

Metrowest Phase 1 - North Somerset Council as Local Planning Authority response to Examiners Questions ExQ2

Reference	Question to:	Question:	North Somerset Council as Local Planning Authority Response
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>Application 19/P/2947/FUL At Royal Portbury Dock - Former BCA site Marsh Lane – erection of extension to existing building and erection of new building to be used for the preparation of cars prior to sale has now been approved.</p> <p>An application at 49 Martingale Way, Portishead (reference 21/P/0301/FUL) has just been submitted for: Change of use from Assisted Living Development comprising 126 apartments and integrated care, support and well-being facilities for the over 60's age group (Use Class C2) to 127 non-age restricted apartments (Use Class C3) with associated changes to soft landscaping and car parking, together with 500sqm of commercial/community space under Classes E (Commercial, Business and Service) and/or F (Local Community and Learning); and 350sqm for health/beauty spa (Sui Generis) or medical/health services (Class E (e)).'</p> <p>An application at Land at Harbour Crescent, Portishead (reference 20/P/2957/MOD) has been submitted for Modification of paragraph 4.1 of first schedule of Section 106 legal agreement concerning trigger for open space bond.</p>

			<p>It is also worth noting there are development proposals at very early stage (consultation stage) for the Wyndham Way area, close to Portishead Station. For information about this please see the following website: https://www.wyndhamway.co.uk/</p> <p>It is, however, concluded that none of these applications will have an effect on the route and would not be affected by the Proposed Development. We do not consider that this would affect the conclusions reached in Chapter 18 and Appendix 18 of the Environmental Statement.</p>
GC.2.4	<p>Central Government Policy and Guidance</p> <p>The Applicant 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?</p> <p>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>We are not aware of any others.</p>

GC.2.5	<p>Work No 24 Chapel Pill Lane, Ham Green</p> <p>North Somerset District Council</p>	<p>Mr Tarr referred at the Issue Specific Hearings (ISH) 2 and 3 to an affordable housing scheme proposed at Chapel Pill Lane as part of the emerging Abbots Leigh, Ham Green, Pill and Easton-in-Gordano Neighbourhood Plan [REP2-025]. His subsequent Deadline 4 submission [REP4-056] includes a link to a public consultation on the housing plans. Could NSDC respond to his points regarding whether the project proposals for a permanent access and compound in this location would be enabling development for the proposed housing scheme?</p>	<p>The Council has queried this with the Community Land Trust (the applicants for the housing scheme). They have advised that:</p> <p>The proposed Community Land Trust scheme was devised after MetroWest produced their plans for that area in Ham Green, which include an access track down to the railway by the tunnel portal. The Development Consent Order allows for the areas of land needed to create this track, which will serve both a temporary construction compound during the upgrading of the railway and a smaller permanent compound.</p> <p>The MetroWest project doesn't enable the housing scheme because the part of the access road required for the housing is likely to be built before MetroWest carry out their works. If MetroWest does not go ahead the housing project will be self-sufficient without it. The housing scheme was designed in this way so that it not does not affect the DCO plans.</p>
GC.2.6	<p>Green Belt</p> <p>North Somerset District Council</p>	<p>Work Nos 24 and 24A (permanent and temporary compound south of Ham Green Lake) would be located in the Green Belt. The Applicant advocates [REP2-013] that the proposal would be local transport infrastructure which needs to be located in the Green Belt and as such would be defined as not inappropriate development in the Green Belt under paragraph 146 of</p>	<p>i) We are satisfied that works no 24 and 24A fall within paragraph 146 c) of the NPPF.</p> <p>ii) We are satisfied that works 24 and 24A would preserve openness and would not conflict with the purposes of including land within the Green Belt. In any case, it is also considered that a case for very special circumstances exist.</p>

		<p>the National Planning Policy Framework (NPPF). However, Paragraph 146 states that this only applies provided the works preserve openness and does not conflict with the purposes of including land within the Green Belt.</p> <p>i)As the proposed compound would be Associated Development are you satisfied that it would fall within paragraph 146 c)? If not, why not and would it fall within any of the categories of development included within paragraph 146?</p> <p>ii) If you are satisfied that paragraph 146 c) (or any of the other exceptions) does apply are you satisfied that the proposal would preserve openness and would not conflict with the purposes of including land within the Green Belt? If not, are you satisfied that a case of Very Special Circumstances exists?</p>	
BIO.2.2	<p>Amphibian Mitigation</p> <p>North Somerset District Council Natural England</p>	<p>The Applicant [REP4-017] has advised that it proposes to retitle the “Reptile Mitigation Strategy” as the “Reptile and Amphibian Mitigation Strategy” and to include within it the application of appropriate measures for the protection of amphibians including newts and toads.</p> <p>NSDC/ Natural England (NE): Would this address the concerns raised by the Council</p>	<p>With regard to the amphibian requirement, this should be acceptable provided it covers both generic and site specific aspects of amphibian avoidance and mitigation measures where amphibians are identified as an issue, including the Lodway compound mitigation; It should be clear that the submission is intended to inform other relevant processes where Section 41 toad and other amphibians are likely to be a consideration(e.g. stage CEMP submissions, landscaping design and</p>

		<p>in its Deadline 4 response [REP-064] and provide a sufficient mechanism to deliver any necessary measures in relation to the toads at Lodway Farm? If not, why not and what measures would you consider necessary?</p>	<p>management, water abstraction from water bodies and design of drainage features).</p>
<p>Cl.2.2</p>	<p>Access at Portbury Hundred</p> <p>The Applicant North Somerset District Council</p>	<p>Permanent access into Portbury Hundred following use of land as a temporary construction compound is required as an alternative farm access following closure of a crossing. However, the scale of the junction would be far bigger than what would be required for an agricultural access.</p> <p>The Applicant's response to ExQ1 at TT.1.3 [REP2-013] states that it is not the intention to alter the access in size or specification once the compound is no longer required for construction. The access is only required to enable access to the land at Elm Tree Farm after construction. Given its location in the Green Belt a large overengineered permanent access would appear to be unnecessary.</p> <p>Applicant: NB no i)</p> <p>ii)Provide an explanation as to why the access would not be reduced in scale given its Green Belt location.</p>	<p>We have reviewed the latest Plan TR40011 dated November 2019.</p> <p>Due to the high-speed nature of Portbury Hundred, we consider that the temporary access for the works compound will be appropriate for the permanent agricultural access. The latest plans clearly show that the gateway setback is 20m and no longer. Whilst we would normally require a minimum gateway setback of 12m on an agricultural access, the plans show tracking for a tractor and hay trailer of around 19m total length, so a 20m setback is appropriate for such a vehicle.</p> <p>The width of the access will allow a tractor and trailer to turn in off the highway whilst another is waiting to pull out of the access. This will mean that no part of the incoming vehicle is blocking the highway. Whilst there is no obvious need for the internal trackway beyond the gates to be 8m wide on an agricultural track, we have no highway view on this.</p>

		<p>iii)How would its use by vehicles other than those associated with the farmland be prevented? NSDC: Do you consider the access should be altered to dissuade inappropriate future use following closure of the construction compound?</p>	
CA.2.1	<p>Royal Portbury Dock</p> <p>The Applicant North Somerset District Council</p>	<p>The BPC [REP4-060] has provided a detailed response regarding the number of train movements into and out of the port that it considers are allowed by the planning permissions granted in 2000 and 2011. At the ISH2 [EV-009] you appeared to indicate that you thought that the number of daily movements was limited to a total of 20 movements. Can you:</p> <p>x)Comment on the response provided by the BPC; and</p> <p>xi)Comment on the wording suggested by the BPC for a Protective Provision in relation to this matter.</p>	<p>x) The Port Company is correct about the 2011 permission allowing for 40 movements. The condition says the number of freight trains using the Rail Link, shall not exceed an average of 20 trains daily per calendar year in and out of the Portbury docks.</p> <p>xi) No comments on the wording suggested by BPC for a Protective Provision.</p>
FRD .2.5	<p>Emergency Plan</p> <p>Bristol City Council North Somerset</p>	<p>xxxii)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>xxxii) The operational flood plan referred to in REP3-015 is in large measure based on existing Network Rail (NR)Standards and Procedures which have been practiced and refined over time and which will be implemented once the DC scheme is adopted as part of the rail network. NSC will be involved in the wider multi-agency response to a</p>

	<p>District Council</p>	<p>xxxiii) 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>xxxiv) 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>major emergency involving flooding as this would be likely to be part of a much larger flood event rather than being confined to the rail system with NR being primary responder on the network through implementing its response. NR, together with NSC forms a part of a multi-agency response and is part of the Local Resilience Forum. Overall, we think the detailed operational flood plan has built comprehensively on the outline operational flood plan and would be fit for purpose for NSC and other services to anticipate, prepare and react effectively and in a coordinated manner to a given situation.</p> <p>xxxiii) It would be advisable to have a separate document, this means it can be updated independently from the other documentation, however combining this into a single Emergency and Evacuation Plan including flooding would be of benefit.</p> <p>xxxiv) See above</p>
<p>NV.2.1</p>	<p>M5 Underbridge and Underbridge at Royal Portbury Dock</p> <p>North Somerset District Council</p>	<p>In their Deadline 4 Responses [REP4-036 and REP4-063] Mr Ovel and Mr Berry have suggested the need for an acoustic barrier between the footpath and the track at the M5 underbridge and the Royal Portbury Dock road underbridge to protect users of the path from the noise of passing trains. Do you agree that such a barrier would be necessary, and if so, how would it be secured and are there any standards it would need to meet?</p>	<p>We don't consider that the area along the footpath could be considered a noise sensitive area, given the already high background noise from the M5. Given the limited number of train movements an hour along the track, the time taken for a full train to pass that point and the limited numbers of pedestrians using the path, we do not consider that this is essential.</p>

			If, however, an acoustic fence is considered essential, we would require additional noise details to advise on the acoustic properties necessary.
TT.2.2	M5 Junction 19 North Somerset District Council Bristol City Council	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.	We are satisfied with the wording of requirement 30 and have no further comments to make.
TT.2.3	Work No 24 Chapel Pill Lane, Ham Green The Applicant North Somerset District Council	The emerging Abbots Leigh, Ham Green, Pill and Easton-in-Gordano Neighbourhood Plan [REP2- 025] includes at page 16 (map 6) a plan of the Chapel Pill Lane area and labels the track alongside the proposed Improvement Area 2: Affordable Housing as Hay's Mays Lane PROW. It is not identified as such on sheet 8 of the Public Rights of Way Plans [APP-028]. Additionally, Mr Tarr's DL4 response [REP4-056] at Appendix 1 includes an extract from a 2015 consultation document referring to the use of a bridleway to provide an emergency access route to Pill Tunnel.	xxxvii) Yes xxxviii) Hays Mays Lane xxxix) It is not a public right of way or adopted by highways. The old existing lane was adopted as part of the housing development (as public open space) and is currently an accessible pedestrian route, bollarded at the top of it. xl) We think this is for the applicant to answer. xli) Defer to Network Rail to answer.

		<p>xxxvii) Confirm if the access referred to at [REP4-056] Appendix 1 is Hayes Mayes Lane</p> <p>xxxviii) Clarify the correct name/ spelling of the lane.</p> <p>xxxix) Confirm if this is a bridleway or has some other access designation, and whether it is publicly accessible</p> <p>xl) Provide details of the restrictive covenant referred to by Mr Tarr at point 5 of his response [REP4-056] and whether this has any impact on the access and compound proposals.</p> <p>xli) Does the lane currently form an emergency or maintenance access route to the Pill Tunnel (for freight trains) – if so, would it remain as such?</p>	
TT.2.7	<p>Works Nos 15, 16 and 18</p> <p>The Applicant North Somerset District Council</p>	<p>In their Deadline 4 response [REP4-058] the BPC state that they do not accept that their land is needed for the provision of Public Rights of Way given that there are existing available alternatives. Do you agree and if not, why not?</p> <p>Regardless of the above, BPC indicate that they would be happy to allow the execution of Work Nos 15, 16 and 18 subject to work</p>	<p>We consider that the first part of question is for applicant to comment.</p> <p>We have no issues with work No 16 remaining a permissive route. We also agree Work No 18 should be maintained by North Somerset District Council. The route at Work No 18 could be dedicated by BPC as a Public Bridleway under section 25 of the Highways Act 1980.</p>

		<p>No 16 remaining a permissive route rather than a public footpath and that Work No 18 should be maintained by NSDC. Do you agree and if so, how would this be secured?</p>	
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