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Subject: Metrowest 1-Schedule of ExA's recommended amendments to the Applicant's draft DCO
Date: 13 April 2021 23:57:43
Attachments: [_DOC_166811968\(1\)_NSC_SOCG - APPENDIX 5 - ExA_s_consultation_draft DCO - with applicant_s_comments_3_April_21_ Revised_12_April_2021.docx](#)

Our ref: PORT-SP067* Metrowest 1

Dear Bart and Lily

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]

I am writing to confirm that we have commented on the Applicant's response to the recommended amendments to the draft DCO submitted at Deadline (D)6.as set out in the attached document, which will also form an Appendix to the Statement of Common Ground between the Applicant and ourselves.

Kind regards

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Home improvements

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Our response to Covid-19

We are currently operating a reduced service. Whilst we will do our best to progress applications, they are likely to take longer than usual to be decided. To help us reduce delays and prevent the spread of the virus, please note the following:

New applications

Applications should be submitted via the Planning Portal. The Government encourages planning applications to be submitted electronically, to enable remote processing to continue as far as possible and support the latest social distancing guidelines. You can find out how to send planning applications to us on our website. In addition, please include photographs that show the site in relation to

adjacent properties. This will allow us to progress your application without visiting the site.

Site Notices

We now ask applicants to put up the site notice, to help us prevent the spread of the virus and allow the consultation period to start. This helps to reduce delays.

Meetings

All meetings with our planning officers will, for the foreseeable future, be undertaken online only. No meetings in person will be held.

We appreciate your patience and cooperation as we strive to keep our staff customers safe, while also continuing to provide essential services. Whilst we will try to keep delays to a minimum, we may have to ask for more time and therefore would appreciate your agreement to such requests.

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Appendix 5

North Somerset Council as Local Planning Authority's comments on 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]

Reference	Text as set out in the draft DCO [REP6-008]	ExA's Recommended Amendment	Reason and Notes	Applicant's comments	Local Planning Authority's Comments
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	The Applicant has included the suggested change in the revised dDCO but used the definition CTMP – Construction Traffic Management Plan" for consistency.	Noted and agreed

Reference	Text as set out in the draft DCO [REP6-008]	ExA's Recommended Amendment	Reason and Notes	Applicant's comments	Local Planning Authority's Comments
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	Agreed and included in revised draft submitted at deadline 7.	Noted and agreed
Schedule 2 Requirement 9 <i>Highway Access</i>	9(2) The approved highway alterations and improvement	9(2) The approved highway alterations and improvements, including any altered or new accesses and temporary haul roads,	To ensure highway safety and for precision and enforceability	The Applicant has not made the proposed change. Given the scale of some stages	NSC as local planning authority and highway authority accept this is a

Reference	Text as set out in the draft DCO [REP6-008]	ExA's Recommended Amendment	Reason and Notes	Applicant's comments	Local Planning Authority's Comments
	s, including any altered or new accesses and temporary haul roads, for that stage must be implemented in accordance with the approved details and timetable.	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.		(for instance, Stages 1 and 2 are several miles in length and 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	complex construction programme and that there is the potential for significant implications if no element of flexibility is allowed, as suggested by the applicant. Ultimately since NSC has responsibilities as Highway authority the implications of any works not being completed before commencement of the respective stage will be fully examined. If there remain

Reference	Text as set out in the draft DCO [REP6-008]	ExA's Recommended Amendment	Reason and Notes	Applicant's comments	Local Planning Authority's Comments
				sufficient control for the relevant planning authority and relevant highway authority	concerns these will be discussed with the applicant.
Schedule 2 Requirement 14 <i>Avon Gorge Woodland SAC</i>	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	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	Colour – the Examining Authority (ExA) consider that due to sensitivity of location control over the colour of any fencing would be necessary for railway operational safety reasons the relevant planning	Colour - agreed and included in revised draft submitted at deadline 7.	We agree with insertion of the word 'colour'.

	<p>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 substantially in accordance with the details set out in the relevant part of the general</p>	<p>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 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>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 would not give rise to any materially new or materially different environment</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</p>	<p>If a change is proposed to be made for <i>railway operational safety reasons</i>, we consider that Network Rail is best placed to make such decisions, and such safety considerations should outweigh environmental considerations. We note, moreover the applicant's view that any fencing changes would be subject to the Conservation of Habitats and Species Regulations 2017, application of the which will provide a control over some aspects of how works</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	Local Planning Authority's Comments
	<p>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>al effects from those assessed in the Environmental Statement (ES).</p>	<p>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 the which will provide a control over how works are carried out in the Avon Gorge Woodlands Special Area of Conservation.</p>	<p>are carried out in the Avon Gorge Woodlands Special Area of Conservation. Colour is considered to be the other potentially significant impact of fencing and this is proposed to be controlled by the suggested amendment.</p>

Reference	Text as set out in the draft DCO [REP6-008]	ExA's Recommended Amendment	Reason and Notes	Applicant's comments	Local Planning Authority's Comments
<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 in consultation with the relevant highway authority. The details submitted for approval must accord with the Portbury Hundred location of additional tree planting plans.</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 highway authority and Natural England. The details submitted for approval must accord with the Portbury Hundred location of additional tree planting plans.</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>	<p>Agreed and included in revised draft submitted at deadline 7.</p>	<p>Agreed</p>

Reference	Text as set out in the draft DCO [REP6-008]	ExA's Recommended Amendment	Reason and Notes	Applicant's comments	Local Planning Authority's Comments
<p>Schedule 2 Requirement 25 <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</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</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)</p>	<p>Please see the Council's comments above in respect of Schedule 2 Requirement 14 <i>Avon Gorge Woodland SAC</i></p>

Reference	Text as set out in the draft DCO [REP6-008]	ExA's Recommended Amendment	Reason and Notes	Applicant's comments	Local Planning Authority's Comments
	<p>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 out in the general arrangement plans and the Fencing grades Summary. (3) Any new permanent security fencing must be installed in accordance with the approved details</p>	<p>substantially in accordance with the details set out in the general arrangement plans and the Fencing grades Summary. (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>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 fencing, the approval of the relevant planning authority should not be a necessary prerequisite to the change to</p>	

Reference	Text as set out in the draft DCO [REP6-008]	ExA's Recommended Amendment	Reason and Notes	Applicant's comments	Local Planning Authority's Comments
	and thereafter retained unless alternative type fencing is required for railway operational safety reasons.			fencing.	

Reference	Text as set out in the draft DCO [REP6-008]	ExA's Recommended Amendment	Reason and Notes	Applicant's comments	Local Planning Authority's Comments
<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 necessity for the lighting to comply with Railway Industry</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 written details of any GSM-R mast to be located at Portishead Station have been submitted to and</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>	<p>Noted -we have no further comment to make.</p>

Reference	Text as set out in the draft DCO [REP6-008]	ExA's Recommended Amendment	Reason and Notes	Applicant's comments	Local Planning Authority's Comments
	<p>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 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</p>	<p>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 authority. (4) Work No 5 must not commence until a Flood</p>			

Reference	Text as set out in the draft DCO [REP6-008]	ExA's Recommended Amendment	Reason and Notes	Applicant's comments	Local Planning Authority's Comments
	<p>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>Risk Assessment (FRA) for this work has been submitted to and 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.</p> <p>(5) work No 5 must</p>			

Reference	Text as set out in the draft DCO [REP6-008]	ExA's Recommended Amendment	Reason and Notes	Applicant's comments	Local Planning Authority's Comments
		be carried out in accordance with the approved details.			
Schedule 2 Requirement 30 <i>Works affecting M5 Junction 19</i>	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	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")	For precision	Agreed and included in revised draft submitted at deadline 7.	Agreed

Reference	Text as set out in the draft DCO [REP6-008]	ExA's Recommended Amendment	Reason and Notes	Applicant's comments	Local Planning Authority's Comments
	restricted hours")				
Schedule 2 Requirement 31 <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 the duration on site (if appropriate) of the welfare facility on the temporary compound; and (c) the means	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;	(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	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.	N/A

Reference	Text as set out in the draft DCO [REP6-008]	ExA's Recommended Amendment	Reason and Notes	Applicant's comments	Local Planning Authority's Comments
	<p>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</p>	<p>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 maintenance compound. Any tree or shrub planted as part of the landscaping that,</p>			

Reference	Text as set out in the draft DCO [REP6-008]	ExA's Recommended Amendment	Reason and Notes	Applicant's comments	Local Planning Authority's Comments
	<p>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 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</p>	<p>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. (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</p>			

Reference	Text as set out in the draft DCO [REP6-008]	ExA's Recommended Amendment	Reason and Notes	Applicant's comments	Local Planning Authority's Comments
	<p>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</p>	<p>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. 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</p>			

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

Reference	Text as set out in the draft DCO [REP6-008]	ExA's Recommended Amendment	Reason and Notes	Applicant's comments	Local Planning Authority's Comments
<p>Schedule 2 New Requirement <i>t 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. (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) Work No 7 must not commence until details of the location, design and</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</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. Paragraph (3) has been altered to make it clear that the requirement seeks the required details and not the Work to be permanently</p>	<p>This approach is agreed</p>

Reference	Text as set out in the draft DCO [REP6-008]	ExA's Recommended Amendment	Reason and Notes	Applicant's comments	Local Planning Authority's Comments
		<p>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>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>retained</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-</p>	<p>The ExA consider that should the SoS grant consent for 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</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</p>	<p>No further comment.</p> <p>It is suggested that there is a word omitted from the Reason for the Requirement, which is indicated in red text.</p>

Reference	Text as set out in the draft DCO [REP6-008]	ExA's Recommended Amendment	Reason and Notes	Applicant's comments	Local Planning Authority's Comments
		<p>commencement survey shall include but not be limited to:</p> <ul style="list-style-type: none"> (i) details of the current surfacing material; (ii) details of the sub-structure; and (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>(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</p>	<p>accommodating the weight and volume of construction traffic that would need to use it.</p>	<p>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 absolute prohibition on temporary powers on this part of the Order land (see para 59 of the protective provisions proposed by Bristol Port Company. The Applicant must not be required</p>	

Reference	Text as set out in the draft DCO [REP6-008]	ExA's Recommended Amendment	Reason and Notes	Applicant's comments	Local Planning Authority's Comments
		<p>but not be limited to: (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; (ii) a timescale for the implementation of any necessary measures; a strategy or on-going maintenance and management 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>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.</p> <p>The track is also used by other parties and the requirement has been amended to reflect this.</p> <p>The Applicant has also</p>	

Reference	Text as set out in the draft DCO [REP6-008]	ExA's Recommended Amendment	Reason and Notes	Applicant's comments	Local Planning Authority's Comments
		<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:</p> <ul style="list-style-type: none"> (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>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	Local Planning Authority's Comments
		measures/repairs that would be required.			
<p>Schedule 2 New Requirement <i>Pill Tunnel Eastern Portal Compound Access, Ham Green</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 relevant planning authority.</p> <p>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</p>	<p>Agreed and included in revised draft submitted at deadline 7.</p>	<p>Agreed</p>

Reference	Text as set out in the draft DCO [REP6-008]	ExA's Recommended Amendment	Reason and Notes	Applicant's comments	Local Planning Authority's Comments
			<p>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>		

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 document 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.

(5) 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.

(6) 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.

(7) 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;

(i) 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~~ 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.

~~(b2)~~ ~~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.