

**Application by North Somerset Council for Portishead Branch Line – MetroWest Phase 1**

**Bristol City Council's (BCC's) Responses to the Examining Authority's written questions and requests for information (ExQ1) issued on 26 October 2020**

ExQ1	Question to:	Question	Bristol City Council Response
<b>GENERAL AND CROSS-TOPIC QUESTIONS</b>			
GC1.2	<p><i>Updates on development</i></p> <p><b>All Relevant Planning Authorities</b></p>	<p>Provide an update of any planning applications that have been submitted, or consents that have been granted, since the Application was submitted that could either effect the proposed route or that would be affected by the Proposed Development and whether this would affect the conclusions reached in Chapter 18 and Appendix 18 of the Environmental Statement (ES) [APP-131 and APP-191]</p>	<p>Paragraph 23 of BCC's Local Impact Report (LIR) [REP1-032] sets out the planning applications that have been submitted, or consents that have been granted, since the Application was submitted that could either effect the proposed route or that would be affected by the Proposed Development.</p> <p>Two of the applications identified within the LIR have been submitted for the consideration of BCC as Local Planning Authority (LPA) since Chapter 18 of the Environmental Assessment [APP-131 and APP-191] was published. A brief update on the key issues and the potential for cumulative effects is included below for these proposals.</p> <p>The other applications identified within the LIR are sufficiently considered within Chapter 18 of the Environmental Assessment [APP-131 and APP-191] or are not of sufficient scale to result in any cumulative environmental impacts.</p> <p><u>Former Ashton Sidings, Clanage Road - 20/01655/F</u></p> <p>This planning application for circa 250 homes in buildings up to nine-storeys in height was validated on 22.04.2020. A decision on the application is currently pending, however, objections have been received from the Environment Agency and Historic England as statutory consultees, as well as BCC's technical consultees.</p> <p><i>Air Quality:</i> BCC's Air Quality officer has raised concerns that the proposed development at Ashton Sidings would result in significant increases in traffic on the A3029 (Winterstoke Road) which could be considered potentially significant from an air quality perspective. Moderate adverse impacts upon air quality are predicted for a number of receptors along Clift House Road based on the predicted trip generation rates.</p> <p>The air quality impacts of the Proposed Development (MetroWest Phase 1) are described as negligible at all relevant locations and as such, there are unlikely to be any significant cumulative effects on air quality.</p> <p><i>Transport and Highways:</i> An objection to the development has been received from BCC's Transport Development Management team (TDM). The transport impacts which raise concerns are localised to the site, and are unlikely to have a wider impact upon the transport network which may have cumulative operational impacts.</p> <p><i>Heritage and Visual Impact:</i> Historic England and BCC's City Design Group have objected to the planning application in terms of urban design, heritage and visual impact. Whilst the proposed construction and permanent maintenance compound at Clanage Road associated with the Proposed Development (MetroWest Phase</p>

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			<p>1) are assessed as having a slight adverse effect, the significance of this impact would be lessened significantly given the scale and impact of the proposals at the Former Ashton Sidings site.</p> <p>Construction impacts in terms of dust and noise can be appropriately mitigated through the implementation of a CEMP. It is advised that the Applicant for the Proposed Development (MetroWest Phase 1 scheme) liaises with the Applicant for the Former Ashton Sidings to coordinate mitigation.</p> <p><u>Former Police Dog &amp; Horse Training Centre, Clanage Road - 20/01930/F</u></p> <p>This planning application for a touring caravan site with 62 pitches has a resolution to grant from BCC's Development Control Committee (14<sup>th</sup> October 2020) and is currently being considered by the Ministry of Housing, Communities and Local Government (MHCLG) due to the departure from the development plan (in relation to Green Belt) and an objection to the application from the Environment Agency due to the site's location in Flood Zone 3.</p> <p><i>Heritage and Visual Impact:</i> Concerns were raised by BCC's City Design Group (Landscape and Urban Design) that the proposals for a caravan site on the Green Belt will result in incongruous visual clutter in this location.</p> <p>Subject to the sufficient provision of landscaping at the adjacent Clanage Road Construction Compound and the subsequent Maintenance Compound, it is considered by BCC that the Proposed Development (MetroWest Phase 1) would not result in significant cumulative adverse effects on designated heritage assets or more generally on the landscape. See response to ExQ ref. HE.1.3 below.</p> <p>The Environment Agency and Lead Local Flood Authority objects to the caravan site proposals on flood risk grounds because it fails to satisfy part two of the exception test. This is in relation to a risk to safety and life localised to the site, and subject to the provision of the flood plain compensation and ensuring that the Clanage Road Construction Compound and the subsequent Maintenance Compound do not worsen flood risk elsewhere; there would be no cumulative adverse effects as a result of the Proposed Development (MetroWest Phase 1).</p> <p><u>Conclusion</u></p> <p>Although the two planning applications above have been received since the submission of the DCO Application, BCC considers that the conclusions of Chapter 18 and Appendix 18 of the Environmental Statement [APP-131 and APP-191] would still be valid.</p>
GC.1.20	<p><i>Decommissioning</i></p> <p><b>The Relevant Planning Authorities</b></p>	<p>Do you have any concerns about the extent to which decommissioning has been considered in paragraphs 5.6.3 to 5.6.10 of Chapter 5 of the ES [APP-100]? If yes, what are these concerns?</p>	<p>Chapter 5 of the ES [APP-100] puts forward reasonable justification for not assessing the decommissioning of the railway. Bristol City Council does not have any concerns about the extent to which decommissioning has been considered.</p>

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GC.1.21	<p><i>Development Plan</i></p> <p><b>Bristol City Council</b></p>	<p>Section 5.6 of the Planning Statement [APP-208] provides an overview of the local planning framework. North Somerset Council in their RR [RR-002] refer to preparation of a new Local Plan, and paragraph 5.6.13 of the Planning Statement refers to a Local Plan Review consultation. Can both Local Planning Authorities:</p> <p>i) Check this overview for accuracy. ii) Provide an update on any emerging plans and documents. iii) Advise whether they contain any policy that the ExA should be aware of when considering the Proposed Development, and if they do the timescale for the adoption of these emerging plans or documents and what weight the ExA should afford them. iv) Provide a copy of the relevant emerging policies.</p> <p><i>If these matters will be covered in your Local Impact Report (LIR) please signpost where in the LIR this information can be found.</i></p>	<p>Each part of the question is answered in turn.</p> <p>i) <u>Check this overview for accuracy</u></p> <p>Paragraph 5.6 of the Planning Statement [APP-208] remains an accurate representation of BCC's Local Plan. Paragraphs 18 to 22 of BCC's LIR [REP1-032] set out the relevant local planning policies and their current status.</p> <p>ii) <u>Provide an updated on any emerging plans and documents; and</u> iii) <u>Advise whether they contain any policy that the ExA should be aware of when considering the Proposed Development, and if they do the timescale for the adoption go these emerging plans or documents and what weight the ExA should afford them.</u></p> <p>Paragraph 21 of the LIR [REP1-032] states that whilst BCC undertook a consultation on a Local Plan Review under Regulation 18 of the Town and Country Planning (Local Planning) Regulations 2012; this version may now be subject to change as the West of England Joint Spatial Plan is no longer being progressed.</p> <p>BCC's Strategic City Planning Team is currently gathering evidence to support a new Local Plan, and is working to the following timetable:</p> <ul style="list-style-type: none"> <li>• 2020: New studies and evidence. Call for sites continues.</li> <li>• 2021: Consultation on issues and options for development (Regulation 18).</li> <li>• 2022: Publication version to be approved and made available for comment (Regulation 19).</li> <li>• 2023: Examination by planning inspector. New local plan to be adopted (Autumn 2023).</li> </ul> <p>Until a new statutory local plan is in place, decisions on planning applications will be made on the basis of weighing and balancing a combination of considerations:</p> <ul style="list-style-type: none"> <li>• The policies of the current BCC Local Plan (and 'made' neighbourhood development plans);</li> <li>• Application of the presumption in favour of sustainable development set out in national planning policy (where existing policies are out of date);</li> <li>• The policy direction given by the emerging Bristol Local Plan Review (March 2019); and</li> <li>• All other relevant material planning considerations, including supplementary planning documents, development frameworks, up-to date evidence and feedback from community consultation.</li> </ul> <p>iv) <u>Provide a copy of the relevant emerging policies</u></p> <p>A copy of the Draft Local Plan (Regulation 18 version) is available: <a href="https://www.bristol.gov.uk/documents/20182/34536/Local+Plan+Review+-+Draft+Policies+and+Development+Allocations+-+Web.pdf/2077eef6-c9ae-3582-e921-b5d846762645">https://www.bristol.gov.uk/documents/20182/34536/Local+Plan+Review+-+Draft+Policies+and+Development+Allocations+-+Web.pdf/2077eef6-c9ae-3582-e921-b5d846762645</a></p>

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			<p>The following emerging policies are considered to be relevant to the MetroWest Phase 1 scheme:</p> <ul style="list-style-type: none"> <li>Draft Policy IDC1: Development contributions and CIL</li> <li>Draft Policy E1: Inclusive economic development</li> <li>Draft Policy T1: Development and transport principles</li> <li>Draft Policy T2: Transport schemes</li> <li>Draft Policy CCS1: Climate change, sustainable design and construction</li> <li>Draft Policy CCS2: Towards zero carbon development</li> <li>Draft Policy CCS3: Adaptation to a changing climate</li> <li>Draft Policy CCS4: Resource efficient and low impact construction</li> <li>Draft Policy DC3: Local Character and Distinctiveness</li> <li>Draft Policy HW1: Pollution Control and Water Quality</li> <li>Draft Policy HW2: Air Quality</li> </ul> <p>These policies have some, limited weight in the decision-making process, balanced against adopted plans and policies and other material considerations.</p>
GC.1.23	<p><i>Central Government Policy and Guidance</i></p> <p><b>The Relevant Planning Authorities</b></p>	<p>Are you aware of any updates or changes to Government Policy or Guidance that have occurred since the Application was submitted? If yes what are these changes and what are the implications, if any, for the Application?</p>	<p>Although published in October 2019 (prior to the submission of the DCO Application), it would appear that consideration has not have been given to the National Design Guide (MHCLG, 2019). The National Design Guide forms part of the Government's collection of planning practice guidance and should be read alongside the separate planning practice guidance on design process and tools.</p> <p>This document sets out ten characteristics for good design. Given the relatively limited extent of the works beyond the railway line within Bristol, there are unlikely to be any implications on the Bristol section of the scheme.</p> <p>The characteristics for good design would need to have been considered when designing the permanent maintenance compound at Clanage Road to meet the good design assessment principles of the National Policy Statement for National Networks (page 36) and therefore there are unlikely to be any implications on the Application.</p>

ExQ1	Question to:	Question	Bristol City Council Response
<b>AIR QUALITY AND EMISSIONS</b>			
AQ.1.2	<p><i>Nitrogen Deposits</i></p> <p><b>All Interested Parties</b></p>	<p>Paragraph 6.2.21 of the HRA [APP-142] and Table 7.10 in Chapter 7 the ES [APP-102] indicate that the current nitrogen deposition rate for Tilio-Acerion forests in the Avon Gorge SAC is 28.3 kg N ha<sup>-1</sup> y<sup>-1</sup>, which exceeds the critical load of 15-20 kg N ha<sup>-1</sup> y<sup>-1</sup> for the relevant nitrogen critical load class of meso- and eutrophic Quercus woodland habitat.</p> <p>Similarly the current deposition rate for semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) in the Avon Gorge SAC is 16.9 kg N ha<sup>-1</sup> y<sup>-1</sup>, which exceeds the lower end of the relevant critical load range of 15-25 kg N ha<sup>-1</sup> y<sup>-1</sup>.</p> <p>The applicant concludes that there is no Likely Significant Effects (LSE) during operation on the basis that the magnitude of impacts in terms of additional nitrogen deposition are “small” on both of the above SAC qualifying features (table 7.1 of the HRA Report). The Applicant has therefore not provided information to inform an appropriate assessment for operational air quality effects.</p> <p>Do Natural England and other relevant interested parties agree that no LSE can be concluded where critical loads are already exceeded and where the Proposed Development would increase nitrogen deposition by an additional 0.7 kg N ha<sup>-1</sup>? The ExA is mindful of their duty to ensure the Secretary of State has sufficient information to undertake an appropriate assessment if required.</p>	<p>Section 9.8.104 in the ES Chapter 9 Ecology and Biodiversity [APP-104] states that: “<i>the changes in NOx concentrations are negligible. The increase in N deposition is small with increases in deposition rates of up to 0.1 kg N kg ha<sup>-1</sup> yr<sup>-1</sup>.</i>”</p> <p>Table 7.1 in Appendix 9.12 Report to Inform the HRA [APP-142] states that: “<i>the increase in N deposition is very small with increases in deposition rates of up to 0.1 kg N kg ha<sup>-1</sup> yr<sup>-1</sup>.</i>”</p> <p>The ExQ ref. AQ.1.2 refers to increased nitrogen deposition by an additional 0.7 kg N ha<sup>-1</sup> and the applicant has confirmed that this is a typo.</p> <p>The approach taken to assessment of the ecological impacts of nitrogen deposition on the Avon Gorge Woodlands Special Area of Conservation under the Conservation of Habitats and Species Regulations 2017 (as amended) is considered acceptable.</p>
<b>BIODIVERSITY, ECOLOGY AND NATURAL ENVIRONMENT (INCLUDING HABITATS REGULATIONS ASSESSMENT(HRA))</b>			
BIO.1.1	<p><i>Surveys</i></p> <p><b>Relevant Planning Authorities</b></p>	<p>i) Confirm whether you are satisfied with the range of surveys for Chapter 9 of the ES (Ecology and Biodiversity) [APP-104]; and</p> <p>ii) If you consider the baseline information presented to be a reasonable reflection of the current situation?</p> <p>iii) In respect of i) and ii) if not, why not and what would resolve any residual concerns?</p>	<p>Each part of the question is answered in turn.</p> <p>i) The range of surveys in Chapter 9 of the ES [APP-104] is considered satisfactory.</p> <p>ii) This is considered to be a reasonable reflection of the current ecological baseline.</p>
BIO.1.11	<p><i>Monitoring</i></p> <p><b>Relevant Planning Authorities</b></p>	<p>The AGVMP [APP-141 and AS-044] states that the proposed mitigation works within the Avon Gorge would be managed and inspected for a ten-year period up to 2033.</p> <p>Applicant: What would happen if the line opens after 2023, would the management and inspection still be undertaken for a ten-year period?</p> <p>Relevant Planning Authorities/Natural England/Forestry Commission: Is a ten-year management/inspection period sufficient and if it isn't what should it be and why?</p>	<p>A ten-year management and inspection period is considered sufficient.</p>

ExQ1	Question to:	Question	Bristol City Council Response
BIO.1.14	<p><i>Trees</i></p> <p><b>Bristol City Council</b></p>	<p>In your RR [RR-001] you raise a concern regarding the potential loss of trees within Bristol.</p> <p>i) How many trees would be lost? ii) Where are the trees that would be lost located? If possible, provide a plan showing the location of the trees that would be affected. iii) Are the trees that would be lost protected and if so how? iv) Are any of the trees noble or veteran trees? v) Could the loss of trees be mitigated and if so how?</p>	<p>Paragraphs 50 to 59 of BCC's LIR [REP1-032] details the concerns in relation to tree loss.</p> <p>Each part of the question is answered in turn.</p> <p>i) Seven trees would be lost.</p> <p>ii) The Applicant has provided BCC details of the tree losses within Bristol and a tree survey showing the locations of the trees to be lost. These are appended to this response – see Appendix A.</p> <p>iii) The trees to be lost are not subject to specific protection, such as a tree protection order.</p> <p>iv) There are no noble or veteran trees affected.</p> <p>v) Policy DM17 of the BCC Local Plan requires that where tree loss or damage is essential to allow for appropriate development, replacement trees of an appropriate species should be provided in accordance with the BCC tree compensation standard.</p> <p>In accordance with this standard, a total of 35 replacement trees would be required. It is anticipated that these will largely be provided onsite at the Clanage Road Permanent Maintenance Compound. Any trees that cannot be accommodated within the Compound should be compensated accordance with the Planning Obligations Supplementary Planning Document (2012) and Bristol Tree Replacement Standard. This would cover the cost of providing the tree pit (where appropriate), purchasing, planting, protecting, establishing and initially maintaining the new tree.</p> <p>The metrics to calculate the financial contribution within the Bristol Tree Replacement Standard are as follows:</p> <ul style="list-style-type: none"> <li>• Tree in open ground (no tree pit required) - £765.21</li> <li>• Tree in hardstanding (tree pit required) - £3,318.88</li> </ul> <p>Trees would be provided within the vicinity of the site.</p>
BIO.1.40	<p><i>European Sites</i></p> <p><b>Relevant Planning Authorities</b></p>	<p>The search area for European sites for consideration in the HRA was based on a 10 km radius around the DCO Scheme boundary (extended to 30 km for sites with bats as a qualifying feature).</p> <p>Applicant: Can you clarify the basis in guidance (or otherwise) for these defined zones and whether the search area/ buffer zone was agreed with the Statutory Nature and Conservation Bodies at the HRA Screening Stage.</p> <p>Natural England and Relevant Planning Authorities: Do you consider whether these zones are appropriate for the purposes of the HRA?</p>	<p>The zones are considered to be appropriate for the purposes of the HRA [APP-075].</p> <p>The 10km distance is commonly employed in HRA assessment and a greater distance for bats is an appropriate use of the precautionary principle given that horseshoe and other bats can forage over significant distances.</p> <p>It should be noted that this is the position of BCC as LPA only, and that we defer to Natural England given their expertise on this matter.</p>

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BIO.1.41	<p><i>Pathways</i></p> <p><b>Relevant Planning Authorities</b></p>	<p>Paragraphs 5.2.1 (construction) and 5.2.2 (operation) of the HRA [APP-75 and APP-142] report set out the potential impact pathways to the identified European sites. Can you:</p> <p>i) Confirm you are content that these identified pathways consider all aspects of the Proposed Development that could affect European site(s)?</p>	<p>BCC is content that the identified pathways consider all aspects of the Proposed Development that could affect European sites.</p>
BIO.1.42	<p><i>Decommissioning</i></p> <p><b>Relevant Planning Authorities</b></p>	<p>i) Is it appropriate that the Applicant has not assessed the potential decommissioning of the railway in terms of HRA, on the basis that it would remain available either for re-development and that such proposals would be subject to their own assessment and consideration of environmental effect (ie meaningful assessment cannot be made at this stage)?</p> <p>ii) Explain why you do or do not agree and, if relevant, how you would wish to see the Applicant address this issue.</p> <p><i>You may want to combine the response to this question with the answer to question GC.1.20.</i></p>	<p>Each part of the question is answered in turn.</p> <p>i) BCC agrees that it is appropriate that the Applicant has not assessed the potential decommissioning of the railway in terms of HRA.</p> <p>ii) BCC considers that paragraphs 3.2.69 to 3.2.75 of the HRA [APP-075] put forward reasonable justification for not assessing the decommissioning of the railway.</p>
<b>CONSTRUCTION IMPACTS</b>			
CI.1.2	<p><i>Update</i></p> <p><b>Bristol City Council</b></p>	<p>In your relevant representation [RR-001] you state that you are in discussion with the Applicant regarding the measures in the CEMP [APP-127] however no further details are provided. Please provide an update on any discussions and set out any outstanding concerns in this respect or highlight where in the revised version of the CEMP [AS-046] these concerns have been addressed.</p>	<p>BCC has no objection in principle to the content of the Master CEMP [APP-127]. As shown in the Statement of Common Ground between the Applicant and BCC [REP1-017], there have been a number of clarifications which have been sought prior to Deadline 1.</p> <p>There are no outstanding concerns on the Master CEMP, noting that further detail will need to be provided in stage-specific CEMPs and that these will need to be approved by BCC as Local Planning Authority pursuant to Requirement 5 of the draft DCO [AS -014].</p>
CI.1.9	<p><i>Road Network</i></p> <p><b>The Relevant Highways Authorities</b></p>	<p>Concerns have been raised [RR-066] that construction traffic would have the potential to damage the existing road network with particular reference to drainage.</p> <p>i) Has/ will an assessment of the effects on road and bridge condition (surface, drainage etc) proposed to be used by construction traffic been undertaken?</p> <p>ii) What mitigation eg weight limits, agreed delivery routes are proposed to minimise any damage to the road network by construction traffic and how would this be secured through specific provisions in the Construction Traffic Management Plan (CTMP) [APP-210]?</p> <p>ii) Who would be liable for any damage to the road network and who would be responsible for any repairs?</p>	<p>Each part of the question is answered in turn.</p> <p>i) It would be helpful for a Highway Condition Survey of both Clamage Road and Winterstoke Road to be undertaken prior to the commencement of the use of the Clamage Road Access and prior to the commencement of the Winterstoke Road highway works.</p> <p>ii) The Local Highway Authority would seek to agree weight limits and delivery routes as part of the Stage-specific CTMPs submitted to discharge Requirement 5 of the DCO [AS -014].</p> <p>iii) Any damage to the road network should be remedied by the Applicant and made good to the satisfaction of the Local Highway Authority.</p>

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DRAFT DEVELOPMENT CONSENT ORDER (DCO)			
DCO.1.4	<p><i>Discharge of Requirements</i></p> <p><b>Bristol City Council</b></p>	<p>In your RR [RR-001] you raised a concern regarding the discharge of requirements please provide further details of this concern or signpost where in either your Local Impact Report (LIR) or Written Representation (WR) this information can be found.</p>	<p>Discussions regarding the discharge of Requirements have continued between the Applicant and the relevant planning authorities since the time that BCC submitted its Relevant Representation [RR-001].</p> <p>Paragraphs 14.1.1 – 14.1.6 of the Statement of Common Ground between the Applicant and BCC [REP1-017] sets out the concerns which BCC had with the discharge of Requirements, the Applicant's response and confirmation that the process has now been agreed between the Applicant and BCC.</p>
DCO.1.7	<p><i>Drainage</i></p> <p><b>Relevant Flood Authorities and Drainage Boards</b></p>	<p>The dDCO as currently drafted does not include an article that would require the maintenance of drainage of land, whether that responsibility is imposed or allocated by any enactment.</p> <p>i) Why not and how would the maintenance of drainage be secured by the DCO as currently drafted?</p> <p>ii) If an article would be necessary, provide a form of suggested wording.</p>	<p>i) There is an expectation that drainage systems are implemented in accordance with the approved Drainage Strategy (secured under Requirement 11 of the DCO [AS -014]) and maintained thereafter in perpetuity.</p> <p>ii) BCC's standard condition wording in relation to Sustainable Drainage System (SuDS):</p> <p><i>"The approved drainage system shall be implemented in accordance with the approved Sustainable Drainage Strategy prior to the use of the building commencing and maintained thereafter for the lifetime of the development."</i></p> <p>An Article to this effect would be suitable in this case.</p>
DCO.1.9	<p><i>Article 2 – definition of "commence"</i></p> <p><b>The Relevant Planning Authorities</b></p>	<p>This is a broad definition, the effect of which would be to permit a wide range of works before the discharge of the requirements.</p> <p><b>Applicant:</b> Explain why you consider it would be necessary to undertake these works prior to the discharging of requirements and clarify whether the impact of these works has been assessed.</p> <p><b>The Relevant Planning Authorities:</b> Confirm whether you are concerned with the range of works that could be carried out prior to the discharge of requirements and if you are why and if you are should any of these works to be controlled by a requirement?</p>	<p>Bristol City Council has discussed its concerns with the Applicant regarding the range of works that could be carried out prior to discharge of Requirements. The position on this is captured in Table 19.1 'Requirement 1' of the Statement of Common Ground between the Applicant and BCC [REP1-017].</p> <p>The Applicant has confirmed that the range of works carried out prior to discharge of Requirements must be carried out in accordance with the Code of Construction Practice [APP-212] and Master Construction Environmental Management Plan [APP-211]. On the basis that the Code of Construction Practice and Master CEMP are subject to the Examination process and would ultimately be certified by the Secretary of State, BCC is currently not concerned with the range of works that could have carried out prior to discharge of Requirements.</p>

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DCO.1.11	<p><i>Article 6 – planning permission</i></p> <p><b>The Relevant Planning Authorities</b></p>	<p>This article as drafted would allow development not authorised by the DCO to be carried out within the Order limits pursuant to planning permission. Which would appear to obviate the need to apply to change the DCO (through section 153 of the PA2008). The Explanatory Memorandum [APP-053] states that this would be necessary to enable Network Rail to carry out works to the operational railway following the carrying out of the development.</p> <p><b>The Applicant:</b> Given the extensive Permitted Development rights for operational railway land why is this article considered necessary and what works are envisaged that would be covered by this article?</p> <p><b>The Relevant Planning Authorities:</b> Do you consider that this should be secured in order to provide certainty that the power could not be used in other circumstances? If yes how would you want it to be secured?</p>	<p>Bristol City Council does not consider this article to be necessary.</p> <p>Consenting routes would be available to Network Rail following the carrying out of the authorised development via Permitted Development rights or a planning application under the TCPA 1990. The Order would not restrict these consenting routes and they are considered by BCC to be sufficient to enable Network Rail to carry out works to the operational railway. Should Network Rail wish to ‘change’ any of the works authorised by the Order, then it should seek to regularise this through discharge of Requirements, a non-material amendment or material amendment to the Order.</p>
DCO.1.12	<p><i>Article 13 - Streets subject to street works</i></p> <p><b>The Relevant Highway Authorities</b></p>	<p>i) Are the activities listed at 13(1) sufficient to cover the works that would be required to implement the Proposed Development? Should the list be expanded/amended as follows –</p> <p>(a) break up or open the street, or any sewer, drain or tunnel <b>within</b> or under it;</p> <p>(b) tunnel or bore under the street <b>or carry out any works to strengthen or repair the carriageway;</b></p> <p>(c) <b>remove or use all earth and material in or under the street;</b></p> <p>(d) place and <b>keep</b> apparatus in the street;</p> <p>(e) maintain, <b>alter or renew</b> apparatus in the street or change its position;</p> <p>(f) <b>demolish, remove, replace and relocate any street furniture within the street;</b></p> <p>(g) <b>execute any works to improve sight lines;</b></p> <p>(h) <b>execute any maintain any works to provide hard and soft landscaping;</b></p> <p>(i) <b>carry out re-lining and placement of road markings;</b></p> <p>(j) <b>remove and install temporary and permanent signage;</b> and</p> <p>(k) execute any works required for or incidental to any works referred to in sub-paragraphs (a) to (k)</p> <p>ii) Are the activities listed at 13(2) sufficient to cover the works that would be required to implement the Proposed Development? Should the list be expanded to include – make and maintain crossovers and passing places; execute any works of surfacing or resurfacing the highway; carry out works for the provision or alteration of parking places, loading bays and cycle tracks; execute any works necessary to alter or provide facilities for the management and protection of pedestrians.</p> <p>iii) This article would give the Applicant the power to alter the layout and width of any street within the order land. While it would be necessary to obtain the consent of the street authority (which may not be</p>	<p>i) The proposed expanded/amended activities highlighted in bold are supported. This expansion/amendment is helpful given the likely need to repair any damage to the highway and the need for construction management measures to be implemented on the highway at Clanage Road.</p> <p>ii)The activities listed appear to be largely sufficient to cover the Work nos. 26 to 29 listed within the draft DCO [AS – 014] relating to Bristol. However, the list should be expanded to encompass the following activities:</p> <ul style="list-style-type: none"> <li>• make and maintain crossovers and passing places;</li> <li>• execute any works of surfacing or resurfacing the highway;</li> </ul> <p>iii) Bristol City Council is satisfied with the range of powers applied within this Article given the requirement to obtain consent of the street authority. If limitations were required, these could be limited to those streets identified within Schedule 3 to Schedule 9 of the draft DCO [AS – 014].</p>

ExQ1	Question to:	Question	Bristol City Council Response
		unreasonably withheld) to exercise this power it is still a wide-ranging power. Should it therefore be limited to identified streets and if yes, which streets?	
DCO.1.26	<p><i>Article 44 – Important Hedgerows</i></p> <p><b>The Relevant Planning Authorities</b></p>	<p>This article would give the Applicant the power to remove any important hedgerows listed in Schedule 13, plus any other hedgerows within the Order limits. Contrary to the guidance contained within Advice Note 15 the ‘other hedgerows’ are not listed in a schedule nor is there a requirement that would require the Applicant to submit and have approved the removal of these hedgerows.</p> <p><b>Applicant:</b> Explain the current drafting.</p> <p><b>The Relevant Planning Authorities:</b> Should the removal of hedgerows outside of those listed in Schedule 13 be controlled and, if so, how by article or requirement? Provide the preferred wording.</p>	<p>Advice Note 15, para. 22 Hedgerows and Trees states that an article should “specifically identify the hedgerows to be removed (whether in whole or in part)”. It is not clear whether this just applies to Important Hedgerows protected under the Hedgerow Regulations 1997 – if so, Schedule 13 is considered to be sufficient. However, if the advice applies to all hedgerows, it would be useful to have an article to cover this.</p> <p>We defer to the ExA / Applicant regarding the wording of this article, dependent on whether the Advice refers to Important Hedgerows or all hedgerows within the Order limits.</p>
DCO.1.27	<p><i>Article 45 - Statutory Nuisance</i></p> <p><b>The Relevant Planning Authorities</b></p>	<p>Are the Relevant Planning Authorities satisfied with the defence to proceedings in respect of statutory noise nuisance and, if not, what alternative wording would they suggest?</p>	<p>Article 45 appears to prevent action being undertaken by an individual under section 82 of the Environmental Protection Act 1990, however it is noted within the Explanatory Memorandum [APP-053] that this forms part of the Model Provisions. As such, we defer to the ExA on this matter.</p>
DCO.1.28	<p><i>Article 46 – Traffic Regulation</i></p> <p><b>The Applicant</b></p> <p><b>The Relevant Highway Authorities</b></p>	<p><b>Applicant:</b> Why is this article included in Part 7 (miscellaneous and general) rather than Part 3 (streets, highways and level crossings).</p> <p><b>The Relevant Highway Authorities:</b> are the measures proposed by this article appropriate? If not, why not and please provide any alternative wording that you consider would address your concerns.</p>	<p>The measures proposed by the article are appropriate, providing that the powers are executed subject to the consent of the traffic authority.</p>
DCO.1.31	<p><i>Schedule 1</i></p> <p><b>The Relevant Planning Authorities</b></p>	<p>Paragraph 14.6 of the Explanatory Memorandum [APP-053] sets out the defining characteristics of associated development and states that it must not be an aim in itself and must be subordinate to and necessary for the effective operation of the NSIP. Provide an explanation as to how the following works would fulfil this criteria:</p> <ul style="list-style-type: none"> <li>i) Work No 3</li> <li>ii) Work No 7B</li> <li>iii) Work No 22A</li> <li>iv) Work No 27</li> <li>v) Work No 28</li> </ul>	<p>Two of the works listed within the ExQ ref. DCO.1.31 are within BCC’s administrative area. These are iv) Work No 27, which is a foot and cycle ramp linking Ashton Road to Ashton Vale Road; and, v) Work No 28, which is the highway improvements to Winterstoke Road.</p> <p>iv) Work No 27: The proposed foot and cycle ramp would fall into the category outlined within 14.6.1 of the Explanatory Memorandum [APP-053] as a ‘formation of new or improved pedestrian access’ and is necessary to mitigate the effect that increased use of the railway line would have on pedestrian connectivity, particularly mitigating increased footfall associated with pedestrians travelling to Ashton Gate Stadium. It would ‘help to address the impacts of development’ as</p>

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			<p>outlined in Section 'Associated development principles' Para 5(i) of the document 'Planning Act 2008: Guidance on associated development applications for major infrastructure projects' (DCLG, 2013).</p> <p>v) Work No 28: The proposed highway works would fall into the category outlined within 14.6.2 of the Explanatory Memorandum [APP-053] and would constitute associated development as defined in Annex A of the document Planning Act 2008: Guidance on associated development applications for major infrastructure projects' as it would consist of the 'alteration or construction of roads, footpaths and bridleways'.</p>
DCO.1.32	<p><i>Schedules 3, 4, 5, 6, 7, 8, and 9</i></p> <p><b>The Relevant Highway Authorities</b></p> <p><b>The Relevant Planning Authorities</b></p>	<p>Confirm that the streets, bridleways, cycle tracks and footpaths listed in these schedules accurately reflect your understanding of the streets, bridleways, cycle tracks and footpaths that would be affected as a result of the Proposed Development and if not, why not?</p>	<p>Schedule 3 accurately reflects BCC's understanding of the streets subject to street works.</p> <p>Schedule 4 does not apply to streets within BCC.</p> <p>Schedule 5 does not apply to streets within BCC.</p> <p>Schedule 6 accurately reflects BCC's understanding of the footpaths to be stopped up and diverted.</p> <p>Schedule 7 accurately reflects BCC's understanding of the accesses to works.</p> <p>The Barons Close Level Crossing, also known as the Ashton Containers Crossing, Ashton, Bristol, appears to be missing from Schedule 8 or 9 as a crossing to be extinguished.</p>
DCO.1.34	<p><i>Requirement 6 and 7</i></p> <p><b>The Relevant Planning Authorities</b></p>	<p>For precision should 6(4) and 7(2) be amended to read ' Any tree or shrub planted as part of the approved railway landscaping scheme that, within a period of five years <b>after the date that it is planted</b> is removed, <b>uprooted, destroyed</b>, dies or becomes in the opinion of the relevant planning authority, seriously damaged or diseased, must be replaced with a specimen of the same species and size as that originally planted, unless the relevant planning authority gives written consent to any variation.'</p>	<p>The added precision is supported.</p>
DCO.1.35	<p><i>Requirement 8</i></p> <p><b>The Relevant Planning Authorities</b></p>	<p>For precision and enforceability should 8(4) include a time period by which the temporary fencing should be removed and if yes, how long should this be?</p>	<p>Given the anticipated programme of the Proposed Development, it is suggested that the temporary fencing is removed no later than 6 months after the cessation of the works on that Stage (as suggested in the wording ExQ1 ref. DCO.1.43).</p>

ExQ1	Question to:	Question	Bristol City Council Response
DCO.1.36	<p><i>Requirement 9</i></p> <p><b>The Relevant Planning Authorities</b></p>	<p>For precision and enforcement should 9(2) be amended as follows ‘...in accordance with the approved details and timetable and the stage of the authorised development <b>must not commence until these works have been completed</b>’</p>	<p>The added precision is supported.</p>
DCO.1.38	<p><i>Requirement 11</i></p> <p><b>Lead Local Flood Authorities</b></p>	<p>i) Why is the tailpiece at 11(2) necessary?</p> <p>ii) And if it is necessary why is only the agreement of the relevant planning authority required when the original details would have to be agreed with the relevant planning authority in consultation with the lead local flood authority and the Environment Agency?</p>	<p>i) As set out within BCC’s Statement of Common Ground with the Applicant [REP1-017], the Applicant has agreed with BCC that in some cases, tailpieces are necessary to allow flexibility within the drafting. This is considered acceptable to BCC given its limited application and the rationale set out by the Applicant.</p> <p>ii) Approval should be agreed with the local planning authority in consultation with the lead local flood authority and the Environment Agency.</p>
DCO.1.39	<p><i>Requirement 12</i></p> <p><b>The Relevant Planning Authorities</b></p>	<p>i) For precision should this requirement make reference to BS 5837:2012?</p> <p>ii) For precision and enforceability should 12(4) include a time period by which the fencing must be removed?</p>	<p>i) The added precision is supported.</p> <p>ii) Given the anticipated programme of the Proposed Development, it is suggested that the tree protection fencing is removed no later than 6 months after the cessation of the works on that Stage.</p>
DCO.1.41	<p><i>Requirement 18</i></p> <p><b>The Relevant Planning Authorities</b></p>	<p>Requirement 18 would appear to duplicate requirement 4 (<i>Submission of detailed design</i>) as both would require the submission and approval of details for Work No 28. Are both requirements necessary or could 4 be reworded to capture the detail contained within 18 or should reference to work No 28 be deleted from requirement 4?</p>	<p>BCC defers to the ExA to determine the appropriateness of including both Requirements 4 and 18, pending response from the Applicant.</p>

ExQ1	Question to:	Question	Bristol City Council Response
DCO.1.43	<p><i>Requirement 20 and 21</i></p> <p><b>The Relevant Planning Authorities</b></p>	<p>Is the use of the phrase 'as soon as reasonably practicable' in relation to the removal of temporary works sufficiently precise for the purposes of enforcement or should a timeframe such as 6 months from the date of completion of the works be used and if so what timeframe would be appropriate?</p>	<p>The added precision is supported. It is suggested that 6 months would be an appropriate timeframe.</p>
DCO.1.49	<p><i>Requirement 38</i></p> <p><b>The Relevant Planning Authorities</b></p>	<p><i>Requirement 38(2)</i> would give <b>deemed consent</b> for any application to discharge a requirement if a decision has not been made by the relevant planning authority within the defined 8-week period or where an extension of time has not been pre-agreed. Can you comment on whether you are content with this?</p>	<p>The procedure for discharge of Requirements is prescribed within Requirement 38 and Requirement 39 of the dDCO [AS-014].</p> <p>Bristol City Council is content with the Applicant's proposed 'deemed consent' drafting, providing that Requirement 38(1)(b) and Requirement 39 are secured as drafted. Requirement 38(1) and Requirement 39 would effectively re-start the determination period of 8 weeks in the event that further information is requested by the relevant planning authority as described in Requirement 39.</p>
<b>FLOOD RISK AND DRAINAGE</b>			
FRD.1.1	<p><i>Updated Flood Information</i></p> <p><b>Bristol City Council</b></p>	<p>Does the additional flood information submitted by the Applicant [AS-007] address the concerns raised in your RR if not, why not?</p>	<p>BCC's Relevant Representation [RR-001] refers to the requirement for flood plain compensation and for a positive drainage system at the Clanage Road compound given its location within Flood Zone 3, and the risk of damage to watercourses, including culverts.</p> <p>The requirement for flood plain compensation would be a matter for the Environment Agency to address, and as such BCC have no further comment on this aspect.</p> <p>The additional information submitted by the Applicant in response to the Planning Inspectorate's letter of advice under s 51 [AS-007] does not include any details of a positive drainage system at the Clanage Road compound. However, BCC is satisfied however that these details can be secured via Requirement 4 of the DCO, which would require the detailed design of the Clanage Road compound to be approved by the BCC as Local Planning Authority.</p>

ExQ1	Question to:	Question	Bristol City Council Response
FRD.1.6	<p><i>Updated information</i></p> <p><b>The Relevant Lead Local Flood Authorities</b></p>	<p>In your response the s51 advice you state “However, the Applicant formally acknowledges that at detailed design GRIP 5 it will need to consider a design capacity reflecting an allowance for 40% for climate change which may be enforced through Requirement 11 of the dDCO”.</p> <p><b>Applicant:</b> If the GRIP process would require a higher climate change allowance than is currently assessed how would this be secured through dDCO requirement 11 as currently drafted? Why hasn't a 40% allowance been modelled on the basis that it is foreseeably required as part of GRIP 5?</p> <p><b>The Relevant Lead Local Authorities:</b> Are you satisfied that the design capacity submitted to the Examination is acceptable or should it reflect the higher allowance required for GRIP 5 and if it should are you satisfied that Requirement 11 as currently drafted could capture this or is this information required prior to the determination of the Application?</p>	<p>The latest upper end climate change guidance<sup>1</sup> (Environment Agency, July 2020) for peak rainfall includes a 40% allowance climate change. The guidance states that both the central and upper end allowances to understand the range of impact. It also states that as a minimum, there should be no significant flood hazard to people from on-site flooding for the central allowance. Whilst a drainage design for a positive drainage system at the Clanage Road compound is yet to be received (see response to ExQ ref. FRD.1.1), BCC is satisfied that designing such a system in accordance with latest climate change allowances is feasible. It would, however, be sensible to test the 40% allowance at the same time as opposed to assessing at the later stage.</p>
<b>HISTORIC ENVIRONMENT</b>			
HE.1.3	<p><i>Clanage Road</i></p> <p><b>Bristol City Council</b></p>	<p>A permanent maintenance depot is proposed at Clanage Road which would be located in the Bower Ashton Conservation Area. It would be in close proximity to Ashton Court Registered Park and Garden and a number of listed buildings at Bower Ashton. Are you satisfied that the proposed depot would not adversely affect the setting of these heritage assets?</p>	<p>Both Chapter 8 ‘Cultural Heritage’ [APP-103] and Chapter 11 ‘Landscape and Visual Impacts Assessment’ [APP-106] of the Applicant’s Environmental Statement assess the potential impacts posed by the Clanage Road construction and permanent maintenance compounds on the Bower Ashton Conservation Area, the Ashton Court Registered Park and Garden and other designated heritage assets.</p> <p>Bristol City Council is satisfied that the propose depot would not adversely affect the setting of the heritage assets and concurs with the statements set out within paragraphs 8.6.100 of Chapter 8 of the ES [APP-103] and paragraph 11.6.102 of Chapter 11 of the ES [APP-106]. Bristol City Council suggest that any impact can be dealt with through Requirement 4 and Requirement 7 to agree the landscape proposals.</p>

<sup>1</sup> Available: <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>

ExQ1	Question to:	Question	Bristol City Council Response
NOISE, VIBRATION AND LIGHT			
NV.1.2	<p><i>Baseline Survey</i></p> <p><b>Interested Parties</b></p>	<p>i) Can the Applicant provide the ExA with assurances that the baseline noise environment remains valid and robust, taking into account the time since the noise measurements were undertaken (primarily in September and October 2015 for noise and March 2016 for vibration)?</p> <p>ii) In terms of the impacts of existing freight traffic on the baseline noise environment, paragraph 13.3.31 of the ES [APP-108] explains that the number of freight movements in 2015 was lower than the previous five years; therefore it concludes that the impact from the Proposed Development services would be worst case, since a higher baseline level would have meant the passenger services would contribute less to the predicted noise climate. Whilst this is noted, can the Applicant comment on whether this approach could also result in the overall predicted noise and vibration levels not representing a true worst case (ie of higher freight traffic levels). Do any Interested Parties have comments in this regard?</p>	<p>ii) The number of freight movements detailed in Chapter 13 of the ES [APP-108] is for coal. These were considerably lower in 2015 (463) than the previous 3 years (all over 1300) but also the number of movements dropped further in 2016 (28) and 2017 (137). With the need for greener energy BCC assumes that coal freight movements would be unlikely to increase. It is also assumed that the railway line will continue to be used for freight and it would therefore be beneficial to know the number of freight movement per year since 2017 and any future predictions for coal and other freight movements.</p> <p>The information given in table 13.7 in Chapter 13 of the ES [APP-108] is just for coal and doesn't include the freight movement of road vehicles. Any further information regarding past and likely future movements of these and any other freight movements would be likely to give a clearer picture of trends in freight movements.</p> <p>It is noted that 13.4.30 [APP-108] states 'The baseline without the scheme is predicted to experience an increase in traffic which will in turn result in an increase in noise. Due to the decline in the use of coal, the number of freight train movements from the Portbury docks is considered likely to remain at current levels'. This concurs with our assumptions above.</p>
NV.1.3	<p><i>Operational Noise Levels</i></p> <p><b>The Relevant Planning Authorities</b></p>	<p>Two methods have been used by the Applicant to compare Operational noise levels with and without the scheme, depending on existing noise sources in the area;</p> <p>i) Do the Environmental Health Officers from the Relevant Planning Authorities agree with the methodologies used?</p> <p>ii) Can the Applicant explain how method two takes into account different times of the day, for example evenings when the dominant noise source of traffic is likely to decrease?</p> <p>iii) Paragraph 13.3.33 [APP-108] states that in order to focus on the impact of the Proposed Development, no noise contribution from freight traffic has been assumed in either the Do-Minimum or Do-Something scenarios assessed using method 2. Can you comment on whether this has the potential to mask the potential effects of noise from freight movements plus movements from the Proposed Development?</p>	<p>i) The methodology is agreed.</p>

ExQ1	Question to:	Question	Bristol City Council Response
NV.1.11	<p><i>Monitoring</i></p> <p><b>The Relevant Planning Authorities</b></p>	<p><b>Applicant:</b></p> <p>i) Confirm whether the noise and vibration monitoring proposed in the outline CEMP [APP-127] would be made available to local authorities?</p> <p>ii) Outline how would thresholds be identified and implemented, and indicate whether the CEMP should include a commitment to remedial measures should monitoring identify higher than predicted noise and vibration levels?</p> <p><b>Applicant and Relevant Planning Authorities:</b></p> <p>iii) Comment on the need for monitoring of operational phase noise and mitigation?</p> <p>iv) Can the Applicant explain if monitoring (and appropriate trigger levels) would be required to determine whether measures need to be implemented to reduce rail squeak? If so, how would these and any requisite remedial measures be secured?</p>	<p>iii) Operational noise monitoring was discussed with the Applicant following submission of the application. This is outlined in the BCC's SoCG with the Applicant ref. 14.1.2 [REP1-017].</p> <p>It is understood that the operation of the railway is authorised by statute and accordingly there is no need nor power for a requirement that operational noise be monitored after passenger services commence.</p>
<b>TRAFFIC AND TRANSPORT</b>			
TT.1.4	<p><i>Further Information</i></p> <p><b>Bristol City Council</b></p>	<p>i) Provide further details on the proposed highway improvements on Winterstoke Road referred to in your RR [RR-001] and how the Proposed Development would affect them or signpost where in either your LIR or WR this information can be found.</p> <p>ii) In your relevant representation [RR-001] you state you are in discussion with the applicant regarding the measures in the CTMP [APP-210] however no further details are provided – please provide an update on any discussions and set out any outstanding concerns in this respect.</p>	<p>i) The proposed highway improvements are those which are proposed as part of Work No 28 in the dDCO [AS – 014].</p> <p>Paragraphs 39 to 42 of BCC's LIR [REP1-032] detail the impacts of the scheme in this location.</p> <p>ii) Construction Traffic Management measures will be required to support the highway works undertaken at both Clamage Road and Winterstoke Road. BCC raised concerns about the levels of detail within the CTMP [APP-210], however, as noted within paragraph 16.1.3 of BCC's SoCG with the Applicant [REP1-017], a more detailed CTMP will be produced for each stage of the DCO and this will be subject to the approval of BCC as LPA.</p> <p>Subject to securing these measures via Requirement 5 BCC has no outstanding concerns in relation to the CTMP.</p>
TT.1.7	<p><i>Traffic Management</i></p> <p><b>Relevant Highway Authorities</b></p>	<p>ES Table 16.9 [APP-111] sets out that local traffic management measures which should reduce the effects of the works would be agreed with the Highway Authority post the granting of any consent – are the relevant Highway Authorities content that such measures could be agreed post consent?</p> <p>In the absence of reference to such measures in the CTMP [APP-210] can the Applicant provide assurances that such measures would be implemented if necessary and how would they be secured?</p>	<p>Bristol City Council is satisfied that the measures could be agreed via Requirements 4 and 5.</p>

ExQ1	Question to:	Question	Bristol City Council Response
TT .1.16	<p><i>Travel Plans</i></p> <p><b>The Relevant Highway Authorities</b></p>	<p>TA Appendix M [APP-171] sets out the outline travel plans for Portishead and Pill and the CTMP [APP-169 and APP-210] (TA Appendix K) at section 6.9 refers to a Construction Workers' Travel Plan which would be prepared by the contractor. Could the Relevant Highway Authority:</p> <p>i) Confirm if the limited information provided for the construction workers' travel plan is sufficient at this stage, and if not, what else would be required?</p> <p>ii) Confirm if the outline station travel plans including arrangements for monitoring and review provide a suitable basis for agreement of detailed travel plans post consent?</p>	<p>i) The limited information provided for the construction workers' travel plan is considered to be sufficient at this stage.</p> <p>The nature of the outline CTMP [APP-169 and APP-210] is noted, and it is expected that stage-specific CTMPs, inclusive of a Construction Workers' Travel Plan, would be submitted prior to the commencement of that stage. This is standardised for CTMP conditions on TCPA Applications for major development within Bristol.</p> <p>ii) Not applicable to BCC.</p>
TT.1.18	Bristol City Council	<p>The Planning Statement [APP-209] at paragraph 6.4.57 states that the Metrobus works at Ashton Vale are to become a public right of way. Please provide an update.</p>	<p>The guideway at Ashton Vale is currently privately owned (albeit by BCC). It is understood (see BCC's SoCG with the applicant [REP1-017] ref. 16.1.9) that this would be dedicated as a PRoW as shown on the DCO Document Reference 2.47: Ashton Vale Road and Winterstoke Road Highway Works Plan [APP-041].</p> <p>Whilst BCC supports the dedication of this route, there are concerns that the Highway Authority would be at risk from statutory undertakers, advertising and all the other equipment / apparatus / clutter that is applied for.</p>