

From: [REDACTED] wbd-uk.com>

Sent: 03 March 2021 09:39

To: [REDACTED] planninginspectorate.gov.uk>

Subject: FW: MetroWest - Response to Mr Tarr regarding Work number 24 [WBUDK-AC.FID26403138]

Dear [REDACTED]

I am responding to Mr Tarr's email of 24 February.

My client is separately responding to Mrs Gordon's email of 23 February. That response and this response will need to be read together. Both will be available as part of our submissions at deadline 6, but both responses are provided now to assist the Panel in relation to next week's hearings.

It appears there is a suggestion that the proposals for Work No 24 are an enabling work for the potential housing development at Chapel Pill Lane. This suggestion does not stand up to scrutiny. Before the Examination are drawings 467470.BQ.04.20-220 and 467470.BQ.04.20-221 – being part of Examination library reference document APP-040. They form part of the Ham Green Highway Works Plans and Pill Tunnel Eastern Portal Compound, Landscaping and Access Plan. They can be found here:
<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR040011/TR040011-000369-2.45%20to%202.46%20Ham%20Green%20Highway%20Works%20and%20Pill%20Tunnel%20Eastern%20Portal%20Compound.pdf>

Whilst now on revision U, the drawing showing the proposed emergency access, is initially dated 10 November 2015. This is 18 months before the housing proposals became known to MetroWest. There cannot have been any link between the decision to move away from Hays Mays Lane and the housing proposals – MetroWest did not know of the proposals when it made its decision to relocate the emergency access from its preliminary (and unsuitable) suggested location.

Ownership of Pill and District Community Land Trust (PDCLT) and the Land required for Work No. 24

I set out below my understanding of the parties involved in the land at Chapel Pill Lane:

- a. North Somerset Council as promoter of the MetroWest Scheme seeks to acquire land by agreement or compulsion to facilitate a new compound providing access to Pill Tunnel. This is Work 24 (and 24A) in the Works description in the dDCO. North Somerset Council is seeking powers under the dDCO to develop that compound as associated development. Its current proposal has existed since late 2015. At this point in time it holds no interest in the relevant land.
- b. The land is owned by a private individual. Negotiations continue but no agreement has been reached between the Applicant and the owner.
- c. Separately the owner is talking with the Pill and District Community Land Trust. These discussions commenced, I believe, in 2017.

Some detail of the Trust can be found here: <http://www.abbotsleigh.org.uk/community-groups/pill-district-community-land-trust/>

An extract from that web page says (with added highlighting by me):

Pill and District Community Land Trust (PDCLT) is a Community Land Trust (CLT), a not-for-profit organisation set up to acquire assets on behalf of the local community and hold those assets in perpetuity for the benefit of the local

community. The PDCLT is a legally incorporated Community Benefit Society offering local people (residents or workers) the opportunity to become members and to control the Trust.

Though a CLT works closely with its local parish council(s) it is not subject to any formal control from local councils – district or parish.

The PDCLT is engaging with the local planning authority with pre application discussions. There may well be discussions with North Somerset Council as local housing authority and indeed with other parts of North Somerset Council but the MetroWest project team are not involved in such discussions.

As far as I am aware, North Somerset Council holds no stake in nor has a proprietary or pecuniary interest in the PDCLT. My client is not influenced by decisions of the PDCLT and has made it clear to the PDCLT that PDCLT's plans should be prepared on the basis that the MetroWest scheme will proceed.

The MetroWest team will continue to take all necessary steps to preserve the proper functioning of MetroWest, but will not seek to either promote or thwart other development proposals. It will work with landowners where appropriate to reduce the impacts of MetroWest on land retained by owners and affected by MetroWest, if the scheme is able to do so.

MetroWest and PDCLT

For the PDCLT to bring forward plan for its scheme, its plans must reflect MetroWest's proposals. My client has shared its scheme details with the CLT so that the CLT scheme can reflect my client's need for the land to form Work No 24. PDCLT has had to adapt its emerging plans to not interfere with MetroWest's proposals. Work 24 stands on its own and the CLT's emerging proposals have been reshaped to reflect Work 24.

My client does not recognise the criticism of Mr Tarr regarding the change in location for the access to Pill Tunnel. Rather than being "contradictory and evasive" my client's many responses to Mr Tarr and now to Mrs Gordon have been consistent, precise and clear.

There is no point at all about the "applicant's role in permitting shared MetroWest access to the site". The initial consultation in 2015 had a location for the access that, with further consideration, including the impact on the residents of Hart Close, and wider LVIA impacts, led to a more suitable, useful and less intrusive location being selected.

My client continues to deal with the existing landowner regarding purchase of the required land. There is no agreement, undertaking or assurance regarding the grant of an interest in land by my client to the CLT – not least because neither the CLT or MetroWest yet owns that land and, therefore, MetroWest is in no position to give the PDCLT such agreement. My client will aim to ensure that it has the necessary powers for Work 24 to proceed, and to maintain its clearly articulated position in the planning process, that planning permission must not be granted to the PDCLT for a scheme that compromises MetroWest.

Disclosure

I note Mr Tarr is requesting "full disclosure of all correspondence, notes of meetings and discussions between MetroWest, North Somerset Council and the Pill and District Community Land Trust". If this is a formal application (to the extent one can be made to the Panel) for disclosure, my client will resist it on the basis that it is unnecessary and unrelated to the issues before the examination.

My client's consistent submissions have made the position entirely clear - indeed all I am doing in this response is, once again, repeating the position regarding the location of Work No. 24.

The stage 2 documentation from the autumn of 2017 is attached to my client's response to Mrs Gordon and attached to this email also. At that time, whilst aware of discussions between the CLT and the landowner, my client had no sight of the CLT's proposals and the decision to locate the emergency access to the current proposed location was made in 2015. The decision was taken because the location of Work No 24 is a better location in environmental terms for Network Rail's compound.

Design of Work 24

Mr Tarr states there is "over development and urbanisation of this site in excess of Network Rail's engineering and emergency access needs".

My client and Network Rail have put clear and evidenced responses to the Panel indicating why, principally on safety grounds, this small compound is needed at this location. The change to this location from the Stage 1 consultation was made for the reasons set out in the email to Mrs Gordon and as previously explained to Mr Tarr.

The need for a compound of this design location and size have been explained to the Panel by Mr Cole of Network Rail and Mr Linfoot of Jacobs. It fulfils a vital function for the safe functioning of the MetroWest passenger service and its not being available as an emergency access would be of considerable concern to Network Rail and the Office of Rail and Road. There is a compelling case in the public interest for the freehold acquisition and for the provision of this emergency access compound and the temporary powers to allow the owner of the lake access to the lake during the construction period. It has been reduced in its impact over time – in 2017 it was considered as a potential location for a principal supply point building for instance. The current proposal represents the minimum engineering impact to provide a suitable emergency access.

In relation to Mr Tarr's last point in his email, my client does not understand what is meant by the "the ExA to conduct a thorough independent review of the disclosure of all correspondence to shed light on the nature of the relationship between North Somerset Council as the applicant for the MetroWest project and its role as a facilitator for the Pill and District Community Land Trust".

North Somerset Council is not the facilitator of the Pill and District Community Land Trust.. North Somerset Council, as the local planning authority, will consider an application, if any put forward by the PDCLT as it would any other application and will assess the application entirely on its planning merits. The MetroWest team will continue to seek the powers it needs for Work No 24 and 24A and the associated rights and powers over land, because the location of Work No 24 is the best location for the emergency access facility.

The proposals of the CLT have received no support, no backing and no facilitation by the MetroWest scheme.

The separate roles of North Somerset Council

I note that Mr Tarr does not accept "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". I find it hard to provide any better evidence than the clear separate representation between my client and the robust and expert submissions put forward by Mr Willmot and his team through the examination. The Panel will, no doubt, reach its own conclusions in this regard.

If Mr Tarr wishes to object to the PDCLT proposal then that objection is to be made to the local planning authority and the issue is of no relevance to this examination. If he is objecting to Work No. 24 then obviously that is a matter for the Panel, but there is no foundation at all in any allegation that Work No 24 is an enabling work for PDCLT's proposals. It is clear from the PDCLT's proposals in its plans provided by Mr Willmot in his submissions to the Panel after ISH 2 and 3 (see Action point 31 of REP4-042) that considerable additional work and adaptation of the proposed access forming part of Work 24 will be required if the CLT's proposals are to be given planning permission and proceed. Work No 24 is an access and compound for Pill Tunnel. It is not an enabling work for PDCLT's proposals.

The Scheme before the Examination

Finally, for clarification purposes, there is no proposal before the Panel for a "shared access to the Chapel Pill Lane site to permit a housing development to proceed" as suggested by Mr Tarr.

The Panel has before it work number 24 (and 24A) which are to provide permanent emergency access to Pill Tunnel. Any suggestion that further development is to be taken forward, based on what may be provided by MetroWest is for the local planning authority to determine at the time of the submission of an application for planning permission. Work 24 is not enabling development for another scheme.

My client is, of course, ready to provide whatever further assistance is required by the Panel in this regard, but believes there is now more than enough available to the Panel to make it clear that the proposals of the Pill and District Community Land Trust for housing have had no bearing on my client's proposals for development consent comprising Work Nos 24 and 24A.

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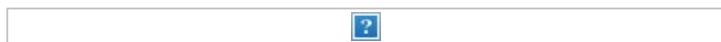
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