Order.
- 3.2.2 The following made Orders, as with the proposed MetroWest Order, include:

- (a) a defined period for the LPA to decide an application to discharge a requirement (this period being 8 weeks, save for where a different period is stated); and
- (b) unconditional deemed approval at the expiry of that period provided the subject of the application does not give rise to materially new or materially worse environmental effects (in which case it is deemed to be refused).

3.2.3 None of the made Orders which provide for the deemed discharge of requirements include any additional notice to the LPA at the 6 week (or other) stage, as has been included in the draft MetroWest Order following comments from the LPAs.

3.2.4 Drax Re-Power DCO

This Order was granted on 4 October 2019 and the relevant provisions concerning discharge of requirements are presented at Appendix 2.

The decision period is 9 weeks rather than 8. The deemed discharge provisions do not apply where the environmental effects relating to the subject of the application are materially new or materially different to those set out in the environmental statement.

3.2.5 Abergelli Power DCO

This Order was granted on 19 September 2019 and the relevant provisions concerning discharge of requirements are presented at Appendix 3.

This made Order includes an 8 week determination period. As with the Drax Order, the deemed discharge provisions do not apply where the environmental effects relating to the subject of the application are materially new or materially different to those set out in the environmental statement.

3.2.6 Tees Combined Cycle Power Plant DCO

This Order was granted on 5 April 2019. The relevant provisions are set out in Appendix 4.

The determination period in this made Order is stated as '30 business days' – i.e. 6 weeks – contrasting the 8 weeks proposed in the MetroWest draft Order. Otherwise the deeming provisions in this Order are closely aligned with the drafting in the Drax and Abergelli orders.

3.2.7 Millbrook Power DCO

This Order was granted on 13 March 2019. The relevant provisions are set out in Appendix 5.

The deeming provisions are very similar to those in the MetroWest draft Order. There is an 8 week determination period, and as with the above orders the deeming provisions do not apply where there new or materially worse environmental effects will arise from the subject matter of the application.

3.2.8 Lake Lothing (Lowestoft) Third Crossing DCO

This Order was granted on 30 April 2020. The relevant provisions are set out in Appendix 6.

The deeming provisions include an 8 week determination period (or such longer period as may be agreed). It should also be noted that in this case there is no additional provision relating to environmental effects associated with the subject matter of the application.

3.2.9 Riverside Energy Park

This Order was granted on 9 April 2020. The relevant provisions are set out in Appendix 7.

The deeming provisions in this Order prescribe a 9 week determination period following an application to discharge a requirement (or longer if agreed or if further information is requested). The application is deemed to be approved after this period, unless it gives rise to materially new or materially worse environmental effects.

- 3.3 It is worth noting that a number of recently made Highways England orders include standardised drafting to allow for deemed discharge of requirements where applications are undecided by the Secretary of State (to whom applications are made in respect of the Strategic Road Network, as opposed to the local authority). The provisions are comparable to those included in the MetroWest draft Order, save for the different decision making authority.
- 3.4 Highways England's precedent procedure for deeming incorporates the following:
- 3.4.1 Where an application is made to discharge a requirement the Secretary of State must give notice of its decision to the Applicant within 8 weeks of the application (or longer if agreed between the parties or if further information was requested);
- 3.4.2 If the Secretary of State does not determine the application in the 8 week period, it is deemed to have granted the application, subject to where the application is accompanied by a report showing, in the view of a relevant body to be consulted, its subject matter would give rise to materially new or materially worse environmental effects. In such circumstances the application for discharge shall be deemed to be refused at the end of the 8 week period.
- 3.5 The recently made Highways England Orders in which these provision have been included are:
- 3.5.1 A30 Chiverton to Carland Cross DCO**
- This Order was made on 6th February 2020. The relevant provisions are set out in Appendix 8.
- 3.5.2 A63 (Castle Street Improvement) DCO**
- This Order was made on 28 May 2020. The relevant provisions are not reproduced here as they are substantially the same as those presented at Appendix 8.
- 3.5.3 A585 Windy Harbour to Skippool DCO**
- This Order was made on 9 April 2020. The relevant provisions are not reproduced here as they are substantially the same as those presented at Appendix 8.
- 3.5.4 M42 Junction 6 DCO**
- This Order was made on 21 May 2020. The relevant provisions are not reproduced here as they are substantially the same as those presented at Appendix 8.
- 3.5.5 A19 Downhill Lane Junction DCO**
- This Order was made on 16 July 2020. The relevant provisions are not reproduced here as they are substantially the same as those presented at Appendix 8.
- 4. PINS ADVICE NOTE 15**
- 4.1 Advice Note 15 contains a precedent for the drafting of processes for dealing with the discharge of requirements. Appendix 1 to the Advice Note provides standard drafting and cross refers to good practice point 3 of the Advice Note. It also indicates that decisions on provisions by discharging authority should be given within a decision period of 42 days. No process for deeming is provided in that draft. The Advice Note is at:
https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2014/10/advice_note_15_version_1.pdf

- 4.2 Good practice point 3 states that the drafting is standard wording and:

"where an applicant seeks for any amendment(s) to be made to the drafting of the standard working, it should be justified in full in the Explanatory Memorandum".

5. THE DRAFT DCO

- 5.1 Requirement 38 of Schedule 2 of the draft DCO (document 3.1 – see <https://infrastructure.planninginspectorate.gov.uk/projects/south-west/portishead-branch-line-metrowest-phase-1/?ipcsection=docs&stage=app&filter1=Draft+Development+Consent+Order>)

deals with applications made under requirements for the Portishead application. Requirement 38 is reproduced in this note at Appendix 1.

- 5.2 The Explanatory Memorandum (document 3.2) cross-refers to Advice Note 15 and explains further that extended time periods for consideration of the submitted details under requirements had previously been agreed.
- 5.3 The draft DCO at requirement 38 provides a mechanism for deeming, but only if, six weeks after the application for discharge of a requirement has been provided to the relevant planning authority, the applicant notifies the relevant planning authority of its intention to treat the requirement as being discharged through the deeming provision if no determination is made within the subsequent two weeks following the notice of intended deeming. This approach was discussed with the two relevant planning authorities prior to submission.

6. WHY HAS DEEMING BEEN INCLUDED?

- 6.1 Schedule 2 of the draft DCO includes (at requirement 3) some 10 Stages (together with 5 sub stages) for the proposed authorised project, identified by reference to individual works. A staging plan is provided with this document – see appendix 10
- 6.2 Six stages (and the majority of the works) are within the administrative boundary of North Somerset Council. Four stages (albeit a relatively limited amount of the actual works) are within Bristol City Council's administrative area.
- 6.3 Requirement 3 also allows for the number and nature of stages to be altered by agreement with the relevant planning authority.
- 6.4 Thereafter there are some 30 individual operative requirements. Whilst not every requirement will apply to every stage, or requires further determination, it is clear that in terms of individual approvals for requirements there is the potential for approximately 450 individual discharges of (and in addition approvals and consultation in relation to the submitted documents under requirement 4 such as the CEMP, CTMP etc).
- 6.5 It has never been the Applicant's intention that deeming should be a default process. It is however believed by the Applicant that there are several reasons for deeming provision being justified and necessary. These are set out in paragraphs 7 and 8 below.

7. HOW WILL THE PROCESS WORK?

- 7.1 It is important to note that deeming is just one part of the overall process. Figure 1 below provides the proposed process.
- 7.2 It is hoped that, through the planning performance agreements and process for liaison and tracking performance regarding applications for, timing of and discharge of requirements, deeming will be very much the exception, if indeed it is used at all.
- 7.3 The Applicant intends to work closely with the relevant planning authorities to ensure that full notice is given of the intended applications, full information provided to the relevant planning authorities and all necessary assistance for speedy and efficient discharge of requirements continues throughout.

- 7.4 Further, it is unlikely in practice that deeming will be used in any event because of the six week notice provision that is included in the drafting (something bespoke to the MetroWest draft Order and inserted at the suggestion of the planning authorities). This additional mechanism should allow the relevant planning authority to retain full control over the process.
- 7.5 Deeming is therefore only likely to happen where an application for the discharge of a requirement is considered so low key for the relevant planning authority that resource need not be expended on the formal discharge of the requirement.
- 7.6 It is hoped that, with:
- 7.6.1 a clear programme for application for requirements communicated well in advance to the relevant planning authorities;
 - 7.6.2 a standard form for an application for discharge of requirements being agreed by the parties;
 - 7.6.3 regular updates on progress on requirements during the discharge and preconstruction phase for the development; and
 - 7.6.4 the six week notice of intended deeming provision included within the process for deeming

that deeming will not be used save where only a minor decision is required.

- 7.7 It is to be noted that should any application for discharge requirements give rise to significant environmental effects then the deeming operates to refuse the discharge of the relevant requirement.

8. WHY IS DEEMING CONSIDERED APPROPRIATE?

- 8.1 The Applicant believes that deeming should be included in the draft DCO for the following reasons:
- 8.1.1 there are a large number of individual discharges of requirements in the Order – potentially around 450 individual discharges;
 - 8.1.2 the constraints for construction timetable are considerable. Many activities will hinge on having pre-booked possessions or blockades on Network Rail's railway. Such possessions take a long time to book and have significant financial consequences for Network Rail, which will be passed on to the project, through binding commercial and contractual arrangements. It means delays to getting contractors on site to undertake works in preparation for key pre-booked line possessions / blockade, resulting in just one of the possessions / blockades being missed , could cause a chain of knock on impacts to the construction programme resulting in very serious cost escalation consequences for the Applicant (and co-promoters) and could significantly delay implementation of the project; and
 - 8.1.3 Whilst it is the Applicant's responsibility to make allowance for flexibility where possible in its programme for construction and implementation, the potential consequences of inaction regarding a minor discharge of requirement could result in very considerable financial impacts for the Applicant (and co-promoters) . The deeming approach therefore proportionately allocates risk to avoid a delay in a very minor approval not being issued and need to reduce the risk of delay to the project.
- 8.2 If deeming is not included then the Applicant's only course would be a process to appeal against either refusal or non-determination depending on the circumstances, or to resubmit its application for discharge. Each of these processes would be time-consuming and could similarly impact on the construction programme.
- 8.3 Deeming is not a process unknown to Town and Country Planning Act 1990 applications. The Town and Country Planning (Development Management Procedure) (England) Order 2015 introduced in provisions, with an eight week period to determine an application, with an applicant

able to serve its own notice of deemed discharge after six weeks, stating when it considers deeming discharge to have effect. Whilst not identical, this process is similar to the process included in the draft DCO.

9. CONCLUSIONS

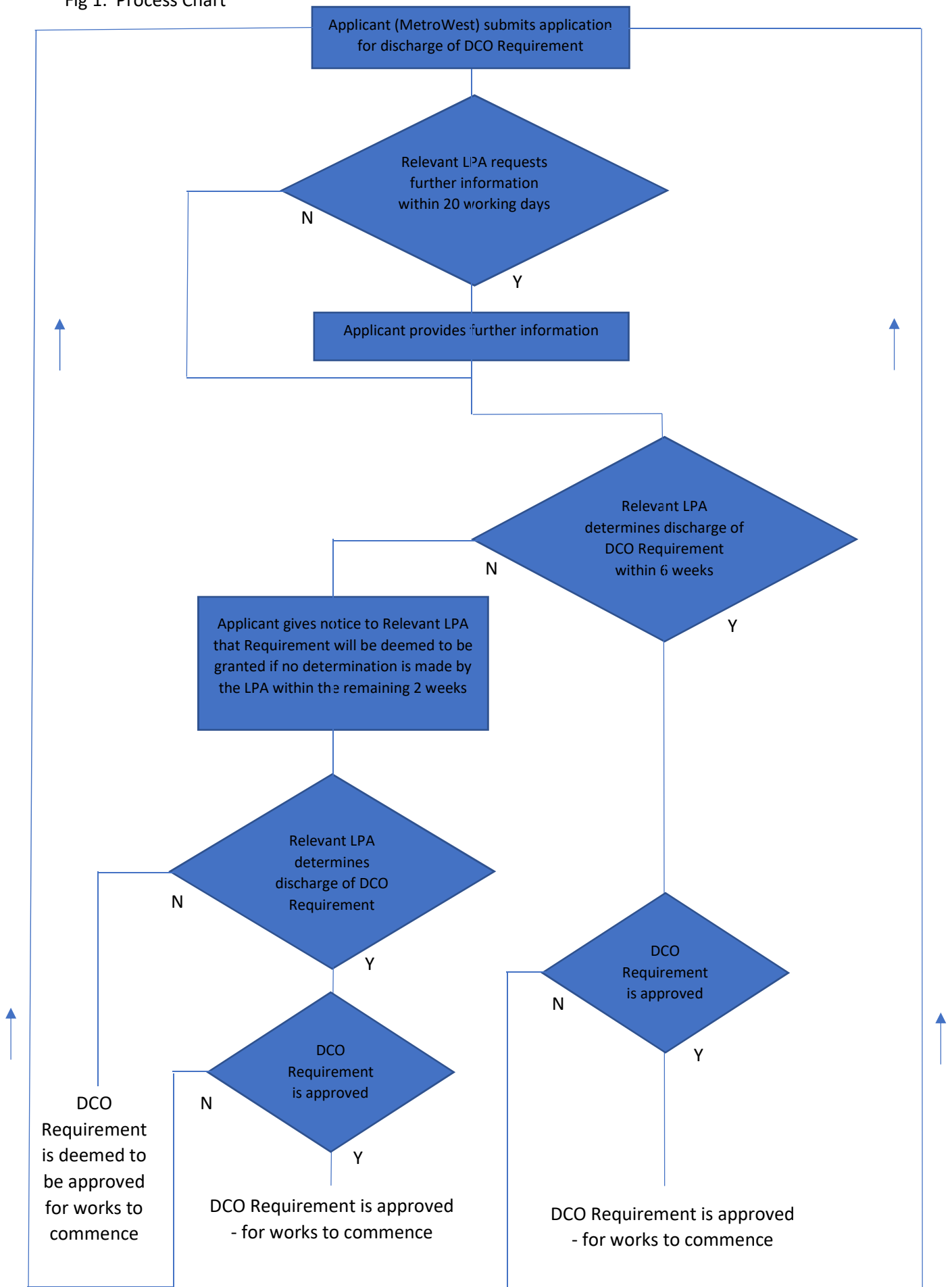
- 9.1 The Applicant believes that the inclusion of deeming provisions in Schedule 2 to the draft DCO provides an appropriate compromise between control and scrutiny by the relevant planning authorities and the need to have a clear construction programme with the reduced risk of delay for relatively minor discharges of requirements.
- 9.2 In the Applicant's view there is a strong precedent for the use of deemed discharge provisions. Notwithstanding this, there are sufficient factors specific to the MetroWest scheme to justify the inclusion of such deeming provisions as a 'safety net'. It is imperative that the discharge of requirements is undertaken in accordance with the prescribed timescales in order to avoid unnecessary disruption to the existing rail network and potential additional expense to the public purse from third party claims.
- 9.3 The deeming process is a small part of the overall package of liaison, monitoring and control that should be in place between the Applicant and the relevant planning authorities. The Applicant anticipates that deeming will rarely, if ever be used in practice, but it remains a vital tool to ensure that this key nationally significant infrastructure project with many planning advantages for the relevant planning authorities and the wider economic area is taken forward if consented with a minimum of delay.
- 9.4 Conversely the absence of deeming provisions leads to a significant risk that possessions and blockades would be missed with potentially very significant impacts on the implementation programme for this project.

Womble Bond Dickinson

July 2020

Process for Discharge of DCO Requirements

Fig 1. Process Chart



APPENDIX 1

MetroWest Phase 1 DCO: Requirement 38 on discharge of Requirements

Procedure for discharge of requirements

Applications made under requirements

38.—(1) Where an application has been made to the relevant planning authority for any consent, agreement or approval required or contemplated by a requirement (including agreement or approval in respect of part of a requirement) included in this Order, the relevant planning authority must give notice to the undertaker of the decision on the application within a period of 8 weeks beginning with—

- (a) the day immediately following that on which the application is received by the relevant planning authority;
- (b) the day immediately following that on which further information has been supplied by the undertaker under paragraph 39 (further information);

or such longer period as may be agreed between the undertaker and the relevant planning authority.

(2) Subject to sub-paragraphs (3) and (4), in the event that the relevant planning authority does not determine an application within the period set out in sub-paragraph (1), the relevant planning authority is taken to have granted all parts of the application (without any condition or qualification) at the end of that period.

(3) Where—

- (a) an application has been made to the relevant planning authority for any consent, agreement or approval required by a requirement included in this Order;
- (b) the relevant planning authority does not determine such application within the period set out in sub-paragraph (1); and
- (c) the application is accompanied by a report that considers it likely that the subject matter of the application is to give rise to any materially new or materially worse environmental effects in comparison with the authorised development as approved,

then the application is taken to have been refused by the relevant planning authority at the end of that period.

(4) Sub-paragraph (2) will only apply to an application made under requirements if—

- (a) at least 6 weeks have elapsed since the application was received by the relevant planning authority,
- (b) the undertaker has served on the relevant planning authority written notice that sub-paragraph (2) will apply from a date specified in the notice (such date not being less than 8 weeks from the date the application was received by the relevant planning authority), and
- (c) by the date specified in the notice (or such later date as the relevant planning authority may agree with the undertaker) the relevant planning authority has not determined the relevant application.

Further information

39.—(1) In relation to any part of an application made under this Schedule, the relevant planning authority has the right to request such further information from the undertaker as is necessary to enable the relevant planning authority to consider the application.

(2) In the event that the relevant planning authority considers such further information to be necessary, the relevant planning authority must, within 20 business days of receipt of the application, notify the undertaker in writing specifying the further information required and (if applicable) to which part of the application it relates. In the event that the relevant planning authority does not give such notification within this 20 day period the relevant planning authority is deemed to have sufficient information to consider the application and is not subsequently entitled to request further information without the prior agreement of the undertaker.

(3) Where further information is requested under this paragraph in relation to part only of an application, that part is treated as separate from the remainder of the application for the purposes of calculating the time periods referred to in paragraph 38 (applications made under requirements) and in this paragraph.

APPENDIX 2

Drax Re-Power: Article 42 and Schedule 11 (discharge of requirements)

"Procedure in relation to certain approvals etc.

42.—(1) Where an application is made to or request is made of any authority or body named in any of the provisions of this Order for any consent, agreement or approval required or contemplated by any of the provisions of the Order, such consent, agreement or approval to be validly given, must be given in writing and must not be unreasonably withheld or delayed. (2) Schedule 11 (procedure for discharge) has effect in relation to all consents, agreements or approvals granted, refused or withheld in relation to any provision of this Order...

...

SCHEDULE 11 PROCEDURE FOR DISCHARGE

Article 42

Interpretation

1. In this Schedule—

“business day” means a day other than a Saturday or Sunday which is not Christmas Day, Good Friday or a bank holiday under section 1 of the Banking and Financial Dealings Act 1971(a);

“relevant authority” means any authority or body named in any of the provisions of this Order and whose consent, agreement or approval is sought; and

“requirement consultee” means any body or authority named in a Requirement as a body to be consulted by the relevant planning authority in discharging that Requirement.

Applications made under Requirements

2.—(1) Where an application has been made to the relevant authority for any consent, agreement or approval required or contemplated by any of the provisions of this Order (including consent, agreement or approval in respect of part of a Requirement) the relevant authority must give notice to the undertaker of their decision on the application within—

(a) a period of nine weeks beginning with the day immediately following that on which the application is received by the authority;

(b) where further information is requested under paragraph 3 of this Schedule (further information and consultation), a period of nine weeks beginning with the day immediately following that on which further information has been supplied by the undertaker; or

(c) such period that is longer than the nine week period in sub-paragraph (a) or (b) as may be agreed in writing by the undertaker and the relevant authority before the end of such nine week period.

(2) Subject to sub-paragraph (3), in the event that the relevant authority does not determine an application within the period set out in sub-paragraph (1), the relevant authority is to be taken to have granted all parts of the application (without any condition or qualification) at the end of that period.

(3) Where an application has been made to the relevant authority for any consent, agreement or approval required by a Requirement included in this Order, and—

(a) the relevant authority does not determine the application within the period set out in sub-paragraph (1) and such application is accompanied by a report which states that the subject matter of such

application is likely to give rise to any materially new or materially different environmental effects compared to those in the environmental statement; or

(b) the relevant authority determines during the period set out in sub-paragraph (1) that it considers that the subject matter of such application will give rise to any materially new or materially different environmental effects compared to those in the environmental statement

then the application is to be taken to have been refused by the relevant authority at the end of that period..."

APPENDIX 3

Abergelli Power: Article 41 and Schedule 12 (discharge of requirements)

"Procedure in relation to certain approvals

41.—(1) Where an application is made to or a request is made of the relevant planning authority, highway authority, traffic authority, street authority, or the owner of a watercourse, sewer or drain for any consent, agreement or approval required or contemplated by any of the provisions of the Order (not including the requirements), such consent, agreement or approval to be validly given, must be given in writing and must not be unreasonably withheld or delayed.

(2) Any consent, agreement or approval given under paragraph (1) above may be given subject to conditions.

(3) Schedule 12 (procedure for discharge of requirements) has effect in relation to all consents, agreements or approvals granted, refused or withheld in relation to the requirements in Schedule 2 (requirements).

(4) Save for applications made pursuant to Schedule 12, if, within eight weeks after the application or request has been submitted to an authority or an owner as referred to in paragraph (1) of this article (or such longer period as may be agreed with the undertaker in writing) it has not notified the undertaker of its disapproval and the grounds of disapproval, it is deemed to have approved the application or request.

(5) The procedure set out in paragraph 3 of Schedule 12 has effect in relation to any refusal by an authority or an owner as referred to in paragraph (1) of this article to any consent, agreement or approval required under this Order, as if such a refusal were in respect of an application to discharge a requirement.

(6) Where any application is made as described in paragraph (1), the undertaker must include a statement in such application that refers to the relevant article of this Order under which consent is sought, the timeframe for consideration of the application and the consequences of failure to meet that timeframe as prescribed by paragraph (4)...

...

SCHEDULE 12

Article 41

PROCEDURE FOR DISCHARGE OF REQUIREMENTS

Applications made under requirements

1.—(1) Where an application has been made to the relevant planning authority for any consent, agreement or approval required by a requirement (including agreement or approval in respect of part of a requirement) included in this Order the relevant planning authority must give notice to the undertaker of their decision on the application within a period of eight weeks beginning with—

(a) the day immediately following that on which the application is received by the authority;

(b) the day immediately following that on which further information has been supplied by the

undertaker under paragraph 2; or

such longer period as may be agreed in writing by the undertaker and the relevant planning authority.

(2) Subject to sub-paragraph (3), in the event that the relevant planning authority does not determine an application within the period set out in sub-paragraph (1), the relevant planning authority is to be taken to have granted all parts of the application (without any condition or qualification) at the end of that period.

(3) Any application made to the relevant planning authority pursuant to sub-paragraph (1) must include a statement to confirm whether it is likely that the subject matter of the application will give rise to any materially new or materially different environmental effects compared to those in the environment statement and if it will then it must be accompanied by information setting out what those effects are.

(4) Where an application has been made to the relevant planning authority for any consent, agreement or approval required by a requirement included in this Order and the relevant planning authority does not determine the application within the period set out in sub-paragraph (1), then if either—

(a) the application is accompanied by a report pursuant to sub-paragraph (3) which states that the subject matter of such application is likely to give rise to any materially new or materially different environmental effects compared to those in the environmental statement; or

(b) the relevant planning authority determines during the period set out in sub-paragraph (1) that it considers that the subject matter of such application will give rise to any materially new or materially different environmental effects compared to those in the environmental statement,

then the application is to be taken to have been refused by the relevant planning authority at the end of that period.

(5) Where an application is made to a relevant planning authority for a consent, agreement or approval required by a requirement they may grant such consent, agreement or approval either unconditionally or subject to conditions..."

APPENDIX 4

Tees CCCP: Article 14 and Schedule 2 (discharge of requirements)

"Procedure in relation to certain approvals etc.

14.—(1) Where an application is made to, or a request is made of the relevant planning authority or any other relevant person for any agreement or approval required or contemplated by any of the provisions of the Order, such agreement or approval must, if given, be given in writing and must not be unreasonably withheld or delayed. (2) Schedule 2 (procedure for discharge of requirements) has effect in relation to all agreements or approvals granted, refused or withheld in relation to requirements...

...

SCHEDULE 2 PROCEDURE FOR DISCHARGE OF REQUIREMENTS

Article 14

Interpretation of Schedule 2

1. In this Schedule—

“appeal documents” means the application and documents referred to in paragraph 4(2)(a) of this Schedule

“appeal parties” means the relevant planning authority, the requirement consultee and the undertaker and “appeal party” shall be construed accordingly;

“appointed person” means a person appointed by the Secretary of State to determine an appeal pursuant to paragraph 4(2)(c);

“business day” means a day other than a Saturday or Sunday which is not Christmas Day, Good Friday or a bank holiday under section 1 of the Banking and Financial Dealings Act 1971(a); and

“requirement consultee” means any body named in a requirement in Part 2 of Schedule 1 to this Order as a body to be consulted by the relevant planning authority in discharging that requirement.

Applications made under requirements

2.—(1) Where an application has been made to the relevant planning authority for any consent, agreement or approval required by a requirement in Part 2 of Schedule 1 to this Order the relevant planning authority must give notice to the undertaker of their decision on the application within a period of 30 business days beginning with—

(a) the day immediately following that on which the application is received by the authority; or

(b) the day immediately following that on which further information has been supplied by the undertaker under paragraph 3;

(2) Subject to sub-paragraph (4), in the event that the relevant planning authority does not determine an application within the period set out in sub-paragraph (1), the relevant planning authority is to be taken to have granted all parts of the application (without any condition or qualification) at the end of that period.

(3) Any application made to the relevant planning authority pursuant to sub-paragraph (1) must include a statement to confirm whether it is likely that the subject matter of the application will give rise to any materially new or materially different environmental effects compared to those in the environmental statement and if it will then it must be accompanied by information setting out what those effects are.

(4) Where an application has been made to the relevant planning authority for any consent, agreement or approval required by a requirement in Part 2 of Schedule 1 to this Order and the relevant planning authority does not determine the application within the period set out in sub-paragraph (1) and—

(a) the application is accompanied by a statement pursuant to sub-paragraph (3) which states that the subject matter of such application is likely to give rise to any materially new or materially different environmental effects compared to those in the environmental statement; or

(b) the relevant planning authority determines during the period set out in sub-paragraph (1) that it considers that the subject matter of such application will give rise to any materially new or materially different environmental effects compared to those in the environmental statement

or such longer period as may be agreed in writing by the undertaker and the relevant planning authority

then the application is taken to have been refused by the relevant planning authority at the end of that period..."

APPENDIX 5

Millbrook Power CCCP: Article 42 and Schedule 11 (discharge of requirements)

"Procedure in relation to certain approvals

40.—(1) Where an application is made to or a request is made of the relevant planning authorities, highway authority, traffic authority, street authority, or the owner of a watercourse, sewer or drain or the beneficiary of any of the protective provisions contained in Schedule 10 (protective provisions) for any consent, agreement or approval required or contemplated by any of the provisions of the Order (not including the requirements but including the protective provisions contained in Schedule 10), such consent, agreement or approval to be validly given, must be given in writing and must not be unreasonably withheld or delayed.

(2) Schedule 12 (procedure for discharge of requirements) has effect in relation to all consents, agreements or approvals granted, refused or withheld in relation to the requirements in Schedule 2 (requirements).

(3) Save for applications made pursuant to Schedule 12 (procedure for discharge of requirements) and where stated to the contrary if, within eight weeks after the application or request has been submitted to an authority, beneficiary of protective provisions or an owner as referred to in paragraph (1) of this article (or such longer period as may be agreed with the undertaker in writing) it has not notified the undertaker of its disapproval and the grounds of disapproval, it is deemed to have approved the application or request.

(4) The procedure set out in paragraph 1(3) of Schedule 12 (procedure for discharge of requirements) has effect in relation to any refusal by an authority, beneficiary of protective provisions, or an owner as referred to in paragraph (1) of this article to any consent, agreement or approval required under this Order, including such as may be required pursuant to the protective provisions contained within Schedule 10 (protective provisions).

(5) Where any application is made as described in paragraph (1), the undertaker must include a statement in such application that refers to the timeframe for consideration of the application and the consequences of failure to meet that timeframe as prescribed by paragraph (3)...

...

SCHEDULE 12

Article 40

PROCEDURE FOR DISCHARGE OF REQUIREMENTS

Applications made under requirements

1.—(1) Where an application has been made to the relevant authority for any consent, agreement or approval required by a requirement (including agreement or approval in respect of part of a requirement) included in this Order the relevant authority must give notice to the undertaker of their decision on the application within a period of eight (8) weeks beginning with—

(a) the day immediately following that on which the application is received by the authority;

(b) the day immediately following that on which further information has been supplied by the

undertaker under paragraph 2; or

(c) such longer period as may be agreed by the undertaker and the relevant authority in writing.

(2) Subject to sub-paragraph (3), in the event that the relevant authority does not determine an application within the period set out in sub-paragraph (1), the relevant authority is to be taken to have granted all parts of the application (without any condition or qualification) at the end of that period.

(3) Where—

(a) an application has been made to the relevant planning authorities for any consent, agreement or approval required by a requirement included in this Order; and

(b) the relevant planning authorities do not determine such application within the period set out in sub-paragraph (1); and

(c) such application is accompanied by a report that considers it likely that the subject matter of such application will give rise to any materially new or materially different environmental effects in comparison with the authorised development as approved,

then the application is to be taken to have been refused by the relevant planning authorities at the end of that period..."

APPENDIX 6

Lake Lothing (Lowestoft) Third Crossing: Schedule 2 Part 2

"Applications made under requirements

17.—(1) Where an application has been made to the discharging authority for any consent, agreement or approval required by a requirement (including agreement or approval in respect of part of a requirement) contained in Part 1 of this Schedule, or a document referred to by a requirement, the discharging authority must give notice to the undertaker of the discharging authority's decision on the application with a period of 8 weeks beginning with—

(a) the day immediately following that on which the application is received by the discharging authority;

(b) the day immediately following that on which further information has been supplied by the undertaker under paragraph 18; or

(c) such longer period as may be agreed between the parties.

(2) Subject to paragraph (3), in the event that the discharging authority does not determine an application within the period set out in sub-paragraph (1), the discharging authority is taken to have granted all parts of the application (without any condition or qualification) at the end of that period.

(3) In determining any application made to the discharging authority for any consent, agreement or approval required by a requirement contained in Part 1 of this Schedule, the discharging authority may—

(a) give or refuse its consent, agreement or approval; or

(b) give its consent, agreement or approval subject to reasonable conditions,

and where consent, agreement or approval is refused or granted subject to conditions the discharging authority must provide its reasons for that decision with the notice of the decision."

APPENDIX 7

Riverside Energy Park: Schedule 12 (procedure in relation to certain approvals etc.)

"Applications made under requirements

2.—(1) Subject to article 42(2) (procedures in relation to certain approvals etc), where an application has been made to the relevant authority for any consent, agreement or approval required or contemplated by any provisions of this Order (including consent, agreement or approval in respect of part of a requirement) the relevant authority must give notice to the undertaker of its decision on the application within a period of nine weeks beginning with—

(a) the day immediately following that on which the application is received by the relevant authority;

(b) the day immediately following that on which further information has been supplied by the undertaker under sub-paragraph (2); or

(c) such longer period as may be agreed in writing by the undertaker and the relevant authority.

(2) Subject to sub-paragraph (4), in the event that the relevant authority does not determine an application within the period set out in sub-paragraph (1), the relevant authority is to be taken to have granted all parts of the application (without any condition or qualification) at the end of that period.

(3) Where an application is made to the relevant authority for any consent, agreement or approval required by a requirement included in this Order, it must be accompanied by a report which states whether the subject matter of the application will give rise to any materially new or materially different environmental effects compared to those in the environmental statement.

(4) Where an application has been made to the relevant authority for any consent, agreement or approval required by a requirement included in this Order, and—

(a) the relevant authority does not determine the application within the period set out in sub-paragraph (1) and such application is accompanied by a report which states that the subject matter of such application is likely to give rise to any materially new or materially different environmental effects compared to those in the environmental statement; or

(b) the relevant authority determines during the period set out in sub-paragraph (1) that it considers that the subject matter of such application will give rise to any materially new or materially different environmental effects compared to those in the environmental statement,

the application is to be taken to have been refused by the relevant authority at the end of that period."

APPENDIX 8

A30 Chiverton to Carland Cross Order: Schedule 2 Requirement 16

"PART 2 PROCEDURE FOR DISCHARGE OF REQUIREMENTS

Applications made under requirements

16.—(1) Where an application has been made to the Secretary of State for any consent, agreement or approval required by a requirement (including agreement or approval in respect of part of a requirement) included in this Order, the Secretary of State must give notice to the undertaker of the decision on the application within a period of 8 weeks beginning with—

(a) the day immediately following that on which the application is received by the Secretary of State;

(b) the day immediately following that on which further information has been supplied by the undertaker under paragraph 17; or

(c) such longer period as may be agreed between the parties.

(2) Subject to sub-paragraph (3), in the event that the Secretary of State does not determine an application within the period set out in sub-paragraph (1), the Secretary of State is taken to have granted all parts of the application (without any condition or qualification) at the end of that period.

(3) Where—

(a) an application has been made to the Secretary of State for any consent, agreement or approval required by a requirement included in this Order;

(b) the Secretary of State does not determine such application within the period set out in sub-paragraph (1); and

(c) the application is accompanied by a report referred to in paragraph 4 stating that, in the view of a body required to be consulted by the undertaker under the requirement in question, the subject matter of the application is likely to give rise to any materially new or materially different environmental effects from those reported in the environmental statement,

then the application is taken to have been refused by the Secretary of State at the end of that period.

Appendix 9 – Stages for the MetroWest DCO

(1) The following stages are in of North Somerset—

(a) Stage 1 comprises Works Nos. 1, 1A, 5, 7, 7E, 9, 11, 11A, 12, 13, 14, 14A, 14B, 16C, 16D being the new railway between Portishead and Station Road, Portbury; the new railway between old Portbury Station and Portbury Junction, the new Portishead Station; Trinity Primary School bridge; works at The Drove at Portbury; a road rail access point, at Easton in Gordano; works to bridleway at Royal Portbury Dock Road and Marsh Lane, Easton in Gordano, and flood attenuation works west of the M5 at Easton in Gordano;

(b) Stage 1A comprises Works Nos. 7D, 8, 10, 10A, 12A, 13A, 15, 16A, 17 and 17A being haul roads south of Work No. 1, cycle path diversions and compounds at Sheepway together with any use of neighbouring Order land as a temporary compound, a temporary construction compound north of the A369 at Portbury; construction haul roads; a permanent access from A369 at Portbury, temporary vehicle turning circle east of the Drove and north of the A369 Portbury Hundred, a temporary construction compound under the M5 Special Road Avonmouth Bridge; a temporary construction compound and haul road at Lodway;

(c) Stage 1B comprises Works Nos. 20, 20B, 23 and 24A and being demolition of garages at Avon Road, Pill, temporary diversion of bridleway to the west of Avon Road, Pill, temporary compound beneath Pill Viaduct, and a temporary construction compound at Chapel Pill Lane, Ham Green together with any use of neighbouring Order land as a temporary compound;

(d) Stage 1C comprises Works Nos. 10B and 11B, being temporary haul roads to the north and south of Shipway Gate Farm, Sheepway; (e) Stage 1D comprises Work No. 11, being improvements to the existing agricultural access from Shipway Gate Farm, Sheepway;

(f) Stage 2 comprises Works Nos. 2, 2A, 3, 4, 6, and 7A-C being the diversion of Quays Avenue, Portishead, highway works at Harbour Road and Quays Avenue, Portishead; new highway drain; footpaths parallel to the disused Portishead Branch Line railway; public realm works and car parks at Portishead;

(g) Stage 3 comprises Works Nos. 10C, 12B and 16B, being new a pond within the Portbury Wharf Ecological Park, Portbury, a pond and ecological works south of Sheepway, Portbury, and a pond and ecological works to the west of the M5, Easton in Gordano;

(h) Stage 4 comprises Works Nos. 1B, 1C, 19, 20A, 21, 21A and 22 being works to the existing railway and to construct a railway between Portbury Junction and Pill Junction, installation of signalling equipment on the Bristol Port Company's railway, works to replace an underbridge to the north of Avon Road, Pill; Pill Station; car park at Pill Station and permanent maintenance compound and road rail access point;

(i) Stage 4A comprises Work No. 18 being a bridleway from under the M5 Avonmouth Bridge to meet National Cycle Network route no. 41 on the east side of the M5 Special Road, Pill;

(j) Stage 4B comprises Work No. 24 being a permanent maintenance access at Ham Green;

(k) Stage 5 comprises Works Nos. 22A and 22B being modifications to an existing bus stop and temporary compound at Pill Memorial Club, Lodway;

(l) Stage 6 comprises Work No. 25 being the reconstruction of Quarry Bridge No. 2 and the associated temporary compound in the Avon Gorge, together with the minor works to the railway between Pill Tunnel and Clifton Overbridge.

The following stages apply in Bristol:

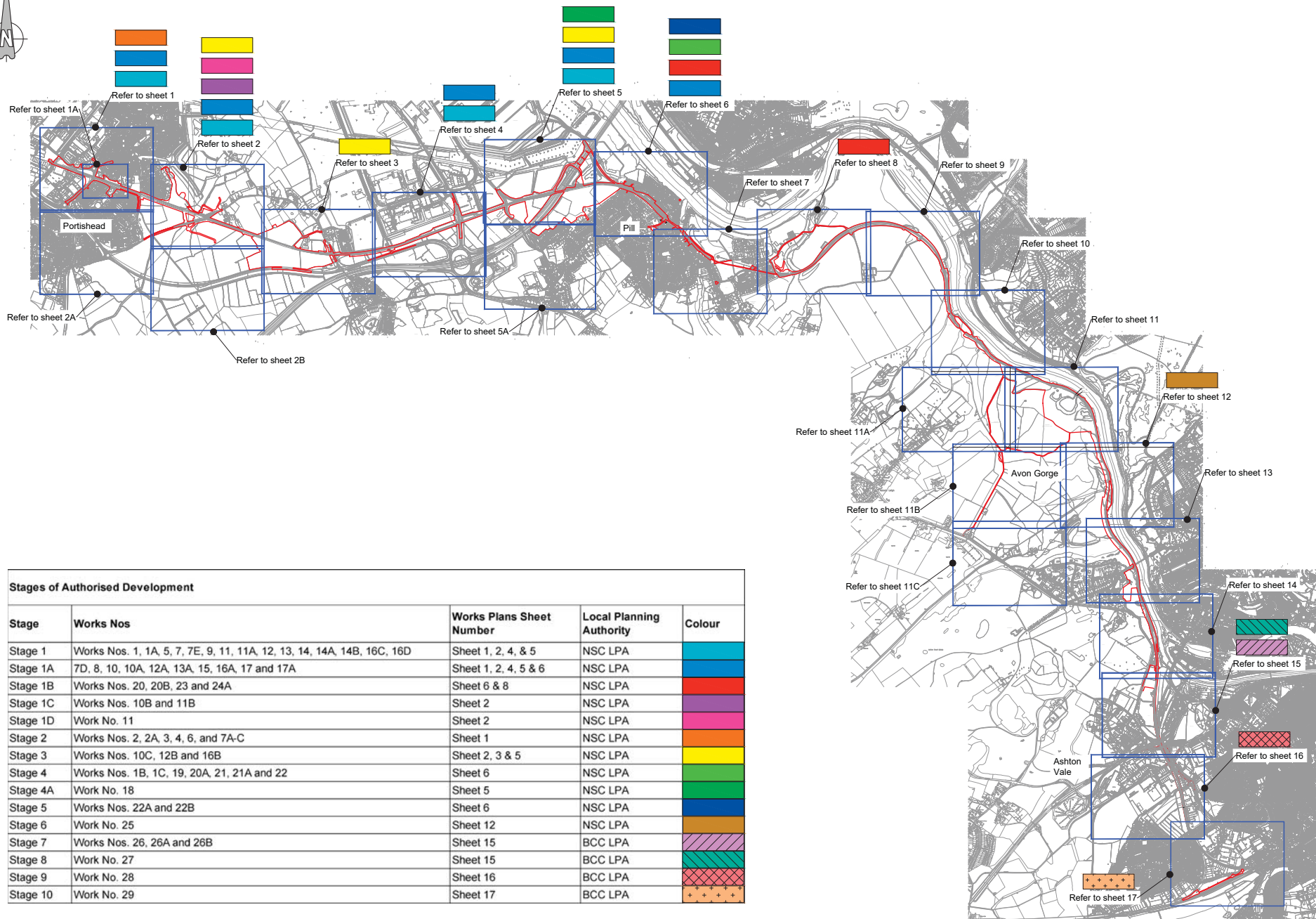
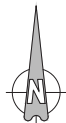
a) Stage 7 comprises Works Nos. 26, 26A and 26B, being a permanent road rail access point and compound, temporary construction compound at Clanage Road and new permanent access to the highway of Clanage Road, at Bower Ashton in Bristol;

(b) Stage 8 comprises Work No. 27, being a new public cycle track ramp from the A370 Ashton Road to Ashton Vale Road;

(c) Stage 9 comprises Work No. 28, being works to the public highway at the junction of Winterstoke Road and Ashton Vale Road, Bristol; and

(d) Stage 10 comprises Work No. 29 being a temporary construction compound at the rail freight facility at South Liberty Lane, Bristol

Appendix 10 – Plan illustrating Stages for the MetroWest DCO



Stages of Authorised Development				
Stage	Works Nos	Works Plans Sheet Number	Local Planning Authority	Colour
Stage 1	Works Nos. 1, 1A, 5, 7, 7E, 9, 11, 11A, 12, 13, 14, 14A, 14B, 16C, 16D	Sheet 1, 2, 4, & 5	NSC LPA	
Stage 1A	7D, 8, 10, 10A, 12A, 13A, 15, 16A, 17 and 17A	Sheet 1, 2, 4, 5 & 6	NSC LPA	
Stage 1B	Works Nos. 20, 20B, 23 and 24A	Sheet 6 & 8	NSC LPA	
Stage 1C	Works Nos. 10B and 11B	Sheet 2	NSC LPA	
Stage 1D	Work No. 11	Sheet 2	NSC LPA	
Stage 2	Works Nos. 2, 2A, 3, 4, 6, and 7A-C	Sheet 1	NSC LPA	
Stage 3	Works Nos. 10C, 12B and 16B	Sheet 2, 3 & 5	NSC LPA	
Stage 4	Works Nos. 1B, 1C, 19, 20A, 21, 21A and 22	Sheet 6	NSC LPA	
Stage 4A	Work No. 18	Sheet 5	NSC LPA	
Stage 5	Works Nos. 22A and 22B	Sheet 6	NSC LPA	
Stage 6	Work No. 25	Sheet 12	NSC LPA	
Stage 7	Works Nos. 26, 26A and 26B	Sheet 15	BCC LPA	
Stage 8	Work No. 27	Sheet 15	BCC LPA	
Stage 9	Work No. 28	Sheet 16	BCC LPA	
Stage 10	Work No. 29	Sheet 17	BCC LPA	

Key:

Order Limits

M(1)

FG

ADL

ADL

10/05/2020

Colour Sheet updated

M

FG

ADL

ADL

01/06/2020

Works drawings updated

L

FG

ADL

ADL

11/05/2019

Works and Red Line updated

K

OWP

ADL

ADL

06/03/2019

Works updated

J

FG

KS

ADL

05/02/2019

Colours updated

I

FG

KS

ADL

05/04/2019

Works and Red Line updated

H

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KS

ADL

10/04/2019

Works updated

G

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KS

ADL

28/03/2019

Works and Red Line updated

F

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KS

ADL

08/01/2019

Works updated

E

FG

KS

ADL

01/10/2018

Red Line and Works updated

D

FG

KS

ADL

30/04/2018

Works, Title Block & Order Limits updated

C

FG

KS

ADL

14/03/2018

Works updated

B

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KS

ADL

19/04/2018

Order Limits updated

A

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KS

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23/02/2018

Final Issue

Rev

Rev

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Rev

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Revised

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Rev

Rev

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THE PORTISHEAD BRANCH LINE (METROWEST PHASE 1) ORDER

WORKS PLAN SHEET 0 KEY PLAN

Drawn by: FG

Checked by: KS

Approved by: ADL

Issue: 25/02/2018

Issue: 25/02/2018

Issue: 25/02/2018

674946.BQ.42.01-300 [M(1)]

Drawing Scale: 1:32000 @ A3

Annex 1– Proposed DCO Requirements Tracker

MetroWest Phase 1 – Requirements Tracker

Date of Current issue of this document:

MetroWest Contact:

LPA Contact:

Overview:

This table is intended to allow both the MetroWest implementation team and the local planning authority clear oversight of how the progress to discharge of requirements is progressing. It utilises a uniform template for each stage, and requirements not relevant to that stage will be noted as "NA".

The MetroWest Team will aim to populate column (b) and discuss it with the LPA at least [8] weeks prior to submission of details.

The document will be submitted with columns (b) and (c) populated prior to first submission of details for a stage. It will thereafter be re-issued by MetroWest every 4 weeks until the approvals process is finished for that stage, or at such other frequency as is otherwise agreed by the LPA .

Any pre-deeming notification served by MetroWest will be accompanied by a copy of the latest iteration of this document for that stage.

Notes:

NA in column (b) (e) or (g) means requirement not relevant for this stage

In column (i) **A** = Approved/**R**=Refused/**DA** = Deemed Approval/**W**= Withdrawn

Requirements 1-3 not relevant for table below

(a) Key elements to be approved incl the relevant stage of authorised development	(b) Intended submission notification date	(c) Requirement Number	(d) Actual Submission notification date	(e) Further information requested by LPA and date, if applicable	(f) Date for determination by LPA without deeming	(g) Pre deeming notification issued (Y/N) and date	(h) Date of decision/ deemed decision	(i) Outcome of application (Approved/Refused/Deemed Approval/Withdrawn)
		4						
		5						
		6						

19. APPENDIX 3 – DRAFTING NOTE: REQUIREMENT 4 – DETAILED DESIGN

THE PORTISHEAD BRANCH LINE (METROWEST PHASE 1) ORDER

Drafting Note: Requirement 4 – Detail Design

1. INTRODUCTION

- 1.1 This note is provided to the two host local planning authorities (North Somerset Council and Bristol City Council) to clarify Requirement 4 of Schedule 2 of the DCO.
- 1.2 The requirement is entitled "submission and approval of detailed design".

2. HOW THE REQUIREMENT WORKS.

2.1 Requirement 4 sets out those parts of the proposed development that have "design drawings" submitted to provide a degree of clarity and certainty linking the Environmental Statement and Design and Access Statement to the application documentation but also retaining a suitable level flexibility in final design. It is intended to provide fixed points for environmental assessment purposes, setting parameters for the details remaining to be finalised in respect of the authorised development.

2.2 A table sets out the work numbers, gives a description of the works and indicates the design drawings that should be referred to.

2.3 Despite a level of significant detail being provided as part of the application, the final design for the specified element of the authorised development set out in the table in requirement 4 must be approved by the relevant planning authority prior to commencement of that element of the authorised works.

2.4 Requirement 4(2) states that the submitted detail must be in accordance with the principles in the design drawing listed in column 3 of the table in Requirement 4. Any final design proposal submitted must be informed by the design drawings listed in column 3 of the table in Requirement 4, unless otherwise agreed with the relevant planning authority. (This "tailpiece" is needed to allow for the unlikely event that there is a significant change to the design proposals resulting from detailed design work post consent. This paragraph of the Requirement must be read in conjunction with requirement 4(3)).

2.5 Requirement 4(3) states that any changes from the design drawing in the drawing submitted to the relevant planning authority for approval must be in accordance with the principles set out in the Environmental Statement. This means that any changes, including those to which the tailpiece in requirement 4(2) applies, must still confirm with the ES.

2.6 The part of the authorised development relevant to the approved details thereafter must be carried out in the accordance with the final design approved by the relevant planning authority (Requirement 4(4)).

3. THE EFFECT OF REQUIREMENT 4

3.1 The application is, for those parts of the authorised development that are subject to the design drawings listed in the table in Requirement 4, designed to a level somewhere between an outline planning application and full planning application.

3.2 The drawings provided with the application and listed in column 3 of the table in Requirement 4 set out the general principles and are worked up to a level of design that is well beyond standard outline planning applications, and probably in some cases are as detailed as one would normally expect for a full application for planning permission.

3.3 However, to recognise the potential for changes, particularly through the Network Rail "GRIP 5" (Governance for Railway Investment Projects) process, it is essential there is an ability for revised drawings to be submitted. Any such drawings must respect the ES and also the drawings listed in column 2 of the table in Requirement 4 (unless otherwise agreed with the relevant planning authority - so entirely within the control of the relevant planning authority), but can show some detail design changes for approval by the relevant planning authority when compared to those drawings submitted with the application for development consent.