

14 April 2021

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Our ref:
TN2/RG1/381278.1
Your ref:
TR040011

Dear Mr Bartkowiak

Applicant: North Somerset District Council
Development Consent Order application for Portishead Branch Line – MetroWest Phase 1
Application Reference: TR040011
DCO Document Reference: 9.58 ExA.CL.D7.V1

Applicant's Deadline 7 Submissions

In accordance with the examination timetable at Annex A of the Rule 8 letter, I provide the following updates for the Planning Inspectorate:

1. A final version of the dDCO (in clean, tracked and Word versions);
2. Schedule of changes to the dDCO;
3. An updated Explanatory Memorandum (in clean, tracked and Word versions);
4. Applicant's responses to written representations submitted at Deadline 6;
5. Applicant's comments on the preferred dDCO proposed by ExA;
6. Applicant's responses to Rule 17 Request
7. Draft Section 278 Agreement with Bristol City Council;
8. Applicant's comments on the RIES;
9. An updated Compulsory Acquisition Schedule;
10. Final Book of Reference;
11. Final SoCG for:
 - 11.1. Environment Agency
 - 11.2. North Somerset Council
 - 11.3. Bristol City Council
 - 11.4. Network Rail Infrastructure Limited
 - 11.5. Openreach Limited
 - 11.6. Wessex Water
 - 11.7. North Somerset Levels Internal Drainage Board
12. SoCG not yet signed:
 - 12.1. Western Power Distribution
 - 12.2. Freightliner Limited
13. Revised General Arrangement Plans

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14. Updated Railway Landscaping Plans
15. Updated Landscape and Visual Impact Assessment figures
16. Final CEMP
17. Final Schedule of Mitigation
18. Responses to further information previously requested for Deadline 7;
19. Reptile and Amphibian Mitigation Strategy;
20. Updated Statement of Reasons
21. Updated Crown Land Plans
22. Final agreement with the Forestry Commission;
23. Updated Statement of Commonality
24. S135 consent from MoD; and
25. Updated Guide to the Application
26. Updated S127 Position Statement

Documents provided with this letter:

Item 1: A final version of the dDCO

The Applicant now encloses a final dDCO, which contains a number of changes to the Protective Provisions. The Applicant's proposed Protective Provisions with Bristol Port Company and National Grid Electricity Transmission PLC (NGET) are now included. These are not yet agreed.

Agreed protective provisions with National Trust are included.

A Validation Report for the dDCO is awaited. It will be provided as soon as it is received.

The Applicant has updated Schedule 17 of the dDCO to provide a complete list of certified documents. At the prompt of the Examining Authority, this has removed the reference to the Great Crested Newt Indicative Pond Design and the following documents have been added to the list:

- Earthworks, and
- Easton in Gordano Flood Mitigation Plan.

Item 2: Schedule of Changes to the dDCO

The Applicant has enclosed the list of amendments to the dDCO (Document Reference: 9.1 ExA.Sch.D7.V6).

Item 3: An updated Explanatory Memorandum

The Applicant encloses the final Explanatory Memorandum to reflect the changes made to the dDCO for Deadline 7 (Document Reference: 4.1 (Version 5)).

Item 4: Applicant's responses to written representations submitted at Deadline 6

The Applicant encloses our full responses to the written representations submitted at Deadline 6.

Item 5: Applicant's comments on the preferred dDCO proposed by the ExA

The Applicant has provided comments on the Examining Authority's preferred Development Consent Order released on 29 March.

Item 6: Applicant's response to Rule 17 Request

The Applicant has provided comments on the Examining Authority's Rule 17 requests made on 29 March.

Item 7: Applicant's draft 278 Agreement with Bristol City Council

The Applicant encloses a draft Section 278 highway works agreement between itself, Bristol City Council, and Network Rail. Bristol City Council has confirmed to the Applicant that it will work with the Applicant and Network Rail with the aim of completing the Section 278 agreement in the next 2 weeks.

Item 8: Applicant's Comments on the Report on the Implications for European Sites (RIES)

At the request of the Examining Authority the Applicant has enclosed comments on the RIES that was released on 29 March.

Item 9: An updated Compulsory Acquisition Schedule

The Applicant has provided the final Compulsory Acquisition Schedule to ensure all plots that are required to be compulsorily acquired have been referenced for the Examining Authority.

Item 10: Final Book of Reference

The Applicant has enclosed the refreshed Book of Reference at the request of the Examining Authority for Deadline 7 (Document Reference 4.3, Version 4).

Version 4 of the Book of Reference shows some minor changes to plot areas. These minor changes are not as a result of any changes on the Land Plans, but as a consequence of aligning plot data and running an automated check of plot areas to ensure the Book of Reference is as accurate as possible.

This automated check is the most accurate check and resolves any human errors when inputting plot area sizes into the Book of Reference. Therefore, it is not necessary to submit updated Land Plans alongside this Book of Reference update as they remain unchanged.

Item 11: Final SoCG,

Along with the final version of the Statement of Commonality, the Applicant encloses the following signed SoCG:

- Environment Agency
- North Somerset Council
- Bristol City Council
- Network Rail Infrastructure Limited
- Openreach Limited
- Wessex Water
- North Somerset Levels Internal Drainage Board

Item 12: SoCG not yet signed

The Applicant encloses the following SoCG which are not yet signed:

- Western Power Distribution
- Freightliner Limited

Item 13: Revised General Arrangement Plans

The Applicant has enclosed an updated copy of the General Arrangement Plans (DCO Document Reference 2.4 (Version 4)). This is provided to reflect additional detail added to the drawings as a result of the specifications set out in Requirement 14 of the dDCO.

Item 14: Updated Railway Landscaping Plans

The Applicant encloses updated Railway Landscaping Plans (Disused Line) (DCO Document Reference 2.10 (Version 3)) with amendments to the proposed trees and grassland on Sheets 6 and 7. following

concerns raised by Bristol Port Company. The relevant planning authority has agreed to the revised plans being provided.

Item 15: Updated Landscape and Visual Impact Assessment (LVIA) figures

Figure 11.3 Sheet 1 has been updated to include a new visual receptor location 108 representing the Harbour Residential Care Home. The assessment for this receptor is provided in the Environmental Statement, Volume 3, Appendix 11.3, which was submitted at Deadline 6 [REP6-123]. The figures are enclosed as clean and tracked changes versions.

Item 16: Final Construction Environmental Management Plan (CEMP)

The Master CEMP for the DCO Application was provided as both an appendix to the Environmental Statement and as a standalone document. It was intended that the document contained within the Environmental Statement would not be updated.

However, as both the Environmental Statement and the stand alone Master CEMP will be certified documents they have both been updated and are identical, though bearing different document reference numbers.

DCO Document 8.14 Master CEMP has been updated to reflect the latest and final changes to the requirements in the dDCO. This report has been provided in a clean and tracked change version.

The Environmental Statement, Appendix 4.2 Master CEMP (DCO Document 6.25) has been updated to reflect the latest and final changes to the requirements in the dDCO. This document has been produced in a clean version only, to reduce the number of documents uploaded to the PINS website.

Item 17: Final Schedule of Mitigation

The Schedule of Mitigation for the DCO Application was provided as both an appendix to the Environmental Statement and as a standalone document. It was intended that the document contained within the Environmental Statement would not be updated. However, as both the Environmental Statement and the stand alone Schedule of Mitigation will be certified documents they have both been updated and are identical, though bearing different document reference numbers.

DCO Document 6.31 Schedule of Mitigation has been updated to reflect the latest and final changes to the requirements in the dDCO. This report has been provided in a clean and tracked change version.

The Environmental Statement, Appendix 4.3 Schedule of Mitigation (DCO Document 6.25) has been updated to reflect the latest and final changes to the requirements in the dDCO. This document has been produced in a clean version only, to reduce the number of documents uploaded to the PINS website.

Item 18: Responses to further information previously requested for Deadline 7

Please find enclosed the Applicant's review of outstanding actions requested from previous deadlines.

Item 19: Reptile and Amphibian Mitigation Strategy

The Applicant has provided the revised final version of the Reptile and Amphibian Mitigation Strategy (DCO Document Reference: 6.25 ES Volume 4 Appendix 9.13 (Version 4)) to account for the adoption of hollow rails on the branch line. This is submitted as part of an Ecology and Biodiversity appendix series 9.13 to 9.18.

The strategy has been proposed to prevent adverse effects on toad migration routes.

Item 20: Updated Statement of Reasons

The Applicant's Statement of Reasons has been further revised and updated to remove some remaining reference to works that were removed from the Order during the examination and to reflect the latest position regarding utilities.

Item 21: Updated Crown Land Plan

A revised version of the Crown Land Plan has been provided to indicate the possible additional land interests of MoD.

Item 22: Final agreement with the Forestry Commission

The Applicant has enclosed the signed agreement with the Forestry Commission. Both Parties have executed the agreement and it is anticipated it will be dated before the end of the Examination. We will update the ExA on 19 April.

Item 23: Updated Statement of Commonality of SoCG

The latest version of the Statement of Commonality of the Statements of Common Ground, which accounts for the progressed agreements with relevant stakeholders, has been enclosed for the ExA's reference.

It is hoped the draft SoCG with Freightliner and a new SoCG with National Trust may be concluded before the close of the examination.

Item 24: S135 consent from MoD

The Ministry of Defence has now provided its consent under S1365 of the 2008 Act.

Item 25: An Updated Guide to the Application

This is enclosed. Please see DCO Document Reference 1.4 (Version 12).

Updated S127 position statement

The Applicant has provided the S127 submissions in accordance with its statutory requirements for Deadline 7.

Additional Items to be provided before the Close of the Examination

Matters are still progressing on a number of fronts and the Applicant wishes to give the ExA the most up to date picture at the close of the examination.

Accordingly a number of documents will be submitted in final form on 19 April. These are:

a. Final consents and licences update

As some further progress may be made this week the final consents and licences document will be provided on 19 April

b. Crown consent letters

The consents from DfT and Defra are expected before the close of the Examination. The Applicant will provide an update on 19 April.

Concluding Remarks

The Applicant will provide closing submissions on 19 April together with the remaining items listed above.

The Applicant also anticipates providing further comments on Deadline 7 submissions made by other parties.

The Applicant also anticipates that there may be further draft dDCO provided by the close of the Examination, as well as further SoCG and a final Guide to the Application.

If an additional dDCO is provided it will be accompanied by a validation report.

Please confirm safe receipt of this letter and enclosures.

Yours sincerely

Richard Guyatt

Partner

Womble Bond Dickinson (UK) LLP