



MetroWest+

Portishead Branch Line (MetroWest Phase 1)

TR040011

Applicant: North Somerset District Council

6.4, Environmental Statement, Volume 2, Chapter 1 Introduction

The Infrastructure Planning (Applications: Prescribed Forms and Procedure)

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Table of Contents

Chapter	Page
1	Introduction..... 1-1
1.1	Introduction 1-1
1.2	The MetroWest Programme..... 1-2
1.3	Portishead Branch Line (MetroWest Phase 1) 1-6
1.4	The Consenting Regime 1-10
1.5	Need for Environmental Impact Assessment 1-14
1.6	The Need for Habitats Regulations Assessment 1-16
1.7	Purpose and Structure of the Environmental Statement 1-18
1.8	Next Steps 1-20
1.9	References 1-20
1.10	Abbreviations 1-20

Figures presented in this chapter

Figure 1.1: MetroWest Phases 1 and 2

Figure 1.2: MetroWest Phase 1

Figure 1.4: Location Plan

Figures

See the ES, Volume 3, Book of Figures, DCO Document Reference 6.24

Figure 1.3: Location of works for MetroWest Phase 1 and surrounding railway network

Appendices

See the ES, Volume 4, Technical Appendices, DCO Document Reference 6.25

1.1 The EIA Team

1.2 Compliance with the EIA Regulations 2017 Schedule 4

1.3 A summary of works required for the Portishead Branch Line (MetroWest Phase 1) DCO Scheme

CHAPTER 1

Introduction

1.1 Introduction

- 1.1.1 North Somerset District Council (“NSDC”) is making an application for a development consent order (“DCO”) to construct the Portishead Branch Line under the Planning Act 2008. The scheme will provide an hourly (or hourly plus) railway service between Portishead and Bristol Temple Meads, with stops at Portishead, Pill, Parson Street and Bedminster.
- 1.1.2 The scheme comprises the nationally significant infrastructure project (“NSIP”) as defined by the Planning Act 2008 to construct a new railway 5.558 km long between Portishead and the village of Pill and minor slewing of the operational railway line to accommodate the new line through Pill, and associated works including a new station and car park at Portishead, a refurbished station and new car park at Pill and various works along the existing operational railway line between Pill and Ashton Junction where the scheme will join the existing railway. Ashton Junction is located close to the railway junction with the Bristol to Exeter Mainline at Parson Street.
- 1.1.3 The scheme is one of several projects that form part of MetroWest, a programme of rail improvements in the West of England. Some of the other projects have to be built before the Portishead Branch Line is operational, namely improvements to Parson Street Junction (including Liberty Sidings), Parson Street Station and the Bedminster Down Relief Line. These other projects will be built under Network Rail’s permitted development rights and do not form part of the application for the DCO Scheme (“DCO Application”). However, these other projects are considered within this Environmental Statement (“ES”) as part of the cumulative effects assessment of the scheme.
- 1.1.4 This document is the ES which has been prepared by competent experts appointed by NSDC. The ES provides the information reasonably required for the Secretary of State to reach a reasoned conclusion on the significant effects of the development on the environment. It forms part of the wider process of environmental impact assessment (“EIA”) required to be undertaken in accordance with the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 as amended (“the EIA Regulations 2017”).
- 1.1.5 This chapter describes:
- the MetroWest Programme,
 - a brief overview of the Portishead Branch Line (MetroWest Phase 1) DCO Scheme (“the DCO Scheme”) together with other works required for MetroWest Phase 1,
 - the consenting regime under which development consent is being sought,
 - the need for an EIA,
 - the need for the Habitats Regulations Assessment (“HRA”),

- the purpose and structure of the ES, and
 - next steps.
- 1.1.6 A list of references and an explanation of abbreviations used in this chapter are provided at the end.
- 1.1.7 Appendix 1.1 (DCO Document Reference 6.25) provides a list of authors and their qualifications to demonstrate that the ES has been prepared by competent experts. Appendix 1.2 (DCO Document Reference 6.25) sets out the information to be provided in the ES under the EIA Regulations 2017 and identifies where this information is presented in the ES. Appendix 1.3 (DCO Document Reference 6.25) provides a short summary of works required for the DCO Scheme.
- 1.1.8 This chapter should be read in conjunction with Chapter 4 Description of the Proposed Works (DCO Document Reference 6.7) and Chapter 5 Approach to the Environmental Assessment (DCO Document Reference 6.8). A separate Glossary of Terms is available in the ES (DCO Document Reference 6.23)

1.2 The MetroWest Programme

Overview

- 1.2.1 MetroWest Phase 1 is being led jointly by NSDC and the West of England Combined Authority (“WECA”), as a third party promoted rail project, funded by the authorities and devolved funding sources from central government.
- 1.2.2 WECA has powers in relation to strategic transport, housing and adult skills for Bristol City Council (“BCC”), Bath and North East Somerset (“B&NES”), and South Gloucestershire Councils (“SGC”). NSDC is not part of WECA but works closely with WECA.
- 1.2.3 WECA and NSDC are working together to promote schemes to deliver investment up to £200 million in improvements to the local rail network over the next ten years. The proposals together comprise the MetroWest Programme.
- 1.2.4 The aim of the MetroWest programme is to improve transport network resilience, through targeted investment to increase both the capacity and accessibility of the local rail network.
- 1.2.5 The West of England Authorities are working with Network Rail, Great Western Railway and the wider rail industry to deliver the MetroWest Programme.
- 1.2.6 The MetroWest Programme comprises
- MetroWest Phase 1,
 - MetroWest Phase 2,
 - a range of station re-opening and new station projects, and
 - smaller scale enhancement projects for the West of England local rail network.
- 1.2.7 MetroWest Phase 1 comprises the delivery of infrastructure and passenger train operations to provide:

- i) a half hourly service for the Severn Beach line (hourly for St. Andrews Road station and Severn Beach station);
 - ii) a half hourly service for Keynsham and Oldfield Park stations on the Bath Spa to Bristol line; and
 - iii) an hourly service (or an hourly service plus) for a reopened Portishead Branch Line with stations at Portishead and Pill.
- 1.2.8 Parts i) and ii) of MetroWest Phase 1 are collectively MetroWest Phase 1A. Part iii) is MetroWest Phase 1B. MetroWest Phase 2 comprises delivery of infrastructure and passenger train operations to provide a half-hourly service for the Yate to Bristol line and enhancement of the existing Henbury Freight Line to provide an hourly service from Henbury to Bristol Temple Meads, with new stations at Henbury, North Filton, and Ashley Down.
- 1.2.9 MetroWest Phase 2 is being led by SGC on behalf of the west of England authorities as a third party promoted rail project, funded by the authorities, the West of England Local Enterprise Partnership ("WofE LEP") and funding devolved from central government.
- 1.2.10 The MetroWest Phases 1 and 2 passenger train services overlap between Bristol Temple Meads and Narroways Junction (where the Severn Beach Line connects onto the Bristol to Birmingham Mainline).
- 1.2.11 A network plan for MetroWest Phases 1 and 2 is shown in Figure 1.1.

Need for MetroWest

- 1.2.12 Rail travel across the West of England has doubled in the last ten years and this marks a very clear public appetite to opt increasingly for rail. While the West of England benefits from good long distance rail routes, the local rail network is relatively underdeveloped. Many of the local rail routes do not have a basic peak frequency. There are also a number of strategically important disused rail lines and reopening these lines is a key part of the West of England authorities'¹ strategy to uplift the local rail network, through the MetroWest programme.
- 1.2.13 The MetroWest proposals are being taken forward at a time that has seen considerable investment in the Western Route, led by Network Rail in its Control Period 5 ("CP5") 2014-2019 and continuing into Control Period 6 ("CP6"). The Western Route is being transformed through the delivery of electrification of the Great Western Main Line; strategic enhancement projects to deal with bottlenecks and to increase capacity; and renewal projects to modernise infrastructure. The CP5 programme of committed schemes focused on the high volume main lines and various strategic investments spread across the rest of the Western Route CP6 which runs from 2019 to 2024 includes major third party schemes such as MetroWest Phase 1 and 2.

¹ The West of England Authorities comprise WECA and the four local authorities NSDC, BCC, B&NES and SGC.



MetroWest Phase 1: Objectives

- 1.2.14 MetroWest Phase 1 augments committed CP5 and CP6 investment through a modest but strategically important expansion of capacity of the existing local rail network, in parallel with extending the accessibility of the local rail network.
- 1.2.15 The MetroWest Phase 1 proposals for which development consent is required comprise the reopening of the disused line between Portishead and Pill. In addition, associated development is proposed in connection with the restoration of passenger services from Pill to Bristol.
- 1.2.16 The works between Portishead and Ashton Junction are the subject of the application for a Development Consent Order under the provisions of the Planning Act 2008.
- 1.2.17 The works required to the Severn Beach and Bristol to Bath lines are within Network Rail's operational railway and have been implemented under Network Rail's permitted development rights.
- 1.2.18 MetroWest Phase 1 is the largest third party promoted rail scheme in England and is the foundation for the MetroWest programme over the next decade.
- 1.2.19 The principal objectives of MetroWest Phase 1 are as follows.
- To support economic growth, through enhancing the transport links to the Temple Quarter Enterprise Zone ("TQEZ")² and into and across Bristol City Centre, from the Portishead, Bath and Avonmouth / Severn Beach arterial corridors.
 - To deliver a more resilient transport offer, providing more attractive and guaranteed (future proofed) journey times for commuters, business and residents into and across Bristol, through better utilisation of strategic heavy rail corridors from Portishead, Bath and Avonmouth / Severn Beach.
 - To improve accessibility to the rail network with new and re-opened rail stations and reduce the cost of travel for commuters, business and residents.
 - To make a positive contribution to social well-being, life opportunities and improving quality of life, across the three arterial corridors, Portishead, Bath and Avonmouth / Severn Beach.
- 1.2.20 In addition, MetroWest Phase 1 has the following supporting objectives.
- To contribute to reducing road based traffic congestion on the Portishead, Bath and Avonmouth / Severn Beach arterial corridors.
 - To contribute to enhancing the capacity of the local rail network, in terms of seats per hour in the morning and afternoon peaks.

² The Bristol Temple Quarter Enterprise Zone is one of the largest urban regeneration projects in the UK. It is located on a 70 hectare site in the centre of Bristol with Bristol Temple Meads railway station at its core. The development was officially opened for business in April 2012, with the aim of creating 4000 jobs in the first five years and 17,000 jobs over its 25 year lifespan.

- To contribute to reducing the overall environmental impact of the transport network.

1.2.21 MetroWest Phase 1 requires the following physical works (in summary):

- Portishead Branch Line DCO Scheme for which development consent is being sought,
- modifications to Parson Street Junction (including Liberty Lane Sidings) and Parson Street Station to connect the Portishead Branch Line with the Mainline between Bristol and Exeter, to be delivered through Network Rail's general permitted development rights,
- partial reinstatement of the down relief line at Bedminster to provide additional capacity for recessing freight trains on the Bristol to Exeter Mainline, to be delivered through Network Rail's general permitted development rights,
- minor signalling works near Severn Beach/Avonmouth to allow for additional trains to reverse there, delivered through Network Rail's general permitted development rights, and
- a facility at Bathampton to allow trains to return from Bath back to Bristol, to be delivered through Network Rail's general permitted development rights.

1.2.22 A schematic layout of MetroWest Phase 1 is provided in Figure 1.2 and the location plan is shown in Figure 1.3 in the ES Volume 3 Book of Figures (DCO Document Reference 6.24).

MetroWest Phase 2: Consenting

1.2.23 No powers for MetroWest Phase 2 are sought in this application for Development Consent. The information in this section is provided for background on the wider MetroWest proposals.

1.2.24 The new stations proposed at Henbury and North Filton are closely linked with planned mixed residential and commercial development around Cribbs Causeway and Filton airport in north Bristol. A third station is proposed at Ashley Down in Bristol. Planning permission for the three new stations will be sought through the Town and Country Planning Regulations. The remaining works within the railway corridor, including the turnback at Yate, will be undertaken by Network Rail under its general permitted development rights. None of these qualifies as a NSIP and are not considered further in this ES.

1.3 Portishead Branch Line (MetroWest Phase 1)

Brief History of the Portishead Branch Line

1.3.1 The Portishead Branch Line was built in the 1860s, opening to Portishead in 1867, with an extension to the port in Portishead in 1869. Initially four stations were built along the route serving Portishead, Portbury, Pill and Clifton Bridge. The original railway was built as a single line to broad gauge standards. The line was converted to standard gauge in 1880 and a section of double tracking was constructed from Clifton Bridge station to the junction

with the mainline in 1883. New stations were built in the early part of the 20th century at Ashton Gate, Ham Green, and Nightingale Valley Halt.

- 1.3.2 Passenger services continued between Portishead and Bristol until 1964, and freight services continued to 1981. With the cessation of passenger and freight services, the railway corridor was largely left undisturbed, with many of the railway features, including the ballast, rails, and sleepers, left in place. Several of the station buildings were demolished, including Portishead station.
- 1.3.3 The Royal Portbury Dock opened in 1978 and in 2002 part of the former Portishead Branch Line was re-opened to service the port. In order for the line to be reopened and go into Royal Portbury Dock, a substantial renewal of the existing permanent way between Parson Street Junction on the mainline and Portbury Junction west of Pill was undertaken and a completely new section of line (approximately half a kilometre long) was built from Portbury Junction into the port.
- 1.3.4 The owner of the Royal Portbury Dock, Bristol Port Company, has permission to run up to 20 freight trains per day in each direction along the operational railway line. Paths have been allocated to freight operating companies. At the moment there are at most only a few trains using the operational railway line each day. There are currently no scheduled passenger services on this line. In recent years the main freight traffic has comprised the import and export of new vehicles, dry bulk (including coal, animal feeds and grain), containers, and the import of aviation fuel direct to pipeline.

The Works Required for the Portishead Branch Line (MetroWest Phase 1) DCO Scheme

The Nationally Significant Infrastructure Project

- 1.3.5 The works required to commission the Portishead Branch Line comprise the reconstruction of 4,762 metres of disused railway from Quays Avenue in Portishead to the existing operational railway at Portbury Junction, to the east of the M5 Motorway. A further 796 metres of new track will be laid through Pill village, parallel to the existing operational railway line from Portbury Dock, some 1003 m which through Pill will be slewed across to make room for the new line. A new junction east of Pill Viaduct (Pill Junction) will be constructed, where the new line will connect with the existing operational railway. These works comprise the NSIP for which the development consent order is sought.
- 1.3.6 The disused section of the railway between Portbury Junction and Portishead became heavily over grown, with self-seeded trees, shrubs and scrub. The formation of the original railway between Portishead and Portbury Junction, where the track bed is joined by the operational railway, is in a dis-used state, but is largely intact. There is no physical track connection at Portbury Junction and the route from Portbury Junction to Portishead is not part of the national rail network. Repairs are also required to bridges and culverts, as well as new telecommunication and signalling works.

Associated Development

- 1.3.7 The new stations and other works such as a new foot and cycle bridge at Portishead, highway works, temporary haul roads and compounds and minor works in the Avon Gorge are all associated development for the purposes of the 2008 Act.
- 1.3.8 In Portishead, Quays Avenue will be relocated to the west of its existing position to create space for the new station and car park, with an additional car park along the disused railway corridor between Quays Avenue and Portbury Ditch. There will be a new station and associated parking at Portishead, east of the realigned Quays Avenue.
- 1.3.9 A new station, forecourt and car park is required in Pill. It is also necessary to modify the signalling equipment along the spur into the Royal Portbury Dock.
- 1.3.10 Works are also required to enhance the existing operational railway, between Portbury Junction and Ashton Junction, to enable it to be capable of operating an hourly plus passenger train service, as well as maintaining the existing provision for operating freight trains. The existing 30 mph line speed will be maintained, with limited alterations to the track geometry to provide a more comfortable passenger experience. Various other minor railway engineering works along the 9 km alignment involving signalling works, telecommunication works, maintenance works to structures and other railway assets, temporary and permanent compounds, and environmental mitigation.
- 1.3.11 A summary of the works required for the DCO Scheme is presented in Appendix 1.3 (DCO Document Reference 6.25) and described in detail in Chapter 4 Description of the Proposed Works (DCO Document Reference 6.7).

Ownership of the Railway Corridor

- 1.3.12 The disused railway corridor from Portishead to the site of old Portbury Station is owned by NSDC. The rest of the disused railway corridor from old Portbury Station to Portbury Junction and from Portbury Junction to Bristol is owned by Network Rail. The half kilometre section of railway between Portbury Junction and Portbury Dock gates built in 2002 when the freight line re-opened, is a private railway owned by the Bristol Port Company.
- 1.3.13 Some additional land not owned by NSDC or Network Rail will be required permanently for the DCO Scheme, including part of the land required for Portishead and Pill stations and associated works and permanent maintenance compounds. Whilst the Ashton Vale Road level crossing will remain operational, some land will also be required for highway alterations to reduce the highway traffic impact from the increased use of the level crossing.
- 1.3.14 Further land is also required temporarily during the construction phase for access and construction compounds.

The Development Plan

- 1.3.15 The whole length of the dis-used section of the railway between Portishead and Pill, including the proposed location for a new station in Portishead and

re-opened Pill station, is safeguarded in the NSDC local plan and subsequent Local Development Framework planning documents.³

Other Works Required for MetroWest Phase 1

- 1.3.16 The other works required on the operational rail network to deliver the MetroWest Phase 1 train service will be implemented by Network Rail under their permitted development rights and will not form part of the DCO Application. These comprise the following works.

Liberty Lane Sidings

- 1.3.17 A buffer stop and trap points are required at the depot entrance, within the sidings to enable the continuation of the existing freight train shunting movements from the depot across Parson Street Junction onto the Up Relief Line. These works are within Network Rail's operational boundary and will be implemented using their general permitted development rights. These works will be completed before passenger services commence on the Portishead Branch Line.

Parson Street Junction

- 1.3.18 Part of the existing junction (switches and crossovers) needs to be renewed which entails replacement of the track across the junction, replacement of signalling equipment and associated works. These works are within Network Rail's operational boundary and will be implemented using its general permitted development rights. These works will be completed before passenger services commence on the Portishead Branch Line.

Parson Street Station

- 1.3.19 Minor platform works are required to use platform 3, including adjustment to the platform copers, works to improve track drainage and associated works. These works are within Network Rail's operational boundary and will be implemented using its general permitted development rights. These works will be completed before passenger services commence on the Portishead Branch Line.

Bedminster Down Relief Line

- 1.3.20 The Down Carriage Line running from Bristol Temple Meads will be extended past Bedminster station to a new turnout on to the Down Main between Bedminster Station and Parson Street Station. The new turnout is required to enable freight trains returning to Royal Portbury Dock to be held in the southbound direction, allowing passenger trains to pass. The works will include the construction of a new turnout, renewal of approximately 1 km of track on the Down Carriage Line and associated signalling. These works are within Network Rail's operational boundary and will be implemented using its general permitted development rights. These works will be completed before passenger services commence on the Portishead Branch Line.

³ See <http://www.n-somerset.gov.uk/my-services/planning-building-control/planningpolicy/local-plan/localplan/>

Severn Beach / Avonmouth Signalling

- 1.3.21 Minor signalling works are required on the Severn Beach line. These works are within Network Rail's operational boundary and have been implemented using its general permitted development rights. These works are not required for the operation of the Portishead Branch Line DCO Scheme.

Bathampton Turnback

- 1.3.22 The Bathampton Turnback will comprise a new crossover between the existing Up line to London and the Down line to Bristol. A short walkway (unsurfaced path) will be provided on the existing Up loop for train drivers to walk from one end of a train to the other end. All the works will be confined to Network Rail's existing land holding and will be undertaken by Network Rail under its permitted development rights. These works are not required for the operation of the DCO Scheme.
- 1.3.23 As these above works will be carried out by Network Rail using its permitted development rights, these elements were not consulted upon for the DCO Scheme.

1.4 The Consenting Regime

Consenting Procedures

Development Consent Order

- 1.4.1 The 2008 Act introduced the DCO regime as the means of granting consent for developments categorised as NSIPs. These include railway schemes, where the railway when constructed or altered will be wholly within England, is part of a network operated by an approved operator, and where the construction is not permitted development⁴.
- 1.4.2 The Highway and Railway (Nationally Significant Infrastructure Project) Order 2013 amended section 25 of the 2008 Act on railways to include within the definition of an NSIP a stretch of track with *"a continuous length of more than 2 kilometres"* that *"is not on land that was operational land of a railway undertaker immediately before the construction work began or is on land that was acquired at an earlier date for the purpose of constructing the railway"*.
- 1.4.3 The proposed works for the new railway between Portishead and Portbury on NSDC land is an NSIP for the following reasons:
1. The scheme when built will be wholly in England.
 2. The scheme will form part of a network operated by an approved operator.
 3. The proposed new section of railway exceeds the threshold length of 2 km.

⁴ Section 14(1)(k) of the 2008 Act defines an NSIP as the construction or alteration of a railway and Section 25(1) and (2) further defines what new or altered railways constitute an NSIP.

1.4.4 In addition to the railway, which is the principal development for which development consent is required under the Planning Act 2008, other development is required as part of the DCO Scheme. Section 115 of the Planning Act 2008 provides that consent may also be granted in a DCO for “associated development”. In considering whether other works that form part of MetroWest Phase 1 are associated development and can be included within the DCO Application for the principal development, regard has been had to the Department for Communities and Local Government's (“DCLG”) advice in *Planning Act 2008: Guidance on Associated Development Applications for Major Infrastructure Projects* (DCLG, 2013) (“Guidance”). Paragraph 5 in this Guidance states that development should be treated as associated development based on the following principles:

- *“(i) The definition of associated development...requires a direct relationship between associated development and the principal development. Associated development should therefore either support the construction or operation of the principal development or help address its impacts.*
- *“(ii) Associated development should not be an aim in itself but should be subordinate to the principal development.*
- *“(iii) Development should not be treated as associated development if it is only necessary as a source of additional revenue for the applicant, in order to cross-subsidise the cost of the principal development...*
- *“(iv) Associated development should be proportionate to the nature and scale of the principal development.”*

1.4.5 Annex B to the Guidance identifies typical associated developments for railway schemes to include new stations and alterations and extensions to existing platforms.

Permitted Development

1.4.6 Schedule 2 Part 18 of the Town and Country Planning (General Permitted Development) England Order 2015 (“GPDO”) sets out permitted development allowed under a local or private Act or Order “which designates specifically the nature of the development authorised and the land upon which it may be carried out” subject to certain prior approval conditions. Schedule 2 Part 8 Class A allows permitted development for “development by railway undertakers on their operational land, required in connection with the movement of traffic by rail” but this does not permit the construction of a railway, railway station or bridge.

1.4.7 Article 3(1) of the GPDO grants deemed planning permission for the classes of development in Schedule 2, subject to the provisions of the GPDO and the Conservation of Habitats and Species Regulations 2017 (“the Habitats Regulations”) [Regulations 75 to 77].

1.4.8 Article 3(10) provides that development is not permitted where it is Schedule 1 or 2 development under the respective EIA Regulations unless it has been screened out of EIA. However, Article 3(12)(b) provides that Article 3(10) does not apply to development for which permission is granted by Class A of Part 18 of Schedule 2, which is development under local or private Acts or Order.

- 1.4.9 As railways have been built under Acts of Parliament since the 19th century, Network Rail has permitted development rights for undertaking a range of activities along the operational railway as defined in the original acts. If Network Rail sought to rely on permitted development rights to undertake development which is likely to have a significant effect on a European site of nature conservation (as defined in the Habitats Regulations) and that is not directly connected with or necessary to the management of the site, development must not be begun prior to receipt of notification of the approval of the local planning authority under Regulation 77 of the Habitats Regulations.
- 1.4.10 The railway to Portishead and Portbury was permitted under the Bristol and Portishead Pier and Railway Acts 1863 and 1866, which are private Acts of Parliament. Network Rail retains permitted development rights to undertake some of the activities along the operational railway line between Pill and Parson Street Junction required for the DCO Scheme. However, as NSDC is seeking consent for the DCO Scheme, and does not benefit from permitted development rights, it is applying for consent to carry out the associated development required as associated development linked to the NSIP for which the DCO is sought and in respect of which the Habitats Regulations have been applied.

Consenting Route for the Portishead Branch Line (MetroWest Phase 1)

- 1.4.11 Consent for the required development for the DCO Scheme is sought under this application to the Planning Inspectorate for development consent. The Planning Inspectorate will appoint a panel to examine the application, if accepted for examination. The panel will report to the Secretary of State for Transport for a decision as to whether or not to make the DCO.
- 1.4.12 The reconstruction of the disused section of the railway line between Portishead and Pill falls within the definition of a NSIP for the purposes of the Planning Act 2008. The other works required for the DCO Scheme, such as the new stations, works to the highway at Portishead and Ashton Gate and the alterations to the railway between Pill and Ashton Junction are defined as associated development under Section 115 of the Planning Act 2008.
- 1.4.13 For the purposes of the DCO Application, Network Rail's land between the site of old Portbury Station and Portbury Junction is not regarded as operational railway land. In any event as NSDC proposes to rebuild this part of the branch line it cannot rely on any permitted development rights Network Rail might have if the railway were operational railway land.
- 1.4.14 Figure 1.4 below shows the DCO indicative Order limits boundary at approximately 1:100,000. A more detailed version of the indicative red line boundary at 1:2,500 (at A3) is provided in Volume 3 Figure 4.2 Sheets 1 to 20 (DCO Document Reference 6.24), which encompasses land required temporarily and permanently for the construction and operation of the DCO Scheme. The Order limits extend from the proposed new station and car park at Portishead, along the disused section of the railway line between Portishead and Pill, and along the operational railway line between Pill and Ashton Junction, in the vicinity of Ashton Vale in south west Bristol.

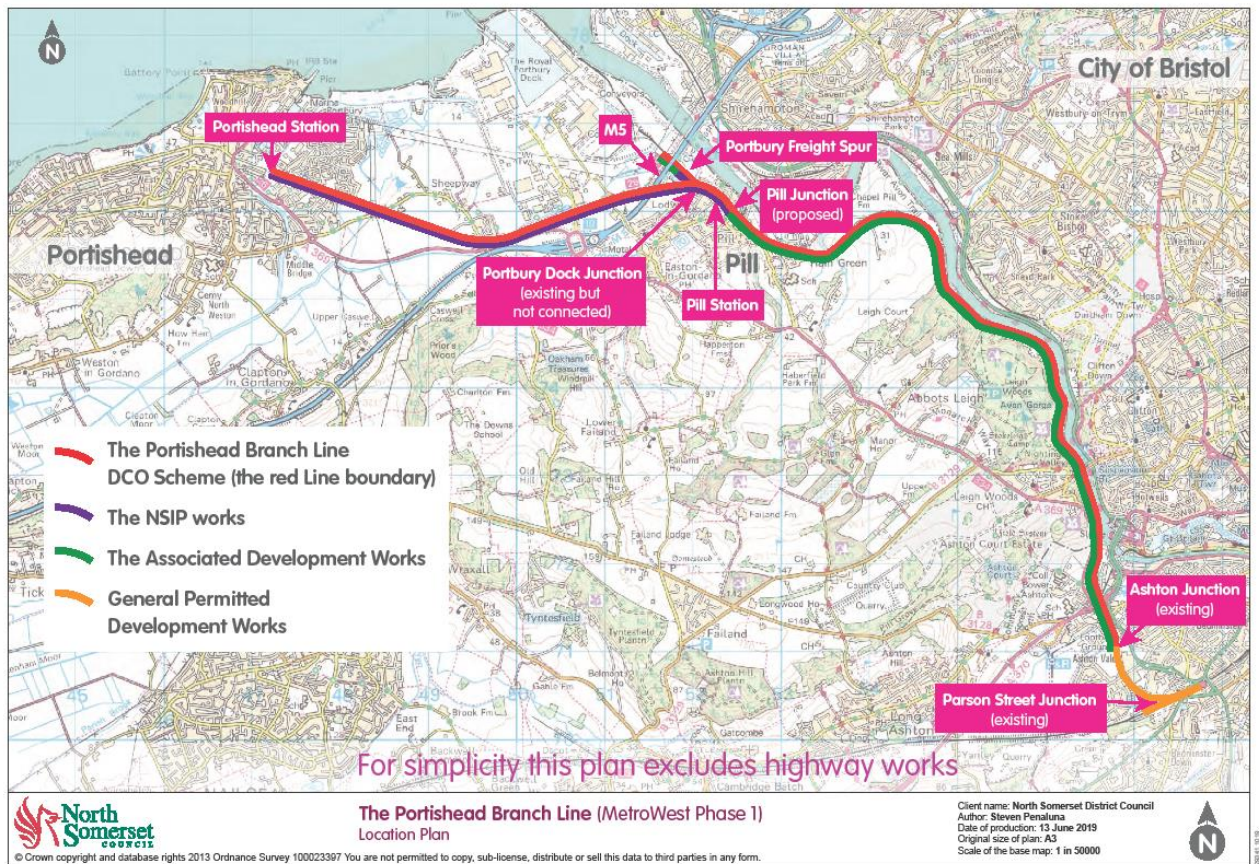


Figure 1.4: Location Plan

- 1.4.15 NSDC will submit the DCO Application the Planning Inspectorate as required under the Planning Act 2008. The DCO application will be made for the works required for the NSIP and the associated development, including works required within the Avon Gorge Woodlands Special Area of Conservation ("SAC").
- 1.4.16 The Planning Inspectorate will examine the proposals and make a recommendation to the Secretary of State on whether to consent the DCO Scheme or not.
- 1.4.17 The DCO Application has been prepared in accordance with Section 37 of the Planning Act 2008 and secondary legislation including, during the scoping process and early periods of pre-application consultation, the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended) ("the EIA Regulations 2009") and, since 2017, the EIA Regulations 2017. To avoid confusion in this ES, the term "EIA Regulations" is used generically to refer to the EIA process set out in both the EIA Regulations 2009 and the EIA Regulations 2017. Reference is made to the year of the EIA Regulations only where that is material for the purposes of the content of the ES or the process of EIA.
- 1.4.18 In preparing the DCO Application the applicant has had regard to the series of advice notes published by the Planning Inspectorate that provide useful information about the Planning Act 2008 process (as amended by the Localism Act 2011). These include *Advice note 3 The Planning Inspectorate and Nationally Significant Infrastructure Projects* and *Advice note 7*

Environmental Impact Assessment: Preliminary Environmental Information, Screening and Scoping.

1.5 Need for Environmental Impact Assessment

- 1.5.1 The process of EIA is intended to ensure that a decision-maker has full information on the likely significant environmental effects of certain types of projects before deciding whether or not to grant consent. The process requires specified information to be provided by the applicant and for consultation to be undertaken with consultees and members of the public so that information provided by them can also be taken into account in the decision-making process. The types of development that require environmental impact assessment are set out in Schedules 1 and 2 to the EIA Regulations. The DCO Scheme is a Schedule 2 development under the EIA Regulations for which EIA is required as there are likely to be significant environmental effects arising from the construction and operation of the DCO Scheme.
- 1.5.2 NSDC notified the Secretary of State in a letter dated 23 June 2015 that they proposed to submit an ES in respect of the proposed development under Regulation 6(1)(b) of the EIA Regulations 2009. Therefore, in accordance with Regulation 4(2)(a) of the EIA Regulations 2009, the application for the DCO Scheme was determined as EIA development. No changes that are material to the process of notifying the DCO Scheme as EIA development and subsequently treating it as an EIA application were made by the EIA Regulations 2017 in Regulation 8(1)(b) and Regulation 6(2)(a).
- 1.5.3 The EIA Regulations 2009 Regulation 8 enabled an applicant, before making an application for an order granting development consent, to ask the Secretary of State to put in writing an opinion (a "scoping opinion") on the information to be provided in the ES. This was not a mandatory requirement. NSDC submitted a request to the Secretary of State for a Scoping Opinion on the matters to be addressed in the ES on 23 June 2015 together with a Scoping Report and a Baseline Report. The Scoping Opinion was issued by the Secretary of State on 3 August 2015. These documents are available on The Planning Inspectorate's planning portal at the following location. <http://infrastructure.planninginspectorate.gov.uk/projects/south-west/portishead-branch-line-metrowest-phase-1/>. For applicants who wish to obtain a scoping opinion under the EIA Regulations 2017 the process is set out at Regulation 10 and is analogous to that in the EIA Regulations 2009.
- 1.5.4 The EIA Regulations 2009 provided that where development of a type listed in Annex 2 of the EIA Regulations is likely to give rise to significant environmental effects then the decision-maker (in this case the Secretary of State for Transport) cannot lawfully grant development consent for the development until they have taken into account the environmental information required by the EIA Regulations. Environmental information comprises the information to be provided by the applicant in the form of an ES, including any further or other information, any representations made by specified consultees and any representations duly made by any other person about the environmental effects of the development. The EIA Regulations 2017 make substantively the same provision at Regulation 4(2).

- 1.5.5 As explained, the EIA Regulations 2009 set out the requirements of the process of EIA for NSIPs in England at the time of the screening and scoping stages of the EIA for the Scheme. The EIA process is a requirement of European Union law, deriving from EIA Directive (2014/52/EU) amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment. Directive 2014/52/EU was adopted by the European Council and the European Parliament in May 2014 and its requirements were transposed in England insofar as relevant to NSIPs on 16 May 2017 by the EIA Regulations 2017. Under Article 3(2) of the Directive, transposed by Regulation 37 of the EIA Regulations 2017, where an Environmental Statement is submitted or where a scoping opinion has been sought before 16 May 2017, the project can benefit from transitional provisions to continue under the provisions of the EIA Regulations 2009. In the case of the DCO Scheme NSDC has elected not to rely on the transitional provisions. Instead, the application for the DCO Scheme is to be subject to the requirements of the EIA Regulations 2017. As the provisions in the EIA Regulations 2009 and 2017 for screening the DCO Scheme as EIA development and scoping the ES are not materially different it was concluded that it was not necessary to repeat either process. The approach to the preparation of the ES and the additional work undertaken to ensure compliance with the EIA Regulations 2017 are described in Chapter 5 Approach to the Environmental Statement (DCO Document Reference 6.8). The Preliminary Environmental Information Report that was made available during pre-application statutory consultation and that was sent to the Planning Inspectorate in accordance with Section 46 of the Planning Act 2008 confirmed to consultees and third parties that NSDC intended to apply the 2017 Regulations within the ES that accompanied the DCO application. Subsequent consultations and discussions have been undertaken on this basis.
- 1.5.6 The first stage in the process of EIA set out in Regulation 5 of the EIA Regulations 2017 is that of the preparation of an ES by the applicant. The work undertaken to prepare this ES has included:
- the procedures for determining whether an EIA is required (screening);
 - the scoping of the ES to provide information on the likely significant environmental effects of the proposed development;
 - pre-application publicity for the draft ES in conjunction with statutory consultation required under the Planning Act 2008;
 - pre-application consultation with statutory consultation bodies and third parties in conjunction with statutory consultation required under the Planning Act 2008, including the making of representations by them about the environmental effects of the development; and
 - the taking into account of information submitted by statutory consultees and third parties during both informal and formal consultations as part of the iterative process of designing the DCO Scheme and amending the DCO Scheme accordingly.

1.6 The Need for Habitats Regulations Assessment

The Habitats Regulations

- 1.6.1 European sites (Natura 2000) are protected under the Council Directive on the conservation of natural habitats and of wild fauna and flora (92/43/EEC) ("the Habitats Directive") which is transposed into English Law under the Habitats Regulations.
- 1.6.2 The Habitat Regulations set out a stage by stage process, known as the Habitat Regulations Assessment ("HRA") to ensure the maintenance of the overall coherence of a European site or the integrity of the European site network when applications for development consent are proposed. The first stage of the process involves screening to determine whether a project is likely to have a significant effect on the interest features of a European site alone or in combination with other plans and projects. If likely significant effects are identified then the decision-maker is required to go on to Stage 2 and to undertake an appropriate assessment to determine whether the project will have adverse effects on the integrity of the European site, having regard to its conservation objectives. If it will, then consent for the development can be granted at this stage only if it can be ascertained that the project will not adversely affect the integrity of the European site. Stages 3 and 4 become relevant if it cannot be ascertained that there will be no adverse effects on the integrity of the European site. This involves the consideration of alternative solutions and, if there are no alternatives, the process of determining whether imperative reasons of over-riding public importance and the provision of compensatory measures justify the grant of consent.
- 1.6.3 Regulations 75 to 77 of the Habitats Regulations address the approach to the HRA for General Development Orders. Under Regulation 75, development likely to have a significant effect on a European site cannot begin until the developer has received approval from the local planning authority. Regulation 76 states that the developer may seek the opinion of the appropriate nature conservation body as to whether the development is likely to have a relevant effect, and the nature conservation body must inform the developer and the local planning authority of their opinion. Regulation 77 states that the local planning authority must make an appropriate assessment of the implication of the development for the European site in view of that site's conservation objectives and taking account of the view of the nature conservation body. The "*local planning authority may approve the development only after having ascertained that it will not adversely affect the integrity of the site.*"
- 1.6.4 A search for European sites (including proposed sites) within 5 km of the DCO Scheme and European sites (including proposed sites) with bats as a qualifying feature within 30 km of the project was undertaken. The search highlighted the following sites.
- The Severn Estuary SAC, Special Protection Area ("SPA") and Ramsar sites lie along the coast of North Somerset Council and at the nearest location come within 80 m of the permanent works and 30 m of construction works for the DCO Scheme on the River Avon near Pill.

- Part of the operational railway line between Pill and Parson Street Junction passes through the Avon Gorge Woodlands SAC.
- Six Natura 2000 sites with bats as a qualifying feature lie within 30 km of the DCO Scheme, namely:
 - the North Somerset and Mendips Bats SAC,
 - the Mendip Limestone Grassland SAC,
 - the Bath and Bradford-on-Avon Bats SAC,
 - the Mells Valley SAC,
 - Wye Valley Woodlands SAC, and
 - the Wye Valley and Forest of Dean Bats SAC.

1.6.5 Works will be required along the operational railway through the Avon Gorge Woodlands SAC to facilitate the operation of the DCO Scheme. The works required within the Avon Gorge Woodlands form part of the DCO Application as associated development. The approval process for the works will be undertaken by the Secretary of State who will also be the competent authority for HRA purposes.

Works in the Avon Gorge Woodlands SAC

1.6.6 The works required in the Avon Gorge Woodlands SAC are limited to relatively minor railway engineering works to upgrade the railway line and are within the Network Rail operational boundary. These are summarised below and discussed in more detail in Chapter 4 Description of the Proposed Works (DCO Document Reference 6.7).

- Minor modifications to the vertical and horizontal alignment of the existing railway line to achieve the required line speed and passenger comfort.
- Replacement of the ballast, rails and sleepers.
- Geotechnical slope stabilization works on cliff faces on Network Rail and third party land including, partial vegetation removal, stone picking, rock bolting, and installation of three rock catch fences to the bottom of the slopes.
- Minor works to repair seven bridges and partial reconstruction of Quarry Bridge No. 2.
- Localised removal of vegetation and stones around the tunnel portals, localised repairs and strengthening to the tunnel linings may be required, cabling clipping works, and installation of troughing works and track works through the tunnels.
- Minor localised repairs to two sections of retaining walls and associated earthworks.
- Installation of new GSM-R communications masts and antennae to provide coverage in the Avon Gorge comprising two pole mounted repeater antennae by the southern portal of Clifton Bridge No. 2 Tunnel

and two repeater back to back antennae attached to Sandstone Tunnel southern portal.

- New signals with cabinets and associated telephones.
- Troughing and cabling along the railway associated with the new signalling and communications masts.
- Replacement of existing fencing along both sides of the railway.
- Improved pedestrian access at locations through the Avon Gorge.

1.6.7 A package of compensation measures has been prepared to address potential adverse effects of the DCO Scheme through the Avon Gorge Woodlands SAC which are presented in the Avon Gorge Vegetation Management Plan in the ES, Appendix 9.11 (DCO Document Reference 8.12). This includes a programme of positive management in line with the conservation objectives and the Site Improvement Plan (Natural England, 2015) for the SAC such as removal of invasive species, management of mature trees to reduce competition and shading, and scrub removal from grassland. A comprehensive programme for whitebeam conservation has also been developed to plant out whitebeam saplings grown from the seed collected in the gorge.

1.6.8 While most of the works will be done within Network Rail land, some of the geotechnical works on the cliff faces may require temporary access and works on third party land during construction.

1.6.9 All these works are part of the associated development works and fall within the NSDC administrative boundary. Most of them are not large enough to be considered as Works in their own right. Furthermore, many of these activities were undertaken prior to and then subsequent to the restoration of services on the operational freight line in the early 2000s as part of routine maintenance.

Other HRA considerations

1.6.10 There are no proposed works for the DCO Scheme in the Severn Estuary SPA, SAC and Ramsar sites or in the North Somerset and Mendips Bat SAC, the Mendip Limestone Grassland SAC, Bath and Bradford-on-Avon Bat SAC, Mells Valley SAC, Wye Valley Woodlands SAC, and the Wye and Forest of Dean Bats SAC. However, consideration has been given to assessing the potential for indirect effects due to construction and operation activities and the in-combination effects with other projects in the Report to Inform HRA presented in the ES Appendix 9.12 (DCO Document Reference 5.5).

1.7 Purpose and Structure of the Environmental Statement

1.7.1 This ES presents the information the Applicant is required to provide on likely significant environmental effects of the DCO Scheme. Appendix 1.2 (DCO Document Reference 6.25) sets out the requirements of Part 1 Schedule 4 of the EIA Regulations and where the relevant information is presented in this ES.

Structure of the ES

- 1.7.2 This ES has been drafted in accordance with Planning Inspectorate Advice note 7: Environmental Impact Assessment: Screening, Scoping and Preliminary Environmental Information.
- 1.7.3 The ES is presented in four volumes:
- Volume 1: The Non-Technical Summary
 - Volume 2: The Main Report
 - Volume 3: The Book of Figures
 - Volume 4: Supporting Appendices
- 1.7.4 This document is Volume 2, the main report. The first five chapters cover the introduction to the DCO Scheme, a description of the study area, the history of the DCO Scheme and main alternatives considered, the description of the project and the approach to the environmental assessment. Chapter 6 (DCO Document Reference 6.9) describes the planning framework in the study area.
- 1.7.5 Chapters 7 to 17 (DCO Document References 6.10 to 6.20) describe the approach to the assessment on a topic by topic basis. The topics covered are: air quality and carbon; cultural heritage; ecology and biodiversity; geology, hydrogeology, ground conditions and contaminated land; landscape and visual impact assessment; materials and waste; noise and vibration; socio-economics and economic regeneration; soils, agriculture, land use, and assets; transport, access and non-motorised users; and water resources, drainage and flood risk. Matters scoped out of the EIA are identified in each chapter together with an explanation.
- 1.7.6 Each of the topic chapters is subdivided along the following lines: introduction; legislation and planning framework; methodology; baseline, future conditions, and value of resources; measures adopted as part of the DCO Scheme; assessment of effects; mitigation and residual effects; the cumulative effects; limitations encountered in compiling this report; summary; references and abbreviations.
- 1.7.7 Chapter 18 (DCO Document Reference 6.21) presents the in-combination and cumulative effects assessment which covers:
- in combination effects: multiple effects arising from the DCO Scheme on nearby receptors, and
 - cumulative effects resulting from the combined effects of the DCO Scheme with other developments, comprising:
 - the construction and operation of other (non-railway) committed development in the vicinity of the DCO Scheme; and
 - other construction works and additional services to be implemented under MetroWest Phase 1.

1.8 Next Steps

Post-Application

- 1.8.1 Following submission of the DCO Application, the Planning Inspectorate will consider, on behalf of the Secretary of State, whether the DCO Application should be accepted for examination. If accepted, the documents accompanying the Application will be publicly available on the Planning Inspectorate's website. Interested parties will be able to make representations about the DCO Scheme and its potential impacts and representations received by the Planning Inspectorate will be considered as part of the examination of the DCO Application.
- 1.8.2 The effects reported in the ES are based on the feasibility design for the highways and the railways. Detailed design will commence following the submission of the DCO Application. The environmental impact assessment for the DCO Scheme is based on the worst-case scenario in relation to the potential effects of the DCO Scheme. The detailed design phase will take into account the assessments reported in this ES to ensure that the detailed design does not worsen or introduce any new effects on the environment.

Scheme Delivery Programme

- 1.8.3 The main milestones to implement the DCO Scheme are summarised below.
- Submission of the DCO Application, including the ES to The Planning Inspectorate in November 2019.
 - DCO post-application examination and decision stages from ~~autumn~~spring 2020 to ~~autumn~~winter 2020/21.
 - Detailed highway and railway engineering design (GRIP 5) – autumn 2021 to autumn 2024.
 - Construction phase – ~~winter~~spring 2022/23 to ~~autumn~~winter 2023/24.
 - Scheme opening – ~~autumn~~winter 2023/24.

1.9 References

DCLG, 2013. Planning Act 2008: Guidance on Associated Development Applications for Major Infrastructure Projects

Natural England, 2015. *Site Improvement Plan, Avon Gorge Woodlands*.

Planning Inspectorate. Advice Note Three. The Planning Inspectorate and Nationally Significant Infrastructure Projects

Planning Inspectorate. Advice Note Seven. Environmental Impact Assessment: Screening, Scoping and Preliminary Environmental Information.

1.10 Abbreviations

B&NES	Bath and North East Somerset Council
BCC	Bristol City Council

CP5/CP6	Control Period 5 (Network Rail's investment period 2014-2019) or CP6 (2019-2024)
DCLG	Department for Communities and Local Government
DCO	Development Consent Order
EIA	Environmental Impact Assessment
ES	Environmental Statement
GPDO	General Permitted Development Order
HRA	Habitats Regulations Assessment
NCN	National Cycle Network
NSDC	North Somerset District Council
NSIP	Nationally Significant Infrastructure Project
SAC	Special Area of Conservation
SGC	South Gloucestershire Council
SPA	Special Protection Area
TQEZ	Temple Quarter Enterprise Zone
WECA	West of England Combined Authority
WofE LEP	West of England Local Enterprise Partnership

