

**First Corporate Shipping Limited
trading as The Bristol Port Company**

21 December 2020

**Comments on Applicant's responses to
Examining Authority's first written questions
and request for information
(ExQ1)**

**Application by North Somerset Council for an order granting development
consent for the Portishead Branch Line – MetroWest Phase 1**

**Planning Inspectorate reference TR040011
Unique reference PORT-S57657**

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EXQ1	Question or relevant excerpt	Applicant's response or relevant excerpt	BPC comment
GC 1.1	<p>The construction programme is set out in paragraph 4.6.1 of Environmental Statement (ES) Chapter 4 [APP-099] has work commencing in Winter 2021-22, with opening in winter 2023-24. Given the delay in the start of the Examination since the acceptance of the Application in December 2019 and the current public health restrictions:</p> <p><i>[paragraph omitted]</i></p> <p>Will this affect any of the assumptions in the ES particularly with regard to in-combination cumulative effects (and HRA in-combination effects)?</p>	<p>Hinkley Point C Connection DCO Scheme: this scheme is currently under construction, with the construction phase predicted to continue to July 2023 at Sheepway. The Applicant liaises regularly with National Grid on project interfaces. National Grid has been undertaking ecological mitigation measures, including the translocation of Great Crested Newts. At present, the construction site for Hinkley Point C Connection DCO Scheme has been excluded from the Great Crested Newts District Level Licensing (DLL) application where this crosses the DCO Scheme Order limits at the suggestion of Natural England to avoid having two licensing systems following separate methodologies within the same area. Once the National Grid licensable activities have finished at this location, this part of the Order limits will be drawn into the DLL for the DCO Scheme. For matters such as construction noise and traffic, the delay to the start of construction of the DCO Scheme would be to reduce the overlap and hence duration and possibly magnitude of these cumulative effects.</p> <p>Royal Portbury Dock: obtained planning permission to construct a new cargo storage area on the south side of the disused railway and a new bridge (planning application 16/P/1987/F). While the cargo area is now operational, the port has yet to build the new access bridge over the railway. The delay to the DCO Scheme provides Royal Portbury Dock more time to build their access bridge.</p> <p>Timing is not a problem.</p>	<p>To avoid the need for duplication, please see BPC's comments below in relation to the Applicant's responses to:</p> <ul style="list-style-type: none"> • ExA's question Cl.1.3 (in relation to the proposed use of BPC's access track from Marsh Lane); and • ExA's question CA.1.10 (in relation to the severance of part of BPC's site near Court House Farm) <p>for comments in relation to some of the issues raised by the Applicant's response to this question GC.1.1.</p>

GC.1.12	<p>In their RR [RR-010] BPC state that application documentation indicates that there would be an adverse effect on freight movements during the construction period. However, they could not find where in the application documents the information that resulted in this conclusion can be found. Please either provide this information or signpost where in the application documents this information can be found.</p>	<p>While there will be some impacts on Bristol Port Company (BPC) during the construction of the scheme, due to taking possessions of the line for long weekends and also for up to two line blockades each of a duration of approximately one month, the low levels of freight train traffic on the branch line indicates these impacts will be largely avoided through negotiation with the port and are not predicted to be significant.</p> <p><i>[paragraph omitted for brevity]</i></p> <p>Schedule 4 (of the Track Access Contract held by a train operator) payments compensate passenger and freight train operators for the impact of planned service disruption due to possessions. Subject to the nature of the contractual arrangements between BPC and the freight train operators, BPC may be able to seek compensation from the freight train operators, require them to re-schedule the dates and times of the dispatch of freight trains or require them to transport the cargo via an alternative mode of transport. Also refer to the response to question TT.1.6.</p>	<p>BPC is pleased to note that the Applicant agrees that blockades and possessions must be subject to negotiation with BPC to avoid impacts on access for freight traffic between the Port and the national rail network. However, this agreement should be enshrined in enforceable provisions of the DCO, as set out in paragraphs 5.8 and 5.9 of BPC's written representations.</p> <p>If rail access is interrupted, this will lead to disruption to port operations more widely (including disruption to labour and thus other loading/discharging operations) and hence to cargo being delayed at the Port.</p>
BIO.1.33	<p>Paragraphs 3.2.10, 3.2.13 and 3.2.16 of the HRA and Chapter 9 of the ES [APP-75 and APP-142] contain references to new ponds to be created in for Great Crested Newts as part of flood compensation</p>	<p>The new Great Crested Newt (GCN) ponds referred to in the HRA and Chapter 9 of the ES (APP-75 and APP-142; DCO Document References 5.5 and 6.12) are located at:</p> <ul style="list-style-type: none"> • <i>[omitted for brevity]</i>; • <i>[omitted for brevity]</i>; and • in the field east of Easton-in-Gordano stream (Work No. 16B) (HRA paragraphs 3.2.13 and 3.3.16). HRA paragraphs 3.2.13 and 3.3.16 refer to the same new pond. 	<p>BPC notes from the Applicant's response that the GCN pond proposed at the field east of Easton-in-Gordano stream (as Work 16B) may not be required. As explained in paragraph 5.1 of BPC's written representations the land proposed to be taken for Work 16B is specially safeguarded for port development within North Somerset Council's adopted planning policy. BPC notes NSC's response to the ExA's question GC.1.11 which confirmed this policy and that it should be given substantial weight.</p>

	<p>strategies. It would appear that you have done some sensitivity testing in response to post-acceptance s.51 advice and are continuing to discuss Flood Risk Assessment (FRA) matters with the Environment Agency. Can you confirm that these sensitivity analyses and additional works would not lead to changes to the assumptions made around these ponds?</p>	<p>These ponds were proposed as part of the European Protected Species (EPS) licence for GCN rather than part of the flood compensation strategies.</p> <p>The Applicant has applied for consent under Natural England's District Level Licensing (DLL) scheme for great crested newts as an alternative to the EPS licence. It is the intention for the scheme to use DLL as the licensing route and the Applicant has recently received the Impact Assessment and Conservation Payment Certificate and intends to sign it and make the first payment before the end of 2020. The GCN ponds and enhancement areas previously included within the mitigation proposals associated with the scheme may no longer required under DLL. The Applicant is however considering the biodiversity advantages that could be secured if the land at Sheepway and east of the Easton in Gordano Stream were available for such purposes.</p>	<p>Given that it is uncertain that Work 16B is required, in the light of the adopted planning policy and the weight that must be given to it, BPC suggests that Work 16B should be removed from the draft DCO and that the relevant land area (being the whole of plot 05/85, taking into account the Applicant's proposal to remove Work 16D from the draft DCO) should be excluded from the land over which powers of compulsory acquisition may be exercised. Noting also the Applicant's response to the ExA's question BIO.1.35, BPC submits that priority should be given to the adopted planning policy, and the need it reflects, over aspirations for additional biodiversity measures that are not necessary as a result of or in connection with the DCO Scheme.</p>
BIO.1.37	<p>Whilst on our Unaccompanied Site Inspection [EV-001] the ExA observed the existence of a wildlife corridor adjacent to Royal Portbury Dock that is managed/ owned by the BPC.</p> <p>The Applicant: Signpost where in the application documentation the effect of the proposed development on this</p>	<p>The Applicant produced a proportionate EIA based on the assessment of likely significant effects as required under the National Policy Statement on National Networks, see paragraph 4.15.</p> <p>The effect of the DCO Scheme on most of the non-statutory designated sites along this stretch of the disused railway, particularly those not directly affected by construction works, were assessed as "neutral" - see the ES Chapter 9, Table 9.21 (AS-031; DCO Document Reference 6.12). The Applicant is aware of the potential presence of protected species along the wildlife corridor, such as Great Crested Newts and water vole, as they have been found through the Applicant's own surveys. During 2016, we also shared our ecological survey data with BPC in the lead up to their submission of their planning application for a new car storage area at Court House Farm. The DCO Scheme would not directly affect</p>	<p>In BPC's response to this question, it provided a copy of BPC's Ecological Management Plan 2018-2022, and drew attention to the specific management measures included in it in relation to Court House Farm and the wetland and saltmarsh area to the east of the M5 near Pill the Area to East of M5.</p> <p>The Applicant should ensure that its works will be in accordance with this Plan, as updated or replaced from time to time. This will necessitate obligations on the part of the Applicant to obtain BPC's approval of certain works and to carry out reasonable additional or amended environmental mitigation measures, as suggested by the protective provisions set out at paragraphs 6.9.5 and 6.9.6 of BPC's written</p>

	<p>wildlife corridor has been considered and if it hasn't, why not.</p>	<p>the wildlife corridor and construction-related effects would be managed through the CEMP.</p> <p>The impact on protected species using the wildlife corridor close to the DCO Scheme would be no different from the effects we have described in the ES Chapter 9.</p> <p>A principal concern was the potential and realised effect of BPC's planning application for a new car storage area in the fields west of Court House Farm and south of the disused railway, which was granted planning permission in December 2016. It was felt that the creation of a well-lit car storage area on the south side of the railway area would significantly affect the dark corridor along the disused railway which is a regionally important bat commuting route, linked with the North Somerset and Mendip Bats SAC. The Port committed to mitigation measures and monitoring to maintain a dark corridor for bats through this area. This issue is covered in detail in the ES, Chapter 9 and Appendix 9.2 Bat Technical Appendix (AS-036, DCO Document Reference 6.25).</p>	<p>representations.</p>
<p>Cl.1.3</p>	<p>When the ExA carried out their Unaccompanied Site Inspection [EV-002] it was noted that works have started on the Hinkley Point C Connection project including on areas of land within the Application around Sheepway, Portbury Wharf and Shipway Gate Farm. Please</p>	<p>The Applicant and National Grid Electricity Transmission PLC (NG) have been regularly communicating since 2016 as set out in the draft Statement of Common Ground (SoCG) submitted at Deadline 1 (REP1-023 and DCO document reference 9.3.8). The majority of NG works will be complete prior to the start of the DCO Scheme construction and COVID-19 hasn't impacted on the end date of NG's programme. All NG works are due to be complete in this area in June / July 2023 with only reinstatement remaining to be complete by early 2024. Based a construction start date of early 2023 for the DCO Scheme, there would be some overlap with the works in the Sheepway area and a solution to ensure both projects can continue is set out in the draft SoCG (substantially agreed). The works remaining for NG to complete in 2023 will be pulling conductors through the new 400kV towers and dismantling the</p>	<p>BPC has no comment in relation to the specific interface of the NG works and the proposed DCO scheme works in the vicinity of Sheepway. However, the ExA should be aware that NG's works at the Port (which lies to the east of the Sheepway area) are substantial and on information provided by NG to BPC will be continuing throughout 2023 and into 2024. This is because NG will be working in a west to east direction and its works at the Port include removal of existing 132kV lines even after the new 400kV lines have been erected. BPC notes the Applicant's proposed start date for construction of the DCO scheme in early 2023 but assumes work, eg, to create the proposed construction compounds at Lodway Farm</p>

	<p>advise of current timescales for such works, whether there would be any overlap between the projects given the delays caused to both projects as a result of the current COVID-19 pandemic and any proposals to utilise such land in relation to this Application before it is re-instated to its original use and if so who would be liable for its reinstatement?</p>	<p>132kV towers. The remaining NG work is of relative short duration so can be managed by regular communication and planning by both parties.</p>	<p>and under the M5, would start before that date.</p> <p>In its written representation (paragraphs 4.7 and 5.4) BPC notes its concerns as to the proposed use of its track which leads from Marsh Lane towards the M5 as a construction haul road, and notes that the track is used frequently by others. These others will include NG, which will be using the track to provide construction access for the purpose of the Hinkley Point C Connection DCO Scheme. From the information as to the respective timetables of the Applicant's proposed works and the NG works set out above it can be seen that NG's works at the Port will require access over the track at a time when the Applicant would also be looking for such access and/or proposing works to the track.</p> <p>Currently, the Applicant has not been able to confirm with sufficient certainty and/or clarity the nature and extent (eg likely frequency and duration, nature of the vehicles using the track) of the construction access which would be needed. Specifically, it has not been able to confirm what works are proposed for the track and the area surrounding it, either in connection with its proposed use as a haul road or in connection with the DCO works more generally. Some of the information which has been made available has been inconsistent.</p> <p>As an example, the proposals include creating a link (which does not currently exist) between the track and the proposed Lodway Farm construction compound, but no further information is available as to what works this will entail and when/how these might be carried</p>
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			<p>out. Clearly these works, and any others which may be proposed, will affect the ability of others to use the track.</p> <p>In its reply to ExA's question Cl. 1.8 the Applicant states "<i>It is anticipated that large or heavy vehicles gain access to the Lodway Farm compound via access point AW 5.1 shown on the Compounds, Haul Roads and Access to Works Plan (APP-024 and DCO document reference 2.29) and the haul road, and thus not generally using access points that involve routeing through Easton In Gordano. Access to areas of the DCO Scheme in the Pill area can be achieved directly from Lodway Farm compound via access point AW 5.1 and haul road and the railway alignment itself.</i>"</p> <p>This suggests that the track will be subject to frequent use by heavy vehicles moving in both directions. BPC considers that use of that kind would not be possible without works to the track but that carrying out works will impede necessary use of the track by others, including NG.</p> <p>In its response to ExA's question Cl. 1.8, the Applicant suggests that details of use of the track will be left for the contractor to determine during the construction phase, but BPC submits that this is too late a stage to address the question as to the extent of the use of the track which will be possible at all.</p> <p>Given the current lack of sufficient information it is not possible for BPC or, BPC submits, the ExA to assess in the context of the track the extent to which the Applicant's proposals will conflict with the implementation of the Hinkley Point C Connection</p>
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			<p>DCO Scheme or what the combined effect of the two sets of works will be, or whether the track is able to accommodate them at all or without detriment to other users of it and the wider operation of the Port. Nor is it possible to reach any agreement as to how these issues may be managed and/or mitigated, if indeed they can be.</p> <p>Since that assessment cannot be made, BPC suggests that protective provisions must be included (as suggested in paragraph 6.3.1 of BPC's written representation so far as relates to the area of the track) to enable the exercise of the powers sought in the draft DCO properly to be controlled when further details are available of what is proposed.</p>
CA.1.10	<p>In their RR [RR-010] the BPC raise a concern regarding potential severance of part of their site near Court House Farm. Provide further detail of this including, if available, a layout of the area in question and details of how this matter would/ could be managed or signpost where in the application documentation this matter has been addressed.</p>	<p>BPC own land to the north and south of the disused railway, between Royal Portbury Dock Road and Marsh Lane. The land south of the railway and north of J19 M5 was acquired by BPC from Court House Farm, Marsh Lane in October 2016.</p> <p>BPC applied for planning permission for development of the land that formerly consisted of part of Court House Farm, Marsh Lane, Easton in Gordano. Planning permission was issued by North Somerset Council on 21 December 2016 for the development of the site at Court House Farm. The proposals including a "bridleway/cycle path crossing management plan" dated June 2017. In its consultation response dated 17 November 2016 relating to the proposals Network Rail stated:</p> <p>"With reference to the bridge over the railway, this will be subject to the necessary licence agreement between the Applicant [BPC] and Network Rail being reached before any works can take place. It should be noted that the at-grade "crossing" were not to be acceptable when the Portishead section opens again and</p>	<p>BPC has, at its own cost and expense, obtained the 2016 planning permission referred to by the Applicant in its point 1 below to allow it to construct an alternative crossing over the disused railway if the Portishead section opened again. The same permission authorised the construction of the at grade crossing and permits its use until the Portishead branch is re-opened to passenger traffic, as noted in the Applicant's point 3 below.</p> <p>However, the DCO currently makes no provision to ensure that BPC is given adequate time to construct the alternative crossing in accordance with the timetable envisaged by the planning permission and as previously envisaged by BPC and the Applicant.</p> <p>The Planning Officer's report quoted by the Applicant notes that "<i>On the basis that, the at-grade crossing is closed and the road bridge over <u>the railway is built in a</u></i></p>

	<p>construction commences for MetroWest...".</p> <p>The BPC application for planning permission included outline design drawings for a proposed bridge which were considered by the local planning authority. As a result, it did not seem appropriate for the Applicant for the MetroWest scheme to include a bridge - this would consent a second structure to the BPC proposals which had already been worked up to a sufficient level of certainty for the local planning authority to issue planning permission to BPC.</p> <p>Planning permission was issued by North Somerset Council including a temporary at-grade crossing over part of the disused railway. The permission to use the atgrade crossing is limited by condition. After the Portishead branch line is reopened to railway traffic, the at-grade crossing must cease to be used. The Decision Notice 16/P/1987/F dated 21 December 2016 is available at</p> <p>https://planning.n-somerset.gov.uk/onlineapplications/files/1E7DC39E917AF7E1A29C859CF58F8715/pdf/16_P_1987_F--2609267.pdf.</p> <p>The permission is for:</p> <p>Development of the site for port related uses. Provision of hardstanding for storage of cargo in transit (e.g. motor vehicles) through Royal Portbury Docks, with associated infrastructure, including a crossing over the disused railway by a crossing at grade and or vehicle bridge between the current Royal Portbury Dock estate and the proposed site Land To West Of Court House Farm Marsh Lane Easton-In-Gordano BS20 0NE</p> <p>The application included a plan for the proposed bridge over the Portishead Branch Line. See:</p> <p>https://planning.n-somerset.gov.uk/onlineapplications/files/2E749A8173592BF693C585C5DC7E349E/pdf/16_P_1987_FVEHICLE_BRIDGE-2591986.pdf</p>	<p><i>timescale that fits with the MetroWest Phase 1 project, there is no objection to the proposal</i>" [our emphasis added]. Condition 16 of the planning permission requires that the programme for the construction of the bridge must not "<i>impede the re-opening of the Portishead branch line</i>".</p> <p>Neither the Planning Officer's report nor Condition 16 required the bridge to be constructed pursuant to the permission (or the at grade crossing to cease to be used) purely as a result of development consent for the works to re-open the Portishead branch line being obtained. On the contrary, it was accepted by the Applicant that the actual timetable for construction of the bridge could and should be integrated with the timetable for the actual construction of the DCO scheme.</p> <p>However, Network Rail's position has been that BPC will only be permitted a fixed time period running from the date that the DCO is made to construct the bridge, and that BPC's use of the at grade crossing must cease at the end of that same time period, regardless of whether the Applicant has decided to implement the DCO, of whether it has funding to enable it to do so and of the stage, if any, that has been reached in the implementation of the DCO works.</p> <p>As explained in its note (3 December) to the ExA for the CA hearing BPC considers that this approach would be manifestly unreasonable because it requires BPC to expend considerable cost in respect of work that might not be necessary. It is also inconsistent with the Applicant's previous view of the appropriate</p>
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	<p>BPC's Design and Access Statement, at 6.45, says:</p> <p>"Design considerations</p> <p>6.45 Policy DM22 seeks to safeguard land for future railway expansion. In preparing the scheme design the applicant has discussed the proposed development with James Wilcox Project Manager for the Metro West project. The design has due regard to the land safeguarded for this development will not prejudice the potential development and operation of the rail link. The proposal therefore fully accords with this policy.</p> <p>6.46 The applicant is also in consultation with Network Rail regarding the crossing of their land and the design of the crossing at grade and the vehicle bridge. The crossings will be designed to meet Network Rail's specifications and the appropriate permissions will be secured."</p> <p>The Design and Access Statement can be found at: https://planning.nsomerset.gov.uk/onlineapplications/files/87B496DA1B72FAF892B8BEC6C18F7C5D/pdf/16_P_1987_FPLANNING__DESIGN_AND_ACCESS_STATEMENT-2591976.pdf</p> <p>The Planning Officer's delegated report states (Page 8):</p> <p>"Whilst the Portishead rail line remains in a dis-used state, it is proposing to form an at grade crossing over the dis-used railway track and then build a vehicle bridge over the railway prior to the commencement of the construction phase of the MetroWest Phase 1 project, which includes re-opening the railway.</p> <p>On the basis that, the at-grade crossing is closed and the road bridge over the railway is built in a timescale that fits with the MetroWest Phase 1 project, there is no objection to the proposal. The MetroWest Phase 1 project is aligned to a programme that will commence construction in Oct 2018 however, this timescale is dependent on many factors the applicant will be advised to maintain</p>	<p>timetable for the construction works for the bridge and the basis and terms of the 2017 easement which as the Applicant's response acknowledges envisaged the at grade crossing needing to be removed only "<i>should the Portishead Branch Line be rebuilt</i>", not merely if a development consent were obtained.</p> <p>BPC will need to be allowed an appropriate period to build the alternative crossing after it is clear that such an alternative is actually required. Therefore BPC does not agree that the delay to the DCO Scheme has had the effect of providing BPC with more time to build the alternative access nor that "<i>[T]iming is not a problem</i>" (see the Applicant's response to question GC.1.1).</p> <p>BPC's position is that the time allowed to it to build the alternative crossing should run only from when the Applicant receives Full Business Case Approval for the scheme, so that the scheme is fully funded, and notes the Applicant's reference (in its response to question CA.1.5) to this stage involving approval of the Full Business Case by North Somerset Council (Full Council), WECA Committee and by the Department for Transport.</p> <p>Constructive discussions are continuing between BPC and Network Rail with a view to resolving this issue but unless and until a satisfactory agreement is reached and enshrined in legally enforceable obligations BPC's position remains that the draft DCO sought by the Applicant should not be made without amendment to ensure BPC is given adequate time to construct the alternative crossing after it can be assured that full</p>
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		<p>a dialogue direct with the project regarding the timescales"</p> <p>The report can be found at: https://planning.n-somerset.gov.uk/onlineapplications/files/4A43E3D66306B0AD1F049152A71D617C/pdf/16_P_1987_F--2609268.pdf</p> <p>Condition 16 of the planning permission states:</p> <p>"The use of the site for storage of cargo in transit (e.g. motor vehicles) shall not be commenced until full details of the temporary at-grade vehicle crossing have been submitted to and approved by the local planning authority. Notwithstanding the submitted plan: 42075A, the security fencing/gates shall not be erected across the railway corridor owned by Network Rail. In addition, the use of the site for the storage of cargo in transmit (e.g. motor vehicles) shall not be commenced until a programme of works (including timescales) for the introduction and removal of the temporary at-grade vehicle crossing and construction of the vehicular bridge across the railway line so as to not impede the re-opening of the Portishead branch line have been submitted (in consultation with MetroWest and Network Rail) to and approved by the local planning authority. Details of the atgrade vehicle crossing, bridge and above programme of works, once approved, shall be implemented in accordance with the approved details to the satisfaction of the local planning authority. The temporary at-grade vehicle crossing must not be used after the Portishead branch line is re-opened to railway traffic.</p> <p>Reason: to ensure that the safeguarded railway corridor is adequately protected in accordance with policy CS10 of the North Somerset Core Strategy and policy DM22 of the North Somerset Development Management Policies July 2016."</p> <p>The bridleway/cycle path crossing management plan submitted by BPC in June 2017 to discharge condition 18 (relating to the</p>	<p>funding for the DCO scheme is in place and that the scheme will be proceeding.</p>
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		<p>neighbouring Bridleway crossing) states:</p> <p>"Prior to the intended re-opening of the Portishead branch line, BPC will stop using this "at-grade" crossing and will be required to build a bridge across the railway and bridleway in order to access the site. This bridge will accommodate the bridleway and cycle path by means of an underpass to the north of the railway for pedestrians, cyclists and horse riders."</p> <p>It is therefore apparent that:</p> <ol style="list-style-type: none">1. BPC secured its planning permission only by compliance with policy CS10 of the North Somerset Core Strategy and policy DM22 of the North Somerset Development Management Policies July 2016, by including a bridge in its proposals2. BPC already has planning permission for a suitable overbridge and has worked up its details to a sufficient level of certainty meaning there is no need for the Applicant to contemplate an accommodation structure over the railway alignment; and3. with the re-opening of the Portishead Branch Line, the ability for BPC to use the temporary at-grade crossing over the railway will fall away in accordance with condition 16 of the issued planning permission. <p>As a result it is for BPC to bring forward its proposals for access for its Court House Farm site to replace its temporary at-grade crossing. Because of this no powers or bridge proposals were included in the dDCO or accompanying documents.</p> <p>In respect of its interest in the land comprising the disused railway, BPC currently enjoy rights granted pursuant to an easement granted by NRIL in 2017 for an 'atgrade' crossing linking their land south of the railway with the main Port site (2017 Easement). BPC entered into the 2017 Easement with full knowledge of the future MetroWest</p>	
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		<p>proposals and on the understanding the current access would need to be removed should the Portishead Branch Line be rebuilt. The 2017 easement therefore includes a right for Network Rail to terminate the easement if they require the land for railway purposes. BPC and NRIL are currently discussing terms for permission to construct and maintain a replacement bridge in this locality in place of the current 'at-grade' crossing.</p> <p>The plan appended to this document as Appendix CA.1.10-1 shows the locality of the current crossing with the BPC planning application drawings for the proposed new bridge overlaid on NRIL's land ownership (hatched green). The current crossing runs parallel to the east of the proposed replacement bridge.</p>	
TT.1.1	<p>ES Chapter 4 [APP-099] paragraph 4.8.8 sets out that the existing maintenance regime required by Network Rail would be increased.</p> <p>Where are the maintenance compounds located in respect of the existing freight line?</p> <p>What additional maintenance/emergency access is required over and above that necessary for the existing freight line?</p>	<p>The existing line from Parson Street Junction to Portbury docks is currently maintained on weeknights on a 1 week in 12 cyclical basis. At weekends the line closed to traffic from 22.00 Saturday night to 18.00 Sunday evening. This frequency is related to current traffic flows and makes use of the existing road rail access points (RRAP) at Portbury dock (with agreement of the Port) and at Liberty Lane (Parson Street Jcn). In addition, there is an access point to the line at Ham Green to enable staff to inspect and maintain the silt busters and inspect Pill tunnel.</p> <p>Once the line is upgraded for passenger service the tonnage over the line will significantly increase and coupled with new infrastructure there will be a need to enhance the maintenance regime and integrate fully into the current regime in the greater Bristol area. As a result, the weeknight access to the line will probably be every 6 weeks with a reduction of time at weekends (to allow weekend passenger services to operate).</p> <p><i>[paragraphs omitted for brevity]</i></p> <p>In addition Network Rail will be seeking rights from the Port for</p>	<p>The Applicant's response acknowledges that the amount of access to and over BPC's rail link that Network Rail (NR) is seeking (via the RRAP comprised in Work 16C and the compulsory acquisition of rights on the terms set out in schedule 10 of the draft DCO over plots 05/104, 05/107, 05/108, 05/165, 05/171, 06/25 and 06/55) will increase from the level which BPC currently permits on a voluntary and ad hoc basis. This increased use will necessarily apply also to the access track leading to the RRAP, over which powers of compulsory acquisition of rights are also included in schedule 10 of the draft DCO (in relation to plots 05/100, 05/103, 05/105 and 05/112).</p> <p>While the relevant long term rights and powers are being promoted by the Applicant in the draft DCO, it is clear they are being sought in reality for the benefit of NR, and as a result the Applicant has not been in a position to provide BPC with any information as to the extent of access that is envisaged or what</p>

	<p>Provide an overview/summary to explain the purpose of each permanent maintenance compound and the reasons for the location and scale.</p>	<p>Network Rail to use the RRAP next to the Portbury railway dock gates. This access point will allow for the provision to drop off RRVs via low loaders which can then travel up the line towards Bristol and be 'off tracked' into other compounds (such as Monmouth Road and Ham Green) ready for use in possessions.</p>	<p>arrangements are proposed so as to manage the exercise of the powers so as to avoid disruption to BPC's rail link - which it operates as part of its statutory undertaking - and to avoid disruption to the use of the access track by others.</p> <p>BPC has to date been able to obtain only limited engagement from NR in relation to the various aspects of the draft DCO powers which will relate, in reality, to NR activities. The resulting lack of information is preventing BPC being able to assess the likely impact of the relevant powers sought in the draft DCO on its operations and undertaking, including in relation to NR's future use of BPC's rail link and the access to it.</p> <p>In the absence of any information enabling that assessment to be made by BPC or, BPC submits, the ExA, BPC considers that the DCO could not safely be made containing the powers of compulsory acquisition of rights on the wide terms set out in schedule 10 and that accordingly protective provisions must be included (as suggested in paragraph 6.2 of BPC's written representation) to enable the exercise of the powers properly to be controlled.</p>
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