



# MetroWest+

## Portishead Branch Line (MetroWest Phase 1)

Planning Inspectorate Reference: TR040011

Applicant: North Somerset District Council

### 9.3.8 ExA.SoCG-NGET.D3.V2 – Statement of Common Ground

Between:

- (1) North Somerset District Council;
- (2) Network Rail Infrastructure; and
- (3) National Grid Electricity Transmission PLC

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Version: 2

Date: December 2020



<b>Version history</b>			
<b>Date</b>	<b>Version</b>	<b>Status</b>	<b>Description/Changes</b>
2 November 2020	V1	D1 submission	Draft for submission to examination at Deadline 1
21 December 2020	V2	D3 submission	Draft for submission to examination at Deadline 3

Draft

## **1. Introduction**

- 1.1 This Statement of Common Ground ("SoCG") has been prepared by North Somerset District Council ("NSDC"), Network Rail Infrastructure Limited ("NRIL", company number 02904587) and National Grid Electricity Transmission PLC ("NGET", registered company number 2366977). For the purposes of this SoCG, NSDC, NRIL and NGET will be jointly referred to as the Parties.
- 1.2 On 15 November 2019 NSDC submitted an application to the Planning Inspectorate under section 37 of the Planning Act 2008 ("the Act") for an order granting development consent for the construction and reopening to passenger services of the railway line between Portishead and Bristol Temple Meads ("the MetroWest Scheme"). The proposal includes the construction of a new railway on the track bed of the railway that ran between Portishead and Pill (the Portishead Branch Line). Once constructed the Portishead Branch Line will form part of the national rail network owned and maintained by Network Rail Infrastructure Limited ("Network Rail").
- 1.3 NGET owns and maintains the electricity transmission network in England and Wales and was granted consent by the Secretary of State to construct a 57km 400kV electricity transmission connection between Bridgwater in Somerset and Seabank, near Avonmouth to facilitate the connection of the Hinkley Point C Power Station. The National Grid (Hinkley Point C Connection Project) Order 2016 (as amended by the National Grid (Hinkley Point C Connection Project) (Correction) Order 2017) will be referred to as "National Grid's Order". National Grid's Order provides for powers in the vicinity of Sheepway, Portbury, to:
- Remove the overhead distribution network connectors of Western Power Distribution (South West) PLC ("WPD") crossing over the Portishead Branch Line;
  - Install new underground distribution network connectors of WPD crossing under the Portishead Branch Line; and
  - Install new overhead transmission network connectors crossing over the Portishead Branch Line, to be owned and operated by NGET.
- 1.4 The purpose of this SoCG is to set out the main areas of agreement and disagreement between the Parties in relation to how the overlap of the Hinkley Point C Connection Project and the MetroWest Phase 1 project can be dealt with.

## **2. Meetings between NSDC and NGET**

- 2.1 Meetings between NSDC and NGET took place on the following dates:

15th July 2016  
22nd August 2016  
20th January 2017  
26th October 2017  
7th March 2018  
30th October 2018  
15th May 2019  
29th April 2020  
24th September 2020  
14th October 2020

2.2 NGET was served with a section 42 consultation on 19 October 2017. NGET was served with notice of acceptance under S56 of the Act on 14 January 2020.

**3. Matters agreed between the parties:**

3.1 The parties have held a number of meetings to discuss the MetroWest Scheme and the project authorised by National Grid's Order (collectively, "the Projects") and the potential for an overlap of construction activities around Sheepway, Portbury. The parties are agreed that the Projects can be constructed and operated concurrently by the parties working together and adopting a few changes. During these discussions the following matters have been agreed:

3.2 The draft Order (Application Document reference 3.1) applied for to authorise the MetroWest Scheme seeks power to close the accommodation level crossing within plot number 02/125 (see sheet 2 of the land plans) on the MetroWest Scheme application land plans (Application Document reference 2.2). This level crossing is also included in National Grid's Order as a permanent new right of access for operation of the 400kV overhead line authorised by National Grid's Order. Consequently, NGET will require an alternative access for maintenance of its works.

3.3 The draft Order applied for to authorise the MetroWest Scheme seeks power to provide a permanent right of access, shown by plot 02/121 on the land plans, for NGET to maintain its apparatus.

3.4 Due to the condition of the overbridge carrying the highway of Sheepway over the Portishead Branch Line, a weight restriction has been imposed on the bridge. NGET have installed a temporary haul road across the railway corridor to construct the 132kV cables. Due to the recent weight restriction imposed on the overbridge, it is proposed that this haul road will also be used for the construction of the 400kV overhead line works, with the section of haul road being removed following either:

[Upon completion of NSC carrying out remediation work to the overbridge to increase the weight capacity to such which allows all remaining construction traffic required for the 400kV Overhead Line Project to use it (this will require, as worst case scenario, the bridge to be capable of holding a vehicle of 135.01T with axle loads of 13.16T).]

OR

- 3.5 [Following completion of NGET's installation and wiring works at this location – with an exception being if NSC's remediation works are obstructing the use of the overbridge at this time. In this case the haul road crossing will be removed following completion of NSC's remediation works.
- 3.6 The bridge in its current 17T capacity would be suitable for the NGET's reinstatement activities which are scheduled to take place following wiring works with an expected summer 2024 completion.]
- 3.7 NGET will use the overbridge carrying the highway of Sheepway over the Portishead Branch Line to cross the Portishead Branch Line for ongoing maintenance following the completion of the construction works. Sheepway bridge is shown on DCO document reference 2.49 to 2.51 (Sheepway Bridge Maintenance Compound and Interim Access Arrangements).

#### Southern Access

- 3.8 The parties agree that the access to the south of Sheepway (shown by plot 02/55 on sheet 2 of the MetroWest Scheme land plans) can be used together by NGET, NSDC, NRIL and the owner of Shipway Gate Farm, who will remain the owner of the land, but subject to the new rights created by the MetroWest Order.
- 3.9 NGET has commenced construction and will construct the entrance to the field in line with National Grid's DCO and agreed specification. If the construction programmes overlap NSDC will adapt this access (at NSDC's cost) to allow the parties and the owner of Shipway Gate Farm to use the egress. NSDC will notify NGET of the works in advance and will coordinate the construction of the new access with NGET to minimise disruption with NGET's work. The access will be shared by all of the parties, having separate entrances and wheel washing facilities with their own security into various parts of the field (as shown by drawing number 467470.BQ.04.20-405 Rev C, attached) (or such revision as the parties first each agree).
- 3.10 The shared access will be kept in situ until either NSDC or NGET (subject to clause 3.9) have completed their respective works requiring use of this access. The last party to complete their construction works making use of this access will remove any temporary works not required for permanent new rights of access at this location and (unless otherwise agreed with the landowner and all relevant consents are obtained by the landowner) the access will be made suitable for a permanent agricultural access for the owner of Shipway Gate Farm. Any haul roads connecting to

the access will be removed by the party using that haul road for its project in accordance with the provisions of the relevant Order.

- 3.11 The Southern access will be handed from NGET to MetroWest prior to NGET undertaking their associated reinstatement works (currently scheduled for Q1 2024) assuming that MetroWest have demonstrated within sufficient timescales that they have all the required consents in place to allow these assets to be retained for their required periods. Following receipt of this information NGET will submit the required requirement 15 submissions, with the aim of receiving approval to revise NGET's agreed reinstatement schemes.

#### Northern Access

- 3.12 The parties agree that the access to the north of Sheepway (shown by plot 02/105 and 02/37 of sheet 2 on the land plans) can be used together by National Grid and NSDC and NRIL if required. NGET has commenced construction of its project and will install the access to the field in line with National Grid's Order and agreed specification.
- 3.13 If the construction programmes overlap NSDC will adapt the access so it can accommodate both construction activities as shown by plan 467470.BQ.04.20-404 Rev C, (attached) (or such revision as the parties first each agree). NSDC will notify NGET of the works in advance and will coordinate the construction of the new access with NGET to minimise disruption with NGET's work.
- 3.14 The shared access will be kept in situ until either NSDC or NGET have completed their respective works (subject to clause 3.13) requiring use of this access. The last party to complete their construction works making use of this access will remove any temporary works not required for permanent new rights of access at this location and reinstate as shown by drawing 467470.BQ.04.20-400 to 401 Rev M (attached) (or such revision as the parties first each agree) and (unless otherwise agreed with the landowner and all relevant consents are obtained by the landowner) the access will be made suitable for a permanent agricultural access for the owner of Shipway Gate Farm. Any haul roads connecting to the access will be removed by the party using that haul road for its project in accordance with the provisions of the relevant Order.
- 3.15 The Northern access will be handed from NGET to MetroWest prior to NGET undertaking their associated reinstatement works (currently scheduled for Q2 2024) assuming that MetroWest have demonstrated within sufficient timescales that they have all the required consents in place to allow these assets to be retained for their required periods. Following receipt of this information NGET will submit the required requirement 15 submissions, with the aim of receiving approval to revise NGET's agreed reinstatement schemes.

#### Other construction matters

- 3.16 NSDC has sought powers to divert a permissive path to the north of Sheepway (shown by plots 02/37 and 02/36 on sheet 2 of the land plan) during the construction works. Depending on the timings for each project the diversion proposed as part of the MetroWest Scheme may be affected by works being carried out by NGET. If during these works it is not safe to keep the permissive path open, it will be closed for a temporary period. The Parties will keep each other informed of the need to close this permissive path and use reasonable endeavours to give at least 20 Working Days prior notice of any closure and the likely duration of the closure. The party requiring the closure will be responsible for signage notifying the public of the closure. The parties will use reasonable endeavours to minimise:
- the number of interruptions of the ability for the public to use the temporary path; and
  - the duration of any such interruption.
- 3.17 The track shown by plot 02/30 on the land plans will give NSDC access to ponds to allow the relocation of Great Crested Newts from the MetroWest construction area. Depending on the timings for each project the track could be within NGET's construction area. NGET has agreed that access will be accommodated to allow NSDC to use the track, with reasonable notice, and to the extent covered by the HPCC order limits.
- 3.18 If the Portishead Branch Line is operational before NGET completes its works, it is agreed that NGET will carry out its construction works in line with the protective provisions 'Protection for Railway Interests', as included in National Grid's Order. The required works will need to be agreed with Network Rail's asset protection team in advance of their being carried out.
- 3.19 If the construction of the Portishead Branch Line is underway before NGET has removed WPD's existing 132kV conductors or installed NGET's proposed 400kV conductors over the Portishead Branch Line, it is agreed that NGET will give NSDC and Network Rail at least 28 days prior notice before the commencement of these works and mitigate or limit the duration of these works to minimise the impact to the construction programme for the MetroWest Scheme.
- 3.20 If the construction programmes overlap, the parties agree to meet quarterly until 6 months prior to the construction of the MetroWest Scheme and thereafter monthly meetings will take place to understand each other's works and any programme conflicts. During the construction of both projects the frequency of these meeting may need to increase, however, this will be assessed at the time.
- 3.21 It is agreed that the parties and their contractors will work together to resolve any issues relating to the construction and timing of both projects if the programmes and works overlap. If either party carries out works that would materially benefit the other party the costs will be agreed prior to the

works commencing and the party carrying out the works will be reimbursed within 3 months of them being completed.

#### **4. Property matters**

- 4.1 NGET agrees that, once the Portishead Branch Line, it will not seek to secure or exercise any power to access the Portishead Branch Line save in accordance with the express permission of Network Rail and subject to Network Rail's requirements in terms of safety and minimising perturbation of the railway network.

#### **5. Coordination Arrangements**

- 5.1 As of [●], monthly coordination meetings between NGET and MetroWest will be held as a minimum, continuing until either National Grids' or MetroWest's projects end, unless agreed otherwise. Within these coordination meetings the following will be discussed; any changes from the previous meeting which may affect the other party, CDM arrangements, upcoming works, opportunities, and high-level programme overview. These meetings will not be limited to these topics only.

#### **6. Matters Still to be agreed**

- 6.1 A private agreement is being drafted to deal with the overlap of the two orders.
- 6.2 The parties are negotiating the terms of protective provisions for the benefit of NGET to be included in the draft MetroWest Scheme Order. At present, the draft Order does not include protective provisions specifically for the benefit of NGET and NGET's position is that it needs to in order to protect its interests under the National Grid Order.
- 6.3 NGET have consulted Natural England's district licensing team to discuss the potential conflict in overlapping GCN license types within the same area. The result of the consultation was that it was determined that it is not possible for there to be both a district and traditional license in the same area. As NGET's license will already be in place, any subsequent district license submissions by MetroWest will have to exclude the areas covered by NG's traditional license.
- 6.4 NGET intends to submit to Natural England's district licensing team the areas covered under the current license, as of end of October 2020. [NGET will work with MetroWest to amend the licence to reflect the MetroWest Scheme works and/or requirements.]

This SoCG has been prepared by NSDC, NRIL and NGET and is agreed by the Parties:

Signed by )

For and on behalf of North Somerset District Council )

Date: .....

Signed by )

For and on behalf of Network Rail Infrastructure Limited )

Date: .....

Signed by )

For and on behalf of National Grid Electricity Transmission )

Date: .....

Attached:

Plan 467470.BQ.04.20-405 Rev C

Plan 467470.BQ.04.20-400 to 401 Rev M

Plan 467470.BQ.04.20-404 Rev C