



MetroWest+

Portishead Branch Line (MetroWest Phase 1)

Planning Inspectorate Reference: TR040011

Applicant: North Somerset District Council

**9.50 ExA.FI.D6.V1 – Responses to further information previously requested for
Deadline 6**

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The proposed Portishead Branch Line (MetroWest Phase 1) Order
Applicant's Responses to Further Information Previously Requested for Deadline 6

Document Reference: 9.50 ExA.FI.D6.V1

1. Introduction

- 1.1. Over the course of the Examination, the Examining Authority (**ExA**) has requested that the Applicant submit numerous documents. The following list is designed to outline for the ExA the outstanding actions from prior deadlines where the Applicant had agreed to submit documents at Deadline 6. The table sets out where these documents were requested and signposts the ExA to where the relevant information submitted by the Applicant at Deadline 6 can be found.
- 1.2. If any actions have not been finalised at Deadline 6, the Applicant has given an estimated date for delivery of the outstanding points.
- 1.3. At Appendix 1 is a copy of the S135 consent provided by the Department of Health and Social Care issued by the Government Legal Department.
- 1.4. At Appendix 2 is a list of the Affected Persons potentially affected by the deletion of Work Nos 10C, 12B, 16B and 27 from the Application. The ExA asked the Applicant to provide this information as a result of the non-material change request that was recently approved.

2. Table of confirmed responses

Item no.	Document Requested by the ExA	Request Reference	Applicant's Response Reference	Deadline 6 Status
1.	The ExA required the Applicant to submit documentation via an appendix list of any Affected Persons that would be affected by the approval of the non-material change request, and the removal of plots from the Order land. See REP4-027 for the particulars of DCO change request.	See procedural examination document 'Rules 9, 13, 16 and 17' (Document reference: PD-013) on the removal of ponds from the order.	See list of notified Affected Persons at Appendix 2 to this document.	Submitted at deadline 6 (15 March 2021).
2.	The ExA required the Applicant to submit any other amended documents that were required to omit works 10C, 12B, 16B and 27 from the order.	See procedural examination document 'Rules 9, 13, 16 and 17' (Document reference: PD-013) on the	Further revised plans are submitted at Deadline 6:	Submitted at deadline 6 (15 March 2021).

		removal of ponds from the order.	<p>2.10, Railway Landscape Plans (Disused Line) (Version 2)</p> <p>2.30, Permanent & Temporary Stopping Up and Diversion Plan (Version 2)</p> <p>2.32, Crossings to be Extinguished Plans, (Version 2)</p> <p>2.33, Public Rights of Way Plans (Version 2)</p> <p>2.35, New Highways Plans (Version 2) (Additional Change: Reference to Ashton Vale pedestrian ramp removed)</p> <p>2.53, Environmental Masterplan (Version 2)</p> <p>2.54, Historic Environment (Version 2)</p> <p>2.55, Nature Conservation (Version 2)</p> <p>2.56, Important Hedgerow (Version 2)</p>	
3.	The ExA required the Applicant to confirm that the environmental effects resulting from the changes associated	See procedural examination document 'Rules 9, 13, 16	The Applicant can confirm that there are	N/A

	with the deletion of Work Nos 10C, 12B, 16B and 27 (under DCO change request, see Doc: REP4-027) have been cumulatively assessed with other chapters in the Environmental Statement (ES) by deadline 6.	and 17' (Document reference: PD-013) on the removal of ponds from the order.	no additional significant environmental effects arising from the changes as a result of the deletion of the relevant works. District Level Licensing will provide the mitigation for the removed ponds and removing Work No. 27 does not give rise to additional significant environmental effects requiring mitigation.	
4.	The Applicant was required to draft a note on the implication for the project if crown consent is not forthcoming by deadline 6 and whether the project could proceed if all crown land was required to be removed from the order land.	See the Action Points arising from Compulsory Acquisition Hearing 1 (Document ref: EV-008b at action point 20).	The Applicant has provided the note on crown consent as required (see Doc: 9.51 ExA.CC.D6.V1).	Submitted at deadline 6 (15 March 2021).
5.	The Applicant confirmed to the ExA an update on policy positions for the Habitats Regulation Assessment (HRA) was to be provided by Stephen Tromans QC in his updated legal opinion to address the subsequent developments in law and policy in relation to the Habitats Regulations 2017 by deadline 6.	See the Applicant's Oral Case and response to Representations at Issue Specific Hearing 3 (Document ref: REP4-017 at Ref 2).	The Applicant has provided Mr Tromans QC's revised opinion (see doc: 8.2, version 2).	Submitted at deadline 6 (15 March 2021).
6.	The Applicant was required to work with the Forestry Commission towards delivering a complete agreement for the provisions on compensatory measures comprising whitebeam planning (package 2) and positive woodland management on Forestry Commission land for deadline 6.	See Applicant's Oral Case and response to Representations at Issue Specific Hearing 3 (Document ref: REP4-017 at Ref 3 and 7).	Agreement with Forestry Commission has now been reached. An engrossed version is in circulation for completion by the	Engrossment version submitted at deadline 6 (15 March 2021). Certified copy of the completed agreement

			<p>parties. This has now been provided by the Applicant (see Doc: 9.47 ExA.FI.D6.V1).</p> <p>A certified copy of the completed agreement will be provided by Deadline 7.</p>	<p>will be provided by Deadline 7.</p>
7.	<p>The Applicant planned to provide a final draft of the statement of common ground (SoCG) with Natural England for deadline 6.</p>	<p>See Applicant's Oral Case and response to Representations at Issue Specific Hearing 3 (Document ref: REP4-017 at Ref 6).</p>	<p>The final draft is now provided (see Doc: 9.3.6 ExA.SoCG-NE.D6.V4).</p> <p>The signed SoCG will be provided as soon as it is available.</p>	<p>Final draft submitted at deadline 6 (15 March 2021).</p> <p>Signed version will be provided by Deadline 7.</p>
8.	<p>The Applicant has updated the Environmental Statement to reflect changes in Scheme Design, changes in the Order limits, and other matters arising out of the Examination for the certified version.</p>	<p>The Applicant has providing additional updates which are aligned with the revised amendments to the Order limits following the grant of the DCO change request.</p>	<p>Volume 1 Non-Technical Summary Volume 2, Main Report Chapters: 1, 3, 4, 7, 8, 10, 13, 14, 16, 17.</p> <p>Volume 3 Figures: 6.1, 8.1 and 8.2, 9.1-9.4, 10.1, 11.1-11.3, 13.1 and 13.2, 17.1, and 18.1.</p> <p>Volume 4 Technical Appendices: 1.3, 4.2, 4.3, Series 7, 9.11 AGVMP, 9.12 HRA, 9.13 Reptile and</p>	<p>The final versions will be submitted as soon as possible after deadline 6 (15 March 2021). Other changes consequential on recent progress with key statutory consultees are delaying submission and the Applicant's team is endeavouring to provide a single comprehensive updated ES, rather than a version which will almost immediately</p>

			Amphibian Mitigation Strategy, 11.3, 11.4.	be replaced by a further version.
9.	The Applicant proposes to retitle the Reptile Mitigation Strategy as "Reptile and Amphibian Mitigation Strategy", and to include within it the application of appropriate measures for the protection of amphibians including newts and toads, for submission as a draft at Deadline 6.	See Applicant's Oral Case and response to Representations at Issue Specific Hearing 3 (Document ref: REP4-017 at Ref 14).	Requirement 5 of the dDCO has been amended to reflect this update (see Doc: 3.1, version 6).	See Schedule 2, Requirement 5 of revised dDCO Submitted at deadline 6 (15 March 2021).
10.	The Applicant confirmed to the ExA that a revised Chapter 7 of the ES would be submitted for deadline 6 (reflecting on the Paris Climate Agreement).	See Applicant's Oral Case and response to Representations at Issue Specific Hearing 3 and Action Points Arising from Issue Specific Hearing 3 (Document ref: REP4-017 at Ref 30 and EV-010e at action point 1, respectively).	The updated Chapter 7 will be provided as soon as possible.	See line 8 above regarding the short delay to submission.
11.	The Applicant confirmed to the ExA that a revised Chapter 9 (on references to the Sweetman case) of the ES be updated for deadline 6.	See Applicant's Oral Case and response to Representations at Issue Specific Hearing 3 and Action Points Arising from Issue Specific Hearing 3 (Document ref: REP4-017 at Ref 31 and EV-010e at action point 1, respectively).	The updated Chapter 9 will be provided as soon as possible.	See line 8 above regarding the short delay to submission.
12.	The Applicant also confirmed that the additional table on air quality would be updated in the HRA and ES for deadline 6.	See Applicant's Oral Case and response to Representations at Issue Specific Hearing 3 and Action Points Arising from Issue Specific Hearing 3	The additional tables on air quality) will be provided as soon as possible.	See line 8 above regarding the short delay to submission.

		(Document ref: REP4-017 at Ref 23 and EV-010e at action point 21, respectively).		
13.	The Applicant was required to update the landscape and visual impacts assessment (LVIA) to reflect the effects of scheme works on the Harbour Residential Care Home as the views from the home were not included in the LVIA.	See Applicant's Oral Case and response to Representations at Issue Specific Hearing 2 (Document reference: REP4-009 at Ref 6).	The Applicant will provide the updated LVIA will be provided as soon as possible.	See line 8 above regarding the short delay to submission
14	The Applicant promised to update the Avon Gorge Vegetation Management Plan (AVGMP) by deadline 6 to explain the purpose of the propagation, how the propagation has taken place so far, the results to date and how propagation will be continued going forward. This is also required to reference the mechanism for varying the proportions of whitebeams initially planted or for replacement planting during the 10 year maintenance and monitoring period.	Applicant's responses to the Examining Authority's Written Questions ExQ2 (see Document ref: REP5-028 at BIO.2.5).	The Applicant will provide the updated AVGMP as soon as possible	The content of the AVGMP has been settled and accepted by Natural England on 15 March. The document is now being finalised and will be provided together with the Applicant's HRA and ES documentation as soon as possible.
15.	The Applicant confirmed an updated Flood Risk Assessment would be submitted at deadline 6.	Applicant's responses to the Examining Authority's Written Questions ExQ2 (see Document ref: REP5-028 at FRD.2.6). An Addendum to the FRA is being provided.	The Applicant will provide the updated Chapter 17 Appendix 17/1 and an addendum to the FRA as soon as possible.	The content of the relevant documents has been agreed with EA on 15 March. The document is now being finalised and will be provided together with the Applicant's HRA and ES documentation as soon as possible.

16.	The Applicant confirmed that a further update on the status of discussions with National Trust on fencing costs and liability would be provided at deadline 6.	Applicant's responses to Written Representations submitted for Deadline 4 (see Document ref: REP5-033 at ref no. 001117-D4-001).	See Applicant's Summary of Oral Submissions made at CAH 2 (Doc: 9.42 ExA.CAH2.D6.V1).	Discussions with NT continue. An update was provided at deadline 6.
17.	The Applicant confirmed that any outstanding actions with BPC's deadline 4 representations and negotiations the ongoing negotiations would be dealt with at deadline 6.	Applicant's responses to Written Representations submitted for Deadline 4 (see Document ref: REP5-033 at ref no. 001119-D4-001).	Negotiations continue and a further meeting between the parties is proposed for later this coming week	The Applicant anticipates the outcome of discussions will be recorded in an agreement or SoCG between the parties which will be provided by Deadline 7.
18.	The Applicant proposed to submit the S135 consent with the Department of Health and Social Care issued by the Government Legal Department at deadline 6.	Applicant's responses to the Examining Authority's Written Questions ExQ2 (see Document ref: REP5-028 at CA.2.17).	This is attached at Appendix 1 to this document.	Submitted at deadline 6 (15 March 2021).

Appendix 1: S135 consent from the Department of Health and Social Care issued by the Government Legal Department



Department
of Health &
Social Care

Quarry House
Quarry Hill
Leeds
LS2 7UE

T 0113 254 5550

www.dh.gov.uk

Womble Bond Dickinson
3 Temple Quay
Temple Back East
Bristol
BS1 6DZ

Also by email: Tom.Ewings@wbd-uk.com

Your ref: KJG1/TAE1/381278.1

2 March 2021

Dear Sirs

Your client: North Somerset District Council (“NSDC”)

Property: Plots 06/710, 07/61, 07/71, 07/72, 07/73, 07/74, 07/77, 07/78, 07/118, 07/119, 07/130, 07/135, 07/145, 07/160, 07/165, 07/170, 07/175, 07/180, 07/195 and 08/11 as shown on the Crown Land Plans attached to the Application.

Application for consent pursuant to section 135 of the Planning Act 2008 (“the Application”)

I understand that you are instructed on behalf of NSDC in respect of the Portishead Branch Line (MetroWest Phase 1) Development Consent Order Application (“the DCO”).

I am in receipt of the Application and I am instructed to respond on behalf of the SoSHSC in respect of the above matter.

The land required for the DCO includes land in which the SoSHSC has an interest and therefore constitutes Crown land as defined in section 227 of the Planning Act 2008 (“the Act”).

The SoSHSC formerly owned part of the Order land now forming part of Watchhouse Hill open space, which formed part of the Ham Green Hospital Estate, Bristol. I have confirmed that the SoSHSC no longer retains any land holding interests in the Property. There are a number of retained rights in favour of the SoSHSC (as historic vendor and adjoining land owner).

The Application confirms that none of the SoSHSC’s retained rights will be breached by the DCO Scheme being constructed or operated and a release is therefore being sought by NSDC. It is further understood that NSDC does not intend to acquire compulsorily any interests in the Crown land which are held by the SoSHSC.

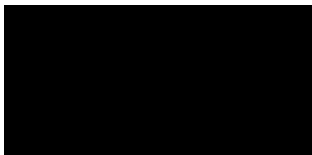
I confirm that the appropriate Crown authority (as defined in section 227 of the Act) is the SoSHSC.

On the basis of the above, I am authorised to confirm the following:

1. The SoSHSC hereby gives consent pursuant to section 135 (2) of the Act to the inclusion of provisions within the DCO which would apply to the Property (to the extent that they relate to the detail specified in the Application); and

2. The SoSHSC hereby agrees to the wording of Article 51 of the DCO as drafted.

Yours faithfully,



Ben Masterson

**Authorised signatory for and on behalf of the
Secretary of State for Health and Social Care**

Head of Companies Management
Deputy Director – Commercial Directorate

Direct Line: 0113 254 5550

Email address: ben.masterson@dhsc.gov.uk

Appendix 2: List of Affected Persons potentially affected by the deletion of Work Nos 10C, 12B, 16B and 27 from the Application

Work No	Party	Interest	Reason for notification
10C	Ideal Developments Limited	Freehold owner and Occupier	The acceptance of the non-material change request has resulted in the Applicant seeking a change from the acquisition of permanent new rights to temporary possession of the land only.
10C	Crest Nicholson Regeneration Limited	Occupier in respect of rights of access and services	The acceptance of the non-material change request has resulted in the Applicant seeking a change from the acquisition of permanent new rights to temporary possession of the land only.
10C	James Richard Ledward	Occupier in respect of potential reserved rights	The acceptance of the non-material change request has resulted in the Applicant seeking a change from the acquisition of permanent new rights to temporary possession of the land only.
10C	Katy Lisette Ledward	Occupier in respect of potential reserved rights	The acceptance of the non-material change request has resulted in the Applicant seeking a change from the acquisition of permanent new rights to temporary possession of the land only.
16B	Mrs Freestone and Mr Bullock	Freehold owner and Occupier	The acceptance of the non-material change request has resulted in the Applicant seeking a reduction in the area of land required within Order limits and a change from the permanent acquisition of land to the acquisition of permanent new rights instead.
10C and 27	Western Power Distribution (South West) PLC	10C – Occupier in respect of underground electricity cables, associated apparatus and overhead electricity lines; 27 – Freehold owner in respect of the half width of the highway subsoil; and	The acceptance of the non-material change request has resulted in the Applicant seeking the removal of land from the Order.

		Occupier in respect of underground electricity cables and associated apparatus	
27	Bristol City Council	Freehold owner in respect of the half width of the highway subsoil. Occupier as highway authority	The acceptance of the non-material change request has resulted in the Applicant seeking the removal of land from the Order.
27	Wessex Water Limited	Occupier in respect of culverted watercourse and associated apparatus.	The acceptance of the non-material change request has resulted in the Applicant seeking the removal of land from the Order.
27	BT Plc	Occupier in respect of duct and associated apparatus.	The acceptance of the non-material change request has resulted in the Applicant seeking the removal of land from the Order.
27	Virgin Media Limited	Occupier in respect of underground telecommunications cables and associated apparatus.	The acceptance of the non-material change request has resulted in the Applicant seeking the removal of land from the Order.
27	Babcock Integrated Technology Limited	Freeholder in respect of the half width of the highway subsoil.	The acceptance of the non-material change request has resulted in the Applicant seeking the removal of land from the Order.
27	Lease Secured Limited	Freeholder in respect of subsoil to half width of highway.	The acceptance of the non-material change request has resulted in the Applicant seeking the removal of land from the Order.