

MetroWest*

Portishead Branch Line (MetroWest Phase 1)

Planning Inspectorate Reference: TR040011 Applicant: North Somerset District Council

9.3.4 ExA.SoCG-HECL.D1.V1 – Statement of Common Ground

Between:

(1) North Somerset District Council; and

(2) Highways England

Version: 1

Date: November 2020



















MetroWest*

Version history				
Date	Version	Status	Description/changes	
24 February 2020	1	Draft		
3 August 2020	1	Draft		
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1. ABBREVIATIONS

2008 Act Planning Act 2008

CTMP Construction Traffic Management Plan

DCO Development Consent Order

ES Environmental Statement

HE Highways England Company

HGV Heavy Goods Vehicle

HRA Habitats Regulation Assessment

NPPF National Planning Policy Framework

NSDC North Somerset District Council

NSIP Nationally Significant Infrastructure Project

PINS Planning Inspectorate

SoCG Statement of Common Ground

SRN Strategic Road Network

TA Transport Assessment

TMP Traffic Management Plans

TMWG Traffic Management Working Group

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) <u>project page on the PINS</u> 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 document reference number 8.12 and as ES Appendix 9.11, document 6.25), we have used the DCO Document Reference number for the standalone document.

2. INTRODUCTION

- 2.1 This Statement of Common Ground ("SoCG") has been prepared by North Somerset Council ("the Applicant") and Highways England to set out the areas of agreement and disagreement between the parties in relation to the Development Consent Order ("DCO") application for the Portishead Branch Line (MetroWest Phase 1) ("the DCO Scheme") based on consultation to date.
- 2.2 This SoCG comprises an agreement log which has been structured to reflect topics of interest to Highways England in relation to the application for the DCO Scheme. Topic specific matters agreed and not agreed between Highways England and the Applicant are included. For the avoidance of doubt, an agreed matter is where a concern or issue that has been raised by Highways England has been satisfactorily resolved.

3. SCHEME OVERVIEW

- 3.1 The Applicant has applied to the Planning Inspectorate ("PINS") for a DCO 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.
- 3.2 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.
- 3.3 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 kilometres 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

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¹ Please refer to Schedule 1 of the DCO (Document 3.1) for more detail.

- 3.4 The application has been accompanied by an Environmental Statement ("ES") because the DCO Scheme is classified as EIA development in the EIA Regulations 2017².
- 3.5 The application has also been accompanied by a Habitats Regulation Assessment ("HRA") Report the potential for effects on a European site under the Habitats Regulations 2017³ (document entitled "Report to Inform Habitats Regulations Assessment", DCO Document Reference 5.5).

4. HIGHWAYS ENGLAND'S ROLE IN THE DCO SCHEME

- 4.1 Highways England is a Government-owned company set up to operate, maintain and improve England's strategic road network ("SRN"), comprising motorways and major A-roads, on behalf of the Secretary of State for Transport. Highways England was appointed as the highway authority for the SRN pursuant to the Infrastructure Act 2015. Highways England's objectives are to ensure that England's major roads are dependable, durable and safe. Highways England has a responsibility to ensure that the SRN is free flowing, safe and serviceable, and accessible and integrated. In addition, Highways England aims to support economic growth, helping businesses open up new areas for development, and ensure its activities result in long-term and sustainable benefit to the environment.
- 4.2 Highways England's role in the DCO process derives from the 2008 Act and secondary legislation made under it. In addition to its overarching role as highway authority for the SRN, it is a prescribed consultee under section 42 of the 2008 Act and must be consulted on any proposed applications likely to affect road or transport operation and/or planning on roads for which the Secretary of State for Transport is the highway authority.
- 4.3 The ES Chapter 16 (DCO Document Reference 6.19) and the Transport Assessment which was carried out in consultation with Highways England and the other relevant highway authorities, which is ES Volume 4, Appendix 16.1 (DCO Document Reference 6.25) identifies the potential transport impacts of the construction and operation of the DCO scheme.
- 4.4 The DCO Scheme interacts with the SRN at the Avonmouth Viaduct, 900 metres north east of the M5 Junction 19 where it passes under the M5. The DCO Scheme comes closest to the SRN approximately 200 metres to the west of the M5 Junction 19. During construction of the

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

³ The Conservation of Habitats and Species Regulations 2017

DCO Scheme it is proposed that there will be temporary compounds and haul roads north of the proposed railway line on the north side and beneath the M5 motorway. The M5 Junctions 18 and 19 will also be used for access routes to other compounds during the construction phase of the DCO Scheme.

5. OVERVIEW OF ENGAGEMENT

5.1 Introduction

5.1.1 This section briefly summarises the consultation that the Applicant has had with Highways England. For further information on the consultation process please see the Consultation Report (DCO Document Reference 5.1).

5.2 Pre-application engagement

- 5.2.1 The Applicant has engaged with Highways England on the DCO Scheme during the preapplication process, both in terms of informal non-statutory engagement and formal consultation carried out pursuant to Section 42 of the 2008 Act.
- 5.2.2 The Applicant has had regular and constructive engagement with Highways England 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's proposals to evolve iteratively through the Applicant's consideration and regard for Highways England's input. This has meant that Highways England's responses meaningfully contributed to the development of the proposals (specifically, construction access and management) in the DCO Scheme.

The formal consultation was carried out in three main stages:

- i. "Stage 1 Consultation", from 22 June 2015 to 3 August 2015 (pursuant to Section 47 only);
- ii. "Stage 2 Consultation", from 23 October 2017 to 4 December 2017; and
- iii. "Additional Stage 2 Consultation" at several different points following Stage 2 Consultation.
- 5.2.3 A full account of the Applicant's pre-application engagement with Highways England is contained in the Consultation Report (DCO Document Reference 5.1).

5.3 Post-application engagement

5.3.1 Following the submission of the application on 15 November 2019, the Applicant has continued to engage with Highways England to discuss the content of this document.

5.4 Overview of key issues raised at s42 stage

- 5.4.1 When formally consulted Highways England raised the following key issues:
 - The impacts of construction traffic on Junction 19 of the M5 during AM and PM peak hours should be calculated and provided;
 - Traffic management plans (TMP) should be provided to assess the impact of construction traffic on the SRN and should include any mitigation measures that are identified; and
 - iii. Highways England will need to approve any physical works which are carried out under or in close proximity to the M5.
- 5.4.2 The following sections provide detail on the matters raised by Highways England during the course of the DCO Scheme consultation, the actions taken by the Applicant in response, and whether the matter is agreed or remains to be agreed.

6. PRE-APPLICATION: INFORMAL CONSULTATION

6.1 The Applicant undertook informal consultation with Highways England prior to the submission of the DCO application. During this consultation, with the scheme information available at the time, Highways England raised a number of issues regarding the scheme construction and operation. These issues were considered by the Applicant.

7. PRE-APPLICATION: FORMAL CONSULTATION UNDER S42

7.1 The Applicant undertook formal consultation under s42 with Highways England prior to the formal submission of the application. During this consultation, with greater information available regarding the potential impacts on the SRN, Highways England raised a number of issues regarding the scheme construction and operation. These issues were considered by the Applicant.

- 7.2 Highways England's comments focussed on the construction phase of the scheme. From the data available at the time, it was considered that the operational phase of the scheme was unlikely to result in a detrimental impact on the SRN.
- 7.3 It was agreed that the construction phase of the scheme would be assessed through the production of a Transport Assessment ("TA") and an accompanying Construction Traffic Management Plan ("CTMP"). This would assess the impact of construction work employees, and the delivery of construction materials and removal of waste from the site.

8. AREAS OF COMMON GROUND

- 8.1 The impacts of the development on the road network and the M5 J19 are outlined in the ES Chapter 16 Transport, Access and Non-Motorised Users (DCO Document Reference 6.19) and the TA (ES Appendix 16.1, DCO Document Reference 6.25). It is agreed that M5 junction 19 currently operates under constraint during network peak periods, resulting in vehicle queues extending from the junction off-slips onto the mainline. It is agreed that this represents a significant safety risk.
- 8.2 It is agreed that Paragraph 9 and 10 of Circular 02/2013, sets out that development proposals are normally considered to be acceptable, if they do not increase demand for use of a section of the strategic network that is already operating over-capacity or cannot be safely accommodated within the existing infrastructure provision. Any development proposals which increase demand at M5 J19 and result in mainline queuing (or increases in length, duration or frequency of existing mainline queuing), will be considered as having an unacceptable impact on highway safety. This is due to the high potential severity of collisions between stationary or slow-moving queued vehicles and fast moving through traffic. Development that results in an unacceptable impact on highway safety can be refused on highways grounds in line with paragraph 109 of the National Planning Policy Framework ("NPPF").
- 8.3 Following review of the submitted application, Highways England set out its comments as part of its relevant representation. In those comments, Highways England confirmed that, as a result of the review of the Application documentation and assessment, its previous comments under the s42 consultation with regard to the impact of the SRN remain. That is, Highways England has no concerns regarding the impact of the scheme during the operational phase.

- 8.4 Highways England did raise comments with regards to the assessment of the construction phase of the scheme. In response to these comments, the Applicant has undertaken further work address the comments made and issues raised.
- 8.5 Highways England raised concerns regarding the assessment of construction related traffic in the outline CTMP. Highways England considered the assessment to not be sufficiently detailed to identify robustly the potential impact of the construction phase on the SRN, particularly M5 J19.
- 8.6 In response, the applicant undertook further traffic impact assessment work. The outputs of this work are a detailed spreadsheet that sets out estimated construction vehicle and staff movements and junction traffic movement diagrams. The assessment includes multiple scenarios and shift patterns, including realistic worst-case peak time scenarios.
- 8.7 In summary, the staff routeing has been set out, showing the forecast origin and destination of staff movements on the local road network. Further detail has been provided setting out the profile of forecast construction staff movements at peak and off-peak periods for each of the 7 construction compounds and further information about the forecast staff shift times has been provided including a 2-shift and 1-shift staff pattern. Also, further traffic impact assessment work has been completed that includes a disaggregation of Heavy Goods Vehicle ("HGV") movements associated with ballast from HGV movements of other construction material and staff and personnel traffic have been disaggregated from construction traffic movements and shift times identified.
- 8.8 It is agreed that the updated traffic impact assessment work provides an evidence base upon which a realistic worst-case situation/scenario can be established regarding the impact of construction traffic on the SRN, including junction 19 of the M5. The traffic impact assessment and junction traffic movement diagrams are appended to this SoCG at Appendix 1.
- 8.9 It is agreed that the assessment of construction traffic impact has been progressed as far as is practicably possible prior to the appointment of a contractor. Following the appointment of a contractor, a Final CTMP will be prepared and based upon construction related traffic movement data provided by the contractor.
- 8.10 It is agreed that the further traffic impact assessment work undertaken to date has identified a peak demand for construction employee arrivals could occur between 07:30 and 09:30 Monday to Friday. Due to the significant number of construction related employee movements

- during the morning peak period this would represent an unacceptable impact on the SRN at M5 J19 as it would exacerbate existing mainline vehicle queuing, which is a severe and unacceptable safety risk.
- 8.11 It is agreed that a requirement managing construction worker movements during the morning network peak period is necessary to adequately mitigate an unacceptable safety impact at M5 junction 19.
- 8.12 To aid the preparation of the Final CTMP, it is agreed that a Traffic Management Working Group ("TMWG") will be established to discuss the CTMP and any related transportation issues resulting from the construction of the scheme.
- 8.13 It is agreed that Highways England representatives will be a part of the TMWG. It is also agreed that the Final CTMP will be submitted to and approved by the TMWG prior to the commencement of the construction phase of the DCO Scheme.
- 8.14 It is agreed that a Travel Plan for workers will be produced in consultation with Highways England once the contractor is appointed.
- 8.15 It is agreed that a method statement will be prepared for the compound under the M5. This will be prepared once a contractor is appointed.
- 8.16 It is agreed that no restrictions are required with regard to construction related delivery and/or site waste disposal traffic movements subject to the Final CTMP managing these movements in accordance with the assessment of construction traffic impact supporting this application.
- 8.17 It is agreed that to ensure that Highways England can retain access to land necessary to allow inspection and maintenance of the SRN during the construction and operational phases of the scheme a separate access agreement will be necessary. The Applicant has drafted Heads of Terms for an access agreement and these are agreed in principle with Highways England, albeit subject to formal approval by both parties. It is intended that any concerns or Health and Safety considerations that Highways England has in relation to access around and under the M5 motorway bridge as part of the DCO Scheme and the MetroWest Project's temporary possession of land in the vicinity of the M5 Motorway bridge for the purposes of constructing the DCO Scheme, will be addressed in this document.

8.18 It is agreed that Highways England will need to understand and approve any physical works proposed to be carried out under or near the M5 prior to their commencement.

9. MATTERS OUTSTANDING

1.1. Subject to the Requirements set out below, there are no outstanding matters to be agreed between the parties.

10. REQUIREMENTS

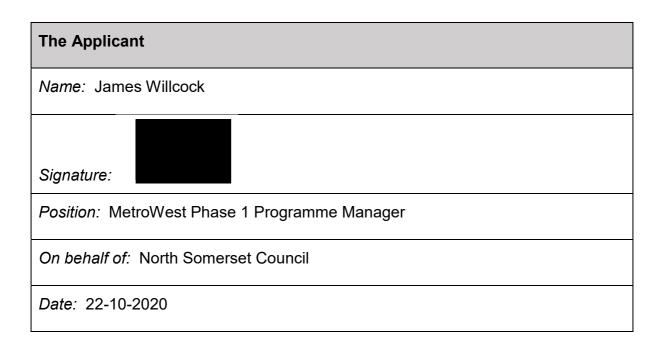
- 1.2. The following requirements are necessary in order to ensure the development proposals (construction phase) do not result in a severe congestion or unacceptable safety impact on the SRN, particularly M5 junction 19. The Applicant agrees to the principle of the inclusion of those Requirements required by Highways England, but the final form of the wording that is to be included in the draft DCO is to be finalised between the parties, with a view to submitting this to the Examining Authority at Deadline 2 (23 November 2020):
 - i. Construction of the Scheme shall not commence unless and until a Traffic Management Working Group has been established that shall remain in operation for the duration of the construction phase of the Scheme. Highways England shall be invited to participate in the Traffic Management Working Group.
 - ii. Construction of the Scheme shall not commence unless a Final Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority in consultation with Highways England. The works shall be carried out strictly in accordance with the approved CTMP. The Plan shall include, but not be limited to:
 - a. Construction vehicle movements HGV routes, construction traffic profile (for the duration of construction period disaggregated by daily movements, vehicle type (including abnormal loads) and construction activity),
 - b. Weekday construction activity hours;
 - c. Construction worker shift times
 - d. Car parking arrangements for staff and contractors;
 - e. Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;

- f. A scheme to encourage the use of Public Transport amongst contractors;
- g. Any other measures to avoid traffic congestion impacting upon the Strategic Road Network and.
- h. CTMP monitoring approach, change process (in the event that any changes to the CTMP are proposed during the construction phase) and a process to implement/provide corrective measures if required.
- i. Construction Worker Travel Plan
- iii. That the morning shift time for construction staff shall start no later than 07:30am

11. AGREEMENT ON THIS STATEMENT OF COMMON GROUND

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

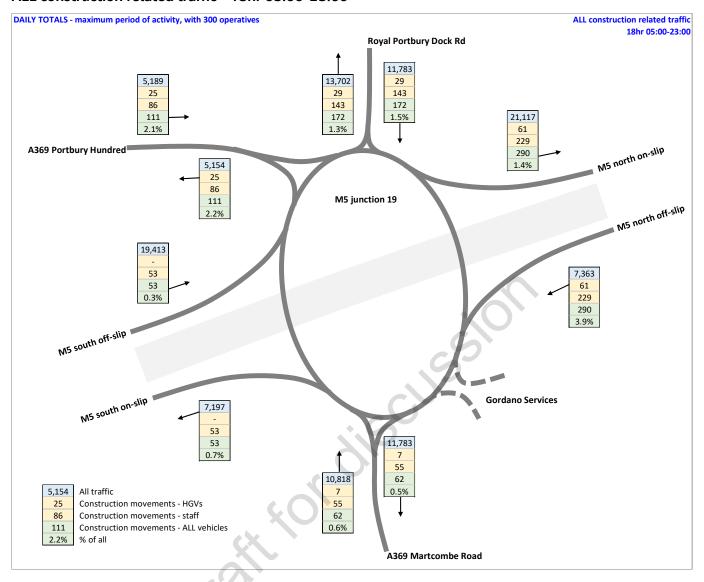
Highways England
Name: Rachel Sandy
Signature:
Position: Spatial Planning Manager, Operations South West
On behalf of: Highways England, Operations South West
Date: 21/10/2020



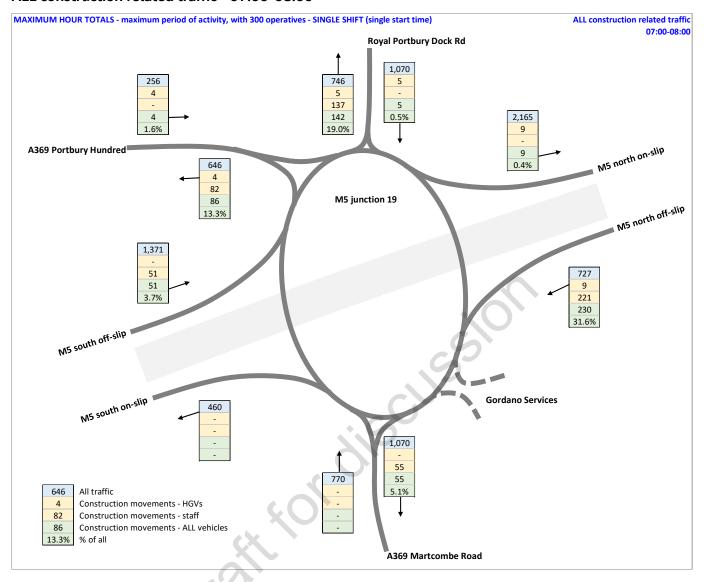
12.	APPENDIX 1 – TRAFFIC IMPACT ASSESSMENT AND JUNCTION TRAFFIC MOVEMENT DIAGRAMS

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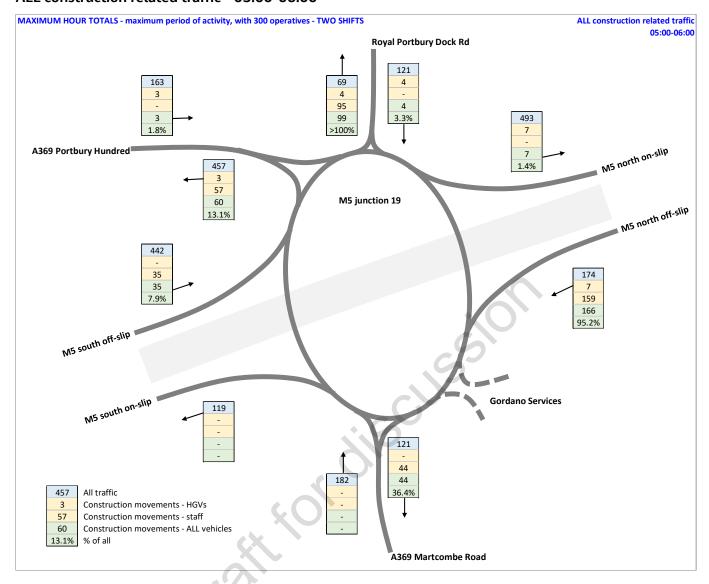
DAILY TOTALS - maximum period of activity, with 300 operatives ALL construction related traffic - 18hr 05:00-23:00



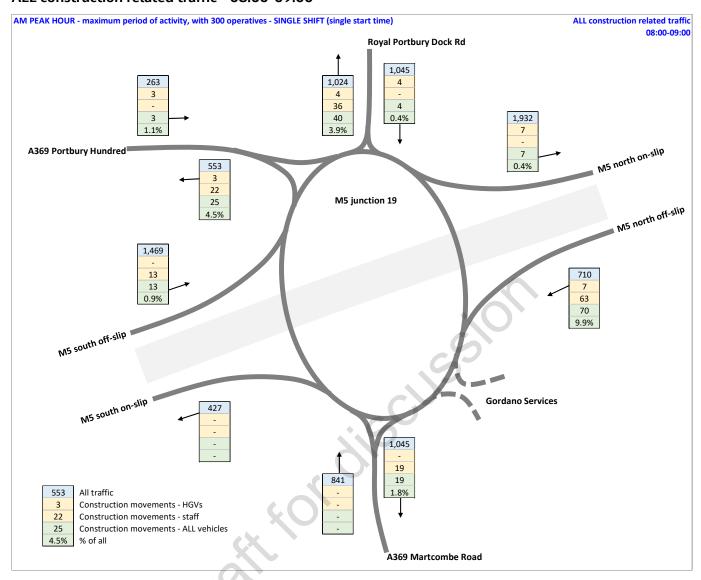
MAX HOUR TOTALS - max period of activity, with 300 operatives - SINGLE SHIFT (single start time) ALL construction related traffic - 07:00-08:00



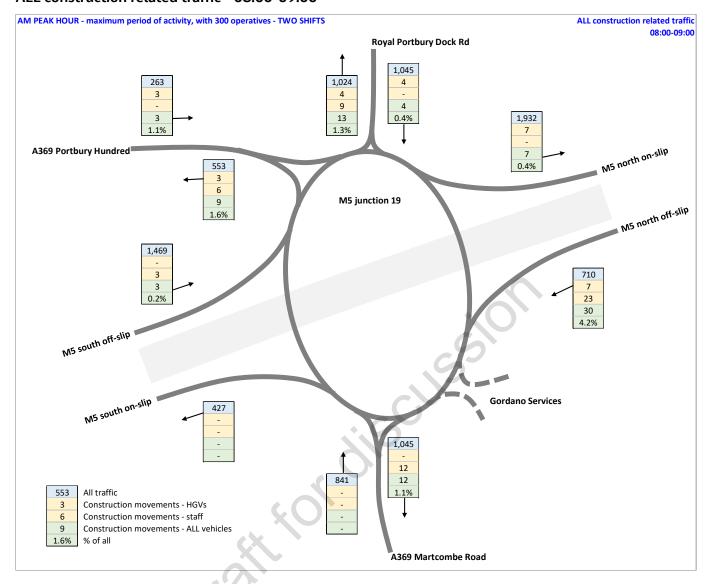
MAXIMUM HOUR TOTALS - maximum period of activity, with 300 operatives - TWO SHIFTS ALL construction related traffic - 05:00-06:00



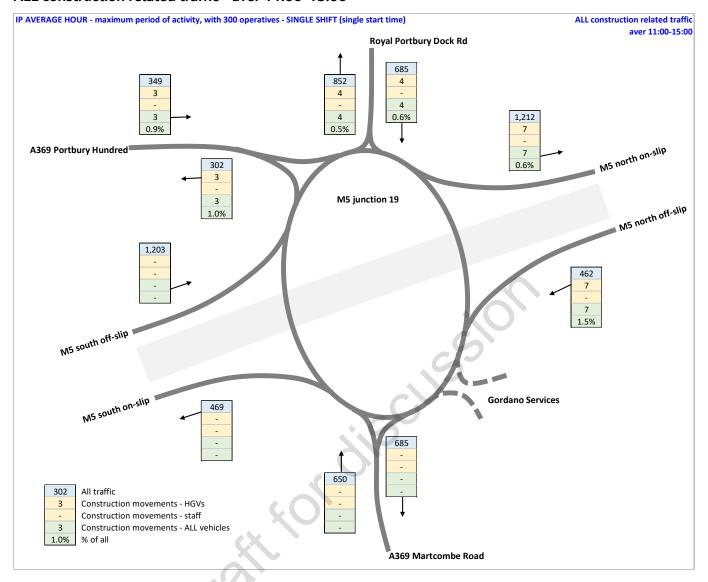
AM PEAK HOUR - maximum period of activity, with 300 operatives - SINGLE SHIFT (single start time) ALL construction related traffic - 08:00-09:00



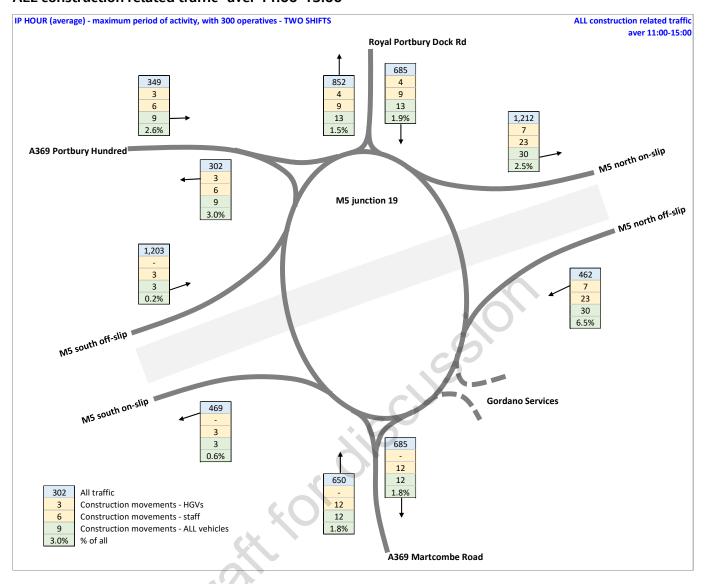
AM PEAK HOUR - maximum period of activity, with 300 operatives - TWO SHIFTS ALL construction related traffic - 08:00-09:00



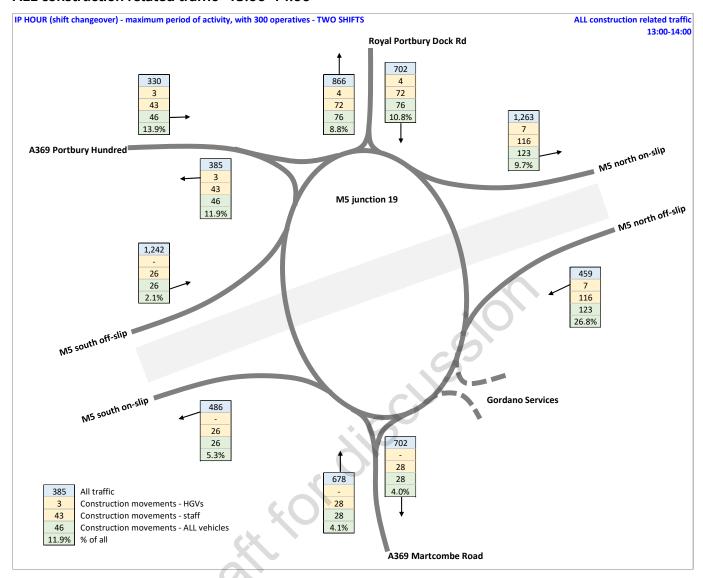
IP AVERAGE HOUR - max period of activity, with 300 operatives - SINGLE SHIFT (single start time) ALL construction related traffic - aver 11:00-15:00



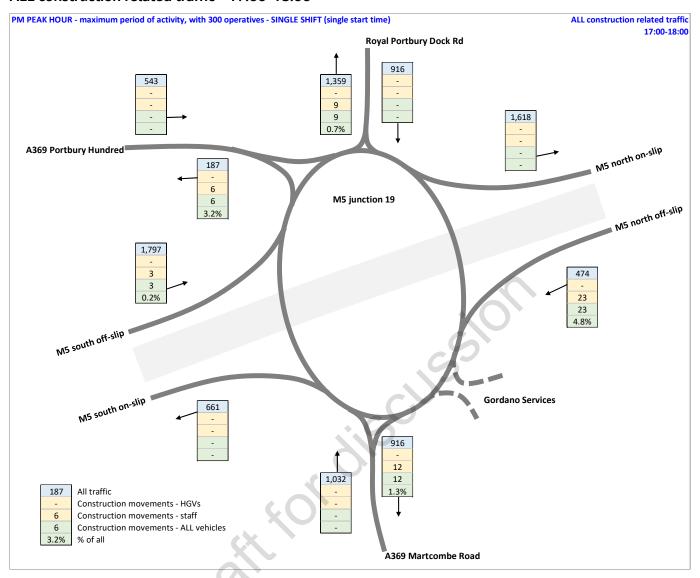
IP HOUR (average) - maximum period of activity, with 300 operatives - TWO SHIFTS ALL construction related traffic- aver 11:00-15:00



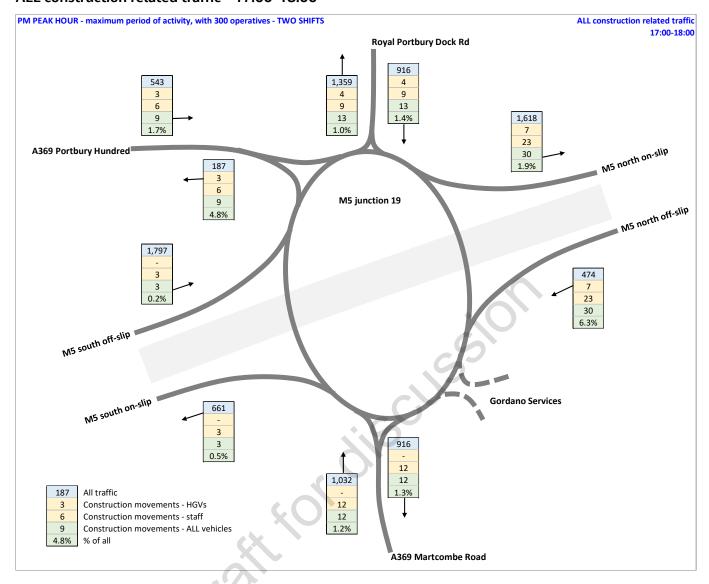
IP HOUR (shift changeover) - maximum period of activity, with 300 operatives - TWO SHIFTS ALL construction related traffic- 13:00-14:00



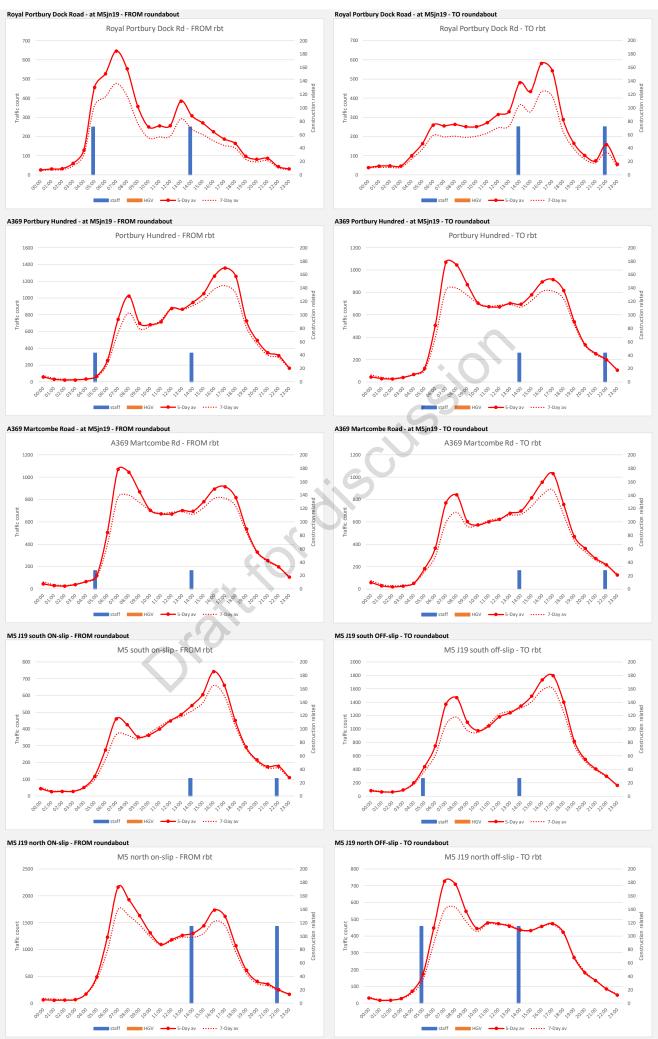
PM PEAK HOUR - maximum period of activity, with 300 operatives - SINGLE SHIFT (single start time) ALL construction related traffic - 17:00-18:00



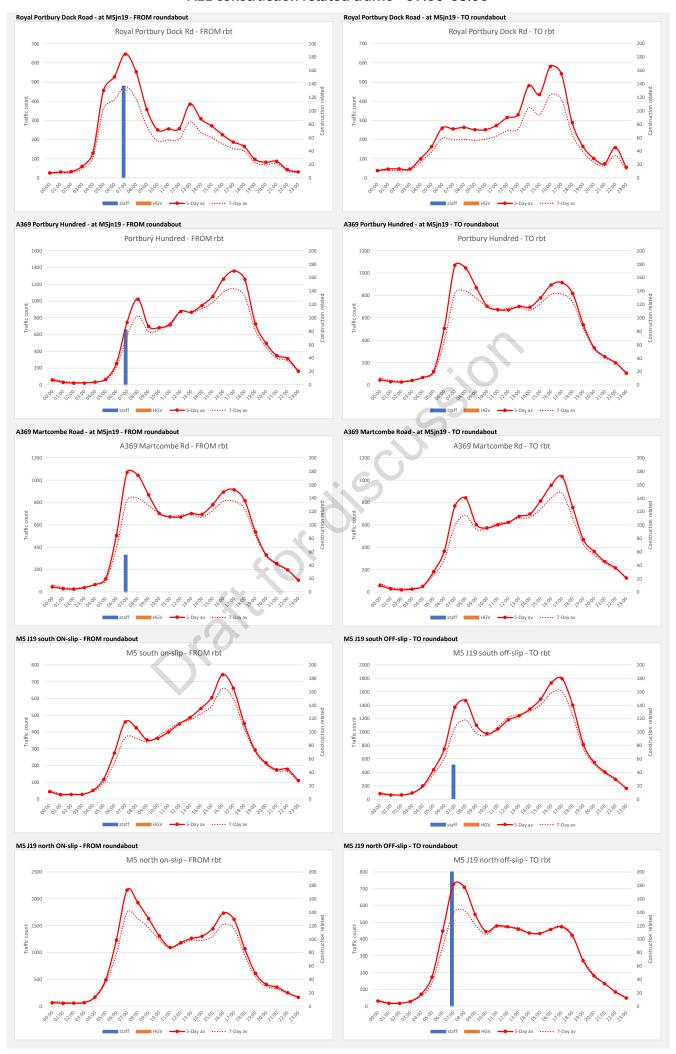
PM PEAK HOUR - maximum period of activity, with 300 operatives - TWO SHIFTS ALL construction related traffic - 17:00-18:00



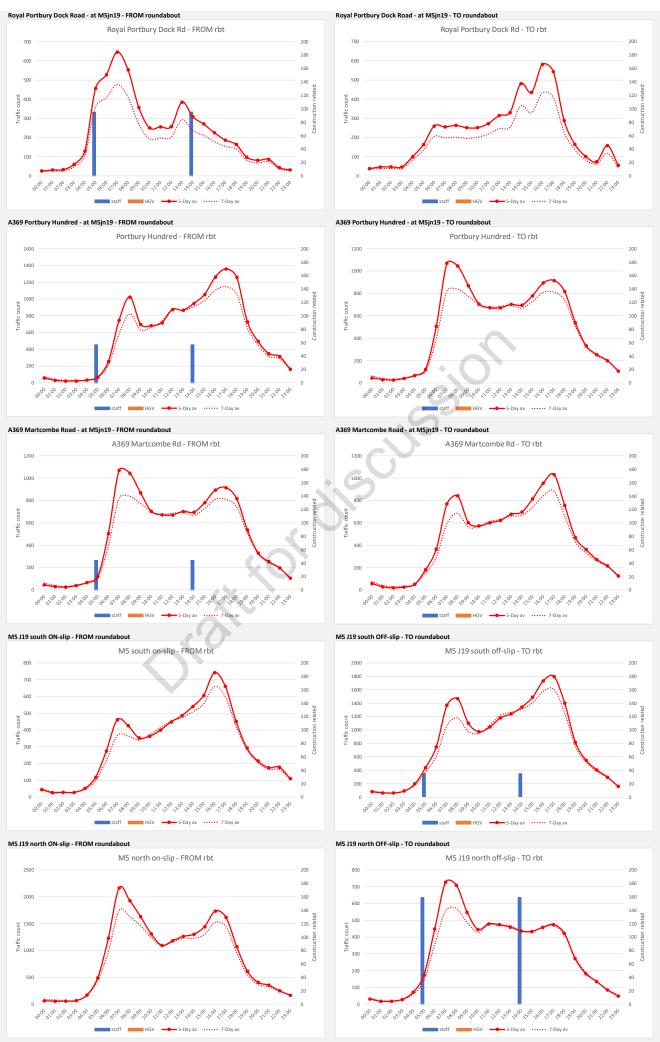
DAILY TOTALS - maximum period of activity, with 300 operatives ALL construction related traffic - 18hr 05:00-23:00



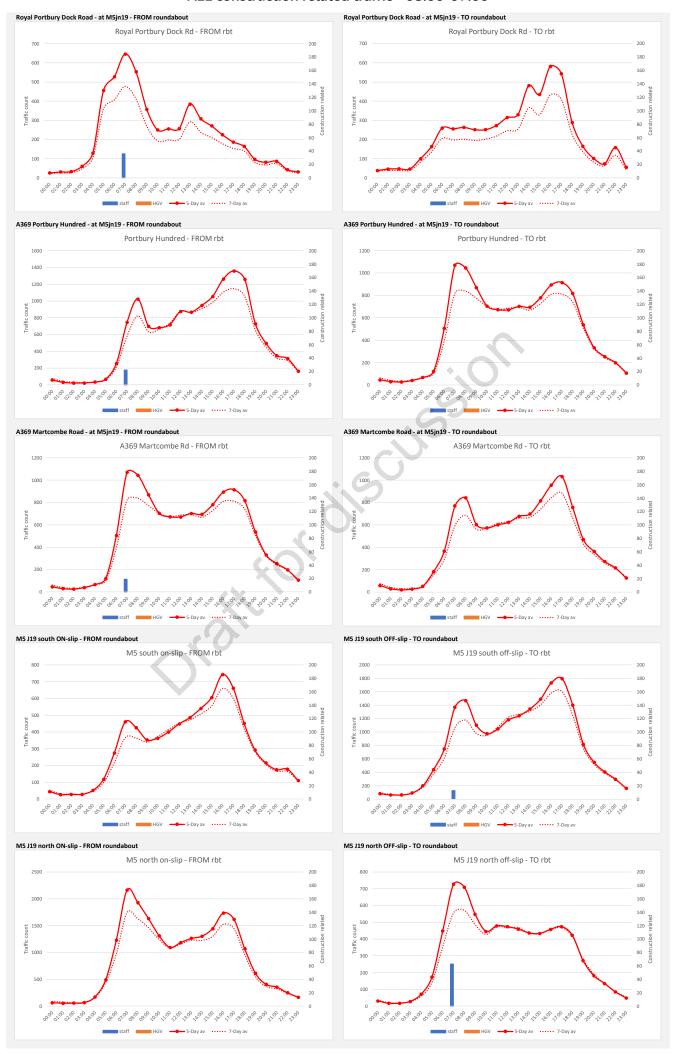
MAX HOUR TOTALS - max period of activity, with 300 operatives - SINGLE SHIFT (single start time) ALL construction related traffic - 07:00-08:00



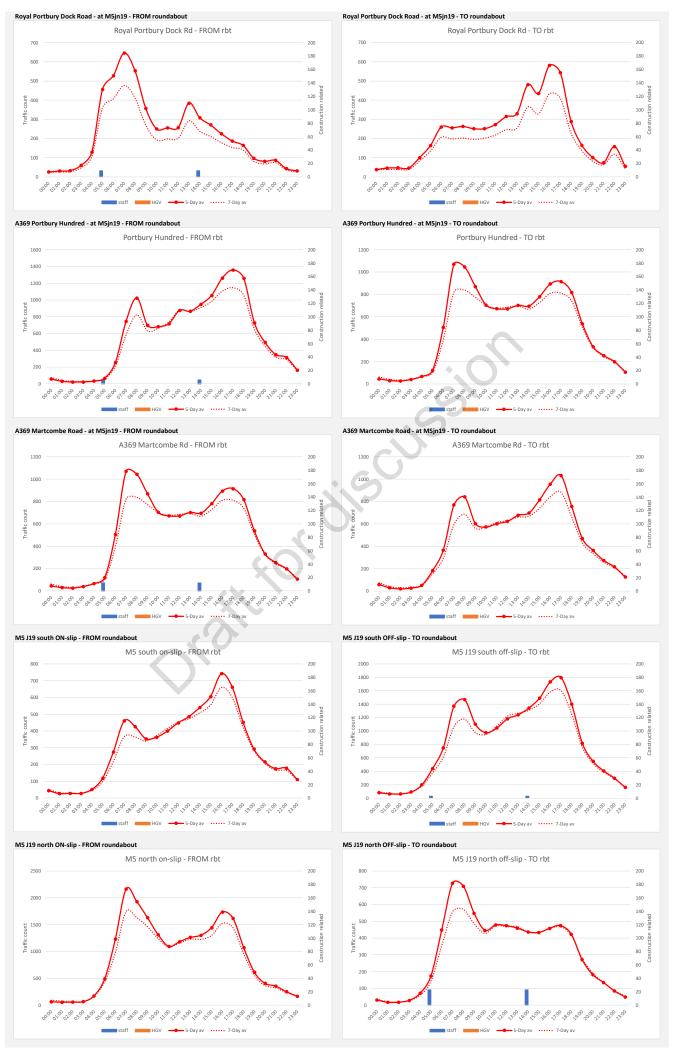
MAXIMUM HOUR TOTALS - maximum period of activity, with 300 operatives - TWO SHIFTS ALL construction related traffic - 05:00-06:00



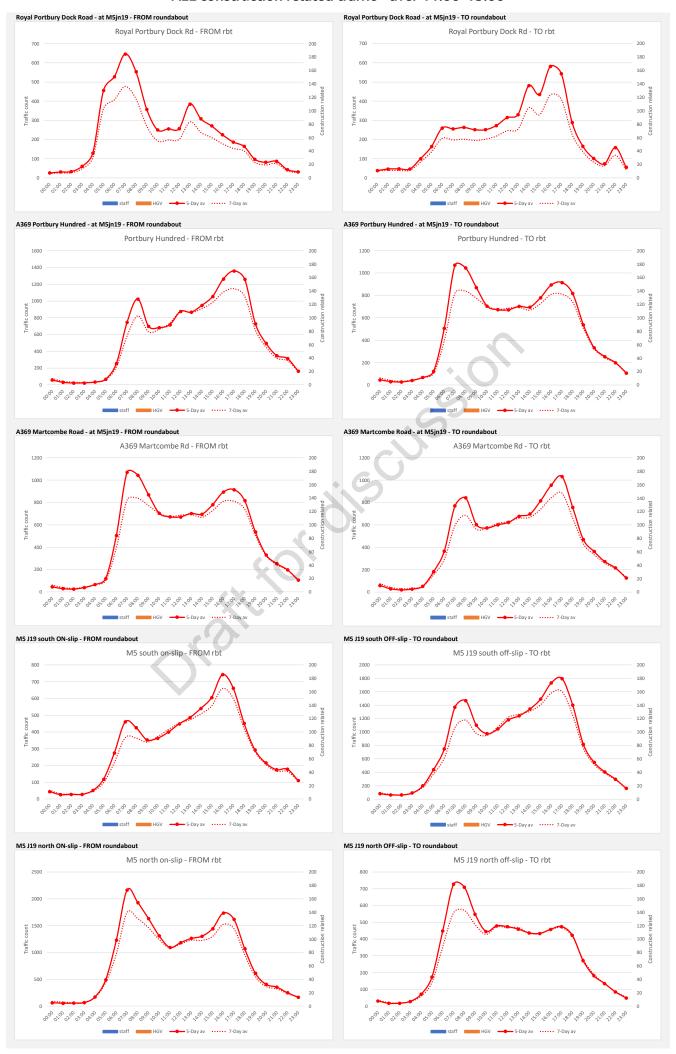
AM PEAK HOUR - maximum period of activity, with 300 operatives - SINGLE SHIFT (single start time) ALL construction related traffic - 08:00-09:00



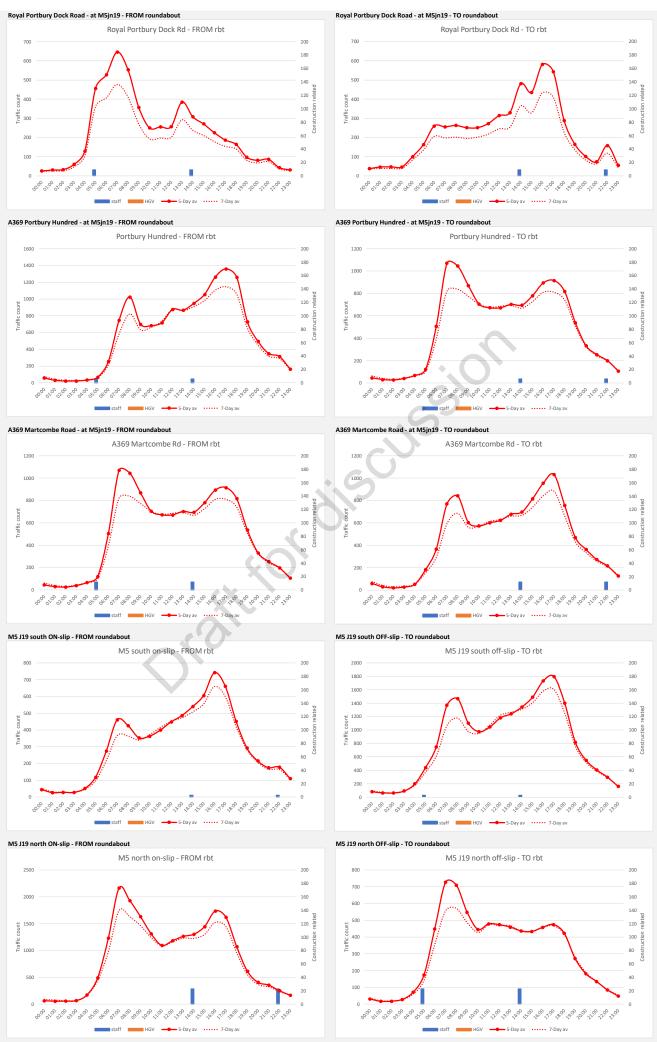
AM PEAK HOUR - maximum period of activity, with 300 operatives - TWO SHIFTS ALL construction related traffic - 08:00-09:00



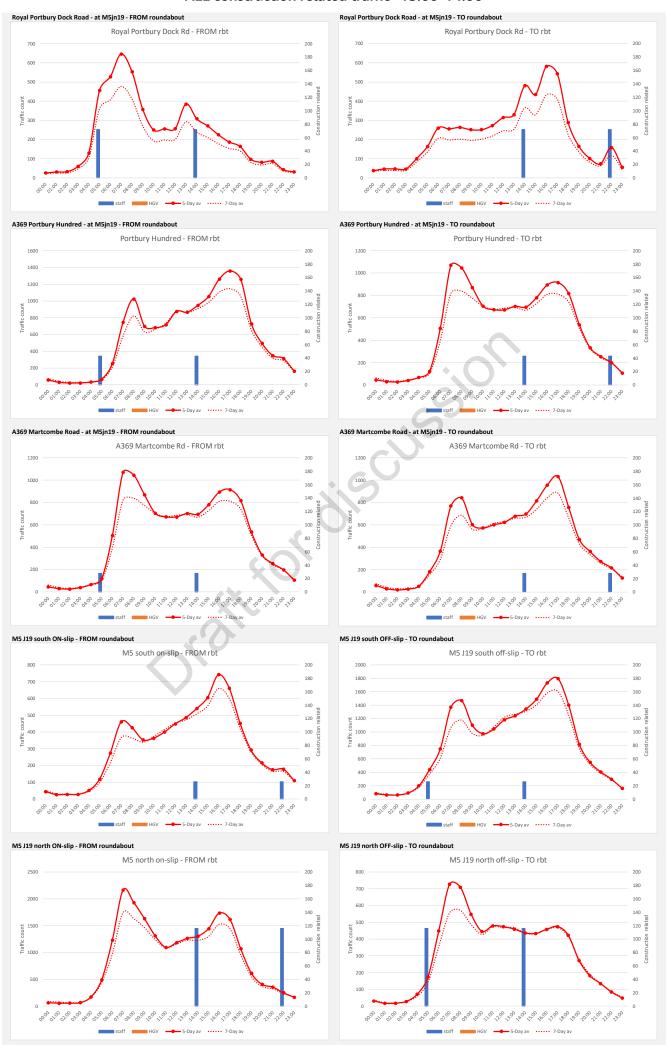
IP AVERAGE HOUR - max period of activity, with 300 operatives - SINGLE SHIFT (single start time) ALL construction related traffic - aver 11:00-15:00



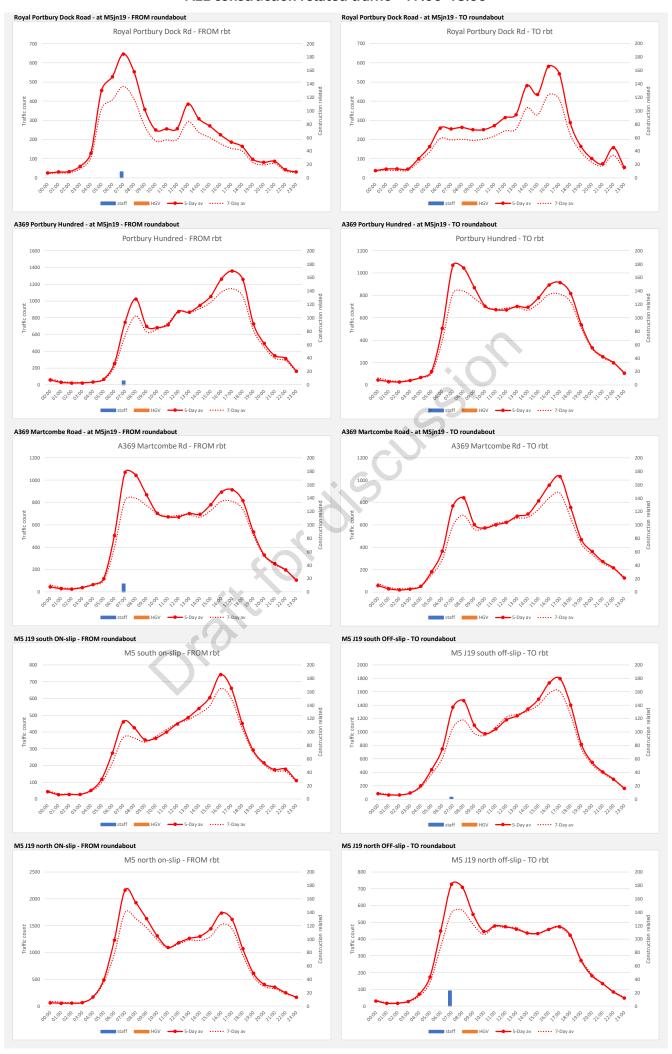
IP HOUR (average) - maximum period of activity, with 300 operatives - TWO SHIFTS ALL construction related traffic- aver 11:00-15:00



IP HOUR (shift changeover) - maximum period of activity, with 300 operatives - TWO SHIFTS ALL construction related traffic- 13:00-14:00



PM PEAK HOUR - maximum period of activity, with 300 operatives - SINGLE SHIFT (single start time) ALL construction related traffic - 17:00-18:00



PM PEAK HOUR - maximum period of activity, with 300 operatives - TWO SHIFTS ALL construction related traffic - 17:00-18:00

