



MetroWest+

Portishead Branch Line (MetroWest Phase 1)

TR040011

Applicant: North Somerset District Council

9.18 ExA.CWR.D3.V1 – Applicant's responses to Written Representations submitted at Deadline 2

Author: Womble Bond Dickinson (UK) LLP

Version: 1

Date: December 2020



Responses to Additional submissions received at Deadline 2

No.	Type / Category	Topic	Issue	Applicant's response
NT-D2-001	National Trust	National Trust – various issues	<p>The Trust is relying on its Relevant Representation (see copy in Annex A) to summarise its position in relation to the DCO application.</p> <p>https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR040011/TR040011-000797-National%20Trust.pdf</p>	<p>The Applicant responded to the National Trust's relevant representation (RR-021) at Deadline 1 – see the Applicant's document 'Comments on Relevant Representations (Version 2) [REP1-029].</p> <p>The Applicant continues to engage with the National Trust (and Network Rail) in respect of matters raised in its relevant representation. Subsequently the National Trust made further representations at the Compulsory Acquisition Hearing on 4 December. The Application refers to its submissions in response, submitted for Deadline 3 (DCO Document Reference 9.15 ExA.CAH1.D3.V1).</p> <p>The Applicant maintains the view that the matters raised by the National Trust can be resolved by negotiation. The parties are prioritising the negotiation of Heads of Terms, with a Statement of Common Ground expected to follow for any outstanding matters with the agreement of National Trust and Network Rail.</p>
RH-D2-001	Rob Harvey	Toads / Lodway compound	<p>RE. TR040011-000730-Portishead First Written Questions; ExQ1 BIO.1.2 page 13 of 61 Toads at Lodway Farm About Pill Toad Patrol Initially I feel I should answer the question about Pill Toad Patrol and how it began. I started looking for toads in Pill about 18 years ago (when we moved here). I discovered that there are two, possibly, three populations (one appears to have</p>	<p>See the Applicant's responses to the Examining Authority's Written Questions ExQ1 (REP2-013; DCO document reference ExQ1 9.10 ExA.WQ1.D2.V1). The Applicant has no further comments.</p>

No.	Type / Category	Topic	Issue	Applicant's response
			<p>been virtually extirpated). I focused on the migration from Lodway Farm and other areas across the railtrack and cyclepath as that is where I found most activity and most casualties. I registered the crossing with Froglife and started Pill Toad Patrol a few years later as I discovered more people interested in toads and protecting them within the local community (we now have around 30 active patrollers and many more casual patrollers plus others from outside the community contacting us through Froglife e.t.c..). I maintain a Facebook presence and an email group that allows me to inform local people when would be good times to patrol e.t.c...and often make presentations at community events and local schools. I also maintain records of animals "helped" and some other natural history notes for this site that I pass on to Froglife each year. Pill Toad Patrol is active from September (when the toads begin their migration - before taking some time off in December/Jan depending on the weather) through to July (when the toadlets emerge from the ponds on the Avon side of the railtrack) each year but primarily we patrol as a group from January to the end of April when movement across the railtracks and the cyclepath are at their peak). Question i) The common toad (Bufo bufo) lives all year round on and around Lodway Farm and the nearby railtracks between Pill station and Portishead; a large proportion of the population of toads makes a migration across the field at Lodway Farm and across the railtrack at various times during the year.</p>	

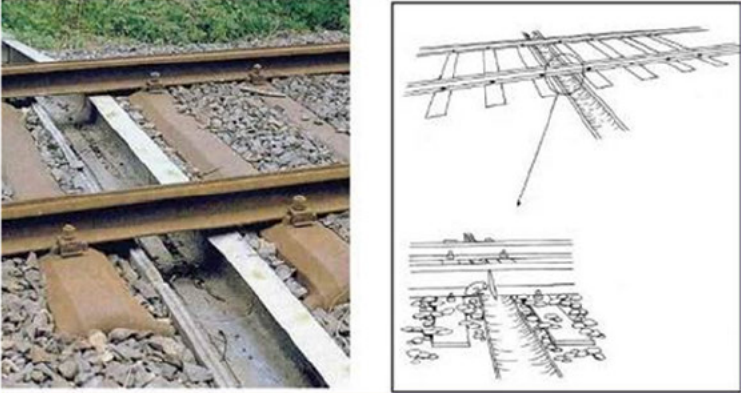
No.	Type / Category	Topic	Issue	Applicant's response
RH-D2-002			<p>The common toad is not the only species of interest around [REDACTED] there are resident badgers, foxes, slow worms, grass snakes and hedgehogs that I know of. It is also the home and migration route for a small population of common frogs (<i>Rana temporaria</i>) and a much larger population of smooth or common newts (<i>Lissotriton vulgaris</i>).</p>	<p>Measures incorporated in the design and further mitigation for wildlife and their habitats are set out in Sections 9.5 and 9.7 of Chapter 9 Ecology and Biodiversity Ver. 02 of the ES (AS-031; DCO document reference 6.12), Section 6 of the Master Construction Environmental Management Plan (Master CEMP) Ver. 02 (AS-046; DCO document reference 8.14) and in the Schedule of Mitigation Ver. 02 (AS-042; DCO document reference 6.31). Proposals for vegetation management are shown in the Railway Landscape Plans (Disused Line) (APP-017; DCO Document Reference 2.10) and in the Environmental Masterplan (AS-026; DCO document reference 2.53).</p> <p>All staff on site shall receive a briefing on the ecological sensitivities as part of their site induction. This briefing shall highlight where works shall be undertaken under the supervision of an Ecological Clerk of Works (EcCoW).</p> <p>Measures to protect and reinstate wildlife habitats at Lodway Farm include:</p> <ul style="list-style-type: none"> • Retention of existing vegetation as much as possible along the disused railway • Replacement of a hedgerow that will be lost due to the compound, as shown in the Railway Landscape Plans (Disused Line) (APP-017, DCO Document Reference 2.10) • Reinstatement of habitats following construction. <p>Measures to protect wildlife near Lodway Farm include:</p> <ul style="list-style-type: none"> • the Contractor will have regard to the Environment Agency's Pollution Prevention Guidance ("PPG") during works close to ditches, watercourses and culverts; • cover all excavations overnight or provide appropriate escape ramps for mammals in the form of a sloped face to the excavation or a scaffold plank or similar where practicable;

No.	Type / Category	Topic	Issue	Applicant's response
				<ul style="list-style-type: none"> • visually check uncovered excavations for the presence of wildlife each morning before works commence and notify the Ecological Clerk of Works immediately in the event that an animal is found so that they can action an applicable rescue; • any temporarily exposed open pipe systems will be capped in such a way as to prevent animals gaining access when contractors are off-site. • Drainage designs shall include amphibian-friendly drainage features to avoid entrapment. <p>Where applicable, pre-construction surveys will be undertaken to determine the current status and distribution of protected and notable species. Where statutorily protected species are found to be present during surveys, mitigation strategies and where relevant applications for licences to Natural England will be prepared. These will ensure that recommended measures to protect the species are secured during both construction and operation phases of the DCO Scheme.</p>
RH-D2-003			<p>Lodway Farm also provides an important conduit for species such as deer to move through the village towards the foreshore of the river Avon (RAMSAR site and SSSI) and back (not ideally available again for wildlife movement after this because of the Portbury car parks – despite some level of mitigation re the rhynes – and further towards Bristol there is some access via Ham Green Lakes but not really viable for wildlife again until you get to Leigh Woods).</p>	<p>The measures to protect habitats and wildlife near Lodway Farm detailed above will also protect deer.</p>

No.	Type / Category	Topic	Issue	Applicant's response
RH-D2-004			<p>Question ii) Please refer to my initial statement about Pill Toad Patrol for some information on movement. The potential toad movement on Lodway Farm and the railtrack is significant year round as part of the population is resident to both sites (though, not to the ponds on Lodway Farm, frogs and newts here yes but I have seen no evidence that these are favoured by the toads). From September through to December (temperature dependent) there will be a large influx of toads from the surrounding area (back gardens e.t.c., I have followed toads making their way from the main road in Pill) with many accessing via the gated entrance on the Breeches. They will move slowly (or not at all) over winter before ground temperatures incite further movement (some individuals and quite often the females appear to make the whole journey in Jan/Feb/March) towards the breeding pond in January/February with the peak of movement occurring in the first week of March (but that refers to peak movement across the railtrack and cyclepath – peak movement across roads like The Breaches could come days, weeks or even months earlier). They return from the breeding pond from March through May and would normally be back in their resident locations by the end of May. The hatchlings/toadlets will leave the pond in late June/early July “en masse” and will quickly disperse across the railtrack and through Lodway Farm (I have not found them on the Farm but I have watched them moving directly towards it and away from the river). <i>NOTE – The information re toad movement is based around personal observations for the site and respected, research-based information from groups such as FrogLife. In terms of numbers, it is a little speculative. I</i></p>	<p>See the Applicant's responses to the Examining Authority's Written Questions ExQ1 (REP2-013; DCO document reference ExQ1 9.10 ExA.WQ1.D2.V1).</p> <p>The responses from other interested parties has indicated that the population of toads is >1,000 individuals and the breeding pond is identified as pond 32, located to the north of the railway line, as shown in the ES Figure 9.4 (APP-119; DCO document reference 6.24).</p>

No.	Type / Category	Topic	Issue	Applicant's response
			<p>and other patrollers can only provide a glimpse of the migration each year; that shows massive variation depending on so many different variables. Our best recording year was circa 1800 in 2013, while in other years we have recorded less than 700. Our average would be in excess of 1000 individuals but we are not an exhaustive patrol that patrols every night nor, even on the most promising evenings do we stay out very late so there is a good chance that we are significantly undercounting the population (we don't stay out late too often as the later the time the less likelihood of potential threats, at this time of year most of the bike traffic is commute based).</p>	
RH-D2-005			<p>Measures/Practices in place to manage the migration. We try to publicise the migration so that local commuters are aware of the potential hazards that their cars or bikes present to toads on certain nights of the year. We engage courteously and enthusiastically with the public as we patrol. We contacted The Highways Agency and Sustrans (who have an interest in the cyclepath/road) and they very kindly allowed for and paid for small "tarmac pillows" to be placed on the cyclepath next to storm drains to help prevent toads being trapped in the gully pots. Toads found on roads or streets by patrollers are gathered in a bucket and transported to the edge of the land where the breeding pond is situated. Public sponsored Toad ladders are fitted to storm drains where practical. Deaths are recorded - the roads around Lodway Farm such as the Breeches show the greatest numbers of fatalities at the moment due to numbers of toads and newts migrating across roads used by motorized traffic (rather than</p>	<p>See the Applicant's responses to the Examining Authority's Written Questions ExQ1 (REP2-013; DCO document reference ExQ1 9.10 ExA.WQ1.D2.V1).</p> <p>To add further clarification, the Master CEMP (AS-046; DCO document reference 8.14) paragraph 6.2.36 requires drainage designs for the new station car parks to include amphibian-friendly drainage features to avoid entrapment of Great crested newts (GCN) and other amphibians.</p> <p>As much habitat will be retained as possible. The Railway Landscape Plans (Disused Line) (APP-017; DCO Document Reference 2.10) show the vegetation to be retained or replanted within the construction footprint including the section alongside Lodway Farm on the west side of Pill.</p> <p>Lodway compound will be reinstated after construction. Paragraph 3.2.9 of the Master CEMP Ver. 02 (AS-046; DCO document reference 8.14) states that: "The sites acquired for temporary construction</p>

No.	Type / Category	Topic	Issue	Applicant's response
			<p>primarily bicycles on the cyclepath). I am hoping that some mitigation/measure can be put in place that excludes the toads from the work site on Lodway farm (the stored aggregate e.t.c.. sounds like a very attractive temporary toad home and working that aggregate with toads in the rubble would cause a massive numbers of deaths) but would still allow them access to the railtrack and breeding pond – perhaps something similar to the newt fence constructed at the Portbury Wharf nature reserve near Portishead. I also hope that the new track will feature access holes/tunnels for toads and other small creatures to pass under the trains safely. If there is any more information you require or if there are any points that I have brought up that you need qualified, please do contact me.</p>	<p>compounds and haul roads will be reinstated to their current state and vacated as early as practicably possible...”</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 its responses to the ExA ExQ1 (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>Additional mitigation measures are being considered by the Applicant, which are as follows.</p> <ul style="list-style-type: none"> • Rescuing toads from the reptile receptor area (Manor Farm) that may be trapped by reptile fencing and taking them to breeding ponds at the relevant time. • Installing Toad crossing signs on The Breaches and the cycle path. <p>A tunnel under the railway will not be possible but the installation of infrastructure such as half-pipes under the rails is being discussed with the project team. This will only be feasible if approved by Network Rail and it does not pose a risk to the safe operation of the railway. An example of such infrastructure is provided below (Luell <i>et al</i> 2003. <i>Wildlife and Traffic: A European Handbook for Identifying Conflicts and Designing Solutions</i>).</p>

No.	Type / Category	Topic	Issue	Applicant's response
				
BC-D2-001	Barry Cash (summary version)	Busway	The application for a DCO should be denied because: 1. The scheme is poor value for the taxpayer.	<p>This is a response to the summary version of the submission. The full submission expands on the points raised in the summary, and so the Applicant considers all points raised have been addressed.</p> <p>Many of the points raised here have previously been raised by Mr Cash and the Applicant provided a detailed response in appendix C of Comments on Relevant Representations (REP1 -029 and DCO document reference 9.4). Therefore, our response focuses on the additional issues raised by Mr Cash.</p> <p>To aid clarification about what Mr Cash means by the term 'busway' we have summarised his alternative proposal, to provide context for the rest of our response. His alternative proposal entails operating bus services on top of the track formation of the existing section of operational freight railway line between Bristol and Pill, while continuing to operate freight trains on the line, with buses continuing from Pill onto Portishead using the dis-used section of</p>

No.	Type / Category	Topic	Issue	Applicant's response
				<p>railway. This would be achieved by fitting light weight rubber mats (Strail panels) in between the rails to enable buses to drive onto the track formation, at which point the tyres of the buses would travel over the top of the ends of the railway sleepers. We have also assumed that as an alternative to the above, Mr Cash is suggesting that the rubber mats could also be placed on the outside edge of track at the ends of sleepers.</p> <p>Our conclusion (as set out in our response in appendix C of Comments on Relevant Representations (REP1 -029 and DCO document reference 9.4), is that Mr Cash's suggested proposal would entail numerous fundamental technical, safety and legal issues. The issues we have highlighted are impediments that would prevent the authorisation of the operation of buses on the operational railway.</p> <p>The project provides high value for money for the taxpayer, this is evidence by the project economic appraisal which has resulted in a benefit to cost ratio (BCR) of 3.1:1. That means there are £3.10 of economic benefits for every £1 invested to deliver the project. The Department for Transport ranks BCRs of 2:1 and above as providing 'high value for money'.</p>
BC-D2-002			2. Reopening the railway does not offer the best service to the commuters of Portishead and Pill.	The proposed hourly or hourly plus train service caters for all the forecast passenger demand arising at Portishead & Pill, for the foreseeable future. When demand increases over time, additional carriages will be introduced to enable the operation of five carriage trains providing seating capacity of around 450 seats per train.
BC-D2-003			3. The proposal does not comply with the Government's National Policy statements.	<p>The Applicant refers to its Statement of Reasons (AS-016; DCO document reference 4.1), Appendix 2 for an assessment of compliance with the National Networks NPS.</p> <p>See response below.</p>

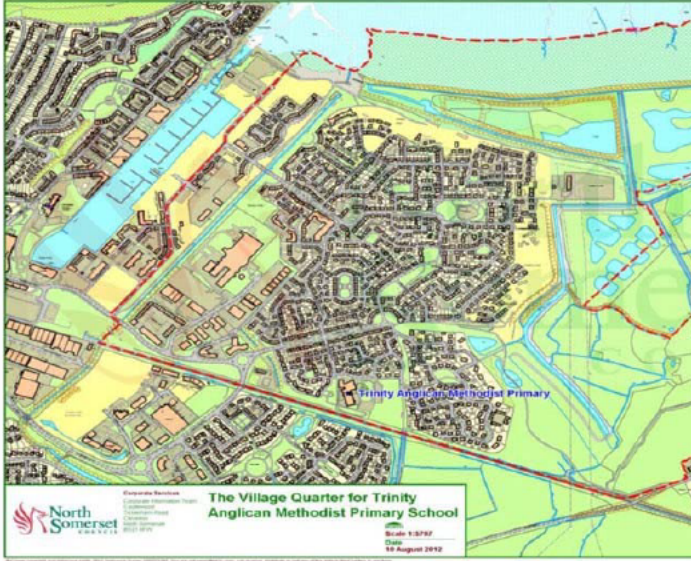
No.	Type / Category	Topic	Issue	Applicant's response
BC-D2-004			4. It is not the best option for reducing fuel use and greenhouse gas emissions.	Refer to CC1.1 of Applicant Responses to the examining Authority written questions EXQ1 (REP2-016 and DCO document Reference 9.10) for details about the proposed power source for the train service in the short term and through into the medium term.
BC-D2-005			Advantages of a busway: 1. It would be cheaper than a railway. Current estimates for re-opening the railway are: £116m for one train per hour, and £175m for two trains per hour. Rough calculations show a busway could be created for about £45m	No supporting technical evidence is provided by Mr Cash to substantiate these claims.
BC-D2-006			2. A busway could provide a more extensive route than the railway. For example, the route could start at the far end of Portishead and travel into and beyond Bristol centre.	
BC-D2-007			3. A busway will not interfere with the movement of freight trains (currently only ten per week).	
BC-D2-008			4. A busway can be installed without interrupting freight trains or modifying the railway tracks.	
BC-D2-009			5. A busway can provide a faster service than that provided by train.	
BC-D2-010			6. While the official scheme provides only one train an hour, a busway could provide greater frequency.	
BC-D2-011			7. It would be possible to adjoin an off-road cycle track 4km shorter than present route.	
BC-D2-012			Topics covered in the full submission 13 Criticisms by the applicant of the Busway project and our responses.	
BC-D2-013			Passenger demand. Only 23% of seats will be occupied and after 15 years only 31%	See detailed response in appendix C of Comments on Relevant Representations (REP1-029; DCO document reference 9.4).
BC-D2-014			Habitats Directive – no Imperative reasons of overriding public interest.	No supporting technical evidence is provided by Mr Cash to substantiate this claim.

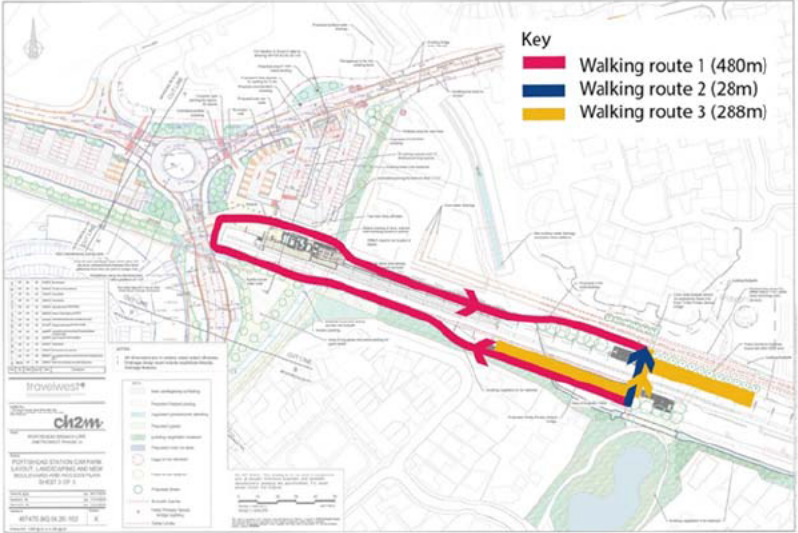
No.	Type / Category	Topic	Issue	Applicant's response
BC-D2-015			Errors in WECA Mayors letter.	That would be a matter for the WECA Mayor.
BC-D2-016			National Policy Statement for National Networks (2014). The following parts are not complied with or are achieved better by the busway Page 9, States the requirements national Networks must meet.	The Applicant refers to its Statement of Reasons (AS-016; DCO document reference 4.1) Appendix 2 for an assessment of compliance with the National Networks NPS. No supporting technical evidence is provided by Mr Cash to substantiate his claim that a busway would achieve better compliance with the National Policy Statement for National Networks (NPSNN) than the proposed project.
BC-D2-017			p 25, section 3.6 legally binding carbon and environmental targets, switch to ULEVs	Section 3.6 of the National Policy Statement for National Networks (NPSNN) refers to the Governments wider policy objectives in respect of reducing emissions form transport.
BC-D2-018			p 35, section 4.27 all projects must be subject to an options appraisal.	The first three sentences of paragraph 4.27 of the National Policy Statement for National Networks (NPSNN) state: <i>"All projects should be subject to an options appraisal. The appraisal should consider viable modal alternatives and may also consider other options (in light of the paragraphs 3.23 to 3.27 of this NPS). Where projects have been subject to full options appraisal in achieving their status within Road or Rail Investment Strategies or other appropriate policies or investment plans, option testing need not be considered by the examining authority or the decision maker."</i> The options appraisal undertaken by the project in set out in the Environmental Statement, Volume 2, Chapter 3 Scheme Development and Alternatives Considered (APP-098; DCO document reference 6.6).

No.	Type / Category	Topic	Issue	Applicant's response
BC-D2-019			p 37 section 4.36 mitigating and adapting to climate change	<p>Paragraph 4.36 of the National Policy Statement for National Networks (NPSNN) states:</p> <p><i>"4.36 Section 10(3)(a) of the Planning Act requires the Secretary of State to have regard to the desirability of mitigating, and adapting to, climate change in designating an NPS."</i></p> <p>The paragraphs following 4.36 of the NPSNN set out the Governments policy context for climate change. The Applicants Air Quality and Greenhouse Gases assessment is set out in the Environmental Statement, Volume 4, Appendix Series 7 (APP-102; DCO document reference 6.10).</p>
BC-D2-022			<p>Five key transport goals in the West of England joint local transport plan.</p> <p>Section 6.3: To support economic growth</p> <p>Supporting growth by enhancing transport links</p> <p>MetroWest Phase 1 supporting objectives</p> <p>Reducing traffic congestion</p> <p>Section 6.4 Targets and benefits</p> <p>Increase local economy</p> <p>More frequent public transport</p> <p>Increase number living within 30 minutes of key employment areas</p> <p>Reduce highway congestion</p> <p>Provide competitive journey times to Temple Meads</p> <p>Improve accessibility to development sites</p> <p>Reduce environmental impact</p> <p>Provide alternative to car travel</p> <p>Wider Scheme Outputs</p> <p>7.3 Geographical Extent of Current and Future Transport Problems</p> <p>Journey times, air quality etc.</p>	<p>No supporting technical evidence is provided by Mr Cash to substantiate these claims.</p>

No.	Type / Category	Topic	Issue	Applicant's response
			The Busway project meets these objectives better than the Railway proposal. If 2001 study was done today Busway would be likely choice.	
BC-D2-024			Letter of support from James Freeman.	The letter of support from James Freeman is actually a letter of support for our project. The last sentence of his letter (included in the written representation) states: <i>"For this reason, and notwithstanding the above, we are supporting the Metrorail schemes, including Portishead."</i>
BC-D2-025			Codes of Conduct. Have they been complied with?	The Code of Conduct (included in your written representation) states: <i>"North Somerset Council Code of Conduct states: Use of financial resources Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner. They should strive to ensure value for money to the local community and to avoid legal challenge to the authority."</i> As set out above, the project provides high value for money for the taxpayer, this is evidence by the project economic appraisal which has resulted in a benefit to cost ratio (BCR) of 3.1:1. That means there are £3.10 of economic benefits for every £1 invested to deliver the project. The Department for Transport ranks BCR of 2:1 and above as providing 'high value for money'.
CC-D2-001	Colin Crossman	Shipway Gate Farm	I am submitting my written representation as a severely affected land owner to register my objections to the metro west plan for my farm.	The Applicant refers to its post hearing submissions from the Compulsory Acquisition Hearing on 4 December 2020 (DCO Document Reference 9.15 ExA.CAH1.D3.V1).

No.	Type / Category	Topic	Issue	Applicant's response
CC-D2-002			1. The proposal to shut my 2 level crossings over the rail line would severely disrupt my farming enterprise as it would cut my farm in half, buildings one side and land on the other.	The Applicant refers to its post hearing submissions from the Compulsory Acquisition Hearing on 4 December 2020 (DCO Document Reference 9.15 ExA.CAH1.D3.V1).
CC-D2-003			2. The applicant is claiming that we rejected a bridge on visual grounds. It is agreed that we did not like it on visual grounds but it was quietly dropped when the cost rocketed.	The Applicant refers to its post hearing submissions from the Compulsory Acquisition Hearing on 4 December 2020 (DCO Document Reference 9.15 ExA.CAH1.D3.V1).
CC-D2-004			3. The applicant is claiming that we will have "improved" access over the railway bridge from Sheepway. This is slightly disingenuous as it is the same access we have always had off Sheepway!	The Applicant refers to its post hearing submissions from the Compulsory Acquisition Hearing on 4 December 2020 (DCO Document Reference 9.15 ExA.CAH1.D3.V1).
CC-D2-005			4. The applicant wants to CPO this same gateway under the DCO to provide access for Nat Grid access. My legal advice is that this is an improper use of the DCO to provide access for a 3rd Party.	The Applicant refers to its post hearing submissions from the Compulsory Acquisition Hearing on 4 December 2020 (DCO Document Reference 9.15 ExA.CAH1.D3.V1).
CC-D2-006			5. The applicant also proposes an access across that same field for the future use of Nat Grid. Again we would argue that this is an improper use of the DCO to provide access for a 3rd Verb'. This access road would also severely impact on the future prospects and value of this land as it is potential building land. Thank you for your time in dealing with this matter Yours faithfully Colin Crossman	The Applicant refers to its post hearing submissions from the Compulsory Acquisition Hearing on 4 December 2020 (DCO Document Reference 9.15 ExA.CAH1.D3.V1).
SA-D2-001	Gerard and Christine Sanders	Trinity Bridge	(First response) There are a number of issues about the proposed Trinity Footbridge as described in the above referenced documents that we wish to bring to your attention . Our	Noted. Each individual issue raised has been responded to below.

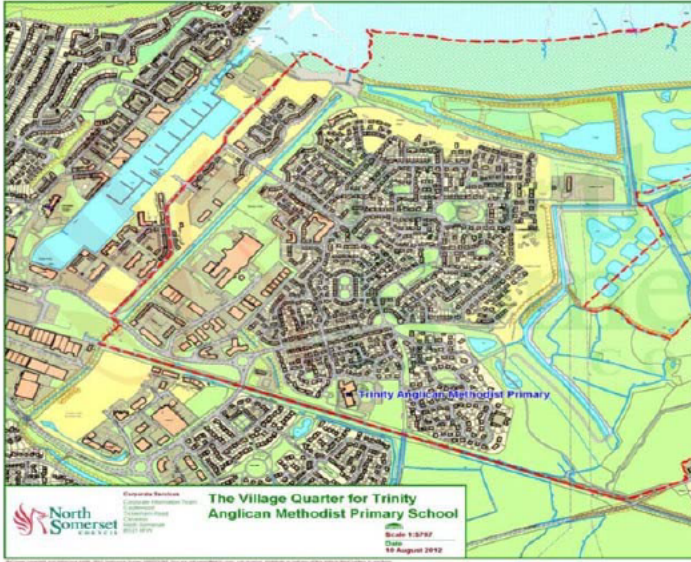
No.	Type / Category	Topic	Issue	Applicant's response
SA-D2-002			<p>property lies next to the proposed railway line and right next to the proposed Trinity Footbridge.</p> <p>This proposed bridge is not necessary to enable students to reach Trinity school as the school catchment area falls entirely to the north of the proposed railway line. See attached map.</p> <p>7. Catchment area (Village Quarter)</p> 	<p>Although the catchment for Trinity School does not cross the railway, the Applicant's team has observed that some pupils and their families do use the existing crossing when leaving school.</p> <p>In the ES Appendix 16.1 Transport Assessment (APP-155; DCO document reference 6.25 (Part 1 of 18)), Table 4.20 shows the results of pedestrian, cycle and equestrian counts undertaken by the Applicant. Between 7am and 10am, 157 pedestrians and 16 cyclists used the crossing and between 2pm and 6pm, 234 pedestrians and 33 cyclists used the crossing, on the day the count was undertaken.</p>
SA-D2-003			<p>In addition the proposed bridge is so close to the station that it cannot be justified. The bridge construction overlaps the end of the station platform. The proposed ramps are so long the pedestrians using them could effectively walk around the station using the proposed paths and have walked the same distance.</p>	<p>The alternative route for pedestrians and cyclists if there was no crossing is shown in Figure SA-003 – 1 below – Walking route 1 – which follows the path either side of the platforms and around the end of the station buffer enclosure. For comparison the approximate horizontal distances for the bridge (Walking Route 2, 28m) and the ramps (Walking Route 3, 288m) are also shown on the figure.</p>

No.	Type / Category	Topic	Issue	Applicant's response
				<p>The overall length of the ramps has been reduced as much as possible and they utilise a 1:15 slope with intermediate horizontal landings which are located at the supporting columns.</p> <p>Figure SA-003 -1</p> 
SA-D2-004			<p>For the few number of people that might use the proposed footbridge the bridge is totally over engineered. Building well designed and attractive paths is much cheaper than building a bridge.</p>	<p>The option of doing nothing was considered but this was discounted due to the long term increased risk of trespass onto a live railway. Another factor is the health and equality impacts arising from increased severance as a result of closing the existing permissive crossing and signposting the community to use the alternative (long way) route via Quays Avenue.</p>
SA-D2-005			<p>The location and design of the bridge also has a large and detrimental effect on the privacy and security of the two properties lying along side it and has effectively devalued them. Anyone using the footbridge will have a</p>	<p>The Applicant considered the following alternatives to the proposed bridge, during the early stages of the scheme design:</p> <ul style="list-style-type: none"> • An underpass; • A bridge with circular ramps;

No.	Type / Category	Topic	Issue	Applicant's response
			<p>direct high level view into the houses and gardens alongside it.</p>	<ul style="list-style-type: none"> • An alternative location for a bridge; and • Do nothing. <p>An underpass solution was discounted due to the proximity of the watercourses and major utilities.</p> <p>A bridge with circular ramps was considered but would not be shorter in overall distance for the user and would be 'wider' in footprint (to allow for the radii rather than the 90 degree turns in the current design). The footprint for circular ramps would not fit into the available space due to the close proximity of the pond on the Galingale Way side and consequently it is not possible to achieve a feasible design.</p> <p>Alternative locations for a bridge with ramps were considered, but it was not possible to identify a location where a feasible design could be achieved. It is not feasible to encroach onto the grounds of Trinity Primary School for a bridge with ramps because the school explained the school grounds are very modest for the number of children enrolled and consequently they use every inch of the grounds.</p> <p>Immediately east of Trinity Primary School there is not sufficient space to achieve a feasible design for a bridge with ramps. Further to the east the housing development ends and locating a bridge there is not practical because of the very limited footfall it would generate.</p>
SA-D2-006			<p>Also the footbridge design shows that it has lights that come on whenever someone uses it. This is totally unacceptable as it is proposed to go alongside the full length of the house and garden of two dwellings.</p>	<p>Trinity bridge lighting will be maintained by North Somerset Council, with occupancy detectors also installed to dim the lighting on the bridge and stairs when unoccupied. It is proposed to install handrail lighting on the stairs and ramp which is very directional and reduces overspill into neighbouring properties. There are anti-climb</p>

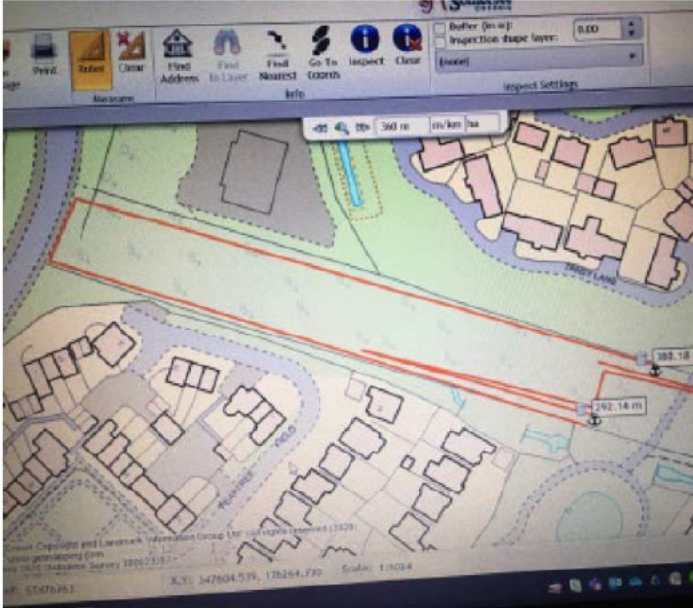
No.	Type / Category	Topic	Issue	Applicant's response
				<p>luminaires on the bridge deck and 5m columns in area on approach to the bridge.</p> <p>Being LED and modern fittings there is very limited upglow, and they are designed to meet environmental E2 guidelines for rural areas (details from GN01-2005 Guidance notes for the reduction of obtrusive light):</p> <p>Sky glow – 2.5%</p> <p>Light trespass into windows pre curfew – 5 lux</p> <p>Light trespass into windows post curfew – 1 lux</p> <p>Source intensity pre curfew – 7.5kcd</p> <p>Source intensity post curfew – 0.5 kcd</p> <p>As this bridge and surrounding areas are not at a station it is considered a public path, hence the lux level instead have an average of 30 lux for the bridge (from BS 5489-1), an average of 10 lux for the walkways and 0.4 uniformity.</p>
SA-D2-007			<p>In summary. This proposed bridge is going to be an expensive structure. It has few benefits and several disadvantages. Thus we would argue that the proposed Trinity Footbridge is not necessary and a enormous waste of money.</p>	See response to SA-D2-004.
SA-D2-008			<p>(Second response)</p> <p>Trinity Footbridge We wish to put forward the argument that the proposed "Trinity Footbridge" is not necessary and is not providing good value for the taxpayer, whilst also impacting</p>	See response to SA-D2-004.

No.	Type / Category	Topic	Issue	Applicant's response
			<p>several properties some severely. This conclusion is based on the published MetroWest plans for the proposed station and the surrounding infrastructure, particularly the footbridge.</p>	
SA-D2-009			<p>The primary reason for the conclusion that the bridge is not necessary is the distance that it saves versus the other safe route, which would be to walk around the station using proposed footways. The construction of the bridge to allow accessibility and the proximity of the bridge to the station has meant that the bridge route is barely shorter than the proposed paths. The alternative footway will be lit and level and not at height which seems preferable if the distance and time saved is minimal.</p>	See response to SA-D2-003
SA-D2-010			<p>The secondary reason for the bridge being unnecessary is the justification used for its existence is flawed. Trinity school catchment is entirely the other side of the railway line (See map below) and therefore the school users should be minimal. Those already using the pre-existing cut through already have another route via the roadway which would be enhanced by the proposed level and lit gravel paths as part of the station construction.</p>	See response to SA-D2-002

No.	Type / Category	Topic	Issue	Applicant's response
			<p data-bbox="607 252 1292 293">7. Catchment area (Village Quarter)</p> 	
SA-D2-011			<p data-bbox="607 917 1292 949">Negative Impacts</p> <p data-bbox="607 991 1292 1198">The limitations of gradient to allow the bridge to be rightly inclusive have meant that the pathways are very long and therefore run the full length of 2 properties whilst also impacting others surrounding it. The two properties that are severely impacted are concerned about the following not exhaustive list.</p>	See response to SA-D2-005
SA-D2-012			<ul data-bbox="607 1208 1292 1383" style="list-style-type: none"> •Privacy & Security – the elevated nature of the structure has meant that the users of this footbridge will have uninterrupted view of the entire gardens of two properties that are currently not overlooked from the side of the garden at all. The users of the bridge will also 	Landscape mitigation in the form of tree planting to provide visual screening is illustrated in Portishead Station Car Park Layout, Landscaping and New Boulevard and Access Plan (drawing 467470.BQ.04.20-102 within document APP-035; DCO document reference 2.38). The extent of planting is limited by existing

No.	Type / Category	Topic	Issue	Applicant's response
			<p>have clear view into the bathroom and bedrooms of both houses. This presents real safeguarding concerns as these houses both have children resident in them.</p>	<p>underground services, notably the high voltage 11kv cables and the foul sewer located between the railway and Tansy Way.</p> <p>The Applicant will explore the use of perforated metal screening, subject to the approval of Network Rail.</p>
SA-D2-013			<ul style="list-style-type: none"> •Peace – The footbridge is lit by approx. 500 LED lights which are motion sensitive. The trains are limited to an operating period but the footpath will be open and accessible all day and night. This will undoubtedly cause disruption to those effected properties shining directly into bedrooms and lighting gardens for passing opportunistic criminal elements. 	<p>See response to SA-D2-006.</p>
SA-D2-014			<ul style="list-style-type: none"> •Damage to Aspect – The houses effected will be able to see the bridge from every part of the property and garden where currently there is open sky and green trees. This is negatively impacting the feel of the property that has been built and occupied for the last 20 years. The impact of the train station and proximity to the station is not in question here it is wholly the objection to construction of the bridge. 	<p>Detailed information on the design of Trinity Bridge is shown on the drawings within the document Trinity Bridge Plans (APP-019; DCO Document Reference 2.15 to 2.17).</p> <p>Proposed tree planting has been refined in line with utility constraints and minimises the effects on the open space.</p> <p>The bridge is proposed to be Holly Green in colour (please refer to the legend/notes box on document S051 Trinity Bridge Proposed General Arrangement Plan (APP-019; DCO Document Reference 2.15). However, the final colour for the bridge will be subject to agreement of the LPA through the discharge of Requirement 4 of the dDCO (DCO Document Reference 3.1).</p> <p>The mitigation to reduce the visual impact of the bridge is in part due to the location of the bridge as far away from adjacent properties as possible, as described above.</p> <p>Landscape mitigation in the form of tree planting to provide visual screening is illustrated in the Portishead Station Car Park Layout,</p>

No.	Type / Category	Topic	Issue	Applicant's response
				<p>Landscaping and New Boulevard and Access Plan (APP-035; DCO Document Reference 2.38) – see drawing 467470.BQ.04.20-102. The extent of planting is limited by existing underground services, notably the high voltage 11kv cables and the foul sewer.</p> <p>The Trinity Bridge Plans (APP-019; DCO Document Reference 2.15 - 2.17) provides additional information on the proposed landscaping (drawing 2.16). The drawings also show that the lighting on the bridge is contained within the hand-rails to avoid the need for lighting columns (drawing 2.17).</p>
SA-D2-015			In conclusion – the necessity for the bridge does not bear out. The considerable cost of installation and ongoing maintenance of the bridge and the deep impact to the houses surrounding it is not balanced by the need. This is before compensation claims are taken into consideration for the impacted properties.	See response to SA-D2-004
SA-D2-016			Our recommendation is for the plans to include rerouted pathways to ensure that there is safe passage around the station using level lit pathways and pre-existing infrastructure. Saving taxpayers money and removing the negative impact to an acceptable level.	See response to SA-D2-003
SA-D2-017			<p>(Third response)</p> <p>We have further information regarding our Statement against the proposed Trinity Footbridge.</p> <p>With regard to our statement that the route using the proposed footbridge is barely shorter than using the alternative footpath route around the station we have now been able to have the distance measured.</p>	<p>See response to SA-D2-005.</p> <p>The alternative route around the station supplied in the submission does not take into account the rerouting of Quays Avenue. This will add a further 100m than is stated - 480m - which is 200m further than using the bridge and ramps. For those users on foot using the bridge steps, it is over 450m further to walk. Please see the figure in SA-D2-005.</p>

No.	Type / Category	Topic	Issue	Applicant's response
			<p>To cross the railway using the Footbridge ramps is approx. 290m. To walk around the station using the proposed footpaths is approx.. 380m. This means users would need to walk about an extra 100m which would take just over a minute extra per journey. Please see attached diagram.</p>  <p>The image is a screenshot of a GIS software interface. It shows a map with several red lines drawn across it, representing distances. One line is labeled '292.14 m' and another is labeled '385.14 m'. The map shows a residential area with buildings and a railway line. The software interface includes a toolbar with various icons and a 'Inspect Settings' panel on the right.</p>	
MR-D2-001	Mike Richards on behalf of Nine of Bristol	Ashton Gate Station	<p>We submitted our interest in commenting on the above application; confirmation of receipt was received by us on Fri 14/02/2020.</p> <p>The process we should follow is not entirely clear and the deadline today is for a procedural meeting which provides an opportunity for representations to be made about how the application should be examined. It will not deal with the merits of the Proposed Development. All Interested Parties will have further opportunities in</p>	Noted. Comments have been responded to by the Applicant in the "Comments on Relevant Representations" document (REP1-029; DCO document reference ExA.RR.D1.V2)

No.	Type / Category	Topic	Issue	Applicant's response
			<p>the course of the Examination to make detailed Written Representations and oral representations at any hearings that are held. The form for registration for this procedural meeting is for those with an interest in attending etc. and suggests that if you wish to make a submission regarding the merits or otherwise of this application for development it should be submitted directly to yourselves before the expiry of a later deadline. We have no particular interest in the details of how this application should be examined but do wish to ensure that the comments we have made are considered. It appears that the current process allows for us to submit these comments in full and therefore we attach these as "The Portishead Branch Line Representation" in a pdf file format.</p> <p>I should be grateful if you would confirm receipt and that these will be included for consideration by the Inspector.</p> <p>Regards Mike Richards Cert Arch, Dip Arch, RIBA (retd.), RWA On behalf of a further - Nine of Bristol T M</p>	
MR-D2-002			<p><i>1) We support the application to reuse an existing route and provide energy efficient, public transport. But the time line to completion considering the climate crisis should dictate electrification of rolling stock.</i></p>	<p>The DCO Scheme is not proposing electrification of the rail line; because a viable business case could not be achieved. The West of England Authorities commissioned a report in 2015 called the "Extending electrification study" looking at the feasibility of extending rail electrification to Weston-super-Mare, Yate and the Severn Beach, Portishead and Henbury lines. The study's main findings were to take a longer term view with the best business case following wider national electrification schemes in the West of England area. The business case in the shorter term is weak due to high capital costs (£175m), small fleet size, depot requirements,</p>

No.	Type / Category	Topic	Issue	Applicant's response
				<p>modest passenger numbers and low journey time savings (0% to 10%). It concluded that there are no benefits to be gained from selective electrification. However passive provision has been provided with any new infrastructure required for the reopening of the Portishead Line designed to allow future electrification.</p> <p>Furthermore, train traction technology is currently advancing and while the initial train service will be diesel powered, it is possible that in the medium term some form hybrid power systems could be introduced. This upgrade could be retro-fitted to existing diesel trains in the medium term or could be included in the future long term replacement of the existing diesel trains.</p> <p>The DCO Scheme builds on the region's significant investment programme in the West of England's transport network that aims to cut congestion, improve air quality, provide network resilience and reduce carbon emissions from the transport network.</p>
MR-D2-003			<p><i>2) The frequency of service is too low and more passing places should be accommodated</i></p>	<p>The forecast passenger demand is set out in detail in the Forecasting Report which is appendix 2.1 of APP-201, DCO document 8.4 Outline Business Case 2017, Part 3 of 3, Appendix 1.1 to 5.1. The forecast passenger demand has been benchmarked against actual passenger volumes at similar sized existing stations. The Outline Business Case including the forecast passenger demand was subject to technical scrutiny by the Department for Transport.</p> <p>Section 3.6 Capacity Analysis of the report states that, in the opening year on the Portishead Line, 220 of the 263 seats (of a three carriage Class 166 train) will be occupied in the morning peak, and 201 in the evening peak. By year seven after opening, there will be standing room only in the morning peak, at which point additional</p>

No.	Type / Category	Topic	Issue	Applicant's response
MR-D2-004			<p><i>3) A station at Ashton Gate should be provided to accommodate the needs of local residents, Bower Ashton Campus of University of the West of England</i></p> <p><i>i) Ashton Park School</i></p> <p><i>ii) The Create Centre</i></p> <p><i>iii) Ashton Court conference, visitors centre, events and theatre</i></p> <p><i>iv) Ashton Park (leisure and festivals)</i></p> <p><i>v) Bristol City, and Bristol Rugby Club football ground</i></p> <p><i>Transport routes also converge on Ashton Gate with the potential for interchange:-</i></p> <p><i>vi) Guided bus fast route</i></p> <p><i>vii) Bristol ferry</i></p> <p><i>viii) Airport bus service</i></p> <p><i>ix) South Bristol outer circular route and Portway to Avonmouth</i></p> <p><i>x) Festival Way and other cycle routes</i></p> <p><i>4) The Ashton Gate station, road, pedestrian and cycle access should be integrated with the proposed removal of the Plimsoll Bridge and new road, pedestrian and cycle routes</i></p> <p><i>5) Objection to provision of additional rolling stock and upgrading of the whole line to accommodate peaks in demand at Ashton Gate run contrary to the stated aim of application</i></p> <p><i>6) The the additional costs should be in part or all offset by the improved functionally, access and service resulting in extra revenue and capital cost offsets by joint improvements associated with the Plimsoll Bridge works.</i></p>	<p>carriages will be sourced to form five carriage trains (subject to contractual arrangements), see figure 3.7 and figure 3.8.</p> <p>A station at Ashton Gate is out of scope of MetroWest Phase 1 and would require its own business case, funding, land assembly and formal consents. The DCO Scheme design has ensured that no lineside equipment is being proposed on the site of where a future Ashton Gate station could be located.</p> <p>The DCO Scheme's scope was determined early in the project and has been outlined in the Business Cases to date. The scheme's scope had to be clearly justified and agreed through the scheme's governance processes early on in the scheme's development for all the impacts and interfaces to be determined. For example additional stations would impact on train pathing and timetable and likely require additional infrastructure requirements, resulting in additional land and additional environmental impact assessment.</p>

No.	Type / Category	Topic	Issue	Applicant's response
MR-D2-005			<i>7) It is a false economy to not fully plan new transport infrastructure without anticipation of a low carbon future.</i>	The DCO Scheme builds on the region's significant investment programme in the West of England's transport network that aims to cut congestion, improve air quality, provide network resilience and reduce carbon emissions from the transport network.
MR-D2-006			<i>The reopening of passenger services of the railway branch line between Portishead and Pill, and improvement the existing railway line between Pill and Ashton Junction.</i> Joint Representations from 10 Bristol Citizens We the undersigned wish to respond to the above and have our representations considered in respect to this application for development.	Noted.
MR-D2-007			We request that in determining this application the Planning Inspectorate consider the following:- 1) The climate crisis places an imperative on all decisions we all now make to ensure the reduction or elimination of carbon in the realising, constructing, and operation (plus disposal) of our developments. a) The upgrading and reuse of an existing rail line fulfils many of the objectives to decarbonise our future and we fully support the intention of this development. b) The future energy source that will replace most of our carbon based energy is sustainably generated electricity. This is the case for transport generally and railways in particular. c) We appreciate that the clearance under the new overbridge at Portishead is designed to accommodate	Rail is a relatively low-carbon form of transport and is one of the most efficient ways of moving high volumes of people into city centres and moving people over long distances ¹ . Promoting this modal shift from private car use to train is one of the key drivers for the MetroWest scheme and it is expected to reduce emissions per passenger kilometre travelled compared with equivalent road transport ² . In line with the Government's plans to decarbonise the rail network by 2040, Network Rail has released its Traction Decarbonisation Network Strategy (attached as Appendix 1 to this document). This document explores the alternatives to diesel powered rolling stock and details how decarbonisation can be achieved nationally on a route by route basis.

¹ Department for Transport, 2020, Decarbonising Transport: Setting the Challenge, p. 26.

² MetroWest, 2019, Environmental Statement Vol.2 Chapter 7: Air Quality and Greenhouse Gases, p.58

No.	Type / Category	Topic	Issue	Applicant's response
			<p>future electrification of the line. The existing tunnels and bridges may not accommodate overhead electrification, but nothing should now be done that will hinder the future electrification of this railway line in full or part.</p> <p>d) We understand the proposed rolling stock is diesel electric. This means of transport replaces much more carbon intensive alternatives by road and is welcome. But diesel electric rolling stock by passenger kilometre is not as efficient as fully electric rolling stock which should be used.</p> <p>e) Considering that if this application is approved, the earliest date for operation of the service is in 2024/25; this is half way through the 9 years left of our estimated expenditure of the carbon budget to stay within 1.5degs. As a consequence we believe diesel will not be an option in 5 years time and the need for electrification will be unassailable.</p> <p>f) The railway line between Pill and Ashton Gate runs through an exceptional landscape, the gorge and below the Clifton suspension bridge, and is of international significance. If full future electrification is undertaken only the least visually intrusive single post and cantilever arm support should be considered.</p> <p>g) If part electrification of the line is the most economic and practical solution, rolling stock would run using either battery power or overhead line. Such stock is available now and is in demand elsewhere. Before the line is opened it is not unreasonable to expect design and technical development of this mixed powered rolling stock and therefore in this development should be constructed now to run electric rolling stock.</p>	<p>While it is planned for MetroWest to begin operations with diesel powered rolling stock, it is likely that these could be converted to use an alternative power source such as battery or hydrogen. An example of this is the prototype Class 799 which is undergoing trials in the UK. This unit was converted from a Class 319 Electrical Multiple Unit (EMU), originally built in the 1980's, to run on Hydrogen. Producing the large quantities of hydrogen that a fleet of trains needs does require a large amount of power in itself, but providing this can be generated from renewable sources such as wind, solar or through a carbon capture solution, hydrogen power can be produced carbon neutral.</p> <p>An alternative method would be to use bi-mode trains which are a proven technology. An example of this would be for a bi-mode train to draw power from an AC electrified mainline network and then switch to battery power for non-electrified sections such as branch lines. It is acknowledged that the geography and protected status of the Avon Gorge would make overhead line equipment (OLE) very difficult to install through this section, however the section from Pill Station to Portishead would be possible.</p> <p>When the DCO Scheme is commissioned and the Portishead Branch is incorporated into National Rail Network, the line will assume the same status as other routes within the suburban Bristol railway network. While the timescales and method for de-carbonisation of this route is unknown, it is likely that a holistic approach will be taken for all lines within this network.</p> <p>For information on future electrification, please see response to MR-D2-002.</p>

No.	Type / Category	Topic	Issue	Applicant's response
MR-D2-008			<p>2) The frequency of service, as well as the journey time, is key to the success of any railway</p> <p>a) " A second stage may be promoted separately in the future, to upgrade to a half hourly service. This second stage would require separate statutory processes, business case and funding package. There is currently no programme for the second stage". PORTISHEAD BRANCH LINE DCO SCHEME ENVIRONMENTAL STATEMENT, VOLUME 1, NON TECHNICAL SUMMARY 2.1.1.</p> <p>We consider that this should be implemented now to help mitigate the climate crisis, to accommodate the new demand at Ashton Gate, and as stated below.</p> <p>b) The journey from Portishead to Temple Meads is predicted to take about 23 minutes, and the proposed service at 1 hour intervals.</p> <p><i>"The service between Portishead and Bristol Temple Meads would take 23 minutes and stop at Pill, Parson Street, and Bedminster.</i></p> <p><i>"The alternative 'hourly plus' service involves passenger trains operating every 45 minutes during peak period."</i> PORTISHEAD BRANCH LINE DCO SCHEME ENVIRONMENTAL STATEMENT, VOLUME 1, NON TECHNICAL SUMMARY 2.4.1, 2.4.2</p> <p>c) We think that most people would consider the proposed 1 hour service frequency limiting and the hourly plus frequency of 45 minutes inadequate. Considering the urgent need to develop public transport alternatives, and encourage the use of this railway in particular; this service frequency is too low.</p> <p>d) In the worst case, to make a connection with half hourly trains to London, a journey from Portishead might include 40 minute wait to leave Portishead, plus</p>	See responses to MR-D2-003, and MR-D2-004.

No.	Type / Category	Topic	Issue	Applicant's response
			<p>23 minute journey followed by a wait of 25minutes at Temple Meads – a total of 1hr 27mins. If train departing times were co-ordinated at both ends of this journey, the best case, the time would be about 25 minutes but realistically many would consider they would need to plan connections and leave at least 1 hour. If the perception of a connection time is this long, other means of transport begin to compete.</p> <p>e) The number of passing places should be increased to ensure that the frequency of service can be improved in the future.</p>	
MR-D2-009			<p>3) The application for the proposed development does not include a station at Ashton Gate. We consider a station should be included for the following reasons:-</p> <p>a) The potential to increase service frequency is improved if a station and passing place are located at Ashton Gate.</p> <p>b) Bedminster station is about 0.9 mile from Temple Meads, Parson Street a similar distance further away from this important terminal. The next station is at Pill, about 5.7miles beyond the city boundary, Of this section of line about 1.1miles are in the built-up area of the city to Ashton Gate. We suggest the spacing of urban stations should not be more than 0.5 mile apart (15minute walk). This would place a new station at Ashton Gate. It should be noted that to the north, on the other existing branch line from Temple Meads to Sea Mills, the stations (Clifton Down, Redland, Montpelier, Stapleton Road, Lawrence Hill). are spaced at 0.5 miles, half of that on the proposed new passenger line.</p>	See response to MR-D2-004.

No.	Type / Category	Topic	Issue	Applicant's response
			<p>c) Historically there was a railway station located at Ashton Gate, at the request of and, to serve Ashton Court Mansion.</p> <p>d) In addition to the existing and recent residential area developments in the area, there are currently important uses and institutions that an Ashton Gate station would serve:-</p> <ul style="list-style-type: none"> i) Bower Ashton Campus of University of the West of England ii) Ashton Park School iii) The Create Centre iv) Ashton Court conference, visitors centre, events and theatre v) Ashton Park (leisure and festivals) vi) Bristol City, and Bristol Rugby Club football ground and proposed 230 bedroom hotel, 30,000 sq ft office and 165 dwelling , 4,000 place conference centre which, subject to planning permission, will open at the same time as the proposed railway. <p>e) Transport routes also converge on Ashton Gate with the potential for interchange:-</p> <ul style="list-style-type: none"> i) Guided bus fast route ii) Bristol ferry iii) Airport bus service iv) South Bristol outer circular route and Portway to Avonmouth v) Festival Way and other cycle routes <p>f) A station at Ashton Gate would also reinforce existing and new commercial activity in the immediate area.</p> <p>g) The proposed demolition of the Plimsoll Bridge and associated elevated road structures (necessitated by the excessive maintenance costs) provides the potential for the integration of a new station at Ashton Gate.</p>	

No.	Type / Category	Topic	Issue	Applicant's response
MR-D2-010			<p>4) A new station at Ashton Gate should:-</p> <p>a) be planned to give primacy to pedestrian and cycle access integrated with that of the Plimsoll bridge replacements</p> <p>b) give good pedestrian and cycle route access to all 3 d), 3 e) and 3 f) above.</p> <p>5) Objections to creation of a new station at Ashton Gate have been cited, namely:-</p> <p>i) Cost of station construction, road improvements and access, associated parking etc.</p> <p>ii) The need to accommodate heavy peak demand arising from:-</p> <p>(1) Football and rugby matches at Bristol City football ground and most weekends during the season.</p> <p>(2) Ashton Park festivals i.e. Balloon, Kite, Music, occasionally during summer.</p> <p>iii) These peaks require longer stations and more rolling stock and better access which is needed along the whole line.</p> <p>6) However these have to be considered in the context of the primary purpose of this railway. It does not make sense to bypass all of the public facilities at Ashton Gate because the railway is to be built with a limited capacity. The proposed railway line's design should not foreclose provision for these peak demands, limiting operational policy and a possible increase of service frequency; for instance, a shuttle service between Temple Meads and Ashton Gate.</p> <p>The climate crisis and carbon budget militates against anything that reduces our ability to reduce carbon based activities, reduce energy consumption; this railway has this function.</p>	See response to MR-D2-004.

No.	Type / Category	Topic	Issue	Applicant's response
			<p>Further extra capital and revenue costs will be offset by:-</p> <p>a) Additional use (ticket payments) and the facility provided</p> <p>b) The integration of the new station access with the proposed new and simplified road layout replacing the Plimsoll Bridge should have opportunity for considerable cost savings.</p>	
MR-D2-011			<p>7) We believe that new transport infrastructure should anticipate a low carbon future and serve the needs of the communities it passes through. It is a false (dangerous) economy not to properly build this into the proposals for this railway line.</p> <p>The non-technical summary of the submission states what are considered to be the benefits of the proposed railway line:-</p> <p><i>“The DCO Scheme is predicted to provide:</i></p> <ul style="list-style-type: none"> • <i>employment generation through additional train drivers, train managers, station and facilities managers and infrastructure maintenance;</i> • <i>reduced journey times and congestion; and</i> • <i>wider regeneration benefits throughout Portishead, Pill and the West of England.</i> <p><i>“Measures incorporated into the design to promote wellbeing and improved access for vulnerable groups include:</i></p> <ul style="list-style-type: none"> • <i>ensuring that the new stations are accessible by all modes of transport and facilitates walking, cycling and other public transport trips to and from the stations”</i> <p>PORTISHEAD BRANCH LINE DCO SCHEME ENVIRONMENTAL STATEMENT, VOLUME 1, NON TECHNICAL SUMMARY 4.8.5, 4.8.6</p> <p>We applaud these but say they are partial in effect. These benefits are not equitably provided along the</p> 	See response to MR-D2-004.

No.	Type / Category	Topic	Issue	Applicant's response
			route of the railway line; the line runs through the Ashton Gate area with no access for vulnerable groups, potential users and employees who live and work in this area of Bristol.	
MR-D2-012			8) Finally we do not wish to delay this important improvement to Bristol's transport infrastructure. We urge the Inspectorate to approve this development, conditioned as necessary, but with the proviso that nothing is done that may impede concurrent or future improvements similar to those suggested above.	Scope changes at this stage would impact on the timescales of the DCO Scheme and delay delivery. The DCO Scheme's scope was determined early in the project and has been outlined in the Business Cases to date. The scheme's scope had to be clearly justified and agreed through the scheme's governance processes early on in the scheme's development for all the impacts and interfaces to be determined. For example additional stations would impact on train pathing and timetable and likely require additional infrastructure requirements, resulting in additional land and additional environmental impact assessment.
PG-D2-001	PG Virden (summary version)	Busway	<p>1: Insufficient demand</p> <p>There is no evidence to indicate that many commuters would give up the point-to-point and low-cost convenience of their cars, or switch from the existing, relatively cheap and convenient bus service. Forecasted initial passenger numbers show that even on the busiest days (midweek), initially only 15% of all the available seats will be occupied; i.e., on average, trains will run up and down the line 85% empty. For all trains, the average occupancy rate will obviously be lower: against the total number of seats p.a., the projected total number of passengers indicates 12% seat occupancy, i.e., on average the trains will be 88% empty. Just two trains each midweek day are expected to run at anywhere near capacity, i.e., only 10 of the 224 trains up and down the line each week: the 8am from Portishead, with 220 passengers, and the 5pm from Bristol Temple Meads, with 201. Only six other trains each midweek day will carry 50 or more passengers (18.5% of capacity).</p>	<p>This is a response to the summary version of the submission. The full submission expands on the points raised in the summary, and so the Applicant considers all points raised have been addressed.</p> <p>Many of the points raised here have previously been raised by Mr Virden and the Applicant provided a detailed response to Mr Virden in Comments on Relevant Representations (REP1 -029 and DCO document reference 9.4). Therefore, this response focuses on the additional issues raised by Mr Virden.</p> <p>The Applicant responded to questions about the forecast passenger demand in item 40-2 of Comments on Relevant Representations (REP1 -029 and DCO document reference 9.4).</p>

No.	Type / Category	Topic	Issue	Applicant's response
			<p>Meanwhile, very few of the other 184 trains a week will carry as many as 30 passengers (11% of capacity). Post-pandemic commuter numbers will be considerably lower than the estimates published in the 'normal times' of 2017, and it would be optimistic to assume that commuting by public transport will return to two-thirds of the previous level soon, or for the foreseeable future.</p>	
PG-D2-002			<p>2: Trains are not convenient While no extra trains are scheduled when needed (Portishead 7-8.30am and BTM 4.30-6pm), demand for the other 'rush hour' trains is so low as to take up less than 20% of the seats. Almost every other train will run with barely any passengers: off-peak buses are as convenient, if not more so. Most of Portishead's residents live near a bus stop, but only half live within 1000 metres (10-12 minute walk) from the proposed station.</p>	<p>The Applicant responded to questions about the forecast passenger demand in item 40-2 of Comments on Relevant Representations (REP1 -029 and DCO document reference 9.4).</p>
PG-D2-003			<p>3: Costs far outweigh benefits With a capital cost of £116m and running costs much exceeding those for buses, there is no evidence for overall benefit. Estimated running costs are up to £5m more than revenues for the first three years, and even with a slow growth in demand there is no evidence that revenues will ever cover costs. These trains will always be too costly and/or heavily subsidised.</p>	<p>The project provides high value for money for the taxpayer, this is evidence by the project economic appraisal which has resulted in a benefit to cost ratio (BCR) of 3.1:1. That means there are £3.10 of economic benefits for every £1 invested to deliver the project. The Department for Transport ranks BCRs of 2:1 and above as providing 'high value for money'.</p>
PG-D2-004			<p>4: Unwarranted increase in greenhouse gases This scheme will cause an unjustified ongoing increase in greenhouse gases. Any net increase of CO2 breaches legally binding policy and the 2016 Paris Climate</p>	<p>Refer to CC1.1 of Applicant Responses to the examining Authority written questions EXQ1 (REP2 - 016 and DCO document Reference 9.10) for details about the proposed power source for the train service in the short term and through into the medium term.</p>

No.	Type / Category	Topic	Issue	Applicant's response
			<p>Agreement. The estimated 942 tonnes p.a. net increase in CO2 and 11.8 tonnes of NOx far outweighs the savings from fewer car commutes. And if car use to and from stations is not factored in (as it appears), the estimated net increases are too low.</p> <p>There is also 340 kg p.a. increase in PM10. The proposal is for Portishead station to be situated 60 metres from a primary school; for 180 metres the railway runs 10 metres from the playing field boundary, and the school building is only 25 metres away. Diesel particulates cause and aggravate serious health problems, and before pulling away at full power, trains will stand at the station with engines idling.</p> <p>The big net increase in emissions will be caused mainly by trains carrying very few people, and since there are already buses, without purpose. The Environment Statement concludes '[t]he magnitude of CO2 change is negligible on the national scale...' This fails to acknowledge the climate emergency. The increase in NOx is also said to be 'negligible'. But it is no longer defensible to propose any increase in green-house gases not compensated by equal or greater reductions elsewhere.</p> <p>WECA, North Somerset Council and Bristol City Council each declared a climate emergency and intentions to reduce carbon footprint. The contribution to global warming resulting from this scheme compromises local and national policy, legal requirements and international agreement.</p> <p>None of these issues are adequately addressed.</p>	<p>The Applicants Air Quality and Greenhouse Gases assessment is set out in the Environmental Statement, Volume 4, Appendix Series 7 (APP-102 and DCO document 6.10).</p>
PG-D2-005			<p>5: Alternatives were not examined</p>	<p>To aid clarification about what Mr Virden means by the term 'busway' a summary of his alternative proposal is provided below, to</p>

No.	Type / Category	Topic	Issue	Applicant's response
			<p>Buses are twice as efficient as trains. There is no convincing case for not examining possible improvements to bus services rather than simply reinstating diesel-guzzling trains. E.g., invest in eco-buses (renewables-electric, biogas or hydrogen) for much higher energy-efficiency/far lower financial and carbon costs; road changes to prioritise buses (e.g., a bus lane on the A369 from Portishead and up past Pill); encourage bus use by subsidising fares; traffic bans, congestion charges, increased parking fees in Bristol. Busways combine the ubiquity of bus routes with the unimpeded travel of trains: i.e., over whole journeys, much greater convenience and equal or greater rapidity; compared to trains, they also remove many more cars and buses from the roads.</p> <p>With a Strail roadway abutting the existing railway track, buses could run onto, along and then off the line; they would re-join the roads at each end of the line, dropping-off and collecting passengers as normal. A segregated cycleway could run alongside the busway. A small platform at Sheepway/Portbury Hundreds would serve Portbury.</p> <p>A busway would have much lower capital and running costs, especially with eco-buses. Environmental costs (greenhouse gases, pollution, unnecessary land use) are unacceptably high with diesel trains, especially since <i>most</i> will be nearly empty and <i>most</i> passengers will have to get some distance to or from a station and will use a car. Environmental costs of a busway would be low. The trains scheme fails to meet many National Policy Statement for National Networks (NPS NN) directives, but a busway would meet them. It would have substantially lower capital and running costs; be far</p>	<p>provide context for the rest of the response. His alternative proposal entails operating bus services on top of the track formation of the existing section of operational freight railway line between Bristol and Pill, while continuing to operate freight trains on the line, with buses continuing from Pill onto Portishead using the dis-used section of railway. This would be achieved by fitting light weight rubber mats (Strail panels) in between the rails to enable buses to drive onto the track formation, at which point the tyres of the buses would travel over the top of the ends of the railway sleepers. It has also been assumed that as an alternative to the above, Mr Virden is suggesting that the rubber mats could also be placed on the outside edge of track at the ends of sleepers.</p> <p>The Applicant has concluded (as set out in Comments on Relevant Representations (REP1 -029 and DCO document reference 9.4), is the suggested busway proposal would entail numerous fundamental technical, safety and legal issues. The issues highlighted are impediments that would prevent the authorisation of the operation of buses on the operational railway.</p> <p>The options appraisal undertaken by the project in set out in the Environmental Statement, Volume 2, Chapter 3 Scheme Development and Alternatives Considered (APP-098 and DCO document 6.6).</p> <p>No supporting technical evidence is provided by Mr Virden to substantiate his claims regarding a busway.</p>

No.	Type / Category	Topic	Issue	Applicant's response
			more user-friendly; meet the requirement 'door-to-door journeys enhanced integration'; and mitigate the climate crisis, rather than aggravate it, as will trains.	
PG-D2-006			<p>6: The scheme compromises legal and policy requirements</p> <p>Fourteen prima facie breaches of legal or policy requirements are detailed in the full Written Response. E.g., while a carbon impact is estimated, it is not good, and the local authority decision to go ahead ignores local, national (NPS NN and Government) obligations and the Paris Climate Agreement.</p>	<p>No supporting technical evidence is provided by Mr Virden to substantiate his claims.</p> <p>The Applicant has concluded (as set out in Comments on Relevant Representations [REP1 -029 and DCO document reference 9.4) the suggested busway proposal would entail numerous fundamental technical, safety and legal issues. The issues highlighted are impediments that would prevent the authorisation of the operation of buses on the operational railway.</p>
RG-D2-001	R G Fox	Mainly has Sheepway area concerns including drainage, construction traffic, but also objects to the scheme in general	<p>The objectives in this representation is to improve the environment for the residents and users of Sheepway road by reducing or eliminating the impact of work associated with the construction and operation of the new railway branch line. The objective is preservation of a quiet environment, not opening up to heavy construction and maintenance traffic over bridges and roads not suitable for such work.</p> <p>1. Ref drg. 467470BQ04-20-600. The new access on the north verge of the A369, due west of the Portbury Hundred footbridge, is opposite a level crossing in the disused railway line. These should be used during construction to access the fields required both south and north of the railway line to minimise or eliminate use of the access AW3.2 in Sheepway.</p> <p>This would be appreciated greatly by the residents of the Hamlet, and the occupants of the mobile home site, that use Sheepway road every day. Access AW3.2 is</p>	<p>The field north of the railway that is accessed from Sheepway access point AW3.2 is not a construction compound. The field is only to be used for ecological mitigation. The construction compound is on the south side of the railway and is accessed from the A369 Portbury Hundred via access point AW3.1.</p> <p>Access points and compounds are shown on the Compound, Haul Road and Access to Works Plan (REP1-005; DCO document reference 2.29). The works are shown on the Works Plan (REP1-003; DCO document reference 2.3).</p>

No.	Type / Category	Topic	Issue	Applicant's response
RG-D2-002			<p>directly opposite the access to the mobile home site, also access to the business park, and access to the allotment gardens, not a good design from Metrowest.</p> <p>2. Safety from Aviation HP fuel line failure.</p> <p>Beneath the existing private access from Sheepway, contiguous to Priory Croft, now used for horse riding and farm tractor purposes only, are very high pressure kerosene fuel lines (720psi). Will these lines remain safe when access AW3.2 is in use by Metrowest ?</p> <p>A proposal is that it would be much safer to separate the envisaged access traffic whereby the existing traffic remain using the existing access unchanged, and the Metrowest traffic use a relocated AW3.2 to be alongside AW3.3 since there are splayed twin accesses there already. This revised position for AW3.2 could then follow the original track diagonally across the field, as before, to the existing ditch underpass.</p>	<p>Access point AW3.2 is not proposed to be an access to a construction compound. The field is only to be used for ecological mitigation.</p> <p>Ground investigations and utilities surveys will be completed before the pond is dug and if necessary protection measures will be put in place to protect utilities during the creation of the pond. Consultation continues with utility companies and separate agreements are being sought with them on working methods in the vicinity of underground assets.</p> <p>Access points and compounds are shown on the Compound, Haul Road and Access to Works Plan (REP1-005; DCO document reference 2.29). The works are shown on the Works Plan (APP-013; DCO document reference 2.3).</p>
RG-D2-003			<p>3. Weight, noise and quantity of Metrowest traffic.</p> <p>No mention of the type of traffic that Metrowest will be sending along the access. Will there be heavy construction/maintenance vehicles etc?</p> <p>The weight of such vehicles must travel over either Station Bridge or Tarr Bridge. Both of which are listed bridges from I.K. Brunel railway. The Planning Inspectorate must be satisfied no damage will occur to the bridges or historic Sheepway road through the hamlet during construction or operation. The present use of Sheepway road by subcontractors of National Grid is appalling. However North Somerset Council allow</p>	<p>Access points AW3.2 and AW3.3 are not proposed to be an access to a construction compound. The fields are only to be used for ecological mitigation which will require minimal construction traffic</p> <p>Access points and compounds are shown on the Compound, Haul Road and Access to Works Plan (REP1-005; DCO document reference 2.29). The works are shown on the Works Plan (APP-013; DCO document reference 2.3).</p> <p>The two road bridges over the railway (Sheepway bridge and Portbury Station bridge) have been surveyed and works will be done</p>

No.	Type / Category	Topic	Issue	Applicant's response
			<p>these movements on a minor road that has no foundation against the 20 ton gross weight of stone ballast carrying vehicles at the rate of dozens per day has been negligent.</p>	<p>to repair and improve them prior to the start of the main construction phase to ensure that they are suitable for any construction vehicles that are required to use them.</p>
RG-D2-004			<p>4. Sheepway road drainage.</p> <p>From Station Bridge to LA15/21 the underground road drainage is severely damaged. NSC is aware of this, they have inspected the problem, repair action is planned for October 2020. The quantity and weight of Metrowest construction/maintenance traffic will increase the risk of damage to the drainage system. A mandatory weight limit needs to be included in the DCO to protect the Brunel bridges and roadway.</p>	<p>The drainage of the highway of Sheepway is outside the scope of the DCO Scheme.</p> <p>Access points AW3.2 and AW3.3 are not proposed to be an access to a construction compound. The fields are only to be used ecological mitigation, which will require minimal construction traffic. The main construction compound in this area is accessed from the A369 Portbury Hundred (AW3.1).</p> <p>Access points and compounds are shown on the Compound, Haul Road and Access to Works Plan (REP1-005; DCO document reference 2.29). The works are shown on the Works Plan (APP-013; DCO document reference 2.3).</p>
RG-D2-005			<p>5. Land drainage of the Metrowest local development.</p> <p>In the area of Sheepway, this is an historic arrangement of open ditches and culverts. I know a new design is underway. The new scheme, particularly north of A369 and south of Sheepway must be serviceable and much better use made of the ditches alongside A369 that feed drainage to Sandy Rhyne, Portbury Ditch and the sea. Sheepway is not on mains drainage despite a sewage works on Portbury Wharf nearby.</p>	<p>The IDB (responsible for ordinary watercourse) and the Environment Agency (responsible for main rivers) have been extensively consulted and the DCO Scheme amended as necessary to ensure adequate drainage from the railway and maintenance of existing drainage channels. The railway drainage ditches will be de-silted and renovated.</p> <p>A Flood Risk Assessment has been undertaken for Drove Rhyne and the Easton-in-Gordano stream which shows that the proposed scheme will not increase flood risk (APP-076; DCO Document Reference 5.6).</p>

No.	Type / Category	Topic	Issue	Applicant's response
				The contractor will also be required to follow their own detailed CEMP based on the Master CEMP (AS-046; DCO Application Document Reference 8.14) to keep impacts to a minimum, which will be developed and approved prior to works starting. This includes measures to control site drainage and protect nearby watercourses.
RG-D2-006			<p>To : Planning Inspectorate Team. Mr Bart Bartkowiak. 29/07/2020</p> <p>From : Mr R G Fox. Registration Number PORT003 reissue 4/10/20</p> <p>Subject : Bristol to Portishead Railway Branch Line. Planning application TR040011</p> <p>I have had severe trouble in viewing the application on line, home broadband speed too slow. The local Portishead Library, closed in early February 2020, was due to open on 4 July (post Covid-19) still has not reopened. Similarly, Bristol Central Library, I phoned this week, is not open for viewing the enormous planning application documentation and cannot forecast a date when it will be.</p> <p>I am now dependent on information gained from a brief introductory visit to Portishead library in late January 2020 . Others besides myself must be dissatisfied with the effect Covid-19 has had on application inspection opportunities.</p>	The Applicant has complied with the requirements as set out by the Planning Act 2008.
RG-D2-007			<p>I do wish to submit more evidence from better understanding acquired during the period from 26th February 2020 to date.</p> <p>From being a supporter in principle of the re-introduction of a rail transport connection to Portishead, I have learned a lot, educated myself, changed my mind, and concluded that the proposal in the above application does not accord with my views. It is</p>	Noted.

No.	Type / Category	Topic	Issue	Applicant's response
			unacceptable, outdated in design, function, passenger service and total cost for the following summary of reasons.	
RG-D2-008			1. The development necessary from the plans will be extremely expensive with much excessive land acquisition.	<p>The DCO scheme has a high value for money with a Benefit to Cost Ratio of 3.1 with wider economic impacts, giving £3.10 of quantified benefits for every £1 invested to implement the scheme. More information about this can be found in the Outline Business Case 2017 (APP-201 to 203; DCO document reference 8.4).</p> <p>The DCO scheme follows the alignment of an existing and disused railway line that is already in the ownership of the Applicant and Network Rail. Consequently, only minimal land is required to be acquired from other parties on a permanent basis. Land is only required for temporary or permanent acquisition where it is deemed justifiable and necessary for the works required to construct and operate the proposed DCO scheme.</p>
RG-D2-009			No successful evidence of contacting National Grid, who is carrying out much development in the area, to share use of land and land access at Tarr Bridge Sheepway that is adjacent to the branch line.	The applicant has had extensive discussions with National Grid Electricity Transmission (NGET) over a period of several years and has worked with NGET to come to an arrangement to share the area in question as a temporary construction compound and permanent road rail access point. This is set out in a draft Statement of Common Ground (REP1-023).
RG-D2-010			Considering the chief objective is to extend the railway line over a distance of 4.5 kilometres from the Portbury Dock rail line intersection point near the village of Pill to a new terminus on the outskirts of Portishead, an expenditure of between £100 and £120 million has been mentioned in the local press. A "cash cow" for the contractors indeed, with little thought for economic construction, operation, and minimising disturbance along the line.	<p>See earlier response on the benefits of the DCO scheme as set out in the business case.</p> <p>As part of the DCO application the Applicant has produced an Environmental Statement (APP-094 to 191; DCO document references 6.2 to 6.) that provides an assessment of the impacts of the DCO scheme during and after construction and sets out mitigation measures where necessary.</p>

No.	Type / Category	Topic	Issue	Applicant's response
RG-D2-011			2. Before we pour more taxpayers money into this project, please may I suggest that you make an audit into the commercial operating case that I feel has been too optimistic. The proposal admits to a loss making few years at the start but not that the losses will continue for many years. The customer load is not there, the business case is very weak.	The Outline Business Case 2017 (OBC) (APP-198 to 200; DCO document reference 8.4)) for the DCO scheme was submitted to the Department for Transport in December 2017 as part of Large Local Major Scheme bid for funding. The OBC was subject to DfT technical scrutiny in early 2018.
RG-D2-012			3. It may surprise you but most of the public do not realise what they are getting with the new branch line. Lack of communication from North Somerset Council and Metrowest has contributed to this, together with the unanticipated difficulty arising from Covid-19. People say they would like renewal of railway services, extinguished in 1964 by Dr Beeching because of lack of passengers, but surely not replaced with the outdated scheme identified in the DCO. The problem today is just the same as it was when Dr. Beeching closed it. That is, no one wants to go to Temple Meads Station in order to get to the shopping and entertainment districts at Broadmead or the city centre. Parsons Street Station is much further out. There will need to be a connecting bus service at Temple Meads to take customers to the city centre and bring them all the way back with their shopping to Temple Meads station for the return journey. Not very attractive.	<p>Consultation is an important part of the planning and development process. The Planning Act 2008 sets out the duty to consult that an applicant for a DCO must fulfil.</p> <p>The duty to consult requires applicants to publicise their project proposals widely and to consult with the local community, local authorities, statutory bodies and persons with an interest in land potentially affected by the proposed NSIP. This process is referred to as "pre-application consultation". It must be carried out before an application for a DCO can be accepted by the Inspectorate on behalf of the relevant Secretary of State – in the case of the DCO Scheme, the Secretary of State for Transport at the Department for Transport ("DfT").</p> <p>In tandem with its duty to consult under the 2008 Act, the Applicant, throughout the pre-application consultation for the DCO Scheme, has upheld NSDC's general principles and approach to public consultation.</p> <p>As is appropriate to fulfil its duty to consult, the Applicant has undertaken a multi-phase approach to consultation for the DCO Scheme since 2013. The Applicant has timed different phases of consultation to reflect key milestones in the DCO Scheme's project timetable, thereby seeking consultee responses at times when these can best inform the DCO Scheme's assessments, evolving proposals</p>

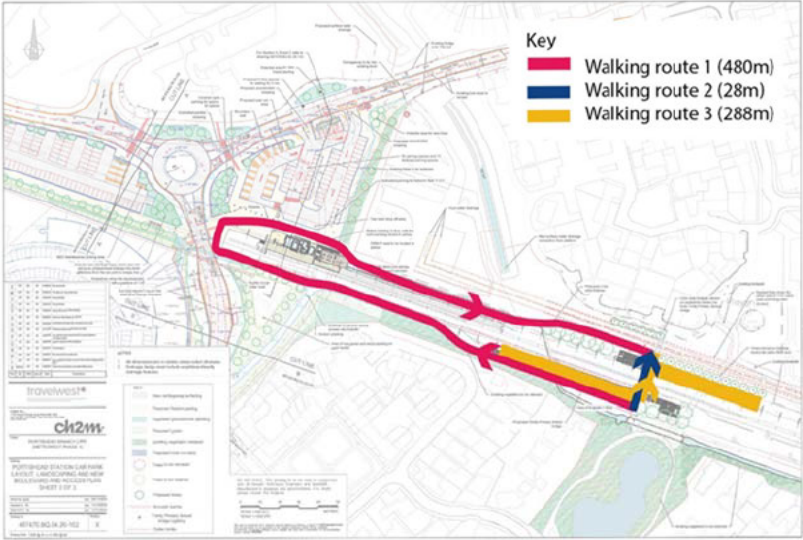
No.	Type / Category	Topic	Issue	Applicant's response
				<p>and design. This has allowed consultees' responses to input meaningfully into project evolution.</p> <p>More information about the Applicant's consultation and engagement is set out in detail within the Consultation Report (APP-058 to 071; DCO document reference 5.1).</p> <p>The forecast passenger demand is set out in detail in the Forecasting Report which is appendix 2.1 of the Outline Business Case 2017, Part 3 of 3, Appendix 1.1 to 5.1. (APP-200; DCO document reference 8.4). The Outline Business Case including the forecast passenger demand was subject to technical scrutiny by the Department for Transport.</p>
RG-D2-013			<p>4. Likewise visitors to Portishead by rail, face a similar problem. The proposed Portishead station and terminus is planned on the outskirts of the town requiring a long walk or special bus journey that does not exist at present to the town centre or lake grounds. Please note that the proposed rail route is worse than the Beeching route because the new station is on the outskirts of Portishead whereas the Beeching one was in the centre of Portishead, at what is now the Waitrose motor vehicle fuel station. Even including a minority of passengers with job connections mornings and evenings and passengers for interim stops, it will not make the new service commercially viable. Very expensive road works need to be done to put the station where planned. A couple of hundred metres back up the disused line land is available with no significant road works required at all.</p>	<p>The location of the proposed Portishead Station was subject to local consultation in 2014 with six options presented, as set out within the Consultation Report (APP-058 to 071; DCO document reference 5.1). If the station was located further toward the centre of Portishead then it would cross Quays Avenue.</p> <p>The Office of Rail Regulation has confirmed that a level crossing at Quays Avenue will not be permitted. Consequently, this option requires a road over rail bridge. There is insufficient room for a standard road bridge and the cost and complexities of the bridge combined with the environmental impact of a bridge so close to residential properties meant that this option was ruled out.</p> <p>The current proposed location of Portishead Station is the closest that it could be to Portishead centre on the existing alignment of the disused line without requiring it to cross Quays Avenue or other highways.</p>
RG-D2-014			<p>5. The choice of diesel locomotive power even as infrequent as an hourly service is not in line with the low carbon policy that UK transport must take to reduce hydrocarbon pollution and help reach climate change</p>	<p>The DCO Scheme is not proposing electrification of the rail line; because a viable business case could not be achieved. However passive provision has been provided with any new infrastructure</p>

No.	Type / Category	Topic	Issue	Applicant's response
			objectives. The train will not take significant cars off the road because the train does not take customers near enough to where they want to go. Motor cars and buses will still be the people's choice. Railways are suited to long distance travel and not short distances.	<p>required for the reopening of the Portishead Line designed to allow future electrification.</p> <p>Furthermore, train traction technology is currently advancing and while the initial train service will be diesel powered, it is possible that in the medium term some form hybrid power systems could be introduced. This upgrade could be retro-fitted to existing diesel trains in the medium term or could be included in the future long term replacement of the existing diesel trains.</p> <p>The DCO scheme will result in a reduction of 580 car trips per day in the opening year, increasing to 890 less car trips per day by 2036. Further information can be found in the ES Chapter 16 – Transport, Access and Non-Motorised Users (APP-111; DCO document reference 6.19) or the Transport Assessment and its appendices (APP-155 to 172; DCO document reference 6.25)</p>
RG-D2-015			6. Bus services are very good at present from First Group and Stagecoach. The train can never beat this service. The train fare will have to be free or very heavily subsidised to get passengers at all on a route that is worse than the Beeching route, not taking passengers near enough to where they want to go.	The bus routes serve different routes to the train and travel much more slowly than the train at peak times of the day. Passenger trains from Portishead will take just 23 minutes to reach Bristol Temple Meads, which is much quicker than a bus would be able to achieve, with no degradation of travel time due to congestion on the highway. The bus service is constrained by the same congestion experienced by car users. Reopening the railway provides modal choice.
RG-D2-016			7. House builders support the new branch line because they are following Govt. policy of development along lines of communication. However, there is no land available at least to the extent the developers want it. It is all very wet land in the Gordano Valley and the nature reserves, even squashy in summer, very difficult to drain	The proposed development areas in Portishead are set out in the North Somerset Core Strategy, adopted January 2017. A list of committed developments is set out in 6.25 ES Volume 4 Appendix 16.1 Transport Assessment_Pt 6_Appendix B (Part 6 of 18) (APP-160; DCO document reference 6.25).

No.	Type / Category	Topic	Issue	Applicant's response
RG-D2-017			<p>being at sea level. Land raising is not a suitable solution. Drainage of the Portbury Basin and the Gordano Valley is essential and indispensable, there is no other way out.</p> <p>8. I would like the Planning Inspectorate to insist on North Somerset Council together with Metrowest evaluating other more up to date transport methods and to include loop routes at both Portishead and Temple Meads to get passengers nearer to where they want to go. A tram route based on the railway gauge could be built into existing roads to provide the loop extensions at each end. But better still a bus road can be incorporated into the rail route without hindering industrial rail traffic from Portbury Docks and can still pass onto conventional roads giving superb flexibility and even be part of the Bristol Metrobus system. The route would be a Metrobus route allowing no other vehicles. Ashton Gate looks a good place to have the intersection although there probably could be others also. That would be a very fine addition to the Bristol and vicinity future public transport system.</p> <p>A Metrobus system can go up hills and down hills whereas railway extensions must always be horizontal. Bristol and Portishead are distinctly hilly areas.</p>	<p>The Office of Rail and Road (ORR) is the primary regulatory body for railways in the UK. Further information about the role of the ORR is available from: www.orr.gov.uk. The ORR's role includes the approval of railway vehicles for operation on railways and this approval encompasses, passenger trains, freight trains, trams and various type of rail mounted construction and maintenance vehicles. The ORR do not currently approve the use of buses on railways (except at level crossings), due to the insurmountable technical and safety reasons set out below.</p> <p>The Railways and Other Guided Transport Systems (Safety) Regulations (ROGS) would have to be applied to the proposed operation of buses, at least on so the freight operations form part of the mainline railway operations to which the Regulations apply. Whilst guided busways are excluded from the Regulations, the interoperability of two different transport modes would have to be regulated by the railway aspect of the Regulations. It seems very difficult to contemplate how a safety case for running public buses on a freight railway through the Avon Gorge (and including through several tunnels) would be acceptable in any safety case that might be put forward. Further information about ROGS is available from the ORR website.</p> <p>Alongside the ORR, the rail industry collectively co-ordinate safety and technical standards through the Rail Safety and Standards Board (RSSB). The RSSB also do not currently approve the use of buses on railways (except at level crossings). Further information about the RSSB is available from: www.rssb.co.uk</p>

No.	Type / Category	Topic	Issue	Applicant's response
RG-D2-018			<p>9. Considering the enormous necessary increases in annual deficit and national debt due to Covid-19, together with budgets for austerity recovery, and if public spending must be trimmed back, the expenditure of more than £100million on a bad choice for the new branch line at more than £25million/kilometre, gives sound reasoning to halt or refuse this particular DCO until a better one comes forward.</p> <p>Hence there is not a compelling case for the order to be made. This will be an appalling error if this particular DCO is allowed to go ahead.</p>	<p>MetroWest Phase 1 has compelling strategic and economic benefits along with a sound management, commercial and finance case. The key benefits of the project in summary include:</p> <ul style="list-style-type: none"> • Value for Money: the project will provide over £3 of economic benefits for every £1 invested to deliver the project. This places the project in the 'high value for money' category used by the Department for Transport in its evaluation of transport investment proposals. • Modal Shift: Reduction of 580 car trips per day in the opening year, increasing to 890 less car trips per day by 2036. • Job Creation: 514 net new direct permanent jobs + temporary jobs during construction. • Gross Value Added (GVA) to the economy: £31.87M PA in the opening year, totalling £271M discounted GVA during the first 10 years. Plus a further £59.27M during construction. • Forecast Rail Passenger demand: 2021: 958,980 passenger trips, 2036: 1,295,103 passenger trips. <p>Population Benefiting: Will upgrade the existing train service at 16 existing stations across three rail corridors, directly benefiting 180,000 people within a 1 kilometres catchment and bring an additional 50,000 people within the catchment of the 2 new stations (Portishead and Pill). The total population benefiting from the project is 230,000.</p> <p>More information about this can be found in the Outline Business Case 2017 (APP-201 to 203; DCO document reference 8.4).</p>

No.	Type / Category	Topic	Issue	Applicant's response
ST-D2-001	Simon Twist	Trinity bridge	I would like to register my objection to the proposed Trinity footbridge, whilst I appreciate my neighbours Mr & Mrs Sanders have already raised similar concerns, we would like to make our objection clear and ask some further questions with regards the Applicants responses to the initial questions posed by Mr & Mrs Sanders.	Noted. Please also see responses SA-02.
ST-D2-002			<p>Why is the footbridge required? With reference to the response from the Applicant in 9.5 ExA.OFH.D1.V1 – Response to Representations at the Open Floor Hearing, whilst I have not seen the table (4.20 of DCO document reference 6.25 ES Volume 4 Appendix 16.1 Transport Assessment Pt Main Report (Part 1 of 18) (Examination Library ref: APP 155),) nor question the fact that the "Rail Authority in 2002, Network Rail has adopted a national 'no new level crossing' rule which extends to any level crossing on a disused line which is brought back into operation." I do not believe either offers any clear justification as to why this footbridge is required. We not only question the value of building such a large structure when to walk around the new proposed footpaths would be an additional 100 meters, we would like to understand why this is required, who is it servicing, what is the driver to spend all that money and cause significant privacy and noise issues for multiple properties, this is not a public right of way. Who is this bridge for? Can you offer predicted numbers for each category? Could I please be directed to this document for future reference - (4.20 of DCO document reference 6.25 ES Volume 4 Appendix 16.1 Transport Assessment Pt Main Report (Part 1 of 18) (Examination Library ref: APP 155) - Dog walkers - they are out for a walk an additional 100 meters would be not an issue. - General walkers - they are out for a walk an additional 100</p>	<p>In the ES Appendix 16.1 Transport Assessment (APP-155; DCO document reference 6.25 (Part 1 of 18)), Table 4.20 shows the results of pedestrian, cycle and equestrian counts undertaken by the Applicant. Between 7am and 10am, 157 pedestrians and 16 cyclists used the crossing and between 2pm and 6pm, 234 pedestrians and 33 cyclists used the crossing, on the day the count was undertaken.</p> <p>The option of doing nothing was considered but this was discounted due to the long term increased risk of trespass onto a live railway. Another factor is the health and equality impacts arising from increased severance as a result of closing the existing permissive crossing and signposting the community to use the alternative (long way) route via Quays Avenue.</p> <p>The alternative route for pedestrians and cyclists if there was no crossing is shown in Figure ST-002 – 1 below – Walking route 1 – which follows the path either side of the platforms and around the end of the station buffer enclosure. For comparison the approximate horizontal distances for the bridge (Walking Route 2, 28m) and the ramps (Walking Route 3, 288m) are also shown on the figure. The alternative route around the station stated in the submission does not take into account the rerouting of Quays Avenue which will result in a longer route than an extra 100m as stated.</p> <p>Figure ST-002 -1</p>

No.	Type / Category	Topic	Issue	Applicant's response
			<p>meters would be not an issue. - Bikes - Will bikes be allowed to ride on the bridge? Most will opt to stay on the flat and use the new proposed footpaths and not have to navigate the multiple tight turns proposed and a 1:15 incline. - Scooters/Skateboards - Will they be allowed to ride on the bridge? "The Applicant also consulted the local Disability Forum on the bridge design and accepted the need for a compromise between length and gradient." Can you confirm who was consulted? Can you confirm the number of predicted disability users? -</p>	 <p>In the ES Appendix 16.1 Transport Assessment (APP-155; DCO document reference 6.25 (Part 1 of 18)), Table 4.20 shows the results of pedestrian, cycle and equestrian counts undertaken by the Applicant. Between 7am and 10am, 157 pedestrians and 16 cyclists used the crossing and between 2pm and 6pm, 234 pedestrians and 33 cyclists used the crossing, on the day the count was undertaken. Although the catchment for Trinity School does not cross the railway, the Applicant's team has observed that some pupils and their families do use the existing crossing when leaving school.</p> <p>The ramps have been designed to accommodate bicycles and groups were consulted and supported the bridge. The bridge will be monitored post construction and if skate boarding is an issue measures can be fitted retrospectively.</p>

No.	Type / Category	Topic	Issue	Applicant's response
				<p>A number of equalities groups were consulted, included disability groups and those that responded supported a bridge at this location. Consultees and their responses have been recorded in the DCO Consultation Report (APP-058; DCO document reference 5.1).</p> <p>All new infrastructure needs to be fully accessible and so the number of disabled users does not dictate design.</p> <p>All DCO application documents are available from the project's document store linked from www.travelwest.info/metrowest, or The Planning Inspectorate's website https://infrastructure.planninginspectorate.gov.uk/projects/south-west/portishead-branch-line-metrowest-phase-1/?ipcsection=docs</p>
ST-D2-003			<p>The design of the footbridge The response by the Applicant in 9.5 ExA.OFH.D1.V1 with regards the design of the bridge does not address any of the privacy and noise concerns that all local property owners have with regards the proposed bridge. The design justification from a national standards point of view is referenced but nothing with regards any consideration to local residents. We should be entitled to fully understand the impact of this construction. - Would it be possible to see a series of pictures from various locations and heights of the proposed footbridge design into all properties so this can be assessed? - Would it be possible to clearly identify and mark all trees that will remain so we can understand the 'possible' screening suggested? - Can the applicant commit to significant planting of mature trees? If so, how many, what size and what location? - Could you please replicate the lighting proposed so we can all experience what 500 LED lights flashing on and off all night and see how that will impact our children sleeping in their bedrooms? - Will there be CCTV on the bridge, if</p>	<p>For alternatives considered, please see response to SA-D2-005.</p> <p>Trinity bridge lighting will be maintained by North Somerset Council, with occupancy detectors also installed to dim the lighting on the bridge and stairs when unoccupied. It is proposed to install handrail lighting on the stairs and ramp which is very directional and reduces overspill into neighbouring properties. There are anti-climb luminaires on the bridge deck and 5m columns in area on approach to the bridge.</p> <p>Being LED and modern fittings there is very limited upglow, and they are designed to meet environmental E2 guidelines for rural areas (details from GN01-2005 Guidance notes for the reduction of obtrusive light):</p> <p>Sky glow – 2.5%</p> <p>Light trespass into windows pre curfew – 5 lux</p>

No.	Type / Category	Topic	Issue	Applicant's response
			<p>so can you please provide a clear statement of what views will be monitored and offer sample views to all neighbouring properties? - Can you please share pictures of existing bridges of the same design so we can see what is proposed and how it looks in their existing settings? We would also be keen to know what will be in place to stop motorised scooters and mopeds from using the bridge, there is an existing issue where mopeds/motorcycles use the current crossing at night, what will you have in place to stop this? This bridge will have a significant detrimental impact on our properties and I think this needs to be considered at a much more detailed level with all locals involved in that process, whilst I appreciate referencing national standards and documents has its place I believe the impact of designs need to be fully understood and considered in detail at a very local level.</p>	<p>Light trespass into windows post curfew – 1 lux</p> <p>Source intensity pre curfew – 7.5kcd</p> <p>Source intensity post curfew – 0.5 kcd</p> <p>As this bridge and surrounding areas are not at a station it is considered a public path, hence the lux level instead have an average of 30 lux for the bridge (from BS 5489-1), an average of 10 lux for the walkways and 0.4 uniformity.</p> <p>Photo montages of the bridge from multiple views have been included in the 'Photomontages Technical Report', Appendix 11.4 of the Environmental Statement (APP-152; DCO document reference 6.25)</p> <p>The ramps are designed to allow bicycles to use the bridge and there are no design solutions to exclusively stop motorbikes without restricting cyclists as well. However the bridge is not intended for use by motorised vehicles and signage can be included stating this.</p>
ST-D2-004			<p>Compensation to local residents</p> <p>I do not know what the process is and what we are entitled to with regards compensation due to the impact of a Public Infrastructure project but I want to be certain I do not miss any deadline with regards submitting a claim for (though not limited to) the following :</p> <ul style="list-style-type: none"> - Impact to the value of our property due to the building of the station. - Impact to the value of our property due to the reopening of the disused railway line. - Impact to the value of our property due the building of the footbridge. - Compensation during the construction of the station. 	<p>The Principles of the Compensation Code, and in particular Part 1 of the Land Compensation 1973, will apply to the DCO Scheme.</p>

No.	Type / Category	Topic	Issue	Applicant's response
			<p>- Compensation during the construction of the footbridge.</p> <p>- Legal fee compensation if required to fight the construction of the proposed footbridge.</p> <p>- Legal fee compensation if required to secure the above compensation.</p> <p>Please advise where we can familiarise ourselves with this process.</p>	
ST-D2-005			<p>The Station</p> <p>In addition to the above objection/questions on the Footbridge I have a few questions with regards the station. I have not familiarised myself with the proposed plans for the station but I would be keen to know what the proposed design and operation will have on both a light and noise pollution for local residents. What is the plan for lighting? Will there be public announcements? Where could I find this detail?</p>	<p>All DCO application documents are available from the project's document store linked from www.travelwest.info/metrowest, or The Planning Inspectorate's website https://infrastructure.planninginspectorate.gov.uk/projects/south-west/portishead-branch-line-metrowest-phase-1/?ipcsection=docs</p> <p>Information on Portishead Station is across multiple documents but includes station plans, lighting designs and 3D views. Impacts have been assessed in the individual ES chapters. In particular see the following::</p> <ul style="list-style-type: none"> • Portishead Station Proposed Platform Sections (Sheets 1 and 2) (APP-015; DCO document reference 2.8.2) • Portishead Station Building Design: Proposed Station Buildings (APP-018; DCO document reference 2.11) • Portishead Station Coordination Plan (APP-018; DCO document reference 2.12) • Portishead Station 3D views (APP-018; DCO document reference 2.13) • Portishead Station Platform Lighting & Lighting Control Layout (Sheets 1 and 2) (APP-018; DCO document reference 2.14)

No.	Type / Category	Topic	Issue	Applicant's response
				<ul style="list-style-type: none"> • Portishead Station Car Park Layout, Landscaping and New Boulevard and Access Plan (APP-035; DCO document reference 2.38) • ES Chapter 11 Landscape and Visual Impact [APP-106; DCO document reference 6.25] • ES Chapter 13 Noise and Vibration [APP-108; DCO document reference 6.25] • The evolution of the station design is discussed in the Design and Access Statement [APP-196; DCO document reference 8.1]. • <p>The noise from the Public Announcement Voice Alarm system ("PAVA") has been included within the ES Appendix 13.3 Assumptions and noise model/ input data (APP-153; DCO document reference 6.25) . The system used will conform to NR standards and will consist of multiple speakers across the platform length. This will reduce volume from each speaker, while providing sufficient coverage for waiting passengers.</p>
ST-D2-006			<p>Please note - there are many more impacted properties that would contest this bridge but many suspect that this project will never secure the final funding, in light of the uncertainty around any future spending due to the current Corona crisis, we believe a clear communication should be sent to all local residents again giving a clear update on funding and give them a further opportunity to offer their views. Whilst I appreciate this may not be a standard requirement, these are not normal times and all processes should be adapted. Thank you for the</p>	<p>Consultation has been carried out in accordance with the Planning Act 2008.</p> <p>The project team has updated members of the public since the DCO application was submitted via a number of means including:</p> <ul style="list-style-type: none"> • monthly project updates have been included on the project's website (www.travelwest.info/metrowest); • press releases issued at key stages; • publication of the MetroWest newsletter;

No.	Type / Category	Topic	Issue	Applicant's response
			<p>opportunity to lodge my objection and pose the above questions.</p>	<ul style="list-style-type: none"> • public notices placed in multiple locations across the length of the DCO scheme in January 2020 as part of the Section 56 process, and more recently prior to DCO Examination Hearings; • press notices published as part of the Section 56 process, and more recently prior to DCO Examination Hearings; • Member briefings; • Council publications.
CLH-D2-001	CLH Pipelines	Utilities	<p>We act for and on behalf of CLH in this matter.</p> <p>1 Introduction</p> <p>1.1 This correspondence constitutes an objection to the application submitted by North Somerset Council ("the Promoter") for a Development Consent Order ("the DCO") to rebuild the disused branch line between Portishead and Pill and reintroduce train services. CLH is an interested party for the purposes of the Scheme and has received a Section 56 notice from the Promoter.</p> <p>1.2 CLH has been engaging with the Promoter as the Scheme potentially impacts and interferes with CLH's existing pipelines, which lie within the Order Limits. CLH has identified that it will require protective provisions to be agreed with the Promoter to ensure its apparatus and land interests are adequately protected and to ensure the safe ongoing operation of its pipelines.</p> <p>1.3 CLH does not object in principle to the Scheme proposed by the Promoter. CLH does, however, object to works being carried out in close proximity to its apparatus unless and until suitable protective provisions have been secured to its satisfaction. CLH also objects to any compulsory acquisition powers for land or rights or other related powers to acquire land temporarily or</p>	<p>The Applicant notes the comments of CLH in its written representation. The Applicant has worked with CLH throughout the application process to reach agreement in relation to the interactions between CLH's apparatus and the DCO Scheme.</p> <p>The Applicant notes the comments of CLH in relation to the protective provisions contained in the draft Order. The Applicant believes that the protective provisions in the draft Order adequately protect CLH and its apparatus. Notwithstanding this, as is mentioned in the written representation of CLH, the parties are currently negotiating a protective agreement that includes the requirements highlighted by CLH in paragraph 4 of its representation.</p> <p>The Applicant will continue to work with CLH to settle the form of the protective agreement and will update the ExA on the position with negotiations as the Examination progresses.</p>

No.	Type / Category	Topic	Issue	Applicant's response
			<p>otherwise interfere with easements or rights which would affect its land interests, rights, apparatus or access to apparatus.</p>	
CLH-D2-002			<p>2 Interests in land within the Order Limits</p> <p>2.1 CLH has the right to retain, maintain and use pipeline apparatus in land within the Order Limits pursuant to Part 4 of the Energy Act 2013. The documents and plans submitted for the Scheme indicate that CLH's apparatus will be affected by the Scheme two distinct locations: (a) Sheepway, east of Portishead, where two of CLH's existing pipelines cross the track bed perpendicularly; and (b) beneath the M5 viaduct, south of the Bristol Port Company's Portbury Dock branch, where a further two of CLH's existing pipelines run within a proposed temporary construction compound. This site will be subject to temporary powers in favour of the Promoter and/or Network Rail Infrastructure Limited.</p> <p>2.2 CLH operates a network of fuel distribution pipelines that form a critical part of the UK's fuel supply system. The four pipelines affected by the Scheme are multi-fuel pipelines that transport fuel products on an almost continual basis, 7 days a week. CLH is responsible for the safe operation, maintenance and long term integrity of its pipelines and CLH's rights and access to its pipelines must be preserved at all times to allow it to inspect, maintain and repair its pipelines in order to fulfil its responsibility.</p> <p>2.3 As CLH's pipelines are already present within the Order Limits, the making of the DCO without adequate</p>	<p>See response to CLH D2-001 above</p>

No.	Type / Category	Topic	Issue	Applicant's response
			<p>protective provisions in place will put the integrity, safety and operation of the pipelines at significant risk, as discussed further below.</p>	
CLH-D2-003			<p>3 Nature of objection to the DCO</p> <p>3.1 CLH does not object to the Scheme in principle. Conversely, it does object to any acquisition of its apparatus or rights under any compulsory acquisition powers granted in the DCO, and the grant of any further rights or powers that have the potential to:</p> <ul style="list-style-type: none"> • create a risk, whether during or after construction of the Scheme, to the physical and operational integrity of the pipelines; • obstruct CLH's ability (physically or legally) to protect its pipelines and gain access to the pipelines for inspection, maintenance and repair, whether during or after construction of the Scheme; or • prevent or diminish CLH's ability to enforce its legal rights in respect of current and future protection of the pipelines from surface or underground activity. <p>3.2 In addition, the execution of works in close proximity to the apparatus will pose risks to the ongoing safe operation of the pipelines, such as:</p> <ul style="list-style-type: none"> • restriction of future access, rendering the pipelines unsafe should a fault or feature be identified by future inspections; 	See response to CLH D2-001 above

No.	Type / Category	Topic	Issue	Applicant's response
			<ul style="list-style-type: none"> • third party damage during construction including strikes and pipeline failure due to repeated heavy plant crossing; and • stress to the pipelines by overburdening or undermining without correct support. 	
CLH-D2-004			<p>4 Protective provisions</p> <p>4.1 The draft DCO contains protective provisions relating to CLH's apparatus at Schedule 16 Part 6. However, these provisions are not adequate for the protection of CLH's apparatus and its rights. CLH is therefore negotiating a separate protective provisions agreement with the Promoter.</p> <p>4.2 As drafted, the DCO is inadequate to protect CLH's apparatus or ongoing functions, which are of national importance. In particular, CLH requires the following protections, which are absent from the draft DCO but which are important for the ongoing and safe operation of CLH's pipelines: to prevent the Promoter from acquiring or frustrating CLH's rights in respect of its apparatus or any of its rights in land unless by agreement with CLH;</p> <ul style="list-style-type: none"> • to restrict the Promoter's ability to obstruct access to the apparatus or otherwise interfere with CLH's ability to carry out its functions as an oil pipeline operator; • should the Promoter require removal of CLH's apparatus, to afford CLH sufficient notice , sufficient details of the proposed new position of the apparatus and the rights to construct suitable alternative apparatus; 	See response to CLH D2-001 above

No.	Type / Category	Topic	Issue	Applicant's response
			<ul style="list-style-type: none"> • to ensure CLH is provided with sufficient notice and detail to assess any works that the Promoter intends to carry out within 15m of any part of CLH's apparatus, for example to determine whether protective works or monitoring of adjoining activities or works are necessary; • where considered necessary by CLH or the Promoter, to ensure tests are undertaken to determine any interference to cathodic protection; • to ensure that the Promoter secures any land which is required to accommodate any alternative apparatus required in the event that a diversion to the existing pipelines is required as a result of the Promoter's scheme. • to indemnify CLH against all losses, damage, liability, costs and expenses incurred as a result of the Promoter's works, including CLH's costs of stopping and restoring supply through its apparatus, and to ensure CLH remains neutral in cashflow; • to include a covenant on the part of Network Rail to comply with the obligations of any protective provisions agreement, as successor to the Promoter. • to require the Promoter to enter into a works agreement, to govern the roles and responsibilities of the parties, for example in the event of complex or technical works to the apparatus or alternative, where reasonably required by CLH; and • to ensure the Promoter suspends works on the Scheme on receipt of notice from CLH in the event of an emergency, including at the behest of Her Majesty's Government, the Secretary of State, any other 	

No.	Type / Category	Topic	Issue	Applicant's response
			government, a domestic government agency or an international agency. 4.3 Until the protective provisions agreement is agreed and completed, CLH will maintain its objection to the proposed scheme.	
CLH-D2-005			<p>5 Further comments</p> <p>5.1 CLH reserves the right to make further representations as part of the examination process, but will continue to collaborate with the Promoter to progress the protective provisions agreement. Our amendments to the agreement made on behalf of CLH are currently with the Promoter's solicitors for consideration. Should it not be possible to reach agreement with the Promoter, CLH reserves its right to attend compulsory acquisition or issue specific hearings to address the required format of the protective provisions.</p> <p>5.2 CLH is confident that the parties, acting responsibly, will be able to progress matters but at this stage, CLH must make a representation regarding the risk to its pipeline assets; CLH objects to any interference or risk by the Project to these assets and related land rights.</p> <p>5.3 CLH looks forward to updating the Planning Inspectorate upon the state of negotiations and, if necessary, detailing continued concerns in subsequent written representations to the Planning Inspectorate.</p>	See response to CLH D2-001 above
AS-D2-001	Sutherland Property and Legal Services Ltd (representing	Ashton Vale Road area	<p>Executive Summary</p> <p>ETM Contractors Ltd and Manheim Auctions Limited are both long standing businesses on the Ashton Vale Industrial Estate/Cala Trading Estate. Though they do</p>	See responses to AS-D2-002, AS-D2-003, AS-D2-004 & AS-D2-005

No.	Type / Category	Topic	Issue	Applicant's response
	ETM and Manheim)		not object to the principal of the Development Consent Order they have continued to advance criticism of the modelling provided for the junction of the A3029 and Ashton Vale Road.	
AS-D2-002			The level crossing at this entry point to The Estate passes adjacent to the signal controlled junction; between it and the business park. Currently, this line carries only freight traffic and closes typically no more than once a day. Whenever the level crossing is closed it severs The Estate from the adjacent highway infrastructure. Thus, preventing traffic from accessing or egressing The Estate, which becomes wholly landlocked for the duration of the closure (and subsequent clearance time) for queuing traffic. Any suggestion of increasing the frequency of such closures has potential for generating very significant impact on the ability of businesses within The Estate to continue to trade in a commercially viable manner.	The Applicant believes that queuing is caused principally by the traffic signal controls at the Ashton Vale Road/Winterstoke Road junction.
AS-D2-003			It is submitted that the access serves a <i>Principal Industrial and Warehousing Area</i> (as designated by Bristol City Council), which is an important hub of industry, commerce and employment. In planning policy terms the application could not be supported because of the effect on the business within the Ashton Vale Industrial Estate/Cala Trading Estate and their ability to operate. The ' <i>agent of change</i> ' as set out in paragraph 182 of the National Planning Policy Framework 2019 is specific in stating that the proposed development (MetroWest) must demonstrate it can be successfully integrated with existing businesses and " <i>existing</i>	<p>Planning permission or development consent is not required for more services to be operated on the existing operational railway. The increased service patten is therefore not an "agent of change" to which the NPPF would apply if this application was an application for planning permission.</p> <p>In any event, the analysis carried out (described in Appendix 16.1 – Transport Assessment, Part 18 of 18 (APP-172; DCO document reference 6.25)) does not suggest any reduction in capacity at the Ashton Vale Road signals. The introduction of MOVA should offset the delay associated with frequent level crossing closures to traffic,</p>

No.	Type / Category	Topic	Issue	Applicant's response
			<p><i>businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established”.</i></p>	<p>and provide increased capacity and reduced delay at those time when the level crossing barriers are raised.</p>
AS-D2-004			<p>The submission advances that not only is the current modelling insufficient to demonstrate the current operation of The Estate will be unaffected by this proposal, it also sets out that future restrictions may be placed on existing businesses wishing to expand within The Estate because of the implications of the level crossing closures proposed by MetroWest (and its impact on the highway providing access to and from the Estate units). As a final point it is quite conceivable that on receiving consent MetroWest may seek to increase the number of train movements per hour, placing further pressure on the existing businesses.</p>	<p>The section addresses transport modelling through the Interested Party's representation as a whole. In particular, it references Chapter 5 ('Limitations of Previous Modelling') and Appendix VII (Technical Note – VISSIM MODELLING REVIEW by Systra).</p> <p>Chapter 5 'Limitations of Previous Modelling'</p> <p>Comprehensive previous justification has already been provided that the data used was robust and representative in Appendix 16.1 – Transport Assessment, Part 18 of 18 (APP-172; DCO document reference 6.25). In addition, the applicant's consultants have prepared the note (see Appendix 2 to this document) summarising the main criticisms made by the Interested parties. The Applicant's consultant has confirmed the VISSIM model used was validated to observed data to the relevant guidelines. In addition, attention is drawn to further modelling work carried out using LinSIG (that considers the operation of the traffic signals in detail), which is also reported in the Transport Assessment; the representation makes no reference to this analysis.</p> <p>A specific point raised concerns the lack of an assessment of a Manheim auction day scenario. Again this is covered in the previous response (2.3.2 of Appendix 2 to this document). When flows are high on Ashton Vale Road due to a Manheim auction, the flows on Winterstoke Road are much lower compared to the weekday AM and PM peak periods modelled. As such, there will be capacity in the signals to deal with these high-volume outflows, particularly under MOVA, which will be able to give a more generous MAX green to Ashton Vale Road for such events.</p>

--

	<p>Appendix VII (Technical Note – VISSIM MODELLING REVIEW by CTC/Systra)</p> <p>The Interested Party's review report raises a number of issues, most of which were covered in Appendix 2 to this document. The VISSIM Modelling Review is dated November 2019, and is based on reviews of documents from the Preliminary Environmental Impact Report (PEIR). It therefore appears to pre-date the final version of the VISSIM assessment report (June/July 2018, included in the 2019 DCO submission). As such, the update process means that many of the issues raised no longer apply.</p> <p>However, some brief notes on some of the specific issues raise in the VISSIM MODELLING REVIEW by CTC/Systra are as follows:</p> <ul style="list-style-type: none">• 2.3: The report criticises the absence of the A370 in the model and the fact that the exit blocking toward this exit is not considered. However, some account was made for this exit impedance in the model through the use of Reduced Speed Areas and moreover the model still validates to observed journey times. In effect, if a material external influence was missing, as is implied, the model would not have validated.• 2.3.4: all the analysis is focused on 8am-9am and 5pm-6pm, except for queue graphs which cover the full periods.• 2.3.5: whilst 4:30pm-5:30pm was not considered explicitly in the model validation or assessment work, calibration and validation checks were carried for each hour, so it can be inferred that this hour would also be representative in the model. Queue results in the assessment report also cover this period.• 2.3.7: there is no firm guidance concerning the number of observed vehicles (as a function within microsimulation models); the statement that the value is too high does not make sense, since the setting also applies to network
--	--

No.	Type / Category	Topic	Issue	Applicant's response
				<p>features, so does not constitute an unrealistic degree of observation by drivers.</p> <ul style="list-style-type: none"> • 2.3.8: the base model assumed no closures of the level crossing. For the scheme testing the closures and how they are modelled is clearly set out in the assessment report (noting that this review did not consider the latest version of the LMVR or assessment report). • 2.3.10: criticism of traffic data used in model because of MetroBus (AVTM) works has been dealt with previously (Appendix 2 to this document). • 2.4.2: it is not accepted that a total vehicle calibration should be added. The Review confirms that total vehicles still calibrate so there is little or no value in doing this. • 2.4.3: this section suggests the modelled flows are a little low, but acknowledges they all meet the relevant acceptability criteria, and goes on to link with the next point about journey times (2.4.4). • 2.4.4: this is arguing that only a (DfT TAG) 15% journey time validation criteria should be used (arguing that routeings in the model are too short for an alternative absolute measure of 60 seconds). While this is a reasonable interpretation of guidance, most of the comparisons in the core peak hours (8am-9am and 5pm-6pm) are within 15%. Only one comparison is outside this range in the AM peak, on Ashton Vale Road itself. However, this journey time is only 25 seconds higher, which the Applicant's consultants are content is robust for this arm of the junction. • 2.4.5: there is criticism of a lack of journey time validation on Marsh Road, and a suggestion that Trafficmaster data

No.	Type / Category	Topic	Issue	Applicant's response
				<p>should be used. In the first instance, it is likely that a Trafficmaster sample would be very poor on this road. Moreover Marsh Lane doesn't really interact with the rest of the junction so is not a material concern for the model.</p> <ul style="list-style-type: none"> • 3.2.2: this suggests that no traffic growth was assumed in the assessment modelling. This is incorrect as a forecast year of 2021 was used, as the then expected opening year of the Portishead railway. The growth added was circa 5% (see para 2.2 of the assessment report in '6.25 – ES Volume 4 – Appendix 16.1 – Transport Assessment, Part 18 of 18' [APP-172]). • 3.2.3: this section queries why strategic modelling was not used to inform "demand forecasting". Strategic modelling would not have provided an appropriate way of assessing the Ashton Vale Road/Winterstoke Road junction in detail. Hence, the approach was taken to use a combination of VISSIM and LinSIG modelling, as this is far more robust. Again the Interested Party's representation (and review report within it) seems to be based on reviews of superseded modelling approaches and documentation (for example, it does not critique, or even acknowledge, that detailed modelling of the traffic signals was carried out using LinSIG; reported in the Transport Assessment). • 3.2.4: the train times and closure durations modelled were derived from advice from Network Rail; these are set out in Appendices A and B of the latest assessment report (contained in the Transport Assessment). • 3.4.1: MOVA is not currently present in the controller on street; it runs VA;

No.	Type / Category	Topic	Issue	Applicant's response
				<ul style="list-style-type: none"> 3.5.1: this is a long section seeking clarification of results. However, the results it is referring to are from an old, and superseded, report; for instance it references the model's Network Performance statistics, but these are not presented in the latest assessment report, as only journey times and queue lengths are in the Transport Assessment. As such, the remainder of these points are related to results' interpretation which is probably not relevant, and certainly not based on the latest results. On the singular issue of the 4:30pm-5:30pm hour that is contended as the 'actual' peak hour, it is accepted that journey times don't cover this time specifically but queue lengths cover the full model periods (in both the superseded and latest results). 3.5.2: this is the final 'serious issue' in the review, and is intended as a catch-all summary to say that the models are not appropriate because the issues identified mean the models cannot be relied upon. The Applicant does not, for the reasons stated above, accept the criticisms of the base model and its use. The Applicant would also note that the Interested Party's review process has not considered the latest reported model setup, data and results.
AS-D2-005			As such the applicant should be required to demonstrate that not only will the proposed operation of MetroWest not have an impact on the businesses within The Estate's current operating model, the applicant should also clearly demonstrate that businesses within The Estate that wish to expand will be able to do so without the risk of any further restrictions being placed upon them.	The Applicant does not believe that the DCO Scheme imposes any additional constraints on the occupiers of the Ashton Vale Road industrial estate. The applicant believes the proposed MOVA installation at Ashton Vale Road junction with Winterstoke Road will for most periods of the day, materially improve traffic conditions.
	Sutherland Property and	Ashton Vale Road area	Full response, going into the detail from the executive summary above. See below for full version:	See responses to AS-D2-003, AS-D2-004 & AS-D2-005

No.	Type / Category	Topic	Issue	Applicant's response
	Legal Services Ltd (representing ETM and Manheim)		https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/TR040011/TR040011-000847-Sutherland%20Property%20&%20Legal%20Services%20Ltd%20on%20behalf%20of%20ETM%20Contractors%20Ltd%20and%20Manheim%20Auctions%20Limited%20-%20Written%20Representation.pdf	
BK-D2-001	Babcock (Osborne Clarke)	Babcock	MetroWest Phase 1 Development Consent Order Babcock Integrated Technology Limited, Ashton House, Ashton Vale Road, Bristol ('the Site') We write to you on behalf of our client Babcock Integrated Technology Limited (' Babcock ') in relation to the Metrowest Phase 1 Development Consent Order (the ' DCO '). Babcock have been in dialogue with North Somerset Council (' NSC ') to seek agreement to the impacts that the works will have on the Site. 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.	The Applicant is grateful to Babcock for its engagement in the pre-application process.
BK-D2-002			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. 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	The Applicant's letter of 20 November aimed to provide the assurances it was understood were being sought by Babcock.

No.	Type / Category	Topic	Issue	Applicant's response
			used to document the parties' position and show that the representation had been dealt with. That letter suggested for "[Babcock's] solicitors to contact NSDC's solicitors to discuss how best to document the parties' positions". Babcock on that basis instructed Osborne Clarke to progress the matter with NSC's solicitors, Womble Bond Dickinson ("WBD") to conclude negotiations which it did both orally and in correspondence dated 13 October 2020.	
BK-D2-003			Last Friday at 10:32 am (20 November 2020) Osborne Clarke received a response to its letter which stated that: (a) a Statement of Common Ground; and/or (b) a side letter was no longer considered necessary. 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. Babcock are an affected person and have an entitlement to be heard at the issue specific hearings. Babcock is therefore an Interested Party and has the rights to fully participate in the examination of the DCO.	The Applicant's letter of 20 November dealt with the issues raised by Babcock and provided the assurances sought by Babcock.
BK-D2-004			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. 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	<p>The Applicant has not reversed its earlier proposal and has provided in its letter of 20 November the assurances it believed were being sought.</p> <p>The Applicant is mindful of the costs that would be incurred unnecessarily in negotiations for a document that is not needed given the content of the letter of 20 November.</p>

No.	Type / Category	Topic	Issue	Applicant's response
			in March. Yours sincerely Marcus Nicolaides Paralegal for Osborne	
WPD-D2-001	Western Power Distribution (Osborne Clarke)	Utilities	<p>Statement on behalf of Western Power Distribution (South West) PLC (WPD) in response to ExQ1 for Deadline 2 and in advance of the Compulsory Purchase Hearing on 5th December 2020</p> <p>1. Background</p> <p>1.1 WPD is the licenced electricity distribution network operator under Section 6 Electricity Act1989 (EA1989) for the area in which the Order is proposed to have effect. Section 9 of the EA1989 places a duty on the electricity distributor to develop and maintain an efficient, coordinated and economical system of electricity distribution. WPD is therefore a statutory undertaker for the purposes of the project.</p> <p>1.2 Section 127 Planning Act 2008 sets out various protections from compulsory acquisition of statutory undertakers land or interests in land where an undertaker has made a representation and that representation has not been withdrawn.</p> <p>1.3 WPD made a relevant representation on 14 January 2020 and that representation has not been withdrawn.</p> <p>1.4 The Order includes rights to compulsory acquire WPD's interest in land within the Order Land subject to the protective provisions in Part 7 Schedule 16. North Somerset Council has yet to confirm its agreement to WPD's protective provisions.</p>	The Applicant refers to its post hearing submissions from the Compulsory Acquisition Hearing on 4 December 2020 (DCO Document Reference 9.15 ExA.CAH1.D3.V1).

No.	Type / Category	Topic	Issue	Applicant's response
			<p>1.5 Without sufficient agreement to protect WPD's assets and provide land rights for WPD to keep and maintain its assets in the railway, WPD will suffer serious detriment to its undertaking and the Order should not be confirmed.</p> <p>1.6 This statement explains WPD's position to assist the examiners in respect of the following matters:</p> <p>(a) WPD's interest as an undertaker pursuant to the National Grid (Hinkley Point C Connection Project) Order 2016 and its interest in the Order Land consequent on that Order.</p> <p>(b) WPD's interest in the Order Land in respect of its existing electricity distribution network.</p> <p>(c) WPD's preferred protective provisions (in response to ExA1 Question CA.1.2).</p> <p>(d) [telecoms]</p>	
WPD-D2-002			<p>2. National Grid (Hinkley Point C Connection Project) Order (Connection Order)</p> <p>2.1 WPD was granted certain rights as an undertaker pursuant to the Connection Order. In particular the Order permitted works (defined as "WPD Works"). Work No.4D permitted the diversion of a 132kV electricity line known as the "W route" from an overhead line to an underground line beneath the proposed railway within plot 185 and permitted access over plot 183.</p> <p>2.2 At annexe 1 to this statement are the Land Plans and Works Plans for the Connection Order and the Land Plan for the relevant section of the Order showing plots 183</p>	<p>The Applicant refers to its post hearing submissions from the Compulsory Acquisition Hearing on 4 December 2020 (DCO Document Reference 9.15 ExA.CAH1.D3.V1).</p>

No.	Type / Category	Topic	Issue	Applicant's response
			to maintain its 132kV underground cables in the railway which would have a serious detrimental effect.	
WPD-D2-003			<p>3. WPD's existing network and diversions</p> <p>3.1 WPD has provided North Somerset Council proposals to divert some of its electricity cables to accommodate the project. These proposals are mostly diversion of electricity lines on wood poles. The proposals are in the form of offers to undertake works which must be accepted by North Somerset Council within a limited time period. The time period for accepting the proposal is fixed to preserve WPD's position on costs and so as not to limit other works to the network. The time period for accepting the current offers have expired and will need to be requoted. We explain this process to clarify that there is no legally binding agreement in place for diverting existing apparatus albeit the diversions have been planned and are unlikely to change. Once the Order is made WPD will need to re-issue the proposals. In the meantime WPD needs to rely on the Protective Provisions (and a subsequent side agreement) to protect its network. Without such protection in place North Somerset Council would acquire rights that could potentially have a serious detriment on WPD's network.</p> <p>3.2 WPD also has assets in the Order Land that will not require diverting but will need to be protected. The protective provisions (and any side agreement) once agreed will ensure the works will not cause a serious detriment to WPD's undertaking.</p>	The Applicant refers to its post hearing submissions from the Compulsory Acquisition Hearing on 4 December 2020 (DCO Document Reference 9.15 ExA.CAH1.D3.V1).

No.	Type / Category	Topic	Issue	Applicant's response
WPD-D2-004			<p>4. Protective Provisions</p> <p>4.1 The protective provisions in Part 7 Schedule 16 of the draft Order are those requested by WPD with the following exceptions:</p> <p>(a) In paragraph 81(2)(b) NSC are seeking to limit consequential losses to £500,000 per event.</p> <p>(b) A new clause 83 has been inserted that seeks to exclude any enactment or agreement regulating relations between WPD and NSC or Network Rail in respect of any apparatus laid or erected in land belonging to the undertaker or Network Rail on the date that the Order is made.</p> <p>4.2 In respect</p> <p>(a) WPD consider that this is an unreasonable limitation and places risk on WPD for any losses that exceed this amount. WPD as a regulated statutory undertaker is not in a position to assume the risk of a public project. WPD's customers are not the public as a whole and therefore this limitation places the project risk on to third parties.</p> <p>4.3 In respect of (b) WPD considers that this provision is too wide and it is unable to determine what effect such a limitation would on its network. WPD question why the provisions should be limited by agreements with Network Rail when Network Rail is not the beneficiary of the Order. If NSC considers that existing agreements can be relied on it should exclude WPD's interest from the book of reference. Attached is a table listing all of the plots that WPD has an interest in. These are numerous and to merely refer to a sweeping exclusion does not</p>	<p>The Applicant refers to its post hearing submissions from the Compulsory Acquisition Hearing on 4 December 2020 (DCO Document Reference 9.15 ExA.CAH1.D3.V1).</p>

No.	Type / Category	Topic	Issue	Applicant's response
			<p>clarify which plots will benefit from the protective provisions and which will not. WPD considers that NSC 3 23 November 2020/ OC_UK/52161566.1 has not made out a compelling interest to acquire interests where it cannot be clear whether the protective provisions will apply or not. It considers that the burden should be on the undertaker and not WPD to provide clarity on this point.</p> <p>4.4 WPD's acceptance of the protective provisions is on the understanding that an Asset Protection Agreement as a side agreement is entered in to between NSC and WPD. Such agreements are standard in DCOs where statutory undertakers' assets are being diverted and provide an additional layer of security that protects the undertaker from serious detriment to its network.</p> <p>4.5 Following a request from Ardent on behalf of NSC WPD (through Osborne Clarke LLP) first provided draft protective provisions and a draft Asset Protection Agreement to Womble Bond Dickinson in November 2018. WBD have indicated that the protective provisions provided are acceptable (subject to the fact that points (a) and (b) above are not WPDs' standard terms and are not agreed) but has not confirmed that position in writing or agreement to conclude an Asset Protection Agreement.</p> <p>4.6 WPD reserve its position on the protective provisions subject to resolving the outstanding conflict issues with the Connection Order as noted above.</p> <p>4.7 At the present time therefore WPD's position is that the protective provisions do not adequately secure</p>	

No.	Type / Category	Topic	Issue	Applicant's response
			<p>protection to ensure that there will be no serious detriment to its network.</p> <p>4.8 A copy of WPD's requested protective provisions is at annexure 2 of this statement.</p>	
WPD-D2-005			<p>5. Telecoms</p> <p>5.1 WPD's network is supported by fibre optic cables operated by WPD Telecoms Limited that support the electricity distribution network by managing data between operating assets. The telecoms network is therefore a key part of WPD's operating infrastructure and failure of the fibre optic would have a serious detriment on the distribution network.</p> <p>5.2 WPD Telecoms is securing fibre optic networks in connection with the Connection Order works which need to be protected from the proposed development. As a communication network operator WPD Telecoms will also benefit from the protective provisions in Part 3 Schedule 16. However WPD also needs to ensure that WPD Telecoms network as supported by the Connection Order is not impacted by the Order.</p> <p>5.3 WPD therefore require NSC to demonstrate that the Order will not impact WPD Telecoms rights provided under the Connection Order to confirm that there will be no serious detriment to its undertaking.</p> <p>(For the reference plans see https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR040011/TR040011-000851-Osborne%20Clarke%20LLP%20on%20behalf%20of%20W</p>	<p>The Applicant refers to its post hearing submissions from the Compulsory Acquisition Hearing on 4 December 2020 (DCO Document Reference 9.15 ExA.CAH1.D3.V1).</p>

No.	Type / Category	Topic	Issue	Applicant's response
			estern%20Power%20Distribution%20(South%20West)%20PLC.pdf	
BPC-D2-001	Bristol Port Company (summary of response)	Bristol Port	<p>1. INTRODUCTION</p> <p>1.1 First Corporate Shipping Limited, trading as The Bristol Port Company (BPC), is the statutory undertaker (harbour and competent harbour authority) for Bristol and the owner and operator of the commercial port of Bristol (Port).</p> <p>1.2 BPC recognises the ambitions of North Somerset Council (NSC or Applicant) for the DCO scheme, but is concerned about the significant and disproportionate impacts that the scheme will have on its undertaking, which will also involve the permanent loss of land in BPC's ownership held for the purpose of its statutory undertaking.</p> <p>1.3 BPC seeks material amendments to the draft DCO, including appropriately worded protective provisions.</p>	The Applicant is engaging with BPC to resolve its concerns.
BPC-D2-002			<p>2. CURRENT ASSESSMENT OF ISSUES</p> <p>2.1 The proposed development will have significant adverse impacts on BPC's land and the conduct of its commercial port activities now and in the future. BPC's objections include:</p> <p>2.1.1 the damaging effects on its business and statutory undertaking, including on the availability of rail paths; and the effects of future access rights sought;</p>	<p>The Applicant is engaging with BPC to resolve its concerns. However the Applicant does not accept that serious detriment will occur as suggested by BPC. The Applicant has carefully prepared its application so as to minimise impacts on the Port and almost all of the land sought from the Port is at the margins of BPC's estate.</p> <p>Dealing with BPC's specific concerns:</p> <p>2.1.1 The Order does not impact on the availability of rail paths. BPC's current allocation of rail paths (which is significantly</p>

No.	Type / Category	Topic	Issue	Applicant's response
			<p>2.1.2 the loss of BPC's private crossing between its transit cargo storage areas on either side of the proposed railway;</p> <p>2.1.3 the lack of any adequate consideration of alternatives which would minimise the impacts on the Port;</p> <p>2.1.4 the effect of construction on the operation of the Port and the other port-dependent businesses on the Royal Portbury Dock estate (RPD Estate);</p> <p>2.1.5 the loss of land safeguarded for port development;</p> <p>2.1.6 the Applicant's failure to demonstrate any compelling case in the public interest for the compulsory acquisition of rights over BPC's land;</p> <p>2.1.7 the serious detriment which BPC, as a statutory undertaker, would suffer if compulsory acquisition were to be authorised;</p> <p>2.1.8 port security issues caused by the Applicant's activities on or adjacent to BPC's land; and</p> <p>2.1.9 ecological effects.</p>	<p>underused) will not be affected by the operation of the proposed passenger service.</p> <p>2.1.2 Planning permission 16/P/1987/F dated 21 December 2016 for the site at Court House Farm at condition 16 provides that the temporary at grade crossing must close when MetroWest is constructed. Please see the Applicant's responses to BPC's concerns contained in the Applicant's submissions for Deadline 1 (Response CA.1.10, document REP2-013).</p> <p>2.1.3 The Applicant has considered a number of alternatives in resolving upon its impacts on BPC but is largely constrained by the location of the existing railway formation which is to be utilised for the DCO scheme. The Applicant does not however believe that BPC is significantly impacted by the DCO Scheme, which has fully taken in to account BPC's operations, particularly its rail connection.</p> <p>2.1.4 The Applicant will through the application of the provisions of the CEMP and CTMP (both required under Requirement 5 of the draft dDCO (Ref: AS – 014) seek to minimise impacts on all affected parties.</p> <p>2.1.5 The Applicant believes the land referred to as being safeguarded is the land formerly contained within Plot 05/85 and required for Work No. 16D. Work No. 16D was provided specifically for the benefit of BPC and, following discussion with BPC and other parties, the Applicant has sought the removal of this land from the Order land.</p> <p>2.1.6 The Applicant believes there is a specifically compelling case for all rights sought over BPC's land. The new rights sought are to allow Network Rail to access its railway with road/rail vehicles to allow for a more robust and reliable service because of the improved access for maintenance the access over plots 05/104, 108, 108, 112 165 and 171, together with 06/ 25 and 06/55 will provide. In</p>

No.	Type / Category	Topic	Issue	Applicant's response
				<p>addition the new rights over 05/75 will provide maintenance access to the Cattle creep bridge under the railway next to the M5 whilst access to the culvert at plot 03/78 is required to ensure the watercourse if capable of being maintained by Network Rail. A compelling case for each new right sought therefore exists.</p> <p>2.1.7 The Applicant does not believe that the provisions of the Order give rise to any serious detriment that would be the subject of s127 of the 2008 Act. Protective Provisions have been offered to BPC.</p> <p>2.1.8 The Applicant is content to work with BPC in relation to its purported security issues. The Applicant notes however that, with the exception of works as may be required to use BPC's level crossing as a road rail access point, no activities within BPC's fence are proposed by the Applicant. Whilst a gate across a public bridleway at Marsh Lane would need to be accessed by the Applicant, this land is already publicly accessible.</p> <p>2.1.9 The Applicant's Environmental Statement fully considers all relevant ecological effects. The Applicant has sought to work with BPC's ecological experts to minimise cumulative impacts.</p>
BPC-D2-003			<p>3. PORT OPERATIONS AND SECURITY</p> <p>3.1 The Port is a major deep water commercial facility and one of the largest in the UK. Its strategic importance is recognised at regional, national and European levels. BPC's land - the dock estate - comprises 980 hectares (2,419 acres) divided by the River Avon and is served by two lock systems, providing access to Royal Portbury Dock (RPD) and the Avonmouth and Royal Edward Docks (together Avonmouth) respectively.</p> <p>3.2 The Port benefits from excellent hinterland links, with both RPD and Avonmouth having direct motorway</p>	<p>The Applicant has no comments on these paragraphs.</p>

No.	Type / Category	Topic	Issue	Applicant's response
			<p>access and connections directly to the UK national rail network, with sufficient capacity for rail paths to key destinations.</p> <p>3.3 The Port is recognised as nationally significant infrastructure and a key gateway for UK trade. It and its tenants are important employers and together supported an estimated £1.4bn overall contribution to UK GDP in 2019.</p> <p>3.4 The motor vehicle import trade is a significant part of the Port's business, using large areas of land as secure transit storage compounds. It is exceptionally sensitive to the impact of the proposed development.</p> <p>3.5 Security at the Port is a major consideration, for HMRC, BPC and its customers. The Port maintains an outer, fenced security perimeter with access only permitted through specific checkpoints and has its own non-Home Office force of uniformed, warranted constables.</p>	
BPC-D2-004			<p>4. SERIOUS DETRIMENT</p> <p>4.1 BPC's land has been acquired by BPC as a statutory undertaker for the purposes of its undertaking. The land is used for the purposes of carrying on BPC's statutory undertaking, or the land is held for those purposes.</p> <p>4.2 BPC's land is therefore land to which section 127(1) of the Planning Act 2008 applies. The Secretary of State could not be satisfied that serious detriment to the carrying on of BPC's statutory undertaking would not occur in consequence of the proposed acquisition of</p>	<p>The Applicant has carefully prepared its application so as to minimise impacts on the Port and almost all of the land sought from the Port is at the margins of BPC's estate.</p> <p>Dealing with BPC's specific comments:</p> <p>4.1 The Applicant accepts that BPC holds land for the purposes of its statutory undertaking. It is not however clear if all of the land is held for the purposes of the Port's undertaking.</p> <p>4.2 The Applicant accepts that s127(1) is in principle engaged.</p>

No.	Type / Category	Topic	Issue	Applicant's response
			<p>rights over BPC's land sought by the Applicant in the DCO.</p> <p>4.3 Land lost to the Applicant's proposed development could not be replaced. Even if it could, significant planning and other constraints would deny BPC the ability to utilise it for operational port purposes.</p> <p>4.4 So far as they affect BPC's land, the compulsory acquisition powers sought by the Applicant include those of outright purchase, of the imposition of rights and of restrictive covenants, of the extinguishment and overriding of rights and other interests and of possession during construction. All land affected by these compulsory acquisition powers forms part of BPC's operational land held by it for the purpose of its statutory undertaking. Therefore the Examining Authority will need to be satisfied that all the powers sought may be exercised without any serious detriment to BPC's statutory undertaking. On the basis of the draft DCO, BPC considers this condition cannot be met.</p> <p>4.5 BPC has found it difficult to establish the purposes for which rights over its land are being sought. This includes the right of way sought over plot 05/75 and the extensive rights sought in relation to the busy track which leads from Marsh Lane around the perimeter of the Port towards the M5. Rights sought to run trains over BPC's private rail link are expressed in Schedule 10 to the draft DCO in terms that do not limit the nature of the trains or allow for any constraints whatsoever on the frequency and timings of use.</p>	<p>4.3 The Applicant believes the only land scheduled for permanent freehold acquisition from BPC comprise:</p> <p>(a) a small culvert head (Plot 04/53);</p> <p>(b) some scrub land on which it is proposed to provide a replacement permissive cycle path, immediately to the east of the bridge carrying Marsh Lane over the disused railway [Plot 05/27];</p> <p>(c) land to provide a new public bridleway to extend from beneath the M5 Avonmouth Bridge to the route carrying National Cycle Network Route 26 from the Avonmouth Bridge to Pill (Plots 05/101, 102, 130, 131, 135, 136 and 137).</p> <p>The Applicant believes that none of these plots, if lost to BPC, would lead to serious detriment to BPC's undertaking.</p> <p>4.4 As indicated above, the nature of the land to be acquired permanently and the limited impact on BPC's undertaking mean that no serious detriment would arise.</p> <p>4.5 Plot 05/75 is subject to new rights to allow for access to the nearby Cattle Creep Underbridge, which will need to be maintained by Network Rail following the operation of the railway commencing. Plot 05/75 was also included to allow for access for the construction of Work Nos. 16C and 16D.</p> <p>4.6 Whilst the Applicant does not accept that any of its proposals would impact on BPC as suggested, the Applicant is willing to, and continues to work with BPC to provide the necessary assurance sought by BPC.</p> <p>4.7 The Applicant will endeavour to explore BPC's concerns and provide clarification where necessary. This can be provided to the</p>

No.	Type / Category	Topic	Issue	Applicant's response
			<p>4.6 BPC cannot operate its statutory undertaking unless it can adequately control the use of parts of it by a third party.</p> <p>4.7 BPC has not been able fully to understand the purposes for which powers of temporary possession of its land are being sought. In some cases, the extent of the areas over which possession is sought seem excessive.</p>	<p>ExA and Secretary of State if clarification is also sought by the ExA/Secretary of State.</p>
BPC-D2-005			<p>Statutory undertaker's land</p> <p>Temporary and permanent rights</p> <p>Temporary possession - 3 - 047664.0051/21621487/1</p> <p>4.8 BPC needs certainty as to what its land is needed for and for how long and to be sure that its operational land will be returned in the same state as when possession was taken.</p> <p>4.9 The extent of compulsory land acquisition powers sought over land which is part of or adjacent to Marsh Lane and Royal Portbury Dock Road is excessive.</p> <p>4.10 BPC specifically objects to the proposed acquisition of plot 05/50 since part of this land is required to provide access for the electronic communication operator to its adjacent mast.</p>	<p>4.8 The Applicant is content to work with BPC to provide assurances and clarifications needed.</p> <p>4.9 The Applicant does not accept that the extent of compulsory land acquisition powers sought is excessive. There will be no interruption to the use of the highway at Marsh Lane or Royal Portbury Dock Road, both of which are public highways. The Applicant seeks to acquire the approaches to the bridges carrying both highways across the railway to ensure that it is able to maintain the bridges post the railway coming back into operation. The Applicant does not believe it is necessary for the land to remain in BPC's ownership (and BPC functioned for many years without the freehold of these lands, with the land having been transferred by Bristol City Council in the relatively recent past).</p> <p>4.10 The Applicant is willing to remove part of Plot 05/50 from the Order land for freehold acquisition. It may be necessary for the Applicant to secure rights of access over the part for which freehold acquisition is not required, for access to maintain the part of plot 05/50 that is required or the purposes of the DCO Scheme. The Applicant will discuss further with BPC this potential amendment to the Land Plans and Book of Reference.</p>

No.	Type / Category	Topic	Issue	Applicant's response
BPC-D2-006			<p>Permanent deprivation</p> <p>5. OTHER SPECIFIC CONCERNS</p> <p>5.1 The DCO includes compulsory acquisition powers in respect of an area of land in connection with Work Nos. 16B and 16D. This land is specifically safeguarded for port development within NSC's adopted planning policy. No provision is made for alternative land to be made available for development at the Port, so BPC objects to all of this safeguarded land (plot 05/85) being taken and used.</p> <p>5.2 BPC also objects to the proposed permanent right of access from Marsh Lane over BPC's adjacent land which will further reduce BPC's operational land.</p> <p>5.3 The proposals to create: 5.3.1 a permanent road-rail access point where the Port perimeter track meets BPC's privately-owned railway within the RPD Estate;</p> <p>5.3.2 permanent rights over the track and other land to bring road and rail vehicles to the access point; and</p> <p>5.3.3 further permanent rights for Network Rail's works trains to pass over BPC's private railway</p> <p>5.4 The proposed use of the perimeter track conflicts with other regular vehicular use of the track by BPC and others and is a significant concern for the security of the RPD Estate.</p> <p>5.5 The draft DCO would permit closure of BPC's private crossing that connects operational land to the north and south of the disused railway. This will constitute an</p>	<p>5.1 The Applicant has sought to remove Work No. 16D from the consented works. Work No. 16B is on land allocated in the local plan for ecological purposes. The relevant policies are <i>CS4 – Nature Conservation</i> and <i>CS9 – Green Infrastructure</i> of North Somerset Council's Core Strategy (Jan 2017) together with policy DM8 – Nature Conservation in the Development Management Policies, Sites and Policies Plan Part 1, Adopted July 2016 Work No 16B land is allocated as a Wildlife Site under policy DM8.</p> <p>The land in question is not owned by BPC.</p> <p>5.2 The permanent right of access is sought to enable Network Rail to better maintain its railway, both for the benefit of passenger services but also for BPC.</p> <p>5.3 As stated above the road rail access point would benefit BPC as well as Network Rail more generally. Whilst the level crossing itself is gated, there are additional gates that would protect BPC's state should Network Rail be using the level crossing as a RRAP.</p> <p>The Applicant believes the use of BPC's railway for maintenance vehicles by Network Rail is required, appropriate and sensible. It would be regulated by the usual signalling liaison between BPC and Network Rail.</p> <p>5.4 The perimeter track is a public bridleway. Whilst it is gated by BPC, there is existing public access. The Applicant would work with BPC to ensure that BPC's reasonable security requirements are met. The Applicant can confirm that it in no way intends to rely on the Order powers to extinguish the rights of other parties to use the perimeter track.</p> <p>5.5 The private crossing at Court House Farm is specifically excluded from the operation of the Order to extinguish third party rights. This</p>

No.	Type / Category	Topic	Issue	Applicant's response
			<p>unacceptable interference with BPC's operations and statutory undertaking.</p> <p>5.6 The draft DCO does not adequately protect BPC's rail paths or prevent interference with rail access for freight traffic to and from the Port during construction.</p> <p>5.7 The proposed location of a construction compound on BPC land beneath the M5 overbridge will interfere with the need for access and impair the security integrity of the RPD Estate.</p>	<p>issue is dealt with above in terms of the planning permission applying to the Court House Farm crossing.</p> <p>5.6 The Order could not be used to protect BPC's rail paths. BPC's rail paths have been fully considered in the application submission.</p> <p>5.7 The Applicant does not believe this publicly accessible land being used for a compound would have any impact on the security and integrity of the area.</p> <p>The Applicant will review the proposed Protective Provisions but has already included its own proposals for Protective Provisions in the draft Order which it believes are sufficient to deal with any question of serious detriment.</p>
BPC-D2-007			<p>Loss of safeguarded and operational land</p> <p>Marsh Lane perimeter track</p> <p>will adversely interfere with BPC's use of the track and its private rail link.</p> <p>Rail crossing</p> <p>Rail access - 4 - 047664.0051/21621487/1</p> <p>5.8 Network Rail has not participated in any meaningful discussions with BPC about the construction and operation of the new branch line, so BPC cannot assess the effects of various arrangements proposed for Network Rail's benefit.</p> <p>5.9 BPC requires: 5.9.1 controls over all works affecting its rail link; and</p>	<p>The Applicant and NR is currently discussing with BPC a draft Heads of Terms issued by BPC. The Applicant will provide a more detailed response of the position including an update on the draft SoCG by deadline 4 (19th January).</p>

No.	Type / Category	Topic	Issue	Applicant's response
			<p>5.9.2 legally binding commitments from Network Rail as to availability of future train paths for trains departing from and arriving at RPD.</p> <p>5.10 BPC does not accept that a need for the works proposed affecting public bridleways/cycleways in and around the RPD Estate has been demonstrated or that the works proposed constitute associated development.</p> <p>5.11 It is inappropriate that BPC should be deprived of land to provide public rights of way in substitution for routes which are currently only permissive and for which there is already an alternative.</p>	
BPC-D2-008			<p>Network Rail</p> <p>PROWs</p> <p>6. PROTECTIVE PROVISIONS IN DCO</p> <p>6.1 prevent the exercise of powers of compulsory acquisition except with its consent;</p> <p>6.2 ensure nothing in the DCO affecting BPC's right to use the Court House Farm at grade crossing;</p> <p>6.3 prevent any powers of temporary possession being exercised over certain areas on the dock estate, prevent BPC's property being used for construction access under the DCO powers, and require that otherwise temporary possession powers are exercised only in accordance with conditions agreed by BPC and an agreed works programme and construction protocol;</p>	<p>The Applicant and NR is currently discussing with BPC a draft Heads of Terms issued by BPC.</p> <p>The Applicant believes the proposed Protective Provisions put forward by BPC are unnecessary and excessive and go well beyond what is reasonable. In particular the Applicant sees no reason to include any provision dealing with the Court House Farm level crossing which is already fully regulated by agreement between BPC and Network Rail and by planning permission.</p> <p>The Applicant will provide a more detailed response of the position including an update on the draft SoCG by deadline 4 (19th January).</p>

No.	Type / Category	Topic	Issue	Applicant's response
			<p>6.4 require the undertaker to give up possession of the areas used by defined deadlines and define the condition in which land must be returned to BPC;</p> <p>6.5 limit the purposes for which land of which temporary possession is taken may be used and the extent of works that may be carried out;</p> <p>6.6 ensure the undertaker must minimise the impact of its activities on the operation of the Port, including controlling train loading/unloading at the Lodway Farm compound;</p> <p>6.7 restrict works, proposed closures and traffic regulation measures affecting BPC's private roads and public roads on the dock estate;</p> <p>6.8 suspend BPC's responsibility for maintenance of PROWs during construction and extinguish that liability in respect of land acquired by the undertaker;</p> <p>6.9 control the undertaker's powers to survey;</p> <p>6.10 control the lateral and vertical deviation of works and the permitted extent of works ancillary to the principal works; and</p> <p>The protective provisions in the draft DCO must be amended. In particular (but without limitation), provisions are required to: - 5 - 047664.0051/21621487/1</p> <p>6.11 provide for BPC's prior approval of all parts of the authorised development which are on or within 5</p>	

No.	Type / Category	Topic	Issue	Applicant's response
BPC-D2-009			<p>metres of, or may adversely affect, BPC's property or any public road on the dock estate.</p> <p>7. LAND PLANS AND THE BOOK OF REFERENCE</p> <p>BPC has various comments on these documents, comprising:</p> <p>7.1 correcting information concerning interests held by BPC, and identifying a additional lessee of part of BPC's property;</p> <p>7.2 querying and correcting boundaries between plots as shown on the Land Plans; and</p> <p>7.3 querying the extent of highway boundaries in connection with the land in the vicinity of Royal Portbury Dock Road and Marsh Lane.</p>	The Applicant is reviewing the comments made by BPC.
	Bristol Port Company (other documents)	Bristol Port	<p>Multiple documents submitted:</p> <p>Cover letter: https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR040011/TR040011-000853-Wedlake%20Bell%20LLP%20on%20behalf%20of%20Bristol%20Port%20Company%20-%20Cover%20Letter.pdf</p> <p>Response to ExQ1: https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR040011/TR040011-000855-Wedlake%20Bell%20LLP%20on%20behalf%20of%20Bristol%20Port%20Company%20-</p>	The Applicant is reviewing the comments made by BPC.

No.	Type / Category	Topic	Issue	Applicant's response
			<p>%20Response%20to%20the%20ExA%E2%80%99s%20ExQ1.pdf</p> <p>Annex to ExQ1: https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR040011/TR040011-000852-Wedlake%20Bell%20LLP%20on%20behalf%20of%20Bristol%20Port%20Company%20-%20Annex%20to%20Responses%20to%20the%20ExA's%20ExQ1.pdf</p> <p>Deadline 2 written rep: https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR040011/TR040011-000857-Wedlake%20Bell%20LLP%20on%20behalf%20of%20Bristol%20Port%20Company%20-%20Written%20Representation.pdf</p> <p>Letter to the Examining Authority in relation to Bristol Port Company's attendance at the first Compulsory Acquisition Hearing on 4 December 2020 and the need for a Port-specific ISH: https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR040011/TR040011-000854-Wedlake%20Bell%20LLP%20on%20behalf%20of%20Bristol%20Port%20Company%20-%20Letter%20to%20ExA%20re%20Attendance%20to%20OCAH%2004%20Dec%202020.pdf</p>	

No.	Type / Category	Topic	Issue	Applicant's response
BPC3-D2-001	Bristol Port Company (3 rd submission)		<p>Note on behalf of First Corporate Shipping Limited trading as The Bristol Port Company for the Compulsory Acquisition Hearing 4 December 2020</p> <p>Introduction</p> <p>1. This note is submitted on behalf of First Corporate Shipping Limited, trading as The Bristol Port Company (BPC), which is the statutory undertaker (harbour and competent harbour authority) for Bristol and the owner and operator of the commercial port of Bristol (Port).</p> <p>2. In our letter of 23 November, submitted for Deadline 2, we indicated that while BPC considered it inappropriate, for the reasons given in that letter, for compulsory acquisition matters relating to the Port to be dealt with at the Compulsory Acquisition Hearing on 4 December 2020, BPC would, in advance of the hearing, provide the Examining Authority with a note updating the Examining Authority as to progress of discussions between BPC and the Applicant so far as they relate to compulsory acquisition matters.</p>	The Applicant has no additional comments
BPC3-D2-002			<p>Work 16D</p> <p>3. BPC notes that the revised draft Development Consent Order submitted by the Applicant at Deadline 2 proposed the removal from the DCO of the powers previously sought in relation to Work 16D (Flood Mitigation). BPC confirms that the Applicant consulted with it about the need for Work 16D and that BPC is content for Work 16D not to proceed.</p> <p>4. BPC understands that, were the ExA to accept the removal of Work 16D from the DCO, the Applicant</p>	<p>The Applicant requires a new right over the land comprising Plot 05/85 to connect the proposed plot 05/75 with plot 05/86 (the southern side of the Cattle Creep bridge).</p> <p>The Applicant notes that BPC does not hold any interest in plot 05/85. However it is necessary for the Applicant to secure new rights over 05/75 and 05/85 that provide a continuous route from Marsh Lane to the Cattle Creep Bridge.</p>


No.	Type / Category	Topic	Issue	Applicant's response
			<p>would propose further changes to the Land Plans and Book of Reference so as to remove the part of the current parcel 05/85 which lies to the west of the Easton-in-Gordano stream from the area over which the Applicant seeks powers of compulsory acquisition of all interests. However the Applicant would instead seek powers in respect of the acquisition of a permanent right of access over the released part of the parcel to access the remainder of the parcel.</p> <p>5. In the absence of final details of these further changes proposed, and the nature and extent of the rights still to be sought, BPC necessarily reserves its position in relation to these matters and the effect any revised proposals would have on the issues identified in paragraphs 5.1 and 5.2 of BPC's written representation submitted at Deadline 2, and will continue its dialogue with the Applicant as to these matters.</p>	
BPC3-D2-003			<p>Other matters</p> <p>6. Since our 23 November 2020 letter, BPC has provided the Applicant (on a without prejudice and subject to contract basis) with full details as to how BPC's concerns about the scheme, including the proposals for powers of compulsory acquisition in respect of land at the Port, might be addressed, such that both BPC and the Examining Authority could be satisfied that all the powers sought may be exercised without any serious detriment to BPC's statutory undertaking.</p>	The Applicant is reviewing the terms proposed.

No.	Type / Category	Topic	Issue	Applicant's response
BPC3-D2-004			<p>7. The details provided to the Applicant reflect the issues raised by BPC in its written representations submitted at Deadline 2 and the previous and continuing constructive dialogue between BPC and the Applicant.</p> <p>8. The details provided address, among other things, the terms of additional protective provisions that would be required if the test in 6 above is to be satisfied. In particular, as explained and set out in its written representation submitted at Deadline 2, BPC requires protective provisions to prevent powers of compulsory acquisition affecting the Port being exercised under the DCO other than with its consent, so that proper controls can be agreed over the proposed use of its land and assets.</p> <p>9. BPC and the Applicant will be meeting shortly to discuss the details provided by BPC so that a dialogue can continue. While BPC remains cautiously optimistic that a satisfactory outcome can be reached with the Applicant, the Examining Authority should not assume that the road to reaching agreement will be straightforward.</p> <p>10. The details provided by BPC to the Applicant also address the nature and terms of commitments that will be required from Network Rail Infrastructure Limited (NRIL). BPC awaits further engagement from NRIL in relation to these matters.</p>	<p>The Applicant is reviewing the terms proposed. The Applicant does not believe the proposed protective provisions suggested by BPC are reasonable.</p>
BPC3-D2-005			<p>11. The Examining Authority should be aware that the principal point in contention with NRIL concerns the time from which the period allowed for BPC to construct an alternative crossing over the disused railway between</p>	<p>The Applicant does not believe this is an issue for the examination. It is regulated by agreement and by planning permission.</p>

No.	Type / Category	Topic	Issue	Applicant's response
			<p>areas of its operational land in the vicinity of Court House Farm should start. BPC considers that time should run only from the date on which the Applicant obtains Full Business Case Approval (FBCA) for the scheme. NRIL contends that time should run from the earlier date of that on which the DCO is made. BPC views NRIL's position as manifestly unreasonable because, without FBCA, the scheme cannot proceed and it would therefore be wholly wrong for BPC to be compelled at considerable cost to construct an alternative crossing within NRIL's suggested time period when there is no certainty that the scheme would be implemented. To date, NRIL has adopted an inflexible attitude to this issue, which has created a major obstacle to reaching any agreement.</p>	
SU-D2-001	Sue Adamson	Toads / ecology at Lodway Farm	<p>Please find below my responses to the Examining authority questions.</p> <p>EXQ1 BIO.1.2. Toads at Lodway Farm</p> <p>As well as there being the toads at Lodway Farm, I am also concerned for the welfare of the other wildlife in the fields at Lodway Farm. My garden backs on to Lodway Farm and I have a wildlife camera that takes photos of animals coming into my garden from the field at night. On a regular basis, I have photos of foxes, and deer. We regularly see bats flying about and a wide variety of birds. I have attached a couple of examples below. What mitigation is being put in place to protect the habitat of these species?</p>	<p>The Applicant has had a telephone conference call with Pill toad patrol (Rob 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>Measures incorporated in the design and further mitigation for wildlife and their habitats are set out in Sections 9.5 and 9.7 of Chapter 9 Ecology and Biodiversity Ver. 02 of the ES (AS-031; DCO document reference 6.12), Section 6 of the Master Construction Environmental Management Plan (Master CEMP) Ver. 02 (AS-046; DCO document reference 8.14) and in the Schedule of Mitigation</p>

No.	Type / Category	Topic	Issue	Applicant's response
				<p>Ver. 02 (AS-042; DCO document reference 6.31). Proposals for vegetation management are shown in the Railway Landscape Plans (Disused Line) (APP-017; DCO Document Reference 2.10) and in the Environmental Masterplan (AS-026; DCO document reference 2.53).</p> <p>All staff on site shall receive a briefing on the ecological sensitivities as part of their site induction. This briefing shall highlight where works shall be undertaken under the supervision of an Ecological Clerk of Works (EcCoW).</p> <p>Measures to protect and reinstate wildlife habitats at Lodway Farm include:</p> <ul style="list-style-type: none"> • retention of existing vegetation as much as possible along the disused railway; • replacement of a hedgerow that will be lost due to the compound, as shown in the Railway Landscape Plans (Disused Line) (APP-017; DCO Document Reference 2.10); and • reinstatement of habitats following construction. <p>Measures to protect wildlife near Lodway Farm include:</p> <ul style="list-style-type: none"> • the Contractor will have regard to the Environment Agency's Pollution Prevention Guidance ("PPG") during works close to ditches, watercourses and culverts; • cover all excavations overnight or provide appropriate escape ramps for mammals in the form of a sloped face to the excavation or a scaffold plank or similar where practicable; • visually check uncovered excavations for the presence of wildlife each morning before works commence and notify the Ecological Clerk of Works immediately in the event that

No.	Type / Category	Topic	Issue	Applicant's response
				<p>an animal is found so that they can action an applicable rescue;</p> <ul style="list-style-type: none"> • any temporarily exposed open pipe systems will be capped in such a way as to prevent animals gaining access when contractors are off-site and • drainage designs shall include amphibian-friendly drainage features to avoid entrapment. <p>Where applicable, pre-construction surveys will be undertaken to determine the current status and distribution of protected and notable species. Where statutorily protected species are found to be present during surveys, mitigation strategies and where relevant applications for licences to Natural England will be prepared. These will ensure that recommended measures to protect the species are secured during both construction and operation phases of the DCO Scheme.</p>
SU-D2-002			Will the fields be returned to their current state after the work is complete, allowing the wildlife to return?	Yes. The Lodway compound will be reinstated after construction. Paragraph 3.2.9 of the Master CEMP Ver. 02 (AS-046; DCO document reference 8.14) states that: "The sites acquired for temporary construction compounds and haul roads will be reinstated to their current state and vacated as early as practicably possible..."

No.	Type / Category	Topic	Issue	Applicant's response
				

No.	Type / Category	Topic	Issue	Applicant's response
SU-D2-003			<p>EXQ1 Cl.1.8 Lodway Farm</p> <p>There is a great concern in the local area and in The Breaches itself regarding the amount of traffic, noise and light pollution during the railway works.</p> <p>The roads are very narrow in places and are not suitable for heavy traffic flow or HGVs. How will this be controlled?</p>	The Outline Construction Traffic Management Plan (APP-210; DCO document reference 8.13) provides an overview of the measures to be taken to control construction traffic, including parking. The successful contractor will develop their own CTMP in compliance with the Outline CTMP.
SU-D2-004			Also, how will parking in the streets be controlled from people working at the compound.	The Outline Construction Traffic Management Plan (APP-210; DCO document reference 8.13) provides an overview of the measures to be taken to control construction traffic, including parking. The successful contractor will develop their own CTMP in compliance with the Outline CTMP.
SU-D2-005			What will be done to reduce the noise, dust and light from the work being done at Lodway Farm Compound especially to residents backing on to the compound?	Measures to control noise, dust and light from Lodway compound are described in the Master CEMP (AS-046; DCO document reference 8.14).
SU-D2-006			Also, what will happen to the compound after the work is completed? Is there a guarantee that the field will be returned to its current state, allowing the wildlife to return?	The Lodway compound will be reinstated after construction. Paragraph 3.2.9 of the Construction Environmental Management Plan Ver. 02 (AS-046; DCO document reference 8.14) states that: "The sites acquired for temporary construction compounds and haul roads will be reinstated to their current state and vacated as early as practicably possible..."
FE-D2-001	Forestry England	Forestry England – various comments	BIO 1.8 – No further comment	The Applicant has no further comments.
FE-D2-002			BIO 1.11 – Yes, under normal conditions	Forestry England agrees that a 10 year monitoring period would be sufficient.

No.	Type / Category	Topic	Issue	Applicant's response
				The Applicant has no further comments.
FE-D2-003			BIO 1.13 – See attached map. No further comment	The Applicant has no further comments.
FE-D2-004			BIO 1.16 – No further comment	The Applicant has no further comments.
FE-D2-005			BIO 1.18 – I'm not 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 England to comment on how this mitigation fits in with SAC qualifying woodland habitats as a whole.	The Applicant has no further comments.
FL-D2-001	Freightliner	Freightliner – various comments	<p>1 Introduction</p> <p>1.1 This document comprises the written representations for and on behalf of Freightliner Limited ('Freightliner') in respect of the application ('the Application') for a Development Consent Order ('the Proposed Order') for the delivery of the Portishead Branch Line (MetroWest Phase 1). The Application was submitted and is being promoted by North Somerset District Council ('the Applicant) in consultation with Network Rail Infrastructure Limited ('Network Rail') and has been allocated Planning Inspectorate reference TR040011. The delivery of the Proposed Scheme includes works proposed to be carried out by Network Rail as particularised in Part 9 of the District Council's Explanatory Memorandum.</p> <p>1.2 Freightliner's relevant representations ('RRs') dated 26 February 2020 set out the basis on which Freightliner</p>	The Applicant refers to its post hearing submissions from the Compulsory Acquisition Hearing on 4 December 2020 (DCO Document Reference 9.15 ExA.CAH1.D3.V1).

No.	Type / Category	Topic	Issue	Applicant's response
			<p>objects to the inclusion in the Proposed Order of powers to temporarily possess land forming part of its Bristol terminal at South Liberty Lane, Bedminster, Bristol BS3 2ST and identified in the Land Plan at plots 17/05, 17/10, 17/15 and 17/20.</p> <p>1.3 The Applicant responded to the RRs in April 2020 ('the Response') (the Response is not dated).</p>	
FL-D2-002			<p>2 Plots 17/05 and 17/20</p> <p>2.1 Plots 17/05 and 17/20 are required by Network Rail for the purposes of temporary construction compounds or for the storage of materials. As noted in the RRs, Freightliner has no objection to the use of those plots for those purposes but considers that it is unnecessary for temporary possession powers to be sought by the District Council/Network Rail in circumstances where Freightliner are willing to enter into leases with Network Rail for those plots.</p> <p>2.2 Freightliner and Network Rail have been in negotiations since 29 January 2020 in respect of heads of terms for options for sub-leases of the two plots. The heads of terms are largely agreed save as to the option periods and associated consideration. The last substantive correspondence comprised an email dated 15 September 2020 from Mr Matt Hill, Group Property Manager for Freightliner to Mr Rob Jenkins, Senior Surveyor for Network Rail attaching amended heads of terms. Mr Hill noted the need to control the option period timeframes and break options to avoid valuable land being blighted with no income, or consideration needing to be agreed to reflect the period of blight. Mr</p>	<p>The Applicant refers to its post hearing submissions from the Compulsory Acquisition Hearing on 4 December 2020 (DCO Document Reference 9.15 ExA.CAH1.D3.V1)..</p>

No.	Type / Category	Topic	Issue	Applicant's response
			<p>Jenkins responded on 28 September 2020 that he understood the reasons for Mr Hill's position but was waiting to hear back from the project team and needed to get consensus to the dates proposed from Network Rail from a construction perspective and from North Somerset as promoter. Despite a chasing email from Mr Hill on 21 October 2020, no further substantive comments have been provided by Mr Jenkins.</p> <p>2.3 Temporary possession powers should not be granted in circumstances where negotiations for a lease of the land are not progressed by a promoter or its partner.</p>	
FL-D2-003			<p>3 Plots 17/10 and 17/15</p> <p>3.1 Freightliner welcomes the undertaking by the District Council in the Response that it will not seek exclusive possession of plots 17/10 and 17/15. The Response noted that the District Council will ask the Secretary of State to amend the draft DCO before it is made so that powers over plots 17/10 and 17/15 can only be exercised so as to provide a means of access.</p> <p>3.2 With respect to plot 17/15, for the reasons set out in RRs, Freightliner has no objection to providing a means of access to the District Council/Network Rail and indeed has included that as a requirement in the heads of terms for leases of plots 17/05 and 17/20. However, the location of plot 17/15 is unacceptable as it would unduly disrupt the commercial operations of Freightliner and its tenants.</p> <p>3.3 Powers over plot 17/15 should not be granted in circumstances where Freightliner are prepared to voluntarily grant access and it prevented from doing so</p>	<p>The Applicant refers to its post hearing submissions from the Compulsory Acquisition Hearing on 4 December 2020 (DCO Document Reference 9.15 ExA.CAH1.D3.V1).</p>

No.	Type / Category	Topic	Issue	Applicant's response
			only because Network Rail are not progressing negotiations.	
FL-D2-004			4 Conclusion 4.1 The Examining Authority and the Secretary of State should be satisfied that the District Council and Network Rail have taken all reasonable steps to negotiate with Freightliner. If they are not so satisfied, powers over plots 17/05, 17/10, 17/15 and 17/20 should be removed from the Order.	The Applicant refers to its post hearing submissions from the Compulsory Acquisition Hearing on 4 December 2020 (DCO Document Reference 9.15 ExA.CAH1.D3.V1).
FL-D2-005			4.2 Freightliner are willing to continue negotiations for options for sub-leases of plots 17/05 and 17/20 including means of access to those plots and it is hoped that the District Council will encourage Network Rail to progress those negotiations to a conclusion before the examination closes.	The Applicant refers to its post hearing submissions from the Compulsory Acquisition Hearing on 4 December 2020 (DCO Document Reference 9.15 ExA.CAH1.D3.V1).
FL-D2-006			4.3 Freightliner reserves the right to make further representations as appropriate and wishes to attend the compulsory acquisition hearing on 4 December 2020.	The Applicant has no further comments.
MO-D2-001	Charles and Sarah-Jane Money	Star Lane property	Below is an outline of the concerns/representations we have made via Ardent/North Somerset Council. I do want to emphasise that despite these concerns, we are fully supportive of the opening of the railway line, as it will be of great benefit to our local community, both in terms of convenience and better transport links, but also from an environmental perspective.	The applicant notes and is grateful for the support for the railway reopening.
MO-D2-002			Please could you Confirm Receipt of this email	-

No.	Type / Category	Topic	Issue	Applicant's response
			<p>Confirm that these representations will be included in Friday's meeting and will form part of the Planning Inspectorate's considerations</p> <p>Let me know if you require further information</p>	
MO-D2-003			<p>1. This property is held as an investment and let out on an Assured Shorthold Tenancy. The license states that the licensor agrees to allow access for surveys, investigations and environmental mitigation works necessary to prepare for works in connection with the scheme. If the works are frequent and intrusive, as seems likely, we may have to reduce the rent, potentially significantly, to compensate the tenants for disruption. Furthermore should the tenants move out, either as a result of the impact of such access, or because they decide to move on, such a compulsory purchase order is likely to make the property significantly more difficult to rent, resulting in a considerable loss of income. It is not clear the extent of the works or frequency of access required, and also in fact whether access will in reality be required as the embankment that forms one of the boundary walls with this property is, as I understand it, not part of the railway itself</p>	<p>The Applicant is intending to undertake surveys in this area, to inform and help to refine the full extent of access requirements.</p> <p>The Applicant is aware that the property is currently let and understand the concerns raised with regard to the impact of the tenants and commercial implications.</p> <p>Once the Applicant receives the results of the surveys mentioned above, the Applicant's agents will supply the Affected Parties' agent with revised Heads of Terms for an agreement.</p> <p>Compensation for loss or damage caused can be included in a claim if the right is exercised by the Applicant and loss occurs.</p>
MO-D2-004			<p>2. Access to this property is via a pedestrian gate which passes the backdoor of the house. This will not cause disturbance but increase the likelihood of damage to the property</p>	<p>Compensation for loss or damage caused can be included in a claim if the right is exercised by the Applicant and loss occurs.</p>
MO-D2-005			<p>3. Parking impacts - there is no dedicated parking for this property currently. The tenants, as did we when we were owners residents, park on the street opposite the</p>	<p>Parking – is a highway and no right to the parking space. The concern is noted and it is not yet known if temporary restrictions on</p>

No.	Type / Category	Topic	Issue	Applicant's response
			<p>pedestrian entrance to the property. The spot against the wall of the community centre has become the defacto parking spot for property. The introduction of parking restrictions to discourage commuters from parking away from the railway station carpark, is likely to result in increase of double yellow lines etc and therefore increase the pressure on parking. A reduction in the ease of parking is likely to have a significant detrimental impact on the value of the house.</p>	<p>parking will be needed. No permanent traffic regulation is sought at this time at the specified location.</p>
MO-D2-006			<p>4. Privacy - The railway line runs along the top of the railway embankment and passengers will have a clear view into the garden of the property, as well as through windows, including bedroom windows. Article 8 of the Human Rights Act guarantees the right to privacy. It is therefore reasonable to expect that reasonable, unobtrusive screening will be put in place to safeguard this privacy and minimise intrusion.</p>	<p>Article 8 of the Convention provides a qualified protection to those benefitting from Convention Rights. The article provides for respect to private and family life, the home and correspondence.</p> <p>The right is restricted – interference is possible if there is a proper legal basis for doing so, which is necessary in a democratic society and pursues one of a numb</p> <p>There is no European Court of Human Rights decision on Article 8 applying to overlooking cases. In the recent UK case regarding the Tate Modern, the Court of Appeal said:</p> <p><i>"determining whether or not Article 8 is engaged, it would be necessary to bear in mind that there has never been a Strasbourg case in which it has been held that mere overlooking by a neighbour or a neighbour's invitees is a breach of Article 8. The "mirror principle" articulated by Lord Bingham in R(Ullah) v Special Adjudicator [2004] UKHL 26; [2004] 2 AC 323 (that our courts should keep pace with, but not go beyond, Strasbourg), as clarified by Lord Brown in Rabone v Pennine Care NHS Foundation Trust [2012] UKSC 2; [2012] 2 AC 72, dictates caution about any conclusion as to the</i></p>

No.	Type / Category	Topic	Issue	Applicant's response
				<p><i>engagement of Article 8, let alone its infringement, in the case of mere overlooking."</i></p> <p>The Court of Appeal also said:</p> <p><i>"in determining whether or not there has been an infringement of Article 8, it is necessary for the court to consider justification under Article 8(2). In the context of the Convention, there can be a contest between the Article 8 rights of one party and other Convention rights of the other party, such as freedom of expression under Article 10 and the peaceful enjoyment of possessions under Article 1 of the First Protocol, which involves a balancing exercise by the court".</i></p> <p>(Fearn –v- Board of Trustees of the Tate Gallery, [2020] Ch 621)</p> <p>Applying the Fearn decision to Star Lane and New Road, it is clear the Court would be cautious in extending the Convention Right as is being suggested. Given the balancing exercise needed, and the pre-existence of the railway, operating with statutory authority, it is hard to see that the right to enjoy a home is being interfered with. The home in question remains functional and liveable. The overlooking that is being suggested as a breach of Article 8 is something that already exists and needs no further process or authority – it could occur today. The potential (and actual) risk would have been immediately apparent on and inspection of the property and the current owners came to the situation which will have existed at the time they purchased the property. er of specified aims such as the economic wellbeing of the country.</p> <p>In all the circumstances therefore the running of passenger trains on Network Rail's own railway, in accordance with Network Rail's licence granted by central government, on a railway established with</p>

No.	Type / Category	Topic	Issue	Applicant's response
				statutory authority over 150 years ago, on land owned by Network Rail cannot in any reasonable argument be considered to be an interference with a person's right to their home.
EA-D2-001	Environment Agency	Environment Agency – various issues	METROWEST PHASE 1 DEVELOPMENT CONSENT ORDER (DCO) APPLICATION SUMMARY OF WRITTEN REPRESENTATIONS ENVIRONMENT AGENCY REFERENCE 20025331	The Applicant has been in regular contact with the Environment Agency on the draft SoCG and has responded to its D2 written representations. The latest position can be found in version 2 of the draft SoCG to be submitted at Deadline 3 (Document reference 9.3.3 ExA.SoCG-EA.D3.V2).