



# MetroWest+

## Portishead Branch Line (MetroWest Phase 1)

TR040011

Applicant: North Somerset District Council

9.12.1 ExA.CWR.D2.V1 – Applicant's response to Deadline 1 submission of Bimcorp Limited/ Robert Sweetnam (REP1-041)

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## The Portishead Branch Line (MetroWest Phase 1) Order

### Responses to Bimcorp Limited's Representations provided on 26 and 30 October 2020 (REP1-041)

#### 1. INTRODUCTION

- 1.1 This document is prepared in response to Bimcorp Limited's representations to the examination dated 26 and 30 October 2020 (together REP1-041).
- 1.2 The Applicant has treated the representations as a relevant representation and/or written representation and it is responding accordingly.

#### 2. BACKGROUND

- 2.1 The Applicant through its agents, Ardent, has sought to engage with Bimcorp Limited ("the Affected Party") and its predecessor in title, DR Properties Limited, for some time. The negotiations have not proceeded to agreed Heads of Terms. The Applicant will continue to seek to negotiate with the Affected Party and its agent to seek to resolve its proposals for acquisition of land together with temporary possession of land at Clanage Road.
- 2.2 The Applicant's proposals are illustrated on the Clanage Road Compound, Landscaping and Access Plan (APP-044) and the Works Plan (APP-009). They consist of Work Nos. 26, 26A and 26B. Work No. 26 is a permanent new compound to provide emergency access and maintenance access for Network Rail (as well as forming part of the temporary compound for construction), allowing Network Rail to have access to the south end of the Avon Gorge. North of the Clanage Road site there is no proposed access point for road vehicles including road rail vehicles to access the railway until Chapel Pill Lane in Ham Green, Pill, approximately five miles from the Clanage Road site.
- 2.3 Work 26A is a temporary construction compound. Work 26B is a new vehicle access to Clanage Road for the Affected Party's retained land to replace the access to Clanage Road to be utilised for Work No. 26 (and 26A).

#### 3. BIMCORP LIMITED'S REPRESENTATIONS OF 26 OCTOBER 2020

- 3.1 The Applicant would make the following responses:
- 3.1.1 **Third Paragraph** – the Applicant does not believe that the land sought is either excessive or unjustified nor has the Applicant unreasonably disregarded representations as to the current land user.
- 3.1.2 The Applicant's proposals are illustrated in the Clanage Road Compound, Landscaping and Access Plan (APP-044) and the Works Plan (APP-009). The area of land has been set by the need to provide both a permanent ramp to reach the rail level and also to provide safe turning areas for large vehicles carrying road rail vehicles. In order to further minimise the land required, and in recognition that large vehicles will be approaching the compound from the south, a 'right in left out' access arrangement has been assumed with appropriate compliant highway visibility requirements. This enables vehicles to drive into and exit the compound without the need for reversing manoeuvres.
- 3.1.3 The area of land required for the construction compound was assessed by reference to Network Rail's Construction Strategy document, indicating the facilities proposed at this location – see page 19-21 of the Construction Strategy (APP-074). The space required is determined by the specification for the compound which includes:
- (a) a clear turning circle for a low loader;

- (b) adequate space for loading and unloading;
- (c) the need for a ramp at a safe gradient to gain access to the track at a higher level;
- (d) a limited amount of space for parking;
- (e) space for temporary storage of materials for imminent tasks;
- (f) planting to the south side for screening; and
- (g) retention of existing planting on the north side and its enhancement for screening views from the Suspension Bridge.

Following discussions with the then owners of the Affected Party's land in mid-2018, the size of the temporary construction compound was reviewed and the Applicant and Network Rail agreed it could be reduced in size by four metres (along its southern boundary). As a result of this review the Applicant's proposals reflect the absolute minimum land necessary for the construction compound – a smaller area would compromise Network Rail's ability to use the Clanage Road construction compound which is a key location to support construction works in the Avon Gorge.

- 3.1.4 **Fifth Paragraph** – the Applicant has considered other ways to secure the land and has responded to the Affected Party's thoughts that a leasehold or new rights arrangement may work as an alternative. The Applicant is aware that Sunday markets and car parking for events at Ashton Gate Stadium occur at the Clanage Road site. Such uses would significantly conflict with Network Rail's ability to access its compound and, in any event, a permanent new ramp is required meaning freehold acquisition of that land is appropriate as it would permanently deprive the existing owner of their beneficial use of that land. It is also necessary to lower the ground levels in the permanent construction compound to provide floodplain compensation for the ramp to the railway, which would also make it unsuitable to share this site with the current owners as it is likely to be wetter more frequently. By taking the freehold of this land, Network Rail is better able to ensure that the proposed floodplain compensation remains available to better protect the operational railway.
- 3.1.5 The Applicant has balanced the needs of Network Rail's continuing safety regime and maintenance for the operating railway and the requirements of the Affected Party and believes a suitable compromise has been achieved.
- 3.1.6 **Seventh paragraph** – the Affected Party suggests that the existing car boot events will no longer be viable – this is a matter that can be resolved by way of compensation. The Affected Party also comments that car parking will not be possible without access to the current exit point on this land – Work No. 26B is a proposed new exit point to provide an in/out arrangement to replicate the existing arrangements.
- 3.2 The Applicant believes that no more land than is necessary has been identified to meet the needs of Network Rail in using Work No. 26 as a road-rail access point. Work 26A is required for construction of Work No 26 and works to the operational railway in the vicinity of Clanage Road associated with the DCO Scheme.

#### **4. BIMCORP LIMITED'S REPRESENTATIONS OF 30 OCTOBER 2020**

- 4.1 The Affected Party in its representation of 30 October 2020 (REP1-041) provided a photograph of the Bedminster Cricket Club/Clanage Road site taken from the Clifton Suspension Bridge. The Applicant has looked carefully at this photograph and believes that the black arrow points to Bedminster Cricket Club's pitch, at the southern end of the area of land owned by the Affected Party. Immediately to the Suspension Bridge side of that arrow lies the building housing the children's nursery also located on the Affected Party's land, whilst the land that will be occupied by the proposed Network Rail permanent compound has its southern boundary running just above the tree line, as demarcated by a dark black line shown on the Applicant's mark-up of this photograph at **Appendix 1**.

- 4.2 The Applicant's Environmental Statement ("ES"), at Appendix 11.1 and 11.2 of the Landscape and Visual Impact Assessment (APP-151) contains a number of photographs from the Clifton Suspension Bridge (View 17a, 17b and 17c) with commentary on the view from the Suspension Bridge towards Clanage Road.
- 4.3 The Applicant's proposal for Work No. 26 includes substantial landscaping, as shown on the Clanage Road Compound, Landscaping and Access Plan (APP-044).
- 4.4 The Affected Party remarks on the location of the Grade I listed Clifton Suspension Bridge. The Applicant does not accept that "*at least 50% of this middle background backdrop will be covered in concrete and gravel*". This is incorrect and the new compound will be visible from the Suspension Bridge and Clifton Observatory but only just, on part of it.
- 4.5 The Applicant's ES, Chapter 11 Landscape and Visual Impacts Assessment (APP-106) p11-74 states:

*The construction compound off Clanage Road sits within a locally disjointed landscape with the complex highway arrangements at the A370, allotments and occasional large buildings as some elements of its context. Other features within the view include the Clifton Car Boot sales between April to November outside Bright Horizons Bristol Day Nursery. The construction compound off Clanage Road sits in a relatively open area north of the cricket ground and Ashton Court to the west and is therefore relatively exposed in the local landscape. It would be just possible to see the compound from the Clifton Suspension Bridge, albeit partially screened by existing vegetation and forming a small part of the open expansive view.*

- 4.6 Using the location of the children's nursery to the south of Work 26 as a guide, it is clear the majority of the green area shown on the Affected Party's photograph will remain unaffected by Work 26. The Applicant refers to its Statement of Common Ground with Historic England (REP1-020) which contains the following agreed statement, on p12:

*"The Applicant notes the sensitivities with the site of this compound. However, this is a temporary construction compound which will not be permanently lit or contain any buildings other than a small cabin for workers during construction. Views of the compound from key vantage points such as those raised by Historic England were assessed and are not visible due to its location and vegetated surroundings."*

During the construction stage therefore the compound (Work 26 and 26A) may be just visible. Once the landscaping has established and temporary works removed the remaining permanent compound (Work No. 26) would be screened.

- 4.7 It is not proposed that the compound forming Work No.26 will be lit permanently. Lights will be used during the construction period and may be used when major maintenance work is being carried out on the railway but this will not be a constant feature on the landscape.
- 4.8 The Affected Party also comments that there are "*at least three substantial sites with level access already available direct to the road in Ashton where no such damage would occur to this iconic image*". The Applicant has assessed the practicalities of a location further south, but the Applicant and Network Rail view it as being critical to the safe operation and proper support for operations of the railway once opened that the access for the railway in this area is located as close to the Clifton Suspension Bridge/Avon Gorge as possible.
- 4.9 The Applicant attaches at **Appendix 2**:
- 4.9.1 an email of 17 November 2020 from the Applicant's agents to the agent representing the Affected Party confirming Network Rail's locational requirements for the compound. This information has previously been communicated to the Affected Party and its predecessor in title (see 4.9.2 and 4.9.3 below);
- 4.9.2 a letter dated 18 May 2018 from the Applicant's solicitor to the Affected Party's predecessor in title, explaining the rationale for the compound location; and

- 4.9.3 an email of 21 October 2020 from the Applicant's agents to the agent representing the Affected Party, referring to the 18 May 2018 letter and further detailing the alternative sites considered and why the Applicant and Network Rail have found them to be unsuitable.

## 5. COMMENTS ON THE APPENDICES PROVIDED BY THE AFFECTED PARTY

- 5.1 The Applicant notes that a response to section 42 consultation dated 15 April 2018 has been provided by the Affected Party.
- 5.2 The Affected Party in that consultation response referred under Heading 1 "*Conservation Issues*" to the impacts of the MetroWest project on the Suspension Bridge and the nearby conservation areas. The Affected Party notes that its own application for 5-a-side football operations on the site in 2015 was refused by the City Council's conservation area on the basis of its "*industrial aesthetic which conflicts heavily with the verdant and semi-rural setting*". For the reasons explained above the Applicant believes that the Affected Party's predecessor's application and the current proposals for the MetroWest scheme can be easily distinguished, not least because the MetroWest proposals are far smaller in nature and would not be illuminated at night.
- 5.3 The Affected Party continues in its representation to comment on the visual impact on the Suspension Bridge and the Applicant relies on its points previously provided.
- 5.4 The Affected Party under the heading "*Land Use Issues*" indicates in the first sentence that there have been "*protracted discussions*" with the Applicant's agents, which continued after 2018 and still continue. The Affected Party clearly indicates that the land is being used substantially for car boot sales and car parking for Bristol City Football Club and other events at Ashton Gate Stadium, as well as events at Ashton Court, with a maximum of over 500 cars parked on the site.
- 5.5 The Applicant also notes the location of the children's nursery on site and has sought to develop its proposals to take into account the proximity of those key facilities. The Applicant notes that development is currently taking place next to the nursery site, which the Applicant believes is development that the Affected Party and its predecessor sought planning permission for and is now developing.
- 5.6 The Applicant also notes the final comments regarding the potential for the use of land immediately to the north of Work No. 26A as an access to the railway – the former Clifton Bridge Station and then Avon Police Horse Stables and Dog Kennels.
- 5.7 The Applicant notes the Caravan Club application to Bristol City Council for planning permission (reference 20/01930/F) in respect of the former Avon Police Horse Stables and Dog Kennels. At its 14 October 2020 committee meeting the members were minded to grant permission, subject to the outcome of a referral to the Secretary of State on whether to call in the application. The Applicant did consider this site and held discussions with the owners of the site to the north of Work No. 26D but concluded that the Affected Party's land was the more appropriate location for the compound. The principal reasons were:
- 5.7.1 highway safety – the sight lines for traffic descending Rownham Hill would be reduced if access was provided closer to the Rownham Hill bend;
- 5.7.2 impact on trees – more trees would need to be felled for the northern site to be used;
- 5.7.3 footpath diversion – the use of a site to the north would require the diversion of a public right of way which, whilst possible, is seen as avoidable and therefore unnecessary; and
- 5.7.4 substantial equipment of statutory undertakers exists under the site to the north and could have been adversely affected by the proposals if the more northerly site was to be taken.

## **6. CONCLUSIONS**

6.1 The Applicant therefore concludes:

6.1.1 The location of Work No. 26, 26A and 26B are appropriate and a compelling case for them exists;

6.1.2 There are no alternative sites that are better locations for the proposed compound;

6.1.3 There is a compelling need for the facility on the basis that it is essential for railway passenger safety and service reliability to have an access closer to the south end of the Avon Gorge; and

6.1.4 Contrary to the Affected Party's suggestions there will be only limited visual impacts on the Clifton Suspension Bridge, Clifton Observatory and the numerous nearby historic buildings and conservation areas.

6.2 Overall it is clear that a compelling case for the acquisition exists and the Applicant has sought to minimise permanent acquisition. Permanent freehold acquisition for this land is essential to ensure that Network Rail has unfettered access to its railway at all material times.

6.3 For all the above reasons the Applicant believes there remains a compelling case in the public interest for the acquisition of the relevant plots.

**APPENDIX 1**

**Applicant's mark-up of the photograph submitted with Bimcorp Limited's representation REP1-041**







**APPENDIX 2**

**Correspondence between the Applicant's agent and Bimcorp Limited's agent and predecessor in title**

## Tom Ewings

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**From:** Nicola Harrington <NicolaHarrington@ardent-management.com>  
**Sent:** 17 November 2020 06:58  
**To:** Mole, Simon  
**Subject:** Portishead Branch Line, (MetroWest Phase 1) Order, Bimcorp Limited, Clanage Road compound

**Caution:** This email originated from outside North Somerset Council.

Only click on links or open attachments if you recognise the sender and if you are certain that the content is safe.

Simon, please see information below received from Network Rail in relation to the access and compound area they need at Clanage Road for you to forward to your clients:

“The restrictive geography of the Avon Gorge means that a RRAP and compound at Clanage Road is strategically important to Network Rail as it is the only location where we can access the southern and middle sections of the Avon Gorge within the short access windows we have to carry out maintenance.

As the safe operation of the line depends on this maintenance, it is important that Network Rail has exclusive possession acquired through a freehold to ensure it can be utilised according to its needs, for the sole benefit of the railway.

Neither a leasehold arrangement or permanent rights of access would provide Network Rail with the flexibility and permanency required to carry out these duties in this location.

In an arrangement other than freehold ownership, the access to the compound would need to be kept clear for vehicle movements at all times for planned and emergency reasons, and the substantial ramp would be in situ permanently so the landowner would not be able to use the land effectively anyway.

Network Rail also requires exclusive possession of the land for health and safety reasons given its operation of substantial road rail vehicles and other plant and machinery. Aligned to this, risk of trespass or vandalism to the railway would also be a concern.

Looking ahead, a leasehold arrangement or easement would not provide the railway with the future guarantee it needs in perpetuity to maintain the railway, which it must demonstrate as part of its obligations as the infrastructure manager. In addition, given the importance placed on the compound, Network Rail could not accept conditions such as forfeit rights which may force us to vacate the space.

Network Rail will continue to support acquiring the freehold for this key part of infrastructure.”

Kind regards

Nicola



**Nicola Harrington BSc (Hons) MRICS FAAV | DCO  
Director**

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18 May 2018

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Our ref:  
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 Your ref:

Dear Sir

**Our Client: North Somerset Council on behalf of the West of England Councils**  
**Project: Portishead Branch Line (MetroWest Phase 1)**  
**Property: Land east of Clanage Road, Bower Ashton, Bristol, BS3 2JY**

We write on behalf of North Somerset Council (**NSC**) as promoter of MetroWest Phase 1 (**the Project**) in response to your letter to NSC of 15 April 2018 and your email of 22 April 2018 concerning the Property.

We set out below NSC's initial responses to the issues you have raised in your letter and email.

The Project proposes to use only a small area of land at the north of the Property, for a small temporary compound for construction, and to acquire permanently a smaller permanent compound. This is required for railway operational maintenance access and to access the railway if an incident occurs on the railway in the Avon Gorge.

The Property is the preferred location for the proposed temporary and permanent compounds because of its proximity to Avon Gorge, its location on a straight part of Clanage Road being as close in level as possible to the railway.

	<b>Issue raised regarding the Property</b>	<b>MetroWest Phase 1 Response</b>
	<b>General</b>	
<b>1</b>	<b>Local impact</b> – the Project's proposal's "will go a very long way to destroying, at a stroke, this precious and uniquely placed and beautiful site" (your letter of 15 April 2018).	The visual impacts of the Project's proposals will be fully assessed in the Landscape and Visual Impact Assessment, which we can provide to you once it has been finalised. Mitigation of impacts will be considered, as will the visual, effects from a number of viewpoints.
<b>2</b>	<b>The Project's approach</b> – it takes the view that the Property is "low value redundant open space and that no one will really be affected if they cannot use it if and when	The Project considers all potential land use and affected parties in keeping with its statutory duties to consult persons with land interests and to mitigate or compensate. In seeking powers,

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	your proposals go ahead" (your letter of 15 April 2018).	NSC is carefully evaluating the competing public and private interests before reaching decisions to seek to expropriate land.
<b>Conservation</b>		
3	<b>Similar impact to D R Properties' 2015 proposed 5-a-side football development</b> – the planning application for this was refused for its "Industrial aesthetic which conflicts heavily with the verdant and semi-rural setting", yet the Project proposes a construction compound (with ramp, car parking yard, fencing and lighting) that will "be in plain view of the Suspension Bridge, Clifton and Hotwells and Ashton Court", to the detriment of the "green and verdant semi-rural nature of the site" (your letter of 15 April 2018).	The 5-a-side football planning application was decided on its own merits under the town and country planning regime. The Project's proposals are for a nationally significant infrastructure project under the Planning Act 2008. For the reasons explained above at the beginning of this letter (above this Table), there are imperative reasons for locating the compounds at the Property, to best serve this nationally significant infrastructure project. Further, it is believed the proposed compound is smaller in area than the proposals DR Properties submitted and would be less visually intrusive. This is particularly the case at night, as the permanent compound would only be illuminated on rare occasions.
4	<b>Landscaping will not offset visual impact</b> – the proposed construction compounds will be an "industrial eyesore" in the setting of the Clifton Suspension Bridge (blighting "historic views that are part of the heritage of the brand of Bristol"), but "there is no amount of landscaping" that can offset the negative visual impact (your letter of 15 April 2018).	The Project will consider appropriate mitigation measures, which it will implement as necessary having assessed them for effectiveness. The final decision on the mitigation proposed being adequate will rest with the Secretary of State.
5	<b>Bristol City Council and Historic England support</b> – Bristol City Council's conservation team and Historic England agree with D R Properties that the Project's proposals are "quite wrong" and "scandalous" – "It seems likely they too will object to your plans for our land" (while maintaining "the generality of [their] support for the overall scheme") (your email of 22 April 2018).	The Project's is working with Bristol City Council and Historic England to consider appropriate mitigation for visual impacts. Other than a small ramp and security fencing, no permanent built structures are proposed.
<b>Land use</b>		
6	<b>Car boot sale continuation</b> – since 2012 the land has been used for "weekend car boot sales during the season ... Should your plans go ahead these sales will have to stop as the open site left will simply be insufficient to accommodate and manage this event" (your letter of 15 April 2018).	As the Project has previously discussed with D R Properties, its proposals concern part of the Property, allowing continued use of the rest of the site. Our client is willing to continue to work with D R Properties to accommodate its requests in order to develop a design that allows suitable access for the remainder of the Property at all reasonable times. The Project's proposals for the site should allow most of the land currently used for car boot sale to continue to be so used.

7	<p><b>Car parking continuation</b> – since 1996, D R Properties have used the land "to provide Car Parking in association with and at the request of Bristol City Football Club as well as event parking for Ashton Court, Ashton Gate Stadium and in particular parking for the Balloon Fiesta" – providing up to 600 car parking spaces. The Portishead Branch line will not significantly reduce the demand for such car parking on the land, which is set to increase ("we are part of the solution to BCFC parking and the forthcoming indoor stadium development at Ashton"). The construction of the Portishead Branch line will likely reduce car parking on the land by over 250 parking spaces, and jeopardise "our one way traffic management with the exit gates currently where you want to build" (your letter of 15 April 2018).</p>	<p>The Project's proposals for the site should allow most of the land observed as being currently used for car parking to continue to be so used.</p>
8	<p><b>Car parking and Bristol Sport</b> – "the director of Ashton Gate Stadium intends to address you directly on this matter and I am copying him in so that he is aware of my representation" (see letter of 15 April 2018); "the director and senior executive of Ashton Gate Stadium (who were unaware of your plans for our field and had not been consulted) ... are extremely concerned at the implications to them by virtue of the loss of car parking upon which they and Bristol City football Club rely" (your email of 22 April 2018).</p>	<p>The Project's proposals for the site should allow most of the land currently used for car parking to continue to be so used.</p>
9	<p><b>Employment impacts</b> – the Project's proposals threaten to "impact directly on the staff employed to run car boot sales and supervise car parking. There could be no further car boot sales which employs casual staff each weekend in the season and there will be a reduction in those employed to manage car parking. It is hard to assess the impact on All Star Action days at this stage ... any impact can only be to its detriment" (your letter of 15 April 2018).</p>	<p>The Project's proposals for the site should allow most of the land currently used for car parking to continue to be so used.</p> <p>The Project's economic benefits, including local employment, are considerable.</p>
10	<p><b>City Mazes and All Star Action Days</b> – D R Properties' associate company The Event Corporation Limited uses the land to operate "City Mazes" and "All Star Action Days" (outdoor team events for private clients, with up to 200 participants per event; clients include schools, universities, local authorities, the British Army, the BBC and Apple; "most of our event dates are already sold out for this year through until</p>	<p>The Project is seeking to limit the area of occupation and permanent acquisition to the minimum reasonably required.</p>



	<p>October using this site"; book All Star Action days has over 10,000 followers on Facebook). The Project's proposals threaten to remove "over fifty percent of their available space", including some of the best ground "judged by flatness and it being well drained", having "a severely detrimental" effect on the businesses of "City Mazes" and "All Star Action Days" (and the "car parking that goes along with them") (your letter of 15 April 2018).</p>	
11	<p><b>Teddies Nursery (as D R Properties tenants)</b> – "Whilst theoretically your development will not arguably directly affect them, it will without any doubt be detrimental. [A] significant part of the appeal to Teddies and their parents is the green, clean, traffic free and safe environment against the beautiful backdrop of the Suspension Bridge, Clifton and Hotwells and Ashton Court. ... Instead of the existing backdrop children will now have an industrial work yard as a neighbour with all the noise, fumes and dust that result. In addition there will be child security issues to be addressed which heretofore were no issue at all due to the proximity of the resultant workforce" (your letter of 15 April 2018).</p>	<p>The Project's proposals will take into account the proximity of sensitive receptors including the nursery.</p>
12	<p><b>Bedminster Cricket Club</b> – the Club uses part of the land (to the south) at a peppercorn rent, and survives with D R Properties' support; this is of local community benefit, and might be restricted as a consequence of the Project's proposals (your letter of 15 April 2018).</p>	<p>The Project's proposals have no significant impact on the cricket ground, which is to the south of the proposed compounds.</p>
13	<p><b>Police dog and helicopter training</b> – D R Properties has cooperated with the Police on neighbouring land to facilitate their dog and helicopter training (your letter of 15 April 2018).</p>	<p>Such police dog and training activity (if ongoing) could continue, given the limited area of acquisition proposed.</p>
<b>Alternative Site</b>		
14	<p><b>Proposed alternative site</b> – the former police riding stables land immediately adjoining the land our site is an appropriate alternative for the Project:</p> <ul style="list-style-type: none"> <li>• "You know and we know that the best solution (in terms of impact on heritage assets) should of course be found elsewhere in or around the already commercial and industrial</li> </ul>	<p>The Project has considered alternatives and remains of the view that there is no site materially better than the Property to suit the requirements identified.</p>

	<p>environment of Ashton itself";</p> <ul style="list-style-type: none"> <li>• "Exactly the same submissions on conservation would seem to apply to locating your proposals on that site instead of ours, except that the line of site from the Suspension bridge is more acute and that the vistas are more obscured due topography from Clifton and Howells and Ashton Court. Certainly location there would be lower impact";</li> <li>• "The site of the former riding stables is and has been redundant for coming up to three years and the proposal to develop as a Caravan Club site was sunk largely for the same reasons that our five a side proposal was thrown out by the Conservation Officer. Assuming you are able to overcome these Conservation objections, here is an unused, unloved site that is clearly redundant and now at risk of becoming a magnet to vandalism and squatters" (your letter of 15 April 2018).</li> </ul>	
15	<p><b>Proposed alternative site: access</b> – the Project has stated that restricted access make the former police riding stables land a less preferable option. However, "Access is and never was an issue for the police who brought in horse transporters and heavy riot and incident equipment to their property at a location much further towards the bottom of Rownham Hill than MetroWest would need to access it and only a few yards from their proposed entrance to our site. (I have checked the records and can find not one single report of any RTA at that location)" (your letter of 15 April 2018).</p>	<p>The Project's requirements have been assessed in accordance with modern highway design standards and in consultation with the local planning and highway authorities.</p>
16	<p><b>Proposed alternative site: footpath</b> – the Project has stated that footpath restrictions make the former police riding stables land a less preferable option. However, "Before the police bought additional land from our predecessors in title and joined it to their smaller parcel close to the bottom of Rownham Hill the footpath ran directly from the railway footbridge to the pavement at Clanage Road. It was only after the Police bought the parcel and incorporated it with their existing that the footpath was diverted round it. It would be a very simple exercise</p>	<p>It is felt that this interference with a public right is not necessary or in the public interest, given that an alternative site (the Property) exists.</p>

	to put it back in its original position and thus give you direct access to the Railway" (your letter of 15 April 2018).	
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While NSC's land agent Ardent will be in further contact with you regarding the Project's proposals, if you wish to contact MetroWest Phase 1 at any time please do so either by return to this letter, or by contacting NSC directly (by email to [metrowest@westofengland.org](mailto:metrowest@westofengland.org) or post to James Willcock, Project Manager MetroWest Phase 1, North Somerset Council, Town Hall, Walliscote Grove Road, Weston-super-Mare, BS23 1UJ).

Yours faithfully



**Womble Bond Dickinson (UK) LLP**

## Tom Ewings

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**Subject:** FW: Bimcorp Limited, potential acquisition of plots 15/10 and 15/17 by the MetroWest Phase 1 Project

**Attachments:** \_CORRESPONDENCE\_38826005(1)\_Mr R W Sweetnam, DR Properties Ltd 18 May 18....pdf; Copy of email to Bimcorp 21.10.20.pdf

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**From:** Nicola Harrington  
**Sent:** 21 October 2020 11:05  
**To:** Mole, Simon <[Simon.Mole@carterjonas.co.uk](mailto:Simon.Mole@carterjonas.co.uk)>  
**Subject:** Bimcorp Limited, potential acquisition of plots 15/10 and 15/17 by the MetroWest Phase 1 Project

Simon, good morning, as referred to in my earlier email in relation to the Heads of Terms document, I have set out comments below in relation to the proposed acquisition of plot 15/10 by the Project.

DR Properties Ltd (the predecessor to Bimcorp Limited) and Mr Sweetnam have received correspondence on site selection previously and I have attached a copy letter sent to your client dated 18th May 2018 from the Project's Solicitor Womble Bond Dickinson which made comments on alternative sites (including the former Police riding stables land) and suitability of these.

Many alternative sites have been considered for the permanent compound now proposed at Clanage Road and I have set out below a summary of the site considerations. If your clients have any other alternative sites in addition to the list as below please let me have details so these can be forwarded to the Project.

It is important to note that the key issue is the proximity of the proposed access to the Avon Gorge – sites further south are less useful because of the additional time that would be taken to travel to the Gorge.

<b>Why is a compound at Clanage Road required – why does Network Rail (NR) require a permanent secure compound for access?</b>	For maintenance and emergency access to the Avon Gorge which has no HGV highway access for over 5 KM and has three single bore tunnels in this section of line. Access for construction vehicles is also required. For maintenance and for construction access, sufficient space is required for a HGV low loader to be able to unload RRVs off the public highway. For emergency access sufficient space is required for emergency services vehicles.
<b>Are there alternative sites to the south of Clanage Road?</b>	The potential alternative sights to the south are listed below.

Liberty Lane?	This location is over 3KM from where NR need access to the Avon Gorge which is over 5KM without HGV highway access. This would severely limit NR's ability to respond to a safety issue or an emergency on the line through the Avon Gorge. It would also constrain NR's maintenance operations as Road/Rail vehicles are usually limited to 5MPH so the additional possession time taken to access and leave the gorge would reduce the time vehicles were actually engaged in maintenance.
Baron's Close?	This location is 2KM from where NR need access to the Avon Gorge. There is not sufficient space to install a permanent RRAP and there is not sufficient space to create a permanent compound to accommodate a HGV low loader. It would also impact on NR's maintenance operations - Road/Rail vehicles are usually limited to 5MPH on the railway so the additional travel time would constrain available working time for activities in the Avon Gorge.
Ashton Vale Road?	This location is 2KM from where NR need access to the Avon Gorge. There is not sufficient space to install a permanent RRAP and there is not sufficient space to create a permanent compound to accommodate a HGV low loader. It would also impact on NR's maintenance operations - Road/Rail vehicles are usually limited to 5MPH on the railway so the additional travel time would constrain available time for activities in the Avon Gorge.
Bedminster Cricket Club playing area?	This location is further from where NR need access to the Avon Gorge. There is not sufficient space to install a permanent RRAP and there is not sufficient space to create a permanent compound to accommodate a HGV low loader. The removal of an active sports club would be difficult in policy terms.
<b>Are there alternative sites to the north or east of Clanage Road, accessible by Rownham Hill Bridge?</b>	The potential alternative sites to the north are listed below.
Former Police Riding stables?	The reasons for discounting this site were explained to your client in WBD's letter of 18 May 2018.
In the Rownham Hill/Clanage Road area to the south of the Avon Gorge?	Rownham Hill Bridge is located on a bend in the highway and on a gradient, this makes this access point unsuitable for HGV turning manoeuvres. The bridge has a weight limit of 4 tonnes. The width of the access road east of the bridge is narrow at approx. 2.5M and has sharp bends. Also there is not sufficient space to modify the access road to accommodate and turn a HGV low loader.

In the Avon Gorge?	There are no practicable alternative sites available in the Avon Gorge with its existing restricted highway access and protected status as a Special Area of Conservation.
At Ham Green?	Ham Green is unsuitable – Network Rail advise that the gradient of potential access to the railway for low loaders and road-rail vehicles (RRVs) exceeds the maximum tolerance allowed for use by RRVs. Whilst a compound is to be located at Ham Green it will be limited in its purpose (mainly for safety purposes in accessing Pill Tunnel) because of the sites constraints.
At Pill?	Pill is unsuitable due to restricted highway access for low loaders and RRVs.
At Portbury Dock?	This location is 4KM from where NR need access to the northern part of the Avon Gorge. NR needs a HGV access point from both ends of the Gorge to maintain its railway throughout the length of the Gorge, and the Portbury Dock location would not provide access to the railway from the south and consequently is too distant to be a viable access point for that part of the railway

The site is required as a long term maintenance and access area for Network Rail to ensure the safe running and maintenance of the railway and as an emergency access. Acquisition of a new right would not be suitable for the intended future Network Rail use given Network Rail need to be assured of access being available at all times.

Any leasehold would need to be of such long duration that it would not seem to have any advantage to your client over a freehold acquisition.

In relation to your comments on the ramp design, the proposed ramp has been designed to take up the minimum of space, which serves to reduce the amount of your client's land required for the project.

I now look forward to your comments in relation to the Proposed Heads of Terms and progressing Without Prejudice negotiations in relation to the purchase terms of plots 15/10.

In relation to Plot 15/17, this plot is shown as being required for freehold acquisition to allow a new access to be created for your client. If you client agreed to a licence for the required works, the project would not need to take the freehold of that plot, I look forward to your comments in relation to this proposal when you have taken instructions from Bimcorp Limited.

If you have any queries in relation to the above please do not hesitate to contact me.

Kind regards

Nicola





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