



MetroWest+

Portishead Branch Line (MetroWest Phase 1)

TR040011

Applicant: North Somerset District Council

9.75 ExA.FI.D7.V1 – Section 135 Crown consent from Department for Transport

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Department for Transport

Andy Holdsworth
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Your Ref: RG1/TAE1/381278.1

19 April 2021

Womble Bond Dickinson
3 Temple Quay
Temple Back East
Bristol
BS1 6DZ

Also by email: richard.guyatt@wbd-uk.com

Dear Mr Guyatt

Your client: North Somerset District Council ("NSDC")
Property: Plots 05/90, 05/106, 05/107, 05/113, 05/115 and 05/135 as shown on the Crown Land Plans attached to the Application ("the Property")
Application for consent pursuant to section 135 of the Planning Act 2008 ("the Application")

I understand that you are instructed on behalf of NSDC in respect of the Portishead Branch Line (MetroWest Phase 1) Development Consent Order Application ("the DCO").

I am instructed to respond on behalf of the Secretary of State for Transport (SoST) in respect of the DCO.

The land required for the DCO includes the Property in which the SoST has an interest and therefore constitutes Crown land as defined in section 227 of the Planning Act 2008 ("the Act").

The entries relating to the SoST for Plots 05/90 and 05/115 relate to a caution against first registration in respect of land below, relating to a Deed of Grant of Easement dated 8th November 2007 between Network Rail Infrastructure Limited (NRIL) and The Secretary of State for Transport. NRIL's land, comprising the former railway under the M5 motorway, is unregistered.

The entries relating to the SoST for Plots 05/106, 05/107, 05/113 and 05/135 in respect of a right to construct an access track and rights of access and to discharge water, across neighbouring land, owned by First Corporate Shipping Limited t/a Bristol Port Company (AV236684 – Freehold and AV213537 – Leasehold). This letter applies if and to the extent that SoST retains an interest for the purposes of s227 of the Planning Act 2008 in those Plots. To the extent that such interests have passed to Highways England, the Applicant has confirmed that it will act in accordance with a Statement of Common Ground dated 22 October 2020 made between NSDC and Highways England.

I understand the Applicant seeks only temporary powers over plots 05/106 and 05/113, for additional working space and haul road widening whilst the access track is used for construction traffic for MetroWest.

The Applicant seeks a permanent right over the Port's level crossing at 05/107 for NRIL to use the level crossing to access its railway via the Port's railway.

Plot 05/135 will be a permanent acquisition. Part of the Port's existing ecological land will be used for a new bridleway connecting the bridleway that currently ends under the M5 to the public right of way network on the east side of the M5 bridge.

The Applicant has confirmed that none of the SoST's retained rights will be breached by the DCO Scheme being constructed or operated and no release is therefore being sought by NSDC. It is further understood that NSDC does not intend to acquire compulsorily any interests in Crown land which are held by the SoST. This consent is given on the condition that the rights in the deed dated 8th November 2007 benefitting SoST, and any obligations to which SoST is subject will be unaffected by the compulsory acquisition powers in the Order and SoST will be able to continue to exercise its rights over title nos AV236684 and AV213537.

I confirm that the appropriate Crown authority (as defined in section 227 of the Act) is the SoST.

On the basis of the above, I am authorised to confirm the following:

1. The SoST hereby gives consent pursuant to section 135(2) of the Act and Article 51(1) of the DCO as drafted to the inclusion of provisions within the DCO which would apply to the Property (to the extent that they relate to the detail specified in the Application); and
2. The SoST hereby agrees to the wording of Article 51 of the DCO as drafted.

Yours sincerely,

A black rectangular box redacting the signature of the authorised signatory.

Authorised signatory for and on behalf of the
Secretary of State for Transport