



# MetroWest+

## Portishead Branch Line (MetroWest Phase 1)

**TR040011**

**Applicant: North Somerset District Council**

**9.1 ExA.Sch.D7.V6 – Schedule of Changes to the draft Development Consent Order**

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**Version: 6**

**Date: April 2021**



**MetroWest Phase 1: Draft Development Consent Order**  
**Schedule of drafting changes for Deadline 7 - Final draft DCO**  
**14 April 2021**

1. The following table has been prepared by the Applicant to set out the changes made to the dDCO from that submitted to the Examination at Deadline 6 (15 March 2021).
2. It is submitted together with:
  - a. revised dDCO (Version 7) (clean);
  - b. a comparison version of the dDCO showing all changes between new Version 7 and Version 1 (DCO Document Reference 3.1 v7); and
  - c. a comparison version of the dDCO showing the changes between Version 7 and Version 6 submitted at Deadline 6 (DCO Document Reference 3.1 v7).
3. The Panel has also issued its comments on the dDCO. The Applicant has amended the dDCO to reflect its position on the Panel's comments.
- 4. The changes listed in this document are additional to those proposed by the Panel.**
5. The Applicant's comments on the Panel's comments can be found in document Applicant's comments on the preferred draft Order proposed by ExA (9.60 ExA.FI.D7.V1). This document should be read in conjunction with that document.
6. The Applicant has also updated the Explanatory Memorandum, Book of Reference and Statement of Reasons to reflect both sets of proposed changes.

**Table 1: Summary of changes made to the Deadline 7 dDCO from the dDCO submitted at Deadline 6:**

<b>Article/Schedule</b>	<b>Change</b>	<b>Reason for change</b>	<b>Precedent used</b>	<b>Consequential changes</b>
Article 2	Definition of "Commence " amended:	This has been discussed and agreed with the	-	-

	<p>“commence” means beginning to carry out any material operation (as defined in section 155 (when development begins) of the 2008 Act) forming part of the authorised development other than operations consisting of environmental surveys and monitoring, investigations for the purpose of assessing ground conditions, <b>archaeological investigations</b>, receipt and erection of construction plant and equipment, utility diversions, laying out of compounds, works to clear watercourses, erection of any temporary means of enclosure, erection of protective fencing, the temporary display of site notices or advertisements, and “commencement” is to be construed accordingly.</p>	<p>relevant planning authority (North Somerset Council). The change has been included for consistency with the definition of preparatory activities found in Schedule 2 (Requirements). Without its inclusion commencement would have occurred even though the parties have agreed archaeological investigations would be a preparatory activity for the purposes of discharge of requirements. This change allows for initial investigations to not trigger commencement.</p>		
<p>Schedule 2 Requirement 11  Contaminated land and groundwater</p>	<p>"local planning authority" changes to "relevant planning authority in requirement 11(2).</p>	<p>Correction to previous draft.</p>	-	
<p>Schedule 2 Requirement 17  Contaminated land and groundwater</p>	<p>Requirement 17(5) - "shall" replaced by "will."</p>	<p>To reflect modern drafting practice.</p>	-	

Schedule 2  Requirement 19  Temporary path south of Trinity Primary School, Portishead	Requirement 19(4) now reads: Any temporary path must be removed <b>within a period of 6 months</b> following the opening of Work No. 7 for public use.	At the request of the relevant planning authority.		
Schedule 2  Requirement 20  Path at Marsh Lane, Easton in Gordano	"unless otherwise agreed with the relevant planning authority in consultation with the relevant highway authority" removed	Applicant has been informed by Bristol Port Company that it will not consent to the work becoming permanently available to users of the adjacent bridleway.	-	
Schedule 2  Requirement 27 Portishead Station	Additional paragraph added to provide for a station travel plan:  (6) First commercial use must not occur prior to the approval of a station travel plan for Portishead Station by the relevant planning authority. The content of the station travel plan must substantially reflect the outline station travel plan for Portishead station submitted as part of the Environmental Statement, as Volume 4, Technical Appendices, Appendix 16.1 Transport Assessment (Part 17 of 18) – Appendix M, Outline Station Travel Plans.	This has been discussed and agreed with the relevant planning authority (North Somerset Council). The Applicant will commit to submitting a station travel plan before the Station opens.	-	-
Schedule 2  Requirement 28	Requirement re-titled. Additional paragraph added to provide for a station travel plan:	This has been discussed and agreed with the relevant planning authority (North Somerset Council). The Applicant	-	-

Pill Station	(5) First commercial use must not occur prior to the approval of a station travel plan for Pill Station by the relevant planning authority. The content of the station travel plan must substantially reflect the outline station travel plan for Pill station submitted as part of the Environmental Statement, as Volume 4, Technical Appendices, Appendix 16.1 Transport Assessment (Part 17 of 18) – Appendix M, Outline Station Travel Plans.	will commit to submitting a station travel plan before the Station opens.		
Requirements in Part 2 of Schedule 2	These have been renumbered, and internal numbering cross references amended, as a result of the 3 additional requirements proposed by the Panel.	Consequential amendments following changes proposed by the Panel.	-	
Requirement 40	Amended as follows:  <b>40.</b> —(1) Where <del>an</del> <b>a valid</b> application has been made to the relevant planning authority for any consent, agreement or approval required or contemplated by a requirement (including agreement or approval in respect of part of a requirement) included in this Order, the relevant planning authority must give notice to the undertaker of the decision on the application within a period of 8 weeks beginning with—  (a) the day immediately following that on which <del>the application is validated</del> by the relevant planning authority <b>acknowledge the application;</b>	At the request of the relevant planning authority (North Somerset Council).		
Requirement 43 (revised numbering - was requirement 40)	This requirement now commences:  "In this <b>part of this</b> Schedule-"	For additional clarity.	-	

Schedule 16 Part 5  First Corporate Shipping	Protective Provisions revised.	To reflect the discussion that have taken place between the Applicant, Network Tail and BPC.	-	Consequential renumbering of paragraphs in Schedule 16.
Schedule 16 Part 6  Exolum Pipeline System Ltd	Protective Provisions revised.	To reflect the change of name of the utility and to include additional protections requested by Exolum Pipeline System Limited.	-	Consequential renumbering of paragraphs in Schedule 16.
Schedule 16 Part 7  For the protection of Western Power Distribution Limited (South West) Plc	Protective Provisions revised.	Revised to include additional protections requested by the Undertaker.	-	Consequential renumbering of paragraphs in Schedule 16.
Schedule 16 – part 8  For the mutual protection of National Grid and the railway undertaker	Protective provisions inserted for the mutual protection of National Grid and the railway undertaker.	Included at the request of the Undertaker and ExA. Drafted to be for mutual benefit for both the National Grid's HPCC scheme and for the MetroWest scheme	-	Consequential renumbering of paragraphs in Schedule 16.
Schedule 16 – part 9  For the protection of Wales and West Utilities Limited	Protective provisions inserted for the protection of Wales and West Utilities Limited.	Included at the request of the Undertaker.	-	Consequential renumbering of paragraphs in Schedule 16.

Schedule 16 Part 10 National Trust	Protective provisions inserted for the protection of National Trust.	Protective Provisions requested by ExA and agreed with National Trust.	-	Consequential renumbering of paragraphs in Schedule 16.
Schedule 17 – Documents to be Certified	Additional Documents included and references updated.	To reflect the most up to date document list.	-	-
Explanatory note	Revised to include a web address for inspecting certified documents.	To reflect current Coronavirus Regulations.	-	-

**Womble Bond Dickinson**

**14 April 2021**