



MetroWest+

Portishead Branch Line (MetroWest Phase 1)

TR040011

Applicant: North Somerset District Council

9.33 ExA.WQ2R.D5.V1 – Applicant's responses to the Examining Authority's
Written Questions ExQ2

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Responses to ExA Questions
Applicant's Responses to the Examining Authority's EXQ2 Round of Written Questions

| ExQ2 | Question to: | Question | Current response |
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| GC General and Cross-topic Questions | | | |
| General | | | |
| GC.2.1 | <p><i>Clarification of title of project</i></p> <p>The Applicant</p> | <p>The Planning Statement [APP-205] states that MetroWest Phase 1 comprises the delivery of infrastructure and passenger train operations that would provide the following:</p> <ul style="list-style-type: none"> ▪ A half hourly service for the Severn Beach line (hourly for St. Andrews Road station and Severn Beach station); ▪ A half hourly service for Keynsham and Oldfield Park stations on the Bath Spa to Bristol line; and ▪ An hourly service (or an hourly plus service) for a reopened Portishead Branch Line with stations at Portishead and Pill. <p>Bullet points one and two are collectively known as MetroWest Phase 1A. Bullet point three, which is the subject of this application, is known as MetroWest Phase 1B.</p> <p>The Application documentation and consequently the Planning Inspectorate have referred to the current application as MetroWest Phase 1. For the purpose of</p> | <p>The DCO application documents refer to the application as 'Portishead Branch Line (MetroWest Phase 1)'. We suggest this is the correct wording to use when reporting to the Secretary of State.</p> <p>The Applicant's Statement of Reasons (AS-016; DCO document reference 4.1) at paragraphs 1.11-1.16 provides a summary of the constituent parts of the MetroWest project.</p> |

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| | | clarity when reporting to the Secretary of State should the application be referred to as MetroWest Phase 1B? | |
| GC.2.2 | <i>Updates on development</i> All Relevant Planning Authorities | Provide an update of any planning applications that have been submitted, or consents that have been granted since the last set of written questions that could either effect the proposed route or that would be affected by the Proposed Development and whether this would affect the conclusions reached in Chapter 18 and Appendix 18 of the Environmental Statement (ES) [APP131 and APP-191]? | |
| GC.2.3 | <i>Other Consents and Permits</i> The Applicant | Following your response to first written question GC.1.5 [PD-010] can you provide an update on the progress that has been made since this response in obtaining these other consents and licences that would be required by the development and can you comment on North Somerset District Council's (NSDC) Deadline 4 submission [REP4-040] that consents under section 61 of the Control of Pollution Act should be added to the list of other permits required. | An updated summary of progress with consents and licences is provided at Appendix GC.2.3. |
| GC.2.4 | <i>Central Government Policy and Guidance</i> The Applicant The Relevant Planning Authorities | Are there any changes to Government Policy or Guidance, that have resulted from the United Kingdom's departure from the European Union on the 31 December 2020? If yes what are these changes and what are the implications, if any, for the Application? | All legislation cited in the ES has been reviewed and the amendments made to ensure continued efficient operation following the end of the Transition Period on 31 December 2020 checked. References will be updated as appropriate for the submission of the final ES at DL6. No substantive changes with implications for the DCO |

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| | | <p><i>This excludes the DEfRA policy paper that was published on 1 January 2021 relating to changes to the Habitats Regulations 2017 which was discussed at the ISH3 [EV-010] and was the subject of an action point [EV-010e] arising from that meeting.</i></p> | <p>Application have been identified. No changes to Government Policy or Guidance relevant to the DCO Application resulting from the end of the Transition Period have been identified.</p> |
| GC.2.5 | <p><i>Work No 24 Chapel Pill Lane, Ham Green</i> North Somerset District Council</p> | <p>Mr Tarr referred at the Issue Specific Hearings (ISH) 2 and 3 to an affordable housing scheme proposed at Chapel Pill Lane as part of the emerging Abbots Leigh, Ham Green, Pill and Easton-in-Gordano Neighbourhood Plan [REP2-025]. His subsequent Deadline 4 submission [REP4-056] includes a link to a public consultation on the housing plans. Could NSDC respond to his points regarding whether the project proposals for a permanent access and compound in this location would be enabling development for the proposed housing scheme?</p> | <p>The Applicant did not give any regard, when it designed its access to the proposed compound, so as to accommodate or facilitate the proposed affordable housing scheme.</p> |
| GC.2.6 | <p><i>Green Belt</i> North Somerset District Council</p> | <p>Work Nos 24 and 24A (permanent and temporary compound south of Ham Green Lake) would be located in the Green Belt. The Applicant advocates [REP2-013] that the proposal would be local transport infrastructure which needs to be located in the Green Belt and as such would be defined as not inappropriate development in the Green Belt under paragraph 146 of the National Planning Policy Framework (NPPF).</p> | |

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| | | <p>However, Paragraph 146 states that this only applies provided the works preserve openness and does not conflict with the purposes of including land within the Green Belt.</p> <p>i) As the proposed compound would be Associated Development are you satisfied that it would fall within paragraph 146 c)? If not, why not and would it fall within any of the categories of development included within paragraph 146?</p> <p>ii) If you are satisfied that paragraph 146 c) (or any of the other exceptions) does apply are you satisfied that the proposal would preserve openness and would not conflict with the purposes of including land within the Green Belt? If not, are you satisfied that a case of Very Special Circumstances exists?</p> | |
| GC.2.7 | <p><i>Green Belt</i> Bristol City Council</p> | <p>At ISH3 [EV-010] the location of the Clanage Road depot in the Green Belt was discussed. You advised that you considered that the proposed depot would fall within paragraph 146 c) of the NPPF as it would be local transport infrastructure and would not adversely affect openness. However, the depot is associated development therefore can you:</p> <p>i) Confirm that you are still satisfied that it would fall within paragraph 146 c)? If not,</p> | |

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| | | <p>why not and would it fall within any of the categories of development included within paragraph 146?</p> <p>ii) If the ExA was to conclude that openness would not be preserved are you satisfied with the case of Very Special Circumstances provided by the Applicant [Paragraph 6.5.14 onwards, APP-208 and the information contained within the site selection process APP-189].</p> | |
| GC.2.8 | <p><i>Statements of Common Ground</i></p> <p>The Applicant</p> <p>All Relevant Parties</p> | <p>The Statement of Commonality of Statements of Common Ground submitted at Deadline 3 [REP3-020] lists a number of Statements of Common Ground (SoCG) as “<i>not yet in circulation</i>” why is this and when will they be circulated/ agreed?</p> | <p>In regard to the SoCG reported as being 'not yet in circulation' in the Statement of Commonality submitted at Deadline 3, the Applicant can update the ExA as follows:</p> <p>National Trust: National Trust have engaged directly in the examination through attendance at hearings and written submissions in respect of the issues being progressed between them and the Applicant. Please see the Applicant's response to question CA.2.5 – the parties continue to focus their efforts on agreeing commercial terms which, once agreed, the Applicant considers would allow the removal of the National Trust's objection and issuing of an agreed SoCG at Deadline 6.</p> <p>Forestry Commission (including Forestry England): The Applicant and Forestry Commission continue to focus their efforts to negotiate Heads of Terms for an option agreement given the importance of this agreement for the approach to ecological mitigation in the Avon Gorge. Once agreed the Applicant considers a SoCG will be utilised solely for the purpose of confirming</p> |

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| | | | <p>no outstanding points of objection from the Forestry Commission, most likely for Deadline 6.</p> <p>Bristol Water: The Applicant and Bristol Water are currently negotiating the terms of a protective agreement and, once agreed, it is expected a SoCG will be utilised to confirm Bristol Water has no outstanding points of objection. The Applicant is targeting Deadline 6 for a signed SoCG.</p> <p>Network Rail: The Applicant and Network Rail are preparing this SoCG to document their respective roles in the DCO Scheme. Network Rail continues to support the Applicant in promoting the DCO Scheme. A signed SoCG is expected ahead of Deadline 6.</p> <p>Western Power Distribution: The Applicant has provided a draft SoCG at Deadline 5 and will continue to develop the document alongside negotiations over protective provisions.</p> <p>Woodland Trust: The Applicant has made numerous attempts to contact the Woodland Trust during the course of the examination following its Relevant Representation but has received no response. Given the absence of any direct engagement from the Woodland Trust the Applicant does not believe a SoCG with them is achievable.</p> |
| GC.2.9 | <p><i>Heads of Terms with Forestry Commission</i> The Applicant</p> | <p>Item 4 of your Deadline 4 submission [REP4-017] says that Heads of Terms have been agreed with the Forestry Commission regarding the use of its land for mitigation.</p> | <p>A Project meeting was held on 18.01.21 with the Forestry Commission (FC) to finalise the Heads of Terms (HoTs), these were revised by the FC and forwarded on 19.01.21 to the Applicant's Agent. A</p> |

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| | | <p>Could a copy (even if it is in draft) of these terms be submitted at Deadline 5 in order to help inform the drafting of the Report into the Implications for European Sites.</p> | <p>meeting was held on 26.01.21 between the parties including their legal representatives in relation to the legal documentation and finalising the HoTs document. The Applicants Solicitor sent a final copy of the agreed HoTs and draft legal paperwork to the FC's solicitors Michelmores on 29.01.21 for review and to confirm that a copy of the agreed HoTs can be submitted by the Applicant to the Planning Inspector. A further meeting between the parties and their representatives took place on 12 February 2021. Good progress is being made on the terms of an agreement. As requested by the Panel HoT are provided at DCO Document Reference 9.36 ExA.FI.D5.V1. These are provided on a for information basis and remain subject to contract and without prejudice to the parties' negotiating positions.</p> |
| <p>AQ Air Quality and Emissions</p> | | | |
| <p><i>The ExA do not wish to ask any further questions on this topic at this point in the Examination.</i></p> | | | |
| <p>BIO Biodiversity, Ecology and Natural Environment (including Habitats Regulations Assessment (HRA))</p> | | | |
| <p>BIO.2.1</p> | <p><i>Land east of Pill</i> The Applicant The Alvis Family</p> | <p>At Deadline 4 [REP4-057] the ExA received a suggestion of an alternative service route to access the land east of Pill in order to avoid 'very significant environmental damage and local disturbance'.</p> <p>The Applicant: Can you please respond to this suggestion and outline what the implications for Compulsory Acquisition/ Temporary Possession would be and whether, should you consider such a change</p> | <p>The Applicant does not consider that the alternative access is required to be considered. It would a material change to the DCO and the Applicant would not wish to seek to bring it into the Examination at this stage.</p> <p>Moreover the Applicant does not agree that the Applicant's access works causes 'very significant environmental damage and local disturbance' compared to the Alvis family proposals. The Applicant's has not assessed in detail the impacts of the proposed alternative access but would anticipate its ecological, landscape and visual impacts would be more significant</p> |

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| | | <p>is required, it could be accepted into the Examination at this stage.</p> <p>The Alvis family: Provide further detail to outline what the 'very significant environmental damage and local disturbance' that you consider would arise from the route as currently proposed and why the route that you are suggesting would resolve these concerns.</p> | <p>than the access proposed in the Applicant's DCO Scheme.</p> <p>It is presumed that since the Alvis family is offering the alternative access voluntarily, there would be no need for compulsory acquisition/temporary possession.</p> <p>Reasons: The Applicant proposes use the existing private access forming part of Chapel Pill Lane as a temporary construction access to the railway north of the Avon Gorge from Ham Green along Chapel Pill Lane, over the railway on Cages bridge and then along a new temporary haul road tight to the railway corridor on Alvis family farmland to a point where the railway is at grade to gain access to the track.</p> <p>The Alvis family has suggested an alternative access by forming a new road from Pill Road south of Ham Green and across their land (new road). The eastern section between Chapel Pill Lane would be the same route as proposed by the Applicant.</p> <p>The Applicant's proposals minimise the potential impacts on agricultural land in private hands, by using an existing track to Cages Bridge then taking as short a route as possible across farmland and tucked in close to the railway corridor on a temporary basis. This would minimise potential damage to soils and avoid severance of agricultural operations.</p> <p>The proposal from the Alvis family for the new road to extend from Pill Road would potentially cause disruption to their agricultural operations by cutting across several</p> |

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| | | | <p>fields on a permanent basis. Although the Applicant assumes that this is not actually an issue for the landowner, there may be issues of soft ground as the route crosses upstream of Ham Lakes which is fed by a small stream.</p> <p>The proposed site for the new road off Pill Road lies between St Katherine's School and housing.</p> <p>A highway access would be required at the junction with Pill Road requiring the removal of existing hedges.</p> <p>The new road lies close to St Katherine's School where great crested newts occur. Aerial photography indicates another pond is present close to the route near Pill Road. These sites have not been considered in the District Level Licensing (DLL) for great crested newts with Natural England because they are >250 m from the current DCO Scheme. Mitigation would be required to protect great crested newts, either by incorporating these sites into the DLL or through the application for a European protected species licence. Both approaches would require further consenting, mitigation and management.</p> <p>There may be other ecological constraints and a Phase 1 Habitat Survey would be required for the area of the route not previously surveyed and further ecological surveys undertaken if required, within the appropriate survey season.</p> <p>The new road crosses the landscape overlooked by Leigh Court, a Grade II* listed building, and Leigh Court Registered Park and Garden Grade II. There would be short term impacts on the landscape and setting.</p> |

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| | | | <p>The new road would also need to be offset sufficiently to avoid impacting the Ham Green SSSI within the railway cutting.</p> <p>The new road would cut through the River Avon (part of) Site of Nature Conservation Interest (SNCI).</p> <p>The new road is in open green belt and the NPSNN requires applicants to determine whether the proposal may be considered “inappropriate development within the meaning of Greenbelt policy”. The provision of a new road, when, for the most part, an existing route exists suitable for the Applicant’s purpose is considered to be inappropriate development which does not preserve the openness of the Green Belt and conflicts with the purposes of including land within it.</p> <p>It is also considered that actual or perceived harm to the Green Belt is not outweighed by other material considerations which would justify the application of ‘very special circumstances.’</p> |
| BIO.2.2 | <p><i>Amphibian Mitigation</i> North Somerset District Council Natural England</p> | <p>The Applicant [REP4-017] has advised that it proposes to retitle the “Reptile Mitigation Strategy” as the “Reptile and Amphibian Mitigation Strategy” and to include within it the application of appropriate measures for the protection of amphibians including newts and toads.</p> <p>NSDC/ Natural England (NE): Would this address the concerns raised by the Council in its Deadline 4 response [REP-064] and</p> | <p>The draft Reptile & Amphibian Mitigation Strategy will be submitted at DL6. It will be reviewed following the survey of the toads at Lodway Farm (Pill), Ham Green and Portishead that will occur in late February/ early March. Any refinements to the proposed measures will be accommodated in the final version of the Reptile and Amphibian Mitigation Strategy to be submitted at DL7. Along with the CEMP this will be a certified document, delivery of which will be secured by Requirement 5.</p> |

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| | | <p>provide a sufficient mechanism to deliver any necessary measures in relation to the toads at Lodway Farm? If not, why not and what measures would you consider necessary?</p> <p>Applicant: You indicate that the strategy would be submitted at Deadline 6 (15 March 2021). However, at the ISH3 [EV-010] you advised that the survey of the toads at Lodway Farm would occur in late February/ early March. Would the results of this survey work therefore be available to inform this strategy if it is to be submitted at Deadline 6? If not, when would it be able to be incorporated into the strategy and how, given the limited time to the close of the Examination, would NE/ NSDC views be sought/ incorporated?</p> | |
| BIO.2.3 | <p><i>Ham Green Lake</i> The Applicant</p> | <p>Mr Tarr in his Deadline 4 response [REP4-056] refers to the adequacy of the proposed measures to mitigate pollution and traffic effects during the construction phase on Ham Green Lake Site of Nature Conservation Interest. Provide a reference to where in the application documentation the potential impacts specifically on Ham Green Lake and its surroundings (and any mitigation measures) can be found.</p> | <p>The Applicant has provided information related to Mr Tarr's questions in our response REP4-033; DCO document reference 9.29 ExA.CAS.D4.V1. The assessment of the construction and operational impacts of the DCO Scheme on Ham Green Lakes is provided in the following documents.</p> <p><u>Environmental Statement. Chapter 9 Ecology and Biodiversity (AS-031; DCO document reference 6.12)</u></p> <p>This document includes details of the non-statutory designated sites including the River Avon (part of) North Somerset Wildlife Site which includes Ham Green Lakes and the River Avon (part of) Site of Nature Conservation</p> |

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| | | | <p>Interest (paragraph 9.4.76). Construction impacts are assessed in paragraph 9.6.62 and Table 9.27. The sites are also shown on Figure 9.3 non-statutory wildlife sites (APP-119; DCO document reference 6.24). No direct impacts are anticipated and potential indirect impacts (such as noise, vibration, dust, and runoff) would be controlled through the application of the Construction Environmental Management Plan resulting in negligible impacts which were assessed to be neutral and not significant. No impacts on the non-statutory designated sites were identified in the operational phase as stated in paragraph 9.6.110.</p> <p>This chapter also considers the potential impacts of the construction and operation of the DCO Scheme on ecological features, including potential bat roosts in trees, amphibians (including great crested newts), reptiles, birds and other fauna. Mitigation measures for species and habitats have been included in the DCO Scheme. Our response REP4-033; DCO document reference 9.29 ExA.CAS.D4.V1 details the mitigation measures relevant for Ham Green Lakes.</p> <p><u>Master Construction Environmental Management Plan (Master CEMP) (AS-046; DCO document reference 8.14)</u></p> <p>This document sets out a framework of mitigation to be implemented by the successful contractor. Paragraphs 1.2.3 and 1.2.4 explain that the contractor will be required to prepare their own CEMP to be compliant with the Master CEMP and the contractor's CEMP is to be approved by the relevant local planning authorities prior to the start of works. As explained in paragraph 3.2.3 under Construction Compounds, the contractor will be required to prepare specific plans for construction compounds setting out their proposals for managing the</p> |

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| | | | <p>compound, which would include the temporary construction compound at Ham Green, and follow good housekeeping measures including ecological mitigation (see paragraph 3.2.6). At this stage, site-specific plans for the management of the Ham Green construction compounds have not been prepared, as that is a task for the contractor.</p> <p>The Master CEMP sets out the mitigation measures to be adopted to control and manage adverse effects, for various topics in a series of chapters, including mitigation measures to reduce construction dust, protect ecological features and water bodies, and manage construction traffic. The Master Construction Traffic Management Plan [AS-046] provides information on how construction traffic will be managed. Further details on the control of runoff from construction compounds are also provided in the Surface Water Drainage Strategy for Portishead and Pill Stations, haul roads and compounds (APP-192; DCO document reference 6.26). The Ham Green construction and permanent compounds are discussed on pages 23-25 and Drawing 467470.BQ.04.20-DA-C9 Ham Green Compound Drainage Strategy is provided on page 243.</p> <p>The mitigation described in the Master CEMP will be secured by the DCO Requirement 5. As explained in the requirement, the local planning authority will be approved the contractor's CEMP in advance of any works.</p> |
| BIO.2.4 | <p><i>Avon Gorge Vegetation Management Plan (AGVMP)</i> Network Rail Natural England</p> | <p>Network Rail did not specifically respond to BIO.1.7 of ExQ1 [PD-010]. The Applicant states in Appendix 1 to their Oral Case and response to Representations at ISH3 [REP4-018] that "<i>Network Rail has assisted the Applicant in developing the AGVMP and is</i></p> | <p>Network Rail (NR) can confirm that it did draft response BIO.1.7 where it was highlighted that it has been supporting the applicant in developing the AVGMP (AS-044; DCO document reference 8.12).</p> |

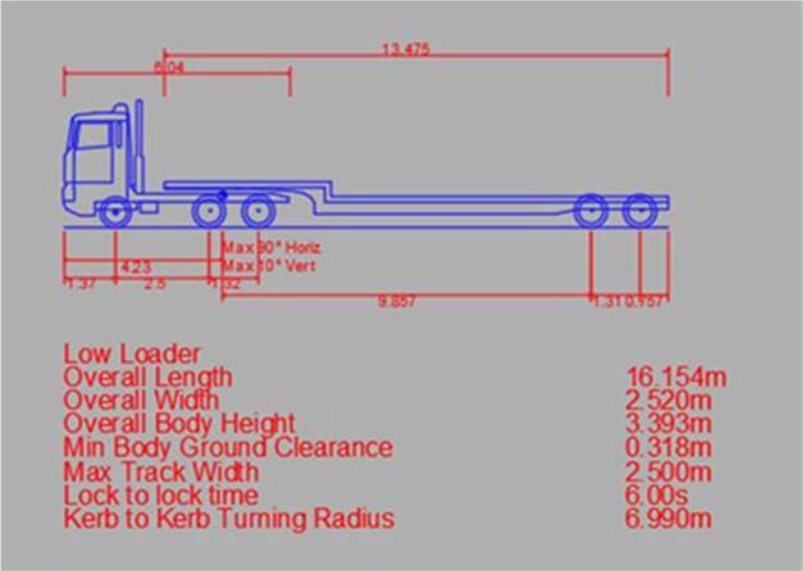
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| | | <p><i>satisfied that it complements its current arrangements, both in terms of vegetation management and management of the SAC. The measures set out in the AGVMP are those that relate to the DCO Scheme.” Can Network Rail confirm this is the case?</i></p> <p>The Applicant states NE’s concern is <i>“in relation to the provision of woodland compensation on Network Rail (NR) land because of the difficulty in distinguishing between the proposed compensation measures and the positive management that NR is already obliged to carry out under the Habitats Directive as the owner of the land”</i>. The Applicant elaborates on these points around the management of the site under <i>“Natural England’s Site Improvement Plan for the SAC (January 2015) together with Supplementary Advice, and Network Rail’s Site Management Statement and Vegetation Management Plan as they develop”</i> in section 3 of REP4-018.</p> <p>NE and Network Rail are invited to respond on the specific points raised by the Applicant in this section, and in particular the Applicant’s conclusion that <i>“in practice there will be a clear distinction between the works being undertaken under the AGVMP compensation measures and the normal management activities undertaken by Network Rail”</i>. Note that the Applicant is also of the view that current positive management measures (as</p> | <p>Both NR and the Applicant jointly worked to identify suitable land within NR’s ownership that could support the compensatory measures identified as package 1. While locations were found, it was recognised that difficulties may have been encountered in drawing the distinction between the business as usual obligations NR has for management of the SAC and the compensatory measures that are to be provided by the DCO scheme. In addition, the nature of having an operational railway could mean that access to some of the locations identified for compensation would be challenging. Monitoring activities would likely need to be planned in advance and may require railway personnel to supervise site visits. Therefore NR is of the view that package 2 offers a better solution to compensatory measures and supports this proposal.</p> <p>In regards to current 'positive management' activities, Network Rail engages with Natural England on any works that are required within the SAC in line with our obligations of the SMS. This dialogue ensures that Natural England is aware of any works NR is required to carry out and provide guidance on minimising impacts to protected features. NR does agree that the dedicated AGVMP on which it has collaborated with the applicant will aid in drawing distinction between requirements specifically related for the DCO scheme and the day-to-day activities NR and Natural England have agreed under the terms of the current SMS.</p> |

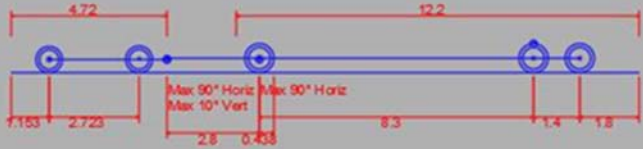
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| | | <p>per the Site Improvement Plan, Supplementary Advice, and Network Rail's Site Management Statement and Vegetation Management Plan) are <i>"for whatever reason are not occurring in the form envisaged in these documents and there is no reason to suppose that situation would change. There is no detail on how they would be achieved or assurance that they will be."</i></p> | |
| BIO.2.5 | <p><i>Native Species</i> The Applicant</p> | <p>The Applicant's response to ExQ1 [REP2-013] at BIO.1.18 stated <i>"A seed collection was undertaken on 6 October 2020 and ripe fruits were sent to University of Bristol Botanic Garden and University of Liverpool Ness Botanic Garden for cultivation"</i>. Can the Applicant:</p> <p>i) Provide an update as to the current success of this cultivation and whether or not, at this stage, changes are proposed to the proportion of 54 replacement Whitebeams to be planted ie whether more than five Avon Whitebeams being planted is now proposed, depending on the success of cultivation.</p> <p>ii) Confirm if changes were to be made to the proportions of whitebeam species to be planted at a later date, would the mechanism for varying these proportions change given that the AGVMP would be certified under DCO schedule 17?</p> | <p>i) The seeds collected from rare whitebeam trees in October 2020 have been sown by University of Bristol Botanic Garden and University of Liverpool Ness Botanic Gardens and germination is expected in Spring 2021. It is too early to consider using these in the planting proposals in the AGVMP (AS-044; DCO document reference 8.12) but they will be used for future planting plans and for replacement of any trees that fail to establish.</p> <p>Propagation of new stock will continue during the 10 year maintenance and monitoring period of the whitebeam planting sites (see paragraph 5.7.3 of the AGVMP). Current contracts with University of Liverpool Ness Botanic Gardens, Bristol Botanical Garden and Paignton Zoo are for propagation to continue until 2023. New contracts will be agreed after this for the 10 year maintenance and monitoring period after initial planting. It is not possible to guarantee germination and growing on of specific numbers of each species owing to the unpredictable nature of seed viability that varies from year to year, hence the commitment in the AGVMP to ongoing propagation. The AGVMP will be updated for</p> |

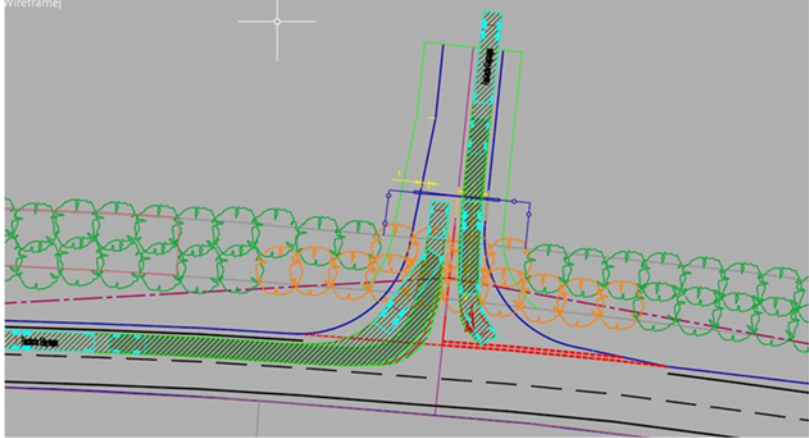
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| | | | <p>Deadline 6 to explain the purpose of the propagation (linked to the delivery and establishment of sufficient saplings to provide compensation), how the propagation has taken place so far, the results to date and how propagation will be continued going forward.</p> <p>Small saplings have grown from seeds collected in 2019 and these have not been included within the planting proposals as detailed in the AGVMP Annex H, paragraph 1.1.10. Changes to the proportions of replacement whitebeams will not be made to the Environmental Statement at this stage but will be reviewed prior to initial planting using the mechanism described below.</p> <p>ii) The AGVMP will be updated at Deadline 6 in respect of the mechanism for varying the proportions of whitebeams initially planted or for replacement planting during the 10 year maintenance and monitoring period.</p> <p>The numbers, age, size and species of whitebeam saplings available will be reviewed at the time of initial planting. If there are not enough of the relevant whitebeam species either at initial planting or for replacement to meet the desired ratio of two trees planted as compensation for each tree lost, agreement with Natural England will be sought for an alternative option that is likely to be some of the following:</p> <p>a. Either the substitution of those species at the specified Planting Site with a different whitebeam species;</p> |

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| | | | <ul style="list-style-type: none"> b. Or the substitution of those species at a different Planting Site with a different whitebeam species; c. And/or deferring the planting of that species at the relevant Planting Site until sufficient saplings from the relevant species had been grown. |
| CC Climate Change | | | |
| <i>The ExA do not wish to ask any further questions on this topic at this point in the Examination.</i> | | | |
| CI Construction Impacts | | | |
| CI.2.1 | <i>Temporary Compounds</i> The Applicant | Various Relevant Representations including RR-032, RR-38, RR-044, RR-047, RR-076, RR-103 and RR-107 refer to the use of Green Belt land for compounds, suggest alternative locations, and raise concerns that post construction these areas could be classified as previously developed land so then have potential for future house building. Can the Applicant provide reassurances regarding the full re-instatement of the compounds to farmland post-construction including how this would be secured within the Development Consent Order and undertaken within a reasonable time period. | <p>The environmental statement assumes that land temporarily occupied for construction purposes, including the proposed construction compounds on green field sites within the green belt, would be returned to as near condition as possible for agricultural purposes. This is described in the Environmental Statement, Chapter 15, Soils, Agricultural, Land Use and Assets in paragraphs 15.5.12 to 15.5.24 on the protection of land used for temporary construction sites (APP-110; DCO document reference 6.18).</p> <p>The Master Construction Environmental Management Plan (AS-046; DCO document reference 8.14) paragraph 3.2.9 requires the restoration of temporary construction compounds to their current state (except where part of the site is required for the DCO Scheme such as permanent maintenance compounds) as early as practically possible. Paragraph 3.8.1 requires the ground, including soil depth and structure, be restored as near as practicable to its original condition. Paragraph 11.2.6 requires reinstatement of agricultural and forestry land in accordance with Defra guidance where appropriate, with the contractor required to prepare</p> |

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| | | | <p>restoration plans for all temporary construction sites, compounds and haul roads.</p> <p>The restoration of temporary construction compounds to as near as practical to their current condition as early as practically possible is secured in the dDCO (REP3-005; DCO document reference 3.1) in Requirement 5 on the Construction Environmental Management Plan. Requirement 5(1) requires the local planning authorities to approve the Contractor's CEMP, which gives the LPAs the opportunity to approve the nature and timeliness of the reinstatement of constructions sites, including compounds. Furthermore, Requirement 22 - Restoration of land used temporarily for construction of the Draft DCO requires land to be restored to the satisfaction of the Local Planning Authority as soon as reasonably practicable and in any event within 12 months of completion of the relevant part of the authorised development.</p> <p>Any future development on land used temporarily for the Proposed Scheme would require planning permission and be in accordance with local planning policy and the National Planning Policy Framework (NPPF). The definition of Previously Developed Land provided within the glossary of the NPPF requires such land to have been used for a permanent structure and any associated fixed surface infrastructure. As the temporary construction compounds are 'temporary' once the land has been reinstated they could not be considered to be 'Previously Developed Land'.</p> |
| CI.2.2 | <p><i>Access at Portbury Hundred</i> The Applicant</p> | <p>Permanent access into Portbury Hundred following use of land as a temporary construction compound is required as an alternative farm access following closure of a crossing. However, the scale of the junction</p> | <p>i) The A369 Portbury Hundred is a relatively high-speed road and has been designed to allow vehicles to leave the highway completely before stopping at the gate, and with sufficient space so that they do not cross onto the opposite side of the carriageway. Similarly,</p> |

| ExQ2 | Question to: | Question | Current response | | | | | | | | | | | | | | | | |
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| | <p>North Somerset District Council</p> | <p>would be far bigger than what would be required for an agricultural access.</p> <p>The Applicant's response to ExQ1 at TT.1.3 [REP2-013] states that it is not the intention to alter the access in size or specification once the compound is no longer required for construction. The access is only required to enable access to the land at Elm Tree Farm after construction. Given its location in the Green Belt a large over engineered permanent access would appear to be unnecessary.</p> <p>Applicant:</p> <p>i) Provide an explanation as to why the access would not be reduced in scale given its Green Belt location.</p> <p>ii) How would its use by vehicles other than those associated with the farmland be prevented?</p> <p>NSDC:</p> <p>Do you consider the access should be altered to dissuade inappropriate future use following closure of the construction compound?</p> | <p>vehicles leaving have an area to wait whilst the gate is closed behind the vehicle before it joins the A369 by turning left, and again with sufficient space to allow the vehicle to exit without having to cross into on-coming traffic or for the trailer to cross onto the verge.</p> <p>The relative size difference between construction vehicles allowed for (i.e. a low loader) and tractor and trailer are generally similar. We have assumed 'worst case' with long vehicles. See below:</p> <p><u>Low loader</u></p>  <table border="0"> <tr> <td>Low Loader</td> <td></td> </tr> <tr> <td>Overall Length</td> <td>16.154m</td> </tr> <tr> <td>Overall Width</td> <td>2.520m</td> </tr> <tr> <td>Overall Body Height</td> <td>3.393m</td> </tr> <tr> <td>Min Body Ground Clearance</td> <td>0.318m</td> </tr> <tr> <td>Max Track Width</td> <td>2.500m</td> </tr> <tr> <td>Lock to lock time</td> <td>6.00s</td> </tr> <tr> <td>Kerb to Kerb Turning Radius</td> <td>6.990m</td> </tr> </table> | Low Loader | | Overall Length | 16.154m | Overall Width | 2.520m | Overall Body Height | 3.393m | Min Body Ground Clearance | 0.318m | Max Track Width | 2.500m | Lock to lock time | 6.00s | Kerb to Kerb Turning Radius | 6.990m |
| Low Loader | | | | | | | | | | | | | | | | | | | |
| Overall Length | 16.154m | | | | | | | | | | | | | | | | | | |
| Overall Width | 2.520m | | | | | | | | | | | | | | | | | | |
| Overall Body Height | 3.393m | | | | | | | | | | | | | | | | | | |
| Min Body Ground Clearance | 0.318m | | | | | | | | | | | | | | | | | | |
| Max Track Width | 2.500m | | | | | | | | | | | | | | | | | | |
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| Kerb to Kerb Turning Radius | 6.990m | | | | | | | | | | | | | | | | | | |

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| | | | <p data-bbox="1308 277 1637 312"><u>Tractor and hay wagon</u></p>  <table data-bbox="1377 630 1973 802"> <tr> <td colspan="2">Farm tractor & hay wagon</td> </tr> <tr> <td>Overall Length</td> <td>19.020m</td> </tr> <tr> <td>Overall Width</td> <td>2.500m</td> </tr> <tr> <td>Overall Body Height</td> <td>0.438m</td> </tr> <tr> <td>Min Body Ground Clearance</td> <td>0.398m</td> </tr> <tr> <td>Max Track Width</td> <td>2.500m</td> </tr> <tr> <td>Lock to lock time</td> <td>4.00s</td> </tr> <tr> <td>Kerb to Kerb Turning Radius</td> <td>4.620m</td> </tr> </table> <p data-bbox="1308 922 2027 1031">An AutoCAD vehicle track of a tractor and trailer is include below to illustrate the similarities in the manoeuvres between vehicle types.</p> | Farm tractor & hay wagon | | Overall Length | 19.020m | Overall Width | 2.500m | Overall Body Height | 0.438m | Min Body Ground Clearance | 0.398m | Max Track Width | 2.500m | Lock to lock time | 4.00s | Kerb to Kerb Turning Radius | 4.620m |
| Farm tractor & hay wagon | | | | | | | | | | | | | | | | | | | |
| Overall Length | 19.020m | | | | | | | | | | | | | | | | | | |
| Overall Width | 2.500m | | | | | | | | | | | | | | | | | | |
| Overall Body Height | 0.438m | | | | | | | | | | | | | | | | | | |
| Min Body Ground Clearance | 0.398m | | | | | | | | | | | | | | | | | | |
| Max Track Width | 2.500m | | | | | | | | | | | | | | | | | | |
| Lock to lock time | 4.00s | | | | | | | | | | | | | | | | | | |
| Kerb to Kerb Turning Radius | 4.620m | | | | | | | | | | | | | | | | | | |

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| | | |  <p data-bbox="1308 651 2114 754">The access arrangement has been agreed with NSC Highways for the planned uses (during construction and farm access).</p> <p data-bbox="1308 799 2114 1086">ii) The junction will form the sole access for the landowner. A gate will be installed to prevent public access onto the landowner's land. There are a large number of similar agricultural access throughout North Somerset. As with these similar accesses should anyone other than the landowner block the access, then the landowner or the NSC Highways should contact the Police.</p> |
| CI.2.3 | <p data-bbox="271 1107 616 1177"><i>Freight Traffic during Construction</i></p> <p data-bbox="271 1190 616 1273">The Applicant Bristol Port Company</p> | <p data-bbox="629 1107 1294 1254">What would the alternative arrangements for transport of freight be on the occasions when the existing freight railway line would be closed to enable construction works?</p> | <p data-bbox="1308 1107 2128 1433">The high-level process set for the management track access is set out the Railways Infrastructure (Access, Management and Licensing of Railway Undertaking) Regulations 2016 (SI no 645 of 2016). From that the railway industry has established a document called "The Network Code" and part D of this document outlines how the railway timetable is built including passenger and freight services along with details of when each line is open or closed. This process operates at present and</p> |

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| | | | <p>will continue to operate throughout the construction period and then into the day to day operating period for the line between Bristol and Royal Portbury Docks.</p> <p>Network Rail has obligations under its regulatory framework to publish the opening hours for every part of the nation network along with details of all proposed line closures throughout the year. This information is published at least 12 months in advance and negotiated with all passenger and freight train operators through documented processes down to circa 22 weeks in advance of any planned line closure. At this point the passenger and freight train operators then bid their amended timetable plans to Network Rail who then publish the amended timetable at 12 weeks in advance.</p> <p>Through the Track Access Contracts between the passenger and freight train operators and Network Rail there is a regulated set of compensation payment rates for cancelled and amended train schedules This is documented in schedule 4 of all Track Access Contracts. Once the amended timetable has operated the compensation amount is paid by Network Rail to the Operators.</p> <p>At the same time freight train operators will be in discussion with their customers on how their business needs can be met – this is not something that Network Rail would be involved with, though years of experience is such that all parties will know when are the best times to undertake maintenance, renewals and enhancement works on different sections of the network to minimise disruption to passengers and freight customers.</p> |

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| CI.2.4 | <p><i>Access for construction Mount Pleasant</i></p> <p>The Applicant</p> | <p>Respond to the suggestion made by Mrs Stowers [REP4-053] regarding alternative access for construction to the land to the rear of properties in Mount Pleasant. Including:</p> <ul style="list-style-type: none"> i) Implications if the alternative access suggested were to be used; ii) How concerns about potential damage to her property due to the narrowness of the access would be addressed. | <p>The access via the Church is not suitable as the only access point to the rear of the properties due to the supporting retaining wall and gradient of the embankment at this location. If this access were to be solely used there would potentially result in greater disruption to residents due to the prolonged duration for work at this location.</p> <p>The access at the side of the Interested Party's property will be used for personnel and hand held materials and equipment only. Ahead of any works starting a full survey will take place recording the condition of the private property. To prevent damage to property during the works, measures such as protective plates and matting could be placed on the footpath and inspection chamber and wooden hoarding placed erected to protect the wall of the house. After the works have been completed another survey will take place and any damage caused by the works will be made good. The resident will be kept informed of progress and working patterns throughout the works.</p> |
| <p>CA Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations</p> | | | |
| CA.2.1 | <p><i>Update</i></p> <p>The Applicant</p> | <p>Provide an update on the progress being made regarding voluntary agreements.</p> | <p>Please see the updated Compulsory Acquisition Schedule (DCO Document Reference: 9.11 ExA.CA.D5.V3), together with the table appended at Appendix CA.2.2 (see below) with the latest updates relating to the progress of voluntary negotiations and agreements with third parties.</p> |
| CA.2.2 | <p><i>Protective Provisions</i></p> <p>The Applicant</p> | <p>Provide a progress report on negotiations with each of the Statutory Undertakers listed in the Book of Reference (BoR) [APP-057] and an indication of whether these negotiations will</p> | <p>Please see the table appended at Appendix CA.2.2 setting out the status of discussions, timescales and any envisaged impediments to the securing of such agreements.</p> |

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| | | <p>be completed before the close of the Examination and if they won't provide a progress report on the preparation of the section 127 case that will need to be submitted by the Applicant including a timescale for when this would be submitted into the Examination.</p> | <p>The Applicant will provide an update, together with its position on S127 PA 2008 for utilities, prior to the next round of hearings.</p> |
| CA.2.3 | <p><i>Protective Provisions</i> The Applicant</p> | <p>Provide an update on the progress of negotiations with National Grid Electricity Transmissions and comments on the wording or the suggested Protective Provisions submitted by them at Deadline 4 [REP4-046].</p> | <p>The Applicant is content to agree provisions for the protection of NGET but does not believe these should be in the form of protective provisions on the face of the dDCO. This is because NGET does not hold any interest in land nor does it have any apparatus in the Order Land.</p> <p>S127(1) PA 2008 states</p> <p>"(1) This section applies in relation to land ("statutory undertakers' land") if—</p> <p>(a) the land has been acquired by statutory undertakers for the purposes of their undertaking,"</p> <p>Whilst NGET has powers in its Order to acquire land within the Order limits of the Portishead Order, NGET has not yet done so (and it is submitted temporary possession does not amount to an acquisition of land as it is a statutory licence and not an acquisition of land). The Applicant has considered, and returned to NGET an agreement prepared by NGET to regulate the parties' positions and to work with NGET but this agreement is not currently being progressed by NGET. The Applicant remains willing and keen to work with NGET on appropriate terms. However, as S127 is not engaged,</p> |

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| | | | <p>protective provisions within the dDCO are not necessary and the protections NGET seeks should instead be dealt with by agreement. The Applicant is willing to deal with the protection of the parties respective interests by agreement.</p> |
| CA.2.4 | <p><i>Availability of Funding</i> The Applicant</p> | <p>Provide an update on funding and whether there have been any changes to the funding arrangements since the Application was submitted in 2019. In particular whether the Proposed Development would benefit from funding from the “Restoring our Railways” fund announced in 2020.</p> | <p>No changes have been made to the funding arrangements since the response made at ExQ1 (REP2-013; DCO document reference 9.10 ExA.WQ1.D2.V1) question CA.1.5.</p> <p>The Applicant is in dialogue with the Department for Transport regarding funding arrangements including dialogue regarding the “Restoring our Railways” fund.</p> |
| CA.2.5 | <p><i>Rock Fencing</i> The Applicant National Trust</p> | <p>Provide an update on whether agreement has been reached regarding the maintenance of the rock fencing and whether or not the National Trust (NT) will be withdrawing its objection to the Compulsory Acquisition (CA) of its land by the end of the Examination. If the NT objection were to remain in place at the close of the Examination explain the implications for section 130 of the Planning Act 2008 (PA2008)?</p> <p>Following the NT submission at D4 [REP4-047] it would appear that the NT is seeking contributions to cover the cost of the on-going management and maintenance of the rock face and catch fencing. Please detail how this would be secured eg through the land</p> | <p>Progress is being made with the National Trust regarding arrangements to assist the National Trust protect its land adjacent to the railway. Regular meetings are taking place and the issue is largely a matter of finalising commercial terms of a Heads of Terms for a land agreement. We are targeting getting the land agreement finalised and signed by deadline 6, however if that is not possible we think it will be concluded by deadline 7.</p> <p>If contributions are agreed to be paid by the Applicant this would be by commercial agreement and would not be secured by requirement or planning obligation.</p> <p>The Applicant's submissions at NT-D3003 of its response to submissions made at Deadline 3 (REP4-020; DCO document reference 9.25 ExA.CWR.D4.V1).</p> |

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| | | agreement, a Unilateral Undertaking or a section 106 agreement? | |
| CA.2.6 | <p><i>District Level Licensing for Great Crested Newts</i></p> <p>The Applicant</p> | <p>Explain what the implications for CA/ Temporary Possession (TP) are for the use of District Level Licensing rather than on-site mitigation in particular whether the plots required for the delivery of Work Nos 10C, 12B and 16B would still be required and if so which plots would be required, what would they be required for and would there be any change to the rights sought?</p> | <p>Work No. 10C – Proposed new pond in the Portbury Wharf Nature Reserve. This pond was built during 2020 following submission of the DCO by North Somerset Council under permitted development rights. New rights are not required to build this pond. Plots 02/31 and 02/32 are now only sought temporarily for reptile and amphibian relocation during construction of the DCO Scheme in the Portishead to Portbury section.</p> <p>Work No. 12B – Proposed pond as part of ecological mitigation proposed to the south of Sheepway, west of Station Lane, Portbury. The pond forming part of Work No. 12B is no longer required as a result of Natural England’s confirmation of the District Level Licensing for great crested newts.</p> <p>The Applicant still proposes to carry out ecological mitigation within Plot 03/30 but does not believe that the proposed activities amount to specific works requiring development consent. These works will consist of use of the land for species relocation, planting to replace vegetation lost from activities related to Work No. 1 and Work No. 1A and for associated ecological management and mitigation.</p> <p>Heads of Terms for purchase of the relevant land have been agreed (on 15 December 2020) and the Applicant intends to proceed with the purchase of this land for the associated ecological works.</p> <p>The Applicant therefore proposed that Plot 03/30, 03/32 and 03/33 remain within the Order lands but Work No. 12B is removed from the Order and the Works Plan.</p> |

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| | | | <p>Work No. 16B. – Proposed pond immediately west to the M5 motorway at Cattle Creep Bridge, Easton-in-Gordano.</p> <p>The Applicant has been in extensive negotiation with the freehold owners of Plot 05/85. The Panel has already resolved to permit a non-material change in relation to part of Plot 05/85, Work No. 16D being a flood mitigation re-profiling of land on the western side of the Easton-in-Gordano stream which bisects Plot 05/85.</p> <p>As a result of the District Level Licensing being issued by Natural England, Plot 05/85 can be further reduced in area. The Applicant would, if this application to change the dDCO is agreed to by the Panel, seek to acquire only a permanent new right connecting Plot 05/86 to Plot 05/75 on Bristol Port Company's neighbouring land to the west of Plot 05/85.</p> |
| CA.2.7 | <p><i>Change Request</i> The Applicant</p> | <p>At the Compulsory Acquisition Hearing [EV-008] it was indicated that even though Work No 16D would be removed from the Application part of Plot 05/85 would still be required to enable access to Work No 16B now that this work is also proposed to be removed from the Application would this land still be required and if so why?</p> | <p>The removal of Work No 16D and 16B reduces the scheme interface for plot 05/85. The Applicant no longer needs to acquire the freehold of plot 05/85 permanently or secure possession temporarily but it does need to acquire a permanent right of access along the northern boundary of the plot and over plot 05/86. This is to ensure the Applicant has a continuous right of access from Marsh Lane to the Cattle Creep bridge in order for Network Rail to undertake routine inspection and maintenance of the bridge, given that it will be an operational railway asset, when the scheme opens.</p> |
| CA.2.8 | <p><i>Clanage Road</i> The Applicant</p> | <p>Provide an update on the discussions regarding the acquisition of plot 15/10 [REP1-041] and whether these are likely to be successfully concluded before the close of the Examination and if so whether the objection to</p> | <p>Detailed discussions relating to the land acquisition and temporary use are taking place between Bimcorp Ltd's Agent and the Applicant and their Agent to try and establish the current land uses and potential losses that may arise as a result of the DCO scheme.</p> |

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| | | <p>the CA of this (and plots 15/15 and 15/17) is likely to be withdrawn before the close of the Examination.</p> | <p>Correspondence has been exchanged on 04 December 20, 06. 27. and 28. January 2021 between the parties. The Applicant remains hopeful that agreement can be reached with the landowner in relation to the various Project's land requirements before the close of the Examination.</p> |
| CA.2.9 | <p><i>Royal Portbury Dock</i> The Applicant Bristol Port Company</p> | <p>The Bristol Port Company (BPC) provided a number of documents at Deadline 4 which the ExA expects the Applicant to respond to at Deadline 5. In particular can you advise:</p> <ul style="list-style-type: none"> i) Why the CA of plots 05/101, 102, 130, 131, 135 and 136 is needed (the Applicant) and what the alternative to these plots is (the BPC). ii) Provide further detail as to why you consider the right, as currently sought, for plot 05/75 is to wide (BPC) and (the Applicant) why you are needing the rights as currently sought? iii) BPC you advise that you have concerns [REP4-058] about some other parcels of land that are not owned by you but that you have rights over which you will need to retain. Can you provide the plot numbers and details of what the rights are and why you would need to retain them? iv) The BPC indicate that the Applicant has advised that they would be willing to remove part of plot 05/50 for freehold acquisition. Both parties provide further detail of how this plot would be affected and whether any other rights would be needed. | <ul style="list-style-type: none"> i) Plots 05/101, 102,130, 131, 135 & 136 are needed for Work No 18 the extension to the bridleway. No agreement had been reached with BPC at the time of submitting the DCO application and as works are proposed the Applicant had to include the plots for compulsory acquisition as No 18 forms an integral part of the scheme. Discussions with BPC are progressing and need to resort to CA powers will drop away if agreement is reached for BPC to dedicate the route as a public bridleway. ii) The right of access over plot 05/75 and also over the northern boundary of plot 05/85 and plot 05/86 to ensure the Applicant has a continuous right of access from Marsh Lane to the Cattle Creep bridge in order for Network Rail to undertake routine inspection and maintenance of the bridge, given that it will be an operational railway asset, when the scheme opens. ii) Plot 05/50 forms the south western embankment of Marsh Lane bridge. All the other embankments for this bridge are already owned by the Applicant. The in the event of any major incident such as bridge failure or subsidence the Applicant requires unfettered access to undertake emergency remedial works to the bridge. The Applicant is in discussion with BPC about whether the width of the plot can be reduced without compromising |

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| | | | the Applicant's ability to maintain and repair the bridge into the long term. |
| CA.2.10 | <p><i>Royal Portbury Dock</i></p> <p>The Applicant</p> <p>North Somerset</p> <p>District Council</p> | <p>The BPC [REP4-060] has provided a detailed response regarding the number of train movements into and out of the port that it considers are allowed by the planning permissions granted in 2000 and 2011. At the ISH2 [EV-009] you appeared to indicate that you thought that the number of daily movements was limited to a total of 20 movements. Can you:</p> <p>i) Comment on the response provided by the BPC; and</p> <p>ii) Comment on the wording suggested by the BPC for a Protective Provision in relation to this matter.</p> | <p>i) The Applicant provided a response in the Applicants Response to ExA Actions from ISH2 (item 19 of REP4 - 021; DCO document reference 9.26 ExA.FI.D4.V1) on the current planning condition held by BPC in relation to section railway from Royal Portbury Dock to Pill village along with its interpretation of the meaning of the planning condition in relation to the future operation of passenger trains on the branch line. For ease of reference we have copied this response below as follows.</p> <p>The Applicant points to its comment on BPC's response to CG1.12 of ExQ1 (REP3-030; DCO document reference 9.17 ExA.WQ1R.D3.V1):</p> <p>“North Somerset Council’s consent to the Port’s Planning Application referenced 11/P/1893/F, states:</p> <p>Variation of Condition 16 of planning permission 99/0737 (Construction of rail link, field north of Pill, south of M5 bridge, Easton-in-Gordano) to allow the number of freight trains using the rail link not to exceed an average of 20 trains daily per calendar year, in and out of the port, and not during any time when the Bristol to Portishead railway branch line is in use for scheduled passenger services and shall not exceed one train per hour in each direction.”</p> <p>This means while the freight line remains a freight only line, freight trains can be operated at any time (subject to the availability of freight paths through the rail network) but with to an upper limit of no more than 20 freight trains into Royal Portbury Dock per day and 20 freight trains out of Royal Portbury Dock per day. It also means</p> |

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| | | | <p>that when scheduled passenger services are reintroduced an additional restriction comes into effect which is to limit the number of freight trains to one freight train per hour into the Dock and one freight train per hour out of the Dock.</p> <p>The Applicant included in its brief to Network Rail from the beginning of the scheme the need to include one freight train path into the Dock per hour and one freight train per hour out of the Dock. The proposed infrastructure is sufficient to provide this freight train pathing capacity and the pathing capacity for the proposed passenger train service. These paths are shown in the Working Train Timetable which the Applicant has issued to Bristol Port, and is included as Appendix 1 to this response (see REP4-022; DCO document reference 9.26 ExA.FI.D4.V1).</p> <p>BPC confirmed its position in paragraph 20 of its written representation dated 19th January 2021 [REP4-060];</p> <p>“20. BPC accepts that the allocation of rail paths to FOCs is a matter for Network Rail under the Network Code and the Railways Act 1993 and does not suggest that the draft DCO should seek to control that allocation. Instead BPC seeks to ensure that the passenger line must be operated in a way which ensures that, taking into account the other restrictions imposed on the operation of the rail link, sufficient train paths will remain available over the branch line to enable freight traffic to and from RPD at the levels protected by the works agreement and permitted by the planning permission.”</p> |

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| | | | <p>While the first sentence of paragraph 20 of this representation appears to recognise that the DCO is not appropriate for controlling freight paths on existing operational railway, the second sentence suggests that BPC are still maintaining that the DCO could be used to allocate the train paths as between freight and passenger trains. It is not agreed that the DCO would be the appropriate means of securing this and the applicant refers to its response above to CI.2.3.</p> |
| CA.2.11 | <p><i>Manor House Farm</i> The Applicant Mrs Freestone</p> | <p>i) Following the proposed removal of Works No 16B and 16D from the DCO – confirm whether plot 05/85 would still be required and if it would why, would all of it be required and if so on what basis eg TP or CA?</p> <p>ii) Explain why plot 05A/05 is required on a permanent basis when the Works Plans [Sheet 5, REP3-004] indicate that it would be used as a temporary ecological mitigation area.</p> <p>iii) Explain why plot 05/151 would be required on a permanent basis when the General Arrangement Plans [Sheet 5, REP1-004] indicate that it would be used as part of the temporary construction compound at Lodway Farm and why this is not shown on the Works Plans [Sheet 5, REP3-004].</p> <p>iv) Provide an update on negotiations with regards to these plots and an indication as to whether these are likely to be successfully concluded before the close of the Examination and if so whether the</p> | <p>i) The removal of Work No 16D and 16B reduces the scheme interface for plot 05/85. The Applicant no longer needs to acquire plot 05/85 permanently or temporarily but it does need to acquire a permanent right of access along the northern boundary of the plot and over plot 05/86. This is to ensure the Applicant has a continuous right of access from Marsh Lane to the Cattle Creep bridge in order for Network Rail to undertake routine inspection and maintenance of the bridge, given that it will be an operational railway asset, when the scheme opens. The Applicant is seeking voluntary agreement with the landowner for the right of access, if this is not successful the Applicant will pursue compulsory acquisition powers.</p> <p>ii) & iii) the Applicant needs a minimum of 1.6 ha of land if acquired permanently, alternatively it needs 1.9 ha if a leasehold interest is agreed to be granted by the freehold owners. The Applicant intends to issue a note shortly setting out its assessment of the land in detail. The note will include details of six options the Applicant has assessed taking into account both the Applicants needs and the Applicants understanding of the landowners needs/plans. Two of the six options would</p> |


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| | | <p>Owners of this land will be withdrawing their objection to the CA of their land.</p> | <p>have less of an impact on the landowners needs/plans than the other four options. If voluntary agreement cannot be reached with the landowners the Applicant will pursue compulsory acquisition powers. Both of the two options entail permanent acquisition of part of the Affected Parties' land and their footprint is similar. In the absence of reaching agreement, the Applicant proposes to include both options within its final red line and Book of Reference, which comprises approximately 2 ha. The Applicant can then seek to resolve with the landowner prior to compulsory acquisition commencing which of the two options would be preferable to the landowner. The General Arrangement Plans sheet 5 (REP1-004; DCO document reference 2.4) show that plot 05A/05 and 05/151 are to be used as 'Temporary ecological mitigation area' which is correct. The Works Plans [Sheet 5, REP3-003] show an a label stating 'Work no 17 Temporary Construction Compound' with an arrow pointing to plot 05/151. The removal of Work No 16D and 16B reduces the scheme interface for plot 05/85. The Applicant no longer needs to acquire plot 05/85 permanently or temporarily but it does need to acquire a permanent right of access along the northern boundary of the plot and over plot 05/86. This is to ensure the Applicant has a continuous right of access from Marsh Lane to the Cattle Creep bridge in order for Network Rail to undertake routine inspection and maintenance of the bridge, given that it will be an operational railway asset, when the scheme opens. The arrow is incorrect, it should point due north, rather than southwest.</p> <p>iv) The Applicant has maintained regular contact with the landowner since the beginning of the DCO examination. Progress in being made and both parties now have good</p> |

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| | | | understanding of each other's needs and plans. While there is potential for agreement to be reached voluntarily with the landowner, this might not happen by the end of the DCO examination. Therefore the Applicant is preparing to pursue compulsory acquisition powers. |
| CA.2.12 | <i>Freightliner</i> The Applicant Freightliner | Provide an update on the negotiations regarding the acquisition of plots 17/05, 17/15, 17/20 and 17/10 with particular reference to plot 17/15 (the access across the site) where there were concerns regarding the operational viability for the current users. Indicate whether these are likely to be successfully concluded before the close of the Examination and if so whether the objection to CA of these plots is likely to be withdrawn before the close of the Examination. | An agreement with Freightliner is expected to conclude before the close of examination. In order to minimise disruption for the user, it has been agreed that the DCO will be amended to allow the route of access to be varied at Freightliners' discretion, provided that a route is maintained at all times during the period of occupation. |
| CA.2.13 | <i>Sheepway Farm</i> The Applicant Mr Crossman | Provide an update on negotiations regarding the acquisition of plots at Sheepway Farm following the discussion at the CAH [EV-008], with particular reference as to the progress made regarding the provision of an alternative means of crossing the line, and whether these are likely to be successfully concluded before the close of the Examination and if so whether the objection to the CA of these plots is likely to be withdrawn before the close of the Examination. | The Applicant's Agent and Mr Crossman's Agent have exchanged correspondences on 01, 03 and 14 December 2020 and 18, 26, and 27, January 2021 in relation to cost of providing an alternative stock building, facilities and equipment on the South side of the railway so that the existing railway crossings could be closed off. The Applicant remains hopeful that agreement can be reached with the landowner in relation to the various Project's land requirements before the close of the Examination. |
| CA.2.14 | <i>Work No 27</i> Osborne Clarke LLP on behalf of Babcock Integrated Technology Ltd | At Deadline 4 [REP4-027] the Applicant has requested the deletion of Work No 27 (foot and cycle track and ramp of 140 metres in length, shown on sheets 15 and 16 of the works plans, from the A370 classified road known as Ashton Road to Ashton Vale Road to the west of Parson Street to Royal Portbury | |

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| | BNP Paribas on behalf of London Pension Fund Sutherland PLS Ltd on behalf of Manheim Auctions Ltd, ETM Contractors Ltd and Flynn Ltd | <p>Dock railway, Ashton together with alterations to utilities apparatus, drainage, fencing, lighting and landscaping) from the Proposed Development.</p> <p>Bristol City Council [REP4-039] as the relevant Highways Authority has confirmed that it has no objection to this request.</p> <p>Are there any comments you wish to make regarding the removal of this work?</p> | |
| CA.2.15 | <i>Update</i> The Applicant | <p>Provide an update with regard to negotiations in relation to plots 06/925 and 06/300 [RR-026]; plots 06/646 and 06/0647 [RR-040]; plots 04/20, 04/21, 04/35 and 04/36 [RR-089]; plot 06/633 [RR-100] and plots 06/634, 06/636 and 06/644 which were discussed at the CAH [EV-008] including an indication of whether these objections are likely to be withdrawn before the end of the Examination.</p> | <p><u>Plots 06/295, 06/300 [RR-026]</u></p> <p>Following the representation made by the landowner and direct contact received from the landowner to the Applicant, the Applicant is in direct discussions with the landowner to make arrangements for a site meeting when possible. The Applicant remains hopeful that agreement can be reached with the landowner in relation to the various Project's land requirements before the close of the Examination. The Applicant has provided the landowner with the offer of independent legal advice regarding this matter.</p> <p><u>Plots 04/20, 04/21, 04/35, 04/36 [RR-89]</u></p> <p>Following requests from the Applicant's agent, the landowner's agent engaged on 16.12.2020 requesting Heads of Terms to be recirculated for the landowner's consideration. The Applicant's agent is in direct discussions with the landowner's agent to progress and negotiate Heads of Terms. The Applicant remains hopeful that agreement can be reached with the landowner in relation to the various Project's land requirements before the close of the Examination.</p> |

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| | | | <p><u>Plots 06/646, 06/647 [RR-040]; Plots 06/633 [RR-100]; Plots 06/634, 06/636, 06/644 [EV-008]</u></p> <p>In relation to the above plots, a response in relation to the Article 8 query were provided to the Agent by the Applicant on 15.12.20. Core sampling works are required to be undertaken to the railway viaduct structure by the Applicant to obtain further details of the structure so that works that are required to be undertaken here can be established and access requirement details can be confirmed. A draft licence was sent to Ms O'Hara / Mr Murdoch's Agent on 16 December 20, correspondence has been exchanged on 18., 22 and 25 January 2021 and 01. February 2021 between the Applicant's and landowner's Agents. Surveys are currently scheduled for April 2021. The Applicant remains hopeful that agreement can be reached with the landowners in relation to the various Project's land requirements before the close of the Examination.</p> |
| CA.2.16 | <p><i>Outstanding Objections</i> The Applicant</p> | <p>Given the outstanding objections listed above, explain whether the Secretary of State should withhold consent for the Proposed Development if these and other objections remain unresolved at the close of the Examination.</p> | <p>While it may not be possible to settle all landowner objections by the end of the DCO examination, the Applicant has a compelling case for the acquisition of all land plots and this will be set out in an updated Book of Reference and CA Schedule.</p> |
| CA.2.17 | <p><i>Crown Land</i> The Applicant</p> | <p>Provide an update on the progress made regarding obtaining Crown consent and whether this is likely to be achieved before the close of the Examination.</p> | <p>The Applicant continues to progress matters with the Government Legal Department ("GLD") which is advising the following Crown authorities:</p> <p>Department for Transport (DfT): GLD has reviewed the affected land interests and advised DfT. The Applicant awaits comments from DfT.</p> |

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| | | | <p>Department of Health and Social Care (DHSC): The Applicant understands DHSC is satisfied the s135 consent can be issued and GLD have provided a draft letter to the Applicant to confirm the form of consent is suitable. It is expected the consent will be available for Deadline 6.</p> <p>DEFRA/ Forestry Commission: GLD has confirmed it is now instructed by Forestry Commission and is in the process of reviewing and reporting on the title. The Applicant does not yet have a clear indication of whether this consent is achievable prior to the close of the examination.</p> <p>Ministry of Defence (MoD): The MoD has instructed its in-house lawyer to liaise with the Applicant. The Applicant awaits comments on behalf of the MoD following completion of its review of the affected land. The Applicant believes this consent remains achievable prior to the close of the examination.</p> |
| DE Design | | | |
| DE.2.1 | <p><i>Work No 5</i> <i>Portishead Station</i> The Applicant</p> | <p>ExQ1 answer DE.1.5 [REP2-013] states that the GSM-R mast antenna cannot be attached to the station building for maintenance and safety reasons. If proposed as a separate structure, how would its visual impact be minimised?</p> | <p>As a separate structure, the antenna will be no more than 12 metres in height and be of monopole or lattice form typical of mobile communications structures. Please see the below example:</p> |

| ExQ2 | Question to: | Question | Current response |
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| | | |  <p data-bbox="1312 1094 2114 1198">(Image taken from https://www.fli.co.uk/rail/rail-telecoms/ which provides typical examples of GSMR monopole and lattice style masts).</p> <p data-bbox="1312 1214 2114 1391">As a separate structure, the base of the mast will be screened by the proposed landscaping and fencing to the immediate east of the station building therefore containing the visual impact to a specific area. The antenna will be no more than 12 metres in height and be</p> |

| ExQ2 | Question to: | Question | Current response |
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| | | | of monopole or lattice form typical of mobile communications structures. |
| DE.2.2 | <i>Work no 5 Portishead Station</i> The Applicant | Harbour Residential Care Centre which faces the Quays Avenue/ Harbour Road roundabout is not currently shown on the existing or proposed plans, in particular Portishead Station car park layout, landscaping and new boulevard and access plans 467470.BQ.04.20-100 & 102 Rev X. In order to enable an accurate assessment of its relationship to the proposed station can the Applicant provide revised layout plans to include the care home building. | Refer to Portishead Station Car Park Layout, Landscaping and New Boulevard and Access Plan 467470.BQ.04.20-100 & 102 Rev Y (APP-035; DCO document reference 2.38) where the OS mapping showing the Harbour Residential Care Centre has been shown; it was previously 'masked' so the drawing notes were clearer to read. |
| DE.2.3 | <i>Work no 5 Portishead Station</i> The Applicant | The Applicant [REP4-021] and NSDC [REP4-042] have indicated that the most appropriate energy efficiency/ micro generation measures would be to install solar panels on the roof of the station building. The Applicant states that they will discuss the potential for such provision with the relevant planning authority, Network Rail and the Train Operating Company. Provide an update on such discussions, a drawing to indicate the location/ extent of such solar panels, and state how such measures can be specifically secured within the DCO – would an additional requirement necessary? | The GRIP 5 detailed design for the scheme has not yet started. Given both the Applicant and LPA agree the most appropriate energy efficient micro generation measures would be to install solar panels on the roof of the station building, the Applicant will remit this into the detailed design specification. When the GRIP 5 detailed design is completed and is ready to go through the Network Rail technical approval process, the design firstly will be submitted to the LPA for comment. Any feedback given by the LPA can then be fed back to the design team to make any necessary changes before the design then commences through the Network Rail technical approval process. Following the completion of the technical approval process, the detailed design will be submitted to the LPA as part of the submission for the discharge of Requirement 27. |
| DE.2.4 | <i>Work No 7 Trinity Footbridge</i> The Applicant | Provide a site location plan of the footbridge shown in the photographs at REP4-010. | Refer to Appendix DE.2.5 – Additional visualisations which contains the plan extracted from ES Volume 4 Appendix 11.4 (APP-152; DCO document reference 6.25). |

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| DE.2.5 | <p><i>Work No 7</i> <i>Trinity Footbridge</i> The Applicant</p> | <p>NSDC's response to ISH2 action point 6 [REP4-042] states that there are some disadvantages of omitting the bridge but these appear to be relatively minor and capable of being addressed. It also expresses a concern that the footbridge would be more overbearing if fitted with privacy screens. The photographs and visuals provided by the Applicant at REP4-010 and REP4-011 also serve to increase the concerns of the ExA regarding the adverse visual effects of the footbridge.</p> <p>Given the concerns of NSDC, neighbouring residents and the ExA, the Applicant should confirm if the Applicant still proposes to retain the footbridge as part of the Proposed Development.</p> <p>If the footbridge is to remain, can the Applicant:</p> <ul style="list-style-type: none"> i) Provide details as to how the screens reduce overlooking as it appears from the photographs at REP4-010 that views through to nearby windows and gardens are still possible. ii) Provide a response to NSDC's comments regarding the screening of views of the ramps and/ or steps and that it may encourage misuse, anti-social behaviour or vandalism, which would potentially add to the impacts for nearby residents. iii) Provide cross sectional drawings through the bridge and the nearby houses at | <ul style="list-style-type: none"> i) The 'solidity' of the screens can be varied through the selection of the actual material used. A more solid material would be possible and can be agreed during detailed design through the requirements. ii) A balance needs to be struck between the solidity of the screens to provide a barrier for visual screening, but also allowing views through so that people using the bridge can see through the screen to people on the other side on the ramp. The most suitable screen can be agreed during detailed design through the requirements. iii) Refer to Appendix DE.2.5 – Additional sections. These sections are located in the same general areas as those presented in Cross section plans (APP-032; DCO document reference 2.36). iv) Refer to Appendix DE.2.5 – Additional visualisations. The additional visualizations are from photomontage locations 1, 5 and 6 and present the bridge with screen in both the grey colour and the forest green colour. v) The shadow assessment will be submitted at Deadline 5. |

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| | | <p>Tansy Lane, Galingale Way and Pear Tree Field.</p> <p>iv) Only one visual of the bridge with the green colour and screens in place was provided at Deadline 4 [REP4-011] from Tansy Lane (photomontage location 2). Provide additional visuals of the bridge from photomontage locations 1, 5 and 6 as previously provided in ES Volume 4 Appendix 11.4 [APP-152]</p> <p>v) Provide a daylight and sunlight assessment of the bridge on the nearby houses at Tansy Lane, Galingale Way and Pear Tree Field.</p> | |
| DCO Draft Development Consent Order (DCO) | | | |
| <p><i>The ExA do not intend at this point in the Examination to ask any questions on the DCO as the draft DCO was last updated at Deadline 3 [REP3-005] and an Issue Specific Hearing into the draft DCO is scheduled to be held in March.</i></p> | | | |
| FRD Flood Risk and Drainage | | | |
| FRD.2.1 | <p><i>Clanage Road</i></p> <p>The Environment Agency</p> | <p>It was evident from the discussion at the ISH [EV-010] that there remains a dispute as to whether the site of the proposed depot at Clanage Road falls within Flood Zone 3A or 3B. It is clear from the evidence submitted that the Environment Agency's (EAs) position is that it falls within 3B. On a without prejudice basis to your position can you:</p> | |

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| | | <p>i) Advise what your advice would be if the compound was found to be in Flood Zone 3A?</p> <p>ii) As requested by the ExA plans have been submitted by the Applicant at Deadline 4 [REP4-026] to show the proposed Clanage Road compound overlaid onto the Floodplain map. However, this simply shows it as being within Flood Zone 3 and does not differentiate between Flood Zone 3A and 3B, can you provide a more detailed map at a scale of 1:1250 or lower showing which areas of this site are in Flood Zone 3A, and which are in 3B.</p> | |
| FRD.2.2 | <p><i>Clanage Road</i> The Environment Agency</p> | <p>In your Deadline 4 response [REP4-043] you indicated that in order to maintain flood capacity at the proposed Clanage Road compound the welfare unit would need to be raised off the ground and no materials of any kind could be stored at ground level.</p> <p>i) By how much would the welfare cabin and any material storage need to be raised above ground level in order to maintain the flood capacity of the site?</p> <p>ii) Are you satisfied that the DCO as currently drafted would provide a sufficient level of control over these elements if this solution to flooding concerns needed to be pursued? If not what changes/ additional drafting would be needed to secure this detail or would this information</p> | |

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| | | need to be provided/ agreed at the Examination stage? | |
| FRD.2.3 | <i>Clanage Road</i> The Applicant Environment Agency Bristol City Council | <p>i) Provide details, if any are available, as to how often this site has flooded in the last ten years or signpost where in the application documentation this information can be found.</p> <p>ii) In item 34 of REP4-017 the Applicant states that during the 12 March 2020 flood event, peak levels at Avonmouth were slightly above the CFB2018 20 year return period EWL but did not result in flooding to the railway or the proposed Clanage Road depot site and concludes that this provides further evidence as to the site of the compound being outside of Flood Zone 3B. Can the EA comment on these points given their stance [REP4-043] is that "...land which would flood with an annual probability of 1 in 20 or greater, or is designed to flood in an extreme event, is viewed as functional floodplain."</p> | <p>i) The FRA (APP-076; DCO document reference 5.6), paragraphs 4.2.12 to 4.2.15 reviews and interprets available flood history information and concludes that the Clanage Road compound has not flooded due to River Avon tide levels in the last 50 years (and possibly longer).</p> <p>ii) It is noted here that the March 2020 flooding event also applies with respect to River Avon fluvial flooding, as the available information reviewed suggests there has been no flooding of the Clanage Road compound from the River Avon in the last 50 years (either tidal or fluvial).</p> |
| FRD.2.4 | <i>Clanage Road</i> The Applicant Bristol City Council | <p>The EA has provided detailed comments at Deadline 4 [REP4-043] in response to flooding which the ExA expect the Applicant to respond to at Deadline 5. Furthermore, the ExA is expecting the parties involved to try to resolve this matter before the close of the Examination. In the interim:</p> <p>i) As set out above the EA has indicated that to maintain flood capacity at the site</p> | <p>i) Appended plan REP4-026 (DCO document reference 9.27 ExA.FI.D4.V1) shows a potential layout of the site. The Applicant's case is that the site is not within the functional flood plain (FFP) since whilst the Applicant acknowledge that the modelling supports the classification of the Clanage Road compound in the FFP, expert interpretation of the conservative elements within the model and the history of flooding at this site indicates that it is not in the FFP. Notwithstanding the Applicant's case, it is practicable to provide a welfare cabin above ground level and this is provided for in the Flood Risk</p> |

| ExQ2 | Question to: | Question | Current response |
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| | | <p>the proposed welfare cabin and materials would need to be stored above ground level. Applicant: Is this practicable and would these stipulations be within the parameters allowed for by the DCO and as assessed in the ES, Flood Risk Assessment (FRA) and other relevant application documents?</p> <p>ii) Bristol City Council: If the welfare cabin and material storage were to be raised off the ground given the location of the site within the Green Belt would the proposal still meet the requirements of paragraph 146 of the NPPF which states that local transport structure would not be inappropriate development provided they preserve openness?</p> <p>iii) Bristol City Council: Are you satisfied that the DCO as currently drafted would give you sufficient control over these elements if this solution to flooding concerns needed to be pursued? If not what changes/ additional drafting would be needed to secure this detail or would this information need to be provided/ agreed at the Examination stage?</p> <p>iv) Applicant: Given the concerns raised regarding the flooding of this site could the Proposed Development proceed without it?</p> <p>v) Applicant: If the Proposed Development could not proceed without a depot in this location are there any alternative solutions such as the depot only being used for access and material being imported on a</p> | <p>Assessment (APP-189; DCO document reference 6.25) where the welfare cabin would be above the modelled 200 year return period tidal River Avon flood level of 8.10mAOD on engineered stilts to prevent any "net loss of floodplain storage".</p> <p>However raising the storage area would not be a practical solution for the duration of the construction programme. The Applicant would foresee there to be health and safety issues with working at height and manual handling of heavy materials.</p> <p>Raising the welfare cabin by one metre is de minimis and is considered to be within the parameters of the ES, FRA and other application documents.</p> <p>The Applicant notes further that the ExA has raised a query of Historic England both on the part of the site which shall remain as permanent and in addition, the possible increase in height of elements of the site.</p> <p>The Applicant has reviewed the Historic England Statement of Common Ground (SoCG) (REP1-020; DCO document reference 9.3.5 ExA.SoCGHE.D1.V1) and notes that it refers to a temporary compound but this is incorrect. At a meeting between Historic England and the Applicant on 8 October 2018 the design was shown to Historic England and further photomontages sent on the basis that the compound would be permanent.</p> <p>If Historic England do not respond, the Applicant has considered the relevant documents. In respect of document REP1-041, which is a representation from Mr Sweetman the director of Bimcorp Ltd the owner of the</p> |

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| | | <p>just in time basis and not stored at the site that could be used to address this concern regarding flood capacity? If so how would these alternatives be secured?</p> | <p>Clanage Road site. The area shown by an arrow on the photograph shows an area beyond the permanent Clanage Road site which is tucked behind a hedge and tree belt. The site is also the minimum size necessary to construct and maintain the railway, will not be lit and is not considered to detract from the setting or the views from Clifton Bridge.</p> <p>(v) One possible option is to implement just in time practices which would minimise the length that materials are stored on site as suggested by the ExA. However, there is an important caveat being that without a delivery contractor on board, the Applicant cannot give a precise methodology for this yet and it is likely to involve further significant cost to the project for what is considered a very minimal risk.</p> <p>The Applicant should explain that use of the compound is predominantly associated with the Bower Ashton track works. Much of the heavy material (e.g. rail, ballast etc) may be brought in via train and dropped directly on to the track.</p> <p>Therefore rather than imposing just in time deliveries or changing the height at which materials are to be stored, the Applicant is prepared to consider an addition to the CEMP specifically to reduce the storage of material at the Clanage Road compound by requiring the contractor to bring as much material as possible to the site by train. There will still be a need to deliver smaller items (e.g. cables and associated troughing) to the compound and for it to be stored for a short periods of time. In addition</p> |

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| | | | <p>to this there will be car parking for staff which by its nature is temporary.</p> <p>iv) The Applicant is of the view that constructing the Proposed Development without the Clanage Road site would pose exceptional logistical difficulties putting the Applicant to considerable additional cost and programme delay. At the very minimum an access point with the ramp and turning area is vital for construction of the railway with materials being stored on site for short periods aligned to just in time principles or as suggested above, to bring the bulk of material in by train.</p> <p>However, for the operational phase, the Clanage Road compound is critical to the delivery of the Proposed Development. For future maintenance of the line, Rail Road Vehicles will need to be delivered to the compound so they can access locations further along the line. The restrictive geography of the Avon Gorge currently makes this very difficult. Having a Road Rail Access Point and compound at Clanage Road is strategically important as it is the only location that can service the southern (Bristol) end of the Avon Gorge. Without it, the only access would be from the northern (Portishead) end as there is no other way to reach the track throughout the middle section. Provision of the compound will continue to maximise the Applicant's opportunity to maintain the line with minimal disruption to passengers and lineside neighbours.</p> <p>Additionally, as the train service will be operating from 0600 – 2330 on weekdays, maintaining the infrastructure efficiently is key. Without the compound, it may take</p> |

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| | | | longer to carry out maintenance activities requiring the first and last service to be cancelled. |
| FRD.2.5 | <i>Emergency Plan</i> Bristol City Council North Somerset District Council | i) Do your emergency planning officers wish to comment on the principles of the detailed operational Flood Plan [REP3-015], building from the outline operational flood plan in Appendix T of the FRA [APP-092]? ii) Is it appropriate that this plan forms an appendix to Version 2 of the SoCG between NSDC, Network rail Infrastructure Ltd and the EA, as opposed to a standalone application document, or as part of a revised FRA? iii) The EA [REP4-043] also refer to the need for an “Emergency and Evacuation Plan” to be agreed with them. If this is a separate document, how does it interface with the flood plans as set out above? | |
| FRD.2.6 | <i>Updated FRA</i> The Applicant | Item 34 of REP4-017 states (of the FRA) “ <i>on climate change allowances in particular, further work has been undertaken and the FRA will be updated</i> ”. When can this update be expected? | Deadline 6 on 15 March 2021 (same as for the Environmental Statement update). |
| FRD.2.7 | <i>Culvert Capacity</i> The Applicant | Are you content to conduct checks of the capacity of culverts during the design process and are you intending to revise the wording of Requirement 23 of the draft DCO as requested by the North Somerset Levels Internal Drainage Board [REP4-048]? | As explained in APP-186 the Applicant will survey culverts during the design phase and repair as necessary. Requirement 23 provides for clearance and repair of watercourses. The definition of watercourse includes culverts and therefore there is no need to amend Requirement 23 as requested by the North Somerset Levels Internal Drainage Board. |

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| HE Historic Environment | | | |
| HE.2.1 | <i>Clanage Road</i> Historic England | <p>In your SoCG [REP1-020] you raised concerns with the designs for the Clanage Road construction compound and requested a number of photomontages from various vantage points in order to be able to assess the effect of the proposal on a number of local heritage assets including the Clifton Suspension Bridge and Ashton Court Gate. The Applicant advised that this would be a temporary construction compound that would not be permanently lit and as a result the matter is marked as agreed.</p> <p>However, this is incorrect whilst there would be a larger temporary compound during construction (Work No 26A) there would also be a permanent vehicular access, ramp, flood mitigation works and railway maintenance compound of 2,984 sqm (Work No 26) in this location. Given these works would be permanent are you still satisfied that the proposed works would not harm the setting of any of the identified heritage assets and that the matter remains agreed? If you do have outstanding concerns can you please advise what these are, what additional information (if any) would be required to assess these affects and/ or what mitigation would be required and how this could be secured.</p> | |
| HE.2.2 | <i>Clanage Road</i> | Do you have any comments on the points raised in REP1-041 with particular reference | |

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| | Historic England Bristol City Council | <p>to the concerns raised regarding the views from Clifton Observatory?</p> <p><i>In answering this question, you may wish to look at the Applicants response to these comments [REP2-032]</i></p> | |
| HE.2.3 | <i>Clanage Road</i> Historic England Bristol City Council | <p>The EA has raised concerns [REP4-043] in relation to flooding at Clanage Road. A suggested solution would be that the welfare cabin and the materials would need to be stored off the ground.</p> <p>i) Would you have any concerns regarding such a solution?</p> <p>ii) Are you satisfied that the DCO as currently drafted would give you sufficient control over these elements if this solution to flooding concerns needed to be pursued?</p> | |
| NV Noise, Vibration and Light | | | |
| NV.2.1 | <i>M5 Underbridge and Underbridge at Royal Portbury Dock</i> North Somerset District Council | <p>In their Deadline 4 Responses [REP4-036 and REP4-063] Mr Ovel and Mr Berry have suggested the need for an acoustic barrier between the footpath and the track at the M5 underbridge and the Royal Portbury Dock road underbridge to protect users of the path from the noise of passing trains. Do you agree that such a barrier would be necessary, and if so how would it be secured and are there any standards it would need to meet?</p> | <p>The Applicant is not proposing an acoustic barrier. If noise becomes an issue then it will be open to Network Rail to terminate the licence to Sustrans for the use of the route under the M5.</p> |

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| SE Socio-economics | | | |
| <i>The ExA do not wish to ask any further questions on this topic at this point in the Examination.</i> | | | |
| TT Traffic and Transport | | | |
| TT.2.1 | <i>Work No 22A</i> The Applicant | Explain further why the proposed alterations to the junction and upgrading of bus stop by the Pill and District Memorial Club are necessary Associated Development – including typical situations in which rail replacement services are likely to happen, and how often, and how this would justify the level of works in this area of Pill? | <p>Rail replacement bus services are deployed by the local train operator when and for whatever reason it is not possible to operate the timetabled passenger train service. The most common reason for this is due to a possession of the railway to undertake maintenance or renewal activities to the railway infrastructure. Whenever it is not possible to operate a passenger train service the train operator has a contractual obligation to provide a rail replacement bus services. The rail replacement bus services have to operate too as close as practically possible the station and the bus stops should meet the needs of the train operating company, within constraints of the local highway context. The incumbent train operator Great Western Railway has been consulted on the design to upgrade the bus stops and is satisfied the bus stops will meet their needs. It is not possible to state definitely how often rail replacement bus services will need to be deployed, however, aside from any extreme weather events occurring, planned possessions of the railway may require a bus replacement service on 2 or 3 weekends a year (a total of circa 6 days). The closest practical bus stop is located by Pill and District Memorial Club.</p> <p>Reference should be made to Pill Memorial Club Bus Stops and Car Park Plan and Construction Compound</p> |

| ExQ2 | Question to: | Question | Current response |
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| | | | <p>(APP-039; DCO document reference 2.43 - 2.44) which show the proposed works. The works in effect reposition the existing retaining wall southwards into the Memorial Club car park, and move kerb lines slightly into the carriageway to create more footpath space and space for a bus shelter. On the north side opposite the proposed bus shelter the existing footpath will be widened to create space for pedestrians and also to improve visibility for the uncontrolled pedestrian crossing.</p> <p>The area required during construction takes into account the need to have construction vehicles within the secure compound (and not in the car park or entrance), an area for excavation for the replacement retaining wall foundations, and the ability to lift in and out formwork for the wall. Once the wall is complete, the car park would be resurfaced with little overall change in appearance</p> |
| TT.2.2 | <p><i>M5 Junction 19</i> North Somerset District Council Bristol City Council</p> | <p>The draft DCO [REP3-005] includes a new requirement no. 30 relating to M5 Junction 19 following the SoCG with Highways England [REP1-019]. Could the Highway Authorities both confirm that they are satisfied with the wording of the requirement and if they have any further comments in relation to the M5 Junction 19.</p> | |
| TT.2.3 | <p><i>Work No 24 Chapel Pill Lane, Ham Green</i> The Applicant North Somerset District Council</p> | <p>The emerging Abbots Leigh, Ham Green, Pill and Easton-in-Gordano Neighbourhood Plan [REP2-025] includes at page 16 (map 6) a plan of the Chapel Pill Lane area and labels the track alongside the proposed Improvement Area 2: Affordable Housing as Hay's Mays Lane PROW. It is not identified as</p> | <p>i) The access referred to at [REP4-056] Appendix 1 is Hays Mays Lane.</p> <p>ii) It is spelt "Hays Mays Lane" in the attached s106 agreement from 1988 (Appendix TT.2.3). However, there may be other spellings.</p> |

| ExQ2 | Question to: | Question | Current response |
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| | | <p>such on sheet 8 of the Public Rights of Way Plans [APP-028].</p> <p>Additionally, Mr Tarr's DL4 response [REP4-056] at Appendix 1 includes an extract from a 2015 consultation document referring to the use of a bridleway to provide an emergency access route to Pill Tunnel.</p> <p>i) Confirm if the access referred to at [REP4-056] Appendix 1 is Hayes Mayes Lane</p> <p>ii) Clarify the correct name/ spelling of the lane.</p> <p>iii) Confirm if this is a bridleway or has some other access designation, and whether it is publicly accessible.</p> <p>iv) Provide details of the restrictive covenant referred to by Mr Tarr at point 5 of his response [REP4-056] and whether this has any impact on the access and compound proposals.</p> <p>v) Does the lane currently form an emergency or maintenance access route to the Pill Tunnel (for freight trains) – if so would it remain as such?</p> | <p>iii) There is no recorded bridleway or other public right of way on Hays Mays Lane. However, a restrictive covenant on the land requires that the Council use the Hays Mays Lane area only for open space and recreational purposes (see response to iv).</p> <p>iv) There is a restrictive covenant regarding Hays Mays Lane, contained in the Transfer of land from Redrow to North Somerset. A copy of the Transfer is attached for information (see Appendix TT.2.3). Paragraph 12.4 of the Transfer requires that the Council uses the Hays Mays Lane area only for open space and recreational purposes (see Appendix TT.2.3).</p> <p>v) Hays Mays Lane is currently used by Network Rail for maintenance access. However the access is limited and the proposed improved access point adjacent to Hays Mays Lane will replace the need to access from the lane. The new access will provide a superior day to day access point and allow emergency vehicles to get lineside access in case of an emergency in Pill Tunnel, which is critical for the proposed passenger service.</p> |
| TT.2.4 | <p><i>Work No 28 & Ashton Vale Road crossing</i></p> <p>CTC on behalf of ETM Contractors Ltd and Manheim Auctions Ltd</p> | <p>Table 4.1 of CTC Technical Note 3 (Response to 9.18 ExA.CWR.D3.V1 – Appendix 2 to Applicant's responses to Written Representations submitted at Deadline 2) [REP4-050] sets out the traffic movements to/ from Manheim on auction and non-auction days.</p> | - |

| ExQ2 | Question to: | Question | Current response |
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| | | <p>vi) Is it correct that the number of staff movements to/ from the site are the same whether it is an auction day or not?</p> <p>vii) Confirm the days of the week that Manheim typically holds an auction, the regularity of such auctions, and the start/ finish times when customers typically arrive and leave the site (when not restricted by the Covid-19 pandemic).</p> <p>viii) Provide a similar table to show current traffic movements to/from ETM and their operating hours.</p> | |
| TT.2.5 | <p><i>Work No 28 & Ashton Vale Road crossing</i> Bristol City Council</p> | <p>Provide comment on the submissions by CTC and Sutherland Property and Legal Services (SPLS) [REP4-050], in particular regarding:</p> <p>ix) The recent and future expansion of existing businesses around Ashton Vale Road and whether this ‘stress testing’ should be accounted for in the TA; and</p> <p>x) The ‘Agent of Change’ and fallback position of increased use of the railway line by freight trains.</p> | |
| TT.2.6 | <p><i>Cala Trading Estate & Ashton Vale Road crossing</i> BNP Paribas Real Estate on behalf of the London Pensions Fund Authority</p> | <p>Provide your further comments following review of the Applicant’s oral case and response to action points at ISH2 [REP4-009 and REP4-021] in relation to the Ashton Vale Road industrial area/ Cala trading estate.</p> | |

| ExQ2 | Question to: | Question | Current response |
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| Public Rights of Way, including cycle routes | | | |
| TT.2.7 | <p><i>Works Nos 15, 16 and 18</i></p> <p>The Applicant North Somerset District Council</p> | <p>In their Deadline 4 response [REP4-058] the BPC state that they do not accept that their land is needed for the provision of Public Rights of Way (PRoW) given that there existing available alternatives. Do you agree and if not, why not?</p> <p>Regardless of the above, BPC indicate that they would be happy to allow the execution of Work Nos 15, 16 and 18 subject to work No 16 remaining a permissive route rather than a public footpath and that Work No 18 should be maintained by NSDC. Do you agree?</p> | <p>The Applicant's justification for the alteration to and provision of new permissive paths and Public Rights of Way is set out in detail in Comments on Relevant Representations Appendix E (REP1-029; DCO document reference 9.4 ExA.RR.D1.V2).</p> <p>Work No 15 is a temporary path to ensure public safety and specifically that pedestrians and cyclists do not come into close proximity of HGV vehicles entering and exiting the BPC's perimeter access track from Marsh Lane, during construction. Work No 16 is a realignment of the existing licensed NCN26 which is located on the top of the dis-used track formation and therefore must be re-aligned in order to re-instate the railway. Work No 18 is a permanent extension to an existing PROW to provide an alternative route for horse riders, cyclists and pedestrians who cannot or do not want to use the existing licensed NCN26 route alongside the railway under the M5, when the scheme opens. The existing NCN26 is only licensed for use by pedestrians and cyclists. Furthermore if horse riders were to use the NCN26 route there would be a considerable risk of a horse being startled by the sudden noise of a train and becoming out of control within a confined space of 2.6 metres wide by 60 metres in length, causing a major risk to the rider, pedestrians and cyclists including parents and children. The British Horse Society has also raised safety concerns.</p> <p>The Applicant's proposals with regard to Work No 16 have always been that this would remain a licensed permissive path. With regard to Work No 18, the</p> |

| ExQ2 | Question to: | Question | Current response |
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| | | | Applicant accepts responsibility for its maintenance following construction. |

Appendices to this Response to ExQ2:

- **Appendix GC.2.3 – Consents and licences table**
- **Appendix CA.2.2 – Table showing progress of voluntary negotiations and agreements with Statutory Undertakers**
- **Appendix DE.2.5 – Photomontages**
- **Appendix TT.2.3 – Transfer, Plan and Section 106 Agreement**