



MetroWest+

Portishead Branch Line (MetroWest Phase 1)

Planning Inspectorate Reference: TR040011

Applicant: North Somerset District Council

DCO Document Reference: 9.7 ExA.SoC.D7.V5

Statement of Commonality of Statements of Common Ground

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INDEX

1.	LIST OF TABLES.....	4
2.	ACRONYMS, ABBREVIATIONS AND TERMINOLOGY.....	5
3.	INTRODUCTION.....	6
4.	STATUS OF THE STATEMENTS OF COMMON GROUND	9
5.	COMMONALITY	13
6.	SUMMARY OF SOCG PROGRESS AND OUTSTANDING ISSUES AT DEADLINE 7	17

1. LIST OF TABLES

Table 1 Position of SoCGs at Deadline 7

Table 2 Summary of Commonality with each SoCG stakeholder at Deadline 7

2. ACRONYMS, ABBREVIATIONS AND TERMINOLOGY

2008 Act	Planning Act 2008
CEMP	Construction Environmental Management Plan
CTMP	Construction Traffic Management Plan
DCO	Development Consent Order
EIA	Environmental Impact Assessment
ES	Environmental Statement
ExA	Examining Authority
NSIP	Nationally Significant Infrastructure Project
PINS	Planning Inspectorate
SoCG	Statement of Common Ground

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

In cases where a document appears twice and there are two Document reference numbers, (for example, the AGVMP which appears twice as standalone document reference number 8.12 and as ES Appendix 9.11, document 6.25), we have used the DCO Document Reference for the standalone document.

3. INTRODUCTION

3.1 Scheme Overview

- 3.1.1 The Applicant has applied to the Planning Inspectorate ("PINS") for a DCO to construct the Portishead Branch Line under the Planning Act 2008 ("Application"). The Application was made on 15 November 2019 under reference TR040011 and was accepted for examination on 12 December 2019.
- 3.1.2 The DCO Scheme will provide an hourly (or hourly plus) railway service between Portishead and Bristol Temple Meads Railway Station, with stops at Portishead, Pill, Parson Street and Bedminster.
- 3.1.3 The DCO Scheme comprises the Nationally Significant Infrastructure Project ("NSIP") as defined by the Planning Act 2008 ("the 2008 Act") to construct a new railway 5.4 kilometres long between Portishead and the village of Pill, and associated works including a new station and car park at Portishead, a refurbished station and new car park at Pill and various works along the existing operational railway line between Pill and Ashton Junction where the DCO Scheme will join the existing railway. Ashton Junction is located close to the railway junction with the Bristol to Exeter Mainline at Parson Street.¹

3.2 Purpose of the Statement of Commonality

- 3.2.1 This document provides the Examining Authority ("ExA") with an overview of the position of each Statement of Common Ground ("SoCG") between the Applicant and the various parties in relation to the MetroWest Portishead Branch Line DCO at Deadline 7.

¹ Please refer to Schedule 1 of the DCO (DCO Document Reference 3.1) for more detail.

3.2.2 The Statement of Commonality is provided at the request of the ExA and sets out the Applicant's understanding of the current progress of negotiations and the areas of commonality across the SoCGs.

3.2.3 The Applicant will continue to work with interested parties to review any matters that remain unresolved as the Examination progresses.

3.3 Structure

3.3.1 This report is structured as follows:

- (i) Section 3 outlines the background to the SoCGs;
- (ii) Section 4 sets out the status of each SoCG; and
- (iii) Section 5 sets out the matters agreed, the matters not agreed and the matters subject to further discussions.

3.4 Deadline 7 status of Statements of Common Ground

3.4.1 Table 1 provides a summary of the current position of negotiations of SoCGs at Deadline 7. As at Deadlines 1, 3, 5 and 6 the status of negotiations is categorised as follows:

- (i) **Agreed and signed** – all matters are agreed between the parties and the interested party has signed the SoCG;
- (ii) **Signed with some matters not agreed** – the SoCG has been signed with the parties accepting that some matters cannot be agreed;
- (iii) **Agreed but not yet signed** – all matters are agreed between the parties but the interested party has not yet signed the SoCG;
- (iv) **Largely agreed but not yet signed** – the SoCG has been significantly progressed but matters remain outstanding. The Applicant will also undertake a review of the issues covered in the SoCG following the ExA's first written questions and seek to address those issues with the relevant party;

- (v) **Matters not agreed** – the document remains unsigned and there are outstanding matters which the Applicant will continue to progress with the interested party to reach agreement.
- (vi) **Applicant's latest draft not yet agreed** – a draft SoCG is in circulation between the parties but matters remain outstanding and the latest draft by the Applicant is yet to receive comments/ approval from the interested party. The draft submitted to the ExA is, the Applicant believes, an accurate reflection of the current position between the parties; and
- (vii) **SoCG not yet in circulation** – notification of the ExA's request for a SoCG with this party was received in the Rule 6 letter and the Applicant is taking steps to engage with the party and agree the basis for drafting of a SoCG. The SoCG will be progressed through the course of the Examination.

3.4.2 Where a new version of a SoCG has been submitted at Deadline 7, the status of that SoCG in Table 1 is shown in a highlighted box.

4. STATUS OF THE STATEMENTS OF COMMON GROUND

Table 1 – Position of Statements of Common Ground at Deadline 7

Document Reference	Party	Position at Deadline 1	Position at Deadline 3	Position at Deadline 5	Position at Deadline 6	Position at Deadline 7
Local authorities						
9.3.2 ExA.SoCG- BCC.D7.V3	Bristol City Council Local Planning Authority	Largely agreed but not yet signed	Largely agreed but not yet signed	Largely agreed but not yet signed	Largely agreed but not yet signed	Agreed and signed
9.3.1 ExA.SoCG- NSC.D7.V2	North Somerset District Council Local Planning Authority	Largely agreed but not yet signed	Largely agreed but not yet signed	Largely agreed but not yet signed	Largely agreed but not yet signed	Agreed and signed
9.3.9 ExA.SoCG- SCC.D1.V1	Somerset County Council	Agreed and signed	Agreed and signed	Agreed and signed	Agreed and signed	Agreed and signed
Statutory consultees						
9.3.3 ExA.SoCG- EA.D7.V5	Environment Agency	Applicant's latest draft not yet agreed	Applicant's latest draft not yet agreed	Applicant's latest draft not yet agreed	Largely agreed but not yet signed	Signed with some matters not agreed

Document Reference	Party	Position at Deadline 1	Position at Deadline 3	Position at Deadline 5	Position at Deadline 6	Position at Deadline 7
9.3.4 ExA.SoCG- HECL.D1.V1	Highways England	Agreed and signed	Agreed and signed	Agreed and signed	Agreed and signed	Agreed and signed
9.3.5 ExA.SoCG- HE.D1.V1	Historic England	Agreed and signed	Agreed and signed	Agreed and signed	Agreed and signed	Agreed and signed
9.3.6 ExA.SoCG- NE.D6.V4	Natural England	Largely agreed but not yet signed	Largely agreed but not yet signed	Largely agreed but not yet signed	Agreed and signed	Agreed and signed
9.3.7 ExA.SoCG- NSLIDB.D7.V2	North Somerset Levels Internal Drainage Board	Largely agreed but not yet signed	Largely agreed but not yet signed	Largely agreed but not yet signed	Largely agreed but not yet signed	Signed with some matters not agreed
9.3.11 ExA.SoCG- ASP.D1.V1	Avon & Somerset Constabulary	Agreed and signed	Agreed and signed	Agreed and signed	Agreed and signed	Agreed and signed
9.3.17 ExA.SoCG- NT.D7.V1	National Trust	SoCG not yet in circulation	SoCG not yet in circulation	SoCG not yet in circulation	SoCG not yet in circulation	Signed with some matters not agreed
-	Forestry England (Forestry Commission)	SoCG not yet in circulation	SoCG not yet in circulation	SoCG not yet in circulation	SoCG not yet in circulation	No SoCG but agreement reached

Document Reference	Party	Position at Deadline 1	Position at Deadline 3	Position at Deadline 5	Position at Deadline 6	Position at Deadline 7
Statutory undertakers						
9.3.8 ExA.SoCG- NGET.D3.V2	National Grid (NGET)	Largely agreed but not yet signed	Largely agreed but not yet signed	Largely agreed but not yet signed	Largely agreed but not yet signed	Largely agreed but not yet signed.
9.3.12 ExA.SoCG- BPC.D1.V1	Bristol Port Company	Applicant's latest draft not yet agreed	Applicant's latest draft not yet agreed	Applicant's latest draft not yet agreed	Applicant's latest draft not yet agreed	Applicant's latest draft not yet agreed
9.3.10 ExA.SoCG- OL.D7.V3	Openreach Limited	Agreed but not yet signed	Agreed but not yet signed	Agreed and signed	Agreed and signed	Agreed and signed
9.3.12 ExA.SoCG- WW.D7.V3	Wessex Water Limited	Applicant's latest draft not yet agreed	Applicant's latest draft not yet agreed	Agreed but not yet signed	Agreed but not yet signed	Agreed and signed
-	Bristol Water PLC	SoCG not yet in circulation	SoCG not yet in circulation	SoCG not yet in circulation	SoCG not yet in circulation	No SoCG
9.3.15 ExA.SoCG- NRIL.D7.V1	Network Rail Infrastructure Limited	SoCG not yet in circulation	SoCG not yet in circulation	SoCG not yet in circulation	SoCG not yet in circulation	Agreed and signed

Document Reference	Party	Position at Deadline 1	Position at Deadline 3	Position at Deadline 5	Position at Deadline 6	Position at Deadline 7
9.3.14 ExA.SoCG- WPD.D5.V1	Western Power Distribution	SoCG not yet in circulation	SoCG not yet in circulation	Applicant's latest draft not yet agreed	Applicant's latest draft not yet agreed	Matters not agreed
Interested parties						
-	Woodland Trust	SoCG not yet in circulation	SoCG not yet in circulation	SoCG not yet in circulation	SoCG not yet in circulation	No SoCG
9.3.19 ExA.SoCG- FL.D7.V2	Freightliner Limited	SoCG not yet in circulation	SoCG not yet in circulation	SoCG not yet in circulation	SoCG not yet in circulation	Matters agreed but not yet signed

5. COMMONALITY

5.1 Summary

- 5.1.1 This section of the report provides a summary of the principal topics covered in the SoCGs and evidences the areas of commonality with various parties at Deadline 7.
- 5.1.2 Where the Applicant considers issues to have developed since the previous Statement of Commonality and a revised SoCG has been submitted to the ExA reflecting those developments, the relevant sub-topics are outlined in bold.
- 5.1.3 Please note, in many cases the Applicant has continued its discussions since Deadlines 1, 3, 5 and 6 and matters at issue have narrowed. Nevertheless, until a revised SoCG is submitted to the ExA the status in this Statement of Commonality will remain as per the most recently submitted SoCG.
- 5.1.4 The summary in Table 2 outlines the topics covered in the SoCGs and how these are relevant to each party, with the position for each topic presented as follows:

	Matter agreed
	Matter subject to further discussions
	Matter not relevant/not covered by the SoCG
	Matter not agreed

Table 2 – Summary of Commonality with each SoCG stakeholder at Deadline 7

Document Reference Number	Party	Topics																Impacts on statutory undertakers/bodies	
		Air quality	Biodiversity, Ecology and the Natural Environment	Climate change	Construction impacts (inc. CEMP and CTMP)	Cultural heritage	Design and engineering	Draft DCO	EIA and ES	Water environmental effects	Noise, vibration and light	Planning policy	Public rights of way and cycle routes	Socio-economic effects	Traffic and transport	Contamination (land/water)	Other consents and licences		Landscape
9.3.2 ExA.SoCG-BCC.D7.V3	Bristol City Council Local Planning Authority																		
9.3.1 ExA.SoCG-NSC.D7.V2	North Somerset District Council Local Planning Authority																		
9.3.9 ExA.SoCG-SCC.D1.V1	Somerset County Council																		
9.3.3 ExA.SoCG-EA.D7.V5	Environment Agency																		
9.3.4 ExA.SoCG-HECL.D1.V1	Highways England																		
9.3.5 ExA.SoCG-HE.D1.V1	Historic England																		
9.3.6 ExA.SoCG-NE.D6.V4	Natural England																		
9.3.7 ExA.SoCG-NSLIDB.D7.V2	North Somerset Levels Internal Drainage Board																		

Document Reference Number	Party	Topics															Impacts on statutory undertakers/bodies		
		Air quality	Biodiversity, Ecology and the Natural Environment	Climate change	Construction impacts (inc. CEMP and CTMP)	Cultural heritage	Design and engineering	Draft DCO	EIA and ES	Water environmental effects	Noise, vibration and light	Planning policy	Public rights of way and cycle routes	Socio-economic effects	Traffic and transport	Contamination (land/water)		Other consents and licences	Landscape
9.3.11 ExA.SoCG-ASP.D1.V1	Avon & Somerset Constabulary																		
9.3.8 ExA.SoCG-NGET.D3.V2	National Grid (NGET)																		
9.3.12 ExA.SoCG-BPC.D1.V1	Bristol Port Company																		
9.3.10 ExA.SoCG-OL.D7.V3	Openreach Limited																		
9.3.12 ExA.SoCG-WW.D7.V3	Wessex Water Limited																		
9.3.17 ExA.SoCG-NT.D7.V1	National Trust																		
-	Forestry England																		
-	Bristol Water PLC																		
9.3.15 ExA.SoCG-NRIL.D7.V1	Network Rail Infrastructure Limited																		
9.3.14 ExA.SoCG-WPD.D5.V1	Western Power Distribution																		
-	Woodland Trust																		

Document Reference Number	Party	Topics																		
		Impacts on statutory undertakers/bodies	Landscape	Other consents and licences	Contamination (land/water)	Traffic and transport	Socio-economic effects	Public rights of way and cycle routes	Planning policy	Noise, vibration and light	Water environmental effects	EIA and ES	Draft DCO	Design and engineering	Cultural heritage	Construction impacts (inc. CEMP and CTMP)	Climate change	Biodiversity, Ecology and the Natural Environment	Air quality	
9.3.19 ExA.SoCG- FL.D7.V1	Freightliner																			

6. SUMMARY OF SOCG PROGRESS AND OUTSTANDING ISSUES AT DEADLINE 7

6.1 Summary of final signed SoCG

6.1.1 Bristol City Council

All matters are now agreed as of Deadline 7. The previous iteration of this SoCG was subject to the parties agreeing a suitable mechanism to secure a tree replacement contribution. This issue was resolved by way of a Letter of Intent from the Applicant. The SoCG has been further updated to reflect changes to Requirements over the course of the Examination, all of which are agreed by Bristol City Council.

6.1.2 North Somerset Council

All matters are now agreed as of Deadline 7. The parties have been in dialogue throughout the Examination to address issues raised by council officers and the ExA, with formal exchanges of position centred on ExQ1 and ExQ2 submissions. As a result, the Applicant has presented further submissions clarifying the scope of the DCO Scheme, and made significant amendments to the draft Order as a result of the council's submissions.

6.1.3 Somerset County Council

All matters are agreed following submission of a signed SoCG at Deadline 1. In the SoCG, Somerset County Council notes its support for the DCO Scheme.

6.1.4 Environment Agency ("EA")

A signed SoCG with the EA was submitted at Deadline 7 with some matters not yet agreed. The final position between the parties is summarised as follows:

- A Flood Risk Assessment ("FRA") Addendum updates the submission FRA with additional modelling on climate change allowances and together with the further information contained in the Addendum FRA, the additional agreed Requirements and the terms of the Statement of Common Ground, the parties agree that there is sufficient flood resilience for the authorised development.

- The EA land and assets access arrangements have been agreed.
- The EA and the Applicant have agreed short form protective provisions which have been incorporated in the draft Order.
- The parties have largely agreed the contaminated land Requirement and provisions for waste but disagree that the provisions in Requirement 17 should apply to the operational railway.
- The parties have agreed all the associated development provisions save for Portbury Ditch (Work 3) which remains outstanding, as the Applicant is of the view that no further FRA or information is required.
- The EA does also not agree to the Applicant's proposal for the ground level of Clanage Road compound to be at 7.4 metres Above Ordnance Datum ("mAOD") as provided for in APP-044 but would prefer that the compound is at 7.3 mAOD.

6.1.5 Highways England

All matters are agreed and a signed SoCG was submitted at Deadline 1. Highways England submitted a relevant representation explaining it had no concerns about the operational phase of the DCO Scheme but required additional measures to safeguard the Strategic Road Network (Junction 19 of the M5) during the construction phase. As a result, the parties agree to new Requirement 30 (works affecting M5 Junction 19). The parties also agreed Heads of Terms for an access agreement to ensure Highways England continues to have appropriate access to the M5 motorway structure.

6.1.6 Historic England

All matters are agreed and a signed SoCG was submitted at Deadline 1. Historic England raised points for clarification and requested additional information with a particular focus on the works within the Avon Gorge and the Clanage Road compound area, and the impact on views from the Clifton Suspension Bridge and Ashton Court Estate.

6.1.7 Natural England

All matters are agreed and a signed SoCG was submitted at Deadline 6. The Statement of Commonality submitted at Deadline 6 [REP6-146] summarises the issues raised and resolved between the parties.

6.1.8 North Somerset Levels Internal Drainage Board ("NSLIDB")

All matters save for one issue are agreed. The Applicant and NSLIDB have had extensive dialogue in respect of the interface between the DCO Scheme and watercourses. All issues raised have been resolved. Further, NSLIDB agrees to the disapplication of all byelaws as sought by the Applicant, save for byelaw 17(d). The parties set out their respective positions on this byelaw in the SoCG.

6.1.9 Avon and Somerset Constabulary ("ASC")

All matters are agreed and a signed SoCG was submitted at Deadline 1. ASC made representations on matters including traffic management during the construction phase, Traffic Regulation Orders, parking, emergency vehicle access, and safety/security at Portishead Station.

6.1.10 Network Rail Infrastructure Limited

All matters are agreed and a signed SoCG was submitted at Deadline 7. Network Rail supports the DCO Scheme and the SoCG sets out the relationship between the Applicant as scheme promoter and Network Rail as owner and manager of the national rail network. The SoCG considers key issues which have arisen during the course of the Examination and Network Rail's role in the implementation and operation of the DCO Scheme.

6.1.11 Openreach Limited

All matters are agreed and a signed SoCG was submitted at Deadline 7. The Applicant has been in constructive dialogue with Openreach over several years regarding the interface between the DCO Scheme and Openreach apparatus. The SoCG evidences the individual interfaces and agreed protective works at those locations.

6.1.12 Wessex Water

All matters are agreed and a signed SoCG was submitted at Deadline 7. Wessex Water has confirmed the protective provisions in Part 2 of Schedule 16 of the draft Order offer it satisfactory protection and no concerns were raised in respect of the DCO Scheme.

6.1.13 National Trust

Considerable progress has been made with National Trust following ISH5. The Applicant has now provided for the ExA a signed SoCG between the parties (DCO Document Reference 9.3.17 ExA.SoCG-NT.D7.V1. Whilst the parties have not yet reached a final conclusion, it is anticipated that a mutually acceptable position will be found.

The Applicant believes that it still requires the powers of temporary access over National Trust land for the reasons provided, principally in the Applicant's responses to the Panel's Rule 17 questions. The parties are continuing constructive dialogue and the Secretary of State will be updated following the close of the Examination.

The Applicant and National Trust both accept that the position regarding temporary possession and compulsory acquisition powers is notprecedented. By including Protective Provisions and in particular paragraph 124 of Schedule 16, Part 10 of the dDCO submitted at Deadline 7 (and in the final draft Development Consent Order) the National Trust's position regarding temporary possession and compulsory acquisition is adequately protected – compulsory acquisition powers may only be exercised with the consent of the National Trust.

6.2 Summary of SoCGs not yet signed

6.2.1 National Grid (NGET)

The combination of the practical interfaces between the projects and the emerging nature of the detailed construction timetables for the two projects have meant that the draft SoCG provided to the ExA at Deadline 3 [REP3-019] has not progressed. The Parties have engaged in constructive discussion, most recently on 16 April 2021, and

have a programme of meetings diarized to seek to settle the processes for the two schemes to work together and co-operate during construction and thereafter. The Applicant will update the Secretary of State regarding the progress of those discussions.

6.2.2 Bristol Port Company ("BPC")

BPC wish to have all matters agreed before removing its relevant representations. On that basis the parties have concentrated on protective provisions and negotiations have not been progressed through a SoCG.

6.2.3 Western Power Distribution

The parties are negotiating a private agreement as a matter of urgency. The Applicant will update the Secretary of State regarding progress.

6.2.4 Freightliner

It had been hoped that a compromise agreement would be concluded prior to the close of the Examination but this has not proved possible. Terms are agreed and the parties have also prepared a SoCG to reflect the position between them. An unsigned, undated version was submitted at Deadline 7 [REP7-033]. It has not proved possible for Freightliner to sign the document prior to close of the Examination. The Secretary of State will be updated as to progress regarding agreement with Freightliner and the withdrawal of its relevant representation.

6.3 Other SoCG

6.3.1 Forestry England (Forestry Commission)

The parties have completed an agreement (DCO Document Reference 9.47 ExA.FI.D7.V3) and Forestry Commission has also given its Crown consent (DCO Document Reference 9.74 ExA.FI.D7.V1). There are no further issues between the parties so a SoCG has not been taken forward.

6.3.2 Bristol Water

The parties are in dialogue and are progressing terms of a private protective agreement in respect of Bristol Water's apparatus and interfaces with the DCO Scheme.

6.3.3 Woodland Trust

The Applicant has made numerous attempts to contact the Woodland Trust and to-date no response has been received. The Woodland Trust did not include contact details in their relevant representation so the Applicant called the Head Office and was provided with a generic email address to direct correspondence to. In addition, correspondence was sent to the Woodland Trust's Head Office on 24 September 2020 and then again on 6 October 2020, and no response has been received. The Applicant is aware that the Woodland Trust submitted a relevant representation. However, given that the Woodland Trust has not taken part in the examination of the Application, nor responded to any correspondence from the Applicant, the Applicant's view is that a SoCG is not required, and as such no SoCG is submitted.