



MetroWest+

Portishead Branch Line (MetroWest Phase 1)

TR040011

Applicant: North Somerset District Council

9.16 ExA.ISH1.D3.V1 – Appendix 1 to Applicant's Oral Case and response to Representations at the Issue Specific Hearing 1 (ISH1)

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[REDACTED]

From: James Willcock <[REDACTED]>
Sent: 18 December 2020 19:29
To: Emma Schofield
Cc: Roger Willmot; Susan Stangroom; Tom Ewings; Sarah Holmes; Richard Guyatt; Francis, Carolyn/UKS; Williams, Clare/UKS; Steven Penaluna
Subject: RE: Hearing action point - ecology

Dear Emma

Here is our response to the points raised under action 13 in relation to the NSC LPA Local Impact Report.

DCO Requirements relating to landscaping, design and CEMP need to be informed by ecological constraints plans Required to inform detailed design stages. The Applicant's design and mitigation proposals have been comprehensively informed by ecological constraints throughout the iterative design process, as explained in ES Chapter 3 Scheme Development and Alternatives Considered at Section 3 [APP-098] and in ES Chapter 9 Ecology and Biodiversity at Table 9.3 [AS-031]. The ES Volume 3 Figures 9.1 – 9.4 [APP-119], Appendices 9.1 to 9.18 [APP-133, 135-136, 138-142, and AS-037, 038 and 040], the Railway Landscape Plans [APP-017] and the Portbury Hundred Location of Additional Tree Planting [APP-143] show the location of ecological features along the route. The Environmental Masterplan [AS-026] includes the key ecological constraints outside the railway corridor that inform the mitigation required within the railway corridor. As the Master CEMP [AS-046] provides, the main contractor will be required to prepare site plans for the compounds and to take into account the neighbouring communities in developing CEMPS for separate works (Master CEMP V2 paragraphs 3.2.2 to 3.2.11 [AS-046]).

DCO requirement indicated for consideration of offset (off site mitigation) opportunities – The Portbury Hundred Location of Additional Tree Planting [AS-040] sets out off-site landscape mitigation that is secured by Requirement 24. Off-site mitigation and compensation on land owned by the Forestry Commission in the Avon Gorge Woodlands SAC is provided by the AGVMP [AS-044] and secured by Requirement 14.

Requirements relating to submission of tree planting schemes must be supported by sufficient screening by ecologist to ensure planting is appropriate and not to detriment of existing habitats of potential nature conservation value. The Master CEMP [AS-046] at paragraphs 6.2.1 and 8.2.2 requires the contractor to appoint an Ecological Clerk of Works to oversee all the ecological mitigation and appoint a specialist landscaping consultant to oversee plantings. The Master CEMP is secured by Requirement 5.

Landscaping Requirement needs to include clause to specify locally appropriate native tree planting to implement biodiversity offsetting The Railway Landscape Plans [APP-017], the Portbury Hundred Location of Additional Tree Planting [AS-040] and the Letter from Colin Medus, North Somerset Council re Offsite planting on the A369 [APP-205] specify the species of trees and shrubs to be planted. These are predominantly native trees. Further, the Master CEMP states that the relevant LPA be consulted as part of preparation of the ecological aspects of the CEMPs (para 6.2.13).

Under Loss and fragmentation of habitat connectivity for bats – we have said “incorporate into design and landscaping DCO requirements”. Measures to mitigate effects on bats, including in respect of habitat connectivity, have been incorporated into design and landscaping proposals through the Master CEMP [AS-046] at paragraph 6.2.45, along the A369 Portbury Hundred at paragraph 6.2.46 and provided for in the Railway Landscape Plan [APP-017] and Portbury Hundred Planting [doc ref AS-040]. Delivery of these measures is secured through Schedule 17.

Under Bat Roost provision we have said “incorporate into railway corridor landscape plans/ or detailed design submission DCO requirements”. The Master CEMP [AS-046] makes provision for bat boxes along the disused line at 6.4.41 and 6.2.45 – these measures are also specified in the Environmental Masterplan [AS-026]. Natural England has issued LONIs for bat EPS licences (to be submitted at Deadline 3 under DCO Document Reference 9.21 ExA.FI.D3.V1) which state that information will need to be provided regarding bat boxes in the post DCO licence applications.

Under Disturbance to bat species whilst occupying a place of rest we have said “the CEMP will need to include provisions/contingencies for any additional survey work and consequent requirements to obtain the required EPS licence. (Construction Environmental Management Plan) recommended to be informed by ecological constraints plans produced by the ecologist which should inform location and type of protective fencing, lighting constraint areas and other spatial mitigation requirements, such as protective buffer zones and identified flyways” The Master CEMP [AS-046] specifies the requirement for the contractor to implement works in accordance with consents and licences at section 6.3 Consents and licences. At paragraphs 6.2.39 – 6.2.51 the Master CEMP specifies the measures required to be taken by the contractor in respect of bats, including the updated and pre-construction surveys that will form part of the EPS licence applications. In the meantime, Natural England has issued LONIs for the two EPS licences that will be sought in respect of bats and confirmed its agreement to the Applicant's proposals in respect of the protection of bats in the draft Statement of Common Ground between the Applicant and Natural England, item 7.1.2 [REP1-021].

Requirements for noise assessments/monitoring DCO requirements to be clarified with/by relevant parties. These matters have been discussed already with relevant parties and the Master CEMP [AS-046] sets out appropriate measures, including paragraph 6.2.12 in respect of noise and the protection of ecologically important habitats and species, and the requirement at 6.2.13 that the relevant LPA be consulted as part of preparation of the ecological aspects of the CEMPs.

Under Breeding birds – Section 41 species – we have said “provisions to support local bird populations (food resources, nesting opportunities) to be included in relevant DCO requirements (detailed design & landscape submissions. Requirement for off-site mitigation at the discretion of SoS” The Environmental Masterplan [AS-026] includes provision for new nest boxes. The Applicant proposes moving the Barn Owl nest box in the Portbury Wharf NR and further survey of the Barn Owl nest at Lodway, as well as watching out for the Peregrine falcon nesting at one site in the Avon Gorge. These are appropriate measures in respect of the DCO Scheme and nesting birds. The DCO Scheme provides for mitigation in respect of predicted effects and there is no need for further off-site measures.

Request for inclusion of clause within Drainage Strategy DCO 13 to assess mitigation requirements to prevent trapping of amphibians and SUDS measures to capture contaminants prior to runoff to adjacent aquatic habitats. The Applicant has provided an update on discussions with the Toad Patrol in the Applicant's comments on responses from other parties at Deadline 2, ExQ1 No BIO.1.2 [REP2-013] (to be submitted at Deadline 3 under DCO Document Reference 9.17 ExA.WQ1R.D3.V1). As recorded in that response, measures proposed to mitigate effects in respect of amphibians and drainage are provided in the Master CEMP paragraph 6.2.36 [AS-046], secured through Requirement 5 and have the support of the co-ordinator of the Toad Patrol. The means of pollution control for surface and (if any) foul water discharges will form part of drainage systems that must, after consultation with the lead local flood authority and the Environment Agency, be submitted to and approved by the relevant LPA before the commencement of the relevant stage of the DCO Scheme. This is secured by requirement 11.

DCO requirement to submit assessment of opportunities to secure biodiversity gain/offset. All issues that the Applicant is required to consider are addressed in the Master CEMP [AS-046] and ES Chapter 9 – Ecology and Biodiversity [APP-031]. There is no legal or policy requirement for the DCO Scheme to provide biodiversity net gain. Notwithstanding this, the Applicant is looking for opportunities for biodiversity enhancement. The Applicant refers to its response to BIO.1.19 in ExQ1[REP2-013].

Landscape plans need to demonstrate all reasonable measures to support local invertebrate diversity and abundance. A mechanism which requires the applicant to consult the District Council regarding the detailed design of the scheme and its mitigation should also be required and included in the DCO. [The Railway Landscape Plans \(Disused Line\) \[APP-017\]](#) provide a mosaic of habitats to include benefits for invertebrates. as explained in the Applicant's response to NSC's response to the ExQ1 BIO.1.1 [REP2-013]. The Portbury Hundred and Lodway Farm construction sites will be returned to agriculture. The Master CEMP [AS-046] states that the relevant LPA shall be consulted as part of preparation of the ecological aspects of the CEMPs (para 6.2.13).

You will need to advise whether or not these changes can be made to the dDCO. It maybe that your ecologist needs to have a discussion with Susan to work out how best to address these issues. [The points covered above are already in our documents and plans and secured by the dDCO.](#) It is not the purpose of the DCO to secure every small piece of mitigation, but to ensure that the mitigation set out in detail in other documents such as the Master CEMP and in the plans are secured.

Regards
James

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