

**From:** [Alex Hawtin](#)  
**To:** [Metrowest1](#)  
**Cc:** [Bartkowiak, Bart](#); [Gary Collins](#)  
**Subject:** Portishead Branch Line - MetroWest Phase 1 - Bristol City Council response to Deadline 5  
**Date:** 16 February 2021 18:31:58  
**Attachments:** [Bristol City Council - Response to ExQ2 - ISSUE.pdf](#)

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**Your Ref: PORT-SP066**

Good afternoon Bart and team,

Please find attached a copy of BCC's responses to the second round of the ExA's written questions and requests for information (ExQ2) issued on 26 January 2021.

There are also three outstanding Action Points from ISHs 2 and 3 which were due a response at Deadline 5. I respond to each point in turn below.

<b>ISH2</b>	
<b>Action Point</b>	<b>BCC's Response</b>
17. BCC to provide an assessment of the effect of the fencing proposed for the Clanage Road depot on the adjoining Conservation Area at Deadline 5.	On reviewing its operational requirements, Network Rail has confirmed paladin fencing can be used instead of palisade and the Applicant has agreed this amendment. BCC supports this revision to the fencing proposal and is satisfied that as a result there would be no unacceptable harm to the character of the Conservation Area. Sufficient control is retained by BCC via Requirement 4 to ensure that this change is secured.  The above statement is recorded in the Applicant's SoCG with BCC, to be submitted at Deadline 5.
24. BCC to review their comments on the Winterstoke Road/ Ashton Road junction in light of the response received from Mr Tonks at Deadline 4.	See attached response to ExQ2.
<b>ISH2</b>	
<b>Action Point</b>	<b>BCC's Response</b>
6. To submit completed SoCG's agreed with Bristol City Council (BCC).	An updated SoCG is to be submitted by the Applicant at Deadline 5.

Please let me know whether you require anything further. I have responded to Lily in an earlier email today regarding BCC's attendance at the next round of ISHs.

I would be grateful if you could confirm receipt of BCC's submissions.

Kind regards,

Alex

**Alex Hawtin**

Consultant

Development Management

Growth & Regeneration Directorate

***Bristol City Council***

*Please note, my usual working days are Tuesday and Wednesday and as such, I may not be able to respond immediately to emails.*

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## Portishead Branch Line – MetroWest Phase 1

### Bristol City Council's Responses to the ExA's Second Round of Written Questions

This document outlines Bristol City Council's ('BCC') responses to the Examining Authority's (ExA) second round of written questions ('ExQ2'), issued on 26 January 2021. The following table outlines the questions considered relevant to BCC and the City of Bristol only.

ExQ2 Ref	Question to:	Question:	BCC Response:
<b>GENERAL AND CROSS-TOPIC QUESTIONS</b>			
GC.2.2	<p>Updates on development</p> <p>All Relevant Planning Authorities</p>	<p>Provide an update of any planning applications that have been submitted, or consents that have been granted since the last set of written questions that could either effect the proposed route or that would be affected by the Proposed Development and whether this would affect the conclusions reached in Chapter 18 and Appendix 18 of the Environmental Statement (ES) [APP131 and APP-191]?</p>	<p>Two applications were identified within BCC's Response to ExQ1 [REP2-036]. For reference these were: Former Ashton Sidings, Clanage Road (BCC application ref. 20/01655/F) and Former Police Dog &amp; Horse Training Centre, Clanage Road (BCC application ref. 20/01930/F).</p> <p>An update on each application is provided below.</p> <p><u>Former Ashton Sidings, Clanage Road - 20/01655/F</u> This application is still being considered by BCC as Local Planning Authority. A set of revised plans was submitted by the applicant on 25 November 2020. These changes do not have any implications for the MetroWest Phase 1 Application beyond those described within BCC's Response to ExQ1 [REP2-036].</p> <p><u>Former Police Dog &amp; Horse Training Centre, Clanage Road - 20/01930/F</u> This application is still being considered by the Ministry of Housing, Communities and Local Government (MHCLG) due to the departure from the development plan (in relation to Green Belt) and an objection to the application from the Environment Agency due to the site's location in Flood Zone 3.</p> <p>There has been no change in circumstance which would result in this proposal affecting the MetroWest Phase 1 Application.</p> <p><u>Conclusion</u> There are no further applications that could result in a cumulative impact that would affect the conclusions of Chapter 18 and Appendix 18 of the Environmental Statement [APP-131 and APP-191].</p>
GC.2.4	<p>Central Government Policy and Guidance</p> <p>The Applicant</p> <p>The Relevant Planning Authorities</p>	<p>Are there any changes to Government Policy or Guidance, that have resulted from the United Kingdom's departure from the European Union on the 31 December 2020? If yes what are these changes and what are the implications, if any, for the Application?</p> <p>This excludes the DEfRA policy paper Changes to the Habitat Regulations 2017 that was published on 1 January 2021 which was discussed at the ISH3 [EV-010] and was the subject of an action point [EV-010e] arising from that meeting.</p>	<p>BCC is not aware of any changes to Government Policy or Guidance resulting from the UK's departure from the European Union that would have implications for the MetroWest Phase 1 Application.</p>

ExQ2 Ref	Question to:	Question:	BCC Response:
GC.2.7	Green Belt  Bristol City Council	<p>At ISH3 [EV-010] the location of the Clanage Road depot in the Green Belt was discussed. You advised that you considered that the proposed depot would fall within paragraph 146 c) of the NPPF as it would be local transport infrastructure and would not adversely affect openness. However, the depot is associated development therefore can you:</p> <p>Confirm that you are still satisfied that it would fall within paragraph 146 c)? If not, why not and would it fall within any of the categories of development included within paragraph 146?</p> <p>If the ExA was to conclude that openness would not be preserved are you satisfied with the case of Very Special Circumstances provided by the Applicant [Paragraph 6.5.14 onwards, APP-208 and the information contained within the site selection process APP-189].</p>	<p>The Planning Act 2008: Guidance on associated development applications for major infrastructure projects (DCLG, 2013) states that 'Associated Development' requires a "direct relationship" with the principal development and should "support the operation of the principal development." BCC considers that whilst the Clanage Road depot is associated development, the definition as local transport infrastructure is still valid as it has a direct relationship with the railway line and supports the use of that line.</p> <p>As such, BCC considers that the tests of maintaining openness and not conflicting with the purpose of the land set out within para. 146 of the NPPF would still apply to the Clanage Road site.</p> <p>If the ExA was to conclude that openness would not be preserved, BCC would concur with the test for very special circumstances as detailed in the Planning Statement from paragraph 6.5.154 onwards [APP-208].</p> <p>This test outlines a site selection process which concluded that the Clanage Road site is the only appropriate location for the compound, with a compound being required by Network Rail adjacent to the railway on the Bristol side of the Avon Gorge.</p>
<b>FLOOD RISK AND DRAINAGE</b>			
FRD.2.3	Clanage Road  The Applicant  Environment Agency  Bristol City Council	<p>Provide details, if any are available, as to how often this site has flooded in the last ten years or signpost where in the application documentation this information can be found.</p> <p>In item 34 of REP4-017 the Applicant states that during the 12 March 2020 flood event, peak levels at Avonmouth were slightly above the CFB2018 20 year return period EWL but did not result in flooding to the railway or the proposed Clanage Road depot site and concludes that this provides further evidence as to the site of the compound being outside of Flood Zone 3B. Can the EA comment on these points given their stance [REP4-043] is that "...land which would flood with an annual probability of 1 in 20 or greater, or is designed to flood in an extreme event, is viewed as functional floodplain."</p>	<p>BCC's Flood Risk Manager has advised that BCC does not hold any records of this site flooding in the last ten years and our investigation into the March 2020 flood event did not identify any flooding during that event at this site.</p>

ExQ2 Ref	Question to:	Question:	BCC Response:
FRD.2.4	Clanage Road  The Applicant  Bristol City Council	<p>The EA has provided detailed comments at Deadline 4 [REP4-043] in response to flooding which the ExA expect the Applicant to respond to at Deadline 5. Furthermore, the ExA is expecting the parties involved to try to resolve this matter before the close of the Examination. In the interim:</p> <p>As set out above the EA has indicated that to maintain flood capacity at the site the proposed welfare cabin and materials would need to be stored above ground level. Applicant: Is this practicable and would these stipulations be within the parameters allowed for by the DCO and as assessed in the ES, Flood Risk Assessment (FRA) and other relevant application documents?</p> <p>Bristol City Council: If the welfare cabin and material storage were to be raised off the ground given the location of the site within the Green Belt would the proposal still meet the requirements of paragraph 146 of the NPPF which states that local transport structure would not be inappropriate development provided they preserve openness?</p> <p>Bristol City Council: Are you satisfied that the DCO as currently drafted would give you sufficient control over these elements if this solution to flooding concerns needed to be pursued? If not what changes/ additional drafting would be needed to secure this detail or would this information need to be provided/ agreed at the Examination stage?</p> <p>Applicant: Given the concerns raised regarding the flooding of this site could the Proposed Development proceed without it?</p> <p>Applicant: If the Proposed Development could not proceed without a depot in this location are there any alternative solutions such as the depot only being used for access and material being imported on a just in time basis and not stored at the site that could be used to address this concern regarding flood capacity? If so, how would these alternatives be secured?</p>	<p>Having discussed this issue with the Applicant, BCC understands that the proposal to raise the welfare cabin and material storage was included within the Environmental Impact Assessment and forms part of the scheme proposals.</p> <p>As a result, BCC considers that the conclusions of the Environmental Statement [APP-106 and APP-101] and Planning Statement [APP-208] in respect of Landscape and Visual Impact and Green Belt remain valid in this case and that this raising would preserve openness.</p> <p>Notwithstanding the above, it is understood that the proposal to raise the welfare cabin and material storage only applies to the construction compound, and therefore any visual impact would be temporary in nature.</p> <p>BCC understands that this has formed part of the proposals since submission and therefore no further information would need to be provided or agreed.</p>

ExQ2 Ref	Question to:	Question:	BCC Response:
FRD.2.5	<p>Emergency Plan</p> <p>Bristol City Council</p> <p>North Somerset District Council</p>	<p>Do your emergency planning officers wish to comment on the principles of the detailed operational Flood Plan [REP3-015], building from the outline operational flood plan in Appendix T of the FRA [APP-092]?</p> <p>Is it appropriate that this plan forms an appendix to Version 2 of the SoCG between NSDC, Network rail Infrastructure Ltd and the EA, as opposed to a standalone application document, or as part of a revised FRA?</p> <p>The EA [REP4-043] also refer to the need for an “Emergency and Evacuation Plan” to be agreed with them. If this is a separate document, how does it interface with the flood plans as set out above?</p>	<p>The detailed operational Flood Plan [REP3-015] sets out the response to restriction or cease of operation of trains on the track depending on flood warnings and alerts, and also the hierarchy of evacuation procedures for stranded trains.</p> <p>As part of ongoing discussions with the Applicant, BCC has requested that this Flood Plan [REP3-015] is expanded, or a similar document is provided, to encompass flood emergency / evacuation plans and procedures for the Clanage Road depot during operation. This document should outline how personnel can be safely evacuated during or in advance of a flood event occurring, should that be necessary.</p> <p>Requirement 5 (3)(g) ‘Construction Environmental Management Plan etc.’ of the Draft Development Consent Order [AS-014] requires the submission of a construction flood plan and flood emergency preparedness plan. BCC is satisfied that emergency flood procedures can be sufficiently controlled by information submitted pursuant o Requirement 5, and the Environment Agency would be consulted as part of the discharge of Requirement process.</p>
<b>Historic Environment</b>			
HE.2.2	<p>Clanage Road</p> <p>Historic England Bristol City Council</p>	<p>Do you have any comments on the points raised in REP1-041 with particular reference to the concerns raised regarding the views from Clifton Observatory?</p> <p>In answering this question, you may wish to look at the Applicants response to these comments [REP2-032]</p>	<p>The arrow within the image in the representation [REP1-041] indicates that the proposed Clanage Road depot would be located much further south, roughly where the ‘City Mazes Escape Room’ and the Bedminster Cricket Club are situated.</p> <p>The compound would be located further north and would appear much closer to the tree line beneath the arrow within the representation [REP1-041]. As a result, from that view, the proposed Clanage Road depot would be largely concealed by trees.</p> <p>As set out within BCC’s Local Impact Report [REP1-032], it is considered by BCC that the proposal to screen the Clanage Road depot with soft landscaping would further reduce the visual impact of the depot and no objections are raised.</p>
HE.2.3	<p>Clanage Road</p> <p>Historic England</p> <p>Bristol City Council</p>	<p>The EA has raised concerns [REP4-043] in relation to flooding at Clanage Road. A suggested solution would be that the welfare cabin and the materials would need to be stored off the ground.</p> <p>Would you have any concerns regarding such a solution?</p> <p>Are you satisfied that the DCO as currently drafted would give you sufficient control over these elements if this solution to flooding concerns needed to be pursued?</p>	<p>Please see BCC’s response to ExQ2 FRD.2.4.</p>

ExQ2 Ref	Question to:	Question:	BCC Response:
Traffic and Transport			
TT.2.2	<p>M5 Junction 19</p> <p>North Somerset District Council</p> <p>Bristol City Council</p>	<p>The draft DCO [REP3-005] includes a new requirement no. 30 relating to M5 Junction 19 following the SoCG with Highways England [REP1-019]. Could the Highway Authorities both confirm that they are satisfied with the wording of the requirement and if they have any further comments in relation to the M5 Junction 19.</p>	<p>Requirement 30 of the draft DCO [REP3-005] relates to Works Nos. 1 to 24A. Each of these works is located within North Somerset District and as such, BCC has no comments on the wording of this requirement.</p> <p>BCC is satisfied that construction traffic and travel impacts can be sufficiently mitigated by provision within Requirement 5 (4) and (5) of the Draft DCO.</p>
TT.2.5	<p>Work No 28 &amp; Ashton Vale Road crossing</p> <p>Bristol City Council</p>	<p>Provide comment on the submissions by CTC and Sutherland Property and Legal Services (SPLS) [REP4-050], in particular regarding:</p> <p>The recent and future expansion of existing businesses around Ashton Vale Road and whether this 'stress testing' should be accounted for in the TA; and</p> <p>The 'Agent of Change' and fallback position of increased use of the railway line by freight trains.</p>	<p>As outlined within BCC's Local Impact Report [REP1-032], BCC is satisfied with the Applicant's approach to traffic modelling at Winterstoke Road and Ashton Junction and the mitigation proposed by the Applicant.</p> <p>The methodology for the traffic modelling undertaken to inform the Applicant's Transport Assessment was agreed with BCC's Traffic Signals team and as such, the model is acceptable.</p> <p>The submissions by Sutherland Property &amp; Legal Services on behalf of ETM Contractors Ltd and Manheim Auctions Ltd ('the representations') appear to rely on a limited set of data rather than the full scope of surveys which were undertaken by the Applicant by both Manual Classified Counts and Automatic Traffic Counts. These surveys were largely consistent in terms of volumes and patterns and again are considered acceptable to BCC.</p> <p>The representations outline that the temporary roadworks on Winterstoke Road would invalidate the surveys undertaken due to the unavailability of the left turn lane into the Ashton Vale Estate. The assumption within the representations is contrary to BCC's understanding given the range of surveys undertaken across several years both with and without the temporary roadworks, and the fact that the traffic volumes going into and out of the Ashton Vale Estate would be unlikely to change significantly due to the roadworks as there is no alternate route for traffic (Ashton Vale Road is the only way to access to the Estate).</p> <p>On the subject of sensitivity testing or stress testing, the approach undertaken by the Applicant and the use of a Vissim model would account peaks such as the auction programme. This approach is in accordance with the Department for Transport's 'Transport analysis guidance' (TAG). The auction peak would also not coincide with the typical PM traffic peak and as such, the effect of these events on the modelling would not be significant.</p> <p>The MOVA control upgrade proposed by the Applicant would help to address any peaks, such as those encountered at auction events or at the AM or PM traffic peaks. This form of mitigation is considered acceptable to BCC.</p> <p>With regard to the 'Agent of Change' principle, whilst this is typically associated with pollution-generating uses, the principles could be applied to the situation at the Ashton Vale Estate.</p> <p>Firstly, para. 182 of the NPPF states that existing business should not have unreasonable restrictions placed on them by development. As the railway line</p>

ExQ2 Ref	Question to:	Question:	BCC Response:
			<p>and the level crossing are already in existence, the element of change would be the frequency of closures associated with an increase in the use of the line.</p> <p>The transport modelling, which has been agreed with BCC, does not indicate that the junction would function any worse than existing and as such, it is not considered that any 'unreasonable restrictions' would be placed on the businesses within the Ashton Vale Estate.</p> <p>The second element of para. 182 requires the provision of 'suitable mitigation' to respond to the agent of change. The mitigation proposed, in the form of the upgrade to the MOVA system and the increase in the length of the left turn lane onto Ashton Vale Road, is considered acceptable by BCC.</p>