



National  
Trust

**Portishead Branch Line - MetroWest phase 1**  
National Trust deadline 2 submission  
23<sup>rd</sup> November 2020

**Written Representation**

1. The Trust is relying on its Relevant Representation (see copy in Annex A) to summarise its position in relation to the DCO application. For deadline 2, we are focusing on responding to the ExA's questions – see below.

**Response to the Examining Authority's (ExA) written questions and requests for information (ExQ1)**

2. **CA.1.7 National Trust Land – question for The Applicant and National Trust: “Provide an update on negotiations for plots 11/61, 11/80, 12/07, 12/10, 12/20, 12/21, 12/30, 13/07, 13/31, 13/55 and 14/05”.**
3. The National Trust owns land at Leigh Woods and in the Avon Gorge, the majority of which has been declared inalienable – see map attached. In respect of inalienable land, the provisions of section 130 Planning Act 2008 apply. This land cannot be voluntarily sold, mortgaged or compulsorily purchased against the Trust's wishes without special parliamentary procedure.
4. On page 67 of the Applicant's *Statement of Reasons*, it states that the Applicant seeks temporary powers over the above-mentioned plots of NT land, in relation to proposed works comprising “vegetation clearance, rock scaling and the insertion of bolts to stabilise the rock faces in an area of known rock instability”.
5. On page 173 of the *Statement of Reasons*, and in relation to plots in Leigh Woods and Hanging Woods, it states that:

“The Applicant and Network Rail have been in dialogue with the National Trust since the first meeting on the 6th June 2016. Since this time the requirement for access has evolved. There are principally two areas of discussion:

  1. Rock Stabilisation Works and vegetation clearance; and
  2. Temporary Compound to facilitate construction works to Quarry Underbridge

Discussions continue and it is anticipated these discussions will continue for the coming months”.
6. To update, the Trust is continuing to review the identified plots and discuss relevant matters with the Applicant (and Network Rail), as set out in more detail below. The Trust would not agree to any compulsory acquisition or temporary possession of its land until the various matters have been resolved.

**7. CA.1.13 Rock fences and access arrangements**

**Question to: National Trust and The Applicant:**

**(i) Provide an update on the negotiations with regards to the on-going liability for the management for rock fences and whether there would be any on land owned by the National Trust or if they would all be located within National Trust land.**

8. The railway through Avon Gorge comprises existing infrastructure used for freight use, and the Project proposal is to upgrade the route ~~to~~ so that it suitable to support the MetroWest (passenger) service. This stretch of railway is characterised by the steep rock faces along its southern side.
9. Currently, the Trust understands that Network Rail accesses Trust land for inspection and surveying of rock faces and trees to assess their condition and any risks to the safe passage of trains. It is understood that the risks associated with a passenger service will be different to those associated with freight use.
10. The discussions have therefore focused on the installation and management of rock fences 'designed to limit any avoidable and potentially catastrophic incidents emanating from the natural degradation of the rock faces', in this case on National Trust land on the south-west side / above the existing railway.
11. The Project has offered to fund the initial installation of three catch fences of standard design (two metres in height); and to undertake rock bolt installation. Network Rail also needs continued access to Trust land to reduce the risk of rockfall from the gorge face onto the railway. It is understood that Network Rail intends to inspect the rock bolts and catch fences at least annually.
12. There are ongoing discussions between the parties in respect of design and location of rock catch fences and in relation to future asset liability and risk management. There is also continued discussion between the parties on a method statement for installation, vegetation clearance, whitebeam planting, ecological monitoring, rock picking works and access arrangements.

**13. CA.1.13 Rock fences and access arrangements**

**Question to: National Trust and The Applicant:**

**(ii) Provide an update with regards to the access arrangements to land owned by the National Trust in relation to Quarry Underbridge 2. RR-021 indicates that the agreement would be that the National Trust would be in 'no worse position', is this the case and how and where is this secured?**

14. Quarry Underbridge 2 (S22 QUB no. 2) is an existing structure which provides the National Trust with access under the railway to its land beyond, in particular to the former quarry in the Avon Gorge Woodlands SAC/SSSI. Prior to the DCO application, the initial Project proposal was for this structure to be reinforced with a concrete lining, which would have reduced the space available and restricted access under the railway to our land beyond.

15. Subsequently, the Applicant has proposed to rebuild the structure in order to leave the Trust in no worse position in respect of access to our land. It is not unreasonable for the Trust to ask for its access to be maintained into the quarry in this way, and we understand the Applicant has agreed to the rebuild.
16. In the DCO application, the Construction Strategy (page 74) confirms that the QUB no. 2 structure requires a new deck and there is an indicative methodology. The design is at an early stage, although there is an indicative drawing 'S022 Quarry Underbridge 2 General Arrangement Proposed' (Engineering Sections).
17. We would want to ensure that the structure is rebuilt in this way and that this rebuild solution is secured through the DCO process. We realise that more detailed design work may still be needed, and where it may affect access to or management of our land we would want to be consulted on any changes or refinements to the design or its implementation.
18. In terms of carrying out the rebuilding works, the Applicant and the Trust are discussing an arrangement for land to be leased from the Trust, including for the construction compound. Leases of up to 99 years can be granted by the Trust without triggering inalienability restrictions, subject to internal approvals.
19. The Trust has requested that the size of the construction area is restricted in order to avoid protected fauna in the old quarry. The ongoing management and restoration of this area after the rebuilding works are completed is due to be governed by North Somerset Council's Avon Gorge Vegetation Management Plan, carried out by MetroWest/NSC and overseen by Natural England.

## **Appendix A – Copy of NT relevant representation (26 February 2020)**

The Proposed Portishead Branch Line (MetroWest Phase 1) Order Planning Inspectorate Ref: TR040011 The National Trust is Europe's largest conservation charity with nearly six million members. Established 125 years ago, its primary purpose is to promote the preservation of special places for the benefit of the nation.

The Trust is the custodian of several historic properties in North Somerset and Bristol, including Leigh Woods, which is adjacent to the proposed rail scheme (see applicant's Land Plan). Close to the station at Pill, the Trust own a small estate at Failand, as well as the Victorian Tyntesfield Estate. Viewing the rail scheme from Bristol we own land at Shirehampton which overlooks the Avon Gorge.

The Trust is aware of the longstanding challenges of managing traffic within Bristol and encouraging more sustainable travel opportunities. We broadly support the upgrading of the railway line to facilitate the passenger rail line subject to the following comments.

As described in Section 4 Compulsory Acquisition Information, we hold land inalienably and have been having discussions over the necessary rock works for safety purposes and the risk matrix adaptations caused by the upgrade to a passenger line. The ongoing liability for managing rock fences is significant and we have agreed that where possible these should be placed on Network Rail land. The Trust acknowledges that MetroWest has agreed to leave us in no worse position as to access to our land through the works to Quarry Underbridge 2.

The proposed works will have an environmental effect on the flora and fauna that is endemic to the Avon Gorge. We are pleased to see mitigation works included within Section 6 and that whilst there are large losses of habitat on National Trust land, proportional to the scheme, the total area in the SAC is small. It is to be noted that no works can commence until agreed with Natural England.

It is to note that within the compound area and haul road for the works to Quarry Underbridge 2 are Leigh Woods Whitebeams, unimproved calcareous grassland, Gloucester hawkweed, and fingered sedge, Bristol rockcress can be found close to the location of where materials will be stored. We expect the compound area within this location to be as small and possible and that loss of species caused by the ramp and these works are mitigated for. We would expect a survey of this specific area prior to works commencing and after works have finished to monitor ruderal species development and for non-native species. The National Trust do not expect these works to have a major impact on our visitor business.

The Trust broadly supports the proposed upgrading of the railway line requests that the issues raised in this representation are given appropriate weight and attention through the DCO process, including through the use of Requirements where appropriate.