



# MetroWest+

## Portishead Branch Line (MetroWest Phase 1)

TR040011

Applicant: North Somerset District Council

9.17 ExA.WQ1R.D3.V1 – Applicant's comments on responses to the Examining Authority's Written Questions ExQ1

Author: Womble Bond Dickinson (UK) LLP

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**Responses from other parties to the Examining Authority's EXQ1 Round of Written Questions**

The Examining Authority (ExA) published EXQ1 Round of Written Questions (WQs) on 26<sup>th</sup> October 2020 – Submission for Deadline 2 was 23<sup>rd</sup> November 2020

ExQ1 No.	Type / Category	The Question	Response from other parties at Deadline 2	Applicant's response
GC.1.2	Updates on development Q to <b>All Relevant Planning Authorities</b>	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>North Somerset Council's response:</p> <p>The North Somerset Council Local Impact Report provides an up to date list of relevant applications in the Planning History Section.</p> <p>Current planning application 20/P/2122/FUL Etex Building, Royal Portbury Dock (Extension to existing plasterboard factory) may have some transport impact upon junction 19 of the M5, given the scale of the development (extension would measure some 54,000sqm). However, it is considered that this is unlikely to change the conclusions reached in ES Chapter 18.</p>	No additional cumulative effects anticipated.
			<p>Bristol City Council's response:</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</p>	<p><b>Former Ashton Sidings</b></p> <p><b>Traffic.</b> This development would generate traffic through the Winterstoke Road/Ashton Vale Road junction, with some vehicles doing so twice within the same journey, making both a southbound and northbound movement. While not an elegant access solution, this does not generate any new traffic across the level crossing and adds a comparatively small amount of additional traffic to the dominant movements through the junction.</p>

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			<p>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>Former Ashton Sidings, Clanage Road - 20/01655/F</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>Air Quality: 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</p>	<p>This pattern of movement occurs because the only vehicular access to the development is a left-in/left-out junction on the Ashton Gate Underpass before it meets the A370. There is already an egress only point here for the existing adjacent (albeit the other side of the MetroBus route) Paxton Drive residential development. However, whereas Paxton Drive gains access from further east along Brunel Way, the potential new development also (and only) has access at this point. This means that, while traffic for Paxton Drive can approach its access from both the Ashton Gate Underpass and the A370, all inbound vehicles to the proposed development would have to approach via the Ashton Gate Underpass, and hence also Winterstoke Road. The Ashton Gate Underpass is one-way from Winterstoke Road to the A370, so all traffic accessing the development would use Winterstoke Road northbound, and some would have to first head south on Winterstoke Road, and u-turn at the roundabout at Barons Close to get to the Ashton Gate Underpass. This access arrangement seems to be the only one possible; there is a reference to 'land ownership issues' in the planning documents in connection to access arrangements, so it may be that these issues are preventing what seems on the face of it a more logical approach of sharing the Paxton Drive inbound access as well as outbound.</p> <p>The BCC response to the ExA's questions says BCC TDM (Traffic Development Management team) have objected to this development. On</p>

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			<p>and as such, there are unlikely to be any significant cumulative effects on air quality.</p> <p>Transport and Highways: 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>Heritage and Visual Impact: 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 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>Former Police Dog &amp; Horse Training Centre, Clanage Road - 20/01930/F</p> <p>This planning application for a touring caravan site with 62 pitches has a resolution to grant from BCC's Development Control Committee</p>	<p>the BCC planning portal, in the BCC TDM 'application response' the objection is basically on safety grounds, related to details of the access road and emergency access, and interaction with the Festival Way cycle route that runs along the edge of the site. However, the current version does not include any reference to traffic impacts, with 'highway network' and 'transport statement' sections indicated as "to follow".</p> <p>There are trip generations in the developer's transport assessment, which are based on a fairly high non-car mode split for trips generated. In the absence of BCC's traffic views, it is not clear whether these are agreed trip generation and mode assumptions. The area is traffic sensitive, but because the BCC TDM comments do not mention traffic impact yet we do not know their specific views, though this may be trailed by the commensurate comments in the response about air quality.</p> <p>The developer's transport assessment covers a series of junctions in its 'operational assessment', but does not include the Winterstoke Road/Ashton Vale Road junction. This is contrary to notes in pre-application discussions between the developers and BCC which are appended to the developer's transport assessment, in which both a meeting on 6<sup>th</sup> Nov 2019 and BCC pre-application response dated 8<sup>th</sup> Oct 2019 indicate a wider traffic study area is required than that hitherto proposed, the latter specifically mentioning that this should</p>

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			<p>(14th 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>Heritage and Visual Impact: 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</p>	<p>include the Ashton Vale Road / Winterstoke Road junction. So it is likely that BCC's traffic response will request further analysis be carried out.</p> <p>Another response to the development is from North Somerset Council as a consultee. NSC raises concerns under a few headings, one of which is highways. They do not object on these grounds though, but do cite interaction with the MetroWest Phase 1 DCO Scheme. The reference seems to be specific to the red lines of the DCO and development interacting, but also contains the potentially less specific comment: "The applicant will need to demonstrate these proposals do not impact upon the DCO scheme". Although this is probably referring to the red line boundaries, it could also arguably apply to traffic impact to the Ashton Vale Road / Winterstoke Road junction, which could in turn tie in with the BCC traffic views (when they are issued).</p> <p>Overall therefore, the way that this development generates traffic through the Ashton Vale Road / Winterstoke Road junction is something that it may be necessary to understand as a potential impact on the DCO Scheme, if only to dismiss as not material. However, traffic impact of the development on Ashton Vale Road / Winterstoke Road junction is not yet defined or assessed to an extent that can be used for this. BCC has also not yet commented on traffic issues (including trip generations), though will ultimately do so, and it is likely they will ask for analysis of the</p>

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			<p>result of the Proposed Development (MetroWest Phase 1).</p> <p>Conclusion</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>	<p>Ashton Vale Road / Winterstoke Road junction from the developers in the process.</p> <p>As a live 'full' application, the Ashton Sidings development has potentially a bit more weight in cumulative sense than potential developments near Ashton Gate stadium, but is otherwise a similar issue of new proposals being developed after the DCO process begins, and (as yet) not providing assessment of their full impacts for consideration.</p> <p><b>Air Quality:</b> Although as explained above the extent of the traffic impacts from the Ashton Sidings on the local highway network is not known, there is not likely to be a significant cumulative impact on air quality. This cannot be ruled out until further information on traffic impacts is available.</p> <p><b>Heritage:</b> The Applicant agrees with the LPA's assessment that the impact of the DCO Scheme would be lessened if the Former Railway Depot Clanage Road application (20/01655/f) is granted planning consent.</p> <p><b>Former Police and Dog Training Centre</b></p> <p><b>Townscape:</b> The Applicant agrees with the LPA that the proposed Clanage Road Construction Compound and the subsequent Maintenance Compound would not result in significant cumulative adverse effects on designated heritage assets or more generally, due to the provision of landscaping at the compound.</p> <p><b>Flood Risk:</b> The MetroWest Phase 1 development would not impact the Caravan</p>

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				Club proposed development, and there would be no cumulative adverse (Flood Risk) effects.  The Applicant has no further comments.
GC.1.4	Clarification Q to <b>North Somerset Council [The Applicant]</b> ?	You have referred to yourself throughout the application documentation as both North Somerset Council and North Somerset District Council. Which is the correct title to use for the purpose of the Examination?	North Somerset Council's response:  North Somerset Council is the correct title.	No further response required.
GC.1.8	Public Open Space Q to <b>The Applicant &amp; North Somerset Council LPA</b>	<p>The public open space around Tansy Lane and Galingale Way in Portishead would be used to provide a footpath/cycle link to the new station. Can the Applicant:</p> <p>Applicant: Explain the difference between public open space and publicly available land and why the use of this land for cycle paths/footpaths in connection with the Proposed Development would not constitute a loss of open space.</p> <p>North Somerset Council: The ExA observed on their Unaccompanied Site Inspection [EV-002] that this area of land appears to have been designed as a pocket greenspace for residents of the Ashlands and Vale Estate, can you confirm if this is correct, if so what status this area of land has and if it was lost what alternative provision would there be for the residents of these estates?</p>	<p>North Somerset Council's response:</p> <p>This public open space land (both north and south of the line) is managed by NSC but has yet to transfer from Persimmon Homes. The land to the south of the railway is designated as a Local Green Space (called The Vale) in the Council's Site Allocations Plan. Policy SA5 (Local Green Space) which says Planning permission will not be granted except in very special circumstances for development which adversely affects a designated Local Green Space..." The Vale is designated in schedule 3 and states "landscaped grassed open space with trees and pond. Attractive used for informal recreation". The Council's Local Impact Report concludes that the development would not adversely affect this Local Green Space or result in a loss of it. The picture below shows the Local Green Space designation hatched green:</p>	No additional planting is proposed as the Applicant believes any additional mitigation benefits will be limited.

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			 <p data-bbox="1012 922 1563 1024">The bridge and associated works appear to take place mainly in the railway land corridor which falls in NSC ownership.</p> <p data-bbox="1012 1050 1563 1471">There has always been a crossing of the former railway track here, albeit that the route will change as a consequence of the new pedestrian bridge over the railway. A minor loss of open space is identified to the north of the railway, but to the south the works will only affect the maintenance access to the watercourse known as The Cut. That is, the public open space around Tansy Lane and Galingale Way to the south of the railway, known as land at the Vale, will not be adversely affected.</p>	

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			<p>In the Local Impact Report, NSC sought improvements to the landscape proposals to increase tree and hedge planting in this location to help mitigate the impact of the large bridge structure. There hasn't been any request for any replacement land in respect of the cycleway provision as it is considered that sufficient local open space provision remains, with a larger space immediately south of the railway.</p>	
GC.1.11	Further Information Q to <b>North Somerset Council LPA</b>	<p>The Bristol Port Company (BPC) [RR-010] refer to land at their site being safeguarded for Port Development by 'North Somerset Council's adopted policy'.</p> <p>Confirm if this statement is correct If it is correct provide a copy of the policy, any relevant plans or extracts from the policy map and detail of the status of this policy (eg adopted, emerging) and the weight that the Examining Authority (ExA) should attach to it.</p>	<p>North Somerset Council's response:</p> <p>Policy CS24: Royal Portbury Dock of North Somerset Council's Core Strategy (Adopted 2017) states the following:</p> <p><u>Policy CS24 of the Core Strategy</u></p> <p><i>The role of Royal Portbury Dock will be maintained and enhanced. Land at Court House Farm, Easton-in-Gordano/Portbury will continue to be safeguarded for port uses, subject to demonstrable need for those uses that cannot be accommodated elsewhere within the Port estate and to detailed requirements to be set out in a Sites and Development Plan Document. Further expansion of the Port within North Somerset is not supported.</i></p> <p>Policy DM49 of the Sites and Policies Plan Part 1 – Development Management Policies (Adopted 2016) relates to Royal Portbury Dock. Land at Court House Farm was removed from the Green Belt and is safeguarded for port uses subject to criteria. The adopted policy is as follows:</p>	<p>The Applicant has sought to remove Work 16D from the Order provisions. The Applicant is considering the implications of its proposed District Level Licencing proposals in respect of Work 16 B and will update the ExA on the position regarding licencing shortly.</p>

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			<p>Policy DM49 of the Sites and Policies Plan Part <u>1</u></p> <p><i>The role of Royal Portbury Dock will be maintained and enhanced by providing for the expansion/intensification of employment and business development associated with the port where compatible with Green Belt constraints.</i></p> <p><i>Where need is demonstrated, the development of safeguarded land south of Royal Portbury Dock, at Court House Farm, for port uses will be permitted, subject to:</i></p> <ul style="list-style-type: none"> <li><i>• satisfactory environmental safeguards, including mitigation/compensation where appropriate;</i></li> <li><i>• there being no significant demonstrable harm to the amenities of residents of Easton-in-Gordano and smaller settlements; and</i></li> <li><i>• demonstrating that development would not prejudice proposals for a station and associated parking facilities off Royal Portbury Dock Road.</i></li> </ul> <p>The area of application for DM49 is shown in the extract map below:</p>	

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			 <p data-bbox="1021 711 1518 815">These policies form part of an up-to-date development plan and should be afforded substantial weight.</p>	
GC.1.12	Current Operational Practices Q to <b>Bristol Port Company &amp; The Applicant</b>	<p data-bbox="427 839 981 1118">BPC: In your RR [RR-10] you raise a concern that the proposed development would, when operational, potentially interfere with the operation of the existing freight line to the port. In order to be better able to better understand this concern please provide the following information as to how the freight line operates:</p> <p data-bbox="427 1158 981 1477">How many freight movements are there on a daily basis? Are these movements scheduled, if so, provide a copy of the timetable? If they are not scheduled how are they arranged/ managed and what is the maximum number of movements in any one day? How is the interface of the freight line with the existing rail network managed?</p>	<p data-bbox="1014 839 1413 871">Bristol Port Company's response:</p> <p data-bbox="1014 887 1574 1134">North Somerset Council's consent to the Port's Planning Application referenced 11/P/1893/F records that the number of freight trains using the link (Royal Portbury Dock to Parsons Street Junction) must not exceed an average of 20 trains each day in and out of the Port.</p> <p data-bbox="1014 1158 1574 1509">Use of the Port's rail link for transporting coal fell after the Government's announcement to close all coal fired power station by 2025. Instead, the link is now used for a variety of different cargoes, including motor vehicles, aggregates and even outbound traffic comprising imported train sets that are imported by vessel from Spain. This trade started in early 2018 and continues on a regular basis today; the train sets comprising</p>	<p data-bbox="1597 839 2157 1302">North Somerset Council's consent to the Port's Planning Application referenced 11/P/1893/F, states: "Variation of Condition 16 of planning permission 99/0737 (Construction of rail link, field north of Pill, south of M5 bridge, Easton-in-Gordano) to allow the number of freight trains using the rail link not to exceed an average of 20 trains daily per calendar year, in and out of the port, and not during any time when the Bristol to Portishead railway branch line is in use for scheduled passenger services and shall not exceed one train per hour in each direction."</p> <p data-bbox="1597 1326 2157 1461">In respect of the volume of freight trains operating on the Portbury Freight Line, data provided by Network Rail for the last three years shows:</p>

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		<p>The Applicant: In their RR [RR-010] BPC state that application documentation indicates that there would be an adverse effect on freight movements during the construction period. However, they could not find where in the application documents the information that resulted in this conclusion can be found. Please either provide this information or signpost where in the application documents this information can be found.</p> <p>You may wish to combine the answer to this question with the answer to question CI.1.4.</p>	<p>motor units and carriageways are assembled on the Port's rail terminal before being driven to site within the UK. This demonstrates how the link continues to provide a versatile, efficient and environmentally friendly solution for a wide range of cargoes.</p> <p>The change in the nature of cargo moved over the link has resulted in a change to the pattern of its working. Previously, the demands of the power stations meant that trains had to run on a fairly regimented basis, but the move to handling a wider range of cargo has meant that is no longer the case and, instead, the Port needs to be able to provide rail access as far as possible at times to suit the varied customers. Rail movements - including those over the national network - are arranged by the FOC (freight operating company) and for the reasons given this is no longer on the basis of any particular timetable. The FOC makes all the necessary arrangements for the end to end journey of the freight trains including the timing and safe operating procedures for the switch between the branch line and the main line.</p> <p>In our answer to GC 1.13 we explain the critical need as part of any Freeport's offering for an unconstrained link to transport cargo by heavy rail.</p>	<ul style="list-style-type: none"> <li>• 2017-18 (period 11-13) an average of 1.4 freight trains per week including all movements in both directions</li> <li>• 2018-19 (period 1 – 13) an average of 9.7 freight trains per week including all movements in both directions</li> <li>• 2019-20 (period 1- 9) an average of 0 per week freight trains including all movements in both directions.</li> </ul> <p>The last freight train operation was on 18th November 2019. See Appendix GC.1.12-1 for further details.</p> <p>A summary of the current method and proposed future method of operation of freight trains on the branch line is attached in Appendix GC.1.12-2.</p>
GC.1.13	Permitted Development rights for Ports Q to <b>The Applicant</b>	The Government recently consulted ( <a href="https://www.gov.uk/government/consultations/freeports-consultation">https://www.gov.uk/government/consultations/freeports-consultation</a> ) on whether from April 2021 Ports should have the same Permitted Development rights as airports and that the use of Local Development Orders in	<p>Bristol Port Company's response:</p> <p>The Government's Freeports Prospectus was published on 16 November 2020 and included a reference to some changes being proposed to permitted development rights, although</p>	The Applicant's proposed timetable for the passenger services on the railway following implementation of the Scheme takes in to account the 20 paths (in total per day) for the Port.

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	<b>Bristol Port Company</b>	such facilities would be 'encouraged'. What, if any, implications would this have for Royal Portbury Docks and for the Proposed Development?	<p>final details of what will be proposed are not yet available. BPC's view is that whatever changes are made, those changes, combined with the Government's policies to promote Freeports, can only lead to increased trade at Royal Portbury Dock (RPD) and hence an increased level of operational activity. This in turn will lead to a demand for land immediately available to support that increased activity. The Port, including RPD and its estate, can only get busier.</p> <p>Importantly, BPC believes that Freeport status would be likely not only to increase the quantity but also to change the range and mix of cargoes which the Port, including RPD with its deep water facilities and extensive inland transport links, would handle, leading to a greater demand for access to rail facilities. This would also be in line with general Government policy supporting the modal shift to transporting freight by rail and/or water instead of road.</p> <p>It will therefore clearly be critical for any Freeport to have available unconstrained rail facilities and rail network access.</p> <p>Any Freeport bidding consortium must include a port, so it is vital that Bristol, including RPD, can play that role for the benefit of the region. If for any reason RPD's rail facilities or access were constrained that would not only defeat the</p> <p>achievement of the Government's objectives for its Freeports policy and damage RPD's</p>	

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			standing but it would also be a lost opportunity for the whole region.	
GC.1.16	Hazardous Installations Q to <b>The Health and Safety Executive</b>	<p>In your RR [RR-015] you state that you have no objection to the Proposed Development subject to providing appropriate separation distances/ protection measures between the Proposed Development and the two natural gas pipelines operated by Wales and West utilities. Could you:</p> <p>Provide details of what these distances/protection measures or a link to where they can be found.</p> <p>Confirm whether the Proposed Development achieves the required distances/ protection measures.</p> <p>Confirm whether these pipelines are those that the ExA observed in the vicinity of proposed access to Work No 12.</p> <p>You may wish to combine the answer to this question with the answer to question CI.1.6.</p>	<p>The Health and Safety Executive's response:</p> <p>The questions, under reference GC.1.16, need to be redirected to the natural gas pipelines Operator, Wales and West Utilities. It is the responsibility of the Pipeline Operator, for pipelines covered by the Pipeline Safety Regulations 1996 (PSR), to ensure that any pipeline modifications and/or upgrades meet relevant industry standards. In relation to the Proposed Development, it is for the Pipeline Operator to determine whether a modification and/or upgrade, which falls under the scope of the regulations, is required. The Pipeline Operator, would then have a duty under the Pipeline Safety Regulations 1996 (PSR), to notify HSE.</p>	The Applicant has no additional comments.
GC.1.17	Severn Estuary SAC Q to <b>The Applicant &amp; Natural England</b>	<p>Limited information is provided in Section 6 of the Habitats Regulation Assessment (HRA)[APP-142] report to support the assertion at paragraph 7.3.2 of the HRA that "no hydrological connectivity is present between the DCO Scheme and the SAC qualifying habitat" in respect of the Severn Estuary Special Area of Conservation (SAC). Can the applicant point to where additional information is provided in chapters 9 and 17 of the Environmental Statement (ES) to demonstrate that such connectivity can be excluded, given the proximity of the works at</p>	<p>Natural England's response:</p> <p>Natural England is satisfied that there is no impact pathway between the project and the Severn Estuary SAC. The applicant has provided NE with further information and clarification to demonstrate this point, including confirmation that the closest point to the SAC that ballast removal will take place is approximately 85m. We consider that the applicant has also taken reasonable steps to understand the potential hydrological connectivity between the project and the SAC, including review of historical maps and site</p>	The Applicant has no additional comments.

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		<p>30-80m from the SAC and Ramsar designations.</p> <p>Can the Applicant also confirm the closest point to the Severn Estuary SAC at which ballast removal could take place and whether effects of potential contamination release from ballast removal during construction have been considered?</p> <p>Do Natural England agree that there is no pathway of effect of potential contamination to the SAC despite the proximity of these works?</p>	<p>inspections, and on the basis of objective information can justifiably exclude a Likely Significant Effect.</p>	
GC.1.20	Decommissioning Q to <b>The Relevant Planning Authorities &amp; Statutory Consultees</b>	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>Environment Agency's response:</p> <p>The Master Construction Environment Plan (App – 211) indicates the key materials listed in 9.2.10 are capable of being re-used or recyclable in the event of decommissioning using current practices. 9.12.12 states the contractor should minimise the use of hazardous materials in the DCO Scheme, that have the potential to harm human health or the environment; and may in turn make it difficult to maintain, deconstruct or recycle DCO Scheme structures or elements at the end of their life (i.e. substitute hazardous materials for non-hazardous equivalents).</p> <p>2.3.1 advises: 'objectives and targets may be put in place to minimise the environmental impact of the works'.</p> <p>The Environment Agency considers that the objectives and targets listed in 2.3.1 should be put in place (rather than may be put in place) and by implementing these objectives and</p>	The Applicant agrees with the relevant planning authorities.

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			<p>targets, should reduce the likelihood of long term contamination issues impacting on the decommissioning of the development.</p> <p>The Environment Agency would not have concerns regarding the extent to which decommissioning had been considered in Chapter 5 of the Environmental Statement, provided the CEMP is implemented as highlighted and recommended in this response.</p> <p>North Somerset Council's response:</p> <p>No concerns. The DCO represents a substantial investment that is planned to continue in the long term. Therefore, any matter of decommissioning is likely to be controlled by prevailing guidance and regulations at that time. This cannot be predicted. We are satisfied that the project itself has been designed to be as sustainable as possible and follows the waste hierarchy.</p> <p>Bristol City Council's response:</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>	
GC.1.21	Development Plan Q to <b>North Somerset Council</b>	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	<p>North Somerset Council's response:</p> <p>The emerging North Somerset Local Plan 2023-2038 is still at a very early stage of plan-making and should be afforded very little weight. The Choices consultation on different approaches to the spatial strategy is taking</p>	The Applicant agrees with the relevant planning authorities.

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	<b>Bristol City Council LPAs</b>	<p>Review consultation. Can both Local Planning Authorities:</p> <p>Check this overview for accuracy. Provide an update on any emerging plans and documents. 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. Provide a copy of the relevant emerging policies.</p> <p>If these matters will be covered in your Local Impact Report (LIR) please signpost where in the LIR this information can be found.</p>	<p>place 2 November-14 December 2020. The plan does not yet contain draft allocations or policies. These will be prepared following confirmation of a preferred spatial strategy in the new year and will be contained in the Draft Plan which is anticipated to get released in Autumn 2021. Adoption is expected to take place in 2023.</p> <p>Bristol City Council's response: Each part of the question is answered in turn.</p> <p>i) Check this overview for accuracy 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) Provide an updated on any emerging plans and documents; and</p> <p>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 go</p>	<p>The Applicant agrees with the relevant planning authorities.</p>

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			<p>these emerging plans or documents and what weight the ExA should afford them.</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</li> </ul>	

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			<p>planning policy (where existing policies are out of date);</p> <ul style="list-style-type: none"> <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) Provide a copy of the relevant emerging policies</p> <p>A copy of the Draft Local Plan (Regulation 18 version) is available:</p> <p><a href="https://www.bristol.gov.uk/documents/20182/34536/Local+Plan+Review+-+Draft+Policies+and+Development+Allocation+s+-+Web.pdf/2077eef6-c9ae-3582-e921-b5d846762645">https://www.bristol.gov.uk/documents/20182/34536/Local+Plan+Review+-+Draft+Policies+and+Development+Allocation+s+-+Web.pdf/2077eef6-c9ae-3582-e921-b5d846762645</a></p> <p>The following emerging policies are considered to be relevant to the MetroWest Phase 1 scheme:</p> <p>Draft Policy IDC1: Development contributions and CIL</p> <p>Draft Policy E1: Inclusive economic development</p> <p>Draft Policy T1: Development and transport principles</p> <p>Draft Policy T2: Transport schemes</p>	

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			<p>Draft Policy CCS1: Climate change, sustainable design and construction</p> <p>Draft Policy CCS2: Towards zero carbon development</p> <p>Draft Policy CCS3: Adaptation to a changing climate</p> <p>Draft Policy CCS4: Resource efficient and low impact construction</p> <p>Draft Policy DC3: Local Character and Distinctiveness</p> <p>Draft Policy HW1: Pollution Control and Water Quality</p> <p>Draft Policy HW2: Air Quality</p> <p>These policies have some, limited weight in the decision-making process, balanced against adopted plans and policies and other material considerations.</p>	
GC.1.22	Neighbourhood Plan Q to <b>Pill &amp; Easton-in-Gordano Parish Council &amp; The Applicant</b>	<p>The Planning Statement [APP-208] at paragraph 5.6.10 mentions two emerging Neighbourhood Plans: 1) Portbury NDP and 2) Pill, Easton-in-Gordano and Abbots Leigh.</p> <p>Confirm their current status and expected timescales for their completion.</p> <p>Provide a copy of the latest drafts of each Neighbourhood Plan.</p> <p>Indicate what weight you consider the ExA should give these documents.</p>	<p>North Somerset Council's response:</p> <p>The LPA notes that this question was not addressed to us but as we are working with the relevant Parish Council's we can provide the following information:</p> <p>The following NDP which are currently under preparation are relevant to the examination:</p> <p>Portbury NP –It is at a very early stage in the process and will have limited weight. Please contact Portbury Parish Council for further information  <a href="mailto:portbury_parish_council@hotmail.co.uk">portbury_parish_council@hotmail.co.uk</a></p> <p>Abbots Leigh, Ham Green, Pill and Easton- in-Gordano NP - The plan was submitted to</p>	The Applicant agrees with the relevant planning authority.

ExQ1 No.	Type / Category	The Question	Response from other parties at Deadline 2	Applicant's response
			<p>North Somerset Council for examination on 2 November 2020. The Examination is likely to take place in Feb/March 2021, with adoption following a referendum likely to be August/September 2021. The Plan has limited weight until it has passed Examination. Please contact the Parish Councils for further information (<a href="mailto:nhoodplan@btinternet.com">nhoodplan@btinternet.com</a>)</p> <p>3) Portishead NP – It is at a very early stage in the process and will have limited weight.</p> <p>Please contact Portishead Town Council for further information. (<a href="mailto:clerk@portishead.gov.uk">clerk@portishead.gov.uk</a>)</p>	
GC.1.23	Central Government Policy and Guidance Q to <b>The Applicant &amp; The Relevant planning Authorities</b>	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>North Somerset Council's response:</p> <p>NSC aren't aware of any Government Policy updates or changes in Guidance that have occurred and are considered pertinent to the proposed scheme and the DCO process.</p> <p>Bristol City Council's response:</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</p>	<p>The Applicant agrees with the relevant planning authorities.</p> <p>The Applicant followed the National Policy Statement for National Networks regarding design principles and is in agreement with BCC that there are unlikely to be any implications from the National Design Guide in relation to the Bristol section of the scheme.</p>

ExQ1 No.	Type / Category	The Question	Response from other parties at Deadline 2	Applicant's response
			<p>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 Clamage 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>	
AQ.1.2	Nitrogen Deposits Q to <b>Natural England &amp; All Interested Parties</b>	<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</p>	<p>North Somerset Council's response:</p> <p>We consider this to be an issue best assessed by Natural England.</p> <p>It is not agreed that no LSE can be excluded where critical loads N-loading are exceeded. Additional information is required to provide a more informed assessment, to include regarding the key pollutants of diesel engines that may cause adverse impacts to ecological receptors. This may necessitate investigation of potential mitigation measures.</p>	<p>As per the Applicant's response to the ExA's First Written Questions [REP2-013], the largest change in Nitrogen deposition at the assessed receptors is 0.1 kg N kg ha<sup>-1</sup> yr<sup>-1</sup>.</p> <p>With respect to the LSE and exceedance of the critical load, the Applicant acknowledges that the fact that critical loads are exceeded is not a reason to exclude LSE. However, LSE can still be excluded because the contribution of the project alone and in combination is less than 1% of the lower critical load thresholds.</p> <p>Only receptor number R43 some 19m from the railway showed an increase of 0.1 kg N kg ha<sup>-1</sup> yr<sup>-1</sup> [AS-029, Table 7.17] which is less than 1% of the critical load lower threshold. According to IAQM guidance (<a href="https://iaqm.co.uk/text/guidance/air-quality-impacts-on-nature-sites-2019.pdf">https://iaqm.co.uk/text/guidance/air-quality-impacts-on-nature-sites-2019.pdf</a>) for many habitats 1% of the critical load lower threshold</p>

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		<p>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>equates to a very small change within the expected normal variation in N--deposition.</p> <p>Annual mean NO<sub>x</sub> concentrations and N deposition rates were modelled in the air quality assessment. The largest process contribution to the annual mean NO<sub>x</sub> concentration in the Avon Gorge SAC (0.3 ug/m<sup>3</sup>) is 1% of the AQO threshold of 30 ug/m<sup>3</sup>. This informed the assigned magnitude of change of 'negligible'.</p> <p>At 0.1 kg N kg ha<sup>-1</sup> yr<sup>-1</sup>, the largest process contribution to N deposition was equivalent to &lt; 1% of the minimum N critical load in the Avon Gorge SAC. The conclusion of no LSE was informed by the above though this was not explicitly stated in the report due to developments in guidance since the start of the assessment.</p> <p>Beyond this clarification, based on the above and supported by Natural England's response, it is felt that no further amendment to the air quality ecological assessment is required.</p> <p>The Applicant has reviewed the assessment and is satisfied that the methodology was appropriate and accounted for the relevant pollutants from diesel engines. The key pollutants from Class 150 diesel train engines (Hobson and Smith, 2001) which may cause adverse impacts to ecological receptors are nitrogen oxides (NO<sub>x</sub>), sulphur dioxide (SO<sub>2</sub>), and particulate matter with a diameter of up</p>

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				<p>to 10 microns (PM10). Based on background concentrations for SO2 being below the air quality objectives (AQO) and on the number of the proposed train services, the Applicant considers the greatest risk of exceedance to be from NOx and PM10 emissions. The air quality assessment on ecological sites is considered to be in line with the IAQM 2017 guidance (<a href="https://iaqm.co.uk/text/guidance/air-quality-impacts-on-nature-sites-2019.pdf">https://iaqm.co.uk/text/guidance/air-quality-impacts-on-nature-sites-2019.pdf</a>). In answer to NSC's response it is therefore felt that further investigation of diesel pollutants is not required.</p> <p>There is no justification for identifying mitigation measures at the project level.</p>
			<p>Bristol City Council's response:</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-1 yr-1."</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-1 yr-1."</i></p> <p>The ExQ ref. AQ.1.2 refers to increased nitrogen deposition by an additional 0.7 kg N ha-1 and the applicant has confirmed that this is a typo.</p>	<p>The Applicant has no further comment.</p>

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			<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> <p>Natural England's response:</p> <p>Natural England understands that the predicted nitrogen deposition of a maximum of 0.7 kg N Ha-1 identified in the initial air quality assessment has subsequently been revised to 0.1 kg N Ha-1, and that the applicant is providing further explanation as to that change.</p> <p>While this still represents an increase for a SAC where critical loads are already exceeded, our understanding of the assessment is that the applicant has provided reasonable justification as to why effects of the project would be below the 1% threshold, alone and in-combination. That said, we would suggest the assessment findings are presented so as to clearly show the Process Contribution as a percentage of the relevant thresholds for NOx, N and acid deposition, alone and in combination.</p>	<p>For the ecological assessment, the Applicant has assessed the process contribution of the scheme to NOx concentrations, N deposition and acid deposition which are provided in Appendix AQ.1.2 to this document.</p> <p>The Applicant can clarify that the process contribution to NOx concentrations, N deposition and acid deposition critical load from the DCO Scheme is, as they correctly state, below a 1% threshold as stipulated in Natural England guidance <a href="https://publications.naturalengland.org.uk/publication/4720542048845824">publications.naturalengland.org.uk/publication/4720542048845824</a>.</p>
BIO.1.1	Surveys Q to <b>Natural England &amp; Relevant Planning Authorities</b>	Confirm whether you are satisfied with the range of surveys for Chapter 9 of the ES (Ecology and Biodiversity) [APP-104]; and if you consider the baseline information presented to be a reasonable reflection of the current situation? In respect of i) and ii) if not, why not and what would resolve any residual concerns?	<p>North Somerset Council's response:</p> <p>Satisfaction with surveys:</p> <p>Legally protected species: Overall, NSDC is satisfied in relation to the coverage of legally protected species surveys - the surveys are indicated as covering the required range for species legally protected from killing and</p>	Invertebrates were addressed in the ES Chapter 9 paragraphs 9.4.63-9.4.66 (disused line) and 9.6.76 (Portbury Freight Line) [AS-031]. Provision of invertebrate habitat is considered in landscaping schemes via the retention of rough grassland and tall ruderal vegetation and planting of scrub and trees along the disused line and the retention of

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			<p>injury. However, a lesser survey effort and assessment is considered to have been undertaken in relation to nesting (breeding) birds, invertebrates and NERC Act, Section 41 species. (However, this is likely a reflection on the ES assessment process which strictly prioritises the hierarchy of prioritisation to international sites and qualifying species; and therefore, weights survey effort resources accordingly).</p> <p>‘Extent to which surveys provide a reasonable reflection of the current situation’.</p> <p>Overall with the due regard to the limitations of surveys and resources, the surveys for legally protected species are mostly considered as likely to present a likely reasonable reflection of the current situation. There are caveats regarding the extent to which the nesting (breeding) bird representation may be inferred from Avon Wildlife Trust monitoring data from the Portbury Wharf Nature Reserve. No invertebrate surveys have been undertaken over the recent past, so this resource can only be inferred in general terms from the habitat mosaics indicated and described for the DCO.</p> <p>(iii) ‘If not, why not, and what would resolve residual concerns’.</p> <p>Nesting/breeding birds: No additional specific breeding bird survey indicated as undertaken within the red line of the DCO, except for barn owl and peregrine. The bird surveys (ES Chapter 9, Appendices 9.3A&amp;B) comprise a review of data sources. Generally, it is</p>	<p>large areas of suitable habitat along the freight line.</p> <p>The planting schemes described in the Railway Landscape Plans [APP-017] provide bird foraging and nesting habitat. The planting schemes and retention of habitat seek to maintain the function of the wildlife corridor, which benefits a range of NERC Act Section 41 species, including small mammals, birds, invertebrates and amphibians.</p> <p>The CEMP [AS-046] makes provision for pre-construction ecological surveys and site clearance and reinstatement, along with other ecological obligations (paragraph 6.14). Paragraphs 6.2.28 -6.2.31 of the CEMP address nesting and breeding birds. The CEMP also describes specific requirements for amphibians (including great crested newt and common toad), reptiles, dormice, bats, otters, water voles and badgers.</p> <p>Based on the above and supported by Natural England's response, the survey effort to date provides adequate baseline information for the decision-making process, the pre-construction surveys required will ensure that information is up to date at the time relevant decisions are made and that ecology and biodiversity features are protected. There is no need for any further mitigation.</p>

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			<p>expected that breeding bird surveys are primarily carried out within the red line of the application site with cover extended over the area within the red line.</p> <p>Invertebrates: No recent invertebrate survey are listed within the survey appendices to the ES. Accordingly, there is a risk that the invertebrate resource may have been undervalued.</p> <p>‘Measures to resolve residual concerns’:</p> <p>One approach would be to adopt a precautionary approach to mitigation through provision of planting schemes to provide bird foraging and consideration of measures to mitigate impacts on Section 41 species and to consider the need for walkover surveys, vegetation management and the CEMP submissions. Consideration should also be given to the prioritisation of invertebrate resources in landscaping schemes.</p> <p>Bristol City Council's response:</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> <p>Natural England's response:</p> <p>Natural England can confirm that it is satisfied with the overall range of surveys completed to date and that this has provided adequate baseline information to assess ecological effects for the purposes of the DCO</p>	

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			<p>application. As it routinely the case with DCO applications, where draft Requirements specify or the need for other licenses and consents dictate, further survey work will be needed before certain activities take place to ensure that up to date information is used and ecological interests are protected.</p>	
BIO.1.2	<p>Toads at Lodway Farm Q to <b>The Applicant &amp; Natural England</b> Interested Parties</p>	<p>A number of relevant representations [RR-031, RR-043, RR-050, RR-053, RR-054, RR-057, RR-061, RR-068, RR-071, RR-071, RR-073, RR-074, RR-077, RR-078, RR-088, RR-095, RR-096, RR-097, RR-098, RR-101, RR-108, RR-110, RR-114, RR-117, RR-124] have made reference to mass toad migration occurring in the vicinity of Lodway Farm.</p> <p>Applicant: Whether it is only the common toad <i>bufo</i> that is a relevant consideration at this location (and if there are others, what their status is as a protected species)? When and in what volume are the toads migrating, and where to/from? The ExA is aware that Section 6.2.37 of the master CEMP [APP-127] broadly outlines that 'procedures' would be developed by the contractor in consultation with local toad patrol groups to reduce impacts to toad populations (as also set out in [PDR6-005]). Can the Applicant provide further details as to what these procedures/ measures would comprise? Would mitigation for other species (eg Reptile mitigation plan [AS-040]) also provide potential benefits to toad populations? Can the applicant clarify why there is not a need</p>	<p>North Somerset Council's response:</p> <p>(i) As Portishead is a noted area for GCN in North Somerset, and was noted as present at Court House Farm, GCN is indicated as having some potential to be present/migrating over the same area.</p> <p>and (ii) Emails have been sent to a member of the toad patrol and Froglife to request details of numbers of toads and any other notable species (in particular, in relation to the European protected species, great crested newt). The toad patrol may choose to provide the information direct to the Planning Inspectorate.</p> <p>'When'? Toads migrate in late winter and over early spring during mild (5 or 6 degrees) and generally wet weather, travelling from hibernation sites under scrub and woodland back to their breeding pond; and may cover some considerable distances and are seen to crawl over and within roads. This is the key period when toads are likely to be seen from dusk onwards crawling over roads. It also needs to be recognised that following breeding, the tiny juveniles (toadlets) tend to emerge <i>en masse</i>, generally in June and often suffering high mortality if insufficient vegetation cover</p>	<p>Refer to the Applicant's response in the "Applicant's responses to the Examining Authority's Written Questions" [REP2-013].</p> <p>The responses from other interested parties has indicated that the population of toads is &gt;1,000 individuals and the breeding pond is identified as pond 32, located to the north of the railway line as shown in Figure 9.4 of the ES [APP-119].</p> <p>The Applicant had a telephone conference call with Mr Harvey on 16 December 2020 regarding his knowledge of toad migrations in Pill, the mitigation measures to be applied during construction and surveys proposed in early 2021 by the Applicant in [REP2-013]. Mr Harvey is in agreement with the mitigation measures and proposed surveys and the Applicant will continue to work with the Pill toad patrol during the refinement of the amphibian fencing plans and the planning of and undertaking the surveys. The survey results will be used to refine the proposals for mitigation.</p> <p>As much habitat will be retained as possible. The Railway Landscape Plans (Disused Line)</p>

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		<p>for a separate amphibian mitigation plan?</p> <p>Natural England: Are you aware of the toad migration and if so, are there any comments/concerns you wish to raise?</p> <p>Interested Parties: The same first two points as asked of the Applicant and what measures/practices are currently in place to manage this migration? (reference has been made to a Pill Toad Patrol, can further information about this organisation be submitted into the Examination, to explain its role, governance etc as appropriate).</p>	<p>is retained in proximity to the breeding pond, and if mowing is carried out in June when toadlets are present. Apart from breeding and requirements to retain hydration, toads will be foraging within terrestrial environments. Accordingly, they are likely to be encountered over a wide area of the DCO and require measures to support their local conservation status.</p> <p>We do not hold specific information on the Lodway Farm area, but had received information from a member of the Pill toad patrol:</p> <p><i>The toad crossing is registered with Froglife (Patrol id number 40).</i></p> <p><i>The breeding pond is ST51779 76360.</i></p> <p><i>The wintering site is primarily the rail track, Lodway Farm fields and the back gardens of Avon Road, Severn Road, Monmouth rd, the Breaches, Church Road, Beechwood road and beyond, some toads seen crossing the Lodway on way so coming from significant distance.</i></p> <p>'Measures'/practices in place to manage this migration': It is understood that a group of volunteers have registered the crossing site with the charity Froglife (as they have been seeking to obtain funding to purchase toad warning signs for the cycle way at Pill, as cyclists pose a danger to the migrating toads).</p> <p>From the information provided by the Pill Toad patrol volunteer, the loss of rail scrub vegetation will remove the toads over wintering habitat, so the ecological</p>	<p>[APP-017] show the vegetation to be retained or replanted.</p> <p>The CEMP [AS-046], paragraph 6.14 requires the contractor to prepare a detailed CEMP for a Stage or Stages. The contractor will detail how they propose to undertake work on the site whilst protecting sensitive ecological features and include the methodology for any required pre-construction ecological surveys, site clearance and reinstatement, licensing obligations, ecological mitigation, site supervision and seasonal restrictions for the works method as stipulated by the ES.</p> <p>Paragraphs 6.2.52 includes measures such as existing hibernacula within the construction work footprint will be dismantled and removed outside of the reptile hibernation period (October to March inclusive). Measures in place for reptiles will also protect GCN and other amphibians.</p> <p>Chapter 9 of the ES [AS-031], paragraph 9.4.60 confirms that potential reptile hibernacula such as wooden sleepers and dead wood habitats are frequent along the disused railway line. Such hibernacula are also suitable for amphibians.</p> <p>These measures will be particularly important at areas where toad patrols are undertaken at Lodway site compound/cycle path in Pill and Fennel Road/Gallingale Way in Portishead. These locations are referred to in paragraph 9.4.25 of the ES Chapter 9 [AS-031].</p> <p>To add further clarification, the CEMP requires drainage designs at railway infrastructure</p>

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			<p>consultants will need to check current provisions and consider retention of scrub/woodland habitat and replanting, if feasible. It would be important to ensure sensitive and seasonally phased removal of scrub and trees within the rail/infrastructure area to ensure root systems are not grubbed out when amphibians (and potentially reptiles and hedgehog) are hibernating over winter, or likely moving into or out of hibernation. Alternative provision of wintering cover habitat requires an early consideration/ideally planting prior to works and adequate protection. Works need to be sensitively timed to avoid key migration and hibernation periods.</p> <p>Amphibian-drainage has been proposed for Stations due to the potential for amphibians to be present in the local area.</p> <p>Natural England's response:</p> <p>Natural England was not aware of the common toad migration referred to in a number of relevant representations. We understand that the applicant, in acknowledging the need to meet its duty to protect biodiversity under the NERC Act, has committed to working with the Pill Toad Patrol to gather further evidence and agree specific avoidance and mitigation measures that will be implemented.</p>	<p>features such as car parks to include amphibian-friendly drainage features to avoid entrapment of GCN and other amphibians.</p>
BIO.1.7	Avon Gorge Vegetation Management Plan	The Applicant's AGVMP [APP-141/APP-209/AS-044] is proposed to complement Network Rail's existing Site Management Statement (SMS) and Vegetation	<p>Natural England's response:</p> <p>Natural England is awaiting further engagement from NR regarding the VMP and SMS. As things stand we are not clear on</p>	<p>Refer to the Applicant's response in the "Applicant's responses to the Examining Authority's Written Questions" [REP2-013].</p>

ExQ1 No.	Type / Category	The Question	Response from other parties at Deadline 2	Applicant's response
	<b>Q to Network Rail, Natural England and The Applicant</b>	<p>Management Plan (VMP) which are included in ES Appendix 9.15 [APP-143].</p> <p>Do Network Rail and Natural England agree that the AGVMP would successfully complement the existing plans as intended?</p> <p>Can the Applicant confirm the anticipated process for any “handover” or succession plan between their AGVMP for the Proposed Development and the existing and future Network Rail VMPs in respect of the minimum 10-year monitoring plan set out in section 7 of the AGVMP.</p> <p>Paragraph 6.1.1 of the AGVMP states that “Vegetation management during operation is detailed in NR’s SMS and VMP...The work plan for the four years of the VMP is currently being developed by NR and a draft is currently being discussed with Natural England.” Can the Applicant provide an update as to the status of the work plan and provide a copy to the examination? Can the relevant parties confirm whether any emerging revised VMPs would require amendments to the AGVMP?</p>	<p>progress made on the objectives set out in the VMP.</p> <p>In the event that compensation measures on NR are taken forward we agree that the ExA will require certainty that ongoing management and monitoring of mitigation and compensation measures will be secured and that further details will be needed to ensure that responsibilities between the applicant’s AGVMP and NR’s VMP are clearly stated.</p>	<p>Natural England has concurred with the Applicant that 10 years is sufficient to cover establishment of the compensatory habitat. After this time the compensatory measures should be established and their ongoing management will more appropriately fall to be incorporated within the management plans of Network Rail and the Forestry Commission, as appropriate, in accordance with the legal frameworks prevailing at that time.</p>
BIO.1.8	Avon Gorge Vegetation Management Plan <b>Q to Network Rail, Natural England Forestry</b>	Section 11 of the HRA Report [APP-142] states that Network Rail is in the process of seeking approval from Natural England for a management plan to secure the conservation of “that part of the Avon Gorge Woodlands SAC that lies within its ownership”. The ExA also understands that “at the time of preparing the package of protective and compensatory measures for the DCO Scheme	<p>Natural England’s response:</p> <p>Natural England has not agreed NRs VMP for the first year (2019-2020).</p> <p>In respect of the ‘adaptive approach’ and certainty of delivering appropriate and effective compensation measures, Natural England has discussed proposed measures with applicant through the pre-application phase. We have advised that there are two</p>	<p>Refer to the Applicant’s response in the “Applicant's responses to the Examining Authority's Written Questions” [REP2-013].</p> <p>The Applicant has no additional comments.</p>

ExQ1 No.	Type / Category	The Question	Response from other parties at Deadline 2	Applicant's response
	<p><b>Commission</b> <b>The Applicant</b></p>	<p>the NR's VMP for the first year (2019-20), NR Avon Gorge Planned of Works, has not been approved" and that the Applicant's proposed package of compensatory measures have been prepared on this basis.</p> <p>Can the Applicant, Natural England and Network Rail provide an update to the examination as to the status of this plan approval?</p> <p>Can the Applicant explain why Natural England can only "require the delivery of 1.6ha of compensatory measures in accordance with the Habitats Regulations" within the total package of compensatory measures of 3.2ha proposed as part of the DCO scheme.</p> <p>Can the Applicant provide a definitive plan of the total package of 3.2ha of compensation measures and a breakdown of how this figure has been calculated?</p> <p>The HRA report [APP-142] states that these provisions are "...intended to provide Natural England with the ability to approve whichever of the DCO Scheme areas of compensation it considers will best compensate for the predicted harm". Further, paragraph 11.2.1 sets out that "the package of compensation measures is presented within the AGVMP...However, an option has been included to carry out positive management on FC land that is outside but abuts the boundary</p>	<p>key issues in respect of the initial proposal to deliver all compensation measures within the SAC:</p> <ol style="list-style-type: none"> <li>1. Positive management on NR land within the SAC. The Habitats Directive makes a clear distinction between management measures under Article 6(1) aimed at achieving favourable condition, which a site owner has a duty to undertake, and measures under Article 6(4) that are required to compensate for adverse effects of a project; and</li> <li>2. While two of the whitebeam planting sites within the SAC could be said to be in degraded areas that were devoid of SAC/SSSI interest features and likely to remain so, the other two locations were shown to have SAC/SSSI features already present.</li> </ol> <p>The applicant has responded positively to this advice and sought to secure alternative locations to deliver compensation measures. Natural England supports the compensation measures now proposed for delivery on adjacent Forestry Commission land but recognises that at this stage the necessary agreement between the applicant and FC has been drafted but not yet signed. Once that agreement is signed NE will be satisfied that the package of compensation measures will be effective and certain. However, that means that at this stage, based on the compensation package proposed for NR land, Natural England's concerns remain. It is possible that a combination of legally-robust compensation</p>	

ExQ1 No.	Type / Category	The Question	Response from other parties at Deadline 2	Applicant's response
		<p>of the Avon Gorge Woodlands SAC...Providing a larger number of potential sites by including the potential for compensatory measures on an equivalent area of land on FC managed property as an alternative to providing some of the compensation sites only on NR land will allow an adaptive approach to compensation.” The ExA understands that this would enable Natural England to evaluate the compensation site options to be provided by the DCO Scheme in combination with the conservation measures to be provided by Network Rail to achieve the “optimum outcome”.</p> <p>Noting the above, the ExA is therefore uncertain about the extent of measures that would actually be delivered in terms of the certainty which can be placed on them by the competent authority. For example, Forestry Commission land (identified on AGVMP Annex F, Figure 4) [APP-141/ APP-209 / AS-044] is identified as a possible alternative but this land is not included within the DCO boundary and it is only “envisaged” that the land would be incorporated within the Forestry Commission’s Forest Design Plan (which is not provided as part of the application documents).</p> <p>What is the status of any agreement between Forestry Commission and the Applicant for use of this alternative land and why was it not included as part of the DCO boundary given its</p>	<p>measures on FC and NR land could be achieved.</p>	

ExQ1 No.	Type / Category	The Question	Response from other parties at Deadline 2	Applicant's response
		<p>apparent importance as part of overall compensation package?</p> <p>Could the final compensation be a combination of both Forestry Commission and Network Rail land?</p> <p>What comfort can the ExA have that compensation entirely on Network Rail or Forestry Commission land (or a combination of both) would be sufficient given the optionality that remains?</p> <p>The Applicant, Natural England, Forestry Commission and Network Rail are asked to update the ExA as to the outcomes of any further discussions / negotiations that have been reached in this regard.</p> <p>Please note that this question was drafted prior to the receipt of a number of additional submissions by the applicant and therefore the ExA accept that the answers to these questions may be addressed by these documents if this is the case please signpost where in these documents the answers to these questions can be found.</p>	<p>Forestry Commission's response:</p> <p>No further comment</p>	
BIO.1.10	Monitoring Q to North Somerset Council	The AGVMP [APP-141 and AS-044] proposes that the monitoring of rock cress and rare whitebeam will be undertaken by a specialist contractor managed by North Somerset District Council (NSDC) – as this part of the route is within the jurisdiction of Bristol City	<p>North Somerset Council's response:</p> <p>We are aware that the applicant intends to enter into a contractual arrangement with an environmental contractor to monitor and maintain the rare whitebeams and the Bristol rock cress that will be planted as part of our</p>	The Applicant has no additional comments.

ExQ1 No.	Type / Category	The Question	Response from other parties at Deadline 2	Applicant's response
		Council are NSDC content to take on this responsibility?	<p>positive management. The rare whitebeams will be planted out either on railway embankments (package 1) and accessible from the River tow path or will be planted out on Forestry Commission land (Package 2). We are aware that the applicant is currently finalizing land agreement for access and for FC to do related preparation works. Both options are entirely within the NSC administrative boundary. NSC is content to take on this responsibility.</p>	
BIO.1.11	Monitoring Q to <b>The Applicant, Relevant Planning authorities, Natural England &amp; Forestry Commission</b>	<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>North Somerset Council's response:</p> <p>The ten-year period for management and inspection should start at the point at which it is necessary once construction starts and the land is impacted by it.</p> <p>Natural England have already accepted 10 years for the period of the plan, and this is captured in the Statement of Common Ground which was submitted to the Examining Authority on 2<sup>nd</sup> November. We support this.</p> <hr/> <p>Bristol City Council's response:</p> <p>A ten-year management and inspection period is considered sufficient.</p> <hr/> <p>Natural England's response:</p>	<p>Refer to the Applicant's response in the "Applicant's responses to the Examining Authority's Written Questions" [REP2-013].</p> <p>The Applicant has no additional comments.</p>

ExQ1 No.	Type / Category	The Question	Response from other parties at Deadline 2	Applicant's response
			<p>Wherever the compensation takes place the question of duration of monitoring measures partly comes back to the question about incorporation of measures into other management plans beyond the period covered by the AGVMP. In principle, we consider that while 10 years is sufficient to cover establishment of habitat, compensatory measures should be enduring and therefore we would expect FC and/or NR management plans to include some provision for monitoring beyond the 10 year period of the AGVMP. Natural England would welcome discussion as to how we might contribute to that.</p> <p>Forestry Commission's response: Yes, under normal conditions</p>	
BIO.1.13	Trees Q to <b>Forestry Commission/ Forestry England &amp; The Applicant</b>	<p>Whilst on our Unaccompanied Site Inspection [EV-001] the ExA observed that Forestry England was undertaking clear felling along the Avon Gorge and within Leigh Woods. Can you provide information on the following:</p> <p>Timescales for the works; Details of the nature and extent of the works (including location plans and any supporting arboricultural surveys); An explanation as to why these works do not appear to be captured in the Applicant's assessment of in-combination effects (Paragraph 7.2.3 of the HRA [APP-142] states that "no projects or plans which would lead to habitat loss or habitat degradation in the Avon Gorge Woodlands SAC have been identified and thus there are no projects that are</p>	<p>Forestry Commission's response: See attached map. No further comment</p> 	<p>The Forestry Commission's works were unconnected with the MetroWest proposals but provide the opportunity for some whitebeam planting in the cleared former red oak plantation.</p> <p>The Applicant's response in the "Applicant's responses to the Examining Authority's Written Questions" [REP2-013] was compiled after further detail on the felling was provided by the Forestry Commission.</p> <p>The Applicant has no additional comments.</p>

ExQ1 No.	Type / Category	The Question	Response from other parties at Deadline 2	Applicant's response
		<p>considered likely to have in-combination effects on the SAC”);</p> <p>Whether the compensation measures in Section 11 of the HRA [APP-142] would remain sufficient for any such in-combination effect and whether any mitigation measures proposed by Forestry England are compatible with the compensatory measures proposed by the Applicant in respect of Tilio-Acerion woodland, Festuco-Brometalia grassland and whitebeam species in the Avon Gorge SAC; and</p> <p>The currency and validity of ES Volume 4 – Appendix 9.10 Flora Survey: Avon Gorge woodlands SAC/Avon Gorge SSSI [APP-140] in light of these works being carried out by Forestry England.</p>		
BIO.1.14	<p>Trees Q to <b>Bristol City Council</b> <b>The Applicant</b></p>	<p>In your RR [RR-001] you raise a concern regarding the potential loss of trees within Bristol.</p> <p>How many trees would be lost? Where are the trees that would be lost located? If possible, provide a plan showing the location of the trees that would be affected. Are the trees that would be lost protected and if so how? Are any of the trees noble or veteran trees? Could the loss of trees be mitigated and if so how?</p>	<p>Bristol City Council's response:</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>The Applicant appends to this document Appendix Series BIO.1.14 (Appendices 1 to 11). These appendices are referred to in the Applicant's main ExQ1 response but (in error) were not submitted at Deadline 2.</p> <p>The response of Bristol City Council ("BCC") to sub-question (i), using BCC's referencing for sub-questions, is incorrect. Twenty one (21) trees will be lost within the BCC local authority area. The Applicant has shared the Tree Loss Survey – appended by BCC at Appendix A of its ExQ1 response – and vegetation loss calculations with BCC. The reference to seven trees lost appears to be a misinterpretation of the calculations and the Applicant will seek to confirm this to BCC and deal with any necessary clarifications in an updated Statement of Common Ground.</p>

ExQ1 No.	Type / Category	The Question	Response from other parties at Deadline 2	Applicant's response
			<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 in 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>	<p>In respect of sub-question (ii), the Applicant appends the updated Tree Survey referred to by BCC at Appendix 11 of Appendix Series BIO.1.14 (DCO Document Reference 9.17 ExA.WQ1R.D3.V1).</p> <p>The 21 trees lost within the BCC local authority area are described on the annotated Tree Survey plans appended at Appendix Series BIO.1.14, Appendix 1 to 7.</p> <p>In respect of sub-question (iii), whilst no affected trees are subject to Tree Preservation Orders there are affected trees within Conservation Areas. The Applicant's response to question BIO.1.14 at Deadline 2 [REP2-013] describes the locations of the affected trees in Conservation Areas.</p> <p>In respect of sub-question (v), BCC is correct in stating a total of 35 replacement trees will be provided. Further mitigation will be necessary in the form of a financial contribution toward off-site planting in accordance with the BCC policy as stated.</p> <p>The Applicant considers any financial contributions should utilise the trees in open ground (no tree pit required) metric in accordance with the Bristol Tree Replacement Standard.</p>
BIO.1.16	Whitebeam Planting Q to <b>Natural England</b> ,	In their RR [RR-022] Natural England indicate that of the three sites originally selected by the Applicant they considered that there was some question of suitability of two of the	<p>Natural England's response:</p> <p>As stated in response to BIO 1.8, Natural England has advised the applicant that two of the whitebeam planting sites appear to be</p>	Refer to the Applicant's response in the "Applicant's responses to the Examining Authority's Written Questions" [REP2-013].

ExQ1 No.	Type / Category	The Question	Response from other parties at Deadline 2	Applicant's response
	<b>Forestry Commission &amp; The Applicant</b>	<p>sites. There is now an additional compensation package proposed in the AGVMP [APP-141 and APP-209].</p> <p>AS-044 presents a revised version of the AGVMP now including two “alternative packages” for rare whitebeam planting sites adding the new planting sites on Forestry Commission land but removing the sites which raised concerns with Natural England during further discussions post-submission of the DCO application. Package 2 (proposed in response to Natural England concerns) is stated as “the preferred option”, but both options are retained as the necessary agreements with the Forestry Commission are not yet finalised. Can you:</p> <p>Provide further detail as to what the concerns are in relation to these two sites and whether or not these are now resolved in light of [AS-044].</p> <p>Confirm whether or not “Package 1” should be and will be removed entirely during the course of the examination so as to provide the ExA with a degree of certainty as to the compensatory measures that are to be put in place and how they are secured as part of the DCO provisions.</p> <p>Explain how, given they are not in the ownership of the Applicant, the compensation sites could be secured/ used for alternative planting.</p>	<p>unsuitable for providing compensation because they could affect existing woodland features of the SAC/SSSI. Our concerns have been reflected recorded in detail in Annex H of the AGVMP and in the draft SoCG.</p> <p>In response to this advice, the applicant has developed an alternative package of whitebeam planting to be delivered on FC land, which we consider would meet legal and ecological requirements for compensatory measures, assuming that can be secured through agreement with FC.</p>	<p>The Applicant's preference is for Package 2 to be secured, but if this is not possible then Package 1 is considered to be suitable. In respect of Package 1 please see the information presented in ES Chapter 9 Ecology and Biodiversity Version 2 paragraph 9.7.35-9.7.42 [AS-031]; DCO document reference 6.12, in the Report to Inform the Habitat Regulations Assessment Version 2 paragraph 11.5.5 [AS-027]; DCO document reference 5.5, and in the Avon Gorge Vegetation Management Plan Version 2 [AS-044]; DCO document reference 8.12, Section 3.4 and Annex H, Section 3.1.</p> <p>Package 2 will be secured through Requirement 14 of the draft Order, with a commercial agreement between the Applicant and the Forestry Commission providing the necessary powers in respect of the relevant land.</p>

ExQ1 No.	Type / Category	The Question	Response from other parties at Deadline 2	Applicant's response
			<p>Forestry Commission's response:</p> <p>No further comment</p>	
<p>BIO.1.18</p>	<p>Loss of Whitebeam Q to <b>The Applicant, Natural England &amp; Forestry Commission</b></p>	<p>Of the 27 Whitebeam trees that would be potentially affected, 12 of these are the "critically endangered" Avon Whitebeam species (table 8.5 of the HRA [APP-75 and APP-142]). However, of the proposed 54 replacement Whitebeams, only 5 Avon Whitebeams would be planted (ie there would be a net loss of 7). The Applicant states "Not all species can be replanted on a two for one basis, however, due to some species such as Avon whitebeam being more difficult to propagate".</p> <p>Currently, there would still be a net loss of the world's population of Avon Whitebeam as a result of the development even taking into account the replacements.</p> <p>Confirm that whitebeam seeds collected in Autumn 2019 are now under propagation at Paignton Zoological Gardens, how many and if more seeds are to be collected/propagated in the current season?</p> <p>Are Natural England and the Forestry Commission satisfied with current and future proposals for propagation and the Applicant's overall compensation package in respect of the SAC qualifying woodland habitat as a whole?</p>	<p>Natural England's response:</p> <p>Natural England considers that Whitebeam planting should be a prominent component of the package of compensation measures, given the rarity of the species.</p> <p>We do recognise the difficulties encountered in propagating Avon Whitebeam in particular, but it is evident the applicant is exhausting all possibilities to maximise the number of these species planted as part of the compensation. Given this we are satisfied that the compensation package will be as optimal as it can be in terms of species of Whitebeam used but would welcome continued efforts to propagate further specimens.</p> <p>Forestry Commission's response:</p> <p>I'm not [sure] what relevance FE's answer to this would have here? I'm satisfied that the work is in-line with our management objectives at Leigh Woods, but it is for Natural</p>	<p>Refer to the Applicant's response in the "Applicant's responses to the Examining Authority's Written Questions" [REP2-013]; DCO document reference ExQ1 9.10 ExA.WQ1.D2.V1, which describes the most recent seed collection and the germination efforts at Paignton Zoological Gardens, Bristol University Botanic Gardens and Forestry Commission. Continued efforts to propagate further specimens will be made if necessary. Paragraph 8.1.2 of the Avon Gorge Vegetation Management Plan Ver. 02 [AS-044]; DCO document reference 8.12, and paragraph 11.5.3 of the Report to Inform Habitats Regulations Assessment Ver. 02 [AS-027]; DCO document reference 5.5, notes that propagation could be undertaken as a rolling programme in future years if necessary.</p> <p>No further comment from the Applicant.</p>

ExQ1 No.	Type / Category	The Question	Response from other parties at Deadline 2	Applicant's response
			England to comment on how this mitigation fits in with SAC qualifying woodland habitats as a whole.	
BIO.1.25	Bats Q to <b>The Applicant &amp; Natural England</b>	<p>In Paragraph 2.22 of their RR [RR-022] Natural England indicate that a screen/ shield would protect the day/ night roost at Pill station from light and maintain the dark corridor that bats use. The references to such screen fencing (and lighting) have since been removed from paragraphs 8.4.60 – 8.4.63 of the HRA Report [APP-142].</p> <p>Can you:</p> <p>Explain the reason for deletion of these paragraphs from V.2 of the HRA Report [APP-142].</p> <p>If such mitigation measures are no longer necessary following the more recent bat survey (ES Vol. 4 Appx 9.2 Version 2 [APP-134]) could Natural England confirm if they are content with this or provide further details of any alternative measures or signpost where in the application documentation this information can be found.</p> <p>Explain how and where these measures would be secured.</p>	<p>Natural England's response:</p> <p>The applicant has discussed the outputs of further survey data on bat use at Pill station with Natural England. We agreed with the applicant that the additional information gathered enabled the previous assumption that bat use of the station may be linked to the North Somerset and Mendip Bats SAC to be discounted. While this means that measures to protect bats at Pill Station are not therefore deemed to be a requirement of HRA, those measures are still necessary to protect bats from effects of artificial lighting and will need to be secured.</p>	No further comment from the Applicant.
BIO.1.28	Bats Q to <b>The Applicant, Network Rail &amp; Natural England</b>	<p>ES Ch.9 paragraph 9.4.34 [APP-104] states that the development has a sensitive lighting strategy. dDCO Requirement 28 stipulates that written details of operational lighting at Pill Station must demonstrate lighting levels of &gt;0.5 lux.</p> <p>As this only applies to Pill Station, what confidence can be provided that lighting levels</p>	<p>Natural England's response:</p> <p>It is Natural England's understanding the impacts on bats from the introduction of artificial lighting would only arise at Pill station. As the disused railway line, the key feature associated with the Bats SAC, already provides a functional route for commuting and foraging bats we would not expect any</p>	It is considered that artificial light from existing external sources has the greatest impact on the disused line between Portbury Dock Road and Marsh Lane where Bristol Port Company's cargo storage areas are on both sides of the disused line, including the recently developed Court House Farm area (see paragraph 9.6.87 in the ES Chapter 9 [AS-031]; DCO document reference 6.12). A lighting

ExQ1 No.	Type / Category	The Question	Response from other parties at Deadline 2	Applicant's response
		<p>will be &gt;0.5 lux along the railway corridor? Why does dDCO Requirement 29 (operational lighting) not also stipulate the same lighting levels (&gt;0.5 lux) as in Requirement 28, should it and if not, why not?</p> <p>You may wish to combine the response on this question with the answer to question BIO.1.27.</p>	<p>changes with the introduction of the project. Additional planting proposed along that section of the scheme provides further confidence that the dark corridor is maintained, though it would be useful for the applicant to clarify whether any temporary impacts may arise where vegetation that must be removed would allow artificial light from existing sources to increase lux levels on parts of the corridor.</p>	<p>survey was undertaken for the DCO Scheme along the disused railway corridor near Court House Farm in July 2019 to determine the lighting levels post construction of the new cargo storage area (but before the construction of the bridge). The results are shown in the Lighting Survey report (ES Appendix 9.17, Lighting Survey Report [AS-040]; DCO Document Reference 6.25). The survey recorded existing light levels of between 0.01 and 0.5 lux at the centre of the disused line. Where vegetation had been cleared for a temporary road crossing between two of Bristol Port Company's cargo storage areas to the north and south of the disused line, light levels were 24.9 lux to the north, 0.16 lux to the south and 0.23 lux at the centre of the disused line. The results of the lighting survey indicate that existing lux levels along the centre of the disused railway corridor are at or below 0.5 lux (ES Chapter 9 paragraphs 9.6.88-9.6.89, [AS-031]).</p> <p>The effects of vegetation clearance for construction in this area is assessed in ES Chapter 9 paragraph 9.7.7. There will be some loss of existing vegetation to the west of Marsh Lane approximately 1 m either side of a fence to be installed (see the Railway Landscape Plans (Disused Line), [APP-017]; DCO Document Reference 2.10). However, vegetation will be retained around the fence line and vegetation will grow back. Severance of bat flight lines due to light spill from adjacent cargo areas are considered to be unlikely.</p>

ExQ1 No.	Type / Category	The Question	Response from other parties at Deadline 2	Applicant's response
BIO.1.30	Protected Species Q to <b>The Applicant &amp; Natural England</b>	<p>A Districted Level Licence (DLL) is now proposed as a potential alternative to a European Protected Species (EPS) licence (ES Chapter 9 [AS-031]).</p> <p>What certainty does the DLL give that the proposed measures would be secured rather than the EPS licence?</p> <p>Summarise what, if any, changes the DLL approach (as an alternative to the EPS) make to the mitigation proposals, for example what are the consequences for the proposed GCN ponds and enhancement areas.</p> <p>At what point will it be determined whether the standard EPS or DLL will be sought? Paragraph 9.7.24 of ES Chapter 9 [AS-031] refers to developer contributions – how would such contributions be secured?</p>	<p>Natural England's response:</p> <p>The DLL gives at least the same level of certainty, if not more, at the DCO stage that measured can be secured. In supporting the implementation of DLL in North Somerset and many other districts in England, Natural England has undertaken extensive evidence-gathering and assessment of the scheme against relevant legislation and policy requirements. Each district scheme is subject to a Favourable Conservation Status as is each application under DLL. Funding for agreed compensation measures is secured through payment to Natural England, who then ensure that the identified 'habitat delivery body' is paid to have a sufficient supply ponds in appropriate locations.</p>	No further comment from the Applicant.
BIO.1.32	Great Crested Newts Q to <b>The Applicant &amp; Natural England</b>	<p>Natural England request additional information [RR-022] to enable them to issue a Letter of No Impediment (LoNI) for Great Crested Newts.</p> <p>Confirm whether this has been submitted and provide an update on the progress of obtaining this letter.</p> <p>With respect to the DLL question above, can Natural England confirm if this has any implications for issuing of an LoNI.</p> <p>You may wish to combine the response to this question with your response to question GC.1.5.</p>	<p>Natural England's response:</p> <p>As the applicant has elected to use the DLL route to address impacts on great crested newts, a provisional Impact Assessment Conservation Payment Certificate (IACPC) will be issued instead of a LoNI.</p>	No further comment from the Applicant.

ExQ1 No.	Type / Category	The Question	Response from other parties at Deadline 2	Applicant's response
BIO.1.37	Wildlife Corridor <b>Q to Bristol Port Company &amp; The Applicant</b>	<p>Whilst on our Unaccompanied Site Inspection [EV-001] the ExA observed the existence of a wildlife corridor adjacent to Royal Portbury Dock that is managed/ owned by the BPC.</p> <p>BPC: Provide further detail of the wildlife corridor including why it is provided, what animals use it, how long it has been in existence and any plans/ maps to show the extent of the corridor.</p> <p>The Applicant: Signpost where in the application documentation the effect of the proposed development on this wildlife corridor has been considered and if it hasn't, why not.</p>	<p>Bristol Port Company's response:</p> <p>BPC is unsure which specific wildlife corridor the ExA may have seen, since BPC has an extensive network of wildlife corridors and green areas in Royal Portbury Dock. Together they safeguard rich wildlife habitats and provide links to allow the free and safe movement of mobile species throughout the Port estate.</p> <p>The wildlife corridors comprise a range of natural and semi-natural habitats including wetlands, reed beds, grassland and flower-rich meadows, ponds and ditches, ancient woodland, hedgerows, scrub, and saltmarsh. These habitats in turn support a diverse variety of wildlife, including protected species such as water vole, great crested newts, badgers, bats, and overwintering and breeding birds.</p> <p>The majority of the Port's wildlife corridors were established as part of the development of Royal Portbury Dock in accordance with a Wildlife and Landscape Masterplan in 1991 and the first Ecological Management Plan in 1993. Since that time, the Wildlife Management Plan has been updated regularly to reflect changes in the Port and in the diversity and health of the wildlife corridors, which are regularly monitored to ensure that ecological objectives are met. Over the years as a result of further sustainable development within the Port Estate, additional green areas have been incorporated within the network of corridors, including most recently the creation of the Court House Farm habitat corridor.</p>	No further comment from the Applicant.

ExQ1 No.	Type / Category	The Question	Response from other parties at Deadline 2	Applicant's response
			<p>Further information on the extent of the wildlife corridors, and the ecological and landscape management prescriptions required to maintain and enhance key ecological areas, is provided within the Avonmouth and Royal Portbury Docks Ecological Management Plan 2018-2022 (The Landmark Practice, 2018), a copy of which is annexed. The ExA will note the specific management measures included in this Plan in relation to Court House Farm and the wetland and saltmarsh area to the east of the M5 near Pill the Area to East of M5, but BPC's wildlife corridors and green areas adjacent to the MetroWest proposals also include Portbury Drove Rhyne.</p>	
BIO.1.39	HRA Q to <b>Natural England</b>	<p>The Applicant has submitted a legal opinion from Stephen Tromans QC regarding the Report to Inform the Habitats Regulations Assessment [APP-197]. Provide comment and confirm whether you agree with its conclusions.</p> <p>Or if this matter will be covered in your WR or SoCG please signpost where in these documents this information can be found.</p>	<p>Natural England's response:</p> <p>While legal opinions can include subtle variations in interpretation we are broadly in agreement with the legal opinion submitted by the applicant. Our views, particularly in relation to the consideration of compensation measures are set out in the Written Representations and responses to other questions above.</p>	No further comment from the Applicant.
BIO.1.40	European Sites Q to <b>The Applicant &amp; Natural England Relevant Planning Authorities</b>	<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</p>	<p>North Somerset Council's response:</p> <p>10km seems likely reasonable, but it is considered that generally the approach/radius adopted needs to be informed by an assessment of the distance to nearest European Sites (SPAs/RAMSARS/SACs) and the potential pathways/mechanisms that the project could have to exert adverse impacts on these sites at further distance.</p>	<p>Refer to the Applicant's response in the "Applicant's responses to the Examining Authority's Written Questions" [REP2-013]; DCO document reference ExQ1 9.10 ExA.WQ1.D2.V1.</p> <p>No further comment from the Applicant.</p>

ExQ1 No.	Type / Category	The Question	Response from other parties at Deadline 2	Applicant's response
		<p>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>However, we consider that the opinion of the specialist advisers within Natural England that should guide and confirm the radius to be applied for each project within the initial consultation.</p> <hr/> <p>Bristol City Council's response:</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> <hr/> <p>Natural England's response:</p> <p>Natural England considers the zones used to be appropriate and sufficiently precautionary for the purposes of HRA and taking account of the nature of the project. Whilst we do use some distance criteria on Impact Risk Zones relating to European sites on MAGIC map we encourage project promoters to use that as a starting point for considering for considering risks for their particular project.</p>	

ExQ1 No.	Type / Category	The Question	Response from other parties at Deadline 2	Applicant's response
BIO.1.41	Pathways Q to <b>Natural England Relevant Planning Authorities</b>	<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>Confirm you are content that these identified pathways consider all aspects of the Proposed Development that could affect European site(s)?</p>	<p>North Somerset Council's response:</p> <p>(i) Generally, the impacts listed are indicated as likely to be comprehensive. A couple of issues however may be indicated as requiring to be expressed more clearly.</p> <p>HRA Section 5.2.1, bullet 1 &amp; 8, reference to drainage works and potential for pollution of rhynes. Whilst it is noted pollution is listed as a general point, it may be helpful to break this down further to indicate the range of potential sources of pollutants in the construction.</p> <p>Bullet 2 regarding permanent habitat loss, the list does not include the likely extent of vegetation removal that will be required.</p> <p>Bullets 3 and 4. Vegetation removal in site preparation and clearance would be expected to be included as a potentially significant source of noise and habitat disturbance to bats and possibly SPA/Ramsar birds present outside the breeding seasons within potentially supporting habitats (e.g. wetlands and lagoons) within the nature reserve.</p>	<p>In response to North Somerset Council:</p> <p>Please see the Report to Inform Habitats Regulations Assessment [AS-027]; DCO document reference 5.5, Section 5.2.1, bullets 1 and 8, reference to drainage works and potential for pollution of rhynes. Potential pollution sources are listed in ES Chapter 12 Materials and Waste [APP-107]; DCO document reference 2.10, Table 12.12, which summarises the likely materials and wastes arising on site. Most of these are inert. While they could cause littering if not managed and allowed to be blown or carried off site in drainage, they would not cause pollution of the environment.</p> <p>The materials which may cause pollution will be managed through the CEMP [AS-046]; DCO document reference 8.14.</p> <p>Potential sources of pollutants during construction include:</p> <ul style="list-style-type: none"> <li>• various sources of aggregate such as soil stockpiled along the disused railway and at the construction compounds, ballast stockpiled on site, silts in bottom of drains to be cleared.</li> <li>• Concrete / cement if spilled into watercourses.</li> <li>• Oils and fuels.</li> </ul> <p>Further information on how contaminated ballast would be handled is provided in the Construction Strategy [APP-074]; DCO document reference 5.4, and control of pollution off the construction sites in the</p>

ExQ1 No.	Type / Category	The Question	Response from other parties at Deadline 2	Applicant's response
				<p>Surface Water Drainage Strategy for Portishead and Pill Station, Haul Road and Compounds [APP-192]; DCO document reference 6.26.</p> <p>Bullet 2 regarding permanent habitat loss – the likely extent of habitat loss is broken down in detail in Table 8.3 of the Report to Inform Habitats Regulations Assessment.</p> <p>Bullets 3 and 4 – noise disturbance of SPA / Ramsar birds from vegetation removal as part of the construction phase is considered in Paragraph 6.3.11 and Table 7.1 of the Report to Inform Habitats Regulations Assessment .</p> <p>The potential for vegetation clearance to affect bats from the North Somerset and Mendip Bats SAC is considered in Table 7.1 (screening) and in the appropriate assessment stage of the HRA in paragraphs 8.3.30-8.3.33 of the Report to Inform Habitats Regulations Assessment, Version 02 [AS-027].</p>
			<p>Bristol City Council's response:</p> <p>BCC is content that the identified pathways consider all aspects of the Proposed Development that could affect European sites.</p>	<p>The Applicant has no further comments.</p>
			<p>Natural England's response:</p> <p>Natural England can confirm that we are satisfied that the HRA has identified all</p>	<p>The Applicant has no further comments.</p>

ExQ1 No.	Type / Category	The Question	Response from other parties at Deadline 2	Applicant's response
			potential impact pathways for European sites and their qualifying features.	
BIO.1.42	Decommissioning Q to <b>Natural England Relevant Planning Authorities</b>	<p>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>Explain why you do or do not agree and, if relevant, how you would wish to see the Applicant address this issue.</p> <p>You may want to combine the response to this question with the answer to question GC.1.20.</p>	<p>North Somerset Council's response:</p> <p>Refer to answer for GC.1.20</p> <hr/> <p>Bristol City Council's response:</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> <hr/> <p>Natural England's response:</p> <p>We do not have concerns regarding decommissioning in relation to HRA, but it may be useful for the applicant to provide further clarification. The railway line through the Avon Gorge Woodland SAC is an existing freight line and ceasing a passenger service in</p>	The Applicant has no further comments

ExQ1 No.	Type / Category	The Question	Response from other parties at Deadline 2	Applicant's response
			<p>the future and so it is difficult to envisage any impact pathway that would result and meaningful assessment may not be possible at this stage. Similarly, ceasing the passenger service along the section of line connected to the Bats SAC would appear unlikely to affect bats.</p>	
CI.1.2	Update Q to <b>Bristol City Council</b> LPA	<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>Bristol City Council's response:</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>	The Applicant has no further comments
CI.1.4	Railway Freight Q to <b>Bristol Port Company &amp; Freightliner Ltd</b>	<p>Paragraphs 4.9.4-4.96 of the Transport Assessment [APP-155] refers to existing freight movements and data relating to a period between February and March 2016. Would the relevant Interested Parties:</p> <p>Confirm the accuracy of this information. Provide your own data of existing rail freight movements to and from the port, in terms of frequency and typical movements in a more recent time period.</p> <p>Details of any expected increase in such movements during the anticipated project construction period to winter 2023.</p>	<p>Bristol Port Company's response:</p> <p>North Somerset Council's consent to the Port's Planning Application referenced 11/P/1893/F records that the number of freight trains using the link (Royal Portbury Dock to Parsons Street Junction) must not exceed an average of 20 trains each day in and out of the Port.</p> <p>Use of the Port's rail link for transporting coal fell after the Government's announcement to close all coal fired power station by 2025. Instead, the link is now used for a variety of different cargoes, including motor vehicles,</p>	Please refer to the Applicant's comments on GC1.12.

ExQ1 No.	Type / Category	The Question	Response from other parties at Deadline 2	Applicant's response
		<p>You may wish to combine the answer to this question with the answer to question GC.1.12.</p>	<p>aggregates and even outbound traffic comprising imported train sets that are imported by vessel from Spain. This trade started in early 2018 and continues on a regular basis today; the train sets comprising motor units and carriageways are assembled on the Port's rail terminal before being driven to site within the UK. This demonstrates how the link continues to provide a versatile, efficient and environmentally friendly solution for a wide range of cargoes.</p> <p>The change in the nature of cargo moved over the link has resulted in a change to the pattern of its working. Previously, the demands of the power stations meant that trains had to run on a fairly regimented basis, but the move to handling a wider range of cargo has meant that is no longer the case and, instead, the Port needs to be able to provide rail access as far as possible at times to suit the varied customers. Rail movements - including those over the national network - are arranged by the FOC (freight operating company) and for the reasons given this is no longer on the basis of any particular timetable. The FOC makes all the necessary arrangements for the end to end journey of the freight trains including the timing and safe operating procedures for the switch between the branch line and the main line.</p> <p>In our answer to GC 1.13 we explain the critical need as part of any Freeport's offering for an unconstrained link to transport cargo by heavy rail.</p>	

ExQ1 No.	Type / Category	The Question	Response from other parties at Deadline 2	Applicant's response
CI.1.6	Safety Q to <b>The Applicant</b>	<p>On the Unaccompanied Site Inspection [EV-001] the ExA observed that access to Work No 12 would run alongside a number of fuel pipelines. RR-066 also raised this as a concern. Can you confirm whether the use of this access by construction vehicles has been assessed as to whether it would cause damage to these pipelines? If not, why not and if it has what was the outcome?</p> <p>You may wish to combine the answer to this question with the answer to question GC.1.14.</p>	<p>Health and Safety Executive also responded:</p> <p>The questions, under reference C1.1.6, need to be redirected to the pipeline operator. Pipelines that are subject to the Pipeline Safety Regulations 1996 (PSR) are classified as either major accident hazard pipelines (MAHP), which attract additional duties based upon the hazard and risk posed, and non MAHP to which the general duties of the Regulations apply. Many fuel pipelines fall into this category. It is the responsibility of the pipeline owner/operator in combination with the Landowner/Applicant to ensure that any health and safety risks arising from the presence of the fuel pipelines are assessed and managed as part of their general duties under the Health and Safety at Work Act 1974 and associated Regulations.</p>	The Applicant has no further comments.
CI.1.9	Road Network Q to <b>The Applicant &amp; The Relevant Highways Authorities</b>	<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>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>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>Who would be liable for any damage to the</p>	<p>North Somerset Council's response:</p> <p>Section 59 of the Highway Act 1980 covers the recovery of expenses due to extraordinary traffic and must be limited to 'excess expenses'. It is unlikely that a certificate for the Section 59 needs to be issued due to the relationship between the promoter of the works/HA however, a pre works agreement is required.</p> <p>For each work site or area of concentrated construction traffic a limited cap of contributions should be agreed for possible damage by the works, requiring prior and post site surveys with responsibility to carry out</p>	The Applicant proposes to enter into an agreement with Bristol City Council under s278 Highways Act 1980 which will address the points made by the City Council.

ExQ1 No.	Type / Category	The Question	Response from other parties at Deadline 2	Applicant's response
		road network and who would be responsible for any repairs?	<p>the agreements and monitoring is with the TMWG.</p> <p>i) A Transport Management Working Group (TMWG) is to be set up, to include a representative from the Local Highway Authority.</p> <p>The following road bridges have been assessed and remedial works are proposed; Sheepway Bridge, Old Station Road Bridge and Royal Portbury Dock Road Bridge.</p> <p>TMWG to assess routes and minimise any damage to the road network, applying network restrictions as necessary.</p> <p>The applicant will be responsible for carrying out repairs to any damage they cause to the network. The TMWG will be responsible for coordinating and monitoring necessary repairs to the road network.</p> <hr/> <p>Bristol City Council's response:</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>	

ExQ1 No.	Type / Category	The Question	Response from other parties at Deadline 2	Applicant's response
			iii) Any damage to the road network should be remedied by the Applicant and made good to the satisfaction of the Local Highway Authority.	
CA.1.2	Protective Provisions Q to <b>The Applicant &amp; Statutory Undertakers</b>	<p>Applicant: The Book of Reference (BoR) [APP-057] includes a number of Statutory Undertakers with interests in land:</p> <p>Provide a progress report on negotiations with each of the Statutory Undertakers listed in the BoR, with an estimate of the timescale for securing agreement with them.</p> <p>State whether there are any envisaged impediments to the securing of such agreements.</p> <p>State whether any additional Statutory Undertakers have been identified since the submission of the BoR and whether the latest version of BoR includes any recently identified Statutory Undertakers.</p> <p>A number of Statutory Undertakes have requested that their Protective Provision wording should be used as opposed to that which is currently contained within the draft DCO [AS-014]</p> <p>Statutory Undertakers: Either provide copies of preferred wording or if you have provided it explain why you don't want to use the wording as currently drafted.</p>	<p>Bristol Port Company's response:</p> <p>BPC has not suggested that any standard wording should be adopted in the protective provisions for its benefit. Instead it needs bespoke provisions, designed specifically in the context of the particular development proposals affecting its land and undertaking, to minimise the adverse impacts of those proposals which BPC has identified through its examination of the application documents. Protective Provisions of this nature are necessary if serious detriment to BPC's operations and statutory undertaking are to be avoided.</p> <p>The draft protective provisions contained in the draft DCO are necessarily not adequate to achieve that objective either as to their extent or content. Details of the protective provisions required are set out at section 6 of BPC's Written Representations and will be the subject of discussions between BPC and the Applicant.</p>	The Applicant agrees that protective provisions will be the subject of discussions between BPC and the Applicant.
CA.1.3	Protective Provisions Q to <b>National Grid</b>	Your RR [RR-020] makes reference to the need for the DCO to contain Protective Provisions to ensure that your interests are adequately protected and ensure compliance with	<p>National Grid Electricity Transmission:</p> <p>No response received by PINS</p>	The Applicant has recently received further correspondence from NGET's solicitors and will be responding shortly.

ExQ1 No.	Type / Category	The Question	Response from other parties at Deadline 2	Applicant's response
	<b>Electricity Transmission and National Grid Gas</b>	relevant safety standards with particular reference to the installation of the new transmission line in relation to Hinkley Point C connection project. Please provide suggested wording.		
CA.1.7	National Trust Land Q to <b>The Applicant &amp; National Trust</b>	<p>Provide an update on negotiations for plots 11/61, 11/80, 12/07, 12/10, 12/20, 12/21, 12/30, 13/7, 13/31, 13/55 and 14/05.</p> <p>You may wish to combine the answer to this question with the answer to question CA.1.14.</p>	<p>National Trust's response (their numbering left in situ for reference):</p> <p>3. The National Trust owns land at Leigh Woods and in the Avon Gorge, the majority of which has been declared inalienable – see map attached. In respect of inalienable land, the provisions of section 130 Planning Act 2008 apply. This land cannot be voluntarily sold, mortgaged or compulsorily purchased against the Trust's wishes without special parliamentary procedure.</p> <p>4. On page 67 of the Applicant's Statement of Reasons, it states that the Applicant seeks temporary powers over the above-mentioned plots of NT land, in relation to proposed works comprising "vegetation clearance, rock scaling and the insertion of bolts to stabilise the rock faces in an area of known rock instability".</p> <p>5. On page 173 of the Statement of Reasons, and in relation to plots in Leigh Woods and Hanging Woods, it states that: "The Applicant and Network Rail have been in dialogue with the National Trust since the first meeting on the 6th June 2016. Since this time the requirement for access has evolved. There are principally two areas of discussion: 1. Rock Stabilisation Works and vegetation clearance; and 2. Temporary Compound to facilitate construction works to Quarry Underbridge Discussions continue and it is anticipated</p>	<p>The Applicant refers to its submissions following the Compulsory Acquisition Hearing on 4 December (CAH1) to be submitted for Deadline 3 (DCO Document Reference 9.15 ExA.CAH1.D3.V1).</p>

ExQ1 No.	Type / Category	The Question	Response from other parties at Deadline 2	Applicant's response
			<p>these discussions will continue for the coming months”.</p> <p>6. To update, the Trust is continuing to review the identified plots and discuss relevant matters with the Applicant (and Network Rail), as set out in more detail below. The Trust would not agree to any compulsory acquisition or temporary possession of its land until the various matters have been resolved.</p>	
CA.1.9	<p>Access Q to <b>Babcock Integrated Technology Ltd &amp; The Applicant</b></p>	<p>In their RR [RR-009] Babcock raise concerns about how access to their site would be maintained during construction given the proposal to CA plots 15/81, 15/85, 15/87 and 16/20 which are adjacent to their site access.</p> <p>Provide an update as to whether the discussions mentioned in their RR have occurred and what the outcome of these discussions was;</p> <p>What measures are proposed to ensure that Babcock would be able to maintain access and how would they be secured?</p>	<p>Babcock's response:</p> <p>We write to you on behalf of our client Babcock Integrated Technology Limited ('<b>Babcock</b>') in relation to the Metrowest Phase 1 Development Consent Order (the '<b>DCO</b>'). Babcock have been in dialogue with North Somerset Council ('<b>NSC</b>') to seek agreement to the impacts that the works will have on the Site.</p> <p>Babcock has been engaged in the DCO process since 2017, when the project involved the compulsory acquisition over part of the Site. The threat of compulsion clearly necessitated Babcock's original participation in the process. As part of the negotiation between the parties and iteration NSC have removed that land from the Order.</p> <p>On 26 February 2020 Babcock submitted a Relevant Representation, outlining their outstanding concerns to the project. These concerns predominantly related to the potential impacts on Babcock's access and egress from the Site during construction and operation.</p>	<p>The Applicant's response is contained in its responses to Written Representations (DCO Document Reference 9.18 ExA.CWR.D3.V1).</p>

ExQ1 No.	Type / Category	The Question	Response from other parties at Deadline 2	Applicant's response
			<p>Babcock, Ardent and NSC held a meeting on 23 March 2020 to discuss Babcock's written representation and NSC circulated a written response to those concerns in a letter dated 7 April 2020. It was proposed that a letter of assurance or statement of common ground could be used to document the parties' position and show that the representation had been dealt with. That letter suggested for</p> <p><i>"[Babcock's] solicitors to contact NSDC's solicitors to discuss how best to document the parties' positions".</i></p> <p>Babcock on that basis instructed Osborne Clarke to progress the matter with NSC's solicitors, Womble Bond Dickinson ("<b>WBD</b>") to conclude negotiations which it did both orally and in correspondence dated 13 October 2020.</p> <p>Last Friday at 10:32 am (20 November 2020) Osborne Clarke received a response to its letter which stated that:</p> <p>(a) a Statement of Common Ground; and/or (b) a side letter</p> <p>was no longer considered necessary.</p> <p>This response less than 2 days before Deadline 2 reverses the proposed solution in NSC's agents letter in April 2020. Babcock have therefore not had the opportunity to consider the detail and implications of the letter in full.</p>	

ExQ1 No.	Type / Category	The Question	Response from other parties at Deadline 2	Applicant's response
			<p>Babcock are an affected person and have an entitlement to be heard at the issue specific hearings.</p> <p>Babcock is therefore an Interested Party and has the rights to fully participate in the examination of the DCO.</p> <p>In light of the clear lateness of NSC's letter and Babcock's engagement in this process in good faith under the initial threat of compulsion it considers that NSC's response reversing its earlier proposal is disingenuous and unhelpful. It leaves Babcock in the unenviable position of uncertainty as to how if at all its business will be impacted by the scheme.</p> <p>We therefore ask that Babcock's position is noted and considered by the examiners and Babcock have the opportunity if necessary to make further representations at further deadlines and issue specific hearings which may be held in March.</p>	
CA.1.11	Update Q to <b>The Applicant &amp; Freightliner Limited</b>	Provide an update on the progress of negotiations regarding plots 17/05, 17/10, 17/15 and 17/20.	<p>Freightliner Ltd.:</p> <p>No response received by PINS</p>	The Applicant refers to its submissions following the Compulsory Acquisition Hearing on 4 December (CAH1) to be submitted for Deadline 3 (DCO Document Reference 9.15 ExA.CAH1.D3.V1).
CA.1.13	Rock fences and access arrangements Q to <b>National Trust and The Applicant</b>	Provide an update on the negotiations with regards to the on-going liability for the management for rock fences and whether there would be any on land owned by the National Trust or if they would all be located within National Trust land.	<p>National Trust's response (their numbering left in situ for reference):</p> <p>Part (i)</p> <p>8. The railway through Avon Gorge comprises existing infrastructure used for freight use,</p>	The Applicant refers to its submissions following the Compulsory Acquisition Hearing on 4 December (CAH1) to be submitted for Deadline 3 (DCO Document Reference 9.15 ExA.CAH1.D3.V1).

ExQ1 No.	Type / Category	The Question	Response from other parties at Deadline 2	Applicant's response
		<p>Provide an update with regards to the access arrangements to land owned by the National Trust in relation to Quarry Underbridge 2. RR-021 indicates that the agreement would be that the National Trust would be in 'no worse position', is this the case and how and where is this secured?</p> <p>You may wish to combine the answer to this question with the answer to question CA.1.8.</p>	<p>and the Project proposal is to upgrade the route so that it suitable to support the MetroWest (passenger) service. This stretch of railway is characterised by the steep rock faces along its southern side.</p> <p>9. Currently, the Trust understands that Network Rail accesses Trust land for inspection and surveying of rock faces and trees to assess their condition and any risks to the safe passage of trains. It is understood that the risks associated with a passenger service will be different to those associated with freight use.</p> <p>10. The discussions have therefore focused on the installation and management of rock fences 'designed to limit any avoidable and potentially catastrophic incidents emanating from the natural degradation of the rock faces', in this case on National Trust land on the west side / above the existing railway.</p> <p>11. The Project has offered to fund the initial installation of three catch fences of standard design (two metres in height); and to undertake rock bolt installation. Network Rail also needs continued access to Trust land to reduce the risk of rockfall from the gorge face onto the railway. It is understood that Network Rail intends to inspect the rock bolts and catch fences at least annually.</p> <p>12. There are ongoing discussions between the parties in respect of design and location of rock catch fences and in relation to future asset liability and risk management. There is also continued discussion between the parties</p>	

ExQ1 No.	Type / Category	The Question	Response from other parties at Deadline 2	Applicant's response
			<p>on a method statement for installation, vegetation clearance, whitebeam planting, ecological monitoring, rock picking works and access arrangements.</p> <p>Part (ii)</p> <p>14. Quarry Underbridge 2 (S22 QUB no. 2) is an existing structure which provides the National Trust with access under the railway to its land beyond, in particular to the former quarry in the Avon Gorge Woodlands SAC/SSSI. Prior to the DCO application, the initial Project proposal was for this structure to be reinforced with a concrete lining, which would have reduced the space available and restricted access under the railway to our land beyond.</p> <p>15. Subsequently, the Applicant has proposed to rebuild the structure in order to leave the Trust in no worse position in respect of access to our land. It is not unreasonable for the Trust to ask for its access to be maintained into the quarry in this way, and we understand the Applicant has agreed to the rebuild.</p> <p>16. In the DCO application, the Construction Strategy (page 74) confirms that the QUB no. 2 structure requires a new deck and there is an indicative methodology. The design is at an early stage, although there is an indicative drawing 'S022 Quarry Underbridge 2 General Arrangement Proposed' (Engineering Sections).</p> <p>17. We would want to ensure that the structure is rebuilt in this way and that this</p>	

ExQ1 No.	Type / Category	The Question	Response from other parties at Deadline 2	Applicant's response
			<p>rebuild solution is secured through the DCO process. We realise that more detailed design work may still be needed, and where it may affect access to or management of our land we would want to be consulted on any changes or refinements to the design or its implementation.</p> <p>18. In terms of carrying out the rebuilding works, the Applicant and the Trust are discussing an arrangement for land to be leased from the Trust, including for the construction compound. Leases of up to 99 years can be granted by the Trust without triggering inalienability restrictions, subject to internal approvals.</p> <p>19. The Trust has requested that the size of the construction area is restricted in order to avoid protected fauna in the old quarry. The ongoing management and restoration of this area after the rebuilding works are completed is due to be governed by North Somerset Council's Avon Gorge Vegetation Management Plan, carried out by MetroWest/NSC and overseen by Natural England.</p>	
DE.1.10	Built Environment Q to <b>The Applicant &amp; North Somerset Council LPA</b>	Has there been any changes to the built environment around the proposed railway stations since the plans and Design & Access Statement were produced? If so, please identify where, and consider if the plans and statements would need to be updated/ amended.	<p>North Somerset Council's response:</p> <p>The LPA is not aware of any changes to the built environment around the railway stations that would affect the plans.</p>	The Applicant has no further comments.
DCO.1.4	Discharge of Requirements Q to <b>Bristol</b>	In your RR [RR-001] you raised a concern regarding the discharge of requirements please provide further details of this concern	Bristol City Council's response:	The Applicant has no further comments.

ExQ1 No.	Type / Category	The Question	Response from other parties at Deadline 2	Applicant's response
	<b>City Council LPA</b>	or signpost where in either your Local Impact Report (LIR) or Written Representation (WR) this information can be found.	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].  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.	
DCO.1.5	Informatives Q to <b>The Coal Authority</b>	In your RR [RR-011] you suggest that should consent be granted an informative be attached to the consent regarding the fact that the route would fall within your defined Development High Risk Area. However, informative notes are not attached to a DCO. Could you therefore advise how, in the DCO, you would want this information conveyed to the Applicant?	Coal Authority's response:  No response received by PINS	The Applicant has no further comments.
DCO.1.7	Drainage Q to <b>The Applicant, Relevant Flood Authorities and Drainage Boards</b>	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.  Why not and how would the maintenance of drainage be secured by the DCO as currently drafted?  If an article would be necessary, provide a form of suggested wording.	North Somerset Levels IDB response:  The Internal Drainage Board is unaware of any legislation that would require the maintenance of drainage of the land. The Land Drainage Act 1991 only applies to ordinary watercourses ("watercourse" includes all rivers and streams and all ditches, drains, cuts, culverts, dikes, sluices, sewers (other than public sewers within the meaning of the Water Industry Act 1991) and passages, through which water flows) and does not extend to drainage associated with buildings and infrastructure.	The Applicant agrees with the IDB and suggests the following text for requirement 11.  <b>Surface and foul water drainage</b>  <b>11.</b> —(1) A stage of the authorised development must not commence until written details of the surface and (if any) foul water drainage system (including means of pollution control) have, after consultation with the lead local flood authority and the Environment Agency, been submitted to and approved by the relevant planning authority.

ExQ1 No.	Type / Category	The Question	Response from other parties at Deadline 2	Applicant's response
			<p>The Board would be supportive of an article securing the long-term maintenance of drainage infrastructure as with all major development there is a requirement that there are clear arrangements in place for ongoing maintenance over the lifetime of the development. The Board feels that nationally significant infrastructure should be no different in this regard as the flood risk associated with unmaintained drainage is no different and potentially more significant than other developments.</p> <p>The Board would suggest the following addition to the DCO at 11 (4) The surface water drainage system shall be implemented and thereafter managed and maintained in accordance with the approved details for the lifetime of the development.</p>	<p>(2) The approved drainage systems for the relevant stage must be constructed in accordance with the approved details and thereafter managed and maintained in accordance with the approved details unless otherwise agreed with the local planning authority after consultation with the lead local flood authority and the Environment Agency.</p> <p>(3) This requirement does not apply to currently operational railway land</p>
			<p>Environment Agency's response:</p> <p>Land drainage in this area is normally the responsibility of the Internal Drainage Board Drainage however, the Agency also maintains a number of culverts within the proposed development area. It is anticipated the current arrangements will continue. The LLFA should advise in respect of surface water drainage issues.</p>	
			<p>North Somerset Council's response:</p> <p>The dDCO should include an article/requirement that would require the maintenance of drainage of land. The LLFAs suggested wording would be:</p>	

ExQ1 No.	Type / Category	The Question	Response from other parties at Deadline 2	Applicant's response
			<p><i>A stage of the authorised development must not commence until written details of the implementation, maintenance and management of the approved sustainable drainage scheme have, after consultation with the Lead Local Flood Authority, been submitted to and approved, in writing, by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.</i></p> <p><i>The details to be submitted shall include:</i></p> <p><i>a timetable for its implementation and maintenance during construction and handover; and</i></p> <p><i>a management and maintenance plan for the lifetime of the development which shall include details of land ownership; maintenance responsibilities/arrangements for adoption by any public body or statutory undertaker, or any</i></p> <p><i>other arrangements to secure the operation of the sustainable urban drainage scheme throughout its lifetime; together with a description of the system, the identification of individual assets, services and access requirements and details of routine and periodic maintenance activities.</i></p> <hr/> <p>Bristol City Council's response:</p> <p>i) There is an expectation that drainage systems are implemented in accordance with the approved Drainage Strategy (secured</p>	

ExQ1 No.	Type / Category	The Question	Response from other parties at Deadline 2	Applicant's response
			<p>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>Article 2 – definition of "commence"</p> <p>Q to <b>The Applicant &amp; 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>Applicant: 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>The Relevant Planning Authorities: 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>North Somerset Council's response:</p> <p>The LPA initially had concerns about construction plant being erected and utility diversions prior to the discharge of requirements. The LPA also had concerns about works to clear watercourses proceeding in advance of the discharge of requirements, in particular requirement 5 (CEMP). The LPA was also concerned about any temporary means of enclosure prior to the discharge of requirements and notes that this may conflict with requirement 8 (temporary fencing).</p> <p>However, we understand in the SOCG agreed with Bristol City Council that the 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].</p>	The Applicant has no further comments.

ExQ1 No.	Type / Category	The Question	Response from other parties at Deadline 2	Applicant's response
			<p>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, NSC is not concerned with the range of works that could be carried out prior to discharge of Requirements.</p> <p>Bristol City Council's response:</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>	
DCO.1.11	Article 6 Q to <b>The Applicant &amp; The Relevant Planning Authorities</b>	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	<p>North Somerset Council's response:</p> <p>We have no concerns with Article 6.</p> <p>The draft DCO provides the power to carry out the 'authorised development' within the order</p>	<p>Refer to the Applicant's response in the "Applicant's responses to the Examining Authority's Written Questions" [REP2-013].</p> <p>Network Rail will need to continue to carry out works of maintenance and repair needed</p>

ExQ1 No.	Type / Category	The Question	Response from other parties at Deadline 2	Applicant's response
		<p>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>The Applicant: 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>The Relevant Planning Authorities: 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>limits (defined in Part 1, Schedule 1 and any other development).</p> <p>Article 6 confirms that if there is to be any other planning permission(pp) or permitted development(pd) work in the normal course of events, this would not be a breach of the order. The second part confirms the DCO will not prevent Network Rail carrying out any such other pp or pd.</p> <hr/> <p>Bristol City Council's response:</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>	<p>for the safe and efficient operation of their existing railway. This article is needed to make it clear that the provisions of the dDCO will not preclude such works being carried out under permitted development rights.</p>

ExQ1 No.	Type / Category	The Question	Response from other parties at Deadline 2	Applicant's response
DCO.1.12	Article 13 Q to <b>The Applicant &amp; The Relevant Highway Authorities</b>	<p>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> <ul style="list-style-type: none"> <li>break up or open the street, or any sewer, drain or tunnel within or under it;</li> <li>tunnel or bore under the street or carry out any works to strengthen or repair the carriageway;</li> <li>remove or use all earth and material in or under the street;</li> <li>place and keep apparatus in the street;</li> <li>maintain, alter or renew apparatus in the street or change its position;</li> <li>demolish, remove, replace and relocate any street furniture within the street;</li> <li>execute any works to improve sight lines;</li> <li>execute any maintain any works to provide hard and soft landscaping;</li> <li>carry out re-lining and placement of road markings;</li> <li>remove and install temporary and permanent signage; and</li> <li>execute any works required for or incidental to any works referred to in sub-paragraphs (a) to (k)</li> </ul> <p>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;</p> <ul style="list-style-type: none"> <li>execute any works of surfacing or resurfacing the highway;</li> <li>carry out works for the provision or alteration of parking places, loading bays and cycle tracks;</li> <li>execute any works necessary</li> </ul>	<p>North Somerset Council's response:</p> <p>Any works will require co-ordination with the Council as Highways Authority (HA) to adhere to NRSWA 1991 for temporary traffic management prior authorisation will be required from the Network Management Team. The works require HA consent to ensure existing or future HA schemes are safeguarded and/or agree to design changes.</p> <p>We agree with proposed expansion/amendment of the list.</p> <p>We agree to the expansion of the list.</p> <p>We are satisfied that this wide-ranging power will only be exercised by the applicant in consultation with us as Highway Authority. Therefore, a list of streets is not necessary.</p>	<p>The Applicant has no further comments save that it is content to include the additional provisions suggested by the Bristol City Council.</p>

ExQ1 No.	Type / Category	The Question	Response from other parties at Deadline 2	Applicant's response
		<p>to alter or provide facilities for the management and protection of pedestrians. 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 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?</p>	<p>Bristol City Council's response:</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</p>	

ExQ1 No.	Type / Category	The Question	Response from other parties at Deadline 2	Applicant's response
			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].	
DCO.1.25	Article 43 Q to <b>The Applicant &amp; Natural England</b>	As currently worded this article would only allow trees to be felled or loped for completeness does it need to include other arboricultural practices such as pruning, coppicing, pollarding or reducing in height or width? Article 44 would only allow removal of hedgerows subject to requirement 6 (landscaping). Is the same preclusion needed in article 43 and if not, why not?	Natural England's response:  We believe this is a matter that the applicant intends to clarify, and applies to wider works outside of protected areas.	The Applicant has submitted revised drafting.
DCO.1.26	Article 44 Q to <b>The Applicant &amp; The Relevant Planning Authorities</b>	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.  Applicant: Explain the current drafting.  The Relevant Planning Authorities: 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.	North Somerset Council's response:  Hedgerows play an important role not only in our fight against climate change, but also the ecological emergency we are in. Added to this they offer visual screens to development and soften the built environment. Also native hedgerows are UK priority habitats and recognised as key habitats supporting commuting and foraging bats and wild birds; and noted for provision of cover and food resources for a range of legally protected and Section 41 species, and which may additionally be deemed 'important' under the Hedgerow Regulations.  Hedgerows should only be removed if necessary and must be replaced at the earliest opportunity post development. The LPA would like a requirement to be added to the DCO to ensure that North Somerset Council can control what hedgerows are to be removed,	The Applicant has submitted revised drafting. The applicant does believe a new requirement is necessary.

ExQ1 No.	Type / Category	The Question	Response from other parties at Deadline 2	Applicant's response
			<p>how they are replaced and how they are protected.</p> <p>The LPA would like a requirement stating:</p> <p><i>A stage of the authorised development must not commence until details of hedgerows to be removed within that stage together with any proposed mitigation and have been submitted to and agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with the approved details.</i></p> <p>Bristol City Council's response:</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	Article 45 Q to <b>The Relevant Planning Authorities</b>	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>North Somerset Council's response:</p> <p>This Article appears to be the same as one within the Hinkley Point DCO and the defence to statutory noise nuisance clause. We are satisfied that with the defence.</p>	The Applicant has no further comments.

ExQ1 No.	Type / Category	The Question	Response from other parties at Deadline 2	Applicant's response
			<p>Bristol City Council's response:</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>Article 46 Q to <b>The Applicant &amp; The Relevant Highway Authorities</b></p>	<p>Applicant: Why is this article included in Part 7 (miscellaneous and general) rather than Part 3 (streets, highways and level crossings).</p> <p>The Relevant Highway Authorities: 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>North Somerset Council's response:</p> <p>No, the timeframes proposed are not appropriate and should adhere to the following:</p> <p>The Highways Authority requires notification at least 12 weeks in advance of a road closure or parking restrictions to comply with S14 Road Traffic Regulation Act 1984. The undertaker must arrange and provide all supporting documentation, TM and fees for any required orders and make direct contact with the Network Management Team (email: <a href="mailto:streetworks@n-somerset.gov.uk">streetworks@n-somerset.gov.uk</a>).</p> <p>Parking restrictions must be advised to <a href="mailto:ParkingManagement@n-somerset.gov.uk">ParkingManagement@n-somerset.gov.uk</a> and <a href="mailto:ParkingServices@n-somerset.gov.uk">ParkingServices@n-somerset.gov.uk</a>. All closures, restrictions or works requiring temporary traffic management must be co-ordinated with consideration to the HA/statutory undertaker or private works taking place on any road affected.</p> <p>The undertaker is responsible for consultation to the HA, local Parish, residents/businesses affected and manage complaints.</p>	<p>The Applicant agrees to follow the standard notification processes and timescales set out by North Somerset Council.</p>

ExQ1 No.	Type / Category	The Question	Response from other parties at Deadline 2	Applicant's response
			<p>If there is a requirement for an early start, the request will have to go through the Network Management Team for its authorisation.</p> <p>Bristol City Council's response:</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	Schedule 1 Q to <b>The Applicant &amp; The Relevant Planning Authorities</b>	<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> <p>Work No 3  Work No 7B  Work No 22A  Work No 27  Work No 28</p>	<p>North Somerset Council's response:</p> <p>Work No 3-we consider this to be an integral part of ensuring good access and encouraging the use of sustainable travel options from all directions between the rail station, the potential redevelopment area off Old Mill Road, the town centre and the popular visitor attraction of the marina and encouraging the use of the proposed rail link.</p> <p>Work No 7-we consider that this helps maximizes accessibility to, from and around the new station location.</p> <p>Work No 22A-we consider that transport modes should be integrated as much as possible; to maximise the use of more sustainable modes it is important they are integrated. In Pill, access to the station by bus would not be easily achieved and this is the closest bus stop to the station. Currently the footway is constrained here and is not conducive to enabling passengers to wait whilst those walking pass by, and there is no shelter. This is therefore part of ensuring the NSIP is as effective as it can be.</p>	<p>The Applicant agrees with the relevant planning authorities, subject to the following comment in respect of Work 27.</p> <p><b>Work 27.</b></p> <p>Whilst Work No 27, which is a foot and cycle ramp linking Ashton Road to Ashton Vale Road, is in the DCO the Applicant will only implement the ramp following agreement being reached with the neighbouring owner, Babcock, for the relocation of utilities serving Babcock on to Babcock's land. As a result the s 278 agreement with Bristol City Council is being drafted to exclude the ramp. A new s 278 agreement with the City Council will be required at a later date to implement the ramp subject to agreement with Babcock.</p>

ExQ1 No.	Type / Category	The Question	Response from other parties at Deadline 2	Applicant's response
			<p>Bristol City Council's response:</p> <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> <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>	

ExQ1 No.	Type / Category	The Question	Response from other parties at Deadline 2	Applicant's response
DCO.1.32	Schedules 3, 4, 5,6, 7,8 and 9 Q to <b>The Relevant Highway Authorities &amp; The Relevant Planning Authorities</b>	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>North Somerset Council's response:</p> <p>The LPA confirm that the streets, bridleways, cycle tracks and footpaths listed in these schedules accurately reflect the Council's understanding of the streets, bridleways, cycle tracks and footpaths that would be affected as a result of the proposed development.</p> <p>There is a typographic error in the schedule - Hart Lane in Pill should be Hart Close.</p>	<p>The Applicant has corrected the reference to Hart Close.</p> <p>Barons Close Level Crossing is included in Schedule 6 of the dDCO as a footpath to be diverted.</p>
			<p>Bristol City Council's response:</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	Requirement 6 and 7 Q to <b>The</b>	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	North Somerset Council's response:	The Applicant has no further comments.

ExQ1 No.	Type / Category	The Question	Response from other parties at Deadline 2	Applicant's response
	<b>Applicant &amp; The Relevant Planning Authorities</b>	that, within a period of five years after the date that it is planted is removed, uprooted, destroyed, 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.'	The suggested amendment is considered acceptable.	
			Bristol City Council's response: The added precision is supported.	
DCO.1.35	Requirement 8 Q to <b>The Applicant &amp; The Relevant Planning Authorities</b>	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?	North Somerset Council's response: Yes, the Council suggest that it should be removed within 6 months of the cessation of the works in that area.	The Applicant has proposed revised wording, having discussed the issue with North Somerset Council, as set out in the Applicant's response in the "Applicant's responses to the Examining Authority's Written Questions" [REP2-013].
			Bristol City Council's response: 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).	
DCO.1.36	Requirement 9 Q to <b>The Applicant &amp; The Relevant Planning Authorities</b>	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 must not commence until these works have been completed'	North Somerset Council's response: The LPA would agree the proposed amendment makes it clearer and more enforceable, but timetable required in 9(1) may be sufficient for this. Some highways work within a stage may not be proposed to	The Applicant believes that the provisions of 9(1) and 9(2) give sufficient clarity and control for the implementation of the access works. Requirement 9(1) calls for the submission of a timetable with the application of the approval of the submitted details. Requirement 9(2) states that the works must then be

ExQ1 No.	Type / Category	The Question	Response from other parties at Deadline 2	Applicant's response
	The Relevant Highway Authorities		<p>be completed prior to commencement in the timetable. The applicant may need to confirm this.</p> <p>Bristol City Council's response: The added precision is supported.</p>	implemented in accordance with that timetable..
DCO.1.38	Requirement 11 Q to <b>The Applicant &amp; Environment Agency</b> Lead Local Flood Authorities	i) Why is the tailpiece at 11(2) necessary? 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>Environment Agency's response: The Agency would expect all relevant works to be undertaken in accordance with approved details, following consultation with the parties detailed. In the event of unforeseen circumstances that prevent compliance with the approved details, the Agency would need to be fully consulted regarding any proposed revised arrangements.</p> <p>North Somerset Council's response: The LPA agree that if the tailpiece is necessary it should also be in consultation with the Environment Agency. The planning authority and lead local flood authority are both North Somerset Council.  This tailpiece was not suggested by the LLFA, however it is assumed that its purpose is to ensure that the construction at each stage adheres to the plans approved under 11 (1).</p>	The Applicant has proposed revised wording. See the Applicant's response at DCO.1.7 above.

ExQ1 No.	Type / Category	The Question	Response from other parties at Deadline 2	Applicant's response
			<p>LLFA suggest re-wording of requirement 11 (1) to incorporate this as follows:</p> <p><i>A stage of the authorised development must not commence until surface and (if any) foul water drainage works have been implemented in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority, in consultation with the Lead Local Flood Authority and Water Authority (for foul drainage) as appropriate.</i></p> <p>Bristol City Council's response:</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	Requirement 12 Q to <b>The Applicant &amp; The Relevant Planning Authorities</b>	i) For precision should this requirement make reference to BS 5837:2012? For precision and enforceability should 12(4) include a time period by which the fencing must be removed?	North Somerset Council's response:  The LPA agree that the requirement should refer to the BS Standard.  The LPA suggest a time period of 6 months after completion for removal of the fencing.	The Applicant proposed revised wording in the updated draft DCO submitted at Deadline 2 [REP2-003] to satisfy the requested amendments.  Requirement 12 reads as follows:  <b>12.—(1)</b> A stage of the authorised development must not commence until the relevant planning authority has confirmed that it has approved an arboricultural method statement for that stage prepared in

ExQ1 No.	Type / Category	The Question	Response from other parties at Deadline 2	Applicant's response
			<p>Bristol City Council's response:</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>	<p>accordance with BS:5837:2012 and detailing the proposed methods for protecting trees proposed to be retained.</p> <p><b>(2)</b> The plan submitted must also identify areas of tree protective fencing to be erected prior to commencement of that stage of the authorised development.</p> <p><b>(3)</b> The fencing shown on the approved plan is to be erected in accordance with the relevant arboricultural method statement and thereafter maintained and retained in its approved position during the construction period to the reasonable satisfaction of the relevant planning authority.</p> <p><b>(4)</b> The protective fencing must be removed to the satisfaction of the relevant planning authority in accordance with the time period specified in the arboricultural method statement for that stage.</p>
DCO.1.41	Requirement 18 Q to <b>The</b>	Requirement 18 would appear to duplicate requirement 4 as both would require the submission and approval of details for Work	North Somerset Council's response:	The Applicant has removed the relevant works from Requirement 4.

ExQ1 No.	Type / Category	The Question	Response from other parties at Deadline 2	Applicant's response
	<b>Applicant &amp; The Relevant Planning Authority The Relevant Highway Authority</b>	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>Bristol City Council to answer. Would suggest work 28 be deleted from requirement 4.</p> <p>Bristol City Council's response: BCC defers to the ExA to determine the appropriateness of including both Requirements 4 and 18, pending response from the Applicant.</p>	
DCO.1.43	Requirement 20 and 21 Q to <b>The Relevant Planning Authority</b>	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>North Somerset Council's response: The LPA has agreed to the wording of this requirement in its SOCG but would agree that a timescale such as 6 months would make this more enforceable.</p>	<p>The Applicant proposes the following amendments to Requirement 20(2) and 21(2) following in its revised Order submitted at Deadline 3, in response to the comments from the local planning authorities. A six month period is accepted as it is likely to be sufficient for the removal of Works 15 and 20. Nevertheless, until a contractor has been instructed to advise on the necessary time for removal this aspect of the requirement should, in the Applicant's view, remain subject to any further agreement with the local planning authority.</p> <p><b>Path at Marsh Lane, Easton in Gordano 20.</b>— (2) Following cessation of the construction haul road between Marsh Lane and the compounds located under the M5 Avonmouth Bridge and on Lodway Farm, Work No. 15 must be removed <b>within 6 months</b> to the satisfaction of the relevant planning authority</p>

ExQ1 No.	Type / Category	The Question	Response from other parties at Deadline 2	Applicant's response
				<p>in consultation with the relevant highway authority unless otherwise agreed with the relevant planning authority in consultation with the relevant highway authority.</p> <p><b>Temporary Path at Avon Road, Pill 21.</b>—  (2) Following cessation of use of Work No. 20B, Work No. 20 must be removed <b>within 6 months</b> to the satisfaction of the relevant planning authority unless otherwise agreed with the relevant planning authority.</p>
			<p>Bristol City Council's response:</p> <p>The added precision is supported. It is suggested that 6 months would be an appropriate timeframe.</p>	
DCO.1.44	Requirement 24 Q to <b>The Applicant &amp; The Relevant Planning Authority</b>	<p>Parts (1), (2) and (3) of this requirement relate to the proposed tree planting on the A369 Portbury Hundred. Can you:</p> <p>Confirm if the land required for this planting is within the Order Limits and if not, why not?  Given the additional tree planting is to encourage the foraging/commuting of bats should the details submitted be also considered by Natural England as well as the Highway Authority?</p>	<p>North Somerset Council's response:</p> <p>Applicant to advise</p> <p>Agree Natural England should be consulted on the proposals.</p>	<p>Refer to the Applicant's response in the "Applicant's responses to the Examining Authority's Written Questions" [REP2-013].</p>
DCO.1.45	Requirement 28 Q to <b>The Applicant &amp; Natural England</b>	<p>The requirement proposes a number of measures in relation to minimising the impact of proposed lighting at Pill station on bats. Part (4) would only require the maintenance of the lighting scheme for a ten-year period. Would such a period be sufficient to protect the bats?</p>	<p>Natural England's response:</p> <p>The applicant has explained to NE that in 10 years vegetation growth will be such that it will negate the need for other measures to restrict effects of artificial lighting. This appears to be reasonable.</p>	<p>The Applicant has no further comments.</p>

ExQ1 No.	Type / Category	The Question	Response from other parties at Deadline 2	Applicant's response
DCO.1.49	Requirement 38 Q to <b>The Relevant Planning Authorities</b>	38(2) would give deemed consent 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>North Somerset Council's response:</p> <p>This has been previously discussed with the applicant and the LPA is content with this.</p> <hr/> <p>Bristol City Council's response:</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>	The Applicant has no further comments.
FRD.1.1	Updated Flood Information Q to <b>Bristol City Council</b>	Does the additional flood information submitted by the Applicant [AS-007] address the concerns raised in your RR [RR-001], if not, why not?	<p>North Somerset Levels IDB answered as follows, despite not being requested to:</p> <p>Although this question is not directed to the Internal Drainage Board, the IDB does have an insight into the culvert that it would like to share. The unnamed culvert was initially constructed as part of the Portishead Branch Line. It was subsequently partially upgraded and changed to a pre-cast concrete pipe when the Royal Portbury Dock Road was constructed. The section beneath the railway was not upgraded. The arrangement of the culvert is unclear, and the size changes at an</p>	The IDB's reference to the Royal Portbury Road culvert is not relevant here since the question relates to Bristol City Council's RR-001 and Clanage Road Compound requirement for flood plain compensation and for a positive drainage system. The City Council notes that AS-007 does not provide any details of a positive drainage system at the Clanage Road compound. However AS-007 does demonstrate that no further floodplain compensation is required at the Clanage Road

ExQ1 No.	Type / Category	The Question	Response from other parties at Deadline 2	Applicant's response
			<p>unknown point and recent survey work have been unable to be completed because of potential blockages. The Board is of the view that the current arrangement is unsatisfactory and the culvert requires partial replacement, the size of the culvert should be made consistent along its length and access chambers installed in appropriate locations such as changes in direction.</p> <p>Immediately to the west, there is another culvert with a potentially compromised outlet into Drove Rhyne. Although outside of the DCO boundary it is recommended that the applicant and the landowner seek to resolve this issue during the construction of the line to aid with the drainage of the track and land in the area.</p> <p>Bristol City Council's response:</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</p>	<p>compound finished ground level it is proposing. The Applicant is also not proposing any positive drainage system due to the level of the site. Both the Applicant and Network Rail appreciate that the compound may on occasion take longer for standing water from heavy rainfall to drain through infiltration and evaporation. Construction and operation of the site will take this into account and steps will be taken to prevent any contamination.</p>

ExQ1 No.	Type / Category	The Question	Response from other parties at Deadline 2	Applicant's response
			that these details can be secured via Requirement 4 of the DCO, which would require the detailed design of the Clange Road compound to be approved by the BCC as Local Planning Authority.	
FRD.1.3	Updated information Q to <b>The Environment Agency</b>	<p>In your RR [RR-013] you raised a number of concerns regarding the application. The Planning Inspectorate raised similar concerns in the s51 advice [PD-003] that was issued in January 2020. The Applicant submitted additional information [AS-007] in response to the advice. Can you confirm if this information addresses your concerns and if not, why not and what additional information is required (and potentially being discussed with the Applicant)?</p> <p>In your RR you mention that additional flood modelling information had been received and you were reviewing it, provide an update with the progress on this review.</p>	<p>Environment Agency's response:</p> <p>The Agency would advise that its Written Representations provide a detailed response in respect of the issues raised in this question.</p> <p>See written representation at <a href="https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR040011/TR040011-000848-Environment%20Agency%20-%20Written%20Representation.pdf">https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR040011/TR040011-000848-Environment%20Agency%20-%20Written%20Representation.pdf</a></p>	The issues raised in the Environment Agency's Written Representations are dealt within in the draft SoCG currently being reviewed by the Environment Agency. The latest version of the draft SoCG is also being submitted at Deadline 3 to provide the Applicant's response to the Agency's Written Representations. (see DCO Document Reference 9.3.3 ExA.SoCG-EA.D3.V2)
FRD.1.4	Disapplication of Byelaws Q to <b>North Somerset Levels Internal Drainage Board</b>	<p>In your RR [RR-024] you advised that the drawings submitted with the application did not provide sufficient information to enable you to agree to the disapplication of a number of byelaws. Can you:</p> <p>Provide an update with regards to discussions and whether this detail has been provided by the Applicant If it has not been provided, provide further detail as to what the Applicant needs to provide to address your concerns.</p>	<p>North Somerset Levels IDB response:</p> <p>The Board have been engaged with the applicant throughout the design process and through the DCO process to resolve the Board's issues. A statement of common ground has been drafted. Although certain principles have been resolved, the Board still has concerns about making decisions based on the level of detailed information that has been provided.</p> <p>In the location of the Portishead station footbridge and the Board's maintained</p>	<p>The Applicant will continue to engage with the North Somerset Levels IDB (the Board) including progressing the draft Statement of Common Ground.</p> <p>The Applicant has undertaken tracking of the Board's 13-tonne vehicle that shows that access is maintained via the Boards access points (see Appendix FRD.1.4 to this document) and the footbridge and associated paving, fencing, lighting and other associated works will not prevent the Boards access. The Board will be invited to comment on the</p>

ExQ1 No.	Type / Category	The Question	Response from other parties at Deadline 2	Applicant's response
			<p>watercourse known as The Cut (between Galingale Way and Tansy Lane), the applicant's current drawings are partly based upon ordnance survey mastermap data which only is accurate to the nearest metre, and individual features such as watercourses are not accurately surveyed. The top of the bank (a position which is critical when considering safe operational maintenance activities) is not shown. The Board would wish to see a topographical survey of the watercourse undertaken and a more accurate drawing and cross-section of this area provided. This will enable a precise assessment of the space between the top of the watercourse and the railway fence to see if there is enough space for the Board to undertake its statutory duties. For safety reasons, this surface must be flat, and the current drawings do not provide enough level information to determine if this can be achieved. The Board would also want further detail on any street furniture including lighting columns, kerb details, proposed tree species and associated tree pit details. The applicants drawing 467470.BQ.04.20-SK110 rev 8 also incorrectly refers to the batter of a watercourse as being an 'area of grass suitable for excavating vehicle to occupy' which clearly it is not as the drawing does mark the top of the bank (ToB).</p> <p>The Board has no issues with the railway fence in the location shown in red on 467470.BQ.04.20-SK110 rev A and that provides a similar (not the same) level of access to which the Board has now, but this is subject to the detailed design of the</p>	<p>detailed design works in this area to ensure that access is maintained for their vehicles.</p>

ExQ1 No.	Type / Category	The Question	Response from other parties at Deadline 2	Applicant's response
			<p>landscaping, lighting, surfacing, levels and any non-network rail fencing and the accuracy of the currently presented information.</p> <p>Even if this level of information is provided the Board still has concerns regarding the disapplication of byelaws due to the nature of large projects such as this, full detailed design is not undertaken until planning permission has been granted. This does mean that the design evolves when further more detailed engineering assessments are undertaken; this will then determine steel sizes, foundation design, pavement thicknesses etc. All of which will change the spatial arrangement of the approved design. Where space is tight, as it is in this location, small changes can have significant impacts on the Board's ability to continue with its statutory duties. When a consent is submitted to the Board for Land Drainage Consent, the expectation is that construction level information is provided. This is not the level of detail that has been provided to the Board to date or has it been submitted for approval with the DCO. Until this level of design has been undertaken, which will be post-approval, the Board cannot have any comfort that its access will be retained. This is why the Board's byelaws should not be disappplied.</p>	
FRD.1.6	Updated information Q to <b>The Applicant &amp; The Environment</b>	In your response the s51 advice [AS-007] 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	The Environment Agency's response: Although this is essentially an issue for the Lead Local Flood Authority (LLFA), the Agency would comment that the use of outdated climate change allowances during the pre-application stage was unacceptable. Current	The issues raised in the Environment Agency's Written Representations are dealt within in the SoCG with the Environment Agency submitted at Deadline 3 (DCO Document Reference 9.3.3 ExA.SoCG-EA.D3.V2).

ExQ1 No.	Type / Category	The Question	Response from other parties at Deadline 2	Applicant's response
	<b>Agency The Relevant Lead Local Flood Authorities</b>	<p>Requirement 11 of the dDCO".</p> <p>Applicant: 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>The Environment Agency/The Relevant Lead Local Authorities: 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>allowances are viewed as essential and must be maintained.</p> <p>See also written representation at <a href="https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/TR040011/TR040011-000848-Environment%20Agency%20-%20Written%20Representation.pdf">https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/TR040011/TR040011-000848-Environment%20Agency%20-%20Written%20Representation.pdf</a></p> <p>North Somerset Council's response:</p> <p>The detailed design of the track drainage will need to follow the same principles as the stations, haul roads and compounds as outlined in document 6.26 Surface Water Drainage Strategy for Portishead and Pill Stations, haul roads and compounds, and the Flood Risk Assessment, to provide details of changes in impermeable area and runoff rates and proposed attenuation of any increased flows.</p> <p>It is understood that allowance is made within the drainage strategy calculations for proposed track drainage discharges into (or through) the DCO area. The detailed drainage design following the principles of the drainage</p>	<p>The Applicant disagrees with the LLFA's text for requirement 11. The Applicant has agreed the IDB's suggested text at DCO.1.7 above which adequately provides for approved implementation and maintenance.</p>

ExQ1 No.	Type / Category	The Question	Response from other parties at Deadline 2	Applicant's response
			<p>strategy will therefore ensure that all drainage discharges, including track drainage discharges are appropriately attenuated before leaving the DCO site.</p> <p>LLFA suggest the inclusion of reference to the Flood Risk Assessment and to document 6.26, Surface Water Drainage Strategy for Portishead and Pill Stations, haul roads and compounds, the principles for detailed drainage design and the further work recommended, within requirement 11 as follows:</p> <p><i>The detailed drainage design is to be carried out in accordance with and following the recommendations made within the approved Flood Risk Assessment and the Surface Water Drainage Strategy for Portishead and Pill Stations, haul roads and compounds.</i></p> <p>The LLFA would suggest in response to DCO.1.7, DCO.1.38, and FRD.1.6 that requirement 11 be re-worded as follows:</p> <p><i>11. – (1) A stage of the authorised development must not commence until surface and (if any) foul water drainage works have been implemented in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority, in consultation with the Lead Local Flood Authority and Water Authority (for foul drainage) as appropriate.</i></p> <p><i>The details submitted shall be in accordance with and following the recommendations made within the approved Flood Risk Assessment and the Surface Water Drainage</i></p>	

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			<p><i>Strategy for Portishead and Pill Stations, haul roads and compounds (document 6.25 Appendix 17.1 and document 6.26).</i></p> <p><i>(2) A stage of the authorised development must not commence until written details of the implementation, maintenance and management of the approved sustainable drainage scheme have, after consultation with the Lead Local Flood Authority, been submitted to and approved, in writing, by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.</i></p> <p><i>The details to be submitted shall include:</i></p> <p><i>a timetable for its implementation and maintenance during construction and handover; and</i></p> <p><i>a management and maintenance plan for the lifetime of the development which shall include details of land ownership; maintenance responsibilities/arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable urban drainage scheme throughout its lifetime; together with a description of the system, the identification of individual assets, services and access requirements and details of routine and periodic maintenance activities.</i></p>	
			<p>Bristol City Council's response:</p> <p>The latest upper end climate change guidance<sup>1</sup> (Environment Agency, July 2020) for</p>	

ExQ1 No.	Type / Category	The Question	Response from other parties at Deadline 2	Applicant's response
			<p>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 Clamage 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> <p><sup>1</sup> Available:  <a href="https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances">https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances</a></p>	
HE.1.2	GSM-R Mast Avon Gorge Q to <b>The Applicant &amp; Historic England</b>	<p>The Explanatory Memorandum [APP-053] (paragraph 11.6) refers to a number of 'minor' works within the Avon Gorge including a proposed GSM-R mast. Can you:</p> <p>Applicant:  Provide further detail of what these minor works are and where they would be located?  Provide further details of the height, location and design of the GSM-R mast.  Confirm whether any of these works, particularly the GSM-R mast would affect the setting of the Clifton Suspension Bridge or any other designated heritage assets within the Avon Gorge.</p>	<p>Historic England's response:  No response received by PINS</p>	<p>The Applicant refers to the Statement of Common Ground agreed with Historic England [REP1-020].</p>

ExQ1 No.	Type / Category	The Question	Response from other parties at Deadline 2	Applicant's response
		<p>Historic England:</p> <p>Given the sensitivities of this location should the detail of these works be provided now or are you satisfied it could be considered as part of the discharge of requirements should development consent be granted?</p>		
HE.1.3	Clanage Road Q to <b>Bristol City Council &amp; Historic England</b>	<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>Bristol City Council's response:</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> <p>Historic England's response:</p> <p>No response received by PINS</p>	The Applicant agrees with Bristol City Council.
NV.1.2	Baseline Survey Q to <b>The Applicant &amp;</b>	<p>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</p>	<p>Bristol City Council's response:</p> <p>ii) The number of freight movements detailed in Chapter 13 of the ES [APP-108] is for coal.</p>	The Applicant has no further comment.

ExQ1 No.	Type / Category	The Question	Response from other parties at Deadline 2	Applicant's response
	<b>Interested Parties</b>	<p>measurements were undertaken (primarily in September and October 2015 for noise and March 2016 for vibration)?</p> <p>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>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	<b>Operational Noise Levels Q to The Applicant &amp; The Relevant</b>	<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>Do the Environmental Health Officers from</p>	<p>North Somerset Council's response:</p> <p>i) The LPA agree with the methodologies used.</p> <p>iii) The LPA is uncertain whether this question is directed to us, but the LPA's response would be that we do not consider that this would</p>	The Applicant has no further comment.

ExQ1 No.	Type / Category	The Question	Response from other parties at Deadline 2	Applicant's response
	<b>Planning Authorities</b>	<p>the Relevant Planning Authorities agree with the methodologies used?            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?            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>mask the potential effects of noise from freight movements plus movements from the Proposed Development.</p> <p>Bristol City Council's response:            i) The methodology is agreed.</p>	
NV.1.11	<b>Monitoring Q to The Applicant &amp; The Relevant Planning Authorities</b>	<p>Applicant:            Confirm whether the noise and vibration monitoring proposed in the outline CEMP [APP-127] would be made available to local authorities?            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>Applicant and Relevant Planning Authorities:            Comment on the need for monitoring of operational phase noise and mitigation?            Can the Applicant explain if monitoring (and appropriate trigger levels) would be required</p>	<p>North Somerset Council's response:            iii) Monitoring during the operational phase of the development will be required to ensure that the impacts are as predicted and that the required mitigation measures such as acoustic barriers can be demonstrated as being effective.</p>	<p>The Applicant does not agree that monitoring is required during the operational phase. Our response to question NV.1.11 within <i>Applicant's responses to the Examining Authority's Written Questions ExQ1</i> [REP2-013] for Deadline 2 outlines the reasons for this position from an operational and legislative perspective.</p> <p>In addition to these reasons, the building of the DCO Scheme will be controlled to ensure that the railway is constructed with the required mitigation measures. This will be undertaken via the GRIP (Governance for Railway Investment Projects) process, which was developed by Network Rail to manage and control investment projects. Stage 6 of this process is 'Construction, Test and</p>

ExQ1 No.	Type / Category	The Question	Response from other parties at Deadline 2	Applicant's response
		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 data-bbox="1014 1257 1574 1489">Bristol City Council's response: 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 data-bbox="1597 212 2157 675">Commission', during which the chosen contractor will be required to test and demonstrate that the railway has been built to the required design and specification. In this stage components of the railway (e.g. the track) will be tested to confirm everything is operating as specified. This is a robust testing process and the railway will not be handed back to Network Rail until we are confident it has been built as it should. At this stage, the noise barriers would also be examined to ensure the product has been installed correctly and is fit for purpose.</p> <p data-bbox="1597 699 2157 1233">These processes should ensure that there are no materially new or materially worse environmental effects than those presented in the ES. The applicant therefore considers that the undertaking of noise monitoring once the railway is open is not required. Further, comparing measured noise levels with predicted levels is not standard practice owing to the variability in measurements (e.g. equipment, weather conditions, presence of other noise sources) and there being no standard tolerances for determining when a measured noise level is comparable with one that has been predicted.</p> <p data-bbox="1597 1257 2067 1289">The Applicant has no further comment.</p>

ExQ1 No.	Type / Category	The Question	Response from other parties at Deadline 2	Applicant's response
			<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>	
TT.1.4	Further Information Q to <b>Bristol City Council</b>	<p>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>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>Bristol City Council's response:</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 Clanage 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>	The Applicant has no further comment.
TT.1.7	Traffic Management Q to <b>Relevant Highway Authorities &amp; The Applicant</b>	<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>North Somerset Council's response:</p> <p>We are satisfied that local traffic management measures can be agreed post consent.</p>	The Applicant has no further comment.

ExQ1 No.	Type / Category	The Question	Response from other parties at Deadline 2	Applicant's response
		<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's response:</p> <p>Bristol City Council is satisfied that the measures could be agreed via Requirements 4 and 5.</p>	
TT.1.10	<p>Strategic Road Network Q to <b>Highways England &amp; The Applicant</b></p>	<p>In their RR [RR-016] Highways England requested additional detailed information in relation to a number of matters in the Transport Assessment [APP-155] and CTMP [APP-210].</p> <p>Has this information been provided? The ExA notes the Applicant's response to these points as part of [PDR6-005] that a response will be provided as part of the SoCG process. If it has are Highways England now satisfied with the information submitted? If not, why not?</p> <p>If it hasn't is this information going to be provided and if it is when will this information be provided? If the information is not going to be provided why not?</p> <p>In the RR Highways England mention the potential need for a capacity assessment of Junction 19 of the M5 is this required? if so why and when would it be required ie during the Examination or is it a matter that could be provided post decision?</p> <p>In the RR Highways England mention that they are likely to request a number of additional or</p>	<p>Highways England's response:</p> <p>Highways England has remained in frequent dialogue with the Council since their application for Metrowest Phase 1 was submitted. On 21 October 2020, we signed a Statement of Common Ground with the Council confirming that subject to a number of Requirements, Highways England is now satisfied that the proposed development is unlikely to result in a severe or unacceptable safety impact on the Strategic Road Network as the construction phase of the scheme could be safely managed throughout its temporary period by a number of proactive management measures.</p>	<p>A new requirement 30 has been agreed by the parties and the Applicant believes its inclusion would deal with any of Highways England's remaining concerns.</p>

ExQ1 No.	Type / Category	The Question	Response from other parties at Deadline 2	Applicant's response
		amended requirements – provide further information on what requirements they consider would be required, why and preferred wording		
TT.1.16	Travel Plans Q to <b>The Relevant Highway Authorities</b>	<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>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>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>North Somerset Council's response:</p> <p>We are satisfied that a more detailed constructions worker's travel plan can be drawn up by contractors. This should be done in conjunction with the Transport Management Working Group and final drafts must be agreed in advance of works taking place. The plans must ensure that it is possible for workers to travel by active and sustainable means to the compounds with adequate safe cycle parking where appropriate alongside car parking and the travel plan should be in place for the duration of the works.</p> <p>The Highways Authority is satisfied that a more detailed travel plan can be agreed for the Train Stations post consent.</p> <p>The LPA suggest that requirement 5 (3) should include subpoint (l) construction workers' travel plan and required 5 (4) should include a new subpoint (h) measures to reduce the need to travel by motorised vehicles.</p> <p>The LPA would like a requirement added that prior to the operation of the railway, full detailed travel plans for Portishead and Pill Stations, including details for their monitoring and review, should be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details and an agreed timescale.</p>	The Applicant has no further comment.

ExQ1 No.	Type / Category	The Question	Response from other parties at Deadline 2	Applicant's response
			<p>Bristol City Council's response:</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	Public Rights of Way Q to <b>The Applicant &amp; Bristol City Council</b>	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>Bristol City Council's response:</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>	<p>The proposal will be dealt with in the proposed agreement under Section 278 Highways Act 1980 between the Applicant and Bristol City Council as local highway authority.</p> <p>The draft Section 278 agreement addresses the stopping up and dedication of the PRoW.</p>