

21 December 2020

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Our ref:
TN2/RG1/381278.1
Your ref:
TR040011

Dear Mr Bartkowiak

Applicant: North Somerset District Council
Development Consent Order application for Portishead Branch Line – MetroWest Phase 1
Application Reference: TR040011
DCO Document Reference: 9.14 ExA.CL.D3.V1

Deadline 3 Submissions

I write further to the Planning Inspectorate's Rule 8 letter dated 26 October 2020 (the **Rule 8 letter**).

In accordance with the examination timetable at Annex A of the Rule 8 letter, I provide the following updates:

1. Post hearing submissions for CAH1 and ISH1;
2. Responses to Written Representations (WR);
3. Comments on the responses to the ExA's ExQ1;
4. An updated Guide to the Application;
5. An updated version of the draft DCO in clean, tracked and word versions together with validation report;
6. An updated Compulsory Acquisition Schedule;
7. Progressed Statements of Common Ground and the updated Statement of Commonality;
8. Responses to further information requested by Deadline 3;
9. Comments on any additional information by Deadline 2; and
10. Replacement Compounds, Haul Roads and Access to Works Plan.

Please note a revised Works Plan is also provided – see paragraph 3 of item 8.

Item 1: Post Hearing Submissions

The Applicant encloses:

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- (i) Applicant's Oral Case and response to Representations at the Compulsory Acquisition Hearing 1 (CAH1) (DCO Document Reference: 9.15 ExA.CAH1.D3.V1) together with appendices under the same document reference; and
- (ii) Applicant's Oral Case and response to Representations at the Issue Specific Hearing 1 (ISH1) (DCO Document Reference: 9.16 ExA.ISH1.D3.V1) together with an appendix under the same document reference.

Item 2: Applicant's Comments on Written Representations

This is enclosed. Please see DCO Document Reference: 9.18 ExA.CWR.D3.V1 and appendices under the same reference.

Item 3: Comments on the responses to the ExA's ExQ1

This is enclosed together with separate appendices under the same document reference, referenced against the question to which they relate. Please see DCO Document Reference: 9.17 ExA.WQ1R.D3.V1.

Item 4: An updated Guide to the Application

This is enclosed. Please see DCO Document Reference 1.4 (Version 7).

Item 5: An updated version of the draft DCO in clean, tracked and word versions together with validation report

You will find enclosed:

- (i) clean draft DCO, in PDF;
- (ii) comparison version of the draft DCO, showing all changes from the draft submitted with the application in November 2019 (Version 1), in PDF;
- (iii) comparison version of the draft DCO, showing all changes from the draft submitted in November 2020 (Version 3), in PDF;
- (iv) Word version of the clean draft DCO; and
- (v) Validation report.

You will also find enclosed a Schedule of Changes to the draft DCO (DCO Document Reference 9.1 ExA.Sch.D3.V3).

The Applicant has not fully updated Schedule 17 of the draft DCO as it is anticipated further changes to that Schedule will be required. The Applicant suggests it addresses Schedule 17 for Deadline 7.

As the changes to the draft DCO are minor in nature, the Applicant is not providing a revised Explanatory Memorandum at this deadline but will revise it for Deadline 5, when the next draft DCO is to be submitted.

Item 6: An updated Compulsory Acquisition Schedule

The Applicant has taken into account the comments made by the Panel at the Compulsory Acquisition Hearing (CAH1) and an updated Compulsory Acquisition Schedule is enclosed. Please see DCO Document Reference: 9.11 ExA.CA.D3.V2.

Item 7: Updated Statement of Common Ground (SoCG) and the updated Statement of Commonality of SoCGs

The Applicant has progressed matters with stakeholders in relation to SoCGs. The Applicant submits updated version of the following SoCGs (as categorised in the Statement of Commonality).

Please find the Statement of Commonality of Statements of Common Ground (DCO Document Reference 9.7 ExA.SoC.D3.V2) enclosed, summarising the position between the Applicant and the relevant interested parties on topics for consideration in SoCG. The Applicant has also provided a summary of the changes since the last version of the following updated SoCGs:

1. Largely agreed but not yet signed SoCGs.
 - 1.1 The below SoCGs were submitted at Deadline 1 and have been further updated at Deadline 3 to narrow and refine the issues.
 - 1.1.1 North Somerset Levels Internal Drainage Board (DCO Document Reference 9.3.7 ExA.SoCG-NSLIDB.D3.V2).
 - 1.1.2 Natural England (DCO Document Reference 9.3.6 ExA.SoCG-NE.D3.V2);
 - 1.1.3 National Grid Electricity Transmission PLC (DCO Document Reference 9.3.8 ExA.SoCG-NGET.D3.V2).
2. Applicant's latest draft SoCG not yet agreed.
 - 2.1 The below SoCGs were submitted at Deadline 1 and have been further updated to refine the issues but the updated draft is not agreed (reflecting the Applicant's view of the current position).
 - 2.1.1 Environment Agency (DCO Document Reference 9.3.3 ExA.SoCG-EA.D3.V2)

The Applicant will continue to progress discussions with stakeholders throughout the course of the Examination.

Item 8: Responses to further information requested by Deadline 3

1. The ExA produced two action lists following CAH1 and ISH1. Enclosed are comments from the Applicant in relation to:
 - 1.1 Action points arising from Compulsory Acquisition Hearing 1 – 4 December 2020 (ExA Document Reference: EV-008b) - DCO Document Reference 9.19 ExA.FI.D3.V1;
 - 1.2 Action points arising from Issue Specific Hearing 1 into the draft DCO – 7 December 2020 (ExA Document Reference: EV-007b) – DCO Document Reference 9.20 ExA.FI.D3.V1.
2. Copies of the Letters of No Impediment (**LoNI**) received from Natural England in relation to bat and badger licences. LoNIs are included at DCO Document Reference: 9.21 ExA.FI.D3.V1 for the following:
 - 2.1 Draft badger licence, disused line;
 - 2.2 Draft badger licence, operational line;
 - 2.3 Draft bat licence, disused line; and
 - 2.4 Draft bat licence, operational line.
3. In the CAH1 the Panel requested clarification on the plans that show Works 10B and 11B. The Applicant has reviewed the relevant plans in more detail and an updated Works Plan showing Work 11B is included with the Applicant's submissions for Deadline 3. The inconsistency relates to Work 11B, south of the disused railway, at Shipway Gate Farm on sheet No. 2 of the respective plans. The Applicant can confirm the Land Plan is correct but the Works Plan was incorrect. A revised updated Works Plan is provided to correct the inconsistency. The Applicant

can confirm no additional land outside of that included in the Land Plan or Book of References is affected by the rectification.

Please see DCO Document Reference 2.3 (Version 4).

4. At the ISH1 the Panel requested confirmation from the Applicant whether the consents under section 61 of the Control of Pollution Act should be added to the list of other permits/consents that the Applicant would need to be obtained. If so, the Panel asked the Applicant to provide an update to the ExA as to when and how these consents would be applied for. The Applicant can confirm that consents required under section 61 are listed in the Consents and Licences Document (Reference APP-073). These consents will be applied for post-granting of the DCO.

Item 9: Comments on any additional information submitted at Deadline 2

The Applicant has no further comments on additional information submitted at Deadline 2.

Item 10: Replacement Compounds, Haul Roads and Access to Works Plan [REP1-005]

The Applicant submitted a revised Compounds, Haul Roads and Access to Works Plan at Deadline 1 under DCO Document Reference 2.29 (Version 2). An error in the document production means the PDF does not show the haul roads layer in green, as shown on Version 1 [APP-024].

The Applicant submits at Deadline 3 a corrected version of the Compounds, Haul Roads and Access to Works Plan (DCO Document Reference 2.29, Version 3). No changes have been made to the plan since the previous version, save for the haul roads now being visible.

Concluding Remarks

The Applicant is happy to provide such further information as the Panel may require in respect of the above submissions.

The Applicant notes that, for Deadline 5, if not before, the Applicant will provide a revised draft Statement of Reasons, Land Plan, Book of Reference and Explanatory Memorandum to accompany a revised draft DCO.

Please confirm safe receipt of this letter and enclosures.

On behalf of my WBD colleagues and my client, I wish the Panel and the MetroWest team at PINS a safe and peaceful Festive break.

Yours sincerely

Richard Guyatt
Partner
Womble Bond Dickinson (UK) LLP