

**Application by North Somerset Council for an order granting development consent for the Portishead branch line -
MetroWest phase 1**

Planning Inspectorate reference TR040011

Interested party reference PORT-S57657

**Comments by First Corporate Shipping Limited trading as The Bristol Port Company (BPC) on information and submissions
made by other parties at Deadline 5**

15 March 2021

| Examination library reference | Document | Information/submission | BPC's comment |
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| REP5-003 | Land plans version 3 | | |
| | | Amendments to boundaries of (among others) parcels 04/90, 04/55, 04/85, 05/10 owned by BPC | <p>BPC is content with the changes made to the boundaries of these parcels. The matters raised by BPC in paragraphs 7.2.5, 7.2.6, 7.3.4(a), 7.3.4(d) and 7.3.5(d) of its written representation [REP2-064] are resolved. BPC is also content that the issue relating to 05/26 raised at paragraph 7.2.7 of its written representation can be treated as resolved.</p> <p>Other matters raised in section 7 of BPC's written representation remain outstanding.</p> |
| REP5-018 | Book of reference version 3 | | |
| | | New parcel 03/81 | <p>The new plans resolve the issue at paragraph 7.2.3 of BPC's written representation [REP2-064]. However, the reference to BPC having an interest under a lease in respect of this land is incorrect. The lease held by BPC registered under title number AV213530 has been surrendered in respect of the land within 03/81. The registered title to the freehold interest in the parcel (ST343747) does not contain any note of the existence of the lease, which is the correct position. We believe the error may arise from an incorrect interpretation of the title plan of AV213530 and incorrect mapping on the Land Registry MapSearch function. The same issue affects 03/67, as noted at paragraph 7.2.2 of BPC's written representation.</p> |

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| REP5-033 | Applicant's responses to written representations submitted for Deadline 4 | | |
| | <i>Relating to train movements</i> | | |
| | 001112-D4-001/004 and 001121-D4-001 | | BPC refers generally to its summary of its oral case made at Issue Specific Hearing 5 on 4 March 2021 in respect of the interaction of freight trains to and from Royal Portbury Dock and the proposed passenger services. |
| | 001112-D4-001 | The Applicant has not seen a copy of the works agreement dated 22 November 2000 | A redacted copy is provided at Deadline 6. |
| | 001112-D4-001 | The issue is one for the local planning authority to determine if 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. | Through its proposed protective provision (at REP4-060), BPC seeks only to preserve the opportunity it currently enjoys for the 40 train movements per day (20 trains in each direction) permitted under its existing planning permission. Any change to that limit under the planning permission would be a matter for the local planning authority. It would be beneficial in terms of reducing the amount of freight transported by road for rail freight movements to and from the Port to be capable of increase, so BPC cannot rule out in the future an increase in the permitted level of use of the rail link under the planning permission becoming necessary, but as matters stand BPC believes that the existing permitted level should be sufficient for its current needs. |
| | 001112-D4-001 | The Applicant and Network Rail have sought to protect the existing train paths for Royal Portbury Dock in the design for the DCO Scheme. | Network Rail states that the infrastructure which has been designed for the proposed scheme will have the capability to accommodate an hourly passenger service and an hourly freight service. Assuming the infrastructure is built in accordance with that design, in order to ensure that the capacity for an hourly freight service is preserved the infrastructure must not be changed so that it loses that capability and the manner of operation of the passenger service must be limited to accord with the limitations of the design. BPC's required protective provision is specifically framed in terms controlling not the allocation of train paths but changes to the infrastructure of the railway development or to the operation of the passenger service – such as the introduction of a half-hourly service without changes to the physical |

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| | | | <p>infrastructure - which would mean that the infrastructure would no longer have the capability to accommodate the freight service for which Network Rail states it has been designed. The draft DCO does not currently restrict these matters. The issue BPC seeks to address is the Port's ability to operate in the long term as it can now.</p> |
| | <p>001112-D4-001</p> | <p>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 and it would be inappropriate for the dDCO to usurp or impact on those regimes.</p> | <p>BPC's protective provision does not seek an allocation of train paths nor seek to interfere with the operation of the Network Code. The allocation of specific paths will be a matter for the FOCs and, in due course, the operator of the proposed passenger service. When North Somerset Council (NSC) imposed conditions on BPC's planning permission in respect of the rail link in relation to the number of train movements and times of operation, it was seeking to preserve the opportunity for the future use of the Portishead branch line infrastructure for passenger services; now BPC in just the same way seeks to preserve the opportunity that exists today for its customers to move their freight by train over the same branch line.</p> <p>BPC is no more seeking an allocation of train paths by its protective provision than NSC was seeking to do so by imposing its planning conditions. If the Applicant were correct that BPC's protective provision is unnecessary or inappropriate, because all track access arrangements should be dealt with through the Network Code, then NSC's planning condition would have been equally unnecessary and inappropriate.</p> <p>BPC's interests in relation to preserving the access for rail freight it currently enjoys are of a very different nature to the FOCs' interests in securing track access. BPC's interests are therefore not adequately protected by any rights of challenge that may be available to the FOCs under the Network Code.</p> <p>The interests of the FOCs are only short term. Their interest lies in preserving the quantity of freight which they are able to carry in any particular period; they are less concerned as to the origin and destination of that freight.</p> <p>The interests that BPC seeks to protect are those of its customers. Demand from BPC's customers for rail access comes in various forms. Many customers make significant investments in the Port and accordingly have</p> |

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| | | | <p>long-term requirements for secure rail access, such as a major utility for which BPC handled coal for over 25 years. At the other end of the scale, other customers have requirements for rail access for spot shipments, such as the stone which is currently being transported from RPD by rail over the branch line. The consequences of there being insufficient rail access available to meet these customers' needs is significant. The prospective long term customer will not make its investment in the Port, with the consequent loss of the jobs and other benefits that would come with that investment; the spot-shipment customer will instead move its cargo by road.</p> |
| | 001112-D4-003 | <p>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> | <p>BPC is unsure what is intended by the statements "<i>there remains considerable unused train path capacity for freight trains to the Port</i>", "<i>there is no purpose in providing over capacity for freight services</i>" and "<i>there are many more paths available for FOCs to access Royal Portbury Dock than are currently being used by the FOCs</i>".</p> <p>They may be intended to suggest that if now, before the operation of the passenger line starts, specific train paths are readily available to FOCs, and hence to BPC's customers, to and from Royal Portbury Dock, it must follow that the same will remain the case once the passenger service starts and the hourly restriction on BPC's operations comes into effect. That suggestion would plainly be wrong. The introduction of the new service and the hourly restriction will make finding suitable train paths to match BPC's permitted operations more difficult. This is implicit in Network Rail's comments at Issue Specific Hearing 5 on 4 March 2021 to the effect that the infrastructure specified for the authorised development does not allow for anything better than an hourly passenger service alongside the existing freight services.</p> <p>Alternatively the statements may be intended to suggest that the levels of actual train movements over the rail link at any time should be taken as evidence that the number of movements currently permitted by the planning permission is unnecessarily high, and the continued ability of BPC's customers to enjoy and be assured of that level of rail access should not be protected. This would be contrary to the Applicant's own case that the scheme has been designed to accommodate the current level of permitted</p> |
| | 001112-D4-004 | <p>The Applicant believes the need for there to be more than 40 train paths available over the branch line in order to enable 40 train movements per day over the Port's railway his 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>movements.</p> <p>BPC has made it clear that, by the express terms of its proposed protective provision, it does not seek protection in relation to any greater level of train movements than is currently permitted to it. How those permitted movements are actually used from time to time is not relevant: what matters is that BPC and its customers can have the confidence that such level of rail access they currently enjoy will remain available to meet the continuing demand for it. It is impossible to predict what the nature of that demand will be in the future. The history of the use of the rail link since it was built only goes to prove how unpredictable demand is, with usage having varied between periods of regular, heavy use by major utilities needing to import large quantities of coal for their power stations to periods like today when the rail link is used to carry a much more diverse range of cargoes, from large train sets to bulk consignments of aggregates. Customers' demands as to the cargo they require the Port to handle, and how, are continually evolving and BPC needs always to be in a position to respond to those demands and provide the facilities required.</p> |
| | 001121-D4-001 | 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. | See BPC's comments below in relation to REP5-028, specifically BPC's detailed comments on the Applicant's response to ExQ2 question CA 2.10 and the terms of BPC's proposed protective provision. In summary, BPC understands that the DCO scheme as designed accommodates the currently permitted freight train movements into and out of Royal Portbury Dock assuming only an hourly passenger service. That being the case, in order to ensure the capacity for those permitted train movements continues to exist, the infrastructure must not be changed so that it loses the capability to provide that capacity and the manner of operation of the passenger service must be limited to accord with the limitations of the design. It is these factors which are the matters which BPC's required protective provision seeks to control, since the draft DCO does not currently contain anything to restrict them. |
| | 001121-D4-001 | The Applicant does not believe the DCO can or should be drafted as suggested by BPC and the | BPC's proposed protective provision in no way interferes with the powers of the local planning authority. Should BPC in the future require an increase in |

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| | | provisions of the Railways Act 1993 and its associated licencing regime, as well as the powers of the local planning authority, should not be affected by the DCO. | <p>the number of train movements permitted over the rail link under the existing planning permission, it accepts this issue would fall under the jurisdiction of the local planning authority: the terms of BPC's proposed protective provision do nothing to change that position.</p> <p>BPC's proposed protective provision also in no way affects the operation of the Railways Act 1993 regime. Both FOCs going to and from Royal Portbury Dock and the operator of the passenger service will need to seek an allocation of train paths for their services in the normal way under their individual track access arrangements. Nothing in the terms of BPC's proposed protective provision changes that position.</p> |
| <i>Relating to dust and use of the Marsh Lane track</i> | | | |
| | 001121-D4-003 | The applicant believes sufficient controls in the CEMP exist to mitigate the Port's concerns. | <p>See BPC's comments in REP5-049. The car companies which use the vehicle storage compounds adjacent to the Marsh Lane perimeter track require the highest standards of cleanliness to be maintained in relation to their imported vehicles. The potential consequences of dust deposits forming on those vehicles are explained in REP5-049.</p> <p>See also BPC's comments as to the proposed use of water for dust suppression made at Issue Specific Hearing 5 on 4 March 2021 as summarised in its note of its oral case submitted at Deadline 6.</p> <p>A generic dust mitigation plan prepared and approved under the CEMP would not be adequate to deal with the adverse impacts of dust generation – including dust generated by use of the perimeter track in its current condition - on BPC's customers and operations at the Port.</p> |
| | 001121-D4-003 | The Applicant does not believe resurfacing of the largely already surfaced route is necessary or justified. | <p>See BPC's comments in REP4-058 and REP5-049, together with:</p> <ul style="list-style-type: none"> • BPC's comments made at Issue Specific Hearing 5 on 4 March 2021 as summarised in its note of its oral case submitted at Deadline 6; and • BPC's note for the ExA submitted at Deadline 6 provided in response to action point 26 arising from Issue Specific Hearing 5 on 4 March 2021 (on the need for a surveys and repairs of the Marsh Lane track). |

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| | 001121-D4-003 | The Applicant is content to agree an area for vegetation to be retained and will work with BPC to settle the relevant areas. | BPC is grateful for this, but the necessary protection for BPC's position must be enshrined in an enforceable provision of the DCO, as suggested at paragraph 6.3.1 of BPC's written representation [REP2-064]. |
| REP5-028 | Applicant's responses to the Examining Authority's Written Questions ExQ2 | | |
| | <i>Question CI 2.3: What would the alternative arrangements for transport of freight be on the occasions when the existing freight railway line would be closed to enable construction works?</i> | | |
| | | <p>The high-level process set for the management track access is set out the Railways Infrastructure (Access, Management and Licensing of Railway Undertaking) Regulations 2016 (SI no 645 of 2016). From that the railway industry has established a document called "The Network Code" and part D of this document outlines how the railway timetable is built including passenger and freight services along with details of when each line is open or closed. This process operates at present and will continue to operate throughout the construction period and then into the day to day operating period for the line between Bristol and Royal Portbury Docks.</p> <p>Network Rail has obligations under its regulatory framework to publish the opening hours for every part of the nation network along with details of all proposed line closures throughout the year. This information is published at least 12 months in advance and negotiated with all passenger and freight train operators through documented processes down to circa 22 weeks in advance of any planned line closure. At this point the passenger and freight train operators then bid their amended timetable plans to Network Rail who then publish the amended timetable at 12 weeks in advance.</p> | <p>As explained in:</p> <ul style="list-style-type: none"> its comments at Issue Specific Hearing 5 on 4 March 2021 as summarised in its note of its oral case submitted at Deadline 6; and its comments below on the Applicant's response to ExQ2 CA 2.10 <p>BPC's interests in relation to ensuring it has reliable access for rail freight are of a different nature to the FOCs' interests in securing track access for a particular train. In assessing possible service interruptions, the FOCs' interests will predominantly lie in preserving the quantity of freight which they are able to carry in any particular period; they will be less concerned as to the origin and destination of that freight or as to identity of the customers for whom they carry it. The decisions they will make in response to Network Rail's proposed timetable changes will not necessarily therefore reflect the interests of BPC's customers, whether those are interests in having regular and reliable rail access at Royal Portbury Dock in support of long term investments at the Port or interests in having rail access available to serve the arrival of a specific consignment of cargo.</p> |

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| | | <p>Through the Track Access Contracts between the passenger and freight train operators and Network Rail there is a regulated set of compensation payment rates for cancelled and amended train schedules This is documented in schedule 4 of all Track Access Contracts. Once the amended timetable has operated the compensation amount is paid by Network Rail to the Operators.</p> <p>At the same time freight train operators will be in discussion with their customers on how their business needs can be met – this is not something that Network Rail would be involved with, though years of experience is such that all parties will know when are the best times to undertake maintenance, renewals and enhancement works on different sections of the network to minimise disruption to passengers and freight customers.</p> | |
| REP5-028 | <i>Question CA 2.9: questions (i) to (iv) in relation to issues raised by BPC by in respect of the CA of specific plots</i> | | |
| | | | BPC refers to the comments it made in relation to each of these questions at Compulsory Acquisition Hearing 2 on 3 March 2021 as summarised in its note of its oral case submitted at Deadline 6, summarised further below. |
| | | (i) Plots 05/101, 102,130, 131, 135 & 136 are needed for Work No 18 the extension to the bridleway. No agreement had been reached with BPC at the time of submitting the DCO application and as works are proposed the Applicant had to include the plots for compulsory acquisition as No 18 forms an integral part of the scheme. Discussions with BPC are progressing and need to resort to CA powers will drop away if agreement is reached for BPC to dedicate the route as a public bridleway. | BPC needs control over the route of Work No. 18 but has confirmed its willingness to enter into a dedication agreement in relation to it, on the basis set out in REP5-048. This reflects the approach which applies to other public rights of way created by BPC over parts of the dock estate. BPC does not accept that in any circumstances its statutory undertaking land should be taken permanently to provide public rights of way; powers in the DCO should not be granted to that effect. |

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| | | <p>(ii) The right of access over plot 05/75 and also over the northern boundary of plot 05/85 and plot 05/86 to ensure the Applicant has a continuous right of access from Marsh Lane to the Cattle Creep bridge in order for Network Rail to undertake routine inspection and maintenance of the bridge, given that it will be an operational railway asset, when the scheme opens.</p> | <p>The form of the rights over plot 05/75 sought by the draft DCO, as set out in Schedule 10 to the draft DCO, are very undefined and would, if exercised to their fullest and without restriction, have a detrimental effect on BPC's adjacent land, which is held for the purposes of its statutory undertaking and is to be developed as a compound for the transit storage of cargo. Detriment will be caused by the impact of the rights on the developable area and by the risks created to BPC's undertaking by use of the track similar to those explained by BPC in relation to the proposed use of the perimeter track leading from Marsh Lane, including security and dust generation (there being no physical access road currently in existence on 05/75).</p> <p>The nature and purpose of the rights sought by the Applicant over 05/75 have changed since the draft DCO was prepared (due to the removal from the scheme of Works Nos. 16B and 16D), as demonstrated by the Applicant's comments, but neither the form of the rights required under Schedule 10 nor the physical extent of the area over which they are sought has been revisited: the area claimed to be required for the exercise of a right of the nature now being described by the Applicant appears disproportionately large, particularly at the entrance from Marsh Lane.</p> |
| | | <p>(iv) Plot 05/50 forms the south western embankment of Marsh Lane bridge. All the other embankments for this bridge are already owned by the Applicant. The in the event of any major incident such as bridge failure or subsidence the Applicant requires unfettered access to undertake emergency remedial works to the bridge. The Applicant is in discussion with BPC about whether the width of the plot can be reduced without compromising the Applicant's ability to maintain and repair the bridge into the long term.</p> | <p>BPC needs to retain ownership of at least part of plot 05/50 to provide access to an existing electronic communications code operator in connection with the maintenance of its mast sited on adjacent land. The unshaded area on the plan in REP5-048 indicates the area it must retain, which is at ground level.</p> <p>The blue colouring on that plan is an embankment. BPC considers that there is an alternative to the acquisition by the Applicant of the embankment area since BPC would agree to dedicate that land as highway, to the extent it is not already highway, and to include in the relevant documentation necessary rights of access for the local highway authority over the rest of 05/50 in connection with the maintenance of the embankment.</p> |

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| REP5-028 | Question CA 2.10: Requesting the Applicant's comments on BPC's note [REP4-060] regarding train movements to and from Royal Portbury Dock and BPC's proposed form of protective provision. | |
| | | <p>The Applicant referred to its previous comments at Deadline 4 (REP4-021)</p> <p>BPC's response at Deadline 5 to these previous comments can be found at REP5-049.</p> <p>The Applicant's previous comments included reference to (a) the brief given by the Applicant to Network Rail including the requirement to accommodate one freight train per hour both in and out of the Dock (which was to be alongside an hourly passenger service) and (b) the working timetable provided to BPC.</p> <p>In relation to those matters, BPC refers to its comments at Issue Specific Hearing 5 on 4 March 2021 as summarised in its note of its oral case submitted at Deadline 6: if the new infrastructure is built in accordance with the brief provided to Network Rail, then to ensure that in the long term the capacity for an hourly freight service is preserved the infrastructure must not be changed so that it loses the capability to provide that capacity and the manner of operation of the passenger service must be limited to accord with the limitations of the design. It is these factors which are the matters which BPC's required protective provision seeks to control, since the draft DCO does not currently contain anything to restrict them.</p> |
| | | <p>BPC confirmed its position in paragraph 20 of its written representation dated 19th January 2021 [REP4-060];</p> <p><i>"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</i></p> <p>BPC refers to:</p> <ul style="list-style-type: none"> • its comments at Issue Specific Hearing 5 on 4 March 2021 as summarised in its note of its oral case submitted at Deadline 6, and • information provided by Network Rail at that same hearing that the infrastructure specified for the authorised development does not allow for anything better than an hourly passenger service alongside the existing freight services. <p>BPC's interests in relation to preserving the overall access for rail freight it currently enjoys are those of its customers, and are not the same as the FOCs' interests in securing track access for specific trains. BPC's interests are therefore not adequately protected by rights available to the FOCs under</p> |

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| | | <p><i>branch line to enable freight traffic to and from RPD at the levels protected by the works agreement and permitted by the planning permission."</i></p> <p>While the first sentence of paragraph 20 of this representation appears to recognise that the DCO is not appropriate for controlling freight paths on existing operational railway, the second sentence suggests that BPC are still maintaining that the DCO could be used to allocate the train paths as between freight and passenger trains. It is not agreed that the DCO would be the appropriate means of securing this and the applicant refers to its response above to CI.2.3.</p> | <p>the Network Code in respect of the allocation of specific train paths.</p> <p>BPC does not seek to allocate paths between passenger and freight services, but to preserve the opportunity that exists today for its customers to move their freight by train over the branch line. From the information provided by Network Rail it understands that such opportunity has been preserved by the design of the infrastructure of the proposed scheme, but assuming the scheme is now built so as to include the relevant infrastructure and assuming an hourly passenger service.</p> <p>It follows that any changes to the physical infrastructure being provided or to the future manner of operation of the authorised development which are not in line with the parameters within which the scheme was designed would mean that the infrastructure would not have the capacity in the long term to continue to accommodate the number of freight train movements currently enjoyed by BPC's customers.</p> <p>The wording of BPC's protective provision is expressly limited to controlling the manner in which "<i>the railway authorised by this Order...</i>" is "<i>constructed, maintained, altered, used or operated</i>". No part of the protective provision refers to controlling or allocating, or does control or allocate, specific train paths, whether for freight or passenger services.</p> <p>The protective provision does not prevent the manner of operation of the passenger service changing, for example to add a half hourly service, provided other infrastructure enhancements that are required are carried out to enable the freight capacity which is being built into the initial design to continue to be available; the proposed protective provision therefore provides the necessary flexibility for future changes to the passenger service.</p> <p>Section 120(2)(a) Planning Act 2008 specifically permits the inclusion in a development consent order of any provision that corresponds to a condition that could have been imposed on the grant of a planning permission which would have been required for the relevant development, but for section 33(1) of the Act.</p> |
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| | | | <p>In planning permission 11/P/1893/F North Somerset Council imposed planning conditions as to the manner of operation of the development it authorised, that is BPC's rail link, including (in condition 3) a restriction as to the frequency of operation of freight trains. This demonstrates how planning conditions may be used to control the manner of operation of a development authorised by a planning permission, in that case to preserve the opportunity for the development of a future passenger service. Planning permissions may also include conditions which direct the way in which a development may be constructed. BPC's proposed protective provision is therefore equally capable of inclusion in the DCO.</p> <p>Planning and other transport policy, including the National Policy Statement for Ports, widely supports the shift to the use of rail freight over road transport, and the need for ports to have adequate and reliable rail access. The inclusion of BPC's proposed protective provision in the DCO is in accordance with and gives effects to this policy.</p> <p>BPC's proposed protective provision is necessary, reasonable and relevant (both to planning and to the proposed authorised development). As such, it is capable of forming the content of a planning condition. It is therefore capable of forming, and should form, the content of a provision of the DCO.</p> |
| <p>REP5-028</p> | <p><i>Question TT 2.7: Requesting the Applicant's views on (a) BPC's Deadline 4 response [REP4-058] on relation to Public Rights of Way (PRoW) and (b) BPC's suggestion that it would agree to the execution of Work Nos 15, 16 and 18 subject to work No 16 remaining a permissive route and Work No 18 being maintained by NSDC.</i></p> | | |
| | | <p>Work No 15 is a temporary path to ensure public safety and specifically that pedestrians and cyclists do not come into close proximity of HGV vehicles entering and exiting the BPC's perimeter access track from Marsh Lane, during construction. Work No 16 is a realignment of the existing licensed NCN26 which is located on the top of the dis-used track formation and therefore must be re-aligned in order to re-instate the railway. Work No 18 is a permanent extension to an existing PROW to provide an</p> | <p>In relation to Works Nos. 15 and 16, BPC's position is set out in REP4-058 and at paragraph 7 of REP4-059. Both Works Nos. 15 and 16 should be permissive paths only.</p> <p>In relation to Work No. 18, BPC's position is set out in REP4-058, REP4-059, REP5-048 and in the comments it made at Compulsory Acquisition Hearing 2 on 3 March 2021 as summarised in its note of its oral case submitted at Deadline 6. BPC notes that in its response opposite, the Applicant suggests that it would be the Applicant, that is the undertaker under the DCO, which would assume responsibility for future maintenance of the new bridleway.</p> |

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| | <p>alternative route for horse riders, cyclists and pedestrians who cannot or do not want to use the existing licensed NCN26 route alongside the railway under the M5, when the scheme opens. The existing NCN26 is only licensed for use by pedestrians and cyclists. Furthermore if horse riders were to use the NCN26 route there would be a considerable risk of a horse being startled by the sudden noise of a train and becoming out of control within a confined space of 2.6 metres wide by 60 metres in length, causing a major risk to the rider, pedestrians and cyclists including parents and children. The British Horse Society has also raised safety concerns.</p> <p>The Applicant's proposals with regard to Work No 16 have always been that this would remain a licensed permissive path. With regard to Work No 18, the Applicant accepts responsibility for its maintenance following construction.</p> | <p>BPC considers that, at least after an initial period, this responsibility should lie with North Somerset Council as local highway authority.</p> <p>All parts of Works Nos. 15, 16 and 18, including any ancillary works such as landscaping and embankments, must be confined within the applicable extent of work shown on the works plans.</p> |
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