

16 February 2021

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Our ref:
FE1/RG1/381278.1
Your ref:
TR040011

Dear Mr Bartkowiak

**Applicant: North Somerset District Council
Development Consent Order application for Portishead Branch Line – MetroWest Phase 1
Application Reference: TR040011
DCO Document Reference: 9.32 ExA.CL.D5.V1**

Applicant's Deadline 5 Submissions

In accordance with the examination timetable at Annex A of the Rule 8 letter, I provide the following updates:

1. Applicant's responses to ExA ExQ2;
2. An updated version of the dDCO (in clean, tracked and Word versions);
3. An updated Explanatory Memorandum (in clean and tracked against Version 2);
4. An updated Statement of Reasons (in clean and tracked against Version 2);
5. Revised Land Plans and Works Plans;
6. An updated Book of Reference;
7. An updated CA Schedule;
8. An update on progress with SoCG, including an updated Statement of Commonality of SoCG
9. Applicant's comments on written representations submitted at Deadline 4;
10. Applicant's response to the submissions of ETM Contractors Limited and Manheim Auctions Limited at Deadline 4;
11. Responses to further information previously requested for Deadline 5
12. An updated Guide to the Application.

Item 1: The Applicant's Responses to the ExA ExQ2

The Applicant encloses the Applicant's responses to the ExA ExQ2 together with appendices under the same document reference (DCO Document Reference: 9.33 ExA.WQ2R.D5.V1).

Item 2: An updated version of the dDCO

The Applicant now encloses an updated draft DCO, that contains a number of changes including those following the ExA's approval to the change request relating to Work No 10C, 12B, 16B and 27. In addition the dDCO has been updated to reflect further discussions with key stakeholders. Please note

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that a number of interested parties including the Environment Agency, Bristol City Council and North Somerset Council as LPAs and North Somerset Levels IDB have not seen the revised draft of the DCO. The Applicant anticipates it is useful for the parties to have this draft available now, in readiness for the ISH in early March, but notes that further changes to the dDCO may be required as a result of discussions at the ISH and so anticipates a revised dDCO will be submitted at Deadline 6.

In any event the Applicant has not concluded its thinking and discussions on Requirement 14 and on fencing requirements, so anticipates both will need to be discussed further at the ISH on DCO drafting.

A Validation Report (DCO Document Reference: 3.3 (Version 4) for the dDCO and an updated Schedule of Changes to the dDCO (DCO Document Reference 9.1 ExA.Sch.D5.V4) are also enclosed.

Item 3: Updated Explanatory Memorandum

The Applicant encloses an updated Explanatory Memorandum to reflect the changes made to the dDCO (in clean and tracked against Version 2). Please see DCO Document: 3.2 (Version 3)).

Item 4: Updated Statement of Reasons

The Applicant encloses an updated Statement of Reasons to reflect the recent changes made to the dDCO. Please see DCO Document: 4.1 (Version 3).

Item 5: Revised Land Plans and Works Plans The Applicant encloses updated and finalised Land Plans (DCO Document Reference: 2.2 (Version 3)). The changes to the Land Plans reflect the removal of the Works described above and do not include any additional land within the redline boundary.

The updated Works Plans (DCO Document Reference: 2.3 (Version 6)) have been updated as a result of the changes to the Works following the removal of the Works listed above.

The Applicant also submits updated version of the following plans:

- (a) General Arrangement Plans (DCO Document Reference 2.4 (Version 3));
- (b) Compounds, Haul Roads and Access to Works Plans (DCO Document Reference 2.29 (Version 4));
- (c) Cross Section Plans (DCO Document Reference 2.36 (Version 2)); and
- (d) Portishead Station Car Park Layout, Landscaping and New Boulevard and Access Plan (DCO Document Reference 2.38 (Version 2)).

Additional updated plans that have also been affected by the removal of Works will be submitted by Deadline 6.

Item 6: Updated Book of Reference

This is enclosed as DCO Document Reference: 4.3 (Version 3).

Whilst the Book of Reference is updated because of the removal of the Works as agreed by the ExA, the Applicant is also proposing to carry out a further Land Registry title refresh to ensure that any new interests in the Order lands are captured, prior to the close of the examination, so the certified document is as up to date as possible when the examination closes. Accordingly the final Book of Reference will be provided at Deadline 7.

Item 7: Updated Compulsory Acquisition Schedule

This is enclosed as DCO Document 9.11 ExA.CA.D5.V3.

Item 8: Updated progress on SoCG and the Statement of Commonality

The Applicant continues to progress matters with stakeholders in relation to SoCGs.

The Applicant submits the following updated versions of the SoCG with:

- (e) Openreach (DCO Document Reference 9.3.10 ExA.SoCG-OL.D5.V2). This is submitted as the final, signed SoCG with Openreach and Network Rail.
- (f) Bristol City Council (DCO Document Reference 9.3.2 ExA.SoCG-BCC.D5.V2). This is submitted as Version 2, superseding the previous iteration, REP1-017, and remains largely agreed but is yet to be signed.
- (g) Environment Agency (DCO Document Reference: 9.3.3 ExA.SoCG-EA.D5.V3). Due to staff absences within the EA and delays in obtaining the EA's land interests and assets due to Covid 19, the SoCG is still in draft and subject to the EA's final agreement on each topic. However, significant progress has been made and the SoCG is submitted as Version 3, superseding the previous iteration, REP3-010..
- (h) Wessex Water (DCO Document Reference: 9.3.13 ExA SoCG-WW.D5.V2). This is submitted as Version 2 and supersedes the previous iteration, REP1-028, and is largely agreed but is yet to be signed.
- (i) Western Power Distribution (DCO Document Reference: 9.3.14 ExA.SoCG-WPD.D5.V1). This is submitted as Version 1 and represents the current position as the Applicant understands it. Comments are awaited on this version from WPD.

The SoCG with North Somerset Council as Local Planning Authority remains largely agreed but not yet signed. The Applicant has been concentrating on the changes to the dDCO but will ensure that it provides the latest version of the SoCG to North Somerset Council in advance of the hearings due to take place in week commencing 1 March, with a view to submitting an updated version to the ExA by Deadline 6.

The SoCG with Natural England has been updated since the last iteration submitted to the ExA at Deadline 4 (REP4-006). However the Applicant believes that those updates are minimal and that it would make more sense to provide an updated SoCG at Deadline 6, once the changes to the relevant environmental documents have been dealt with, and updated in the SoCG. The Applicant continue to work with Natural England to reach agreement on the outstanding points in the SoCG.

The Applicant has made numerous attempts to contact the Woodland Trust and to-date no response has been received. The Woodland Trust did not include contact details in their relevant representation so the Applicant called the Head Office and was provided with a generic email address to direct correspondence to. In addition, correspondence was sent to the Woodland Trust's Head Office on 24 September 2020 and then again on 6 October 2020, and no response has been received. The Applicant is aware that the Woodland Trust submitted a relevant representation. However given that the Woodland Trust has not taken part in the examination of the Application, nor responded to any correspondence from the Applicant, the Applicant's view is that a SoCG is not required, and as such no SoCG is proposed to be submitted to the ExA.

The Applicant is aware that the ExA specifically requested in the Rule 6 letter dated 7 September 2020 SoCGs with the National Trust, Forestry Commission and The Bristol Port Company. The Applicant is working with all three organisations to agree commercial terms and enter into subsequent agreements in relation to their respective interests in the Application. The Applicant's view is therefore that it would be more appropriate and efficient to concentrate on finalising those agreements, rather than entering into SoCGs with those parties.

The updated Statement of Commonality of the SoCGs (DCO Document Reference: 9.7 ExA.SoC.D5.V3) is enclosed.

Item 9: Applicant's comments on written representations submitted at Deadline 4

Please find enclosed the Applicant's comments on the submissions made at Deadline 4 (DCO Document Reference: 9.34 ExA.CWR.D5.V1).

Item 10: Applicant's response to the submissions of ETM Contractors Limited and Manheim Auctions Limited

Please find enclosed the Applicant's response to the comments submitted by ETM Contractors Limited and Manheim Auctions Limited at Deadline 4 (DCO Document Reference: 9.34.1 ExA.CWR.D5.V1).

Item 11: Responses to further information previously requested for Deadline 5

Please find enclosed the Applicant's review of actions outstanding from previous deadlines (DCO Document Reference 9.35 ExA.FI.D5.V1).

Item 12: An updated Guide to the Application.

This is enclosed. Please see DCO Document Reference 1.4 (Version 9).

Concluding Remarks

The Applicant is happy to provide such further information as the ExA may require in respect of the above submissions.

Please confirm safe receipt of this letter and enclosures.

Yours sincerely

Richard Guyatt
Partner
Womble Bond Dickinson (UK) LLP