



MetroWest+

Portishead Branch Line (MetroWest Phase 1)

TR040011

Applicant: North Somerset District Council

9.1 ExA.Sch.D5.V4 – Schedule of Changes to the draft Development Consent Order

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MetroWest Phase 1: Draft Development Consent Order

Log of drafting changes for Deadline 5 draft DCO

16 February 2021

The following table has been prepared by the Applicant to set out the changes made to the dDCO submitted to the Examination at Deadline 3 (21 December 2020).

It is submitted together with:

- a. revised dDCO (Version 5) (clean)
- b. a comparison version of the dDCO showing all changes between new Version 5 and Version 1 (APP-052; DCO Document Reference 3.1);
- c. a comparison version of the dDCO showing the changes between Version 5 and Version 4 submitted at Deadline 3 (REP3-005 DCO Document Reference 3.1)

The Panel has now permitted removal of Work 16D (Procedural decision 22 December 2020).

The Panel has now permitted removal of Works 10C, 12B, 16B and 27 (Procedural decision 26 January 2021).

The Applicant has also reviews the Order limits and made consequential changes. In addition drafting has been modified to reflect issues raised by the Panel and Interested Parties at hearings, for consideration at the next Issue Specific hearings.

It is anticipated that further changes will be required to Requirement 14, which can be discussed at the next Issue Specific Hearings.

The Applicant has therefore also updated the revised Land Plans, revised Book of Reference and Statement of Reasons.

Article/Schedule	Change	Reason for change	Precedent used	Consequential changes
Article 2	Definition of "Commence " amended: "commence" means beginning to carry out any material operation (as defined in section	Discussed in ISH 1 with ExA	-	-

	<p>155 (when development begins) of the 2008 Act) forming part of the authorised development other than operations consisting of environmental surveys and monitoring, investigations for the purpose of assessing ground conditions, receipt and erection of construction plant and equipment, utility diversions, laying out of compounds, works to clear watercourses, erection of any temporary means of enclosure, erection of protective fencing, the temporary display of site notices or advertisements, and “commencement” is to be construed accordingly;</p>			
Article 13	<p>Article 13(1) amended to include:</p> <ul style="list-style-type: none"> (j) remove and install temporary and permanent signage; (k) make and maintain crossovers and passing places; (l) execute any works of surfacing or re-surfacing of the highway; and (m) execute any works required for or incidental to any works referred to in subparagraphs (a) to (l). 	Discussed in ISH 1 with ExA	-	-
Article 46	<p>Time period for notice period amended from 4 weeks to 12 weeks in Article 46 (3) (a)</p>	At request of local highway authority.	-	-

Schedule 1	Removal of Works 10C, 12B, 16 B and 27	In accordance with ExA decision dated 26 January 2021 under Rules 9, 13, 16 and 17 of the Infrastructure Planning (Examination Procedure) Rules 2010 (as amended)	-	Phasing requirement (Requirement 3) updated accordingly
Schedule 2, Requirement 1	Definition - Addition of Ashton Vale Road and Winterstoke Road Highway Works Plan Bridleway Extension under the Elevated M5 Plan Cattle Creep Bridge General Arrangement Drawing Removal of Great crested newt indicative pond design drawing	For revised requirements 18 and 32 and new Requirement 33		Requirements 18, 32 and 33 refer to new definitions Consequential amendments to Schedule 17
Schedule 2, Requirement 3	Stages amended to reflect deleted works	In accordance with ExA decision dated 26 January 2021 under Rules 9, 13, 16 and 17 of the Infrastructure Planning (Examination Procedure) Rules 2010 (as amended)	-	.
Schedule 2, Requirement 4	Table in requirement 4(5) amended – reference to Work No. 27 removed	In accordance with ExA decision dated 26 January 2021 under	-	-

		Rules 9, 13, 16 and 17 of the Infrastructure Planning (Examination Procedure) Rules 2010 (as amended)		
Schedule 2, Requirement 5	New requirement 5(5) inserted to require a construction workers travel plan to be provided with the CEMP for works within Bristol City Council's administrative area.	At the request of Bristol City Council	-	-
Schedule 2, Requirement 10	Requirement amended to remove reference to works 10C, 12B and 16B	In accordance with ExA decision dated 26 January 2021 under Rules 9, 13, 16 and 17 of the Infrastructure Planning (Examination Procedure) Rules 2010 (as amended)	-	-
Schedule 2, Requirement 11	<p>11.—(1) A stage of the authorised development must not commence until written details of the surface and (if any) foul water drainage system (including means of pollution control) have, after consultation with the lead local flood authority and the Environment Agency, been submitted to and approved by the relevant planning authority.</p> <p>(2) The approved drainage systems for the relevant stage must be constructed in accordance with the approved details and thereafter managed and maintained in accordance with the approved details unless otherwise agreed with the local planning authority after consultation with the lead</p>	Requested by Environment Agency	-	-

	<p>local flood authority and the Environment Agency.</p> <p>(3) This requirement does not apply to currently operational railway land</p>			
Schedule 2, Requirement 17	<p>Amended to include additional provisions regarding contaminants:</p> <p>Contaminated land and groundwater</p> <p>17. (1) A stage of the authorised development must not commence until a written scheme applicable to that stage to deal with the contamination of any land, including groundwater, within the Order limits which is likely to cause significant harm to persons or pollution of controlled waters or the environment has, after consultation with the relevant planning authority and the Environment Agency, been submitted to and approved by the relevant planning authority.</p> <p>(2) The scheme must include an investigation and assessment report, prepared by a specialist consultant approved by the relevant planning authority, to identify the extent of any contamination and the remedial measures to be taken with respect to any contaminants on the site.</p> <p>(3) The stage of the authorised development must be carried out in accordance with the approved scheme.</p> <p>(4) Where the scheme sets out remedial measures to be taken with respect to any contaminants on the site, a verification plan must also be submitted providing details of the</p>	At the request of the Environment Agency	-	-

	<p>data that will be collected in order to demonstrate that the remedial measures are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.</p> <p>(5) If, during development, contamination not previously identified is found to be present at the site, no further development (unless otherwise agreed in writing with the relevant planning authority) is to be carried out, until a remediation strategy detailing how this unsuspected contamination shall be dealt with has, after consultation with the relevant planning authority and the Environment Agency, been submitted to and approved by the relevant planning authority. The remediation strategy must be implemented as approved.</p> <p>(6) Paragraphs (1) to (5) do not apply to any currently operational railway land.</p>			
Schedule 2, Requirement 18	<p>Amended to make reference to the Ashton Vale Road and Winterstoke Road Highway Works Plan:</p> <p>18.—(1) Work No. 28 (Winterstoke Road and Ashton Vale Road Junction) must not commence until the relevant planning authority, in consultation with the relevant highway authority, has approved the detail design for Work 28, to include—</p>	for additional clarity	-	Definitions in Requirement 1 amended to refer to Ashton Vale Road and Winterstoke Road Highway Works Plan

	<p>(a) an extended left turn lane on Winterstoke Road for vehicles in to Ashton Vale Road; and</p> <p>(b) details for the installation of a MOVA system or other traffic control measures designed to maximise the operational efficiency of the Winterstoke Road and Ashton Vale Road junction including provision for the movement of trains over the level crossing at Ashton Vale Road.</p> <p>(2) The detail design required by paragraph (1) to be submitted to the relevant planning authority must be in substantial accordance with the Ashton Vale Road and Winterstoke Road Highway Works Plan.</p> <p>(3) Work No. 28 must be carried out in accordance with the approved details to the satisfaction of the relevant planning authority in consultation with the relevant highway authority prior to first commercial use.</p>			
Schedule 2, Requirements 20 and 21	In both requirements a time stipulation for removal of the temporary work is included – 6 months from cessation of use of the relevant construction haul Road (Work No. 15) and 6 months of cessation of use of the Work (Work No. 20).	At the request of the local planning authority	-	-

<p>Schedule 2, Requirement 25</p>	<p>Amended to reflect agreed position regarding fencing at Clanage Road Permanent compound:</p> <p>Permanent fencing outside of Avon Gorge Woodlands SAC</p> <p>25 — (1) Subject to paragraph (2) a stage of the works must not commence until written details of any permanent fencing to be installed in connection with that stage have been submitted to and approved by the relevant planning authority.</p> <p>(2) Any permanent new fencing to be erected as part of Work No. 26 shall be of paladin type, and shall not exceed a height to be previously approved by the relevant planning authority in writing.</p> <p>(3) All permanent fencing must be installed in accordance with the approved details and thereafter retained.</p>	<p>At the request of the local planning authority</p>	<p>-</p>	<p>-</p>
<p>Schedule 2 requirement 27</p>	<p>Additional Requirement 27(3) included regarding on site energy microgeneration:</p> <p>27.- (1) Work No. 5 (Portishead Station) must not commence until written details of any permanent lighting to be installed in connection with that work, including measures to minimise light spillage, have been submitted to and approved by the relevant planning authority, the authority acknowledging the necessity for the lighting to comply with Railway Industry Standards.</p>	<p>At the request of the local planning authority</p>	<p>-</p>	<p>-</p>

	<p>(2) Work No. 5 must not commence until written details of any GSM-R mast to be located at Portishead Station have been submitted to and approved by the relevant planning authority. The GSM-R mast must not exceed 12 metres in height from the proposed track bed level of Work No. 1 at Portishead Station.</p> <p>(3) Work No. 5 must not commence until written details of any proposals for the inclusion of on-site energy generation to be incorporated within the detail design for Portishead Station have been submitted to and approved by the relevant planning authority.</p> <p>(4) Work No. 5 must be carried out in accordance with the approved details.</p>			
Schedule 2, Requirement 31	<p>Amended as follows:</p> <p>Clanage Road, Bristol</p> <p>31. —(1)Works 26, 26A and 26B must not commence until a flood plan which details the emergency and evacuation procedures for use of the temporary and permanent compound has been submitted to and approved in writing by the relevant planning authority in consultation with the Environment Agency, and, if relevant the lead local flood authority. The approved flood plan must thereafter be complied with to the satisfaction of the relevant planning authority.</p> <p>(2) The landscaping and planting forming part of Work No. 26 must be carried out in accordance with the relevant design drawing</p>	At the request of the Environment Agency	-	-

	<p>prior to first use of Work No. 26 as a permanent maintenance compound. Any tree or shrub planted as part of the landscaping that, within a period of five years after planting, is removed, dies or becomes, in the opinion of the relevant planning authority, seriously damaged or diseased, must be replaced in the first available planting season with a specimen of the same species and size as that originally planted, unless the relevant planning authority gives written consent to any variation.</p> <p>(4) The regrading of the levels forming part of Work No. 26 must be carried out, in accordance with the Clamage Road, compound, landscaping and access plan prior to first use of Work No. 26 as a permanent maintenance compound. The levels must thereafter be maintained.</p>			
<p>Schedule 2, Requirement 32</p>	<p>Addition of reference to on the Bridleway Extension under the Elevated M5 Plan I in requirement:</p> <p>32. -(1) Work No. 18 must not commence until the siting, design, landscaping and method of construction of the proposed bridleway have been submitted to and approved by the relevant planning authority. The submitted details must adhere to the principles shown on the Bridleway Extension under the Elevated M5 Plan.</p> <p>(2) Work No. 18 must thereafter be carried out in accordance with the approved details.</p>	<p>For additional clarity</p>		<p>Definitions in Requirement 1 amended to refer on the Bridleway Extension under the Elevated M5 Plan</p>

<p>Schedule 2, Requirement 33</p>	<p>Previous requirement relating to Work no 27 deleted.</p> <p>New requirement relating to Cattle Creep Bridge inserted:</p> <p>Cattle Creep Bridge, Easton in Gordano</p> <p>33.— (1) Work No. 1B must not commence before the undertaker has provided to the relevant planning authority and the Environment Agency a topographic survey setting out the existing ground levels at Cattle Creep bridge, Easton in Gordano.</p> <p>(2) Works to Cattle Creep Bridge must be carried out in accordance with the principles set out in the Cattle Creep Proposed General Arrangement drawing and in particular the arch of the Cattle Creep Underbridge must not be altered and the ground level beneath the Cattle Creep Underbridge must not be raised without the prior consent in writing of the relevant planning authority following consultation with the Environment Agency and (if relevant) the lead local flood authority.</p>	<p>At the request of the Environment Agency</p>	<p>-</p>	<p>Requirement 1 – Definition of Cattle Creep Bridge General Arrangement Drawing added.</p>
<p>Schedule 10</p>	<p>Plot 02/32 removed</p>	<p>New rights no longer required for the proposed work – Work 10C removed. due to successful District Level licencing application</p>	<p>-</p>	<p>02/32 now in Schedule 12</p>

Schedule 10	Plots 05/85 and 05/86 added	Freehold acquisition no longer proposed but new rights sought in common with plot 05/75	-	-
Schedule 12	Plot 02/32 added References to Works 10C, and 16B removed throughout Schedule	New rights no longer required for the proposed work – Work 10C removed. Temporary powers for relocation of amphibians found during construction works now proposed		Plot 03/32 removed from Schedule 10
Schedule 15	Removal of reference to Byelaw 10 of the North Somerset Levels Internal Drainage Board Land Drainage Byelaws 2004	At the request of the North Somerset Levels Internal Drainage Board.	-	-
Schedule 17 – Documents to be Certified	Additional Documents included: Ashton Vale Road and Winterstoke Road Highway Works Plan The Avon Gorge Vegetation Management Plan Bridleway Extension Under the Elevated M5 Plan Cattle Creep Proposed General Arrangement drawing Removal of Great crested newt indicative pond design drawing		-	Amendments reflect changes to schedule 2 requirement 1

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16 February 2021