



MetroWest+

Portishead Branch Line (MetroWest Phase 1)

Planning Inspectorate Reference: TR040011

Applicant: North Somerset District Council

DRAFT

**under discussion
and not yet agreed**

9.3.12 ExA.SoCG-BPC.D1.V1 – Statement of Common Ground

Between

- (1) North Somerset District Council;
- (2) Network Rail Infrastructure Limited; and
- (3) First Corporate Shipping Limited, trading as The Bristol Port Company

Version: 1

Date: November 2020



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2. ABBREVIATIONS

2008 Act	Planning Act 2008
Applicant	North Somerset District Council
BPC	The Bristol Port Company
DCO	Development Consent Order
ES	Environmental Statement
NRIL	Network Rail Infrastructure Limited
PINS	Planning Inspectorate
RRAP	Road Rail Access Point
RRV	Road Rail Vehicle
SoCG	Statement of Common Ground

In the text, "Document Reference" refers to the DCO document reference number as shown on the document entitled "Guide to the Application" 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 Document Reference numbers, (for example, the AGVMP which appears twice as standalone Document Reference number 8.12 and as ES Appendix 9.11, Document Reference 6.25), we have used the 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 The Bristol Port Company ("BPC") 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.
- 3.2 This SoCG comprises an agreement log which has been structured to reflect topics of interest to BPC in relation to the application for the DCO Scheme. Topic specific matters agreed and not agreed between BPC, NRIL and the Applicant are included.

4. SCHEME OVERVIEW

- 4.1 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.
- 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
- 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.

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

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

5. MATTERS OF INTEREST TO THE BRISTOL PORT COMPANY IN THE DCO SCHEME

- 5.1 BPC is the statutory undertaker (harbour and competent harbour authority) for Bristol and the owner and operator of the commercial port of Bristol ("Bristol Port"). Bristol Port comprises Avonmouth, Royal Edward and Royal Portbury Docks. BPC therefore have particular interest in the operational impacts of the DCO Scheme on its business, both temporary impacts and permanent impacts.
- 5.2 Royal Portbury Dock is connected to the national rail network via the existing Portbury Freight Line and a short section of BPC owned railway between Pill village and the dock gates. The Portbury Freight Line was re-opening in 2001, following a period of dis-use since the 1980s.
- 5.3 BPC also have particular interest as a land owner with its wider freehold abutting the alignment of the dis-used railway between Station Road, Portbury and the M5 Motorway at Easton in Gordano.

6. OVERVIEW OF ENGAGEMENT

6.1 Introduction

- 6.1.1 This section briefly summarises the consultation that the Applicant and NRIL have had with BPC. For further information on the consultation process please refer to the Consultation Report (DCO Document Reference 5.1).

6.2 Pre-application

- 6.2.1 The Applicant and NRIL have engaged with BPC 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 BPC 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 BPC's input, in keeping with the (former) Department of Communities and Local Government (DCLG) Pre-Application Guidance (2015). This has meant that BPC'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 Formal letters setting out BPC's position were issued to the Applicant as follows:

- (a) 31st July 2015 - in response to the Stage 1 Consultation
- (b) 4th December 2017 - in response to the Stage 2 Consultation
- (c) 16th August 2019 - post Stage 2 consultation

The letters are attached in Appendix 1.

6.2.5 The Applicant continued to engage with BPC throughout this period to explain its proposals and to explore how the proposals could be refined to reduce the impact on BPC. The Applicant issued a formal letter providing a detailed response to BPC's concerns on 15th October 2019, see attached in Appendix 2.

6.2.6 A full account of the Applicant's pre-application engagement with BPC is contained in the Consultation Report (DCO Document Reference 5.1).

6.3 Post-application

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

6.3.2 Further meetings with BPC have taken place, in particular:

- (a) Discussions regarding Acquisition of land, Court House Farm crossing / bridge and Operational Impacts on the Port's business (temporary / permanent) on 12th March 2020;
- (b) Discussions regarding works relating to the Easton in Gordano Stream on 21st October 2020; and
- (c) Discussions regarding interactions with NRIL, 22nd October 2020.

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, BPC raised the following key issues:

- (a) an hourly scheme would have still a significant impact upon the business during construction and permanent loss of their land and queried the justification given the reduced service pattern from half hourly. Requested a draft copy of the DCO to provide comments on before its submission.
- (b) the Port would not permit the compulsorily purchase of land in their ownership which forms part of their statutory undertaking, nor exercising statutory powers of access to the dock estate and undertaking.
- (c) the need for some of the proposed works including the installation of pedestrian/equestrian crossings at Royal Portbury Dock Road and Marsh Lane.
- (d) concerns about possible access to their land along the on the short section of track owned by BPC between the dock gates and Pill village (the connection with the existing national rail network), in order to provide and maintain new railway signalling.
- (e) concerns about the preservation of the BPC's road access arrangements during all construction works is essential to ensure business continuity and expressed concerns about construction impacts Royal Portbury Dock Road.

6.4.2 Following the formal consultation process BPC raised the following key issues between March 2018 and July 2019:

- (a) Stated a failure to demonstrate any need for the land [consulted on], or any part of it, or the increased rights in respect of it which the proposals appear to seek.
- (b) Stated that the bulk of the land is held for the purposes of statutory undertaking and any interference with it would cause serious detriment to that undertaking.
- (c) Against the DCO Scheme having access rights to any land within BPC's estate, including access to proposed signalling equipment on the short section of track owned

by BPC between the dock gates and Pill village (the connection with the existing national rail network).

- (d) Requested complete details about the specific proposals including draft DCO, Works Plans, Land Plans, Environmental Statement, Transport Assessment and project timeline.

6.4.3 In August 2019, BPC issued a formal letter to the applicant raising the following key issues:

- (a) Expressed concerns about a greater extent of BPC land required by the Applicant.
- (b) Requested further information and the final draft DCO.
- (c) Expressed concerns about proposed alterations to bridleways / cycleways.
- (d) Expressed concerns about the proposed acquisition of land at Royal Portbury Dock Road and Marsh Lane.
- (e) Expressed concerns about the temporary at-grade crossing over the railway at Court House Farm, created in 2017 following issue of planning consent by the local planning authority and a grant of easement by NRIL.
- (f) Expressed concerns about HGV traffic during construction and use of their perimeter access track.
- (g) Expressed concerns about access rights sought including access to proposed signalling equipment on the section of railway owned by BPC between the dock gates and Pill village (the connection with the existing national rail network).
- (h) Expressed concerns about the construction compound under the M5 viaduct on BPC land.
- (i) Requested details on culverts and drainage.

6.4.4 As set out in para 6.2.5 the Applicant continued to engage with BPC and issued a formal letter providing a detailed response to BPC's concerns on 15th October 2019, see attached in Appendix 2.

6.4.5 In its Relevant Representation, following publication of the acceptance of the Application pursuant to Section 56 of the 2008 Act, BPC raised a range of detailed points in addition to those raised during Section 42 pre-application consultation. These detailed points generally fall into three main themes:

- (a) Concerns about the compulsory acquisition of land, either temporary, permanently or acquisition of land access rights.
- (b) Concerns about the temporary at-grade crossing over the railway at Court House Farm [which was created in 2017 following issue of planning consent and grant of an easement with Network Rail.
- (c) Operational impacts on BPC's business both temporary and permanent.

BPC's full Relevant Representation is included in section 7 of this document.

6.4.6 The Applicant provided a detailed response to BPC's Relevant Representation on 18th June 2020 and requested a meeting to progress a Statement of Common Ground. On 20th August 2020 BPC stated that it was reviewing the content of the Applicant's response, but it was unlikely that this would be finalised before October and would therefore participate at the Preliminary Meeting.

6.4.7 The Applicant wrote to BPC on 2nd September 2020 expressing concerns about the lack of BPC engagement. BPC wrote to the Planning Inspectorate on 21st September 2020 in response to the Rule 6 letter, clarifying that:

".....BPC would hope that, as a result of further discussions with NSC, it may be possible to resolve many of the concerns identified by agreement, through agreed changes to the proposals or by the inclusion in the Order of suitable protective provisions."

and

"Similarly BPC also requests an issue-specific hearing relating to the effect of the proposals on Bristol Port, to include:

7.1 their impact on BPC's land as a statutory undertaker, including the severance of part of its land used for its statutory undertaking;

7.2 their impact on operations at Bristol Port, including the availability of train paths;
and

7.3 their impact on the future development of Bristol Port, including the loss of land safeguarded for port development."

6.4.8 Both the Applicants' letter of 2nd September 2020 and BPC's letter of 21st September 2020 are available on the project web page:

<https://infrastructure.planninginspectorate.gov.uk/projects/South%20West/Portishead-Branch-Line---MetroWest-Phase-1/>

7. RELEVANT REPRESENTATIONS

The following table sets out the comments received by the Applicant and NRIL from BPC as Relevant Representations following PINS' acceptance of the Application, and the Applicant's response and whether the matter is agreed or remains to be agreed.

Table 7.1: Relevant Representations and Applicant responses

PINS Ref No. with issue ref	BPC Relevant Representation	Key Issues	Applicant's Response	Status (Agreed/ Not Agreed)
124-1	<p>1. INTRODUCTION</p> <p>1.1 The following representations are submitted by First Corporate Shipping Limited, which trades as The Bristol Port Company ("BPC"), in relation to the application by North Somerset Council ("NSC").</p> <p>1.2 BPC's overriding needs are:</p> <p>1.2.1 to ensure the proposed temporary and permanent works have no negative impact upon its statutory undertaking, operations and the activities of its tenants and customers; and</p> <p>1.2.2 to achieve an outcome which minimises the impact on its operations of land being lost to or sterilised by NSC's proposed development during the pre-construction, construction and operational phases.</p> <p>1.3 Pursuant to the Bristol Dock Acts and Orders 1848–2010, BPC is the statutory undertaker (harbour and competent harbour authority) for Bristol and the owner and operator of the commercial port of Bristol ("Bristol Port"). As explored below, BPC questions the need for and extent of some of the works proposed and also the requirement for its land to be taken in connection with them. It disputes that a compelling case has, or can, be made that it is in the public interest for the compulsory acquisition powers proposed affecting its land to be granted. It further does not accept that the compulsory acquisition proposed can be achieved without serious detriment to its undertaking. It has various other concerns as amplified below.</p>	Strategic needs and role of BPC	<p>Noted</p> <p>The Applicant believes there will be no material permanent impacts on BPC, and will work with BPC and Network Rail Infrastructure Limited (NRIL) to minimise impacts during the construction period.</p> <p>Permanent land acquisition proposed in the draft Order and supporting documentation should have no material impact on BPC's operations. Construction phase impacts will be minimised.</p> <p>The Applicant has a compelling case for the powers sought in the draft Order and each of the plots in the Book of Reference and Land Plan. The Applicant does not agree that serious or indeed any detriment will be caused to BPC's undertaking but will work with BPC to:</p> <ul style="list-style-type: none"> - secure the land and rights over land required by agreement if possible; and - minimise impacts on BPC that may arise out of the construction of the proposed works. 	n/a
124-2	<p>1.4 The text below summarises the primary submissions BPC proposes making; BPC necessarily reserves its position to add to or amend these submissions as necessary or appropriate and insofar as further information becomes available and to make further written and oral representations.</p> <p>1.5 BPC has identified a number of matters which require consideration by the Examining Authority at issue specific hearings, including the key issues of the need to preserve reliable and timely access for rail freight traffic to and from Bristol Port throughout the construction of the new railway and its future use, and how BPC's continued access between parts of its operational land across the railway close to Court House Farm is to be secured. In addition, BPC registers its objection to the proposed rights of compulsory acquisition over land in BPC's ownership and anticipates pursuing this objection at a compulsory acquisition hearing. It further reserves its position to appear at any open-floor hearing insofar as appropriate or necessary.</p> <p>1.6 BPC has responded to NSC's earlier consultations in relation to this project:</p> <p>1.6.1 stage 1 consultation (BPC letter of 31 July 2015);</p> <p>1.6.2 first Section 42 consultation (BPC letter of 4 December 2017); and</p> <p>1.6.3 further Section 42 consultation (BPC letter of 16 August 2019).</p>	Specific strategic issues including access to the rail network, the Court House Farm crossing and the compulsory acquisition of land	<p>Noted</p> <p>The Applicant will work with BPC and NRIL to preserve rail access from the National Rail network to Royal Portbury Dock although it is inevitable that there will be a number of possessions and blockades for the construction of MetroWest Phase 1 project. All of the Order Land over which BPC holds an interest falls outside of BPC's dock fence. In relation to land at Court House Farm, it is proposed that the existing agreement between BPC and NRIL will regulate any changes to how BPC accesses Court House Farm. In any event the use of Court House Farm is controlled by the planning permission for that site, as is further detailed below.</p> <p>Noted</p>	n/a

124-3	<p>2. BPC'S POSITION</p> <p>2.1 While BPC recognises the ambition to provide an alternative transport mode for commuters from Portishead travelling to the Greater Bristol Region, it is concerned about the impacts that the detail of the scheme now being considered will have on its undertaking. It is notable that the current scheme looks to provide only an hourly service for passengers but will have a significant and disproportionate impact upon BPC's undertaking during its construction and future operation and will involve the permanent loss of land in BPC's ownership held for the purpose of its statutory undertaking.</p> <p>2.2 BPC therefore disagrees with elements of NSC's proposals in their current form because they will adversely affect the efficient and economic operation of Bristol Port now and in the future.</p>	General concerns about adverse impacts on the operation of BPC	The responses provided in this document to specific issues raised by BPC later in their relevant representation (RR) show that the MetroWest proposals will not have a significant and disproportionate impact or adversely affect the efficient and economic operation of BPC during construction and future operation. The freehold land permanently required for the MetroWest Phase 1 project held by BPC falls outside of BPC's dock fence and is not used by BPC for its statutory purposes.	n/a <u>Refer to the detailed responses below in this table</u>
124-4	<p>2.3 In formulating its proposals in their current form, NSC has failed to have sufficient regard to and/or fully to assess various matters, including:</p> <p>2.3.1 the damaging effects of those proposals on the highly dynamic nature of BPC's business and statutory undertaking that must be able to deliver operational certainty to its customers and provide at all times a rapid, efficient link to inland transport, via the strategic road network (M5) and the national rail network;</p>	Proposed changes to the railway and highway network causing impacts to BPC	<p><u><i>Permanent Impacts</i></u></p> <p>MetroWest Phase 1 will provide permanent long term highway congestion benefits through modal switch from road to rail. The transport multi-modal modelling forecasts a reduction of 580 car trips per day in the opening year, increasing to 890 trips per day by 2036, spread across the local highway network. This includes reduction in trips through Junction 19 of the M5 in the morning peak, interpeak and pm peak, directly benefiting access and egress via Royal Portbury Dock road which connects directly onto Junction 19 and forms the main highway route into Royal Portbury Dock.</p> <p>Rail access to the Portbury Freight Line for BPC will be maintained post opening of MetroWest Phase 1. Train path modelling undertaken by Network Rail includes an hourly freight train path in each direction (reflecting BPC's existing commercial arrangements with Network Rail). This modelling informed the development of a working timetable which includes both the proposed MetroWest Phase 1 hourly passenger train paths and the hourly freight train paths. The working timetable is based on the December 2019 national rail timetable, taking account of train path interfaces at Parson Street Junction. The working timetable was provided to BPC on 1st April 2020.</p> <p>Other benefits for BPC include renewal of railway infrastructure, between Pill and Parson Street Junction, which will extend the asset life of the branch line and reduce the likelihood of asset failure and the need for unplanned asset remedial works. Furthermore, MetroWest Phase 1 is proposing additional permanent access points on the branch line which will enable a more rapid response for NRIL to deal with any faults or incidents arising on the branch line.</p> <p><u><i>Temporary Impacts During Construction</i></u></p> <p>The number of construction vehicle movements will fluctuate throughout the construction period. The number of construction vehicles on the road will also depend on the extent to which we are able to move ballast and other materials via the railway. It is the Applicant's preference to use the railway to move the majority of ballast and materials and discussions with BPC have taken place about the use of BPC's rail head and storage areas at Royal Portbury Dock and Avonmouth to facilitate this. If the Applicant is unable to use BPC rail heads for storage of ballast and other materials, then the majority of ballast and materials will have to be moved by road.</p> <p>Presenting the realistic worst-case scenario at the very peak of construction activity where we are unable to reach an agreement with BPC for storage of ballast and materials, we estimate that approximately 25 HGVs per day will be accessing the Lodway compound via junction 19 of the M5, Royal Portbury Dock Road and Marsh Lane. These HGVs would</p>	<p>The temporary and permanent works to the 500m section of railway owned by BPC and access rights, were discussed further in a meeting between BPC, NRIL and the Applicant on 22nd October 2020.</p> <p>[BPC to confirm whether this is agreed]</p>

			<p>return the same way resulting in approximately 50 HGV trips in total at the peak of construction activity.</p> <p>This represents approximately 0.5% of total daily traffic on Royal Portbury Dock Road (two way).</p> <p>In agreement with Highways England construction vehicles will avoid the peak time congestion at junction 19 of the M5 and Royal Portbury Dock Road. Consequently, there will be a negligible impact on the day to day operation of Bristol Port and other port-dependant businesses on the Royal Portbury Dock estate.</p> <p>We have assessed that at the peak of construction intensity the realistic worst case scenario for construction staff movements would be approximately 84 staff per day travelling to Lodway compound. It is likely that some staff will share vehicles, however even if all staff travel separately this would mean a maximum of approximately 168 total (2-way) movements per day travelling from junction 19 on the M5. Staff will use a different route to the construction vehicles and so will avoid the roads through Royal Portbury Dock entirely. Instead, staff will travel to Lodway compound via A369 (Portbury Hundred) and through Pill.</p> <p>In agreement with Highways England, staff shift patterns will be organised so that they avoid peak time traffic to minimise the impact on junction 19 of the M5. Where possible, staff will be split between two shifts per day which will spread the impact of staff movement throughout the day (estimated to be between 06:00 to 14:00 and 14:00 to 22:00).</p> <p><u>Works to Royal Portbury Dock Road</u></p> <p>No temporary works to Royal Portbury Dock Road are proposed. The permanent works to the carriageway of Royal Portbury Dock Road are limited to road markings, some coloured paving on the footway, some vegetation clearance and signage.</p> <p>At the request of BPC proposals for a controlled bridleway crossing on Royal Portbury Dock Road were removed from the MetroWest Phase 1 proposals.</p> <p>No change to the highway status of Royal Portbury Dock Road is proposed.</p> <p><u>Access to the Portbury Freight Line</u></p> <p>Access to the Portbury Freight Line for BPC will be maintained throughout the construction phase. As discussed with BPC previously and set out in our letter of 15th October 2019, we propose the following approach.</p> <p><i>Extract from 15th October 2019 letter –</i> <i>For the duration of the two year construction period we are proposing long weekend possessions of the line, every weekend. This ideally would include Fridays, Saturdays, Sundays and Mondays but is subject to further discussion between Network Rail, yourselves and the Scheme. In addition to this we are proposing a blockade of the freight railway line in each August during the two year construction period. In addition to this, specific possession arrangements will be needed for the renewal of Parson Street Junction given the interface with the Bristol to Taunton main line. Network Rail will confirm these arrangements in due course.</i> <i>End</i></p>	
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124-5	2.3.2 the effect of those proposals on the continued availability of rail paths for freight trains to and from Royal Portbury Dock (during and after construction of the works) and the interaction between those trains and passenger services;	Concern about freight train paths	<p>As discussed with BPC previously and set out in our letter of 15th October 2019, we propose the following approach.</p> <p><i>Extract from 15th October 2019 letter –</i> <i>For the duration of the two year construction period we are proposing long weekend possessions of the line, every weekend. This ideally would include Fridays, Saturdays, Sundays and Mondays but is subject to further discussion between Network Rail, yourselves and the Scheme. In addition to this we are proposing a blockade of the freight railway line in each August during the two year construction period. In addition to this, specific possession arrangements will be needed for the renewal of Parson Street Junction given the interface with the Bristol to Taunton main line. Network Rail will confirm these arrangements in due course.</i> <i>End</i></p> <p>Access to the Portbury Freight Line for BPC will be maintained post opening of MetroWest Phase 1. Train path modelling undertaken by Network Rail includes an hourly freight train path in each direction (reflecting BPC's existing commercial arrangements with Network Rail). This modelling informed the development of a working timetable which includes both the proposed MetroWest Phase 1 hourly passenger train paths and the hourly freight train paths. The working timetable is based on the December 2019 national rail timetable, taking account of rail path interfaces at Parson Street Junction. The working timetable was provided to BPC on 1st April 2020.</p>	<p><u>The BPC / NR Connection Agreement, and BPC's freight paths into the future were discussed further in a meeting between BPC, NRIL and the Applicant on 22nd October 2020.</u></p> <p><u>[BPC to confirm whether this is agreed]</u></p>
124-6	2.3.3 the adverse impact of those proposals on the use by BPC of the private crossing between its transit cargo storage areas on either side of the proposed railway;	Concern about Court House Farm crossing	<p>As set out in our letter of 15th October 2019, we propose the following approach.</p> <p><i>Extract from 15th October 2019 letter –</i> <i>Court House Farm</i> <i>Bristol Port has planning permission for a bridge to cross the railway at Court House Farm. That permission has been implemented and no further planning permission is needed for the bridge included in that permission.</i></p> <p><i>As you have a proposed bridge designed to a reasonable level of clarity, agreed with the local planning authority, our including a bridge in our Scheme would seem an unnecessary expense and could cause confusion in terms of implementation. It might also be that timing for construction of the new bridge is a key issue for you and you would not want to be dependent on our Scheme timetable.</i></p> <p><i>We understand Bristol Port entered into an agreement with the Network Rail allowing the Port to install and operate a temporary crossing over the dis-used railway, subject to planning consent. We understand the terms of this agreement allow the land owner (Network Rail) to give notice to the Port to close this temporary crossing should the land be required for railway purposes, provided Network Rail gives you 12 months' notice.</i></p> <p><i>The planning consent for a temporary at-grade crossing over part of the dis-used railway lasts only while the railway remains dis-used. After the Portishead Branch Line is re-opened to railway traffic the at grade crossing must cease to be used.</i></p> <p><i>Planning condition 16 of the Decision Notice dated 21st December 2016 states:</i></p>	<p><u>The Court House Farm bridge was discussed further in a meeting between BPC, NRIL and the Applicant on 22nd October 2020.</u></p> <p><u>[BPC to confirm whether this is agreed]</u></p>

			<p><i>“The use of the site for the storage of cargo in transit (e.g. motor vehicles) shall not be commenced until full details of the temporary at-grade vehicle crossing have been submitted to and approved by the Local Planning Authority. Notwithstanding the submitted plan: 42075A, the security fencing/gates shall not be erected across the railway corridor owned by Network Rail. In addition, the use of the site for the storage of cargo in transit (e.g. motor vehicles) shall not be commenced until a programme of works (including timescales) for the introduction and removal of the temporary at-grade vehicle crossing and construction of the vehicular bridge across the railway line so as not to impede the re-opening of the Portishead Branch Line have been submitted (in consultation with MetroWest and Network Rail) to and approved by the Local Planning Authority. Details of the at-grade vehicle crossing, bridge and above programme of works, once approved, shall be implemented in accordance with the approved details to the satisfaction of the Local Planning Authority. The temporary at-grade vehicle crossing must not be used after the Portishead Branch Line is re-opened to railway traffic. Reason: To ensure that the safeguarded railway corridor is adequately protected in accordance with Policy CS10 of the North Somerset Core Strategy and Policy DM22 of the North Somerset Development Management Policies July 2016.”</i></p> <p><i>Network Rail’s consultation response of 17th November 2016 in connection with your planning application states:</i></p> <p><i>“With reference to the bridge over the railway, this will be subject to the necessary licence agreement between the applicant and Network Rail being reached before any works can take place. It should also be noted that the at grade “crossing” will not be acceptable when the Portishead section opens again and construction commences for MetroWest.....”</i></p> <p><i>Furthermore, your own ‘Bridleway/Cycle Path Crossing Management Plan’ dated June 2017 in connection with planning condition 18 states:</i></p> <p><i>“Prior to the intended reopening of the Portishead Branch line, TBPC will stop using this ‘at grade’ crossing and will be required to build a bridge across the railway and bridleway in order to access the site. This bridge will accommodate the bridleway and cycle path by means of an underpass to the north of the railway for pedestrians, cyclists and horse riders.”</i></p> <p><i>It would therefore appear that the Port already has a proposal for a suitable overbridge. We understand your current agreement has a 12 month notice period for termination of the easement. There is a clear commitment from the Project Team to keep the Port informed of progress with the Scheme which can also be picked up through the regular liaison meetings between the respective Chief Executives and Directors of North Somerset Council and Bristol Port.</i></p> <p><i>End</i></p> <p>Since our letter of 15th October 2019 we discussed this issue further with BPC at a meeting on 12th March 2020, where BPC agreed that BPC should</p>	
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			<p>deliver a bridge over the railway and this was recorded in the agreed meeting notes.</p> <p>Extract of the agreed meeting notes of 12th March 2020 - <u>Court House Farm Bridge</u> Jonathan M outlined that Bristol Port accepted that it will need to deliver a bridge, subject to the project securing the DCO and the funding for its construction.Jonathan explained that Network Rail had to give 12 month notice to Bristol Port for closing the current at grade crossing over the dis-used railway. James took an action to follow up with Network Rail regarding the need for progress to be made for the arrangements between Network Rail and Bristol Port on the bridge agreement, the bridge design and related technical matters.</p> <p>There was some discussion about the programme interfaces. James outlined that based on currently known timescales the decision on the DCO is scheduled for June 2021. Following this, the project has to produce a Full Business Case for approval by NSC, WECA and DfT. The Full Business Case is scheduled for submission in autumn 2021. Approval of the Full Business Case follows in early 2022, with award of contracts shortly after. Allowing for initial discharge of planning conditions, construction is scheduled to commence around April 2022. There was some discussion about potential for integrating the two programmes together. End</p> <p>Updated programme dates were provided to BPC on 1st April 2020, in the document titled 'Actions arising at meeting on 20th March 2020'.</p>	
124-7	2.3.4 alternatives to those proposals, including in relation to the proposed land take for the temporary and permanent works, in order to minimise the strategic and operational impacts on Bristol Port;	Concern about the proposed acquisition of land	<p>The applicant has suggested 'with lawyer' meetings to progress drafting of voluntary agreements, but this has not been taken up by BPC. There are four main parcels of land which MetroWest Phase 1 is seeking to acquire the freehold, these in summary are:</p> <ul style="list-style-type: none"> • 04/85 – this parcel comprises of the north east embankment of the highway overbridge on Royal Portbury Dock Road. It is outside of the Port's fence and supports the highway, forming part of the bridge approach enabling the highway to cross over the branch line. The Applicant seeks the freehold of the plot to ensure it is able to access the bridge approach for maintenance which would currently be possible by accessing the dis-used railway formation. The whole of the southern approach to the overbridge and the opposite side of the northern approach to the overbridge are already held by North Somerset Council as highway authority. • 05/50.– this parcel comprises of the south west embankment of Marsh Lane road over rail bridge. It is outside of the Port's fence and supports the highway, forming part of the bridge approach enabling the highway to cross over the branch line. • 05/27 – this parcel is required to permanently divert the NCN26 / bridleway because currently a section of it is located on top of part of the dis-used track formation from under the Marsh Lane overbridge. The cycle path is currently within the rails of the former railway and so needs to be realigned to allow the branch line to be reconstructed. The new cycle route will be realigned east bound for about 40 metres from Marsh Lane overbridge. The proposals will improve the alignment of the cycle route by utilising an area of currently overgrown and unused area of scrub held by the Port. This work could be constructed with the permission of BPC and 	[BPC to confirm whether this is agreed]

			<p>made available for use by cyclists and pedestrians if BPC will consent to the new path being constructed and retained on its land.</p> <ul style="list-style-type: none"> 05/130, 05/131, 05/135 & 05/136 – this is effectively one parcel of land from under the M5 viaduct southern abutment south towards the railway. Most of this is marshy, being an area of wetland and ponds created by BPC. This is required to extend the existing bridleway which terminates under the M5 Avonmouth Bridge. The intention is to provide equestrians with a connection from Marsh Lane to Pill without using the railway tunnel under the M5. There is concern that horses should not be in the railway tunnel when trains are passing. <p>Permanent new rights are sought for the benefit of NRIL from Marsh Lane along the public bridleway to BPC's private level crossing on its railway beneath the M5 Avonmouth Bridge. This permanent access is sought to enable maintenance of the new starter signal required for the Port's trains leaving Royal Portbury Dock and also for maintenance vehicle access for NRIL to maintain its railway. In addition rights to install signalling equipment and to run rail vehicles on BPC's railway to Portbury junction are also sought. If the relevant rights can be secured by agreement between BPC and NRIL then the proposed powers will not be exercised. NRIL believes however that the powers are essential for the installation and maintenance of signalling equipment and for the maintenance of the operational railway between Parson Street and Portishead.</p> <p>In addition to the new rights sought, temporary possession powers are sought over some areas of the BPC's freehold, principally for a construction compound underneath the M5 Avonmouth Bridge, working space along the fence line between the railway and the Port's land ownership and some working space within the vicinity of Royal Portbury Dock Road bridge and Marsh Lane bridge.</p> <p>A land acquisition plan showing (Bristol Port land only) was issued to BPC on 1st April 2020, reflecting the as DCO application red line.</p>	
124-8	2.3.5 the effect of the construction activity on the day to day operation of Bristol Port and the other port-dependent businesses on the Royal Portbury Dock estate ("RPD Estate");	Concern about temporary highway traffic impacts during construction	<p>As set out in section 2.3.1, the realistic worst case scenario of construction vehicle movements at the very peak of construction would be approximately 50 movements per day using Royal Portbury Dock Road and Marsh Lane to access the Lodway compound. This is equivalent to approximately 0.5% of total daily traffic movements on Royal Portbury Dock Road and the compound at Lodway.</p> <p>In agreement with Highways England construction vehicles will avoid the peak time congestion at junction 19 of the M5 and Royal Portbury Dock Road. Consequently there will be a negligible impact on the day to day operation of BPC and other port-dependant businesses on the Royal Portbury Dock estate.</p>	[BPC to confirm whether this is agreed]
124-9	2.3.6 the operational consequences of NSC's proposed restrictions during construction and NSC/Network Rail's future access rights; and	Concern about temporary impacts to freight train paths during construction	<p>With the exception of the last 500 metres of railway to/from Royal Portbury Dock, the Portbury Freight Line is owned and operated by Network Rail as part of the national rail network. Consequently, Network Rail manage access rights and possessions for the Portbury Freight Line, through national governance arrangements which are regulated by the Office of Rail and Road.</p> <p>The current volume of freight trains on the Portbury Freight Line has dropped to what appears to be an average of less than one train per week. Data recording the number of actual trains operated is publicly available from www.realtimetrains.co.uk. This online record indicates that the</p>	<p><u>The BPC / NR Connection Agreement, and BPC's freight paths into the future were discussed further in a meeting between BPC, NRIL and the Applicant on 22nd October 2020.</u></p> <p>[BPC to confirm whether this is agreed]</p>

			<p>frequency of freight trains operated on the line is now very scarce with often weeks between freight trains operating.</p> <p>Given the very low frequency of freight trains operating on the Portbury Freight Line, the impact of the possession strategy on BPC is likely to be very limited. As set out above in our response to 2.3.2 the proposed possession strategy is as follows.</p> <p><i>Extract from 15th October 2019 letter –</i> <i>For the duration of the two year construction period we are proposing long weekend possessions of the line, every weekend. This ideally would include Fridays, Saturdays, Sundays and Mondays but is subject to further discussion between Network Rail, yourselves and the Scheme. In addition to this we are proposing a blockade of the freight railway line in each August during the two year construction period. In addition to this, specific possession arrangements will be needed for the renewal of Parson Street Junction given the interface with the Bristol to Taunton main line. Network Rail will confirm these arrangements in due course.</i> <i>End</i></p> <p>Schedule 4 (of the Track Access Contract held by a train operator) payments compensate passenger and freight train operators for the impact of planned service disruption due to possessions. Subject to the nature of the contractual arrangements between BPC and the freight train operators, BPC may be able to seek compensation from the freight train operators, require them to re-schedule the dates and times of the dispatch of freight trains or require them to transport the cargo via an alternative mode of transport.</p> <p>As set out above in our response to 2.3.1, access to the Portbury Freight Line for BPC will be maintained post opening of MetroWest Phase 1. Train path modelling undertaken by Network Rail includes an hourly freight train path in each direction (reflecting BPC's existing commercial arrangements with Network Rail). This modelling informed the development of a working timetable which includes both the proposed MetroWest Phase 1 hourly passenger train paths and the hourly freight train paths. The working timetable is based on the December 2019 national rail timetable, taking account of rail path interfaces at Parson Street Junction. The working timetable was provided to BPC on 1st April 2020.</p>	
124-10	2.3.7 the effect on the future of Bristol Port of land which has been safeguarded for port development no longer being available for that purpose by virtue of its being taken compulsorily for purposes ancillary to the DCO scheme.	Concern about land that has been zoned for future Port development	<p>The Applicant is proposing to acquire the freehold of land (parcel 05/85 owned privately) to the east of Court House Farm and an access right from BPC (parcel 05/75). The freehold land is required for ecological mitigation work and contour reprofiling to reduce the risk of flooding impacting on BPC's land.</p> <p>Both the freehold private land and the BPC land was discussed at the meeting with BPC on 12th March 2020, including the reasons for the interface with BPC land.</p> <p>Extract of the agreed meeting notes of 12th March 2020 - <i>Plot 05/75 comprises of a proposed permanent access right to land owned by [REDACTED]. The project is proposing to replace the deck of 'Cattle Creep' bridge, install a permanent newt pond and undertake very minor flood mitigation which entails doing a scrape of top soil of a few centimetres. James took an action to provide further information about the flood mitigation proposals. John outlined this land is zoned in the Local Plan for Port development. James stated that part of it (the diamond shaped parcel) is designated as a local wildlife reserve.</i></p>	<p><u>The Applicant confirmed to BPC on 23rd October 2020 that it has been able to reduce the extend of land needed at Easton-in-Gordano following further floodplain compensation modelling (subject to confirmation in writing by the Environment Agency that floodplain compensation is not required). The result of this is the Applicant will ask for a non material change to the proposed works at this location. The Applicant will require a right of access over the northern edge of plot 05/85 along with access right</u></p>

			<p><i>Jonathan M outlined that Bristol Port would like to develop at least the western parcel for car parking/storage but hadn't yet been able to agree terms with [REDACTED] (the owners). It was felt by all that there is potential for an amicable solution for the MetroWest and the Bristol Port proposals to proceed, which may entail some adaption of the MetroWest proposals. (JW to investigate). End</i></p> <p>The Applicant needs to demonstrate that it can deliver its flood mitigation, which entails a scrape of land to a maximum depth of 20cm. The work is required to reduce the risk of flooding impacting BPC's land.</p>	<p>05/75. The access rights are needed to ensure Network Rail has access to both sides of Cattle Creep bridge to undertake inspections, repairs and long term asset maintenance.</p> <p>[BPC to confirm whether this is agreed]</p>
124-11	<p>3. Development Consent Order</p> <p>3.1 The draft development consent order ("DCO") currently appears to contain inadequate controls over the nature and proposed method of execution of the works.</p> <p>3.2 The DCO amongst other things does not:</p> <p>3.2.1 provide adequate and acceptable protective provisions for BPC as operator of, and statutory undertaker for, Bristol Port;</p>	Concern about protective provisions	Draft Protective Provisions are included in the draft Order. The Applicant would welcome discussions with BPC on these but previous suggestions for a meeting between legal teams has not yet been taken up by BPC.	[BPC to confirm whether this is agreed]
124-12	3.2.2 justify the requirement for powers of compulsory acquisition which would affect BPC; and	Concern about the proposed acquisition of land	See responses to 2.3.4 and 2.3.7 above.	[BPC to confirm whether this is agreed]
124-13	3.2.3 state with sufficient clarity how NSC and third parties, including Network Rail, intend to exercise compulsory acquisition powers.	Concern about compulsory acquisition powers	See responses to 2.3.4 and 2.3.7 above.	[BPC to confirm whether this is agreed]
124-14	3.3 Further concerns in relation to the draft DCO, insofar as necessary or appropriate, will be provided at a later date following detailed consideration of its provisions and the related documentation, including the Book of Reference. These will include concerns about what appear from an initial review to be provisions which could affect private rights granted by BPC to National Grid Electricity Transmission PLC and Western Power Distribution (South West) PLC which are necessary for the delivery of the Hinkley Point C Connection Project.	Concern about rights granted by BPC to utilities	The Applicant does not seek any rights over BPC freehold land that would be inconsistent with the rights held by other utilities. The Applicant will work with BPC and the relevant utilities to allow such rights to be exercised (or exercised as modified if modification is necessary) during and after the relevant works.	[BPC to confirm whether this is agreed]
124-15	3.4 BPC notes the inclusion of draft protective provisions in favour of BPC and its statutory undertaking in the draft DCO. However, these are currently inadequate in their scope and content. Without detracting from the other issues of principle raised in these representations, BPC will expect provisions to be added to cover a range of concerns, including appropriate controls over works or other activities on or affecting roads on and giving access to Bristol Port, over any proposed temporary, drainage or other ancillary works on any of BPC's land, over the temporary use of land and works programming, and restrictions on access during construction. Controls of this sort, and to delimit the location of all works and activities to the extent they affect BPC's land and/or operations, are necessary to provide the certainty required to ensure that the safe and efficient operation of Bristol Port can continue without interruption during construction of the DCO scheme. Further detail will be provided following detailed consideration of the DCO's provisions.	Concern about the proposed highway works, acquisition of land and controls over the operation of BPC	<p>The Applicant has offered to discuss the draft Order and Protective Provisions with BPC.</p> <p>No significant works to carriageway leading to Royal Portbury Dock are proposed in the draft Order and supporting documentation and no temporary possession or other powers is being sought over land within the Port fence. It is not anticipated that there will be any significant restrictions on access for BPC during construction.</p> <p>Also see responses to 2.3.4 and 2.3.7 above.</p>	[BPC to confirm whether this is agreed]
124-16	<p>Rail Access</p> <p>4.1 BPC has previously expressed concerns about the extent of the rights sought over its freight rail line and the works proposed there, and has sought assurances that both during the construction of the scheme and once the new passenger service is in operation, access for freight traffic between Bristol Port and the national rail network will not be restricted.</p>	Concern about freight paths and on-going access to the rail network	<p>MetroWest Phase 1 provided clarification on this point (along with other actions arising from the meeting of 12th March 2020) to BPC on 1st April 2020 as follows.</p> <p>Extract from note titled 'Actions arising at meeting of 12th March 2020'</p>	

			<p><i>JW to ask Womble Bond Dickinson to provide clarification regarding the justification for the proposed permanent access right over Bristol Port's perimeter access track.</i></p> <p>NSC/WECA have liaised with Network Rail to provide a joint response as follows.</p> <p><i>At present NR currently uses (on an ad hoc basis) through temporary agreements with the port the "level crossing" at the gated rail track entrance to the port for Road Rail machines (RRVs) to access the current freight line. Access to the level crossing from Marsh Lane is mainly along a public right of way, with the last few metres of the proposed new right being on a route separate from the PROW network. This demonstrates the benefit of RRV access at this location, simply based on current limited freight movements.</i></p> <p><i>Once the new passenger line is open the same crossing will be used to bring on equipment which will then run up to Pill Jcn and then down the Portishead branch. The passenger service will see a significant increase in movements on the branch line compared to the current level of operations. There is a compelling case for a right of access to the Port's level crossing to reduce perturbation to both passenger and freight movements, which will be of significant advantage to the Port and the FOCS. Maintenance access is also needed for the signalling controlling freight movements from the Port on to the NR network.</i></p> <p><i>Specifically when the new line is open the M5 RRAP would become a key strategic access point for getting RRVs onto the Portishead line when maintenance is required. The other available access points towards Bristol are restricted by vehicle and physical size and geography (e.g. Ham Green, Monmouth Road, and even Clanage Road have geographic limitations or risks that make the case for the access right at the Port entrance a compelling one).</i></p> <p><i>NR also needs the certainty of permanent access to maintain the railway effectively going forward as currently the Port could refuse access without reason (given that NR has no formal property interest) and there is also a risk of possible changes to personnel or ownership in the future.</i></p> <p><i>Given the Port's previous expressed desire to retain ownership, and NSC and NR having no wish to own or control the level crossing, we have proposed a new right to accommodate the Port's request whilst meeting NR's operational requirement for protected access rights.</i></p> <p><i>It would be NSC's and NR's preference for the right to be granted by way of an agreed easement. Reaching agreement for the use of the access would also have the benefit of providing the Port more control over NR's activities, in terms of matters such as notice periods for planned use of the level crossing and mutual co-operation clauses between the Port and NR.</i></p> <p><i>End</i></p>	<p>The temporary and permanent works to the 500m section of railway owned by BPC and access rights, BPC / NR Connection Agreement, BPC's freight paths into the future were discussed further in a meeting between BPC, NRIL and the Applicant on 22nd October 2020.</p> <p>[BPC to confirm whether this is agreed]</p>
124-17	4.2 Documentation relating to the proposals states that access for freight traffic to and from Bristol Port will be adversely affected during construction of the various works, but BPC is unsure where details of the interruptions and the necessary assessment of their impact on port operations may be found. BPC will need to be provided with sufficient information about these matters and with adequate protections so as to ensure its service delivery to customers and its other port operations will not be impeded.	Concern about freight train paths during construction	<p>The proposed Order does not contain powers that would impede access to the Port via the highway network. Only minor works are proposed at Royal Portbury Dock Road. Any traffic regulation measures sought by the Applicant (whether through the Order or through application to the local traffic authority) will be minor in extent and temporary in nature – such as brief periods of traffic control whilst the new works for the bridleway crossing Royal Portbury Dock Road are constructed.</p>	<p>[BPC to confirm whether this is agreed]</p>

			Disruption to rail traffic will be controlled by Network Rail in accordance with the standard procedures regulating work to the rail network.	
124-18	4.3 In relation to future operation of the railway, statements are made in the application documentation that the scheme has been designed to accommodate the existing freight rail paths, but, again, BPC has not been able to find the detailed evidence or analysis to support the statements.	Concern about freight train paths post construction	The Draft Order does not contain any powers to control rail paths – this remains the responsibility of Network Rail. As set out in response to 2.3.1 above, access to the Portbury Freight Line for BPC will be maintained post opening of MetroWest Phase 1. Train path modelling undertaken by Network Rail includes an hourly freight train path in each direction (reflecting BPC's existing commercial arrangements with Network Rail). This modelling informed the development of a working timetable which includes both the proposed MetroWest Phase 1 hourly passenger train paths and the hourly freight train paths. The working timetable is based on the December 2019 national rail timetable, taking account of rail path interfaces at Parson Street Junction. The working timetable was provided to BPC on 1 st April 2020.	<p><u>The BPC / NR Connection Agreement, BPC's freight paths into the future were discussed further in a meeting between BPC, NRIL and the Applicant on 22nd October 2020.</u></p> <p>[BPC to confirm whether this is agreed]</p>
124-19	4.4 BPC is also concerned that merely accommodating whatever is meant by 'existing' freight paths would be inadequate to avoid serious detriment to BPC's statutory undertaking: reliable and timely access for rail freight traffic to and from Bristol Port is critical, not only for efficient port operations within the RPD Estate but also for securing the necessary modal shift from HGV traffic to rail.	Further concern about freight train paths post construction	Nothing in the draft Order gives the Applicant power to control the allocation of freight paths to Royal Portbury Dock. Construction impacts on freight paths will be controlled by Network Rail. The new rights sought in the draft Order are intended to install signalling and to improve Network Rail's ability to maintain the branch line. As such there is no reason to consider that serious detriment will arise.	<p><u>The BPC / NR Connection Agreement, BPC's freight paths into the future were discussed further in a meeting between BPC, NRIL and the Applicant on 22nd October 2020.</u></p> <p>[BPC to confirm whether this is agreed]</p>
124-20	4.5 BPC will therefore expect suitable assurances to protect current and future freight traffic to be encapsulated in enforceable provisions of the DCO.	Assurances regarding access to future freight train paths	The Applicant has no power to control current or future freight traffic.	<p><u>The BPC / NR Connection Agreement, BPC's freight paths into the future were discussed further in a meeting between BPC, NRIL and the Applicant on 22nd October 2020.</u></p> <p>[BPC to confirm whether this is agreed]</p>
124-21	4.6 NSC's proposals include the creation of a permanent road-rail access point at the location where the perimeter track referred to in paragraph 7.2 below meets BPC's privately-owned railway within the RPD Estate. From the documentation provided, it appears that the proposals envisage NSC/Network Rail acquiring permanent rights over the perimeter track to bring road and rail vehicles to the access point, and further permanent rights for Network Rail's engineering and other works trains to pass over BPC's private railway for the benefit of the national rail network generally. Unspecified works are proposed to BPC's level crossing to create the access point and further (unspecified) works are suggested for the perimeter track. NSC also requires an area of BPC's land under the M5 bridge on a permanent basis in support of the use of the access point. These proposals cause BPC concern because of the interference they will cause to BPC's use of the track and its private rail link, and the damage to its infrastructure which will result, and their acceptability will need to be considered further.	Concern about the proposed land right for maintenance access to the railway	<p>In relation to the permanent rights sought, the applicant would request that Network Rail discuss use of the perimeter track with BPC including control over use of BPC's gate at the Marsh Lane Junction of the public bridleway with the highway of Marsh Lane. Permanent rights are sought in the draft Order to allow road rail vehicles to access the Port's level crossing and railway for maintenance of the Portishead branch line, as well as maintenance access to the signalling that will be installed on the Port's railway, controlling train movements towards Pill Junction. The works to the level crossing may entail the laying of light weight foam mats on the railway to enable vehicles to transfer from road wheels to rail wheels but would not impinge on the use of the railway or the level crossing once installed. A turning circle is required under the M5 Avonmouth Bridge for low loaders bringing the road rail vehicles to turn so they can exit the public bridleway onto Marsh Lane in forward gear.</p> <p>The Applicant will ask Network Rail to discuss the specification for the proposed works with BPC.</p>	<p><u>The temporary and permanent works to the 500m section of railway owned by BPC and access rights, were discussed further in a meeting between BPC, NRIL and the Applicant on 22nd October 2020.</u></p> <p>[BPC to confirm whether this is agreed]</p>
124-22	Loss of Rail Crossing and Safeguarded Land 5.1 BPC notes the intention to close its private crossing that connects operational land to the north and south of the disused railway in the	Concern about the Court House Farm	BPC on 12 th March 2020 accepted that it will need to deliver a bridge, subject to the Applicant securing the DCO and the funding for the construction of MetroWest Phase 1.	<u>The Court House Farm bridge was discussed further in a meeting between BPC,</u>

	vicinity of Court House Farm. The NSC proposals currently make no provision for any alternative access between the sites. In the absence of alternative provision, closure of the crossing will clearly constitute an unacceptable interference with BPC's operations and statutory undertaking.	crossing and land zoned for future Port development	<p>The Draft Order does not provide for any alternative provision for the crossing as the position is regulated by the planning permission for the development or BPC's Court House Farm land. As BPC already has planning permission for a bridge it was not seen as necessary for the Applicant to provide a design for a bridge at this location.</p> <p>See response to 2.3,3 above for full details.</p>	<p><u>NRIL and the Applicant on 22nd October 2020.</u></p> <p>[BPC to confirm whether this is agreed]</p>
124-23	5.2 BPC also notes the proposed compulsory acquisition of an area of land adjacent to its boundary (to the south of the railway and to the east of Marsh Lane) for Flood Mitigation and Pond with associated ecological works (Work Nos. 16B and 16D). NSC also proposes to take a permanent right of access from Marsh Lane over BPC's adjacent land. The land that NSC seeks is specifically safeguarded for port development within NSC's adopted planning policy in recognition of the need of Bristol Port for additional land for development at Royal Portbury Dock. Despite that designation, it appears no assessment has been made of the effect on Bristol Port of this land no longer being available for development, including by virtue of the access rights being sought over large parts of BPC's adjacent land. In the absence of any provision for alternative land being made available to meet the needs identified by the planning policy, BPC objects to this safeguarded land being taken and used for purposes ancillary to the DCO scheme.	Concern about proposed acquisition of land east of Marsh Lane	<p>As set out in response to 2.3.7, above the Applicant seeks powers to acquire the freehold of land (parcel 05/85 in private ownership) to the east of Court House Farm and an access right from BPC (parcel 05/75). A new right of access is proposed over land owned by BPC. This would be exercised only occasionally and the Applicant would be willing to agree both an alternative route and "lift and shift" arrangements with BPC to further reduce impacts on BPC's use of its land. On this basis there is no justification for alternative land being provided to BPC.</p> <p>Both parcels of land were discussed at the meeting with BPC on 12th March 2020, including the reasons for the interface with BPC land.</p> <p>Extract of the agreed meeting notes of 12th March 2020 - <i>Plot 05/75 comprises of a proposed permanent access right to land owned by [REDACTED]. The project is proposing to replace the deck of 'Cattle Creep' bridge, install a permanent newt pond and undertake very minor flood mitigation which entails doing a scrape of top soil of a few centimetres. James took an action to provide further information about the flood mitigation proposals. John outlined this land is zoned in the Local Plan for Port development. James stated that part of it (the diamond shaped parcel) is designated as a local wildlife reserve. Jonathan M outlined that Bristol Port would like to develop at least the western parcel for car parking/storage but hadn't yet been able to agree terms with [REDACTED] (the owners). It was felt by all that there is potential for an amicable solution for the MetroWest and the Bristol Port proposals to proceed, which may entail some adaption of the MetroWest proposals. (JW to investigate).</i> End</p> <p>The Applicant is seeking powers for flood mitigation work, which entails a scrape of land to a maximum depth of 20cm to reduce the risk of flooding of the Port's land resulting from the Scheme.</p>	<p>The Applicant confirmed to BPC on 23rd October 2020 that it has been able to <u>reduce the extend of land needed at Easton-in-Gordano following further floodplain compensation modelling (subject to confirmation in writing by the Environment Agency that floodplain compensation is not required).</u> The result of this is the Applicant will ask for a non material change to the proposed works at this location. The Applicant will require a right of access over the northern edge of plot 05/85 along with access right 05/75. The access rights are needed to ensure Network Rail has access to both sides of Cattle Creep bridge to undertake inspections, repairs and long term asset maintenance.</p> <p>[BPC to confirm whether this is agreed]</p>
124-24	Compulsory Acquisition 6.1 BPC objects to the nature and extent of the proposed compulsory acquisition powers to be conferred by the DCO and requests a compulsory purchase hearing, pursuant to section 92 of the Planning Act 2008.	Concern about general proposed acquisition of land	<p>The Applicant has suggested 'with lawyer' meetings and to progress drafting of voluntary agreements, but this has not been taken up by BPC.</p> <p>There are four main parcels of land which MetroWest Phase 1 is seeking to acquire the freehold, these in summary are:</p> <ul style="list-style-type: none"> • 04/85 – this parcel comprises of the north east embankment of the road over rail bridge on Royal Portbury Dock Road • 05/50.– this parcel comprises of the south west embankment of Marsh Lane road over rail bridge • 05/27 – this parcel is required to permanently divert the NCN26 / bridleway because currently a section of it is located on top of part of the dis-used track formation from under Marsh Lane bridge east bound for about 40 metres. This parcel comprises an area of currently overgrown and unused area of scrub held by the Port. • 05/130, 05/131,05/135 & 05/136 – this is effectively one parcel of land from under the M5 viaduct southern abutment south towards 	<p>[BPC to confirm whether this is agreed]</p>

			<p>the railway. Most of this is marshy land and pond. This is required to extend an existing bridleway.</p> <p>The acquisition of BPC land, land rights and temporary use of land was discussed at the meeting with BPC on 12th March 2020, including the reasons for the interface with BPC land.</p>	
124-25	<p>6.2 So far as they affect BPC's land, the compulsory acquisition powers sought include those of outright purchase (of land, subsoil and/or airspace at NSC's option), of the imposition of rights and of restrictive covenants, of the extinguishment and overriding of rights and other interests and of possession during construction. All land affected by these compulsory acquisition powers forms part of BPC's operational land held by it for the purpose of its statutory undertaking. Therefore the Examining Authority will need to be satisfied that all the powers sought may be exercised without any serious detriment to BPC's statutory undertaking. On the basis of the DCO as currently drafted, BPC considers this condition cannot be met.</p>	<p>Concern about the impact of proposed acquisition of land on the operation of BPC</p>	<p>As set out in response to 2.3.4 and 6.1 above, the proposed land and rights sought to be acquired are limited in extent and are not within the Port's dock fence nor occupied by the Port for its undertaking. Whilst the Applicant believes the powers it seeks would not give rise to any serious detriment to BPC's activities and are justified in nature and extent, the Applicant has been and remains very willing to discuss terms for agreement between the parties.</p>	<p>[BPC to confirm whether this is agreed]</p>
124-26	<p>6.3 In particular, the extent of compulsory land acquisition powers sought over land which is part of or adjacent to public vehicular highways appears excessive, particularly at Marsh Lane and Royal Portbury Dock Road. Even if permanent works are needed as part of the scheme to these areas of highway and adjacent land, it has not been demonstrated satisfactorily why that necessitates BPC or anyone else being compulsorily deprived of its interests in the land or NSC acquiring any interest in any land beyond that normally vested in a local highway authority by dedication and adoption.</p>	<p>Concern about the justification for the proposed acquisition of land</p>	<p>In relation to the relevant plots:</p> <ul style="list-style-type: none"> • 04/85 – this parcel comprises of the north east embankment of the road over rail bridge on Royal Portbury Dock Road. • 05/50.– this parcel comprises of the south west embankment of Marsh Lane road over rail bridge. <p>The Applicant already owns the remainder of the land forming the approaches to the overbridges, which support the highway. The Applicant believes that the maintenance of the highway will be facilitated by the proposed acquisition as access will be restricted by the restoration of rail services. If BPC is willing to grant permanent access rights for maintenance by the highway authority then freehold acquisition will not be necessary. Both Plots will become part of the adopted highway and will be held by local highway authority.</p> <p>The acquisition of BPC land, land rights and temporary use of land was discussed at the meeting with BPC on 12th March 2020, including the reasons for the interface with BPC land.</p> <p>Extract of the agreed meeting notes of 12th March 2020 - <u>Acquisition of Land</u> At Royal Portbury Dock parcel 04/85 was discussed, which is proposed permanent acquisition. This parcel comprises of the north east embankment of the road over rail bridge. James explained that maintaining the bridge does not currently present any issues for the Council given the railway is not operational. However, NSC will have to enter into a Bridge Agreement with Network Rail, the terms that NR have outlined include a liability on NSC post opening of the railway and then ongoing. The liability is such that if the bridge becomes defective for whatever reason and this results in a need for a possession of the railway, NSC would be liable for all the train operator compensation costs arising. In such a situation time is of the essence and while Royal Portbury Dock Road is adopted highway, the highways department have advised that they need to own the subsoil of the embankments because it may be necessary to undertake works to the embankments in the future (typically embankment stability works etc). James explained that NSC currently owns the land for the other three embankments of the</p>	<p>[BPC to confirm whether this is agreed]</p>

			<p>bridge but there is an unregistered strip of land which the project is seeking to also acquire.</p> <p>..... Plot 05/50 comprises of the south west embankment of Marsh Lane road over rail bridge. The proposal is to permanently acquire this plot for the same reasons outline above regarding the parcel for north east embankment of Royal Portbury Dock Road. Jonathan M stated that he thinks the Port have granted an easement to EE for a telecoms mast, but didn't think that would cause an issue.</p> <p>End</p>	
124-27	<p>Other Construction Issues</p> <p>7.1 No full and final details have been made available concerning NSC's proposed arrangements for HGV and other construction traffic movements in the vicinity of the RPD Estate. BPC will need to be satisfied that these and any associated works or measures will not have any detrimental effect on traffic and cargo resorting to and from, and moving around, the RPD Estate and will require appropriate protective provisions in relation to these issues and in relation to the regulation of all construction activities within the RPD Estate.</p>	Concern about the temporary highway traffic impacts	<p>The number of construction vehicle movements will fluctuate throughout the construction period. The number of construction vehicles on the road will also depend on the extent to which we are able to move ballast and other materials via the railway. It is our preference to use the railway to move the majority of ballast and materials and we have had discussions with BPC about the use of their rail head and storage areas at Royal Portbury Dock and Avonmouth to facilitate this. If we are unable to use BPC for storage of ballast and other materials, then the majority of ballast and materials will have to be moved by road.</p> <p>Presenting the realistic worst-case scenario at the very peak of construction activity where we are unable to reach an agreement with BPC for storage of ballast and materials, we estimate that approximately 25 HGVs per day will be accessing the Lodway compound via junction 19 of the M5, Royal Portbury Dock Road and Marsh Lane. These HGVs would return the same way resulting in approximately 50 HGV trips in total at the peak of construction activity.</p> <p>This represents approximately 0.5% of total daily traffic on Royal Portbury Dock Road (two way).</p> <p>In agreement with Highways England construction vehicles will avoid the peak time congestion at junction 19 of the M5 and Royal Portbury Dock Road. Consequently, there will be a negligible impact on the day to day operation of BPC and other port-dependant businesses on the Royal Portbury Dock estate.</p> <p>We have assessed that at the peak of construction intensity the realistic worst case scenario for construction staff movements would be approximately 84 staff per day travelling to Lodway compound. It is likely that some staff will share vehicles, however even if all staff travel separately this would mean a maximum of approximately 168 total (2-way) movements per day travelling from junction 19 on the M5. Staff will use a different route to the construction vehicles and so will avoid the roads through Royal Portbury Dock entirely. Instead, staff will travel to Lodway compound via A369 (Portbury Hundred) and through Pill.</p> <p>In agreement with Highways England, staff shift patterns will be organised so that they avoid peak time traffic to minimise the impact on junction 19 of the M5. Where possible, staff will be split between two shifts per day which will spread the impact of staff movement throughout the day (estimated to be between 06:00 to 14:00 and 14:00 to 22:00).</p>	[BPC to confirm whether this is agreed]
124-28	7.2 BPC notes the proposed use during construction of the track around the perimeter of part of the RPD Estate between Marsh Lane and the M5 overbridge for HGV traffic (ref Compounds, Haul Roads and Access to Works Plan Sheet 5 – Access Point AW 5.1). BPC is very concerned that this proposed use conflicts with other regular vehicular use of the track by BPC and others including CLH, Highways England and contractors	Concern about the use BPC's perimeter access track	<p>The perimeter access track (which is also a bridleway) between Marsh Lane and the M5 is already used by several parties. The use of the track broadly falls into three categories:</p> <ul style="list-style-type: none"> Access for maintenance of existing assets Access for new infrastructure works 	<u>The temporary and permanent works to the 500m section of railway owned by BPC and access rights, were discussed further in a meeting between BPC,</u>

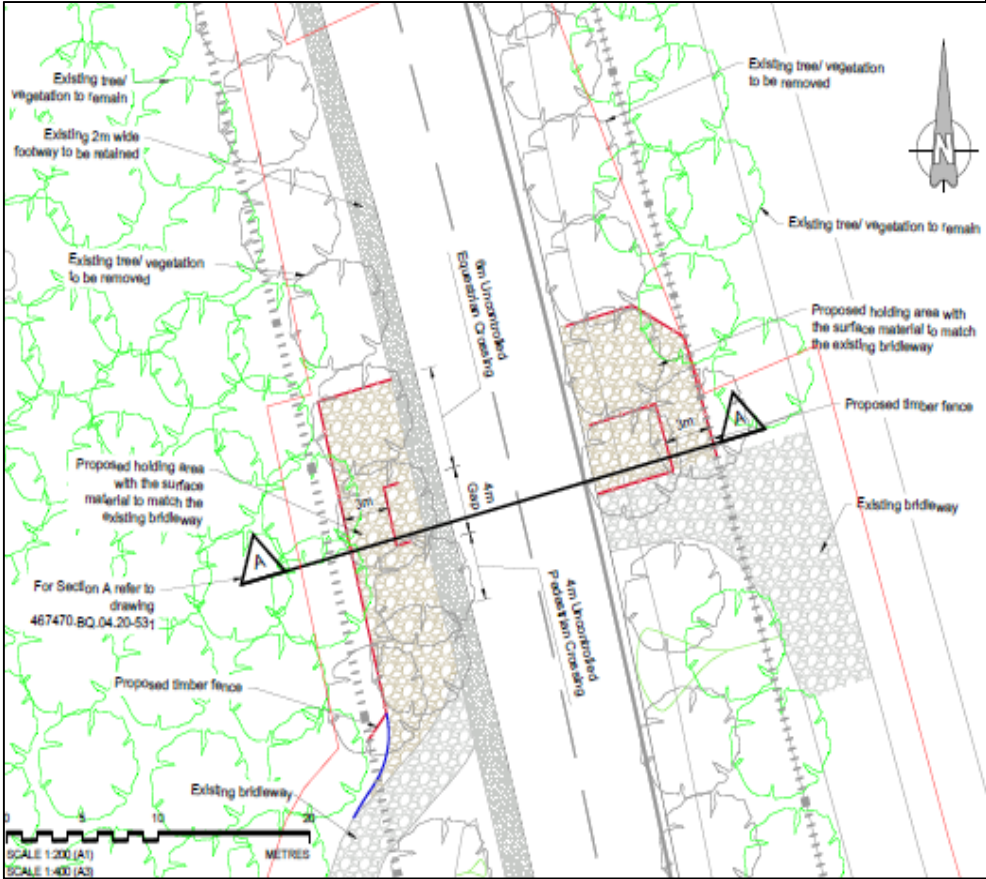
	<p>working on the National Grid Hinkley C Connection project all of which access and use must be preserved. The effect of the use of the track on the security of the RPD Estate is also a significant concern. BPC is also unclear whether NSC's proposal includes carrying out any work to this track and, if so, what work is proposed. If BPC permits access over the track during construction, then it must be maintained and eventually left in the same or a better condition than when NSC's works commence and BPC would need the absolute right to approve any proposed works to the track.</p>		<ul style="list-style-type: none"> Public access as a bridleway <p>Access for maintenance of existing assets - BPC, Highways England and CLH (Pipelines), mainly using LGV's. The Applicant will not impede this existing use of the bridleway.</p> <p>Access for new infrastructure works – in relation to National Grid Hinkley C Connection project and its interface with MetroWest Phase 1, arrangements are progressing between the two projects and there are other locations where there is a physical interface, including at Sheepway. A Statement of Common Ground is being developed which will set out an agreed approach to the management of physical interfaces between the two projects, including HGV traffic.</p> <p>Public access as a bridleway will be suspended on this section of bridleway throughout the construction phase of the project (for up to two years). The Applicant's DCO application document 2.34 Diversion Routes for Pedestrians and Cyclists (Part 1 of 2), pages 6 to 8 shows the local diversions through Pill / Easton-in-Gordano that will be signposted by the Applicant for the duration of the works.</p> <p>The Applicant is willing to enter into an agreement with BPC, Highways England, CLH (pipelines) and National Grid in respect of arrangements for the use of the track. This can include provisions for a pre-works condition survey and schedule of condition, together with provisions for repairing damage caused by the Applicant's use of the track during the construction period.</p> <p>The Applicant explained its approach to the use of the access track in its letter of 15th October 2019.</p> <p>As discussed at the meeting of 12th March 2020 and recorded in the agreed notes, BPC is to provide a Construction Protocol which has been used previously for works around the dock estate.</p>	<p><u>NRIL and the Applicant on 22nd October 2020.</u></p> <p>[BPC to confirm whether this is agreed]</p>
124-29	<p>7.3 The proposed location of a construction compound on BPC land beneath the M5 overbridge will interfere with the need for access (by BPC and others) and impair the security integrity of the RPD Estate (ref Compounds, Haul Roads and Access to Works Plan Sheet 5).</p>	<p>Concern about the temporary construction compound under the M5</p>	<p>The proposed temporary construction compound on land under the M5 owned by BPC, has been used by Network Rail contractors previously. The Applicant is discussing the use of this area with Highways England and no objection in principle has been raised by Highways England. This area is largely hard surfaced and therefore is ideally suited for use as a temporary construction compound, as it would entail less ecology related impacts than a green field site. Although the access for vehicles via the perimeter access track (public bridleway) is gated, both the track and the area under the M5 are not within the Port's dock fence. It is publicly accessible on foot by two public footpaths and is also the location of the terminus of the Public Bridleway from Marsh Lane.</p>	<p><u>The temporary and permanent works to the 500m section of railway owned by BPC and access rights, were discussed further in a meeting between BPC, NRIL and the Applicant on 22nd October 2020.</u></p> <p>[BPC to confirm whether this is agreed]</p>
124-30	<p>7.4 BPC has found no further detail of the proposals to deal with culverts that discharge surface water from south of the rail to the north. BPC's particular interest lies in the Easton-in-Gordano culvert (some 200 metres West of the M5 on the railway line route) and the unnamed culvert linking the Court House Farm site, beneath the north abutment to the Royal Portbury Dock Road, and eventually to the Drove Rhine. BPC will need to understand the current proposals and the protections proposed before it can express a view about their acceptability.</p>	<p>Concern about culverts</p>	<p>No new culverts under the railway are proposed. Repair, and if required replacement, of existing Victorian culverts under the trackbed, on Network Rail land, may be carried out by Network Rail. Network Rail's culverts will be cleared and flows improved. As the culverts will be under operational passenger railway a more intensive inspection and maintenance regime will exist once passenger services commence. The details of this will be confirmed following the completion of GRIP 5 detailed design.</p> <p>Technical assessment of our proposal to infill the bridge identified some complex utilities interfaces (in addition to the need for the additional culvert). This work identified these works can be avoided by retaining the bridge but replacing the bridge deck. This is our revised proposal which is</p>	<p>[BPC to confirm whether this is agreed]</p>

			included in the DCO application as document 2.21 Cattle Creep Proposed General Arrangement (Sheets 1 and 2).	
124-31	<p>Public Paths</p> <p>8.1 BPC has previously expressed concern about the various works proposed affecting the network of public bridleways/cycleways which it has created in and around the RPD Estate, including proposals to add to that network by creating and imposing further public rights of way over BPC's land. The proposals include alterations to the existing infrastructure at Royal Portbury Dock Road and the creation of new public paths near Marsh Lane and close to the M5 bridge embankment, involving the compulsory acquisition of BPC land. BPC does not accept that a need for these works has been demonstrated, either at all or such that the works proposed can properly constitute associated development. The existing dedicated public paths, the routes and specification of which were agreed with NSC, provide a complete public bridleway/cycleway route towards Pill. Even if the works to re-open the railway line proceed, once those works were complete, these paths will continue to be available as they are now, so no works to or to supplement them are necessary.</p>	Concern about public bridleways and cycle paths	<p>Alterations to Royal Portbury Dock Road - as discussed with BPC previously and set out in our letter of 15th October 2019, we propose the following approach.</p> <p><i>Extract from 15th October 2019 letter –</i></p> <p><i>Royal Portbury Dock Road - Bridleways</i></p> <p><i>The existing crossing is an uncontrolled informal crossing and has substandard visibility splays from both sides of the road. The crossing has no marked area for users while waiting for a gap in the traffic to safely cross the road. You will recall that in the early stages of the Scheme we sought your views on upgrading the crossing to a traffic signal controlled crossing (a Pegasus crossing). You were not in favour of this. We accordingly removed the signal controlled crossing from the plans because of your concerns.</i></p> <p><i>We are proposing modest works to upgrade the existing crossing to address the substandard visibility by cutting back some of the vegetation on adjacent Port land. The Manual for Streets specifies a visibility distance of 135 metres, however the current visibility is considerably less than this. The position of the existing highway signage for the crossing will need to be relocated to reflect the revised visibility splays. The visibility splays are shown on the attached drawing which is dated 10th October 2017. We also need to install coloured paving to demark an area for users of the crossing to wait, the preferred minimum depth for a none motorised user crossing is 5m. This will also provide some physical presence at the roadside of a crossing (other than the signs) at this location to assist with highway legibility particularly for motorised vehicle users. These modest works which are shown in enclosure 4, are all that we are proposing on Royal Portbury Dock Road.</i></p> <p><i>The existing railway underbridge (under Royal Portbury Dock Road) is used by horse riders, although technically the path is a permissive path under licence from Network Rail to Sustrans for walking and cycling only. The path has been used over many years by horse riders. While our proposals entail retaining the permissive path post construction of the Scheme, the width of the path will be reduced to 2.5 metres and a secure fence will be installed between the path and the railway. There would be a considerable risk of a horse being startled by the noise and becoming out of control within a confined space of 2.5 metres wide by 30 metres in length, causing a major risk to pedestrians and cyclists including parents and children.</i></p> <p><i>The British Horse Society have also raised this major safety concern in response to our formal Stage 2 consultation. Consequently, we have concluded that horse users are most likely to change their route from under the railway bridge to cross on Royal Portbury Dock Road on the bridleways you laid out, thereby increasing the usage of the crossing. The increased usage of the crossing poses an increased risk to horse riders and other road users, and therefore the modest upgrade works proposed by the Scheme, need to be undertaken.</i></p> <p><i>Reducing accident risk should have a resultant benefit to the port as a collision on Royal Portbury Dock Road would cause major disruption to traffic accessing or leaving the Port, given that no alternative route exists for larger vehicles to access Royal Portbury Dock.</i></p>	[BPC to confirm whether this is agreed]

As the land beneath the carriageway of Royal Portbury Dock Road is unregistered we are including the bridge approaches in lands to be acquired and the subsoil will be held for the Council's highway purposes. This acquisition will ensure no land-related consents are needed if works are required to the bridge and bridge structures, save for access on to the operational railway.

*No change to the highway status of Royal Portbury Dock Road is proposed.
End*

The plan below which is extracted from page 3 of DCO application document 2.37 National Cycle Network (NCN) Temporary and Permanent Works Plan, shows our proposed modest alterations to the bridleway crossing at Royal Portbury Dock Road.



Alterations near Marsh Lane - as discussed with BPC previously and set out in our letter of 15th October 2019, we propose the following approach.

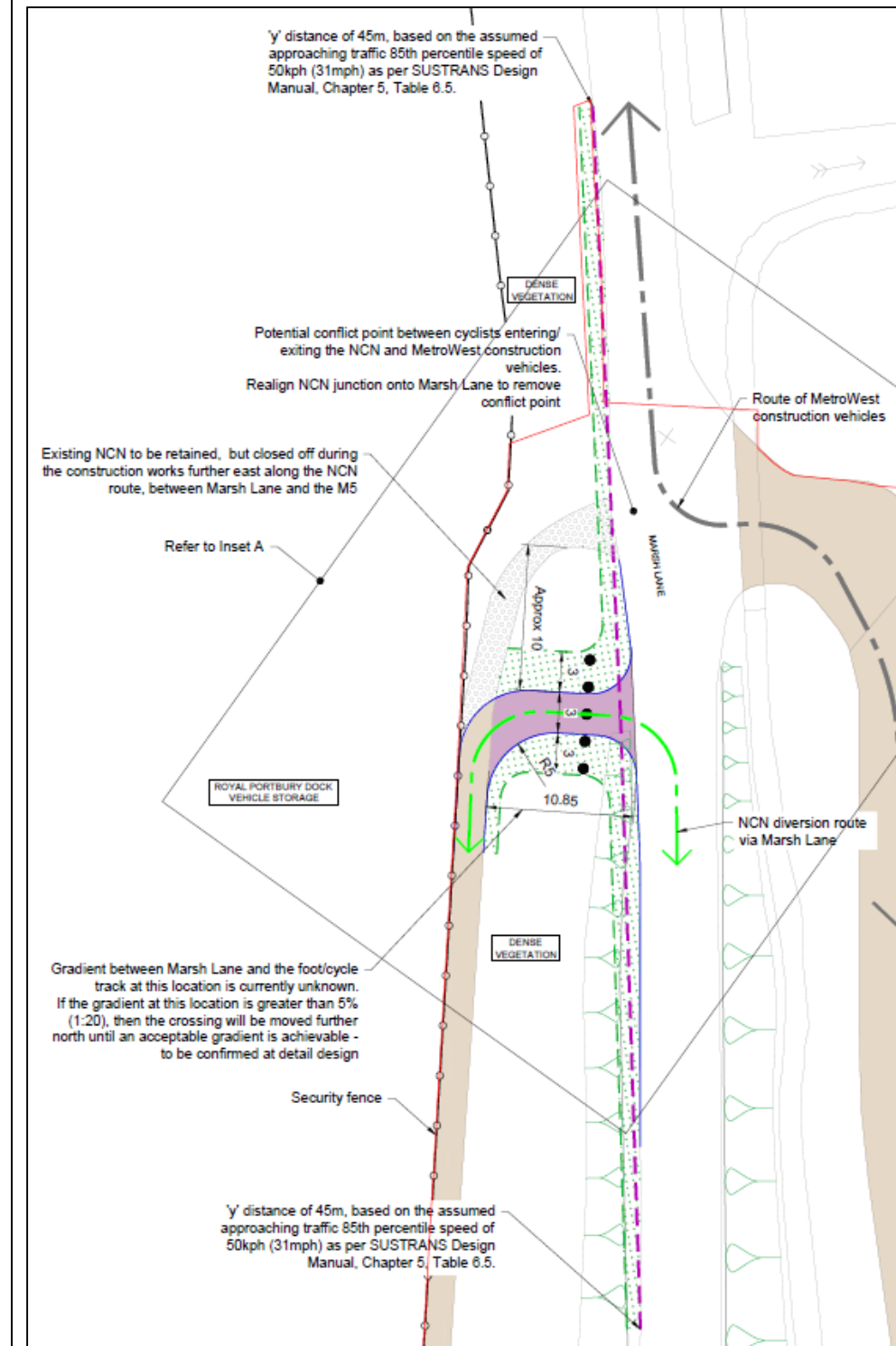
*Extract from 15th October 2019 letter –
Marsh Lane*

At Marsh Lane we have two proposals regarding the NCN26/bridleway, one of these is a temporary new section of path to divert the NCN26/bridleway and the other is a permanent new section of path to divert the NCN26/bridleway.

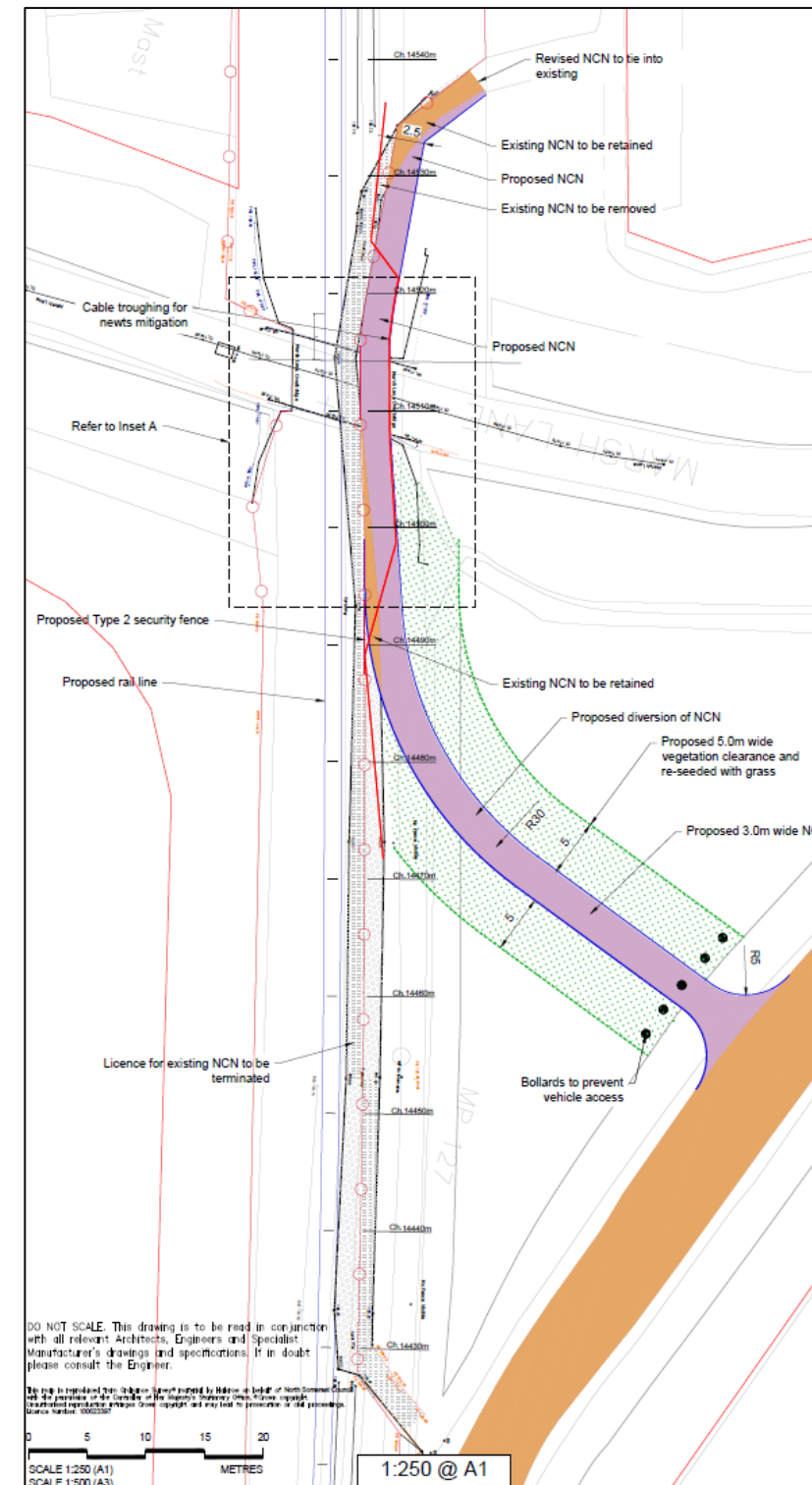
The temporary diversion of approximately 10 metres of path north of the railway to the west of Marsh Lane is proposed to prevent modal conflict arising between pedestrians/cyclists/horse riders and Scheme construction traffic, principally HGVs.

			<p><i>As you are aware the NCN26/bridleway from Marsh Lane through to Pill is to be closed for the duration of the Scheme construction works (for up to 2 years) as it forms one of the principal haul roads and accesses for our Scheme. As this section of the bridleway is proposed to be used as a HGV construction haul route, pedestrians/cyclists/horse will exit/enter the NCN26/bridleway west of Marsh Lane and will be diverted onto the highway at Marsh Lane to and from Easton-in-Gordano and Pill.</i></p> <p><i>Enclosure 5 shows our proposals at this location. Without this temporary diversion pedestrians/cyclists/horses would be routed into the immediate proximity of HGV vehicles turning from Marsh Lane onto the closed section of NCN26/bridleway to access proposed compounds under the M5 viaduct and at Lodway. This short temporary diversion is important for reducing road safety risks to vulnerable modes and is therefore justified on highway safety grounds.</i></p> <p><i>The permanent diversion of approximately 40 metres of path north of the railway to the east of Marsh Lane, on your land outside of the perimeter fence is necessary because a short section of the existing NCN26 as it passes under the Marsh Lane bridge going eastward, is located on top of the dis-used railway track formation and therefore must be diverted off the railway alignment. The land in between this section of the NCN26 and the bridleway is land owned by Bristol Port. The only practical way to divert the NCN26 off the railway is to encroach onto land owned by Bristol Port.</i></p> <p><i>Enclosure 6 shows our proposals at this location. The land in question is currently thickly overgrown, predominately with bramble vegetation. The acquisition of this land is justified on the basis that there is no other practical way of achieving the diversion of the NCN26 which is essential for the re-opening of the railway and we believe it can be taken without serious detriment to the Port's undertaking. If you would prefer to deal with this by a lease or deed of grant with the Council and Sustrans, with the Port retaining the freehold of the land needed, then we would happily consider this with you.</i></p> <p><i>End</i></p>	
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The plan below which is extracted from page 9 of DCO application document 2.37 National Cycle Network (NCN) Temporary and Permanent Works Plan, shows our proposed temporary diversion at Marsh Lane.



The plan below which is extracted from page 7 of DCO application document 2.37 National Cycle Network (NCN) Temporary and Permanent Works Plan, shows our proposed permanent diversion at Marsh Lane.



The need for this permanent diversion is also evidenced by the following photograph of the location. Photograph taken 10th April 2020.



Alterations close to the M5 embankment - as discussed with BPC previously and set out in our letter of 15th October 2019, we propose the following approach.

Extract from 15th October 2019 letter –

Bridleway Extension east of M5 Avonmouth Bridge

This is bridleway extension is proposed for safety reasons and will also provide a useful amenity for local residents and users of the South West coast path. The existing railway underbridge (under the M5) is used by horse riders, although technically the path is a permissive path under licence from Network Rail to Sustrans for walking and cycling, the path has been used over many years by horse riders. The existing bridleway ends under the M5 Viaduct and there is no bridleway linking Marsh Lane to Pill, despite the obvious popularity of the route for horse riders. Enclosure 7 shows the current plans for the bridleway extension.

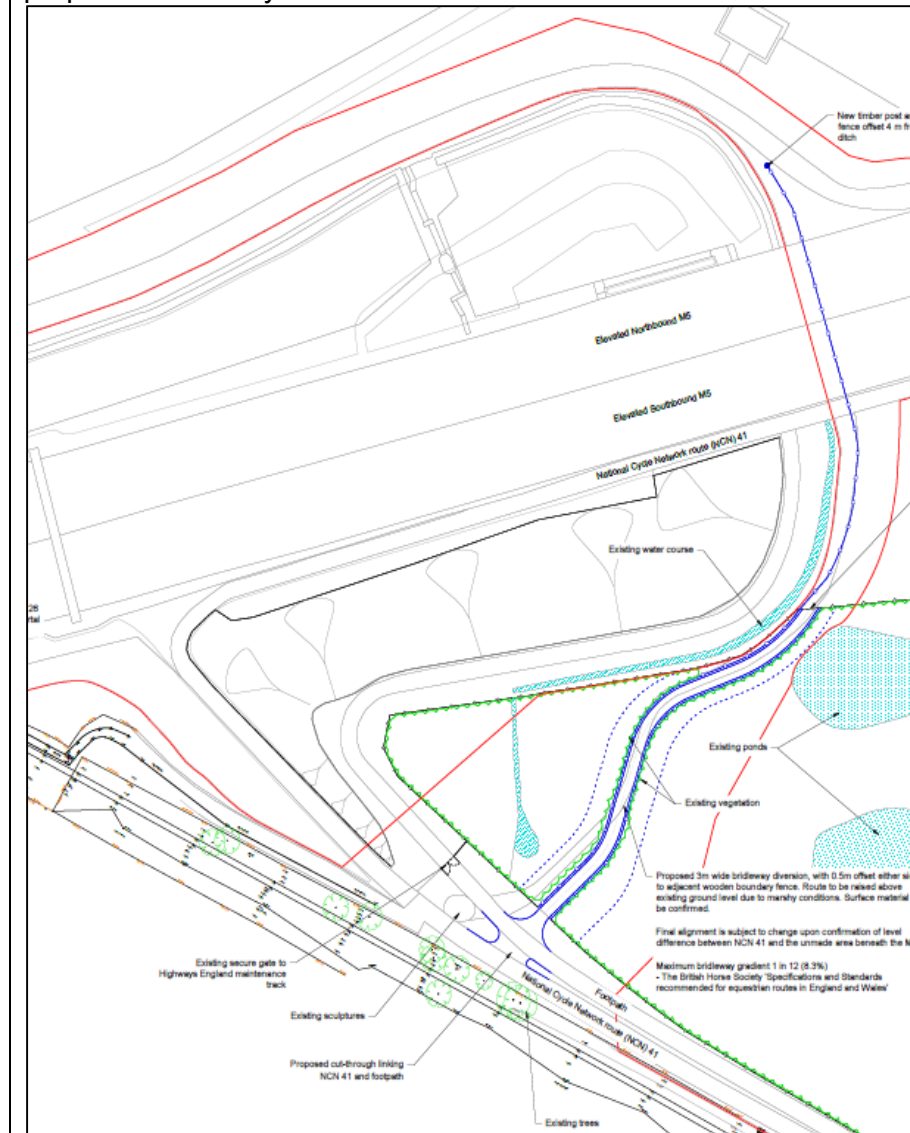
While our proposals entail retaining the permissive path through the railway tunnel under the M5 embankment post construction of the Scheme, the width of the path will be reduced to 2.6 metres and a secure fence will be installed between the path and the railway. The underbridge is 60 metres in length and it would not be safe for pedestrians, cyclists or horse riders for horse riders to continue to use the path due to the noise and proximity of approaching passenger trains. There would be a considerable risk of a horse being startled by the noise and becoming out of control within a confined space of 2.6 metres wide by 60 metres in length, causing a major risk to pedestrians and cyclists including parents and children.

The British Horse Society have also raised this major safety concern in response to our formal Stage 2 consultation. Consequently, we have concluded that it is appropriate to provide an alternative path away from the railway. The proposed alternative path goes across Bristol Port land which is part of the Pill foreshore marsh and connects to an existing bridleway west of the M5 Viaduct.

10. As well as a path, fences and planting are proposed. The planting is proposed to provide a new bat migration corridor. A wider area of acquisition has been shown as the Council needs to know it is able to carry out the proposed works, if the Order is made, and understands ground conditions may mean some flexibility in terms of working space, route and landscaping may be needed. The Council has been advised the nature of the works means that the fairest way forward for the Port is for the required land to be the subject of freehold acquisition. If the Port is prepared to dedicate the required land and licence the Council to carry out the works then this would be acceptable to (and welcomed by) the Council. There will be a landscaping maintenance requirement in the Order and a cost attributable to that maintenance.

End

The plan below which is extracted from page 3 of DCO application document 2.37a Bridleway Extension Plan Under Elevated M5, shows our proposed bridleway extension.



124-32 8.2 It is in any case inappropriate that BPC should be permanently and compulsorily deprived of land in order to provide additional public rights of way in substitution for routes which are currently only permissive and for which the existing (dedicated) public path network already provides an adequate alternative.

Concern about the proposed acquisition of land

As set out in response to 2.3.4 above, the Applicant offered to explore alternatives to the acquisition of BPC land in our letter of 15th October 2019, if BPC is prepared to dedicate the land and issue a licence or easement to enable the project to carry out the works.

[BPC to confirm whether this is agreed]

	8.3 NSC proposals in relation to the various paths also go further than could ever be necessary or proportionate, in that NSC seeks to acquire the whole of the land over which the new works and/or paths may lie. All that would be necessary to secure public access would be the dedication as public highway of the route of any new work, as is the case with the existing dedicated network into which NSC seeks to connect the new paths.		The reasons why the bridleway extension is necessary along with the temporary and permanent alterations to the NCN26, is evidenced above in response to 8.1.	
124-33	<p>9. Ecology</p> <p>The Examining Authority will need further information on a number of issues, including:</p> <p>9.1 BPC's environmental management plan for the Court House Farm development; and</p> <p>9.2 the wider adverse environmental impacts on flora and fauna within BPC's established wildlife corridors and green areas on the southern boundary of the RPD Estate.</p>	Comments regarding ecology	<p>Noted</p> <p>We have tried to make contact with Anne Hayes at BPC about the latest position on the Court House Farm environmental management plan and wildlife corridors but have not at the date of writing received a response.</p>	<p>BPC responded on 7th September 2020 regarding ecological impacts. The following extract summarises BPC's position:</p> <p><i><u>"Overall, we would agree with the overall HRA conclusions that with mitigation there are unlikely to be adverse cumulative impacts. So from an ecological perspective I have no specific concerns, but as indicated above would be grateful for further consultation / notification of any works that may potentially affect the wildlife corridors around Royal Portbury Dock and the CHF wildlife corridor in particular."</u></i></p> <p>[BPC to confirm this is agreed]</p>

8. OTHER ISSUES RAISED BY BPC OR INCLUDED IN ANNEX G TO THE EXA'S RULE 6 LETTER

This section sets out the topics that have arisen through consultation with BPC.

Table 8.1: Other Issues

Ref.	Topic	BPC position	Applicant position	Status (Agreed/ Not Agreed)
8.1.1	The Effect on the Operation of the port from construction and operational phases			
8.1.2	The Effect on the Operation of the port from operational phases			
8.1.3	Protective Provisions	XXXX	XXXX	XXXX
8.1.4	Future Rail Freight paths	XXXX is not a matter for the Applicant.....	XXXX

9. CONCLUSION AND SUMMARY OF OUTSTANDING MATTERS

This Statement of Common Ground records that the following matters have been agreed between the Applicant, NRIL and BPC:

- I. XXXXXXXXXXXX
- II. XXXXXXXXXXXX
- III. XXXXXXXXXXXX

Table 9.1 contains a summary of the matters that remain outstanding.

Table 9.1: Summary of Outstanding Matters

Ref.	Topic	BPC position	Applicant position	Status (Agreed/ Not Agreed)
9.1.1	XXX	XXX	XXX	XXX
9.1.2	XXX	XXX	XXX	XXX
9.1.3	XXX	XXX	XXX	XXX
9.1.4				

10. AGREEMENT ON THIS STATEMENT OF COMMON GROUND

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

First Corporate Shipping Limited, trading as The Bristol Port Company
<i>Name:</i>
<i>Signature:</i>
<i>Position:</i>
<i>On behalf of:</i>
<i>Date:</i>

The 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>

APPENDIX 1

Formal Letters from BPC to the Applicant

between 2015 and September 2019

APPENDIX 2

Formal Letter from the Applicant to BPC 15th October 2019