

PORTISHEAD BRANCH LINE – METROWEST PHASE 1

Examining Authority's (ExA)

Consultation Draft Development Consent Order (DCO)

**Schedule of ExA's recommended amendments to the Applicant's draft DCO
submitted at Deadline (D)6 [REP6-008]**

Reference	Text as set out in the draft DCO [REP6-008]	ExA's Recommended Amendment	Reason and Notes
ARTICLES			
No suggested changes			
SCHEDULES			
Schedule 2 Requirement 5 <i>Construction Environmental Management Plan</i>	5(6) Where a part of the authorised development – (a) is not within a relevant stage or associated development connected with a relevant stage; or (b) does not consist of preparatory activities then that part of the authorised development must be carried out in accordance with the COCP and the Master CEMP.	5(6) Where a part of the authorised development – (a) is not within a relevant stage or associated development connected with a relevant stage; or (b) does not consist of preparatory activities then that part of the authorised development must be carried out in accordance with the COCP, and the Master CEMP and the CTMP.	For consistency
Schedule 2 Requirement 8 <i>Temporary fencing</i>	8(4) The fencing must be removed to the satisfaction of the relevant planning authority	8(4) The fencing must be removed in accordance with the approved removal timetable to the satisfaction of the relevant planning authority.	For precision and enforceability
Schedule 2 Requirement 9 <i>Highway Access</i>	9(2) The approved highway alterations and improvements, including any altered or new	9(2) The approved highway alterations and improvements, including any altered or new accesses and temporary haul	To ensure highway safety and for precision and enforceability

	<p>accesses and temporary haul roads, for that stage must be implemented in accordance with the approved details and timetable.</p>	<p>roads, for that stage must be implemented in accordance with the approved details and timetable and that stage of the authorised development must not commence until these works have been completed.</p>	
<p>Schedule 2 Requirement 14 <i>Avon Gorge Woodland SAC</i></p>	<p>14(3) Work to remove, install or replace security fencing in the Avon Gorge Woodland SAC must not commence before details of the location, siting and design of the fencing together with any required site clearance and working space, have been submitted to and approved by the relevant planning authority in consultation with Natural England. The details submitted for approval must be located within the areas shown for fencing in the habitat impacted by construction works within the Avon</p>	<p>14(3) Work to remove, install or replace security fencing in the Avon Gorge Woodland SAC must not commence before details of the location, siting, colour and design of the fencing together with any required site clearance and working space, have been submitted to and approved by the relevant planning authority in consultation with Natural England. The details submitted for approval must be located within the areas shown for fencing in the habitat impacted by construction works within the Avon Gorge Vegetation Management Plan and any</p>	<p>Colour – the Examining Authority (ExA) consider that due to sensitivity of location control over the colour of any fencing would be necessary</p> <p>for railway operational safety reasons the relevant planning authority gives written consent to any variation – the insertion of this wording would give the Applicant the flexibility to change the fencing if required for operational safety reasons but would mean that Requirement 35 (2) would apply so that it would ensure that in this sensitive location any variations to the fencing</p>

	<p>Gorge Vegetation Management Plan and any permanent security fencing to be installed must be of a nature substantially in accordance with the details set out in the relevant part of the general arrangement plans and the fencing grades summary. The works must be carried out in accordance with the approved details and the installed fencing thereafter retained unless alternative type fencing is required for railway operational safety reasons.</p>	<p>permanent security fencing to be installed must be of a nature substantially in accordance with the details set out in the relevant part of the general arrangement plans and the fencing grades summary. The works must be carried out in accordance with the approved details and the installed fencing thereafter retained unless for railway operational safety reasons the relevant planning authority gives written consent to any variation. unless alternative type fencing is required for railway operational safety reasons.</p>	<p>would not give rise to any materially new or materially different environmental effects from those assessed in the Environmental Statement (ES)</p>
<p>Schedule 2 Requirement 24 <i>For the protection of bats</i></p>	<p>24(1) Work Nos 1, 1A, 1B and 1C must not commence until written details of the proposed tree planting on the A369 Portbury Hundred classified road must have been approved in writing by the relevant planning authority</p>	<p>24(1) Work Nos 1, 1A, 1B and 1C must not commence until written details of the proposed tree planting on the A369 Portbury Hundred classified road must have been approved in writing by the relevant planning authority in consultation with the relevant</p>	<p>As the tree planting is proposed to provide additional foraging for commuting bats the ExA consider that it would be appropriate that Natural England should be consulted on the details</p>

	in consultation with the relevant highway authority. The details submitted for approval must accord with the Portbury Hundred location of additional tree planting plans.	highway authority and Natural England . The details submitted for approval must accord with the Portbury Hundred location of additional tree planting plans.	
Schedule 2 Requirement 25 <i>Permanent fencing outside of Avon Gorge Woodlands SAC</i>	25(1) subject to paragraphs (2) and (3) and without affecting requirement 31(4) a stage of the works must not commence until written details of any permanent security fencing to be installed in connection with the that stage, together with a timetable for its installation, have been submitted to and approved by the relevant planning authority. (2) Where new fencing is to be provided that does not fall within a stage, and is outside of the Avon Gorge Woodlands SAC any permanent security fencing	25(1) subject to paragraphs (2) and (3) and without affecting requirement 31(4) a stage of the works must not commence until written details of any permanent security fencing to be installed in connection with that stage, together with a timetable for its installation, have been submitted to and approved by the relevant planning authority. (2) Where new fencing is to be provided that does not fall within a stage, and is outside of the Avon Gorge Woodlands SAC any permanent security fencing to be installed must be of a nature substantially in accordance with the details set	The insertion of this wording would give the Applicant the flexibility to change the fencing if required for operational safety reasons but would mean that Requirement 35 (2) would apply so that it would ensure that in this location any variations to the fencing would not give rise to any materially new or materially different environmental effects from those assessed in the ES

	<p>to be installed must be of a nature substantially in accordance with the details set out in the general arrangement plans and the Fencing grades Summary.</p> <p>(3) Any new permanent security fencing must be installed in accordance with the approved details and thereafter retained unless alternative type fencing is required for railway operational safety reasons.</p>	<p>out in the general arrangement plans and the Fencing grades Summary.</p> <p>(3) Any new permanent security fencing must be installed in accordance with the approved details and thereafter retained unless for railway operational safety reasons the relevant planning authority gives written consent to any variation. Alternative type fencing is required for railway operational safety reasons.</p>	
<p>Schedule 2 Requirement 27 <i>Portishead Station</i></p>	<p>27(1) Work No 5 (Portishead Station) must not commence until written details of any permanent lighting to be installed in connection with that work, including measures to minimise light spillage, have been submitted to and approved in writing by the relevant planning authority, the authority acknowledging the</p>	<p>27 (1) Work No 5 (Portishead Station) must not commence until written details of any permanent lighting to be installed in connection with that work, including measures to minimise light spillage, have been submitted to and approved in writing by the relevant planning authority, the authority acknowledging the necessity for the lighting</p>	<p>(1) In writing is not necessary as this would be delivered by Requirement 34</p> <p>(3) the inclusion of the wording 'of any proposals' provides ambiguity the deletion is recommended to provide clarity and enforceability</p> <p>(4) has been inserted at the request of the Environment Agency [REP6-038]</p>

	<p>necessity for the lighting to comply with Railway Industry Standards.</p> <p>(2) Work No 5 must not commence until written details of any GSM-R mast to be located at Portishead Station have been submitted to and approved by the relevant planning authority. The GSM-R mast must not exceed 12 meters in height from the proposed track bed level of Work No 1 at Portishead Station.</p> <p>(3) Work No 5 must not commence until written details of any proposals for the inclusion of on-site energy generation to be incorporated within the detail design for Portishead Station have been submitted to and approved by the relevant planning authority.</p> <p>(4) work No 5 must be carried out in accordance with the approved details.</p>	<p>to comply with Railway Industry Standards.</p> <p>(2) Work No 5 must not commence until written details of any GSM-R mast to be located at Portishead Station have been submitted to and approved by the relevant planning authority. The GSM-R mast must not exceed 12 meters in height from the proposed track bed level of Work No 1 at Portishead Station.</p> <p>(3) Work No 5 must not commence until written details of any proposals for the inclusion of on-site energy generation to be incorporated within the detail design for Portishead Station have been submitted to and approved by the relevant planning authority.</p> <p>(4) Work No 5 must not commence until a Flood Risk Assessment (FRA) for this work has been submitted to and approved by the relevant planning</p>	
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		<p>authority in consultation with the Environment Agency. If the FRA concludes that Work No 5 is at risk of flooding then the FRA shall include details of the mitigation, such as a flood emergency and evacuation plan, that would be required to ensure that the station and users would remain safe should a flood event occur.</p> <p>(5) work No 5 must be carried out in accordance with the approved details.</p>	
<p>Schedule 2 Requirement 30 <i>Works affecting M5 Junction 19</i></p>	<p>30 (3) All morning shift construction staff arriving by private car at the J19 compounds will be told in advance to arrive no later than 7.30am or no earlier than 9am (Monday to Friday)(“the restricted hours”)</p>	<p>30 (3) All morning shift construction staff arriving by private car at the J19 compounds will be told in advance to not arrive no later than between the hours of 7.30am or no earlier than and 9am (Monday to Friday)(“the restricted hours”)</p>	<p>For precision</p>

<p>Schedule 2 Requirement 31 <i>Clanage Road, Bristol</i></p>	<p>31 (1) Works 26, 26A and 26B must not commence until a flood plan which details – (a) the emergency and evacuation procedures for the use of the temporary and permanent compound; (b) the location, height above ground level and the duration on site (if appropriate) of the welfare facility on the temporary compound; and (c) the means to remove materials stored at the temporary and permanent compound in the event of flooding; have been submitted to and approved in writing by the relevant planning authority in consultation with the Environment Agency and the lead local flood authority. The approved flood plan must thereafter be complied with to the satisfaction of</p>	<p>31 (1) Works 26, 26A and 26B must not commence until a flood plan which details – (a) the emergency and evacuation procedures for the use of the temporary and permanent compound; (b) the location, height above ground level and the duration on site (if appropriate) of the welfare facility on the temporary compound; and (c) the means to remove materials stored at the temporary and permanent compound in the event of flooding; have been submitted to and approved in writing by the relevant planning authority in consultation with the Environment Agency and the lead local flood authority. The approved flood plan must thereafter be complied with to the satisfaction of the relevant planning authority. (2) the landscaping and planting forming part of Work No 26 must be carried out in</p>	<p>(if appropriate) – deleted as requested by Bristol City Council [REP6-029] (4) wording changed to provide clarity and precision which the ExA consider necessary given the location of the compound within the Green Belt and adjacent to a number of designated heritage assets</p>
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	<p>the relevant planning authority.</p> <p>(2) the landscaping and planting forming part of Work No 26 must be carried out in accordance with the relevant design drawing prior to first use of Work No 26 as a permanent maintenance compound. Any tree or shrub planted as part of the landscaping that, within a period of five years after planting is removed, dies or becomes in the opinion of the relevant planning authority, seriously damaged or diseased must be replaced in the first available planting season with a specimen of the same species and size as originally planted, unless the relevant planning authority gives written consent to any variation.</p> <p>(3) The regrading of the levels forming part of Work</p>	<p>accordance with the relevant design drawing prior to first use of Work No 26 as a permanent maintenance compound. Any tree or shrub planted as part of the landscaping that, within a period of five years after planting is removed, dies or becomes in the opinion of the relevant planning authority, seriously damaged or diseased must be replaced in the first available planting season with a specimen of the same species and size as originally planted, unless the relevant planning authority gives written consent to any variation.</p> <p>(3) The regrading of the levels forming part of Work No 26 must be carried out, in accordance with the Clamage Road, compound, landscaping and access plan prior to first use of Work No 26 as a permanent maintenance compound. The levels must thereafter be maintained.</p>	
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	<p>No 26 must be carried out, in accordance with the Clamage Road, compound, landscaping and access plan prior to first use of Work No 26 as a permanent maintenance compound. The levels must thereafter be maintained.</p> <p>(4) Any permanent new fencing to be erected as part of Work No 26 shall be of paladin type and shall not exceed a height to be previously approved by the relevant planning authority in writing.</p>	<p>(4) Any permanent new fencing to be erected as part of Work No 26 shall be of paladin type and shall not exceed a height to be previously approved by the relevant planning authority in writing. Prior to the first use of Work No 26 as a permanent maintenance compound details of the permanent paladin type fencing including colour, height and location shall be submitted to and approved by the relevant planning authority and once installed shall thereafter be permanently maintained.</p>	
<p>Schedule 2 New Requirement <i>Trinity Primary School Bridge</i></p>		<p>(1) Work No 7 must not commence until details of any permanent lighting to be installed in connection with that work, including measures to minimise light spillage, have been submitted to and approved by the relevant planning authority.</p>	<p>Whilst the ExA note that the submission and approval of detailed design for Trinity Primary School Bridge (Work No 7) would be delivered under Requirement 4 the ExA consider that as for other elements of the scheme (eg Portishead Station which is also included in Requirement</p>

		<p>(2) Work No 7 must not commence until details of the colour finish of the bridge have been submitted to and approved by the relevant planning authority.</p> <p>(3) Work No 7 must not commence until details of the location, design and colour of privacy screens, if required, have been submitted to and approved by the relevant planning authority.</p> <p>(4) Work No7 must be carried out in accordance with the approved details and thereafter permanently retained.</p>	<p>4) should the Secretary of State (SoS) grant consent then given the concerns raised during the Examination in relation to this work it is important that details in relation to permanent lighting; colour of the bridge and location, design and colour of privacy panels for the bridge are submitted for approval</p>
<p>Schedule 2 New Requirement <i>Perimeter Track between Marsh Lane and the compounds under the M5 Avonmouth Bridge and on Lodway Farm</i></p>		<p>(1) Work Nos 16A and 17 must not commence until:</p> <p>(a) a pre-commencement survey of the perimeter track between Marsh Lane and Work Nos 16A and 17 has been undertaken and submitted to and approved by the relevant planning authority. The pre-commencement survey shall include but not be limited to:</p>	<p>The ExA consider that should the SoS grant consent the use of the perimeter track to access Work Nos 16A and 17 should not result in damage to this track and the track itself should be capable of accommodating the weight and volume of construction traffic that would need to use it</p>

		<p>(i) details of the current surfacing material;</p> <p>(ii) details of the sub-structure; and</p> <p>(iii) an assessment of whether the track as currently constructed would be able to take the volume of construction traffic that will need to access these works.</p> <p>(b) based on the results of the pre-commencement survey a Perimeter Track Strategy shall be submitted to and approved by the relevant planning authority. The Perimeter Track Strategy shall include but not be limited to:</p> <p>(i) details of what, if any, measures are required to ensure that construction vehicles can use the track to access the compounds without damaging the track;</p> <p>(ii) a timescale for the implementation of any necessary measures;</p> <p>(iii) a strategy for on-going maintenance and management</p>	
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		<p>of the track during construction; and (iv) details of management measures to minimise dust generation from construction vehicles.</p> <p>Work Nos 16A and 17 must be carried out in accordance with the Perimeter Track Strategy.</p> <p>(2) Within six months of the cessation of the use of the perimeter track a post-construction survey shall be submitted to and approved by the relevant planning authority. The post-construction survey shall include but not be limited to: (i) details of the state of the track post construction; (ii) details of what measures/repairs, if any, are required to ensure that the track is returned in the same or similar state to pre-commencement; and (iii) a timetable for the implementation of any</p>	
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		measures/ repairs that would be required.	
Schedule 2 New Requirement <i>Pill Tunnel Eastern Portal Compound Access, Ham Green</i>		<p>Work No 24 must not commence until written details of the levels and surfacing of the Work have been submitted to and approved by the relevant planning authority. Work No 24 must thereafter be carried out and retained in accordance with the approved details.</p>	<p>Whilst the ExA note that the submission and approval of detailed design for the Pill Tunnel Eastern Portal Compound (Work No. 24) would be delivered under Requirement 4 the ExA consider that as for other elements of the scheme (eg Portishead Station which is also included in Requirement 4) should the SoS grant consent then given the concerns raised during the Examination in relation to this work and its location in the Green Belt it is important that details in relation to surfacing and levels are submitted for approval</p>
Schedule 16 Part 5 <i>Protection for the Bristol Port Company</i>		<p>See accompanying Rule 17 letter requesting comments on the changes/ additions to the Protective Provision suggested by the Bristol Port Company at Deadline 2 [REP2-064]</p>	<p>Necessary should the ExA consider that amendments/ additions to the Protective Provision would be needed as a result of the concerns/</p>

			suggestions made by the Bristol Port Company
Schedule 16 New Protective Provision <i>The National Trust</i>		See accompanying Rule 17 letter requesting suggested wording for a Protective Provision in relation to the on-going management and maintenance of the rock bolting and rock fencing in the Avon Gorge	Necessary should the ExA consider that a Protective Provision is required for the National Trust regarding the on-going management and maintenance of the rock bolting and rock fencing in the Avon Gorge
Schedule 16 New Protective Provision <i>National Grid Electricity Transmission (NGET)</i>		See accompanying Rule 17 letter requesting comments on the Protective Provision suggested by NGET at Deadline 4 [REP4-046]	Necessary should the ExA consider that a Protective Provision is required for NGET in relation to the ability to implement the Hinkley C Connector DCO
Schedule 17 Explanatory Note	A copy of the Order plans and the book of reference mentioned in this Order and certified in accordance with article 55 (documents to be certified) of this Order may be inspected free of charge during working hours at the offices of North Somerset	A copy of the Order plans and the book of reference mentioned in this Order and certified in accordance with article 55 (documents to be certified) of this Order may be inspected free of charge during working hours at the offices of North Somerset District Council at Town Hall,	After a decision is made by the SoS and the period for Judicial Review has expired the Book of Reference is no longer available through the project page of the Planning Inspectorate website and as a consequence if the documentation is to be made available electronically it would

	<p>District Council at Town Hall, Walliscote Grove Road, Weston-super-Mare BS23 1UJ or (during periods in which restrictions on movement are in place under health Protection (Coronavirus Restrictions)(All Tiers)(England) Regulations 2020 (S.I. 2020/1374) (or other relevant Government legislation) on the website of the Planning Inspectorate.</p>	<p>Walliscote Grove Road, Weston-super-Mare BS23 1UJ or (during periods in which restrictions on movement are in place under health Protection (Coronavirus Restrictions)(All Tiers)(England) Regulations 2020 (S.I. 2020/1374) (or other relevant Government legislation) on the website of the Planning Inspectorate on the website of North Somerset District Council</p>	<p>need to be made available by the Council</p>
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