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Date 23 November 2020
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Dear Sirs

Application by North Somerset District Council for an Order Granting Development Consent for the Portishead Branch Line - MetroWest Phase 1 (the "Order")
Interested party reference PORT-S57657

1. We write on behalf of our client First Corporate Shipping Limited, trading as The Bristol Port Company ("BPC"), in relation to the first compulsory acquisition (CA) hearing on 4 December 2020.
2. BPC has been notified by the ExA of the proposed agenda for this hearing. We understand that this remains scheduled for the morning of 4 December despite the date stated on the agenda.
3. The agenda specifically invites BPC to attend the hearing, as a statutory undertaker. In its submissions before the preliminary meeting (our letter of 21 September) BPC submitted that it would make more sense for CA issues relating to the Port to be dealt with after or at the Port-specific issue specific hearing (ISH), were that hearing to be required. At the preliminary meeting, and in its subsequent letter of 14 October, the Applicant supported the suggestion of a Port-specific ISH.
4. It is and remains BPC's submission that such Port-specific ISH would be the appropriate forum for the examination of any outstanding CA issues in relation to land at the Port or, at the least that any hearing about those issues should better be postponed until later in the examination process.
5. CA issues in relation to BPC's land are intrinsically linked to the effects of the DCO proposals on its operations and statutory undertaking. Section 127 recognises this, and that CA-related issues affecting statutory undertakers are therefore subject to different considerations to CA issues with other landowners.
6. BPC's constructive dialogue with the Applicant is continuing. While as part of that dialogue discussions about the effects of the DCO on the Port, and how they may be confined during construction and in the future, continue between BPC and the Applicant, it seems to BPC that attempting a discussion of the CA issues in isolation would be futile. It would be premature and, more importantly, would inevitably cause the CA hearing to be taken over by much wider debates, which in the final outcome would either prove to have been wholly unnecessary or would need to be re-run at a later Port-specific ISH. This would be extremely wasteful of costs,

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both for BPC and the Applicant, very time-inefficient for the ExA and an enormous distraction for other participants at the CA hearing.

7. For these reasons, BPC continues to believe that it is not appropriate for CA issues relating to it to be dealt with at the 4 December hearing.
8. We recall that the ExA expressed concern at the preliminary meeting that it needed to be informed and assured at an early stage that CA issues were being addressed and discussed with the affected parties, accepting there could be the need for a more detailed examination of any outstanding issues at a later date.
9. To meet this concern, instead of attendance, we would propose that BPC submit a note to the ExA in advance of the CA hearing updating the ExA with as much detail as is then possible as to progress with the discussions between BPC and the Applicant so far as they relate to CA issues.
10. We have discussed this approach with the Applicant's solicitors and they have confirmed that the Applicant is supportive of it. Specifically the Applicant has confirmed that it has no objection to the proposal that BPC's CA case is made at a later ISH covering the Port area and the Port's protections, and that issues relating to Section 127 may also be dealt with at that later hearing. We are sending a copy of this letter to the Applicant's solicitor and would invite them to confirm the Applicant's agreement to these arrangements to the Examining Authority directly.
11. BPC hopes that that the Examining Authority would find this approach acceptable and repeats its earlier request for an ISH relating to the effect of the proposals on Bristol Port, to include the matters listed in our letter dated 21 September 2020, with a time estimate of half a day, at which hearing BPC would intend to speak.

Yours faithfully



Wedlake Bell LLP

cc Richard Guyatt – Womble Bond Dickinson