



# The Planning Inspectorate

## Application by North Somerset Council for an Order granting Development Consent for the Portishead Branch Line – MetroWest Phase 1

### Hearing Action Points arising from the Compulsory Acquisition Hearing held virtually on Friday 4 December 2020

Action	Description	Action by	When
1	All parties to continue to negotiate and where possible conclude voluntary agreements for the land that would be needed to enable delivery of the proposed development.	All parties	By the end of the Examination
2	Applicant, if they wish, to submit full script of initial presentation setting out case for Compulsory Acquisition (CA) and Temporary Possession (TP) against s122 and s123 of the Planning Act 2008 as the time for the presentation was limited at the Hearing.	Applicant	Deadline 3
3	Applicants contact details to be provided to Ms Bigwood so a site meeting can be arranged.	National Infrastructure Case Team	ASAP
4	Written submission to explain how Work No.29 (Parson Street Junction) which is to provide a compound for the proposed junction works which would be carried out under the Town and Country Planning (General Permitted Development) Order would be associated development.	Applicant	Deadline 3
5	Written submission providing an explanation as to why temporary possession for the whole of the area covered by plots 01/22 and 02/250 (Galingale Way pond area) would be required.  Clarify whether CA rather than TP would be required for the proposed street lighting columns or whether this would be covered by an existing s106.	Applicant	Deadline 3



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6	<p>Update on need for plots 02/20 (Fennel Road) and 03/30, 03/32 and 03/33 (Station Rd – Elm Tree Park) in their entirety if the Applicant chooses to go down the route of Direct Local Licencing (DLL) to deal with the issue of Great Crested Newts (GCN).</p>	Applicant	Deadline 3
7	<p>To clarify the apparent anomaly between the work plans and the land plans between Work Nos 10b and 11b.</p> <p>To clarify whether the access that Work No 11b would provide to Western Power Distribution (WPD) could be provided through other legislation and without the need to acquire a right in the land.</p> <p>Applicant to provide a summary of what rights provided under the Hinkley C Connector DCO would be extinguished and what would be re-provided in relation to Shipway Farm.</p>	Applicant and WPD	Deadline 3
8	<p>Clarify whether the land shown within the Order Limits on the top right-hand corner of sheet 2a of the works plan is or needs to be included in the land plans.</p>	Applicant	Deadline 3
9	<p>Applicant to revise Compulsory Acquisition Schedule (CAS) to show where voluntary agreements have been concluded; where they are in negotiation and when it is expected that agreements would be concluded. Full details of the parties involved rather than just initials. Applicant advised to look at the CAS submitted by Esso for Southampton to London Pipeline DCO as an example of the layout and information that the ExA require.</p>	Applicant	Deadline 3
10	<p>Applicant and Freightliner to confirm whether the route provided by plot 17/15 is correct or whether an</p>	Applicant and Freightliner	Deadline 3



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	<p>alternative access route to the proposed construction compound would be needed and if an alternative route is needed what the implications for CA/ TP would be.</p> <p>Applicant to confirm why the eastern end of plot 17/15 which is currently used by Freightliner for parking would be needed.</p>		
11	<p>Applicant to provide further clarification re plot 05/85 and whether it would be amended/ removed as a result of change request to remove Work No. 16d.</p> <p>Applicant to provide conformation as to whether the remaining kite shaped parcel of plot 05/85 would still be required if GCN are dealt with through DLL option.</p>	Applicant	Deadline 3/4
12	<p>Mr Crossman is noted in the Book of Reference [REP1-007] as having an interest in plots 02/50, 02/53, 02/90 and 02/101 but these plots are not listed in the CAS – Applicant to check and amend as necessary.</p>	Applicant	Deadline 3
13	<p>Applicant and Mr Crossman to have further discussions to try and progress a voluntary agreement.</p> <p>Applicant to confirm why they need the full extent of plot 02/55.</p>	Applicant	On-going
14	<p>RR-018 raised a concern that Plot 16/155 might encroach on land in their ownership. Applicant to check and action accordingly.</p> <p>CAS to be amended to include plot 16/35.</p>	Applicant	Deadline 3
15	<p>Update on progress with negotiations on plots 04/20, 04/21, 04/35 and 04/36.</p>	Applicant	Deadline 3



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16	Explain why ETM Contractors not included as category 3 when other plots around the junction are?	Applicant	Deadline 3
17	Statement of Common Ground with WPD to be prepared	Applicant and WPD	Deadline 4
18	National Trust (NT) to provide written response regarding maintenance arrangements and who would bear the on-going expense of these.  Submission of details of current arrangements with Network Rail (NR) for the freight line and rock fencing and maintenance.	Applicant NT NR	Deadline 3
19	Note on Forestry England/Forestry Commission definitions/roles	Applicant	Deadline 3
20	Note on what the implications for the project are if Crown consent is not forthcoming by close of the Examination and whether the project could proceed if all Crown land had to be removed from the Order land?	Applicant	Deadline 6
21	Clarification from Burgess Salmon regarding whether the Escheat land plot 06/240 was acquired subject to a restrictive covenant and if it is whether Crown consent would be required or whether this is covered by AS-004.	Applicant	Deadline 4
22	Legal submission identifying the statutory source/ authority for the Statutory Undertaker powers that they are relying on, setting these out in a document that extracts the relevant statute/ order and provision and then has an explanatory text, saying what the provision does. Explain how undertakings were transferred given that Bristol Port and Harbour were controlled by the corporation of Bristol and Bristol City Council and therefore whilst some Statutory Undertaker powers might have been transferred to Bristol Port	BPC	Deadline 4



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	Company (BPC), other powers may have been reserved for the Council to enable the ExA to understand the roles and functions of BPC and whether the proposed development would be affecting commercial or statutory functions.		
23	Comments on protective provisions suggested by BPC in their REP2-064.	Applicant	Deadline 3
24	Submission of s127 case if matters with statutory undertakers remain outstanding by the close of the Examination.	Applicant	Deadline 7
25	Confirmation as to whether there would be any implications for CA regarding Natural England's suggestion for alternative locations for mitigation planting.	Applicant	To be discussed at ISH in January