



# MetroWest+

## Portishead Branch Line (MetroWest Phase 1)

Planning Inspectorate Reference: TR040011

Applicant: North Somerset District Council

9.3.19 ExA.SoCG-FL.D7.V1 – Statement of Common Ground

Between:

- (1) North Somerset District Council;
- (2) Freightliner Limited; and
- (3) Network Rail Infrastructure Limited

Author: Womble Bond Dickinson (UK) LLP

Version: 1

Date: April 2021



## **1. ABBREVIATIONS**

Applicant	North Somerset District Council
DCO	Development Consent Order
SoCG	Statement of Common Ground

In the text, "Document Reference" refers to the DCO document reference number as shown on the documents on the Portishead Branch Line (MetroWest Phase 1) [project page on the PINS website](#).

## **2. INTRODUCTION**

2.1 This Statement of Common Ground ("SoCG") has been prepared by North Somerset District Council ("the Applicant"), Freightliner Limited ("Freightliner") and Network Rail Infrastructure Limited ("Network Rail") to set out the position between the parties in relation to the Development Consent Order ("DCO") application for the Portishead Branch Line (MetroWest Phase 1) ("the DCO Scheme").

## **3. FREIGHTLINER LIMITED'S POSITION**

- 3.1 Plots 17/05 and 17/20 are required by Network Rail for the purposes of temporary construction compounds or for the storage of materials. Freightliner has no objection to the use of those plots for those purposes but considers that it is unnecessary for temporary possession powers to be sought by the District Council/Network Rail in circumstances where Freightliner are willing to enter into leases with Network Rail for those plots.
- 3.2 Freightliner and Network Rail have been in negotiations since 29 January 2020 in respect of heads of terms for options for sub-leases of the two plots.
- 3.3 The Applicant has confirmed to Freightliner it will not seek exclusive possession of plots 17/10 and 17/15. The draft DCO has been amended to reflect this.
- 3.4 With respect to plot 17/15, for the reasons set out in its Relevant Representations, Freightliner has no objection to providing a means of access to the District Council/Network Rail and indeed has included that as a requirement in the heads of terms for the sub-leases of plots 17/05 and 17/20. However, the location of plot 17/15 is unacceptable to Freightliner as it would unduly disrupt the commercial operations of Freightliner and its tenants.

**4. THE AGREED POSITION BETWEEN THE PARTIES**

- 4.1 NRIL has agreed heads of terms for an option agreement for sub-leases for use of part of Freightliner Limited's existing sidings at South Liberty Lane, Bedminster. Temporary use of land at Freightliner Limited's sidings is proposed for the purposes of works to the adjacent Parson Street Junction are provided for in as plots 17/05 and 17/10, with temporary access over plots 17/15 and 17/20 of the Land Plans (Application ref: 2.2) and Book of Reference (Application ref: 4.3). And Option agreement and two sub-leases are currently being negotiated by Network Rail and Freightliner (the "property agreements")
- 4.2 Freightliner has also agreed in principle the outline for an agreement with the Applicant which would resolve the issues between them (the "compromise agreement") and discussions are ongoing between the parties to finalise that agreement.
- 4.3 It is hoped that the property agreements and the compromise agreement can be progressed swiftly enough to allow for the withdrawal of Freightliner's relevant representation before the Panel reports to the Secretary of State.

**5. AGREEMENT ON THIS STATEMENT OF COMMON GROUND**

This Statement of Common Ground has been jointly prepared and agreed by:

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<b>The Applicant</b>
<i>Name:</i>
<i>Signature:</i>
<i>Position:</i>
<i>On behalf of:</i>
<i>Date:</i>

<b>Freightliner Limited</b>
<i>Name:</i>
<i>Signature:</i>

*Position:*

*On behalf of:*

*Date:*

**Network Rail Infrastructure Limited**

*Name:*

*Signature:*

*Position:*

*On behalf of:*

*Date:*