



# MetroWest+

## Portishead Branch Line (MetroWest Phase 1)

TR040011

Applicant: North Somerset District Council

9.60 ExA.FI.D7.V1 – Applicant's comments on the preferred draft Order proposed by the ExA

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

**Doc ref:**

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

1. On 29 March 2021 The ExA issued to the Applicant its comments on the deadline 6 submission draft Development consent Order (Examination Library ref: REP6-008) ("D6dDCO").
2. The ExA provided a number of comments on the D6dDCO which the Applicant has reviewed in detail.
3. Table 1 below is adapted from the ExA's document, to provide the ExA with the Applicant's comments on the ExA's suggestions. The applicant has added a new column "Applicant's comments".
4. For the most part the suggestions have been accepted and are now in the Deadline 7 draft DCO. Where the Applicant would wish to adapt or not include the ExA's drafting, the reasons for this are included in the same column.
5. the Applicant's drafting proposals have been included in the Applicant's Deadline 7 draft DCO.
6. The ExA proposed three additional requirements, each of which has been included in the deadline 7 draft DCO. The applicant has sought to amend two of the three new requirements and has included at Appendix 1 to this document, following Table 1, a comparison of proposed new requirements 34 and 35, as proposed by the ExA with the Applicant's drafting included in the deadline 7 draft DCO. The ExA's proposed requirement 36 has been agreed in full by the Applicant.
7. The Applicant has also shared the ExA's comments with the two relevant planning authorities. Their comments on the ExA's proposals are provided in their respective Statements of Common Ground, in Appendix 5 to those Statements of Common Ground, which are also provided at Deadline 7.

Table 1: Applicant's comments on ExA's suggested drafting changes to Deadline 6 Draft DCO:

Reference	Text as set out in the draft DCO [REP6-008]	ExA's Recommended Amendment	Reason and Notes	Applicant's comments
<b>ARTICLES</b>				
No suggested changes				
<b>SCHEDULES</b>				
<b>Schedule 2 Requirement 5</b> <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	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, <del>and</del> the Master CEMP <b>and the CTMP.</b>	For consistency	The Applicant has included the suggested change in the revised dDCO but used the definition CTMP – "Construction Traffic Management Plan" for consistency.

Reference	Text as set out in the draft DCO [REP6-008]	ExA's Recommended Amendment	Reason and Notes	Applicant's comments
	CEMP.			
<b>Schedule 2 Requirement 8</b> <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 <b>in accordance with the approved removal timetable</b> to the satisfaction of the relevant planning authority.	For precision and enforceability	Agreed and included in revised draft submitted at deadline 7.
<b>Schedule 2 Requirement 9</b> <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 roads, for that stage must be	To ensure highway safety and for precision and enforceability	The Applicant has not made the proposed change. Given the scale of some stages (for instance, Stages 1 and 2 are several miles in length and

Reference	Text as set out in the draft DCO [REP6-008]	ExA's Recommended Amendment	Reason and Notes	Applicant's comments
	<p>accesses and temporary haul roads, for that stage must be implemented in accordance with the approved details and timetable.</p>	<p>implemented in accordance with the approved details and timetable <b>and that stage of the authorised development must not commence until these works have been completed.</b></p>		<p>involve a number of components, the applicant does not believe the whole of a stage needs to be constrained as suggested by the ExA and there could be significant implications for construction programme. The Applicant suggests that the control in Requirement 9(1) to provide a timetable provides sufficient control for the relevant planning authority and relevant highway authority.</p>

Reference	Text as set out in the draft DCO [REP6-008]	ExA's Recommended Amendment	Reason and Notes	Applicant's comments
<p><b>Schedule 2 Requirement 14</b> <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</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, <b>colour</b> 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 permanent security fencing to be installed must be of a nature</p>	<p><b>Colour</b> – the Examining Authority (ExA) consider that due to sensitivity of location control over the colour of any fencing would be necessary</p> <p><b>for railway operational safety reasons the relevant planning authority gives written consent to any variation</b> – 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</p>	<p>Colour - agreed and included in revised draft submitted at deadline 7.</p>



	<p>by construction works within the Avon 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>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 <b>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.</b></p>	<p>that in this sensitive location any variations to the fencing would not give rise to any materially new or materially different environmental effects from those assessed in the Environmental Statement (ES).</p>	<p>Changes to fencing - The change has not been made as the Applicant does not believe that railway safety fencing should be regulated by the relevant planning authority, for the existing operational railway in the Avon Gorge SAC but left to Network Rail as Statutory undertaker relying on its existing permitted development rights under Part 18 Paragraph A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (Works authorised by Local Act for development control purposes). Any fencing changes would be subject to the Conservation of Habitats and Species Regulations 2017 application of which will provide a control</p>
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Reference	Text as set out in the draft DCO [REP6-008]	ExA's Recommended Amendment	Reason and Notes	Applicant's comments
				over how works are carried out in the Avon Gorge Woodlands Special Area of Conservation.
<b>Schedule 2 Requirement 24</b> <i>For the protection of bats</i>	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	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	As the tree planting is proposed to provide additional foraging for commuting bats the ExA consider that it would be appropriate that Natural England	Agreed and included in revised draft submitted at deadline 7.

Reference	Text as set out in the draft DCO [REP6-008]	ExA's Recommended Amendment	Reason and Notes	Applicant's comments
	road must have been approved in writing by the relevant planning authority in consultation with the relevant highway authority. The details submitted for approval must accord with the Portbury Hundred location of additional tree planting plans.	planning authority in consultation with the relevant highway authority <b>and Natural England</b> . The details submitted for approval must accord with the Portbury Hundred location of additional tree planting plans.	should be consulted on the details	

Reference	Text as set out in the draft DCO [REP6-008]	ExA's Recommended Amendment	Reason and Notes	Applicant's comments
<p><b>Schedule 2 Requirement 25</b> <i>Permanent fencing outside of Avon Gorge Woodlands SAC</i></p>	<p>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</p>	<p>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</p>	<p>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>	<p>The change has not been made as the Applicant does not believe that railway fencing safety should be regulated by the relevant planning authority, but left to Network Rail as statutory undertaker relying on permitted development rights under Part 8 Paragraph A of the Town and Country Planning (General Permitted Development) (England) Order 2015, being Development by railway undertakers on their operational land, required in connection with the movement of traffic by rail. In circumstances where safety is a concern or regulations require changes to railway</p>

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	<p>the Avon Gorge Woodlands SAC any permanent security fencing 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>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 <b>for railway operational safety reasons the relevant planning authority gives written consent to any variation.</b></p> <p><del>Alternative type fencing is required for railway operational safety reasons.</del></p>		<p>fencing, the approval of the relevant planning authority should not be a necessary prerequisite to the change to fencing.</p>

Reference	Text as set out in the draft DCO [REP6-008]	ExA's Recommended Amendment	Reason and Notes	Applicant's comments
<p><b>Schedule 2 Requirement 27</b> <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 necessity for the lighting to comply with Railway Industry Standards. (2) Work No 5 must not commence until</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 <del>in writing</del> by the relevant planning authority, the authority acknowledging the necessity for the lighting to comply with Railway Industry Standards. (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</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>(1) the words "in writing" no longer appear in Requirement 27(1)).</p> <p>(3) The words were included to allow for it proving to not be possible for the provision of on-site energy generation at Portishead station. The words have been removed.</p> <p>(4) This has been included subject to "Shall" being replaced by "must".</p>

Reference	Text as set out in the draft DCO [REP6-008]	ExA's Recommended Amendment	Reason and Notes	Applicant's comments
	<p>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. (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</p>	<p>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. (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. (4) <b>Work No 5 must not commence until a Flood Risk Assessment (FRA) for this work has been submitted to and</b></p>		

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	<p>authority.            (4) work No 5 must be carried out in accordance with the approved details.</p>	<p><b>approved by the relevant planning 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.</b>            (5) work No 5 must be carried out in accordance with the approved details.</p>		
<p><b>Schedule 2 Requirement 30</b>  <i>Works affecting M5 Junction 19</i></p>	<p>30 (3) All morning shift construction staff arriving by</p>	<p>30 (3) All morning shift construction staff arriving by private car at the J19</p>	<p>For precision</p>	<p>Agreed and included in revised draft submitted at deadline 7.</p>



Reference	Text as set out in the draft DCO [REP6-008]	ExA's Recommended Amendment	Reason and Notes	Applicant's comments
	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")	compounds will be told in advance to <b>not</b> arrive <del>no later than</del> <b>between the hours of 7.30am or no earlier than and</b> 9am (Monday to Friday)("the restricted hours")		
<b>Schedule 2 Requirement 31</b> <i>Clanage Road, Bristol</i>	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	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 <del>(if appropriate)</del> of the welfare facility on the temporary compound; and (c) the means to	<del>(if appropriate) – deleted as requested by Bristol City Council [REP6-029]</del>  (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	31(1) amended in Deadline 7 dDCO.  (4) amended in Deadline 7 dDCO.  The Applicant has also taken the opportunity to change "shall" to "must" in the draft.

Reference	Text as set out in the draft DCO [REP6-008]	ExA's Recommended Amendment	Reason and Notes	Applicant's comments
	<p>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</p>	<p>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 accordance with the relevant design drawing prior to first use of Work No 26 as a permanent</p>	<p>designated heritage assets.</p>	

Reference	Text as set out in the draft DCO [REP6-008]	ExA's Recommended Amendment	Reason and Notes	Applicant's comments
	<p>the satisfaction of 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</p>	<p>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,</p>		

Reference	Text as set out in the draft DCO [REP6-008]	ExA's Recommended Amendment	Reason and Notes	Applicant's comments
	<p>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 Clange Road, compound, landscaping and access plan prior to first use of</p>	<p>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><del>(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.</del> 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</p>		

Reference	Text as set out in the draft DCO [REP6-008]	ExA's Recommended Amendment	Reason and Notes	Applicant's comments
	<p>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><b>shall be submitted to and approved by the relevant planning authority and once installed shall thereafter be permanently maintained.</b></p>		

Reference	Text as set out in the draft DCO [REP6-008]	ExA's Recommended Amendment	Reason and Notes	Applicant's comments
<p><b>Schedule 2</b>  <b>New Requirement</b>  <i>Trinity Primary School Bridge</i></p>		<p>(1) 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>(2) 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>(3) Work No7 must be carried out in accordance with the approved details and thereafter permanently retained.</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 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</p>	<p>Agreed and included in revised draft submitted at deadline 7. Paragraph (2) has been altered to make it clear that it is for the relevant planning authority to decide if the privacy screening is needed.</p> <p>Paragraph (3) has been altered to make it clear that the requirement seeks the required details and not the Work to be permanently retained.</p>

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			are submitted for approval.	
<p><b>Schedule 2</b>  <b>New Requirement</b>  <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:  (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:  (i) details of the current</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>The Applicant has amended the ExA's proposed requirement, to reflect the land powers the Applicant has in the Order and the limitations on those powers that are being proposed by the Bristol Port Company in its draft protective provisions. As the Applicant would have to carry out physical works under its temporary powers in the Order, and because Bristol Port Company is seeking an</p>

Reference	Text as set out in the draft DCO [REP6-008]	ExA's Recommended Amendment	Reason and Notes	Applicant's comments
		<p>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</p>		<p>absolute prohibition on temporary powers on this part of the Order land. The Applicant must not be required to carry out physical works to the Marsh Lane Track if Bristol Port Company will not permit the Applicant to do so. In such circumstances the remedy for Bristol Port Company will be in the compensation code. The track is also used by other parties and the requirement has been amended to reflect this.</p> <p>The Applicant has also changed "shall" to "must" in the draft.</p>



Reference	Text as set out in the draft DCO [REP6-008]	ExA's Recommended Amendment	Reason and Notes	Applicant's comments
		<p>access the compounds without damaging the track;</p> <p>(i) a timescale for the implementation of any necessary measures; a strategy or on-going maintenance and management of the track during construction; and</p> <p>(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</p>		

Reference	Text as set out in the draft DCO [REP6-008]	ExA's Recommended Amendment	Reason and Notes	Applicant's comments
		<p>and approved by the relevant planning authority. The post-construction survey shall include but not be limited to:</p> <ul style="list-style-type: none"> <li>(i) details of the state of the track post construction;</li> <li>(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</li> <li>(iii) a timetable for the implementation of any measures/repairs that would be required.</li> </ul>		
<p><b>Schedule 2</b>  <b>New Requirement</b>  <i>Pill Tunnel</i>  <i>Eastern Portal Compound</i></p>		<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</p>	<p>Whilst the ExA note that the submission and approval of detailed design for the Pill Tunnel</p>	<p>Agreed and included in revised draft submitted at deadline 7.</p>

Reference	Text as set out in the draft DCO [REP6-008]	ExA's Recommended Amendment	Reason and Notes	Applicant's comments
<i>Access, Ham Green</i>		relevant planning authority. Work No 24 must thereafter be carried out and retained in accordance with the approved details.	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.	
<b>Schedule 16 Part 5</b> <i>Protection for the</i>		See accompanying Rule 17 letter requesting comments on the	Necessary should the ExA consider that amendments/	The Applicant's draft of Protective Provisions are now included – see

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<i>Bristol Port Company</i>		changes/ additions to the Protective Provision suggested by the Bristol Port Company at Deadline 2 [REP2-064]	additions to the Protective Provision would be needed as a result of the concerns/ suggestions made by the Bristol Port Company.	Part 5 of the deadline 7 dDCO. The Applicant is content for protective provisions in this form to be included in the Order as made. The draft has been discussed with BPC but is not yet agreed.
<b>Schedule 16 New Protective Provision</b> <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	The Applicant's draft of Protective Provisions are now included – see Part 10 of the deadline 7 dDCO. The Applicant is content for protective provisions in this form to be included in the Order as made. The draft has been agreed with NT.

Reference	Text as set out in the draft DCO [REP6-008]	ExA's Recommended Amendment	Reason and Notes	Applicant's comments
<p><b>Schedule 16 New Protective Provision</b>  <i>National Grid Electricity Transmission (NGET)</i></p>		<p>See accompanying Rule 17 letter requesting comments on the Protective Provision suggested by NGET at Deadline 4 [REP4-046]</p>	<p>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.</p>	<p>The Applicant's draft of Protective Provisions are now included – see Part 8 of the deadline 7 dDCO. The Applicant is content for protective provisions in this form to be included in the Order as made. The draft has been discussed with NGET but is not yet agreed.</p>
<p><b>Schedule 17 Explanatory Note</b></p>	<p>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</p>	<p>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, Walliscote Grove Road,</p>	<p>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</p>	<p>The Explanatory note now reads:   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, Walliscote Grove Road, Weston–super–Mare</p>

Reference	Text as set out in the draft DCO [REP6-008]	ExA's Recommended Amendment	Reason and Notes	Applicant's comments
	<p>the offices of North Somerset 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>Weston-super-Mare BS23 1UJ or <del>(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</del> <b>Planning Inspectorate on the website of North Somerset District Council</b></p>	<p>would need to be made available by the Council.</p>	<p>BS23 1UJ or (during periods in which restrictions on movement are in place under the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020 (S.I. 2020/1374) (or other relevant Government legislation)) on the website <a href="https://metrowestphase1.org/final-dco-examination-documents/">https://metrowestphase1.org/final-dco-examination-documents/</a>.</p> <p>The Applicant has created a new web space for this purpose.</p>

## **Appendix 1: Comparison of proposed new requirements 34-36, proposed by the ExA**

**Applicant's responses to proposed changes to requirements in Schedule 2 of the dDCO as suggested in ExA's recommended amendments to the Applicant's draft DCO submitted at Deadline (D)6 [REP6-008] – Comparison of drafting of new requirements proposed by ExA.**

### **Introduction**

This appendix sets out the three new requirements proposed by the ExA in its recommended amendments to the Applicant's draft DCO submitted at Deadline (D)6 [REP6-008]. Whilst the Applicant agrees to the principle of each of the new requirements, it believes two of the requirements require some amendments and has proposed its own wording in the dDCO submitted at Deadline 7. To assist the Panel and the Secretary of State the Applicant has, in this document, set out:

- the three new requirements proposed by the ExA (Part 1 of this document);
- the Applicant's suggested version of the three new requirements proposed by the ExA (Part 2 of this document); and
- a comparison of the versions included in Parts 1 and 2 of this document of the three new requirements proposed by the ExA (Part 3 of this document).

### **Part 1: ExA's proposed draft for new Requirements**

#### **1.1 Trinity Primary School Bridge:**

##### **Trinity Primary School Bridge**

(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.

(4) 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.

(5) 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.

(6) Work No7 must be carried out in accordance with the approved details and thereafter permanently retained.

## **1.2 Perimeter Track between Marsh Lane and the compounds under the M5 Avonmouth Bridge and on Lodway Farm**

### **Perimeter Track between Marsh Lane and the compounds under the M5 Avonmouth Bridge and on Lodway Farm**

(2) Work Nos 16A and 17 must not commence until:

(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:

(iv) details of the current surfacing material;

(v) details of the sub-structure; and

(vi) 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.

(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:

(ii) 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;

(ii) a timescale for the implementation of any necessary measures;

a strategy or on-going maintenance and management of the track during construction; and

(iii) details of management measures to minimise dust generation from construction vehicles.

Work Nos 16A and 17 must be carried out in accordance with the Perimeter Track Strategy.

(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:

(iv) details of the state of the track post construction;

(v) 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 a timetable for the implementation of any measures/repairs that would be required.

## **1.3 Pill Tunnel Eastern Portal Compound Access, Ham Green**

### **Pill Tunnel Eastern Portal Compound Access, Ham Green**

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.



## **Part 2: Applicant's proposed draft for new Requirements**

### **2.1 Trinity Primary School Bridge:**

#### **Trinity Primary School Bridge**

**34.**—(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.

(2) Work No 7 must not commence until details of the location, design and colour of privacy screens, if required by the relevant planning authority, have been submitted to and approved by the relevant planning authority.

(3) Work No7 must be carried out in accordance with the approved details and thereafter the required details must be permanently retained.

### **2.2 Perimeter Track between Marsh Lane and the compounds under the M5 Avonmouth Bridge and on Lodway Farm**

**35.**—(1) Work Nos 16A and 17 must not commence until a pre-commencement survey of the perimeter track between Marsh Lane and Work Nos 16A and 17 (The Marsh Lane Track) has been undertaken and submitted to and approved by the relevant planning authority. The pre-commencement survey must include but not be limited to:

(a) details of the current surfacing material;

(b) details of the sub-structure; and

(c) an assessment of whether the Marsh Lane Track as currently constructed would be able to take the volume of construction traffic for the authorised development that will need to access these works.

(2) Based on the results of the pre-commencement survey a strategy (the Marsh Lane Track Strategy) must be submitted to and approved by the relevant planning authority. The Marsh Lane Track Strategy must include but not be limited to:

(a) details of what, if any, measures are required to minimise damage to the perimeter track by construction vehicles using the Marsh Lane Track to access Work Nos 16A and 17;

(b) a timescale for the implementation of any necessary measures;

(c) a strategy for on-going maintenance and management of the Marsh Lane Track during construction of the authorised development;

(d) a strategy for using the Marsh Lane Track in conjunction with the owner of the Marsh Lane Track and other parties permitted to use it by the owner; and

(e) details of management measures to minimise dust generation from construction traffic for the authorised development.

(3) Work Nos 16A and 17 must be carried out in accordance with the Marsh Lane Track Strategy.

(4) Within six months of the cessation of the use of Marsh Lane Track for construction traffic for the authorised development a post-construction survey must

be submitted to the relevant planning authority for approval. The post-construction survey must include but is not limited to:

(a) details of the state of the Marsh Lane Track post construction;

(b) details of what measures/repairs, if any, are required to ensure that the Marsh Lane Track is returned in the same or similar state to pre-commencement;  
and

(c) a timetable for the implementation of any measures/repairs that would be required.

### **2.3 Pill Tunnel Eastern Portal Compound Access, Ham Green**

The Applicant agrees the ExA's drafting and has included the wording as drawn in the dDCO submitted for Deadline 7:

**36.** 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.

### Part 3: Comparison of ExA's proposed draft and Applicant's proposed draft for new Requirements

#### 3.1 Trinity Primary School Bridge:

~~(1)~~**34.**—~~(2)~~ 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.

~~(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.~~

~~(3)~~**(2)** Work No 7 must not commence until details of the location, design and colour of privacy screens, if required by the relevant planning authority, have been submitted to and approved by the relevant planning authority.

~~(4)~~**(3)** Work No7 must be carried out in accordance with the approved details and thereafter the required details must be permanently retained.

#### 3.2 Perimeter Track between Marsh Lane and the compounds under the M5 Avonmouth Bridge and on Lodway Farm

~~(1)~~**35.**—~~(1)~~ Work Nos 16A and 17 must not commence until ~~a~~ a pre-commencement survey of the perimeter track between Marsh Lane and Work Nos 16A and 17 (The Marsh Lane Track) has been undertaken and submitted to and approved by the relevant planning authority. The pre-commencement survey ~~shall~~ must include but not be limited to:

~~(i)~~**(a)** details of the current surfacing material;

~~(ii)~~**(b)** details of the sub-structure; and

~~(iii)~~**(c)** an assessment of whether the ~~track~~ Marsh Lane Track as currently constructed would be able to take the volume of construction traffic for the authorised development that will need to access these works.

~~(b)~~**2** ~~based~~ Based on the results of the pre-commencement survey a ~~Perimeter strategy (the Marsh Lane Track Strategy shall)~~ must be submitted to and approved by the relevant planning authority. The ~~Perimeter Marsh Lane Track Strategy shall~~ must include but not be limited to:

~~(i)~~**(a)** details of what, if any, measures are required to ~~ensure that minimise damage to the perimeter track by~~ construction vehicles ~~can use using~~ the ~~track~~ Marsh Lane Track to access ~~the compounds without damaging the track~~ Work Nos 16A and 17;

~~(ii)~~**(b)** a timescale for the implementation of any necessary measures;

~~(c)~~ a strategy ~~or for~~ on-going maintenance and management of the track Marsh Lane Track during construction of the authorised development; ~~and~~

~~(d)~~ a strategy for using the Marsh Lane Track in conjunction with the owner of the Marsh Lane Track and other parties permitted to use it by the owner; ~~and~~

~~(iii)~~**(e)** details of management measures to minimise dust generation from construction ~~vehicles~~ traffic for the authorised development.

~~(3)~~ Work Nos 16A and 17 must be carried out in accordance with the ~~Perimeter~~ Marsh Lane Track Strategy.

~~(2)~~**(4)** Within six months of the cessation of the use of ~~the perimeter track a post~~ Marsh Lane Track for construction traffic for the authorised development a

~~post~~-construction survey ~~shall~~must be submitted to ~~and approved by~~ the relevant planning authority for approval. The ~~post~~post-construction survey ~~shall~~must include but is not ~~be~~ limited to:

(i)(a) details of the state of the ~~track~~Marsh Lane Track post construction;

(ii)(b) details of what measures/repairs, if any, are required to ensure that the ~~track~~Marsh Lane Track is returned in the same or similar state to pre-commencement; and

(c) a timetable for the implementation of any measures/repairs that would be required.

(5) Any measures/repairs (including, without limitation, any physical works required as a result of the pre-commencement strategy or the post-construction survey) must thereafter be carried out as approved by the relevant planning authority unless the permission of the street authority (as street authority and as owner) for the relevant measures/repairs to the Marsh Lane Track is not forthcoming.

### 3.3 Pill Tunnel Eastern Portal Compound Access, Ham Green

The Applicant agrees the ExA's draft and has included the wording as drawn in the dDCO submitted for D7. No comparison is provided therefore.