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The Applicant, the National Trust,
National Grid Electricity Transmission,
the Bristol Port Company and North
Somerset District Council

Your Ref:

Our Ref: TR040011

Date: 29 March 2021

Dear Sir/ Madam

**Planning Act 2008 (as amended) Section 89
The Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) – Rule 17**

**The Infrastructure Planning (Compulsory Acquisition) Regulations 2010
– Regulations 4 to 19**

**Application by North Somerset District Council for an Order granting
Development Consent for the Portishead branch line – MetroWest
Phase 1**

Request for further information

The Examining Authority (ExA) writes to the Applicant, The National Trust (NT), National Grid Electricity Transmission (NGET), the Bristol Port Company (BPC) and North Somerset District Council (NSDC) following the oral representations and discussions made at the recent Compulsory Acquisition Hearing and the Issue Specific Hearing on the draft Development Consent Order (dDCO) and its review of the responses received at Deadline (D)6.

Having reviewed this information the ExA considers that issues have been raised which are both important and relevant to the Examination. The ExA therefore makes a written request under Rule 17 of the Examination Procedure Rules for the Applicant, the NT, NGET, the BPC and NSDC to engage further in the Examination. We have set out our specific queries in the annexes to this letter. **Annex A** is directed towards the Applicant and the NT; **Annex B** is directed towards the Applicant and NGET; and **Annex C** which is directed towards the Applicant, NSDC and the BPC.

The ExA requires responses from all organisations on or before D7, **14 April 2021**. Electronic submissions should be sent to Metrowest1@planninginspectorate.gov.uk.

The majority of parties engage with the Planning Act 2008 (PA2008) via the project page of the National Infrastructure website <https://infrastructure.planninginspectorate.gov.uk/projects/south-west/portishead-branch-line-metrowest-phase-1/> where all submissions are published. Parties are therefore asked to consider this when formatting the electronic copies of their submissions and to avoid submissions made up of large numbers of small files, or excessively large files, or which are otherwise optimised and difficult to navigate.

Electronic attachments should be clearly labelled with a subject and not exceed 12MB for each mail. Timely submissions in advance of deadlines set in the timetable are encouraged. Where an electronic submission exceeds 12MB, we will accept a postal submission of an electronic document on portable media (such as a CD or USB flash drive). Providing links to websites where your submission can be viewed is not normally acceptable, because it does not amount to submitting them.

Further advice relating to this matter can be found in [Advice Note 6: How to submit your application](#)

Should you have any queries regarding the content of the letter, please contact the case team using the details at the top of this letter.

Yours faithfully

Jo Dowling

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ANNEX A

Questions for the Applicant and the National Trust

The Application seeks Temporary Possession (TP) of 11 plots (11/61, 11/80, 12/07, 12/20, 12/21, 12/30, 13/07, 13/31, 13/32, 13/55 and 14/05) for vegetation clearance, rock picking, rock bolting and ecological works.

Applicant:

1. Throughout the Examination reference has been made to the erection of rock fencing at these locations to prevent rocks from falling on the track can you please explain why this activity is not included in the purpose of acquisition column in schedule 1 of the Statement of Reasons (SoR) [REP6-014] or if it should be included then amend the SoR as necessary.
2. Whilst the ExA accept that vegetation clearance, rock picking and ecological works are activities with a potentially limited timeline. The rock bolting and rock fencing would need to be in place and maintained for the perpetuity of the life of the proposed rail line. As a consequence, given the proposed lifetime for the rail line, this could be viewed as the permanent installation of apparatus. Could the Applicant therefore explain why TP rather than CA is being sought for these plots?
3. Should the ExA consider that NT should not be responsible for the ongoing management and maintenance of the rock bolting and rock fencing, then the responsibility for these elements would need to be secured through a protective provision in the DCO. On a without prejudice basis provide draft wording that would enable this.

NT:

1. In your D6 submission [REP6-040] you make reference to having Counsel's opinion regarding the future liability and responsibility of the impact of rock falls onto the Proposed Development. Can you provide a copy of this opinion or if it has already been provided into the Examination signpost where it can be found?

ANNEX B

Questions for the Applicant and National Grid Electricity Transmission (NGET)

Applicant:

1. On a without prejudice basis provide comments on the Protective Provision [REP4-046] suggested by NGET at D4.

NGET:

1. Provide details (eg extract from the relevant Land Plan, SoR or Book of Reference (BoR)) of the plots for the Hinkley C Connector DCO that

would be affected by the Proposed Development and details of whether it is CA or TP of these plots that will be sought.

2. The focus of the comments received has been on where the overlap between the Hinkley C Connector DCO would interface with the Proposed Development. However, the BoR [REP5-018] lists a further 50 plots along the line where NGET is listed as either having a Category 1 or Category 2 interest. As currently drafted schedule 16 of the dDCO contains a general Protective Provision (Part 2) that would protect electricity, gas, water, petroleum and sewerage undertakers are NGET satisfied that this would protect their assets/ equipment/ land interests elsewhere along the route? If not why and what protections would NGET be seeking in relation to these plots? If NGET consider that a bespoke Protective Provision for these plots would be necessary provide the relevant drafting.

NGET and the Applicant:

1. NGET in their D6 submission [Para 2.6, REP6-039] refer to the fact that they have served notice regarding TP of a number of plots. Having checked the BoR [REP5-018] unlike all the other plots referred to by NGET, NGET are not listed as having an interest in plots 02/86 and 02/130. Can you confirm if NGET does have an interest in these plots and if so amend the BoR accordingly?
2. To enable the ExA to better understand the overlap between the two schemes provide a plan showing the Hinkley C Connector plots and the Portishead plots overlaid with the plots coloured to show the powers being sought.

ANNEX C

Questions for the Applicant, North Somerset District Council (NSDC) and the Bristol Port Company (BPC)

Applicant:

1. On a without prejudice basis provide comment on the changes/ additions to the Protective Provision for the BPC that the BPC have requested in Section 6 of their Written Representation [REP2-064] as your response at Deadline 3 [REP3-036] does not provide detailed comments on these suggestions or if a response has been provided signpost where this information can be found.

NSDC:

1. Condition 16 of planning permission 16/P/1987/F [REP6-032] requires that 'the use of the site for the storage of cargo in transit (eg motor vehicles) shall not be commenced until a programme of works (including timescales) for the introduction and removal of the temporary at grade vehicle crossing and construction of vehicular bridge across the railway line so as not to impede the re-opening of the Portishead Branch line

have been submitted (in consultation with MetroWest and Network Rail) to and approved by the Local Planning Authority'. Can you:

- (a) Confirm whether this condition has been discharged; and
- (b) Provide details of the timescales for the removal of the at grade crossing and construction of vehicular bridge that were approved under this condition.

BPC:

1. With regard to the timescales for the removal of the at grade crossing you refer to a deed of a grant of easement dated 4 September 2017 between Network Rail and First Corporate Shipping Limited can you provide a copy of this agreement with the relevant sections highlighted and/ or provide a summary of what this document requires with regards to the removal of the at grade crossing and the construction of the vehicular bridge.

The Applicant and BPC:

The BPC have advised that the principle point of contention with Network Rail Infrastructure Limited is when the BPC would be required to construct the vehicular bridge across the railway to replace the at grade crossing [Point 11, AS-052]. The BPC [CA.1.10, REP3-046] state that the DCO as drafted currently makes no provision to ensure that they have adequate time to construct the alternative crossing in accordance with the timescale envisaged by the planning permission and as previously envisaged by BPC and the Applicant.

1. Should this matter not be resolved by the end of the Examination could both the Applicant and the BPC indicate how they consider this matter could be secured through the DCO and provide appropriate wording.