



# MetroWest+

## Portishead Branch Line (MetroWest Phase 1)

**TR040011**

**Applicant: North Somerset District Council**

**9.34 ExA.CWR.D5.V1 – Applicant's responses to Written Representations submitted for Deadline 4**

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**Version: 1**

**Date: February 2021**

### Responses to submissions received at Deadline 4

Ref no.	Party	Response	Applicant's response
001095-D4-001	North Somerset Levels Internal Drainage Board	<p>Existing Culverts</p> <p>The Board has entered into a statement of common ground with the applicant and has agreed with the applicant that existing culverts will be repaired and replaced as necessary depending on the structural condition of the culverts. The Board still feels, however, that during the design process, a check should be carried out on the capacity of culverts in accordance with the government's peak river flow allowances for the lifetime of the development. After undertaking this check, any necessary changes in culvert sizes should be instigated. Although this is not something that needs to be completed at this stage, it should be secured by the Development Consent Order, potentially by an amendment to Requirement 23 of the Draft Development Consent Order by inclusion of 'and culvert' after the word 'watercourse', for the sake of clarity.</p>	<p>The Applicant has undertaken to clear and repair the existing culverts (APP-186; DCO document reference 6.25). Requirement 23 provides for a scheme of clearance and repair for all watercourses. The definition of watercourses in the dDCO includes culverts and therefore there is no need to amend this requirement.</p>
001095-D4-002		<p>Accompanied site visit</p> <p>The Board would like to suggest that the Examining Authority may benefit from a site visit with the IDB to view the watercourse adjacent to the proposed footbridge at Portishead. The Board feels that the maintenance and public safety issues in this location could be better explained by viewing the topography of the area together with a full explanation of the maintenance activities of the Board and an explanation of the potential flood risk to properties through impeded maintenance activities. This is difficult to convey on a plan due to changes in ground level and complexities of maintenance. Alternatively, the Board may be able to provide a narrated video of the area to explain the issue.</p>	<p>The Applicant believes the relevant area of land can be seen from plot 01/213 of the Order lands. The Applicant has only sought temporary powers over the relevant lands at this location save for land required for the construction of new footpath links.</p>

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001096-D4-001	Stuart Tarr	<p>Application by North Somerset District Council for an Order Granting Development Consent for the MetroWest Phase 1 Portishead Branch Line:</p> <p>ExA Issue Specific Hearing 3, Deadline 4 Consolidated Post-hearing Submission, concerning Access and Construction Impacts on the Chapel Pill Lane construction site and Ham Green Fishing Lake SNCI of the Pill Tunnel Construction and Maintenance Compound</p> <p>1. This submission is made on behalf of Ham Green residents who wish to draw the attention of the Examining Authority to their now very serious concerns on matters of access and construction first raised in a consolidated submission to the ExA following the Open Floor Hearing of 19th October 2020.</p> <p>2. A reply from the Applicant's legal representative was received to that submission, inter alia explaining why Hayes Mayes Lane could not be used for access to minimise disruption to the Chapel Pill Lane construction site, since when further information has come to light to challenge the assumptions and explanations contained in that reply on which the Applicant relies: principally, a restrictive covenant reserving Hayes May Lane as a public open space for recreational use, and the destruction of trees and vegetation to permit vehicle access.</p> <p>3. For reference a site plan drawing (Sheet 8 of the Land Plan) of the proposed MetroWest access and construction compound is attached, though it may have been updated since.</p> <p>4. Taking these issues in turn:</p> <p>4.1 It is understood that when Metro West first held a public information display at the Pill Community Centre in 2015 it was explained that they hoped to access the Pill Tunnel compound via Hayes Mayes Lane. Towards the bottom of Hayes Mayes Lane there is a gate on the left with a pathway to a field that passes over the tunnel and down to the former Ham Green Halt which railway</p>	<p>Hays Mays Lane is currently used informally by Network Rail for maintenance access. The new compound and access will provide a superior day to day access point and allow emergency vehicles to get lineside access, which is critical for the proposed passenger service.</p> <p>The proposed maintenance compound Ham Green is required to provide access from the Portishead end of the Avon Gorge and also emergency access from Pill tunnel. The space in the compound allows for access from the road down to the railway where there is a turning space for vehicles.</p> <p>In addition, it is likely that it will be utilised for the following:</p> <ul style="list-style-type: none"> <li>- Continued access to inspect and maintain the drainage and silt filtration systems for Pill Tunnel</li> <li>- Access point for track inspections</li> <li>- Temporary storage of materials (e.g. track components).</li> </ul> <p>The Applicant changed the location of the access having considered the ecological impacts on Hays Mays Lane and the anticipated compensation liabilities for releasing the restrictive covenant applying to Hays Mays Lane. It was also anticipated the use of Hays Mays Lane would have significantly more impact on local residents in neighbouring residential properties than the submitted location for the compound. The decision was not influenced the landowner and was taken before there the project team had any knowledge of the housing proposals. At no time has the proposal for housing development had any influence on the design for Work Nos. 24 and 24 A.</p>

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		<p>maintenance teams use to access the tunnel entrance. Further along, at the end of the lane, there is an anti-climb greased palisade metal gate that is kept locked (and blocked by a large rock) to prevent unauthorised pedestrian and vehicle access to the field on the platform side of the track. It is residents' understanding, from a railway maintenance team manager, that the landowner refused access to this field for rail compound maintenance and emergency access, which may explain why the Applicant then decided to compulsorily purchase the land at the top of the Chapel Pill Lane site and down to the lake. A decision that, if the landowner in question is one and the same in discussion with the Pill and District Community Land Trust (PDCLT), would then facilitate further development, in this instance housing for planning development gain, via a shared access with MetroWest. An image showing details of original access via Hayes Mayes Lane, which formed part of the 2015 MetroWest consultation, is attached at Appendix 1.</p>	
001096-D4-002		<p>4.2 Secondly, in response to the applicant's apparent concerns replying to questions raised at the Open Floor Hearing of 19th October, that vehicles accessing the Pill Tunnel compound via Hayes Mayes Lane would breach a restrictive covenant and cause damage to hedgerows and trees, it is worth noting that rail maintenance teams equipped with chainsaws have previously cleared the lane by cutting the hedgerows on both sides to lay piping through the hedgerow during Pill Tunnel drainage operations that were previously carried out using pumps and service vehicles parked in Hart Close. A drainage operation that resulted in parts of the Hayes Mayes Lane hedgerow being removed and replaced with barbed wire to prevent pedestrian access from and to residential development. Photographs that evidence the extent and continued hedgerow/tree cutting in Hayes Mayes Lane can be provided if needed.</p>	<p>The use of Hays Mays Lane and the minor vegetation works by Network Rail was not authorised by the Council as freehold owner (albeit the Council has no objection to such occasional use). In any event the use of the access by Network Rail to the former Ham Green Halt is likely to be an overriding interest burdening the freehold of Hays Mays Lane and one the Council took the land subject to when it became the freehold Owner. The occasional use by Network Rail of Hays Mays Lane for access does not in any event breach the restrictive covenant imposed by Redrow Homes.</p>
001096-D4-003		<p>5. These issues raise an important question of whether the Applicant, in providing access for essential Network Rail maintenance works to the Pill Tunnel, has chosen to ignore or at least felt obliged to set aside concerns regarding the public open space/recreational use restrictions imposed by the Restrictive Covenant in the freehold</p>	<p>The long established access to the former Ham Green Halt used by the Great Western Railway, British Transport Commission, British Rail, Railtrack and Network Rail since 1926 would not be extinguished by the transfer to the Council nor the imposition of the restrictive covenant by Redrow.</p>

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		transfer ownership of land including Hayes Mayes Lane from Redrow Homes Limited, the developers of the former Ham Green Hospital site, to North Somerset Council dated 20th November 2013. Given that the MetroWest Phase 1 Project is a significant infrastructure project of national importance there is no reason why these restrictions cannot be set aside to provide alternative means of access to the Pill Tunnel compound via Hayes Mayes Lane, and/or for an application to be made to Redrow Homes Limited to release NSC from the restrictive covenant, if legal tidying up is required for which there is already a legal precedent.	The restrictive covenant imposed by Redrow would be valued in the no scheme world as a covenant imposing key land restrictions. Its release would be argued to open up for development the land south of Hays Mays Lane in valuation terms. The potential compensation liabilities would therefore be significant. When combined with the ecological, environmental reasons, as well as impacts on local residents, it was apparent to the Applicant that there were a number of compelling reasons to located the proposed emergency access and compound as is now proposed in the application for development consent.
001096-D4-004		6. It therefore appears that the applicant has chosen, for reasons that have not been satisfactorily explained, to access the Pill Tunnel compound via Chapel Pill Lane, resulting in more environmental damage than is justified, when an alternative means of access to obviate or mitigate these risks is available via Hayes Mayes Lane – a solution that would address lake access Rights of Way issues that are also matters of concern. An extract of a note received from concerned residents, which highlights the increased highways safety risks to cyclists, walkers, joggers and families with young children (some pushing buggies and pushchairs), of the dangers of mixing HGV and other vehicle movements with high volume recreational use on this section of the Avon Cycleway is attached at Appendix 2. In any event, to avoid further compounding highways safety risks at this sensitive location, shared MetroWest access to a proposed housing development referenced in the Pill and District Neighbourhood Plan, on which a public consultation was opened by PDCLT and Alliance Homes on 18th January 2021 <a href="https://www.alliancehomes.org.uk/chapelpill">https://www.alliancehomes.org.uk/chapelpill</a> , should be refused.	<b>Environmental damage:</b>  If Hays Mays Lane were used as an alternative means of access, there would be impacts on the trees and hedgerows that border the track. The eastern hedgerow and trees are described in the Extended Phase 1 Habitat Survey paragraph 4.4.15 (APP-133; DCO document reference 6.25) as 'A strip of woodland borders the track into the proposed compound area, comprising mature sycamore <i>Acer pseudoplatanus</i> , elm <i>Ulmus</i> sp., hawthorn, blackthorn and young ash'. There would be adverse ecological effects from removing the eastern hedgerow and trees to allow for the use of the track. The chosen route into the compound avoids the impact on the hedgerow with trees. Avoidance is one of the key principles which underpins Ecological Impact Assessments to 'Seek options that avoid harm to ecological features (for example, by locating on an alternative site)' (CIEEM guidelines for Ecological Impact Assessment, 2018). As detailed in the ES Chapter 9, Ecology and Biodiversity paragraph 9.5.1 (AS-031; DCO document reference 6.12) 'Measures adopted as part of the scheme include careful design of the project to ensure key receptors are avoided where possible. These measures are not necessarily required to mitigate likely significant effects but have been identified as those that can avoid or reduce effects on ecology and biodiversity and have been incorporated within the design of the DCO Scheme'.

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			<p>To avoid impacts on the western hedgerow and trees alongside the track by root compaction by vehicles and damage to limbs etc, the track would need to be moved to the east to be outside of the root protection area and will therefore be within the field identified in the DCO Scheme for the compound area.</p> <p>Hays Mays Lane is included in Ham Green Tree Preservation Order, and trees covered by the Order would need to be removed as noted above.</p> <p><b>Access to fishing lakes:</b> The Applicant has negotiated with the holder of the fishing lake access rights an alternative route for the access to the lake so that this will be available during construction and after construction.</p> <p><b>HGV / TRAFFIC ISSUES:</b> The updated traffic data in the CEMP indicates that the compound will have very low usage. During construction there is estimated to be one HGV accessing the site each day on average.</p> <p>Post-construction, Network Rail have confirmed that routine site traffic attending site approximately once every week using small vehicles (such as transit vans). Material deliveries are likely to occur once every 8 to 12 weeks and will be undertaken during the night-time period to align with track possessions. It is noted that there may be more significant renewal works annually where a low loader may be required.</p>
001096-D4-005		7. These issues of access highlight the fact that there is a serious conflict of interests between North Somerset Council as the Applicant, and North Somerset Council as the Planning and Transport Authority, that the MetroWest Memorandum setting out how the separation of functions will be ensured does not adequately address or provide a sufficient level of assurance in which the public can have confidence. 8. These important issues of access and conflicts of interest cannot satisfactorily be resolved by written explanations and	<p>The separate representation of the Council as planning authority and the Council as applicant demonstrates the separation of responsibilities is well understood by North Somerset Council.</p> <p>It is not clear how such concerns expressed by the Interested Party would be resolved by a site visit but for other reasons the Applicant believes a site visit to Chapel Pill Lane would be appropriate.</p>



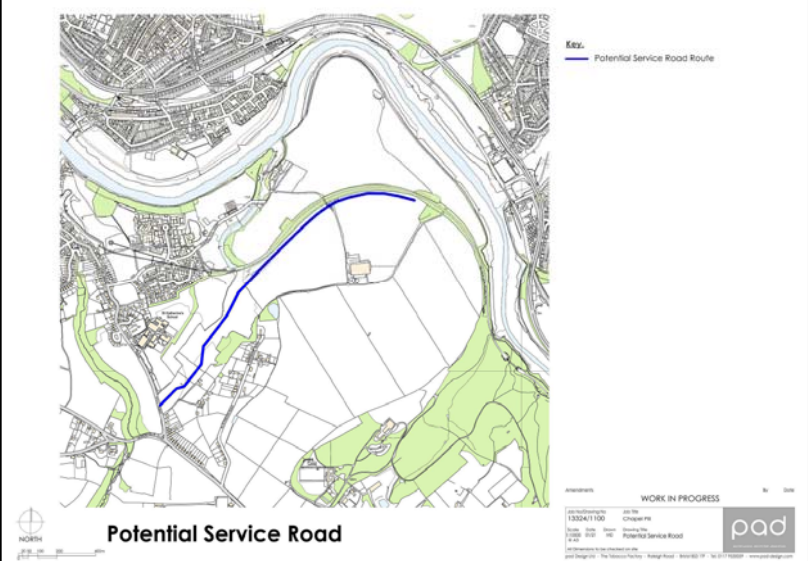
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		<p>assurances received from the Applicant and Network Rail but must be robustly addressed and tested by the ExA to provide the level of public assurance that is needed. It is therefore respectfully requested that a Planning Inspectorate Examining Authority accompanied visit to the Chapel Pill Lane/Hayes Mayes Lane site is arranged.</p> <p>[TWO APPENDICES ATTACHED, SEE:  <a href="https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR040011/TR040011-001096-Stuart%20Tarr%20-%20Post%20ISH3%20submission.pdf">https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR040011/TR040011-001096-Stuart%20Tarr%20-%20Post%20ISH3%20submission.pdf</a> ]</p>	
001097-D4-001	North Somerset Council	In response to action point 3 (Article 44 - Hedgerows) from Issue Specific Hearing 1, I can now confirm that North Somerset Council (as Local Planning Authority), is now satisfied with the wording of Article 44 of the draft DCO and that we don't need a separate requirement to cover the removal of hedgerows.	Noted.
001098-D4-001	Environment Agency	<p>The following issues have been highlighted for the attention of the Environment Agency:</p> <p>Article 22 (Discharge of water) Discussion regarding maintenance to be had at ISH2/3 when other flood risk and drainage issues will be discussed.</p> <p>The applicant has not indicated any intention to request the disapplication of legislation pertinent to the Agency's interests. Additionally, the above Article provides that:</p> <p>'Nothing in this article overrides the requirement for an environmental permit under regulation 12(1)(b) of the Environmental Permitting (England and Wales) Regulations'</p> <p>Accordingly, any proposal to discharge will be subject to the requirements of the Agency's Regulatory processes.</p>	<p>Regarding EA's comment on article 22 and maintenance the Applicant has agreed an amendment to requirement 11 required by the North Somerset Inland Drainage Authority in bold italics below (see REP3-030; DCO document reference 9.17 ExA.WQ1R.D3.V1).</p> <p><b>Requirement 11</b></p> <p>The Applicant agrees with the IDB and suggests the following text for requirement 11 (REP3-030; DCO document reference 9.17 ExA.WQ1R.D3.V1). Additional text is below in highlighted italics.</p> <p><b>11.</b>—(1) A stage of the authorised development must not commence until written details of the surface and (if any) foul water drainage system (including means of pollution control) have, after consultation with the lead local flood authority and the Environment Agency, been submitted to and approved by the relevant planning authority.  (2) The approved drainage systems for the relevant stage must be constructed in accordance with the approved <i>details and thereafter managed and maintained in accordance with the approved details unless otherwise agreed with the local planning authority after</i></p>

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			<p><b><i>consultation with the lead local flood authority and the Environment Agency.</i></b></p> <p>(3) This requirement does not apply to currently operational railway land.</p>
001098-D4-002		<p>Requirement 5</p> <p>Applicant to check with EA whether the requirement as drafted addresses their concerns regarding waste management and if not the EA to provide their preferred wording.</p> <p>The Agency previously requested further information in respect of a number of waste management issues. Additionally, the Agency requested clarification of the applicant's intentions to either submit the requisite details during the examination process, or through any subsequent submission pursuant to the discharge of the proposed Site Waste Management Plan, submitted in accordance with proposed Requirement 5.</p> <p>The Agency has not requested the rewording of Requirement 5 however, without the requested details, the Agency would be unable to recommend the discharge of the Requirement when formally consulted.</p>	<p>The waste management information requested by the Environment Agency is not available at this stage. The Applicant should clarify that further site investigation will be undertaken during detailed design stage and the results will be used to develop suitable measures for the handling, storage and off site remediation or disposal of waste. The successful contractor will be responsible for developing and implementing the Site Waste Management Plan. These measures will be secured through the DCO Requirement 5 on the CEMP and Requirement 17 on Contaminated Land and Groundwater. The contractor will also secure waste management licences where relevant.</p>
001098-D4-003		<p>Requirement 17</p> <p>Applicant to review revised wording suggested by EA regarding the need to submit a verification plan. Applicant to review either including the additional wording suggested by the EA regarding previously unidentified contamination either within Requirement 17 or whether it should be a separate requirement.</p> <p>The Agency has received details of the proposed rewording of Requirement 17 however, the Agency's Hydrogeologist has advised the verification element is not sufficiently distinct. It is a separate stage of works and should be afforded a separate, concluding bullet point, as detailed within the Agency's Written Representations:</p>	<p>The Applicant proposes the following amended wording for Requirement 17.</p> <p>Contaminated land and groundwater</p> <p>17.—(1) A stage of the authorised development must not commence until a written scheme applicable to that stage to deal with the contamination of any land, including groundwater, within the Order limits which is likely to cause significant harm to persons or pollution of controlled waters or the environment has, after consultation with the relevant planning authority and the Environment Agency, been submitted to and approved by the relevant planning authority.</p>



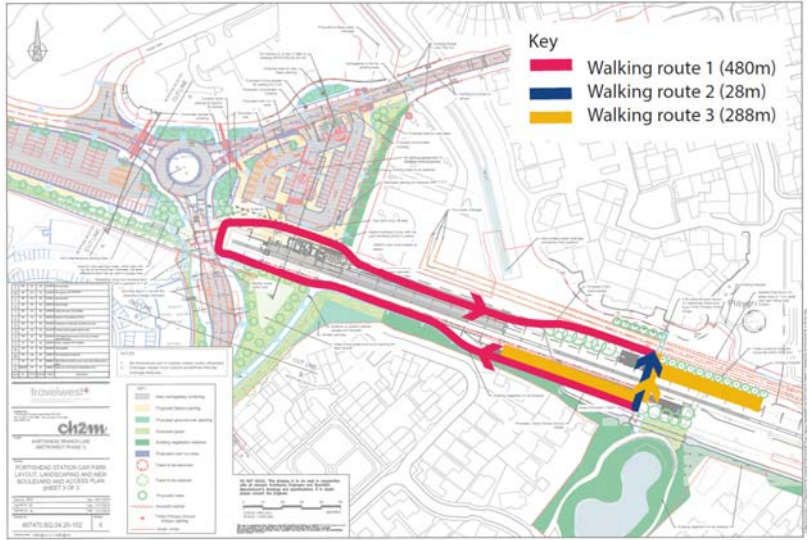
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		<p>'A verification plan must be submitted providing details of the data that will be collected in order To demonstrate that the works set out in the remediation strategy are complete and identifying Any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.'</p> <p>Additionally, the applicant's proposed Requirement wording regarding previously unidentified contamination, is not considered sufficient. The Agency would recommend the following wording, either within an amended Requirement 17, or as a separate Requirement:</p> <p>'If, during development, contamination not previously identified is found to be present at the site, no further development (unless otherwise agreed in writing with the LPA) shall be carried out, until the developer has submitted a remediation strategy to the LPA detailing how this unsuspected contamination shall be dealt with and obtained written approval from the LPA. The remediation strategy shall be implemented as approved.'</p> <p>Discussions are ongoing regarding this matter.</p>	<p>(2) The scheme must include an investigation and assessment report, prepared by a specialist consultant approved by the relevant planning authority, to identify the extent of any contamination and the remedial measures to be taken with respect to any contaminants on the site.</p> <p>(3) The stage of the authorised development must be carried out in accordance with the approved scheme.</p> <p>(4) Where the scheme sets out remedial measures to be taken with respect to any contaminants on the site, a verification plan must also be submitted providing details of the data that will be collected in order to demonstrate that the remedial measures are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.</p> <p>(5) If, during development, contamination not previously identified is found to be present at the site, no further development (unless otherwise agreed in writing with the LPA) is to be carried out, until a remediation strategy detailing how this unsuspected contamination shall be dealt with has, after consultation with the relevant planning authority and the Environment Agency, been submitted to and approved by the relevant planning authority. The remediation strategy must be implemented as approved.</p> <p>(6) Paragraphs (1) to (5) do not apply to any currently operational railway land.</p>
001098-D4-004		<p>Update on progress with obtaining the relevant consents/ permits from the EA.</p> <p>As previously advised, the applicant must secure formal approval of the proposed scheme, prior to applying for the relevant Agency consents/permits. This will ensure full details, including the exact nature and location of the works are determined, prior to the submission of any consent/permit application. All authorisations</p>	<p>The Applicant is aware that it needs to apply to the Environment Agency for various consents and licences. A summary on the status of consents and permits required for the DCO Scheme is provided in response to the ExA Q2 GC.2.3 (DCO Document Reference 9.33 ExA.WQ2R.D5.V1, Appendix GC.2.3).</p>

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		must be approved, prior to any pertinent works commencing. For information, permit applications can take up to 60 days to determine.	The Applicant does not envisage applying to the Environment Agency for any of the relevant consents until after the appointment of the contractor, which is currently programmed towards the end of 2021.
001098-D4-005		Applicant to seek a separate letter (rather than the EA's D2 response [REP2-040]) to confirm that the EA has no objection to the proposed change request.	The Environment Agency had no objection to the change which has now been approved by the ExA.
001098-D4-006		<p>The Agency has previously confirmed the changes to the draft DCO proposed by the Applicant, as set out below, are acceptable:</p> <ul style="list-style-type: none"> <li>• Work 16 D removed from Schedule 1;</li> <li>• All references to Work 16D removed from the draft Order;</li> <li>• Requirement 30 deleted, and the definition of Easton in Gordano flood mitigation plan in Schedule 2 removed.</li> </ul>	The Applicant has no further comment.
001099-D4-001	Waddeton Park Ltd on behalf of Alvis Family	<p>Further to your letter of the 22nd December 2020, we write to advise we are working with the Alvis family who, as you will know, own very substantial tracts of land effected by the proposal just to the east of Pill.</p> <p>We are very supportive of the proposals overall but would like to raise one important issue.</p> <p>Although we recognise this may be a little late in the day it is our view that with some very simple changes in the route of the service roads VERY SIGNIFICANT environmental damage and local disturbance can be avoided.</p> <p>Rather than using the proposed routes as shown on Sheet 9 (attached) we suggest a direct access route is constructed directly from Pill Road as shown on our sketch attached.</p> <p>This would have numerous benefits and we are sure would be supported locally.</p>	<p>See the Applicant's response to the ExA Q2 BIO.2.1 (DCO document reference 9.33 ExA.WQ2R.D5.V1).</p> <p>No further comment.</p>

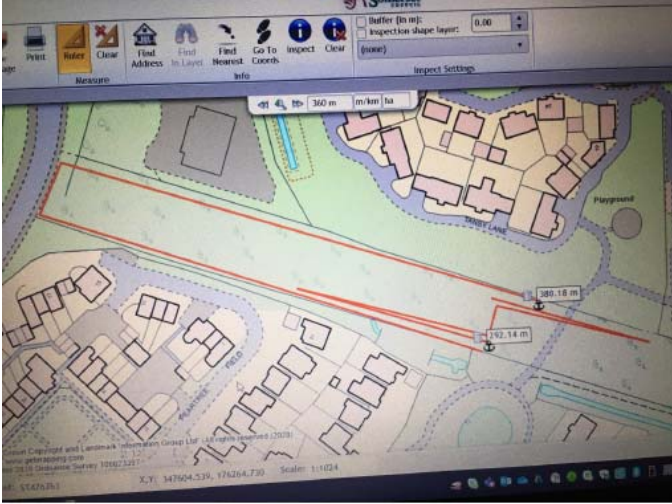
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001100-D4-001	National Grid Electricity Transmission plc	<p>[COVER LETTER]</p> <p>We are instructed by National Grid Electricity Transmission plc (NGET) in relation to the interaction of North Somerset Council's (the Applicant) proposed MetroWest Phase 1 Order (the Proposed Order) and the National Grid (Hinkley Point C Connection Project) Order 2016 and Correction Order 2017 (the HPCC Order).</p> <p>As the Examining Authority (the ExA) is aware, NGET submitted a relevant representation (RR) in relation to the Proposed Order in February 2020. Since submission of its RR and the start of the Examination into the Proposed Order, NGET has been in correspondence with the Applicant in relation to various matters in connection with the interaction of the Proposed Order and the HPCC Order.</p> <p>We note that the ExA's first round of written questions included the following question to NGET:</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.</p>

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		<p>“CA.1.3 – Your RR [RR-020] makes reference to the need for the DCO to contain Protective Provisions to ensure that your interests are adequately protected and ensure compliance with relevant safety standards with particular reference to the installation of the new transmission line in relation to Hinkley Point C connection project. Please provide suggested wording.”</p> <p>We apologise that an answer to the above written question was not submitted at Deadline 2 (23 November 2020). However, the form of PPs which NGET would propose are included within the DCO if made are now appended to this letter.</p> <p>As set out in NGET's RR, NGET enjoys rights and interests in land within and in close proximity to the proposed Order Limits which need to be protected in accordance with section 127 of the Planning Act 2008. NGET is the owner of the electricity transmission network and a statutory undertaker. NGET enjoys rights and powers to extend its undertaking by virtue of the HPCC Order. Pursuant to those rights and powers, NGET is embarking upon the construction of a new transmission line in excess of 55 kilometres in length. Construction of the new transmission line has commenced and it is anticipated that the works will be completed in mid-2025.</p> <p>The proposed PPs are intended to protect NGET's apparatus which will be installed as part of the HPCC project. Similar PPs have been included in previously made DCOs, including The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014, The Norfolk Vanguard Offshore Wind Farm Order 2020 and The Cleve Hill Solar Park Order 2020.</p> <p>We note from the Examination Timetable that dates have been reserved in the week commencing 1 March 2020 for any further hearings which might be required including a Compulsory Acquisition Hearing. Please note that we would be available to represent NGET at</p>	<p>The Applicant remains willing and keen to work with NGET on appropriate terms. However, as S127 is not engaged, 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>

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		a further hearing at this time if any further clarification in relation to NGET's interests are required by the ExA.	
001101-D4-001	National Grid Electricity Transmission plc	<p>[PROTECTIVE PROVISIONS]</p> <p>9 pages long, See:  <a href="https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR040011/TR040011-001101-National%20Grid%20Electricity%20Transmission%20plc%20-%20Proposed%20Protective%20Provisions.pdf">https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR040011/TR040011-001101-National%20Grid%20Electricity%20Transmission%20plc%20-%20Proposed%20Protective%20Provisions.pdf</a></p>	See response to 001100-D4-001 above. The Applicant is willing to work with NGET and has provided a mark-up of NGET's agreement to NGET. The applicant does however agree that S127 is yet engaged.
001102-D4-001	Stuart Tarr	<p>[SUMMARY OF ISH 11-12 JANUARY 2021]</p> <p>To summarise the 4th January submission there are three main concerns:</p> <p>1. The impact on the Ham Green Lake SNCI and the many different species of wildlife it supports of the MetroWest Pill Tunnel construction compound and access track, including whether there is underreporting of wildlife species in the Habitats Regulation Assessment and whether environmental protection mitigations can satisfactorily address those concerns.</p>	<p>The Applicant has addressed matters raised by Mr Tarr previously at the ISHs (REP4-009 and REP4-017; DCO document reference 9.23 ExA.ISH2.D4.V1) and by letter (REP4-033; DCO document reference 9.29 ExA.CAS.D4.V1).</p> <p>The Applicant also responds to the ExA Q2 BIO.2.3 (DCO document reference 9.33 ExA.WQ2R.D5.V1).</p> <p>The Habitats Regulations Assessment does not apply to 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 Interest because these are not European designated sites.</p>
001102-D4-002		<p>2. Planning policy constraints including whether, in order to meet the strict tests of the NPPF and the IROPI, mitigations should be proposed to:</p> <p>a) limit the use of the Pill Tunnel compound to rail safety emergency access only and not the storage of rail maintenance materials;</p> <p>b) refuse construction compound shared track access to a proposed housing development in the Pill and District Neighbourhood Plan on environmental and safety grounds;</p> <p>c) substitute Grasscrete for tarmac in the construction of the access track commensurate with limitations and restrictions placed on the future intended use of the Pill Tunnel compound.</p>	<p>The DCO Scheme will be assessed against the National Policy Statement for National Networks (NPSNN) and not the National Policy Planning Framework (NPPF). IROPI does not apply to 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 Interest because these are not European designated sites.</p> <p>Item b) the Applicant does not intend to comment on the Pill and District Neighbourhood Plan.</p>

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001102-D4-003		<p>3. The adequacy of the proposed measures to mitigate noise, dust and light pollution, and traffic nuisance resulting from HGV and construction workers' vehicle movements, during the construction phase and subsequently, on:</p> <p>a) Ham Green Lake SNCI and its Green Belt environment;</p> <p>b) Ham Green mini roundabout junction with Macrae Road, Macrae Road itself and Chapel Pill Lane, including compelling issues of road safety and residents' right to the enjoyment of their properties and green open space recreational surroundings.</p>	<p>See the Master CEMP (AS-046; DCO document reference 8.14) and the Master CTMP (APP-210; DCO document reference 8.13) for matters concerning the management of environmental issues during construction.</p>
001103-D4-001	Christine and Gerald Sanders	<p>Trinity Footbridge – Revised after 11/1/21 Meeting</p> <p>We wish to put forward the argument that the proposed “Trinity Footbridge” is not necessary and is not providing good value for public funds, whilst also impacting several properties, some severely. This conclusion is based on the published Metro West plans for the proposed station and the surrounding infrastructure, particularly the footbridge.</p> <p>The primary reason for the conclusion that the footbridge is not necessary is the distance that it saves versus the other safe route which would be to walk around the station using the already proposed footways. The construction of the footbridge to allow accessibility and the proximity of the footbridge to the station has meant that the route is barely shorter than the proposed footways, it is estimated the difference is approximately 100m (just over 1-minute walking time). Please see diagram.</p>	<p>Please note that measurements taken from the map in REF 001103-D4-001 do not allow for the repositioning of Quays Avenue further to the west.</p> <p>Please refer to the Applicants response in ExQ1.DE.1.3 (REP2-013; DCO document reference 9.10 ExA.WQ1.D2.V1) represented below.</p> 



Ref no.	Party	Response	Applicant's response
		 <p>In the meeting on 11/01/21 stated that this distance was 192m as it was measured in a different way Either way the distance saved is minimal, especially when compared with the cost of building and maintaining a bridge structure.</p>	
001103-D4-002		<p>Also the alternative footway will be lit and level and not at height which seems preferable if the distance and time saved is minimal. There is an argument that it would be easier for wheelchair users and the like to navigate the extra distance on a relatively level footway, than up a 1:15 ramp.</p>	<p>See response above to 001103-D4-001.</p>
001103-D4-003		<p>The secondary reason for the footbridge being unnecessary is the justification used for its existence is flawed. Trinity school catchment is entirely to the north of the railway line and therefore the school users should be minimal. Those already using the pre-existing cut through already have another route via the roadway which would be enhanced by the proposed level and lit gravel paths as part of the station construction.</p>	<p>The Applicant believes the National Policy Statement for National Networks (NNNPS) at 5.205 demonstrates the provision of the bridge complies with the Secretary of State's policy:</p> <p><i>"Applicants should consider reasonable opportunities to support other transport modes in developing infrastructure. As part of this, consistent with paragraph 3.19-3.22 above, the applicant should provide evidence that as part of the project they have used reasonable endeavours to address any existing severance issues that act as a barrier to non-motorised users."</i></p>

Ref no.	Party	Response	Applicant's response
		<p>7. Catchment area (Village Quarter)</p> 	<p>The Applicant believes its proposal complies with the Secretary of State's policy requirements regarding severance and provision for non-motorised users as set out in the National Networks National Policy Statement.</p>
001103-D4-005		<p>Negative Impacts</p> <p>The limitations of gradient to allow the footbridge to be rightly inclusive have meant that the access ramps are very long and therefore run the full length of 2 properties, whilst also impacting others surrounding it. The two properties that are severely impacted are concerned about the following, but not exhaustive list.</p> <ul style="list-style-type: none"> <li>• Privacy &amp; Security – the elevated nature of the structure (approximately 5-6m in height) has meant that the users of this footbridge will have uninterrupted view of the entire gardens of two properties that are currently not overlooked from that side of the garden at all. The users of the footbridge will also have clear view into the bathroom and bedrooms of both houses. This presents real safeguarding concerns as these houses both have children residing in them.</li> </ul>	<p>The Applicant believes its proposal complies with the Secretary of State's policy requirements regarding severance and provision for non-motorised users as set out in the National Networks National Policy Statement.</p> <p>See response to 001103-D4-003. In addition the Applicant believes that in providing the bridge, it is complying with paragraph 5.213 of the NNNPS:</p> <p><i>"Projects may give rise to impacts on the surrounding transport infrastructure including connecting transport networks. The Secretary of State should therefore ensure that the applicant has taken reasonable steps to mitigate these impacts."</i></p> <p>In addition, Para 5.216 of the NNNPS states:</p> <p><i>"Where development would worsen accessibility such impacts should be mitigated so far as reasonably possible. There is a very strong expectation that impacts on accessibility for non-motorised users should be mitigated"</i></p>
001103-D4-006		<p>1. • Peace – The footbridge is lit by approx. 500 LED lights which are motion detected. The trains are limited to an operating period but</p>	<p>Lighting within the bridge low down and set within the handrail, see Trinity Footbridge General Arrangement Plans (APP-019; DCO</p>

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		the footway will be open and accessible all day and night. This will undoubtedly cause disruption to those effected properties shining directly into bedrooms and illuminating gardens for passing opportunistic criminal activities.	document references 2.15-2.17); drawing W1097B-ARP-DRG-EPT-300001 has an illustration of the proposed lighting.
001103-D4-007		2. • Damage to Aspect – The houses affected will be able to see the footbridge from every part of their property and garden where currently there is open sky and green trees. This is negatively impacting the feel of the properties that have been built and occupied for the last 20 years. The impact of the train station and proximity to the station is not in question here it is wholly the objection to construction of the bridge.	Reference should be made to the Environmental Statement Appendix 11.3 Visual Impact Assessment (APP-152; DCO document reference 6.25).
001103-D4-008		3. • Value – the construction of the railway is undoubtably going to affect the value of the adjacent properties with the noise, vibration, smell, fumes and smoke of trains entering/ exiting the station. The footbridge itself will also be a big contributory factor with the artificial lighting, spoilt views and risk of criminal activities. The risk of depreciation in value could be minimalized by limiting the physical factors defined in section 1 LCA 1973, one of which is artificial lighting which will be used on the footbridge.	The provisions of the statutory Compensation Code will apply .  The Applicant has not identified any increased risk of criminal activities arising from the provision of the new bridge and associated public rights of way.
001103-D4-009		In conclusion – the necessity for the footbridge does not bear out. The considerable cost of installation, ongoing maintenance of the footbridge and the deep impact to the houses surrounding it is not balanced by the need. This is before part 1 compensation claims are taken into consideration for the impacted properties  Our recommendation is for the plans to include rerouted footways to ensure that there is safe passage around the station using level lit footways and pre-existing infrastructure. Saving public funds and removing the negative impact to an acceptable level.	The Applicant believes its application complies with the Secretary of State's policy.
001105-D4-001	Bill Ovel on behalf of Pill & Easton-in-Gordano Parish	Please find below the questions and comments with respect to the Lodway Farm Construction Compound that I briefly introduced today at Issue Specific Hearing 2, Day 1, Agenda item 5, Construction Practices.  Ref: DCO, Section 5.4, Construction Strategy	1. Size of Compound  a) Lodway is the principal construction compound for the DCO scheme and strategically important both for the construction of the disused line and for works to the existing freight line. Due to the unique setting of the DCO scheme - especially through the village of Pill and the Avon

Ref no.	Party	Response	Applicant's response
		<p>1. Size of Compound</p> <p>a. Why is the Lodway compound so large? (8.9 hectares by my calculation). This encompasses most of the Lodway Farm greenfield space. The Lodway Compound should be as small as possible to minimise its environmental impact.</p> <p>b. Could it be smaller? (Ref, page 33, states that a minimum storage area of 40 metres by 135 metres would be required for waste material storage at the Portbury Dock collard. Storage of waste material seems to be potentially the biggest driver in terms of the surface area required for the compound. By my calculation this is about 0.5 hectare, which would equate to just 6% of the proposed Lodway Compound area. If there are other activities that require very large areas then I would appreciate knowing what they are.</p>	<p>Gorge, options for suitable compounds are limited and it was clear that a larger construction compound that can serve all works would be required. When benchmarked against previous compounds used by railway projects, Lodway's size is normal relative to the scale of works. The location includes environmental constraints which will reduce the usable area within the site.</p> <ul style="list-style-type: none"> <li>- The hedgerow along the northern edge is classified as an Important Hedgerow. It will be necessary to create two gaps in the hedgerow to permit access which will be replanted during the restoration of the site. The contractors will need to take care not to damage the hedgerow.</li> <li>- The Applicant intends to keep the hedgerow across the site, with small gaps at either end to allow movements across the site. Consideration is being giving to using this hedgerow as a route for the movement of toads across the site. The details are being worked up for a toad mitigation plan for submission at Deadline 7.</li> <li>- There is a non-designated archaeological feature (HER 47401) across the site which will be fenced off 5m on either side to protect it from damage from construction activities</li> </ul> <p>These mitigation measures will be secured through Requirement 5 Construction Environmental Management Plan.</p> <p>b) The site at Lodway Farm (Work no 17) was chosen to support the proposed works at Pill which include works to Pill station, Avon Road underbridge, earthworks and track works. The temporary compound will contain site offices, welfare and parking as well as storage for plant and materials. Whilst there are smaller compounds available, they are not suitable due to access requirements for larger vehicles and are limited in space for parking and materials storage.</p> <p>Any storage of waste ballast at the proposed Lodway construction compound will be managed in such a way as to control the entrainment of dust off stockpiles.</p>

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			<p>(1) The construction compounds have been sized to include temporary storage of ballast as there is insufficient space along the disused railway corridor for the working space required to build the scheme, store ballast alongside, and preserved some of the mature planting within the railway corridor.</p> <p>(2) The contractor will prepare site plans setting out the layout for the construction compound which will have to be approved by the local planning authority as part of the process of approving the CEMP.</p> <p>The storage time for the spoil at Lodway compound will depend on the proposed construction strategy developed by the contractor.</p>
001105-D4-002		c. Could the area of land to the north of the M5 overbridge and under the M5 road bridge be used more intensively for construction activity purposes in order to offload the Lodway Farm compound?	<p>The space next to the M5 is much smaller than Lodway compound so would not be suitable to provide sufficient parking, storage and welfare. It is also further away from Pill so would not be suitable to provide support facilities for the work happening in Pill such as embankment works, Pill station and Avon Road Underbridge. Although there are satellite compounds in these locations, due to access constraints, these will provide limited facilities only and the main facilities will need to be elsewhere.</p> <p>Some space underneath the M5 must also be kept free to allow Highways England to access the motorway bridge for inspections and maintenance.</p> <p>It is further constrained by the CLH pipeline which passes under the M5 at this location.</p> <p>It is not clear to which land parcels the author refers. The land between Marsh Lane, the railway and the M5 lies partly in the Easton-in-Gordano flood plain and the eastern part is the Field East of Court House Wildlife Site. The land between the disused railway corridor, the spur to the port and the M5 is designated Field East of M5 Motorway Wildlife Site. Any construction activities in the flood plain and on</p>

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			wildlife sites are constrained for environmental reasons. The proposed construction site under the M5 bridge is limited in area.
001105-D4-003		<p>2. Storage of Waste Material from the Disused Railway</p> <p>a. The waste material is acknowledged to be probably contaminated (Ref, page 33). At Ref, page 34, several possibilities for storage and disposal of the potentially contaminated waste are put forward but a decision on which method will be used or even preferred is deferred until a later date. The Lodway Compound lies to the south and west of, and in close proximity to, the Pill/Easton-in-Gordano residential areas. The prevailing wind direction is south-westerly. There is a credible risk that if the waste is stored at Lodway Farm, contaminated dust could blow it over those residential areas with consequent health hazards.</p> <p>(1) Storage at Lodway Farm should be the option of last resort</p> <p>(2) If there is no alternative, the waste should be stored as far away from housing as physically possibly</p> <p>(3) Waste should be removed from the site within an agreed, short, time period (I deliberately avoid saying as soon as possible because that could mean years)</p>	<p>Further testing on the waste material is required, as explained in the Environmental Statement, Appendix 10.2 (APP-144; DCO document reference 6.25), followed by the preparation of a written statement comprising an investigation and assessment report to set out the actions required to manage contaminated materials and a verification plan to demonstrate how the contamination has been contained. These activities will be secured through the DCO Requirement 17.</p> <p>If the waste is found to be contaminated then this will be dealt with in accordance with all environmental and Network Rail standards for waste. It is likely that any contaminated waste will be separated and specialist measures introduced to ensure that there is no risk to health.</p> <p>The Master CEMP (AS-046; DCO document reference 8.14) sets out measures to manage waste material and pollutants on site. Waste soils will be stored in a manner to ensure that no contamination is released. This will involve lining the storage area and/or placing on hardstanding and management of water runoff as described in the Master CEMP in paragraph 13.2.9. The CEMP will be secured through the DCO Requirement 5.</p> <p>The Master CEMP requires the contractor to prepare construction site plans (paragraph 3.2.3) and an Air Quality and Dust Management Plan (paragraph 4.1.3), taking into consideration the potential impact on neighbouring communities (paragraphs 3.2.10 and 3.2.11).</p>
001105-D4-004		3. Removal of Waste Material. Ref page 36, Option 2d - Temporary Siding at Lodway - discusses the possibility of a temporary junction or turnout adjacent to the Lodway Compound. From the point of view of minimising the number of HGV movements, this would clearly be by far the best option. The number of movements is estimated at Ref,	There are a number of factors to be considered when selecting the preferred option for waste removal and delivery. Further work needs to be carried out to determine the feasibility of installing a temporary junction and assess whether the impact is more beneficial than HGV movements. Materials may need to be stockpiled for longer and



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		page 38, as amounting to 1200 to 1800 journeys by 20 tonne tipper trucks. The uncertainty surrounding this option should be resolved and it should become the preferred option.	construction of the siding itself would necessitate excavation, spoil and bringing in materials. The current preferred option is to remove spoil via road to existing local sidings.
001105-D4-005		4. HGV Access to Lodway Farm via The Breaches. It was explained by the applicant today that the haul road would be too narrow to accommodate simultaneously both HGVs and other construction traffic, hence there was a need for worker's vehicles to access the compound via an alternative route. The only option presented for this access is via the Lodway Farm access off The Breaches. This is as maybe, but it does not explain why there also has to be access for HGVs via the Breaches. As stated by the other two Pill residents who spoke this afternoon, this route is totally unsuitable for HGV use. Is there an expectation that the haul road will become unavailable, thus necessitating an alternative route? If so, any large scale diversion of HGVs to this route would be intolerable for residents, not only because of the impracticability of using the Breaches, but also the extensive use of the narrow village roads that would be entailed, whichever direction they approached from. HGV access via the Breaches should be excluded from Construction and Transport Plans, with no exceptions allowed.	HGV access via Priory Road and Stoneyfields (and a very short length of The Breaches at its junction with Trinder Road) would only be considered for exceptional use, as well as for site establishment and removal. Access through The Breaches at its junction with Trinder Road may be required for some vehicles to help set up the compound and create the alternative route under the M5. HGVs may also be used to reinstate Lodway Farm once the construction works are complete. It is not intended that any other part of The Breaches would be used by HGV construction traffic.
001105-D4-006		5. Construction Compound Noise. The proposed boundaries for the Construction Compound about the adjacent residential property boundaries. Given the proposed working hours and the likely nature of the activity involving heavy machinery, it is guaranteed that it will generate a considerable noise nuisance. This is exacerbated by the prevailing wind direction. Whilst the need for a construction compound in this location is reluctantly conceded, it should be as small in area as possible to enable the required activities to be conducted and with the noisiest activity taking place as far from residential areas as possible. This should be done to make the noise nuisance situation as tolerable as possible for the neighbouring residents who will have to bear it for up to years once construction starts. This same consideration of small size, as far away as possible, also applies to minimise the effect of light and air pollution on the local population.	<p>The Master CEMP (AS-046; DCO document reference 8.14) Section 3.2 sets out the obligations on the contractor regarding the management of construction compounds, including Lodway. These include preparing site plans to show the proposed layout of the site and environmental mitigation measures to reduce impacts on neighbours, good housekeeping measures, staff welfare facilities, and site reinstatement. Chapter 10 of the CEMP requires contractors to apply best practicable means to manage noise and vibration and to prepare and implement a Noise and Vibration Management Plan. The contractor's CEMP will be approved by the local planning authority. These measures will be secured by the DCO Requirement 5.</p> <p>It is likely that the contractor will seek a section 61 consent from the local planning authority regarding noise. Further information on the</p>

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001105-D4-007		6. Wildlife. Although today's agenda item related to the construction practices, I would like to add, for the sake of completeness regarding this submission about Lodway Farm, that there are also significant concerns within the local community about the impact of the compound and associated activities on the wildlife of the area. Of particular concern is the very large, nationally significant toad population that is resident on the farm and migrates annually across the line of the railway. Clearly, there is going to be a massive, long term change to the circumstances of this population but, once again, the impact should be minimised as far as possible, by keeping the size of the compound as small as possible.	<p>use of s61 consents is provided by North Somerset in their response to the ExA on action 19 arising out of Issue Specific Hearing 1 (9.20 ExA.FI.D4.V2; DCO document reference REP3-041).</p> <p>Lodway is the principal construction compound for the DCO scheme and strategically important both for the construction of the disused line and for works to the existing freight line. Due to the unique setting of the DCO scheme - especially through the village of Pill and the Avon Gorge, options for suitable compounds are limited and it was clear that a larger construction compound that can serve all works would be required. When benchmarked against previous compounds used by railway projects, Lodway's size is normal relative to the scale of works. The site location includes environmental constraints that will reduce the useable area within the site. The Applicant intends to keep the hedgerow across the site, with small gaps at either end to allow movements across the site. Consideration is being giving to using this hedgerow as a route for the movement of toads across the site. The draft Reptile &amp; Amphibian Mitigation Strategy will be submitted at DL6. It will be reviewed, in consultation with Natural England, NSDC and the Toad Patrol, following the survey of the toads at Lodway Farm 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.</p>
001106-D4-001	Bill Ovel on behalf of Pill & Easton-in-Gordano Parish	Ref: DCO, Section 2.37 National Cycle Route (NCN) Temporary and Permanent Works Plan Currently, the disused railway and a permissive route run side-by-side through the M5 overbridge to the west of Pill. This permissive route is heavily utilised by pedestrians and cyclists on national cycle way NCN 26 and, occasionally, by horse riders. The bridge is effectively a short, narrow tunnel about 50 metres long. It is believed that, once MetroWest construction is complete, the intention is for the permissive way to be reopened. It is recognised that an alternative, longer route, bypassing the overbridge to the north, will be provided by the proposed re-routing of the bridleway bridleway. However, if the pedestrian/cycle route is to be retained in close proximity to the operational railway, then a significant health and safety issue would result for any people and	<p>There is no proposal for an acoustic barrier. It is unlikely such a barrier would be effective.</p> <p>The route is permissive and if it transpires that the noise of passing trains is not acceptable then the licence will be terminated and all users will instead be diverted north along the existing bridleway and Work No 18.</p>

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		animals who were on the path inside the M5 overbridge when a train transited under the bridge due to the deafening noise levels that would inevitably be generated. The length of the bridge is such that it might not be possible for many people to get out of the "tunnel" in time even if a train was heard to be approaching. Accordingly, if the permissive route is to be retained, then an acoustic barrier should be installed for the full length of the overbridge to shield pedestrians, cyclists and animals from the noise caused by the passage of the train.	
001106-D4-002		Of course, an alternative solution would be to close that section of the permissive route and oblige all users to use the diverted bridleway but that is not shown as being the case in the DCO. Of course, it would be necessary to ensure that the re-routed bridleway would be compatible with simultaneous use by pedestrians, cyclists and horse-riders.	See response above. The proposal is a bridleway for Work No 18, without segregation. This would reflect the current bridleway from Marsh Lane to the M5.
001107-D4-001	Bill Ovel on behalf of Pill & Easton-in-Gordano Parish	<p>I was asked by the Examiner to send you my comments regarding National Cycle Route (NCN) 26 due to time running short when discussing Agenda Item 4, bullet 5, today. It was suggested that Mr Berry, a Pill resident, and I should provide a joint e-mail because we had similar views regarding the proposed changes to NCN 26 but this proved to be impracticable since I don't have his email address. Hence, here is what I would have raised had the time been available this morning:</p> <p>1. Bridleway Crossing Royal Portbury Dock Road. Mr Berry spoke first and raised his concern about providing a bridleway at road level to cross Portbury Dock Road. Although he thought that the posted speed limit was higher than the actual 30 mph, I concur with him that vehicles frequently travel much faster along this stretch of road. I know because I use it several times every week as my preferred route between the M5 or and my home in Easton-in-Gordano. Therefore, I share his view that providing an uncontrolled crossing on this road would invite a serious accident. I don't think I've ever seen a pedestrian or horse attempting to cross this stretch of road in the past nine years and with good reason. It is very wide, sometimes busy</p>	<p>Please refer to the Applicants response at deadline 4 in response to ExA action for ISH2.</p> <p>Royal Portbury Dock Road is a crossing point on the bridleway network for bridleways LA15/21/20 and LA8/66/10. The Applicant proposes only minor works to increase the area for waiting on either side of the carriageway of Royal Portbury Dock Road. Neither bridleway is proposed to be closed or suspended for any period of time beyond that which might possibly be necessary to carry out the minor works proposed.</p> <p>As such it is not felt that there is going to be any substantial change to the exiting public right of way network that necessitates alterations to the carriageway. The proposed permanent alterations to the crossing in summary entail improving the waiting area either side of the crossing with colour paving, cutting vegetation and replacing the signage. Visibility on Royal Portbury Dock Road is good at this point and traffic subject to a speed restriction of 30 miles per hour.</p> <p>The use of the route under Royal Portbury Dock Road next to the</p>


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		with HGVs and lighter vehicles, occasionally exceeding the 30 mph limit by a significant margin, so crossing on foot or with a horse, would be potentially very hazardous, unless the traffic was brought to a halt. Also, I walk and cycle along NCR 26 fairly often, although not as frequently as Mr Berry, and I also have never seen a horse on it. I entirely agree with the objective of providing a route for horse traffic that avoids the need to pass under the Portbury Dock Road overbridge close to the live tracks. However, unless pedestrian/rider controlled traffic lights are provided for the crossing, I believe that it would be extremely dangerous to encourage horse riders (or pedestrians) to cross that road.	disused railway is by licence for pedestrians and cyclists (and not equestrians). It is proposed that the licence will be terminated by notice prior to works commencing at this location. It is also anticipated that a new licence for a re-provided route will be granted by Network Rail following completion of works in this location.  If required there is sufficient space for the provision of a refuge in the centre of the road for pedestrians and cyclists, during the construction works when the only route open will be the bridleway route across the road at road level.
001107-D4-002		2. Proposed Diversion Route for NCN 26. I am also very concerned about the proposal to divert NCN26 southbound from its junction with Marsh Lane to the junction with Church Road in Easton-in-Gordano. I disagree with the view expressed today by the Applicant's representative that because Marsh Lane is a minor route the proposed diversion would not significantly increase the hazard to users of the diverted section of NCN 26. I walk this road several times a week and often cycle along it to reach NCN26 from my home. Almost the entire stretch of the diversion route is subject to a 40 mph speed limit, dropping to 30 mph just before reaching Church Road. Arguably, this is still too high. Until recently the speed limit was 60 mph and a significant number of drivers continue to treat it as such. There is also a hump-backed bridge on a bend over the railway about 100 metres south of the NCN26 junction with Marsh Lane. Finally, Marsh Lane is narrow at this point and there is no footpath for a distance of 100 metres either side of the bridge. At certain times of day, the road is also relatively busy with local traffic. This combination of factors makes the road hazardous and, although I know this stretch of road well and am keenly aware of the dangers, I ride or walk along it with considerable trepidation. As mentioned by Mr Berry, NCN26 is becoming increasingly busy, and not just because of the pandemic. Very often there are groups of cyclists, including small children/novices, who are perfectly safe on the current route of NCN26. There is a short road crossing at Marsh Lane to negotiate but,	National Route 26 of the National Cycle Network runs from Portishead on the Somerset coast to the Isle of Portland on the Dorset coast via Wells, Castle Cary, Yeovil and Dorchester. The route comprises mainly of standard highway but there are some off road traffic free sections of route. The highway sections utilise mainly minor roads where possible, but includes busier roads particularly through town centres. Between the outskirts of Portishead, the route uses Sheepway. This is an unclassified road with speed limit of 60 mph, with no specific traffic calming measures. The route then follows a section of off road path to Marsh Lane.  Between Marsh Lane and Pill it will be necessary to close the off road section of route and implement a diversion via southern section of Marsh Lane to Pill via Priory Road. The diversion route will be sign posted. Marsh Lane is an unclassified Road with a 40 mph speed limit. Priory Road is a C road with mainly a 30 mph speed limit. Both roads have relatively modest levels of traffic and provide a suitable route for pedestrians and cyclists, consistent with the rest of NCN 26. The only other alternative route would be to divert via the A369 Martcombe Road and Junction 19 of the M5. However, that route would not be suitable.

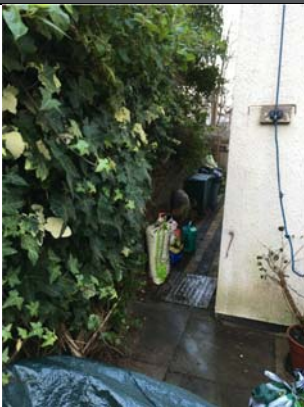
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		<p>since there is reasonable visibility in both directions, this is safe for all NCN26 users. However, I think it would be incredibly unwise to direct cyclists, perhaps unknowingly, southbound down Marsh Lane and thus having to mix with fast moving traffic for several hundred metres on a narrow road with a blind crest over the bridge. In my opinion a lot more work would have to be done to make this diversion route safe until the permanent route could be restored at the end of the two year construction period. I am thinking here in terms of aggressive speed reduction measures such as speed humps and warning signage to impress on drivers the need to drive slowly and exercise extreme caution. I have seen no such active measures proposed in the DCO, other than an annotation on a chart that "no construction traffic shall use this route" for that section of Marsh Lane.</p>	
001108-D4-001	Stuart Tarr on behalf of Ham Green and Chapel Pill Lane Residents	<p>Supplementary submission on behalf of Ham Green St Katherine's Park and Chapel Pill Lane Residents concerning Impacts on the Ham Green fishing lakes of the Pill Tunnel Construction and Maintenance Compound: extract of an email to Sustrans dated 11th January 2021</p> <p>... wanted to make sure you are aware of the housing development at Chapel Pill Lane (on the Avon Trail) as things are now progressing quickly. Firstly, the site has been incorporated into the local "Neighbourhood Plan" which has been published for public comment. The site was subsequently included in the final plan, which has now been approved by North Somerset Council, and we expect that a formal planning application is now imminent.</p> <p>... it might be useful to highlight a couple of extracts from the Neighbourhood plan (in blue font) with ... comments in black:</p> <p>5.6 (p17&amp;18) 'traffic on chapel pill lane amounts to 450motor vehicles a day on a weekday (200 on weekends) Traffic serves the farm. The Lane is also well used by cyclists and walkers.</p>	<p>The updated traffic data in the Master CEMP (AS-046; DCO document reference 8.14) indicates that the compound will have very low usage. During construction there is estimated to be one HGV accessing the site each day on average.</p> <p>Post-construction, Network Rail have confirmed that routine site traffic attending site approximately once every week using small vehicles (such as transit vans). Material deliveries are likely to occur once every 8 to 12 weeks and will be undertaken during the night-time period to align with track possessions. It is noted that there may be more significant renewal works annually where a low loader may be required.</p> <p>On occasions where larger vehicles need to access the compound, banksmen will be used to ensure that these vehicles manoeuvre safely.</p> <p>The Applicant is not responsible for the content of the Neighbourhood Plan.</p>

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		<p>There is no mention that this is on the Avon trail, and is well used by families, dog walkers, ramblers and runners.</p> <p>However, Background paper 2 (Transport &amp; movement section 3 Table 10) say that the Avon Trail at Pill alongside disused railway has an average daily weekday flow of 279</p> <p>This is the highest footfall of all the local cycle tracks/routes ( shown in table 9) . This was pre covid figures. During the height of the pandemic, the use of the cycle track hit the local news and local people were recording 1,000+ users a day. So Mix this with the current the 450weekday average of motor vehicles, which will no doubt double with the proposed development, plus the heavy farm vehicles additional heavy duty railway traffic due to the Metrowest proposal, in the narrowest of bends, surely this is an accident waiting to happen? The footpath suggests access for pedestrians but what provisions are being made for cyclists.</p> <p>See below they [the proposers of the Neighbourhood Plan] are also framing this cycle path as not being a popular one....</p> <p>6.10 'National Cycle Route 41 (Avon Trail) was popular but it's condition has caused its use to decline and sections are so poor it needs rebuilding'.</p> <p>Again the evidence doesn't support this. It seems strange to suggest it 'Was' popular when the numbers suggest it is The Most Popular route by far. The likelihood is that these numbers are coming up Chapel Pill Lane and will be going past the proposed development, creating an accident blackspot. the cycletrack is very busy now and ... hope this continues, but ... feel strongly that the site (which incidentally sits within the green belt) should be avoided due to the health and safety risk to the public.</p>	



Ref no.	Party	Response	Applicant's response
		Additional Note not part of the extract: The figures demonstrate that there is a very high risk to cyclists, walkers, joggers and families with young children, of mixing these recreational groups of Avon Cycleway users with the very high volume of traffic, including HGVs and low-loaders, that the combined impacts of the MetroWest Phase 1 project and the Neighbourhood Plan housing development will engender both during the construction phase and permanently thereafter if both projects proceed to completion.	
001108-D4-002		The applicant's (shared jointly with Network Rail) responses received to date do not adequately address these issues and if anything highlight that there is a serious conflict of interests between North Somerset Council as the Applicant and North Somerset Council as the Planning and Transport Authority that the Memorandum setting out how the separation of functions will be ensured does not adequately address or provide a sufficient level of assurance in which the public can have trust.	The separate representation of the Council as planning authority and the Council as applicant demonstrates the separation of responsibilities is well understood by North Somerset Council.
001109-D4-001	Maggie Stowers	<p>Subject: Contractors access at [redacted] Metrowest DCO Application Plans: 2.23</p> <p>Dear Ms Dowling,</p> <p>Further to our discussion at the ISH 2 on Monday, as you requested I am confirming details of my issue regarding access to the [redacted address], Pill.</p> <p>The DCO Application Plan 2.23 shows access to the embankment has been recorded alongside [redacted]. However, I am very concerned that this is not a suitable access route and would like it not to be used.</p> <p>Whilst this access could be used by a small number of personnel, it is far too narrow for conveying machinery and materials which could cause significant damage to the property. The frailty of the pathway (which includes an inspection chamber) and the vulnerability of</p>	<p>Please see response given in ExA Q2 Cl.2.4 (DCO document reference 9.33 ExA.WQ2R.D5.V1).</p> <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 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>

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		<p>the rear corner and side of the house are cause for concern. The house construction is of double engineering brick (no cavity) and there are no foundations. Also the wall coating is of a special type which, once breached is difficult to repair sufficiently to retain its waterproofing qualities, thus allowing damp to penetrate the wall. There is also a gas pipe and an overflow pipe on the wall. I have attached three photographs to indicate these points and the narrowness of this access, particularly to the rear of the property. Vegetation and gardening materials can, of course, be removed but this does not significantly improve the situation.</p> <p>As shown on the plan, access to the embankment has already been identified through the Methodist Church [redacted] so this could be used in place of access through [redacted]. Alternatively, there are only four houses to this terrace and access could be gained through the other end of the terrace [redacted].</p> <p>Thank you for hearing my concerns and look forward to my request being granted.</p> 	

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001110-D4-001	Luke Bonham	<p>I'm writing to express my frustrations and dismay following the hearing on the 12th January 2021.</p> <ul style="list-style-type: none"> <li>- There was no consideration nor calculation to the carbon impacts that will be generated as part of the development of the new railway line</li> <li>- No consideration as to how the carbon generated during the development of the project will be offset</li> <li>- There is no clear calculation as to how much carbon will be created during the operation of the line</li> <li>- There is no clear consideration, strategy nor budget as how this addition operational carbon will be offset</li> <li>- There is no clear understanding as to how the additional carbon will impact North Somerset's target of becoming carbon neutral by 2030</li> </ul>	<p>The impact of the DCO Scheme on carbon emissions has been considered in the Environmental Statement Chapter 7 Air Quality and Greenhouse Gases (AS-029; DCO document reference 6.10) and also in Chapter 12 Materials and Waste (APP-107; DCO document reference 6.12) in related to embodied carbon. The potential effect of the DCO Scheme on climate change is also considered in Appendix 7.5 Climate (AS-034; DCO document reference 6.25).</p> <p>The embodied carbon required to build the DCO Scheme was estimated from benchmarking based on capital cost of infrastructure projects. As explained in Appendix 7.5 Climate, paragraphs 1.7.5 to 1.7.7, the DCO Scheme's estimated embodied carbon emissions represents a very small proportion (&lt;0.001%) of the UK's 5-year Carbon budget.</p> <p>The Environmental Statement, Chapter 12 Materials and Waste (APP-107; DCO document reference 6.12) and the Master CTMP (APP-210; DCO document reference 8.13) set out measures for the contractor to undertake further studies to reduce carbon emissions in the design and construction of the scheme. Paragraph 2.3.1 requires the contractor to have objectives and targets to reduce embodied carbon, carbon monitoring, and reduce transportation CO2 during the construction phase. Paragraphs 9.2.13 and 9.2.14 place further requirements on the</p>

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			contractor to seeks ways to reduce carbon through energy efficiency of building design and construction and through use of the Rail Carbon tool to identify opportunities to reduce carbon.
001110-D4-002		- Network Rail representation were unclear if the replacement of diesel trains by 2040 is a law or a target. I suspect the latter	2040 is a target set for the decarbonisation of the national rail network. Decarbonisation in the local context is expected to be achieved some time before that point.
001110-D4-003		My points were "noted" but I suspect not taken on board.	The Applicant considers all the points made by the parties who attend the hearings and make written representations and takes measures to accommodate points where relevant.
001110-D4-004		<p>I must remind you that you are all collectively responsible for ensuring carbon targets are understood and must do everything to align to these.</p> <p>It is my view that your processes and procedures have not been updated nor align to the carbon targets that have been set.</p> <p>And this needs to apply to all projects and not just this one.</p> <p>This is what needs to happen:</p> <ul style="list-style-type: none"> <li>- A recognition that all projects must consider and assess carbon impacts and produce a clear strategy and budget for negating / offsetting</li> <li>- This must happen for both the development of the project and also any ongoing carbon impacts</li> </ul> <p>This a new project and an opportunity for all parties do demonstrate a clear understanding of the carbon targets and do everything necessary to ensure alignment.</p> <p>At the moment you have collectively failed in this regards.</p>	<p>The Applicant considers that the approach taken in the environmental studies to assess carbon is compliant with national policy as expressed in the National Policy Statement for National Networks.</p> <p>The UK carbon budgets are set at the national level and not at the project level. As indicated in the National Policy Statement for National Networks, the carbon emissions for any one project are very unlikely to affect compliance with the national budget.</p> <p>As explained above, the Design and Build Contractor will be set objectives and targets to reduce carbon in the design and construction of the DCO Scheme. The Rail Carbon Tool has been developed to help identify ways of reducing carbon in the design of rail projects.</p>

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001111-D4-001	Bristol City Council	<p>BCC's Landscape Officer (Mr. M. Deaville) raised within ISH2 that the design of the fencing would need to be considered in the context of the impact upon the Bower Ashton Conservation Area.</p> <p>As outlined in the Applicant's Statement of Common Ground (SoCG) with BCC [DCO Document ref. REP1-017], it is understood that the level of detail in terms of materiality of fencing is not available at GRIP stage 3 and 4 (para. ref. 12.1.5) and detailed design will be undertaken once contractors are appointed (para. ref. 12.1.22).</p> <p>BCC is satisfied that sufficient controls are included within Requirement 4 (Submission and approval of detail design) of the draft DCO [AS-014] to ensure that the fencing does not unacceptably affect the Conservation Area or any other relevant heritage or landscape assets.</p>	<p>In light of the comments made during ISH2 and subsequent discussions between the Applicant and BCC, the Applicant has sought to provide further clarity on the fencing provision at the Clanage Road compound. Given the concerns raised, Network Rail accepts the request for paladin fencing instead of palisade fencing. The Applicant's and BCC's agreement on this issue is recorded in the revised Statement of Common Ground submitted at Deadline 5 – see DCO Document Reference 9.3.2 ExA.SoCG-BCC.D5.V2 (Version 2), issue reference 18.1.4.</p>
001111-D4-002		<p>The Clanage Road Construction and Maintenance Compounds for the MetroWest scheme are situated to the south of the southern boundary wall of the Former Police Horse and Dog Training Centre site, and therefore none of that site falls within the Order Limits.</p>	<p>See the Applicant's ISH2 post-hearing response on this issue – REP4-009, issue reference 37; DCO document reference 9.23 ExA.ISH2.D4.V1.</p>
001111-D4-003		<p>BCC as LPA defers to the Applicant to provide an update on the s278 agreement as this sits separate to the planning process.</p> <p>An updated position will be presented in the Statement of Common Ground, to be issued at Deadline 5.</p>	<p>The scope of the Section 278 agreement was set out in the Applicant's oral case and response to representations at ISH2 (REP4-009; DCO document reference 9.23 ExA.ISH2.D4.V1), and a copy of the draft agreement issued to BCC was appended to that document at Appendix 7 (REP4-016; DCO document reference 9.23 ExA.ISH2.D4.V1). The Applicant awaits BCC's comments on the draft document.</p>
001111-D4-004		<p>BCC has had productive discussions with the Applicant in relation to proposed pedestrian ramp at Ashton Vale Industrial Estate.</p> <p>BCC understands that generally the scheme's impact on pedestrian safety at the Ashton Vale Level Crossing is limited, as demonstrated by the assessment of options within the DCO Document 8.7 - Level Crossing Risk Assessment Report [APP-206] and the conclusion that</p>	<p>The Applicant sought the removal of Work 27 by way of non-material amendment to the DCO and this was approved by the ExA.</p> <p>A revised version of the draft Order submitted at Deadline 5 (DCO Document Reference 3.1 (Version 5)) implements the non-material change and removes Work 27 from the DCO.</p>

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		<p>the Risk Rating in para. 40 of APP-206 would be unchanged if the scheme was to be implemented with no mitigation.</p> <p>Given the lack of benefits to pedestrian / cycle permeability and the adverse effects in terms of design and landscape and loss of vegetation, BCC would have no objection to the removal of this Work from the draft Development Consent Order.</p> <p>Discussions are ongoing in relation to this Work and an updated position will be presented in the Statement of Common Ground, to be issued at Deadline 5.</p>	
001111-D4-005		<p>The updated Level 1 Strategic Flood Risk Assessment for Bristol (SFRA) is found here, including report, maps and user guide. Within the Citywide SFRA Level 1 report from December 2020 please see Section 2.8 Functional floodplain for details of how Flood Zone 3b was determined.</p> <p>Flood Zone 3b is mapped in the Functional floodplain with river network map. Page 16 of the map indicates that based on the Citywide SFRA modelling, the Clanage Road compound would not be in Flood Zone 3b.</p> <p>Flood Zone 3 in the present day is shown in the Sequential Test, present day Flood Zone 3 map. This includes all areas of FZ3a and FZ3b combined. This indicates that based on the Citywide SFRA modelling, the Clanage Road compound would be in Flood Zone 3a.</p> <p>BCC defers to the Environment Agency in its role managing flood risk from main rivers and tidal flooding and the tests that the Secretary of State would need to apply if this matter is not agreed, however it may be helpful to note that Section 2.16 Climate Change of the SFRA states that 'If however site specific modelling can be proven to be deemed more appropriate than the SFRA flood mapping then this [the modelling in the SFRA] can be contested'.</p>	<p>These comments follow the issues discussed during Issue Specific Hearing 3 (ISH3). The Applicant refers to its detailed representations during the hearing and in post-hearing submissions – see examination document REP4-017; DCO document reference 9.24 ExA.ISH3.D4.V1.</p>

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001111-D4-006		<p>BCC is responsible for reviewing and approving any emergency evacuation plan.</p> <p>The plan for construction stage is proposed to be submitted as part of Requirement 5 (Construction Environmental Management Plan, part 3(g)). BCC is satisfied that this detail can be controlled and secured via Requirement.</p> <p>The Flood Plan appended to the Applicant's Statement of Common Ground with the Environment Agency [REP3-015], submitted at Deadline 3 of the examination. The content is in principle acceptable to BCC. A full update will be provided via the Applicant's Statement of Common Ground with BCC, to be submitted at Deadline 5.</p>	<p>A revised draft Statement of common Ground between the Applicant and BCC has been submitted. Provision for a Flood Plan has also been provided for in the revised dDCO, Schedule 2, requirement 31.</p>
001112-D4-001	Wedlake Bell LLP on behalf of The Bristol Port Company	<p>[POST HEARING SUBMISSION - RESPONSE TO ACTION POINTS 19 AND 20 FROM ISSUE SPECIFIC HEARING 2]</p> <p>Note on behalf of First Corporate Shipping Limited trading as The Bristol Port Company (BPC) on train path provisions dated 19 January 2021</p> <p>1. This note explains the use of the Royal Portbury Dock (RPD) rail link for freight trains travelling to and from RPD and is provided in response to action points 19 and 20 arising from Issue Specific Hearing 2 on 11 January 2021. The rail link connects RPD to the Portishead to Bristol branch line and then to the national rail network.</p> <p>Summary</p> <p>2. Currently, as described below, the number of freight train daily movements on the rail link are restricted by a planning condition (see below). It is a restriction that, in future, BPC could seek to vary by a further application to the local planning authority and the restriction</p>	<p>The Applicant responds by reference to the relevant numbered paragraph:</p> <ol style="list-style-type: none"> <li>1. Noted</li> <li>2. Noted</li> <li>3. The Applicant has not seen the relevant agreement</li> <li>4. Noted but the issue is one for the local planning authority to determine is application is made. There are significant planning benefits to the reopening of the railway to passenger services which has national and local policy support. It will be for the local planning authority to determine any application to vary or remove the existing planning condition in that policy context. The Applicant and Network Rail have sought to protect the existing train paths for Royal Portbury Dock in the design for the DCO Scheme.</li> <li>5. The proposed protective provision is not agreed. It is not needed and is not appropriate for the dDCO. The issues it seeks to address are for the local planning authority and the Railways Act 1993 regime to determine. Both regimes have extensive consultation obligations</li> </ol>



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		<p>is not one imposed by the Network Code or otherwise by the application of the Railways Act 1993.</p> <p>3. BPC benefits from a separate works agreement with Network Rail (as it now is) which protects 40 daily train movements (also see below).</p> <p>4. Entirely separately from the planning position, BPC acknowledges that access for freight trains to the national rail network is subject to the Network Code. However, the protections which it is currently seeking are not an allocation of train paths under that regime. Instead, both now and in the future, BPC requires that the number of freight train movements currently permitted by planning condition and protected under the works agreement cannot be reduced, restricted or otherwise interfered with as a consequence of passenger train timetabling on the Applicant's proposed railway.</p> <p>5. BPC therefore seeks the inclusion in the proposed development consent order (DCO) of an additional protective provision as follows:</p> <p>"Despite any provision of this Order and any power which may be conferred on, or from time to time be vested in, the undertaker or Network Rail or any other person pursuant to this Order or otherwise, the railway authorised by this Order must not be constructed, maintained, altered, used or operated by the undertaker or Network Rail or any other person in a manner which would or might cause the number of train paths available to be insufficient to enable the passage between the Port's railway and all other parts of the national rail network of 20 freight trains daily per calendar year in each direction".</p>	<p>and it would be inappropriate for the dDCO to usurp or impact on those regimes.</p>
001112-D4-002		<p>Planning permission</p> <p>6. In 2000-2001 BPC constructed a constructed the rail link on its land at RPD. Connection into the network was made at a point on the former Portishead to Bristol branch line.</p>	<p>6. - 12. Noted</p>

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		<p>7. The majority of the rail link was developed by BPC under its permitted development rights. BPC was granted planning permission by North Somerset District Council (as it then was) on 26 October 2000 (application number 99/0737) to construct only that part of the rail link lying on land to the south of the M5 bridge, which permission included the following condition:</p> <p>"16. The number of freight trains using the rail link shall not exceed an average of ten trains daily per calendar year in and out of the Port".</p> <p>8. On 26 October 2000 North Somerset District Council, BPC (as Developer) and the City Council of Bristol entered into an agreement under section 106 of the Town and Country Planning Act 1990, clause 9.1 of which stated as follows:</p> <p>"On any day that the Bristol to Portishead railway branch line is now or in the future used for passenger services in so far as it is within its power to do so the Developer shall ensure that freight trains from the Rail Link shall not be permitted to use said branch line between the hours of 0700 until 0900 and 1630 until 1830 on Mondays to Fridays inclusive".</p> <p>9. Faced with demand for additional use of the line, in 2011 BPC approached North Somerset Council (NSC) seeking a variation of condition 16, to increase the amount of freight traffic permitted over the rail link. The planning condition referred to in paragraph 7 above was varied on 2 December 2011 (application number 11/P/1893/F) to provide as follows:</p> <p>"3. The number of freight trains using the Rail Link shall not exceed an average of twenty trains daily per calendar year in and out of the Port and, during any time when the Bristol to Portishead railway Branch Line is in use for scheduled passenger Services, the number of Freight Trains using the Rail Link shall not exceed one train per hour in each direction".</p>	

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		<p>10. NSC's officer's report in relation to the 2011 application noted that "The expansion of movements to 20 trains in each direction per day raises issues regarding the proposed re-opening of Portishead Passenger Rail Line, which would share the existing freight line to Portbury Junction and re-introduce to 4 mile section of track to Portishead."</p> <p>11. Modelling work was therefore undertaken by Network Rail, the outcome of which was recorded in the NSC officer's report as follows:</p> <p>"The conclusion of this research is that expanding freight train movements from 10 to 20 trains in each direction would not cause us any problems with the delivery and operation of a re-open Portishead line.</p> <p>A recommended condition will require that freight trains are limited to one train per hour in each direction, per day. In that respect the maximum number of freight trains that could be operated on the line without causing a problem for Portishead Rail, 24 trains in each direction per day i.e. one per hour, every hour is acceptable."</p> <p>12. It is clear from this that the restriction in condition 3 of planning permission 11/P/1893/F was understood and intended by NSC to allow 20 trains per day in each direction, that is 40 movements in total over the rail link.</p>	
001112-D4-003		<p>Works agreement</p> <p>13. Before BPC built the rail link, the whole of the Portishead to Bristol branch line was out of commission and/or disused. Therefore, on 22 November 2000 BPC and Railtrack plc (now Network Rail) entered into a works agreement pursuant to which Railtrack undertook to carry out certain works to bring the relevant part of the branch line between BPC's rail link and Bristol back into commission. The relevant provisions of the works agreement, which (except as specified) remain in force, are summarised below.</p>	<p>13. The Applicant has not seen the Works Agreement.</p> <p>14. The Applicant believes that there remains considerable unused train path capacity for freight trains to the Port. The currently permitted train movements can be accommodated within the Applicant's proposals. There is no intention of causing additional movements to be "unreasonably compromised" but equally there is no purpose in providing over capacity for freight services which are currently at a level far below that which is permitted by the town and country planning regime condition applying to the Port's railway.</p>

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		<p>13.1 The "Railtrack Works" to be done by Railtrack and paid for by BPC were defined as "works to upgrade and recommission the Relevant Part of the Branch Line, incorporating a no signalman token signalling system, in all respects fit to enable the passage over the Relevant Part of the Branch Line and onto the Railtrack Network of forty freight trains per day (twenty inwards and twenty outwards) of a maximum axle load of 25.5 tonnes, a maximum length of 750 metres and a maximum running gauge allowing for a 9ft 6in box on a standard deck height wagon".</p> <p>13.2 The agreed annual maintenance payment due from BPC was stated (in clause 7.5) to have been "calculated by reference to an estimated daily use of twenty (20) trains of forty (40) movements" but if there were to be "a significant alteration in the number of such train movements which makes it reasonable for Railtrack to receive a higher maintenance payment the parties shall seek to agree a higher payment".<sup>1</sup></p> <p>13.3 Clause 15 provides that "The development of passenger services on the branch line shall be encouraged on the basis that they could supply additional revenue. The ability to expand freight train operations must not be unreasonably compromised by the development of passenger services. The twenty trains (40 movements) per day to use the Branch Line between Bristol Port Co at Portbury and Bristol Temple Meads will be protected, subject to Regulatory approval and an agreed Track Access Agreement".</p> <p>14. The terms of the agreement reflect the shared BPC/Railtrack understanding and aspiration that:</p> <p>14.1 the works to the branch line were specifically designed to accommodate 40 freight train movements (20 trains) per day; and</p> <p>14.2 even if passenger services were to be re-introduced on the Portishead to Bristol branch line the ability for at least 40 freight train movements (20 trains) per day to use it had to be protected, and the</p>	

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		<p>ability further to expand freight operations should also not be unreasonably compromised.</p> <p><sup>1</sup> As envisaged by the works agreement, these provisions have now been superseded by the connection agreement relating to the rail link entered into between BPC and Network Rail.</p>	
001112-D4-004		<p>Permitted train movements</p> <p>15. Given the terms of condition 3 of planning permission 11/P/1893/F and paragraphs 12 and 13.3 above, BPC disagrees with:</p> <p>15.1 comments made on behalf of the Applicant and Network Rail at Issue Specific Hearing 2 on 11 January 2021 that they each consider train operations under any BPC/Network Rail agreement relating to the re-opening of the branch line and under the planning permission to be limited to a total of 20 movements per day (whether that be 20 arrivals, 20 departures or 10 trains in each direction); and</p> <p>15.2 the Applicant's statement at deadline 3 in its comments on BPC's responses to ExAQ1 GC.1.13 that the number of trains paths to be taken into account for BPC is "20 paths (in total per day)".</p> <p>16. The correct number of daily freight train movements protected by the works agreement and permitted by the planning permission is 40, that is 20 trains arriving at RPD and 20 trains departing RPD each day.</p> <p>Train movements and train paths</p> <p>17. The works agreement's requirement to protect 40 freight train movements per day does not mean that only 40 paths for freight trains need to be available over the branch line.</p> <p>18. In order for a freight train departing RPD to pass over the rail link and over the branch line it must then be able to continue its journey and pass over further parts of the national rail network to its intended destination. Similarly a train destined for RPD will need to</p>	<p>15. The Applicant has stated its position in writing – see response 36 in Document REP4-009; DCO document reference 9.23 ExA.ISH2.D4.V1.</p> <p>16. See 15.</p> <p>17. This is a matter for Network Rail and the Freight Operating Companies (FOCS).</p> <p>18. In addition to the DCO Scheme Network Rail will carry out works to the railway at Bedminster under its permitted development rights, to provide additional capacity for freight trains to recess.</p> <p>19. The Applicant believes this is an issue for the rail industry but understands that there are many more paths available for FOCS to access Royal Portbury Dock than are currently being used by the FOCS. The Applicant believes sufficient capacity for freight movements exists therefore.</p>

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		<p>be able to pass over the relevant part of the network from its origin to reach Bristol and then continue its journey towards RPD. Unless there are sidings in a suitable location and available at the relevant time to allow a freight train to wait for its onward rail path in each case, to achieve this continuity of journey there will need to be a train path available over the branch line at a time which enables that path to connect with an available path or set of paths over the relevant parts of the network.</p> <p>19. Depending on the availability of paths on the network and the origin/destination of the freight trains, in order to enable 40 train movements per day by freight operating companies (FOCs) over the rail link and branch line, in excess of 40 trains paths over the branch line itself may need to be available for allocation to those FOCs.</p>	
001112-D4-005		<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>	<p>20. The Applicant does not believe the stipulations of the existing planning controls on the Port's railway will be impacted by the DCO Scheme's operations.</p>
001113-D4-001	North Somerset Council	<p>[POST HEARING SUBMISSION - RESPONSE TO ACTION POINT 19 FROM ISSUE SPECIFIC HEARING 1]</p> <p>Please see below, our response to various matters that have been raised during the Issue Specific Hearings. I have commented on Action 19 below on behalf of North Somerset Council as Local Planning Authority and local Council for the area.</p> <p>Issue specific hearing 1</p>	<p>1. S61 under the Control of Pollution Act is included in the list of other consents attached to ExA Q2 GC.2.3 (see DCO Document Reference 9.33 ExA.WQ2R.D5.V1, Appendix GC.2.3).</p> <p>2. The Applicant acknowledges the information provided by NSC on s61 applications and has no further comments.</p>

Ref no.	Party	Response	Applicant's response
		<p>Action 19. Applicant to review whether consents under s61 of the Control of Pollution Act should be added to the list of other permits/consent that the Applicant would need to obtain and if they do an update as to when and how these would be applied for/obtained.</p> <p>1. We consider that consents under the Control of Pollution Act should be added to the list of other permits/consent that the Applicant would need to obtain.</p> <p>2. Section 61 of the Control of Pollution Act requires the contractor to apply to the Environmental Protection Team at North Somerset Council for a prior consent to undertake noisy works. The application details how noise is to be managed on-site. The underlying principle is that Best Practicable Means (BPM) is being adopted. This has a legal definition but in summary requires the person/s issued with the consent to minimise noise and vibration resulting from his/her operations and to do so through the appropriate selection of plant, construction methods and programming.</p> <p>The attached document provides more detailed information on what is required but essentially the completed S61 application must be submitted at least 28 days before the intended work is due to commence. It is recommended however that a draft application is submitted well in advance so that appropriate changes can be made before the final application is submitted. Applications would have to pay particular attention to issues around Avon Road, Pill where the line passes very close to people's homes and also the proposed Portishead and Pill Stations. Any pile driving activities will also need careful consideration within the application.</p> <p>I hope that this responds adequately to the Action Point but if you have any further questions arising from this please let me know and I will do my best to help.</p>	



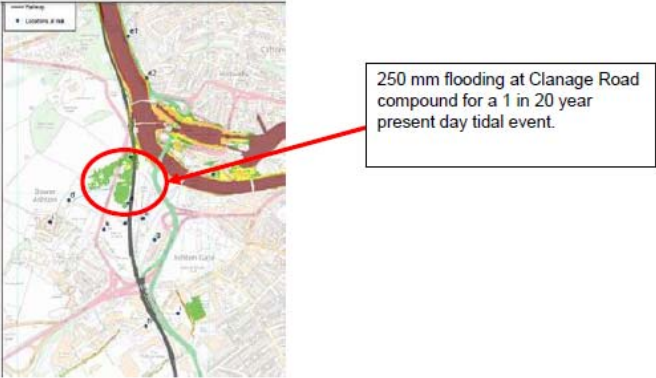
Ref no.	Party	Response	Applicant's response
		<p>5 page attachment included, see:  <a href="https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR040011/TR040011-001113-North%20Somerset%20Council%20-%20Response%20to%20Issues%20raised%20at%20ISH%201.pdf">https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR040011/TR040011-001113-North%20Somerset%20Council%20-%20Response%20to%20Issues%20raised%20at%20ISH%201.pdf</a></p>	
001114-D4-001	Sutherland Property & Legal Services Ltd on behalf of ETM Contractors Ltd and Manheim Auctions Limited	<p>[CTC AND SPLS RESPONSE TO ISSUE SPECIFIC HEARING 2 DEALING WITH ENVIRONMENTAL MATTERS]</p> <p>The following concerns the CTC and SPLS responses to action point 23 of 11/01 /21 and action point 34 of 12/01/21 .</p> <p>If any further queries arise as a result of the enclosed both CTC and SPLS would be happy to clarify matters either via ExQ2 of the 26 January 2021 or via an issue specific hearing on 1 March 2021 .</p> <p>60 page response, see:  <a href="https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR040011/TR040011-001114-Sutherland%20Property%20&amp;%20Legal%20Service%20Ltd%20on%20behalf%20of%20CTC%20and%20SPLS.pdf">https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR040011/TR040011-001114-Sutherland%20Property%20&amp;%20Legal%20Service%20Ltd%20on%20behalf%20of%20CTC%20and%20SPLS.pdf</a></p>	Please see DCO document reference 9.34.1 ExA.CWR.D5.V1.
001115-D4-001	Environment Agency	<p>Response to Issue Specific Hearing</p> <p>METROWEST PHASE 1 DEVELOPMENT CONSENT ORDER APPLICATION EXAMINATION DEADLINE 4 – RESPONSE TO ISSUE SPECIFIC HEARING 3</p> <p>ACTION POINTS</p> <p>Please find hereunder the Environment Agency's responses to the pertinent Action Points raised in respect of ISH 3 agenda item 5 (Flood Risk, Drainage and Contaminated Waters):</p> <p>Action 24</p> <p>The Environment Agency and BCC Flood Experts who could not attend the hearing to listen to the digital recording and respond to</p>	<p>The Applicant agrees that Flood Zone 3b (Functional Floodplain) (FFP) comprises land where water has to flow or be stored in times of flood. Also that defining a FFP should take account of local circumstances and not be defined only in terms of probability parameters. In this respect the starting point from the present day modelling is land which would flood with an annual probability of 1 in 20 or greater.</p> <p>The Applicant's FRA and the modelling for present day simulated flooding uses the earlier CFB2011EWLs which produces higher flood levels than the CFB2018EWLs and produces a probability of flooding greater than 1 in 20.</p>

Ref no.	Party	Response	Applicant's response
		<p>any points raised in relation to agenda item 5. In particular they should provide a clear statement about the implications of Order land falling within flood zone 3a and 3b and the tests that the Secretary of State would need to apply in the event that this matter is not agreed by the end of the Examination.</p> <p>The Agency's Flood Risk Management Officer has reviewed the recording of ISH 3 and has provided the following comments:</p> <p>Functional Floodplain</p> <p>For the purposes of applying the National Planning Policy Framework, "flood risk" is a combination of the probability and the potential consequences of flooding from all sources. Accordingly, the correct identification of the flood zone designation and the associated flood event return periods, is essential in determining actual flood risk.</p> <p>Flood zone 3b (Functional Floodplain) comprises land where water has to flow or be stored in times of flood. Although the identification of functional floodplain should take account of local circumstances and not be defined only in terms of probability parameters, a means of establishing flood zone 3b is essential. Accordingly, 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>For information, flood zone 3a (High Risk) comprises land assessed as having a 1 in 100 or greater annual probability of river flooding (&gt;1%), or a 1 in 200 or greater annual probability of flooding from the sea (&gt;0.5%) in any year.</p> <p>From a planning policy perspective, it is important to clearly distinguish areas of flood zone 3a (High Risk) from areas of flood zone 3b (Functional Floodplain). The National Planning Policy Framework (NPPF) and the associated National Planning Practice Guidance (NPPG) dictates what land uses are and what are not permissible within the respective flood zones. The NPPG (Flood risk and coastal</p>	<p>However expert interpretation of the modelling results has been undertaken taking into account (i) the lower CFB2018EWLs, (ii) the March flooding event and (iii) the recently released SFRA to conclude that no part of the DCO Scheme is within FFP.</p> <p>The FRA report is currently being updated to clarify the position and it is not relevant to make references to the Applicant's existing FRA. Moreover it is not the modelling that is at issue, it is the interpretation of the modelling that provides the Applicant's case on FFP.</p>

Ref no.	Party	Response	Applicant's response
		<p>change) provides definitions regarding Flood risk vulnerability classifications (Table 2), together with flood risk vulnerability and flood zone 'compatibility' (Table 3).</p> <p>For example, only developments defined as either Water Compatible or Essential Infrastructure are permissible within areas identified as 3b (functional floodplain).</p> <p>The NPPG further advises that any Essential Infrastructure development within either flood zone 3a (High Risk) or 3b (Functional Floodplain) should be designed and constructed to remain operational and safe in times of flood.</p> <p>The determination of flood zone 3a and 3b is based on the applicant's flood model and the conclusions drawn by the applicant in their supporting FRA. This information can be found in paragraph 4.2.10 page 4-7:</p> <p>4.2.10 Appendix N, DCO Document Reference 5.6 includes flood maps for the simulated events. These flood maps show the proposed Clanage Road compound to be within the 20-year tidal River Avon flood extent, and outside of the tidal River Avon 10-year flood extent i.e. within simulated Flood Zone 3b.</p> <p>Table 4.1 and 4.10 below, extracted from the applicant's FRA, shows that the line and compound would flood during a return period event of 1 in 10 for the present day. Providing further evidence to the fact that the site is within functional floodplain.</p>	

Ref no.	Party	Response	Applicant's response																																																																																																																																																														
		<p>Table 4.1: Modelled maximum River Avon tidal flood depth relative to the lowest rail level of the DCO Scheme near Bower Ashton</p> <table><tr><th colspan="7">Maximum flood depth relative to lowest rail level (m)</th></tr><tr><th rowspan="2">Return period (years)</th><th colspan="2">Present day (2015)</th><th colspan="2">Future year (2075)</th><th colspan="2">Future scenario (2115)</th></tr><tr><th>Pre-development</th><th>Post-development</th><th>Pre-development</th><th>Post-development</th><th>Pre-development</th><th>Post-development</th></tr><tr><td>Base (Tidal):</td><td>No flooding</td><td>No flooding</td><td>No flooding</td><td>No flooding</td><td>No flooding</td><td>No flooding</td></tr><tr><td colspan="7">With peak level mid-way between Mean High Water Spring and Highest Astronomical Tide</td></tr><tr><td>1 (Tidal)</td><td>Not simulated</td><td>Not simulated</td><td>0.44</td><td>0.44</td><td>1.02</td><td>1.02</td></tr><tr><td>2 (Tidal)</td><td>No flooding</td><td>No flooding</td><td>0.64</td><td>0.64</td><td>1.09</td><td>1.09</td></tr><tr><td>5 (Tidal)</td><td>No flooding</td><td>No flooding</td><td>0.80</td><td>0.80</td><td>1.20</td><td>1.20</td></tr><tr><td>10 (Tidal)</td><td>0.15</td><td>0.15</td><td>0.90</td><td>0.90</td><td>1.29</td><td>1.29</td></tr><tr><td>20 (Tidal)</td><td>0.53</td><td>0.53</td><td>0.98</td><td>0.98</td><td>1.36</td><td>1.36</td></tr><tr><td>75 (Tidal)</td><td>0.74</td><td>0.74</td><td>1.11</td><td>1.11</td><td>1.52</td><td>1.52</td></tr><tr><td>200 (Tidal)</td><td>0.97</td><td>0.97</td><td>1.33</td><td>1.33</td><td>1.93</td><td>1.93</td></tr><tr><td>1000 (Tidal)</td><td>1.20</td><td>1.20</td><td>1.75</td><td>1.75</td><td>2.27</td><td>2.27</td></tr></table> <p>Table 4.10: Lowest simulated return period with flooding of railway alignment</p> <table><tr><th rowspan="3">Source of flood risk</th><th colspan="6">Lowest simulated return period with flooding of railway alignment</th><th rowspan="3">Location of flooding (for lowest simulated return period for which flooding occurs)</th></tr><tr><th colspan="3">Pre-development</th><th colspan="3">Post-development</th></tr><tr><th>Present day (2015)</th><th>*Future (2075)</th><th>*Future (2115)</th><th>Present day (2015)</th><th>*Future (2075)</th><th>*Future (2115)</th></tr><tr><td>Coastal flooding</td><td>&gt;1000 years</td><td>&gt; 1000 years</td><td>Between 100 and 200 years</td><td>&gt;1000 years</td><td>&gt; 1000 years</td><td>Between 200 and 1000 years</td><td>Between Sheepway (road) and Portshead urban area</td></tr><tr><td>River Avon: Tidal</td><td>Between 5 and 10 years</td><td>&lt; 1 year**</td><td>&lt; 1 year</td><td>Between 5 and 10 years</td><td>&lt; 1 year**</td><td>&lt; 1 year</td><td>Near Bower Ashton and Ashton Vale</td></tr><tr><td>Longmoor and Colliter's Brooks: Fluvial</td><td>1000 years</td><td>Between 50 and 75 years</td><td>Between 50 and 75 years</td><td>1000 years</td><td>Between 50 and 75 years</td><td>Between 50 and 75 years</td><td>Vicinity of railway crossing of Longmoor Brook</td></tr><tr><td>Drove Rhyme: Fluvial</td><td>&gt; 1000 years</td><td>&gt; 1000 years</td><td>&gt; 1000 years</td><td>&gt; 1000 years</td><td>&gt; 1000 years</td><td>&gt; 1000 years</td><td>n/a</td></tr><tr><td>Easton-in-Gordano Stream: Fluvial</td><td>&gt; 1000 years</td><td>&gt; 1000 years</td><td>&gt; 1000 years</td><td>&gt; 1000 years</td><td>&gt; 1000 years</td><td>&gt; 1000 years</td><td>n/a</td></tr><tr><td>Tidal River Avon levels propagating up Easton-in-Gordano Stream</td><td>&gt;1000 years</td><td>&gt; 1000 years</td><td>&gt; 1000 years</td><td>&gt; 1000 years</td><td>&gt; 1000 years</td><td>&gt; 1000 years</td><td>n/a</td></tr></table> <p>* With projected climate change and sea level rise</p> <p>** Whilst the simulations undertaken show the railway to be flooded at Bower Ashton during the 1yr River Avon tidal event in 2075, the modelling includes a combination of several conservative modelling assumptions, and so the simulation results are likely to be overestimates. The 1 year tidal flood in 2075 is therefore considered likely to have only a relatively minor impact on railway operation (short duration, shallow depth above lowest rail level) and hence only minimal disruption to the railway service (further details are in Sections 4.2.20 to 4.2.24).</p>	Maximum flood depth relative to lowest rail level (m)							Return period (years)	Present day (2015)		Future year (2075)		Future scenario (2115)		Pre-development	Post-development	Pre-development	Post-development	Pre-development	Post-development	Base (Tidal):	No flooding	No flooding	No flooding	No flooding	No flooding	No flooding	With peak level mid-way between Mean High Water Spring and Highest Astronomical Tide							1 (Tidal)	Not simulated	Not simulated	0.44	0.44	1.02	1.02	2 (Tidal)	No flooding	No flooding	0.64	0.64	1.09	1.09	5 (Tidal)	No flooding	No flooding	0.80	0.80	1.20	1.20	10 (Tidal)	0.15	0.15	0.90	0.90	1.29	1.29	20 (Tidal)	0.53	0.53	0.98	0.98	1.36	1.36	75 (Tidal)	0.74	0.74	1.11	1.11	1.52	1.52	200 (Tidal)	0.97	0.97	1.33	1.33	1.93	1.93	1000 (Tidal)	1.20	1.20	1.75	1.75	2.27	2.27	Source of flood risk	Lowest simulated return period with flooding of railway alignment						Location of flooding (for lowest simulated return period for which flooding occurs)	Pre-development			Post-development			Present day (2015)	*Future (2075)	*Future (2115)	Present day (2015)	*Future (2075)	*Future (2115)	Coastal flooding	>1000 years	> 1000 years	Between 100 and 200 years	>1000 years	> 1000 years	Between 200 and 1000 years	Between Sheepway (road) and Portshead urban area	River Avon: Tidal	Between 5 and 10 years	< 1 year**	< 1 year	Between 5 and 10 years	< 1 year**	< 1 year	Near Bower Ashton and Ashton Vale	Longmoor and Colliter's Brooks: Fluvial	1000 years	Between 50 and 75 years	Between 50 and 75 years	1000 years	Between 50 and 75 years	Between 50 and 75 years	Vicinity of railway crossing of Longmoor Brook	Drove Rhyme: Fluvial	> 1000 years	> 1000 years	> 1000 years	> 1000 years	> 1000 years	> 1000 years	n/a	Easton-in-Gordano Stream: Fluvial	> 1000 years	> 1000 years	> 1000 years	> 1000 years	> 1000 years	> 1000 years	n/a	Tidal River Avon levels propagating up Easton-in-Gordano Stream	>1000 years	> 1000 years	> 1000 years	> 1000 years	> 1000 years	> 1000 years	n/a	
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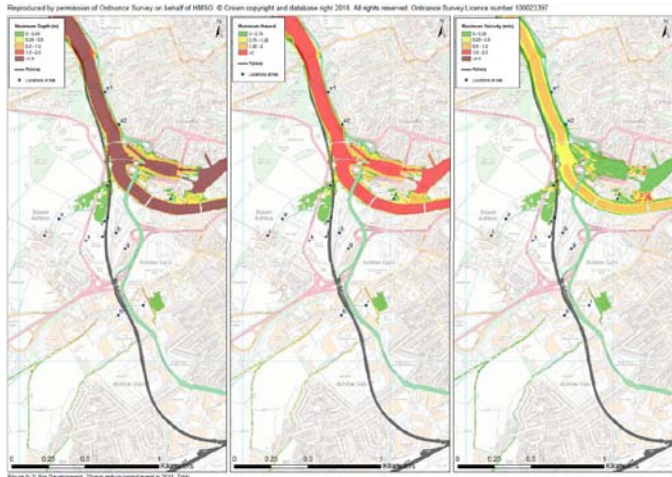
The map below, extracted from appendix N part 2 Figure N-3, shows the 20 year return period event in 2015 tidal flood map also called the functional floodplain.

Ref no.	Party	Response	Applicant's response
		 <p>The Agency has validated the applicant's model and considered the model fit for purpose. This means that the hydrology calculation has been verified and the model build has been confirmed, ensuring a standard approach has been used. The Agency also checked the model has been calibrated against a known event, which provides confidence that the model is able to represent reality. It is therefore, surprising to note the applicant now contends the model is over predicting flood risk.</p> <p>If it substantiated that the model is over predicting flood risk, further attempts must be made to calibrate the model to additional known events. Any such changes/ updates to the model will need to be detailed in a report, for the Agency's assessment.</p> <p>Further, if the model is over predicting, how accurate is the model at establishing floodplain compensation requirements, especially at Clanage Road? It is worrying to note the applicant's contention that the floodplain compensation provision at Clanage road is within model error.</p>	
001115-D4-002		<p>SFRA update:</p> <p>Bristol City Council (BCC) has recently released their updated SFRA, based on the CAFRA model. The CAFRA model used for this work built on the previous CAFRA model, but did not take into consideration the</p>	<p>The Applicant notes the reference to the SFRA but also notes that the maps generated by the SFRA does not list Clanage Road compound or the railway at Bower Ashton as a FFP.</p>

Ref no.	Party	Response	Applicant's response
		<p>work undertaken by the Metrowest team on the CAFRA model, which made the model site specific.</p> <p>Between the 2 versions of the SFRA, BCC has changed how it defines the functional floodplain. The new SFRA considers functional floodplain as land that would flood for a return period of 1 in 20 as a result of fluvial flooding only. Below is the definition of the functional floodplain extracted from the updated city wide SFRA 2020 document:</p> <p><b>2.8 Functional floodplain</b>  The Functional Floodplain is the land or areas where water has to flow or be stored in times of flooding. This SFRA defines the Functional Floodplain as the extent generated during a 1 in 20 annual chance fluvial flood event combined with a Mean High Water Spring (MHWS) tide. The aforementioned event reflects the most realistic flooding combination given the nature and flood mechanisms of the River Avon catchment. In certain parts of Bristol that are already developed upon, existing buildings would prevent the flow or storage of flood water on these areas. Therefore they are not defined as Flood Zone 3b (FZ3b), despite flood modelling initially</p> <p style="text-align: center;">22</p> <p>Regardless of whether the applicant refers to the area as functional floodplain or not, the risk remains. From the FRA, the Agency understands that the existing railway line floods during a return period event of 1 in 10 (tidal) for the present day and that the risk of flooding will increase with the predicted impact of climate change. Additionally, it is understood from the applicant's flood risk modelling, that nothing can be done to reduce the flood risk to the line, without increasing flood risk to third parties.</p> <p>Notwithstanding the above, the line will not increase flood risk to third parties, provided mitigation measures designed to reduce flood risk to the line, are not adopted i.e. raising grounds.</p> <p>In view of the above restriction and the aforementioned NPPG requirements, the operator must ensure that an agreed Emergency and Evacuation Plan is adopted and all necessary procedures are implemented during any flood event.</p> <p>This must safeguard any users of the proposed service, together with</p>	<p>The Applicant has produced a flood plan for the railway which does address the EA's concerns.</p>

Ref no.	Party	Response	Applicant's response
		the structural integrity of all pertinent infrastructure. As previously advised, the Council's Emergency Planning Officer must be satisfied in respect of the Emergency and Evacuation Plan's provisions.	
001115-D4-003		<p>Clanage Road</p> <p>Lowering the ground level at the Clanage Road compound will increase the flood depth on the site and with the compound considered to be within the functional floodplain, it restricts what the applicant would be allowed to do on the site.</p> <p>The Agency understands the entire compound area needs to be lowered to provide enough floodplain compensation. The welfare unit proposed on the compound area will need to be raised off the ground with a void underneath, to maintain flood water capacity. In addition, no materials of any kind would be allowed to be stored at ground level within the compound area, again, to maintain floodwater capacity at any time. If the applicant is unable to adhere to these strict requirements, the compound should be relocated.</p> <p>Please note, a FRAP is a flood risk activity permit, not flood risk action plan, as stated.</p>	<p>The Applicant agrees however that the site is at risk of flooding and is producing a flood plan for the site to address.</p> <p>The Applicant is also proposing a further requirement in the CEMP to ensure that the bulk of materials are brought in by rail to reduce to an absolute minimum the amount of storage at the compound during construction.</p>
001115-D4-004		<p>Bridge/farm track culvert at Eason in Gordano</p> <p>The bridge width and ground level must not be changed during the lifetime of the development, on the grounds it is viewed as essential for ensuring floodwater flows from one side of the railway to the other. This arrangement therefore provides a degree of line safety from the risk of flooding. The Agency will require confirmation from the applicant regarding the means by which the above requirement will be secured.</p>	<p>The Applicant is proposing a further requirement to deal with the concerns of the Environment Agency at Cattle Creep bridge - See new requirement 33 in the dDCO which reads:</p> <p><b>Cattle Creep Bridge, Easton in Gordano</b></p> <p>33. — (1) Work No. 1B must not commence before the undertaker has provided to the relevant planning authority and the Environment Agency a topographic survey setting out the existing ground levels at Cattle Creep bridge, Easton in Gordano.</p> <p>(2) Works to Cattle Creep Bridge must be carried out in accordance with the principles set out in the Cattle Creep Proposed General Arrangement drawing and in particular the arch of the Cattle Creep Underbridge must not be altered and the ground level beneath the</p>



Ref no.	Party	Response	Applicant's response
			Cattle Creep Underbridge must not be raised without the prior consent in writing of the relevant planning authority following consultation with the Environment Agency and (if relevant) the lead local flood authority.
001115-D4-005		<p>Action 27</p> <p>To provide a plan showing the Clanage Road compound and adjoining track overlaid with the flood zones as advocated by the EA and by the Applicant to aid understanding of where the areas of dispute with regards to the functional floodplain lie. Including if available an indicative layout for the compound</p> <p>As advised, the Agency always endeavours to use the best available information, which, in terms of the above Action Point, is considered to be the applicant's own mapping, as included above and attached.</p> <p>Should you require further information regarding the above issues please contact the undersigned</p> 	The plans showing both Flood Zones 3a and 3b were submitted by the Applicant (REP4-026; DCO document reference 9.27 ExA.FI.D4.V1).

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001116-D4-001	North Somerset Council	<p><i>ISH2 Action Point 1- Consider what energy-efficiency/ micro-generation measures that could be incorporated into the design of Portishead Station and explain how these would be secured.</i></p> <p>We have discussed this with the Applicant and both parties agree the most appropriate measure would be to install solar panels on the roof of the station building and this can be secured via Requirement 4. This is the most common way that applicants for commercial developments adopt as a means of meeting our policy requirements of providing 10 or 15% of the predicted energy requirements of their developments (dependent on the floor area of the development), unless they have demonstrated that it is not practical or viable to do so.</p>	<p>The Applicant response on this issue in its ISH2 post-hearing submission – see REP4-009, issue reference 4; DCO document reference 9.23 ExA.ISH2.D4.V1.</p> <p>Also see the Applicant's response to ExQ2 question DE.2.3 (DCO Document Reference 9.33 ExA.WQ2R.D5.V1, following further discussions with Network Rail, detailing the process for consideration of micro-generation at the detailed design stage including submission to and approval of designs by the LPA.</p>
001116-D4-002		<p><i>ISH2 Action Point 6-To consider further what, if any, concerns they may have if Trinity Footbridge (Work No 7) were to be removed from the application and weight the adverse impacts against the benefits</i></p> <p>The LPA considers that the matter of the proposed Trinity footbridge is a matter of balancing a variety of implications rising from the development of the structure.</p> <p>It is considered that there are moderate adverse impacts on a small number of dwellings in Galingale Way, Peartree Field and Tansy Lane. Of these not all have principal rooms or windows facing the site of the proposed bridge but it is considered that occupants of these properties will be very aware of the large structure in their eyeline from certain parts of their houses and, in at least one case, from their private garden, and with lighting (depending on the specification) this will be the case during daylight hours and hours of darkness to varying degrees. Proposed tree and other planting will have the effect of softening and filtering views of it, but this will take time to mature. The Council has already suggested that due to the importance of the planting it would be preferable to select species</p>	<p>The Applicant refers to its response to ExQ2 question DE.2.5 (DCO Document Reference 9.33 ExA.WQ2R.D5.V1) providing responses to the ExA's questions which have arisen since Deadline 4 and following-up the representations made by North Somerset Council LPA.</p>

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		<p>and size of stock that has the greatest chance of establishing successfully rather than replanting existing ones, but this will mean it will be shorter and less dense initially.</p> <p>There may be some impression of it being overbearing due to its combination of elevation and length, which would be more pronounced if fitted with privacy screens to the sides. This would be easier to assess if cross-sectional details through the bridge and the houses both sides of the lines were available, so our assessment is slightly limited by this. It is considered that for various technical and equalities reasons the bridge cannot be reduced in height or extent. It is possible to mitigate this to a significant degree by using devices such as designing in side panels to the structure, however this is likely to be at the cost of increasing the apparent bulk of the structure. There is a further risk that by screening off views of the ramps and/or steps that it may encourage misuse, anti-social behaviour or vandalism, which will potentially add to the impacts for nearby residents. Based on the submitted information, we are unable to assess whether the bridge will give rise to overshadowing in the absence of daylight and sunlight assessments across the seasons and time of day. It is believed however, that properties to the south of the line are unlikely to suffer significant detriment in this respect. Those north of the line are more likely to do so but the significance of the effect will vary along the frontage of properties due to the varying height of the bridge and ramps and would be more pronounced if side screens are added to the design.</p> <p>The applicant has provided photomontages of the bridge in its surroundings (attached below) and these are helpful, though they confirm that the addition of side privacy screens may serve to emphasize the bulk in the local views and underline the importance of selecting the best finishing colour as this will also have an influence on its impact. However, we have not placed great reliance to these in assessing the impacts as we are unable to verify</p>	

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		<p>their accuracy and they only represent an image of the bridge from the north, so that its impacts there are still difficult to say, with absolute clarity.</p> <p>It is in addition, a new structure within what ultimately will be a relatively tightly knit urban area and there will be a moderate visual impact in local views in this part of Portishead, where the architectural character is one of modern domestic scale architecture and contemporary mixed use and residential development. To that extent it may be slightly out of character with its surroundings, being a large complex metal structure, though not with the proposed station itself, where such bridges are normal.</p> <p>The bridge will have some safety benefits and provides for replacement of a longstanding route used by pedestrians to move south and north of the line. It is believed that this is used frequently by some carers and children attending Trinity School, though it is not known how many attend the school from south of the line. We are trying to find out how many attend the school from the southern estates to provide some sense of scale to the issue. There will be some movement across the line by others, but it is believed that much of this will be for less time sensitive informal recreation or leisure rather than journeys to work or shops because of where these destinations are located relative to this route. There is no guarantee that the bridge will be used by carers or whether it will be regarded as an obstacle, particularly for those with other children in pushchairs who will have to negotiate the ramps.</p> <p>The bridge has been a longstanding feature in the evolving scheme and has been considered an asset to mitigate the severance posed by the re-opening of the line. However, when weighing the benefits against the disadvantages, the benefit would previously have been much clearer when the rail line was proposed to extend further to the west, nearer to the town centre and the station was also</p>	

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		<p>intended to be situated further west. Since it was made clear that a level crossing would not be supported by the ORR and the termination of the line and siting of the station to its current position the benefits have become less clear. The view of the ORR is accepted and supported, and we consider that such crossings are no longer appropriate for safety reasons and thus a bridge was an obvious solution.</p> <p>In the original position, the extent of detour for pedestrians, particularly those visiting the school, would have been clear, adding significantly to cross-line trips. It is now considered that these journey time benefits are more marginal. There remain some disadvantages of pedestrians having to re-route around the station and car park. School-related trips may coincide with peak hour arrivals at the station and they will have to negotiate the station car park entrance or, if taking short cuts across the station forecourt and car park, with attendant safety issues to be addressed. However, it should be possible by design to give priority to pedestrians at the car park entrance and to create a safe environment in the vicinity of the station entrance.</p> <p>There will be other effects arising from the bridge structure including maintenance liabilities that will fall on the Council, though these are accepted by the Council as a necessity if the bridge is considered to be an essential part of the infrastructure of the re-opened line. The Council is very aware of the risks arising from trespass, which often occurs due to lack of convenient alternative routes. Here, however, under the scheme as it stands, the inconvenience due to detours are less clear than they may have been initially in the DCO process and this is perhaps less of a worry than it might otherwise have been, but we would suggest Network Rail is consulted for the benefit of its experience in trespass and safety issues.</p>	

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		In conclusion, the view of the Council is that we would expect that the private disadvantages to a relatively small number of households, even if considered moderate to severe might be outweighed by public benefits, such as safety, direct routeing and prevention of severance arising from provision of a bridge, where these are clear and indisputable. However, in this case, it is considered that there are additionally some public disadvantages in the shape of its bulk and intrusion into local views and the benefits of erecting the bridge are now more marginal than they would have been when originally conceived with a more westerly rail terminus and station siting. There are some disadvantages of omitting the bridge from the DCO but these appear to be relatively minor and capable of being addressed.	
001116-D4-003		<p><i>ISH2 Action Point 19- Provide further detail on each body's understanding of the allowed freight rail paths from Royal Portbury Dock including those allowed by the planning consent and whether these are different to those allowed by Network Rail</i></p> <p>Please see attached report and decision on this matter. I cannot comment on whether this is different to those allowed by Network Rail.</p>	The Applicant refers to its response to actions arising from ISH2 – see REP4-021, action 19; DCO document reference 9.26 ExA.FI.D4.V1.
001116-D4-004		<p><i>ISH2 Action Point 29 -To explain, or signpost where in the application document it was considered, whether the provision of a pedestrian refuge in the centre of Royal Portbury Dock Road during the temporary diversion of the footpath/cycleway was considered and if it was why it was considered unnecessary.</i></p> <p>In the view of the Council pedestrians will suffer an adverse impact on safety during the construction period. It is accepted that there is some sensitivity around delays to dock related traffic and convenience for entry and exit to these large commercial areas. We would however like to explore the possibility of pedestrian operated mobile temporary traffic signals that will allow</p>	The Applicant refers to its response to actions arising from ISH2 – see REP4-021, action 29; ; DCO document reference 9.26 ExA.FI.D4.V1.

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		<p>pedestrians some dedicated periods to cross the Royal Portbury Dock Road (as used on the busy A371 at Locking over an extended period of 12-18 months), which would give more assurance about pedestrians' safety. However, if this is considered an expensive proposition, it is still believed from desktop measurements that the carriageway is around 9.22 metres in width which should allow for hgvs on both running lanes (3.4m each) and still allow for provision of a central refuge of 2.0m width, which may be a lower cost option. This would enable pedestrians to make two short crossing decisions rather than having to negotiate the full width of the road or standing with no protection in the centre, given this is considered from evidence at the hearing that this is a popular route.</p> <p>Notwithstanding this, if it is still considered that if this is not feasible then the proposed waiting area either side of the road with warning signs would be some form of benefit.</p>	
001116-D4-005		<p><i>ISH2 Action Point 30-To review whether 'reduce speed' / traffic warning signs should be provided on Royal Portbury Dock Road during the period that the footpath/ cycleway would be diverted.</i></p> <p>See above Action 29. This need not form part of the DCO.</p>	<p>The Applicant refers to its response to actions arising from ISH2 – see REP4-021, action 30; ; DCO document reference 9.26 ExA.FI.D4.V1.</p> <p>Signage on Royal Portbury Dock Road during the period that the footpath/ cycleway would be diverted can be provided if felt necessary by the local highway authority (and following consultation with Bristol Port Company). It is suggested this is best dealt with by the Applicant engaging with the local highway authority and need not be provided for in the dDCO.</p>
001116-D4-006		<p><i>ISH2 Action Point 31-To review whether Requirement 30 duplicates the need to provide a Construction Workers Travel Plan that would be secured as part of the CTMP in requirement 5. If it would, to consider which mechanism would best deliver the outcome required and amend the dDCO as necessary.</i></p>	<p>The Applicant will discuss this topic further with the relevant planning authority.</p>



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		<p>There is a degree of duplication between Requirements 5 and 30. It is noted that Highways England has a particular need to avoid adverse impacts on Junction 19 of the M5. It is considered that there are nevertheless other locations where the impacts of construction workers traffic and parking will be of significant interest to North Somerset Council as highway authority, notably the urban location around the station in Portishead and in the constricted roads around the station location in Pill. Requirement 30 as proposed in v4 of the DCO will not address these needs for CWTPs other than around J19. Conversely, Requirement 5 alone would encompass the matter of the CWTP within Requirement 30 but given there are numerous other aspects to Requirement 30 that are specific to Highways England and J19. Requirement 5 would become convoluted by inclusion of J19 specific requirements. Thus, it is concluded that it is best to retain both Requirement 5 and 30.</p>	
001116-D4-007		<p><i>ISH3 Action Point 23-To confirm when the North Somerset Nature Emergency was declared and provide a copy of the action plan.</i></p> <p>I was in error, for which I apologise, when in response to the EXA, I quoted the incorrect date when North Somerset Council declared a Nature Emergency and now attach details of the Council motion and the approved minute of the meeting. For clarity, references to the Action Plan at the Hearing, was a reference to the Climate Emergency Action Plan, for which the link is attached below.</p> <p>I have also provided a link to the Council's Strategy and Action Plan for the Climate Emergency, preceded by the Landing page to our Plans for tackling climate change.</p> <p><a href="https://www.n-somerset.gov.uk/council-democracy/priorities-strategies/climateemergency/our-plans-tackle-climate-change">https://www.n-somerset.gov.uk/council-democracy/priorities-strategies/climateemergency/our-plans-tackle-climate-change</a></p> <p><a href="https://www.n-somerset.gov.uk/sites/default/files/2020-">https://www.n-somerset.gov.uk/sites/default/files/2020-</a></p>	Noted.

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		<p>02/North%20Somerset%20climate%20emergency%20strategy%202019.pdf</p> <p><a href="https://www.n-somerset.gov.uk/sites/default/files/2020-02/North%20Somerset%20climate%20emergency%20action%20plan.pdf">https://www.n-somerset.gov.uk/sites/default/files/2020-02/North%20Somerset%20climate%20emergency%20action%20plan.pdf</a></p>	
001116-D4-008		<p><i>ISH3 Action Point 31-Provide a location/ layout plan of the proposed affordable housing scheme overlaid with the location of the Ham Green compound</i></p> <p>There has not been sufficient time available to provide an overlaid drawing. This requires some assistance that we have not been able to arrange as these may require some technical assistance. I understand that the applicant may be able to provide their CAD files for someone else to do the overlay for say deadline 5 but we would not be comfortable doing the overlay. In the meantime, I have provided copies of the plans supplied to us during the pre-application enquiry submitted by Pill and District Community Land Trust that will hopefully serve to make a comparison with the DCO application. Please let me know whether this is sufficient.</p>	Noted.
001117-D4-001	National Trust	<p>Please find attached as an update for the planning inspectorate, particularly regarding extra costs that will be incurred by the National Trust due to MetroWest.</p> <p>I wished to write to update on conversations with MetroWest.</p> <p>The National Trust continue to be concerned with the proposals for the catch fences and ongoing management of these. We have asked MetroWest to pay fees so that we can get the proposals independently reviewed to proof engineer the works so that we have the necessary due diligence checking for reasons of liability. However, they have said that this is not possible and they are only</p>	The Applicant has made a further offer to National Trust and Discussions are ongoing. The Applicant can provide a further update at the March ISH and Deadline 6.

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		willing to pay for a review of the scheme post-installation before the Trust takes on liability for the works. This feels unhelpful given there may be issues that have not been addressed in the current scheme, may have arisen since, and may result in future difficult conversations if an independent consultant does not feel the works have necessarily covered off the risks. This remains a concern of the Trust's given that MetroWest is proposing that we take on the future liability for risk, replacement and annual management.	
001117-D4-002		<p>In addition, we have done some work internally on what we believe replacement costs would be which MetroWest are proposing we are responsible for in the future, this is based on the present value of the £1 and has not been capitalised: An all in (Design and Construct) cost estimate for the Geobruigg GBE-500A-R replacement fences over the 312 m chainage is circa £1, 500 / m length, so approximately £500,000 excl VAT is an estimate for the cost of replacement.</p> <p>We expect that the MetroWest team will have a cost for the planned new Rockfall Barriers in their project cost plan, though this has not been shared with us. Our estimates are based on the preconstruction works estimate at c£750 per m, excl VAT and construction works estimate at c£750 per m excl vat.</p> <p>Importantly this breakdown includes Network Rail GRIP Stage 1/2 estimating bias for our internal National Trust stage of assessment, circa 64%. MetroWest should declare their Estimating Bias provision aligned to their GRIP Stage design data quality.</p> <p>Post Construction Certification &amp; Management of the rock face and the catch fences for NT, Network Rail and our NT Insurers Requirements is as follows:</p> <p>i) For the Rock Face we believe a site specific, annual, LiDAR Survey plus Geotechnical Risk Assessment Inspection at a cost estimate of circa £25,000 excl vat for the field site survey work and report is needed.</p>	See response above.

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		<p>The scope of the survey is assumed to be limited to the NT Landowner zones, namely zones 1, 1a, 2, 5, 6 and 7. The report would be completed by a specialist Geotechnical Engineering Consultants such as GCG, Dr Sauer &amp; Partners or Arup Geotechnics. This can be undertaken in parallel with the Government LiDAR survey programme.</p> <p>ii) For the installed Catch Fence we could consider the Geobruigg Remote monitoring service, assuming Geobruigg GBE-500A-R fences are installed. <a href="https://www.geobruigg.com/en/Geobruigg-launches-remote-monitoring-service-158280,9277.html">https://www.geobruigg.com/en/Geobruigg-launches-remote-monitoring-service-158280,9277.html</a>. Alternatively we could procure an annual Geobruigg Fence Certification inspection.</p> <p>Our estimate is an annual certification inspection would cost a minimum of c£ 5, 000 excl VAT, this can be checked directly with Geobruigg if they expect they will be the Specified Contractor for the catch fences.</p> <p>This totals an extra £30,000 excl VAT of costs a year due to this becoming a passenger line. This does not include any additional insurance premiums or the cost of recommended works.</p>	
001117-D4-003		<p>I did attend a significant amount of the hearings last week and noted your comments on progress and statements of common ground. I had commented in a meeting last week with MetroWest that it may be useful to have some sort of Statement of Common Ground to be working to. At the moment MetroWest have not proposed a satisfactory resolution for the significant increase in costs that they expect the National Trust to incur as a neighbouring landowner to the scheme. We do have another phone call arranged for next week to continue this conversation.</p>	See response above.
001118-D4-001	BNP Paribas Real Estate on behalf of The London	<p>APPLICATION BY NORTH SOMERSET DISTRICT COUNCIL FOR AN ORDER GRANTING DEVELOPMENT CONSENT FOR PORTISHEAD BRANCH LINE - METROWEST PHASE 1 (the 'DCO') METROWEST PHASE 1 ('the Project')</p>	<p>The Applicant has dealt with similar points in its responses to Sutherland Land and Property Services Limited and cTc – see DCO Document Reference 9.34.1 ExA.CWR.D5.V1.</p>

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	Pensions Fund Authority	<p>NORTH SOMERSET DISTRICT COUNCIL ('the Applicant')  CALA TRADING ESTATE, ASHTON VALE ROAD, BRISTOL, BS3 2HA (the 'Property')  DEADLINE 4 RESPONSE- ISSUE SPECIFIC HEARING 2, 11 JANUARY 2021</p> <p>We act on behalf of The London Pensions Fund Authority ("TLPFA") and this response is issued following Issue Specific Hearing 2 held on 11 January 2021 and is supplemental to the Relevant Representation submitted on 26 February 2020. As outlined previously, TLPFA is an Investment Fund and owns the above Property as an investment.</p> <p>The Property is multi-tenanted and occupied with the majority of the units on the estate being Trade Counter in nature and therefore visited by members of the public to purchase goods. The units are also subject to regular stock deliveries and collections.</p> <p>As previously set out TLPFA does not object to the principle of the underlying Project sought by the DCO in terms of the benefits it is seeking to deliver from Bristol to Portishead and the region beyond. However, there remains the ongoing concern over the frequency and length of barrier down time in relation to the level crossing which severs the estate and Ashton Vale Road from the adjoining A3029 Ashton Gate Underpass and Winterstoke Road.</p> <p>Whilst it is understood the current scheme is based on an hourly passenger service (one passenger train in each direction passing through the crossing per hour) and the potential for a freight train to pass through the crossing once in each direction per hour, the resultant barrier down time to accommodate this flow of rail traffic will no doubt have a detrimental effect on the ability of traffic to enter and leave the estate and surrounding businesses.</p> <p>We understand that the projected barrier down time is now predicted to be 2 minutes per crossing closure however clarity is</p>	<p>The additional passenger trains will lead to shorter barrier down time than the existing freight service movements. The Applicant believes that the DCO Scheme passenger train movements can be accommodated within the cycle times of the traffic signal controls at the Ashton Vale Road/Winterstoke Junction and is proposing installation of a MOVA or similar system to better co-ordinate the level crossing down time and the operation of the traffic signals. Requirement 18 of the dDCO secures the provision of a MOVA or similar system.</p>

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		<p>sought as to whether this relates to passenger trains or much longer freight trains passing through the crossing.</p> <p>We would welcome the opportunity to discuss this issue further with the applicant or their appointed agent.</p> <p>We look forward to hearing from you further in due course.</p>	
001119-D4-001	Wedlake Bell LLP on behalf of The Bristol Port Company	<p>Comments on Applicant's responses at deadline 3 to Bristol Port Company's Written Representation</p> <p>22 page table response, see:</p> <p><a href="https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR040011/TR040011-001119-The%20Bristol%20Port%20Company%20comments%20on%20Applicant%20responses%20at%20deadline%203%20to%20BPC%20written%20representation.pdf">https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR040011/TR040011-001119-The%20Bristol%20Port%20Company%20comments%20on%20Applicant%20responses%20at%20deadline%203%20to%20BPC%20written%20representation.pdf</a></p>	The Applicant and Bristol Port Company (BPC) continue to have positive dialogue with a view to reaching agreement. The Applicant maintains its position stated at Deadline 4 but proposes to deal with outstanding points, if any, at the forthcoming CA Hearing and at Deadline 6, whilst continuing to progress negotiations with BPC.
001120-D4-001	Wedlake Bell LLP on behalf of The Bristol Port Company	<p>Post Hearing Submission - Response to Action Point 22 from Compulsory Acquisition Hearing and summary of Bristol Port Company's powers as statutory undertakers</p> <p>21 page response, see:</p> <p><a href="https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR040011/TR040011-001120-The%20Bristol%20Port%20Company%20note%20for%20ExA%20in%20relation%20to%20BPC%20statutory%20undertaker%20powers%20(CAH%20action%20point%2022).pdf">https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR040011/TR040011-001120-The%20Bristol%20Port%20Company%20note%20for%20ExA%20in%20relation%20to%20BPC%20statutory%20undertaker%20powers%20(CAH%20action%20point%2022).pdf</a></p>	The Applicant continues to discuss an agreement with Bristol Port Company. The Applicant will provide further input in advance of the next Hearings if it remains necessary to do so.
001121-D4-001	Wedlake Bell LLP on behalf of The Bristol Port Company	<p>Note on behalf of First Corporate Shipping Limited trading as the Bristol Port Company (BPC) on oral evidence given by BPC at ISH2 on 11 January 2021</p> <p>1. This summarises the additional oral evidence given by representatives of The Bristol Port Company (Jonathan Mordaunt and John Chaplin) at Issue Specific Hearing 2 held on 11 January 2021.</p>	<p>1. -3 Noted</p> <p>4 . The DCO Scheme takes in to account and accommodates the numbers of freight movements in to and out of Royal Portbury Dock permitted by the planning permissions applying to the Port's railway.</p> <p>5. The Applicant does not believe the DCO can or should be drafted as suggested by BPC and the provisions of the Railways Act 1993 and its</p>

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		<p>This summary is in addition to other written evidence previously submitted to the Examining Authority.</p> <p>Freight services</p> <p>2. The Port of Bristol needs rail access as part of its multi-modal offering to customers and to discharge its statutory functions.</p> <p>3. The Port is subject to a restriction on the number of daily train movements imposed by planning permissions dated 26 October 2000 and 2 December 2011, which mean that daily train movements cannot exceed 40. A "train movement" means a freight train travelling in one direction either to or from Royal Portbury Dock.</p> <p>4. The effect of the proposed development consent order (DCO) and the proposals for the passenger services will be to introduce a further restriction by limiting the potential times of freight train movements. If these timing restrictions on use of the Portishead branch line are overlain on rail paths available to BPC's customers over the rest of the national network, those other rail paths may no longer be available. In reality this may reduce the number of possible daily train movements below 40. The position for BPC's customers will therefore be significantly worse than that which prevails today.</p> <p>5. BPC therefore requires the proposed DCO to enshrine appropriate protections to keep the number of daily train movements at 40 and to ensure that any future changes to the passenger timetable cannot affect that position and reduce even further the availability of train paths for BPC's customers.</p>	<p>associated licencing regime, as well as the powers of the local planning authority, should not be affected by the DCO.</p>
001121-D4-002		<p>Rights of way</p> <p>6. BPC does not accept that any of its land should be acquired in order to provide rights of way because it would potentially inhibit BPC's use of that land as part of its statutory undertaking.</p> <p>7. BPC accepts in principle the Applicant's proposed Works 15, 16 and 18 provided the paths are constructed on the routes shown on the</p>	<p>6. The Applicant had to prepare its DCO on the basis that consent to dedication by BPC would not be forthcoming. If dedication agreements can be secured then the Applicant would not exercise compulsory powers if the dedication occurs when required by the Applicant.</p> <p>7. noted.</p>



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		<p>current drawings and on the basis that Work 16 would be a permissive path and that Work 18 would be dedicated as a public right of way.</p> <p>8. BPC agrees that the speed limit on Royal Portbury Dock Road is 30mph and that, under the Applicant's proposed arrangements, there would be good visibility for persons crossing it.</p>	8 No further comment
001121-D4-003		<p>Dust and security</p> <p>9. BPC relies on its earlier deadline 2 written representation which set out its concerns about the effects of dust arising during construction and later operation of the railway.</p> <p>10. In order to mitigate the effects of dust arising from the use of the track from Marsh Lane to Lodway Farm as a haul road during construction, BPC requires the track to be surfaced by the Applicant before it is used by construction traffic. The intensive use of the track during construction by HGVs can be contrasted with the occasional use of the track by others and it is the former which creates the need for the track to be surfaced.</p> <p>11. The existing vegetation to the north of the track must be retained. It provides useful screening for dust. Importantly, it also contributes to the maintenance of the Port's security perimeter fence and protects the bonded HMRC port area.</p>	<p>9. The applicant believes sufficient controls in the CEMP exist to mitigate the Port's concerns.</p> <p>10. The Applicant does not believe resurfacing of the largely already surfaced route is necessary or justified.</p> <p>11. The Applicant is content to agree an area for vegetation to be retained and will work with BPC to settle the relevant areas.</p>
001122-D4-001	Martin Berry	<p>Issue Specific Hearing 2, Day 1, Monday 11 January 2021</p> <p>Response to Action Points</p> <p>Agenda item 4 - Permanent Public Right of Way Diversions and Alternatives</p> <p>Action No. 29, 30 for Applicant and NSDC</p>	Please see response in 001107-D4-001 above.

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		<p>I was expecting a joint action together with Mr Ovel (Pill &amp; Easton-in-Gordano Parish Council) reference our comments regarding National Cycle Route (NCN) 26. I believe Mr Ovel has already responded; therefore, I am responding under separate cover.</p> <p>1. Bridleway Crossing Royal Portbury Dock Road. Works 14, 14A, 14B. LA15/66/10, LA15/21/20, LA8/66/10</p> <p>I spoke raising my concerns about the bridleway crossing at Portbury Dock Road.</p> <p>I stated that the speed limit was 50 mph, it is actually 30 mph.</p> <p>I regularly use this route (approx. 5 days a week in both directions) and often cross at Royal Portbury Road if I do not use the underbridge option. I note that vehicles frequently appear to travel in excess of the speed limit on what is a straight and very wide road; with sometimes continuous, fast moving streams of HGV's, lighter commercial traffic and cars, particularly in peak periods.</p> <p>I have never seen any horses/ horse riders, and rarely other users on either part this bridleway as it crosses Royal Portbury Dock Road; they, like the majority of traffic using the cycle path, choose to take the safer underbridge route.</p> <p>The cycle path/ bridleway is becoming increasingly busy with horse riders, walkers, runners and cyclists; the latter of which can be individuals, or groups of varying sizes often multiple family groups including children of all ages.</p> <p>Therefore, I share the view that providing an uncontrolled crossing on this road could potentially result in a serious accident. Crossing on a horse would be extremely dangerous. Crossing on foot or cycle is already hazardous.</p>	

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		I understand that there is an objective to provide a route for horses that avoids the need to pass under the Portbury Dock Road overbridge close to the reinstated rail track. However, unless user controlled traffic lights are provided for the crossing, I believe that it would be extremely dangerous to encourage horse riders, pedestrians and cyclists to cross the road at this location. This applies both when the underbridge is closed off during the construction period and post construction when the underbridge is hopefully reopened.	
001122-D4-002		<p>2. Proposed Diversion Route for NCN 26.</p> <p>Mr Ovel raised his concerns about the proposal to divert NCN26 southbound from its junction with Marsh Lane to the junction with Church Road in Easton-in-Gordano. I to share his concerns on grounds of user safety having experienced several near misses as a regular user of this route. The Applicant's representative (Mr Wilcock, NSDC) expressed an opinion that because Marsh Lane is a minor route, the proposed diversion would not significantly increase the hazard to users of the diverted section of NCN 26. With this statement I must disagree.</p> <p>As Mr Ovel; I too, walk this road several times a week to access the cycle path/ NCN26. The majority the stretch of the diversion route is subject to a recently introduced 40 mph speed limit (previously 60mph), reducing to 30 mph just before reaching Church Road; why the whole road was not made subject to a 30 mph limit is another question. There is also a semi blind, narrow, hump-backed bridge on a bend over the railway. There is no footpath for a distance of 100+ metres either side of the bridge; although there are white lined "pedestrian refuge" areas recently added when the "Honda" traffic lights were installed near the cycle path crossing point on Marsh Lane. However; these white lined areas are on the opposite side of the road in each direction, so the user has to cross the road at the top of the hump back bridge.</p>	See response 001107-D4-002.

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		This road is busy with local traffic accessing and exiting the dock area and J19 M5; and, non-local private and light commercial traffic both accessing and exiting the docks area, using Marsh Lane as a "rat run" to avoid delays at J19, particularly in peak periods; at times this road can best be described as a "speed track" with many vehicles ignoring the speed limit. As have previously mentioned, the cycle track/ NCN26 is becoming increasingly busy, with horse riders, walkers, runners and cyclists; the latter of which can be individuals, or groups of varying sizes often multiple family groups, including children of all ages.	
001122-D4-003		I would also like to point that the entrance point to the cycle path/ NCN26 in Marsh Lane is almost directly opposite what will be Access Point AW 5.1, which provides access the proposed Haul Road to the construction compounds under the M5 Avonmouth Bridge and Lodway Farm; again, causing direct conflict between users of the cycle path/NCN26 and construction traffic.	The Applicant proposes Work No. 15 to reduce the risk of conflict between bridleway users and construction traffic during the construction period.
001122-D4-004		As per Mr Ovel, I agree it would be unwise to re direct any users of the cycle path/ NCN26, on to Marsh Lane placing them in conflict with fast moving traffic for several hundred metres on a narrow road with a view restricted crest over the bridge. I share Mr Ovel's opinion a lot more work would have to be done to make this diversion route safe. A further reduction to a blanket 30 or 20 mph limit would be a good start, combined together with speed reduction measures such as speed humps and warning signage. Perhaps making Marsh Lane "one way" to motor traffic might be worthy of consideration; or, as it is deemed only a "minor" route, perhaps temporary closure of this stretch of Marsh Lane should be considered, with traffic affected being redirected to the main primary routes in an out of Pill/ Easton In Gordano and Royal Portbury Dock. This last option would also prevent any construction traffic the ability to use this stretch of Marsh Lane.	See response 001107-D4-002. The Applicant does not believe additional works are required but can work with the local highway authority to monitor the situation
001123-D4-001	Martin Berry	Issue Specific Hearing 2, Day 1, Monday 11 January 2021  Response to Action Points	The Applicant has no further comment.

Ref no.	Party	Response	Applicant's response
		<p>Agenda item 5 – Construction Practices – Accesses to construction compounds Action No. 36</p> <p>I was requested to respond to action 36.</p> <p>This was raised over my concerns over Access point AW 5.2 and the access route through residential streets to that point, in order to gain access to the temporary Lodway Farm construction compound.</p> <p>I have subsequently reviewed “The Examining Authority’s Note of Unaccompanied Site Inspection” document.</p> <p>I duly note that the document states that Unaccompanied Site Inspections have been made to the location in question; and, to others over which I have concerns.</p> <p>At this point, I am not making any requests for either any accompanied or unaccompanied visits to any locations of concern, on the assumption that this facility will be available in future if and when required, during the examination process, decision making process and if necessary, public inquiry process.</p>	
001123-D4-002		<p>Issue Specific Hearing 2, Day 1, Monday 11 January 2021 Response to Action Points Agenda item 5 – Construction Practices – Temporary construction compounds - accesses Action No. 33 Response 1 Lodway Construction Compound. Work Nos. 17/17A</p> <p>POINT OF CLARIFICATION REQUIRED</p> <p>I have noticed on the “Portishead Branch Line - Lodway Farm construction compound information” "Dear Resident" letter from James Wilcock (North Somerset District Council) dated 02/03/2020; that on the "Figure 1 Location Plan and Access Routes" that was supplied the "Primary Site Access Point" is shown as just west of the</p>	<p>The primary access point for HGV's and construction vehicles is located after the exit from the M5 tunnel as per the Compounds, Haul Roads and Access to Works Plan (REP3-004; DCO document reference 2.29) Sheet 5 M5 Overbridge. The precise entry into the compound will be determined ahead of construction and based what presents the least gradient for vehicles and the least impact to vegetation.</p>

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		<p>rail junction of where the proposed Portishead branch line splits from the freight line to the docks; i.e. just on the M5 side (west) of the low bridge over the cycle track between Lodway Close/Avon Road and the M5. DCO 5.4 Construction Strategy page 17, Photo 13 also shows this option.</p> <p>However; on the latest plans (Compounds, Haul Roads and Access to Works Plan, Sheet 5, M5 Overbridge) it shows the Primary Access Point as immediately after exit from M5 tunnel (Pill side).</p> <p>Please could you confirm which option is correct.</p>	
001123-D4-003		<p>Issue Specific Hearing 2, Day 1, Monday 11 January 2021 Response to Action Points Agenda item 5 – Construction Practices – Temporary construction compounds - accesses Action No. 33 Response 2 Lodway Construction Compound. Work Nos. 17/17A</p> <p>Whilst a requirement for a temporary construction compound at Lodway Farm has been identified in the DCO process, it has been made based on many assumptions/ is not subject to final design; and, therefore at this point this requirement cannot be judged to be definitive in terms of purpose; and, therefore not definitive in terms operational requirements/structure.</p> <p>This seems to be particularly the case around “removing the old track formation”, a significant part of the reasoning for the existence of some construction compounds, including Lodway.</p> <p>Lodway compound has been identified as the second largest compound at approx. 9 hectares. It will be located adjacent to the large residential area of Pill/ Easton In Gordano. Its location and proximity raise numerous concerns.</p>	Please see response to 001105-D4-001.

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		<p>Given the size, scale and, the social and environmental impact of Lodway compound mitigation measures must be applied at all stages of the development/ operation of the compound to minimise any impacts.</p> <p>Concerns:</p> <p>1. Storage and Processing of contaminated waste, from removal of old track/track formation. (This appears to be the main driver of the size and scale of compound)</p>	
001123-D4-004		<p>Why at Lodway?</p> <p>DCO 5.4 Construction Strategy pages 33-42, lists a number of options for removing the old track formation. The actual decision to adopt a preferred option/ or combination of options will therefore have a major impact on the nature of the compounds involved.</p> <p>3 Options are proposed for the removal of the old waste ballast and old track that will need to be excavated:</p> <p>Option 1. One way haul system using Portbury Docks</p> <p>Option 2. Use of Portbury Hundred and Lodway compounds. Sub options</p> <p>a. Store along the cess (track)</p> <p>b. Stockpile in compounds</p> <p>c. Stockpile at Lodway and remove using existing freight line</p> <p>d. Temporary siding at Lodway Option</p> <p>3. One way haul system using Avonmouth Docks</p> <p>Careful consideration of the options proposed can only sensibly result in the rejection of Option 2 and sub options a, b, c and d; where the use of Lodway compound is proposed for removing/ processing the old track formation.</p>	<p>Lodway is key location to enable the scheme to carry out construction works in Pill including track, station and earthworks, as well as facilitating works to the disused line.</p> <p>A decision has not been made on what method is the most suitable to facilitate the removal of spoil. However, even with using option 1 or 3 Lodway is still required for construction purposes including stockpiling of rail materials, staff car parking, site offices, welfare facilities and plant stabling.</p> <p>Please also see response to 001105-D4-001.</p>



Ref no.	Party	Response	Applicant's response
		<p><u>Options 1 and 3 should be considered as the preferred solutions for removing/ processing the old track formation; or, Option 2 only using Portbury Hundred compound without the use of Lodway compound; or, a combination of all 3 options without the use of Lodway compound.</u></p> <p><u>This would significantly reduce the physical size of Lodway compound, and therefore the scale of the social and environmental impacts on residents/ local community.</u></p>	
001123-D4-005		<p>2. Scale/Size of Lodway compound.</p> <p>Will all the 9 hectares be used, or is the site compound as defined/ shown in photos 35 and 36? DCO 5.4 Construction Strategy pages 35 and 36.</p>	<p>The area shown in blue in the Construction Strategy (APP-074; DCO document reference 5.4) is an indicative area proposed for the removal of spoil by an engineering train. This is only part of the total area required for the DCO scheme.</p> <p>While a significant area of Lodway will be potentially utilised, the scheme cannot use the whole of the Lodway Construction Compound to protect environmental features within the site, namely the Important Hedgerow along the northern perimeter, the hedgerow across the site, and the non-designated archaeological feature (HER47401).</p> <p>As referenced in the Master CEMP (AS-046; DCO document reference 8.14) paragraph 3.2.3, the contractor will prepare site plans for the compounds to illustrate how they will be managed. These plans would be secured through Requirement 5 on the CEMP which includes the approval of the CEMP by the local planning authorities.</p>
001123-D4-006		<p>When will we know the actual working purpose of the compound?</p>	<p>According to the Master CEMP (AS-046; DCO document reference 8.14) paragraph 3.2.3, the contractor will prepare site plans for the compounds to illustrate how they will be managed. These plans would be secured through Requirement 5 on the CEMP which includes the approval of the CEMP by the local planning authorities.</p>

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001123-D4-007		Is there proposed layout plan for the compound available?	No proposed layout plans are currently available for the compounds. Please see response to 001123-D4-006 above.
001123-D4-008		How far in advance of commencement of works will the Construction Environment Master Plan (CEMP) be published?	The CEMP for each stage will be submitted to the LPA for approval. It is anticipated the process for securing approval will take between one and two months.
001123-D4-009		Will the CEMP be available for public scrutiny and response?	The CEMP will be submitted to the LPA for approval and should appear on its planning portal.
001123-D4-010		Could other nearby sites be utilised, to reduce size and impacts of compound? See 1.	The site at Lodway Farm (Work No 17) was chosen to support the proposed works at Pill which include works to Pill station, Avon Road underbridge, earthworks and track works. The temporary compound will contain site offices, welfare and parking as well as storage for plant and materials. No other sites are available that meet those needs.
001123-D4-011		3. Noise pollution, from plant/machinery on site, and works trains.  Locate as far as possible from residential areas  The prevailing wind is from the south west.  Reduce size, scale and role of compound.  4. Dust pollution, from processing of waste, plant, machinery and vehicle movements on site.  See 3.	The Master CEMP (AS-046; DCO document reference 8.14) paragraphs 3.2.10 and 3.2.11 include obligations on the contractor to consider neighbours in the preparation of their site plans. Section 3.4 provides guidance on site lighting. Further guidance on temporary lighting to avoid affecting ecological receptors is provided in Chapter 6. These requirements will be secured through DCO Requirement 5 on CEMPs.
001123-D4-012		5. Light pollution, from compound.  Locate as far as possible from residential areas  Reduce size, scale of compound.	The Master CEMP (AS-046; DCO document reference 8.14) paragraphs 3.2.10 and 3.2.11 include obligations on the contractor to consider neighbours in the preparation of their site plans. Chapter 4 provides guidance on the management of construction dust and Chapter 10 provides guidance on the management of construction noise and vibration. These requirements will be secured through DCO Requirement 5 on CEMPs.
001123-D4-013		6. Construction and HGV traffic on residential streets/ access to compound via The Breaches.	The Master Construction Traffic Management Plan (CTMP) (APP-210; DCO document reference 8.13), which will form part of the

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		<p>Access to compound via Access Point AW 5.2</p> <p>This provides access through residential streets that are narrow, are used for access/ residential parking, involve negotiating tight right angled junctions; and, in The Breaches there are no pedestrian pavements. DCO 5.4 Construction Strategy page 16 states "access will be for personal vehicles, small vans, minibuses and HGV's" "The site will have a high level of parking for staff".</p> <p>DCO 5.4 Construction Strategy page 16 states; "The compound will be used for the duration of the project." "Daytime working will be undertaken where possible from 6am- 6pm (not including set up and set down) but periods of 24 hour working may be necessary".</p> <p>These residential streets are totally unsuitable for this sort of traffic as are all the approach routes through the village.</p> <p>Why can't this traffic not use the haul road from Marsh Lane to Lodway compound? Why can't the haul road be constructed to a design/ standard/ specification to take ALL traffic to Lodway compound, and thus remove need for Access Point AW 5.2, and traffic through the village?</p>	<p>contractor's CEMP, and CTMP provide guidance on the management of construction traffic.</p> <p>At present, the haul road has not been designed to take all traffic into Lodway Compound and there are potential safety risks with mixing HGV construction vehicles and plant with smaller private cars.</p> <p>The route from the A369 along Priory Road to Stoneyfields, Trinder Road and a small section of The Breaches will be used for construction worker traffic. It may also on occasion be required to be used for larger vehicles, particularly during site establishment and decommissioning. The Applicant believes such use of the route from the A369 will not significantly adversely impact on local highways or local residents.</p> <p>As Lodway Compound is required in part for works to the existing operational railway it is essential to allow the compound to be operated on a 24 hour basis when required.</p>
001123-D4-014		<p>Why can't all traffic access the compound using the haul road form Marsh Lane throughout the duration of the whole project, using a temporary Road Rail Access Point in situ to project completion?</p>	<p>The Master Construction Traffic Management Plan (CTMP) (APP-210; DCO document reference 8.13) which will form part of the contractor's CEMP, provides guidance on the management of construction traffic.</p> <p>At present, the haul road has not been designed to take all traffic into Lodway Compound and there are potential safety risks with mixing HGV construction vehicles and plant with smaller private cars.</p>
001123-D4-015		<p>How will Construction Workers Travel Plans be enforced?</p>	<p>This will be secured through the DCO requirements 5 and 30 and approved by the relevant planning authorities. The implementation of the Construction Workers Travel Plans would be implemented by the contractor, and if required, enforced by Network Rail as a contractual obligation.</p>

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001123-D4-016		HGV access via the Breaches should be excluded from Construction and Transport Plans, with no exceptions allowed. (Note: Applicable to all Pill/ Easton In Gordano, but specific case quoted)	Network Rail will need to use a small part of The Breaches for construction traffic for set up of the compound and haul roads; and for the reinstatement after construction is complete.  The part of The Breaches at the junction with Church Lane and Debeccas Lane could not accommodate HGVS.
001123-D4-017		7. Dirt, Dust and Noise, from construction and HGV traffic on residential roads  See 6. And Reduce size, scale and role of compound.	The relevant CEMP will apply.  See also response 001105-D4-001.
001123-D4-018		8. Restricted parking on residential streets. See 6. And Reduce size, scale and role of compound	It is not anticipated there will be any need for parking on residential streets if the compound is sufficiently large to accommodate car parking for construction staff.
001123-D4-019		9. Destruction of green belt land (although this is noted as temporary). 10. Loss of green space.	The DCO Scheme will not affect the designation of Lodway construction compound within the green belt.
001123-D4-020		11. Planning blight, before and during construction.	The MetroWest scheme is supported by national and local policy.  Claims for statutory blight (if any) will be considered on an individual basis if submitted.
001123-D4-021		12 .Environmental impacts, all wildlife (Inc. toads), hedgerows	The Master CEMP (AS-046; DCO document reference 8.14) sets out measures to mitigate the impact of the construction activities on environmental features. This will be secured by DCO Requirement 5 on CEMPs.
001123-D4-022		13. Unsociable hours of operation. "Daytime working will be undertaken where possible from 6am- 6pm (not including set up and set down) but periods of 24 hour working may be necessary".	The Applicant believes the proposed construction hours are reasonable and have been agreed with the relevant planning authorities. The existing traffic conditions on the M5 J19 mean that start times before the morning peak traffic period are necessary.  Requirement 16 now reads (relevant part in bold):  16.—(1) Except for— (a) works on any existing highway,

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			<p>(b) works on currently operational railway land; or</p> <p>(c) activities associated with such works within the compounds authorised by this Order</p> <p>to which no restriction on working hours applies under this Order, works to construct the authorised development must not take place other than within normal daytime working hours (<b>6.30am to 6pm Monday to Saturday</b>) unless paragraph (2) applies.</p>
001123-D4-023		14. Quality of life of residents. 9-14. Reduce size, scale and role of compound.	See response 001105-D4-001.
001123-D4-024		<p>Issue Specific Hearing 2, Day 1, Monday 11 January 2021 Response to Action Points</p> <p>Agenda item 5 – Construction Practices – Temporary construction compounds –</p> <p>Action No. 33</p> <p>Response 3</p> <p>Lodway Construction Compound. Work Nos. 17/17A POINT OF CLARIFICATION REQUIRED</p> <p>Removal of bunds and hardstanding</p> <p>Restoration of land and gardens</p> <p>Please advise if these activities fall within the Construction Environment Master Plan (CEMP)?</p> <p>Is it known at this stage whether these activities will be completed prior or post the actual commencement of passenger rail services on the Portishead Branch line? December 2024?</p>	<p>The Master CEMP (AS-046; DCO document reference 8.14) includes measures to mitigate the impacts of activities at the construction compounds on features of interest within the compounds and surrounding neighbours. In particular, see Sections 3.2 Construction Compounds and 3.8 Reinstatement.</p> <p>The Applicant has committed to reinstating the gardens of properties along Lodway Close which will be required as access between Lodway Construction Compound and Avon Road Bridge.</p> <p>The Master CEMP will be secured through DCO Requirement 5 on CEMPs.</p>

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001124-D4-001	North Somerset Council	<p>Action points arising from ISH's 2 and 3</p> <p>With regard to the last paragraph. In light of the proposed further consultation with the Pill toad patrol and toad migration survey planned for this spring, and the indicated regional importance of the toad migration route (Froglife), which includes migration from the over wintering habitat within the proposed Lodway fields site compound, my view remains that the requirements should have included reference to an amphibian mitigation plan. If not, the updates to the reports indicated by the Planning Inspector will need to include the outline mitigation provisions for toads, which means there is less time for these to be adequately assessed. If there is no planning requirement, I am concern that there will be an insufficient mechanism to ensure a sufficient assessment and mitigation plan.</p>	<p>The draft Reptile &amp; 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>
001128-D4-001	Barry Cash	<p>Additional Submission to the Planning Inspector by the Portishead Busway campaign Ref:20025232</p> <p>At the hearing on 12th January 2021 James Willcock of North Somerset Council stated that a bus service was not suitable instead of trains because the journey time by bus was 1 hour, whereas by train it was 23 minutes.</p> <p>This may have been correct when consideration was given as to how best to provide a service from Portishead initially. However that was 20 years ago and there have been many changes to infrastructure since then. The Avon Motorway bridge has been made into four lanes and is a "smart" motorway now. Bus priority measures have been installed on the Portway as part of the Portway park and Ride. £310m has been spent on the Greater Bristol Bus Network and the Metrobus.</p> <p>Supposing a bus lane was laid along the disused rail track from Quays Avenue Portishead, to Junction 19 and the M5 northbound. Buses</p>	<p>The Applicant believes that the DCO Scheme provides substantial long term time savings, by utilising the disused and existing railway to achieve travel times to Bristol Temple Meads that cannot be achieved on the existing highway.</p> <p>The M5 over the River Avon is not a smart Motorway. The additional forth lane of the M5 was installed specifically to deal with the volume of motorway traffic and to provide crawl lanes for vehicles towing trailers and caravans, without which as peak times traffic saturation causes mass disruption to the M5 and surrounding highway network. Consequently, there is no prospect that bus lanes could be implemented on this section of the M5.</p> <p>The 36 minute journey time of the X5 bus is a timetable implemented during a Covid 19 lockdown, where highway traffic flows are much lower than normal conditions. Therefore the 36 minute journey time is not a realistic or creditable long term journey time.</p> <p>The proposed scheme will provide a very attractive journey time of 23 minutes which will not erode over time, ensuring the economic</p>

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		<p>would cross the river on the motorway, possibly using a bus lane, and take the first exit (Avonmouth), and the priority bus lane along Portway. Then head to Temple Meads using the Metrobus route.</p> <p>At present the X5 bus is scheduled to take 36 minutes, during the rush hour, to go from Sainsbury's in Portishead to the Bus station in Bristol. A bus from the Portway park and ride is scheduled to take 18 minutes during the rush hour to reach Temple Meads. The distance from Quay's Avenue to the Portway Park and Ride is 6 miles. At 30mph this should take 12 minutes. A total of 30 minutes from Portishead to Temple meads.</p> <p>This is slightly longer than the planned train time but buses can both start and end their journeys elsewhere. A bus that starts at the far end of Portishead and goes into the centre of Bristol may well be a more attractive commute than a car to the station and a long walk from Temple meads.</p>	<p>benefits of the scheme continue into the long term. Highway based bus travel times have consistently increased over the last 30 years, as year on year traffic growth has been greater than additional highway capacity and bus priority measures. In short highway demand has consistently outstripped supply resulting in systematic highway congestion at key nodes on the highway network. This has caused journey times to increase and caused deteriorating journey time reliability.</p> <p>Bus priority measures on the Portway cease close to Cumberland Basin and are thereafter only available where space within the highway permits.</p> <p>The Applicant believes that Temple Meads is an appropriate destination for Portishead Services. It is within an area of substantial employment and it provides connections to the wider rail network and a large number of bus services.</p>
001128-D4-002		The cost of laying a single track bus lane for 3.65km from Quay's Avenue to Junction 19 would be under £2m. This does not include the purchase of the track from Portbury station to junction 19 which the Council does not own. I suggest that this bus lane could be created for under £10m.	The Applicant believes the suggestion to operate buses on the disused section of railway is fundamentally flawed.
001128-D4-003		<p>It is a requirement that the proposal be assessed for both climate change and best solution. The changes to our roads since this was done mean there are compelling reasons for these assessments to be carried out again.</p> <p>1. The best way to reduce CO2 emissions is not to burn the fuel. The work required to reinstate the railway, at £116m, will clearly burn far more fuel than £10m of work to provide a bus service.</p>	<p>The Applicant believes the suggestion to operate buses on the disused section of railway is fundamentally flawed.</p> <p>The Applicant does not have the level of information available to form an informed view on the Interested Party's argument. The Interested Party has not provided either the relevant costings or carbon budget and the Applicant would not wish to venture in to conjecture.</p>



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		2. £10m to provide a service is clearly better than £116m for the taxpayer.	
001128-D4-004		3. Buses can offer a better service because they can start and end their journeys wherever there is a suitable road.	The Applicant believes the suggestion to operate buses on the disused section of railway is fundamentally flawed. The Applicant is promoting the DCO Scheme as part of the wider MetroWest proposals for enhancing suburban railways in the West of England Combined Authority area. The proposals have substantial support at local and regional level. Given the number of bus services at or close to Bristol Temple Meads it will be possible for those wishing to reach destinations served by local buses to use local buses. In addition the rail service will connect with the very substantial pattern of rail services available to passengers at Bristol Temple Meads.
001128-D4-005		4. There will only be one train an hour, but a bus could run every few minutes if there was enough demand. It will cost another £55m to increase the frequency of trains.	The Applicant believes the suggestion to operate buses on the disused section of railway is fundamentally flawed. The Applicant believes that bus services using the M5 Avonmouth bridge would experience period substantial delay when the junction is congested, particularly in the PM peak, for movements south to exit at J19. Queuing frequently starts immediately after J18. This would significantly impact on bus service reliability. Any reduction in capacity for traffic over the Avonmouth Bridge is likely to be resisted by Highways England, for the reasons already mentioned above.
001128-D4-006		5. Provision of a new bus lane would allow a direct service to Cribbs Causeway and via the Metrobus routes services to other parts of Bristol, such as the University of the West of England and Emersons Green. Trains can't do this.	Any reduction in capacity for traffic over the Avonmouth Bridge is likely to be resisted by Highways England, for the reasons already mentioned above.
001138-D4-001	Stuart Tarr	<p>I wonder if you would be kind enough to add the attached to my submission of 18th January in bringing it to the attention of the Lead Planning Inspector who is considering a site visit. It is not a new submission (and therefore not late on that account) but an appendix, not available at the time, to illustrate the existing submission.</p> <p>The link opens to the Alliance Homes three-week public consultation which ends today on the site location plan and design drawings for</p>	<p>The Applicant has no control over what is prepared by the CLT.</p> <p>The Applicant selected the location for Works Nos. 24 and 24A without any knowledge of the CLT's proposals and has not altered its proposals to accommodate the CLT's proposals. The CLT's proposals are a matter for the local planning authority to consider.</p>

Ref no.	Party	Response	Applicant's response
		<p>the proposed affordable housing development that seeks approval to share the MetroWest access to the Pill Tunnel construction and maintenance compound from Chapel Pill Lane.</p> <p>You will see that the outline plan drawings illustrate both the design of the shared road access and a dedicated pedestrian access from the development that relies on crossing Hayes Mayes Lane through to Hart Close. Clearly, a pedestrian crossing and rail maintenance vehicles including HGVs could not be permitted on safety grounds to share Hayes Mayes Lane, that otherwise would be entirely suitable if reserved for the exclusive use of Network Rail as proposed by MetroWest in 2015.</p> <p>It is for reasons of road and pedestrian access needed to facilitate the housing development, and not for reasons of addressing the engineering, maintenance and emergency access needs of the Pill Tunnel, that North Somerset Council is opposing the adoption of Hayes Mayes Lane for access by Network Rail.</p>	<p>For the reasons explained at 001096-D4-001 to 001096-D4-004 Hays Mays Lane was rejected by the Applicant at an early stage.</p>