

Kevin O'Hanlan  
Department for Transport  
Great Minster House  
33 Horseferry Road  
London SW1P 4DR

Our Ref  
BNG/ENB/005694.0379  
Date  
9 August 2021

By Email

Dear Sir

**Portishead Branch Line - MetroWest Phase 1 - Response to request for comments**

We write on behalf of our client National Grid Electricity Transmission plc ('NGET'), in response to your letter dated 26<sup>th</sup> July 2021 requesting comments from North Somerset District Council ('the Applicant'), NGET and others in relation to the proposed MetroWest Phase 1 scheme, which is currently before the Secretary of State for decision.

The Secretary of State notes correctly that at the close of the examination an agreement between the Applicant and NGET on the protective provisions had not been reached, with NGET arguing for the inclusion of its own standard protective provisions submitted at deadline 4 (REP4-046), and the Applicant proposing a set of 'mutual protective provisions' in the draft DCO at deadline 7 (latest version at REP7-056) which NGET regard as unacceptable.

Since the close of the examination NGET has met the Applicant (along with Network Rail Infrastructure Limited) on several occasions for discussions on the interface between NGET's Hinkley Point C Connection Project and the Applicant's proposed scheme. Whilst the discussions have been constructive there is at present no agreement on the form of the protective provisions to appear within the DCO.

Last week on Wednesday 4<sup>th</sup> August, the Applicant provided NGET with a revised set of proposed protective provisions, and NGET is currently reviewing and considering these. NGET at this stage maintain that the DCO should include their own standard protective provisions provided at deadline 4 for the reasons set out during the examination, but the Applicant's latest draft protective provisions will no doubt inform further discussions with the Applicant, and NGET will be happy to provide the Secretary of State with a further update in due course.

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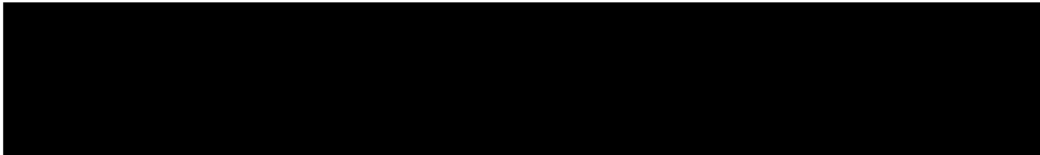
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Additionally and by way of update, on Wednesday 4<sup>th</sup> August NGET published a notice under section 3 of the *Compulsory Purchase (Vesting Declarations) Act 1981* (as amended by *The National Grid (Hinkley Point C Connection Project) Order 2016*) in the North Somerset Times, and simultaneously served notice on the Applicant, of NGET's intention to execute one or more general vesting declarations in respect of land owned by the Applicant and included within the order limits of the Applicant's scheme. A copy of the newspaper notice and a plan of the land over which NGET is proposing to acquire rights are enclosed with this letter. This is in line with NGET's position as set out in the examination (see REP6-039 paragraphs 2.7 and 3.10). The published notice will, if necessary, allow NGET to make one or more general vesting declarations from early October 2021 onwards, in order to acquire rights for apparatus necessary for its Hinkley Point C Connection Project. NGET will also be happy to provide the Secretary of State with an update on this prior to the due date for the decision.

If you should have any further requests for comments, please do not hesitate to contact us.

Yours faithfully



**BDB Pitmans LLP**



@bdbpitmans.com

enc            Copy notice North Somerset Times 04/08/2021  
                 Plan of land subject to notice

NOTICE OF INTENTION TO EXECUTE GENERAL VESTING DECLARATION

THE NATIONAL GRID (HINKLEY POINT C CONNECTION PROJECT) ORDER 2016

Notice is hereby given in accordance with section 3 of the Compulsory Purchase (Vesting Declarations) Act 1981 of the intention of National Grid Electricity Transmission Plc ('the Company') to acquire rights and impose restrictions over any of the land described in the Schedule to Part 1 of this notice by execution of one or more general vesting declarations.

PART 1

STATEMENT OF EFFECT OF PARTS II AND III OF THE COMPULSORY PURCHASE (VESTING DECLARATIONS) ACT 1981

Power to make general vesting declaration

- 1 The Company may acquire rights, and impose restrictions, over any of the land described in the Schedule below by making a general vesting declaration under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981. This has the effect, subject to paragraph 4 below, of vesting the rights and the benefit of the restrictions in the Company at the end of the period mentioned in paragraph 2 below. A declaration may not be made before the end of a period of two months from the first publication of a notice which includes this statement except with the consent in writing of every occupier of the land affected.

Notices concerning general vesting declaration

- 2 As soon as may be after the Company make a general vesting declaration, they must serve notice of it on every occupier of any of the land specified in the declaration (except land where there is one of the tenancies described in paragraph 3) and on every person who gives them information relating to the land in pursuance of the invitation contained in any notice. When service of notices of the general vesting declaration is completed, a further period begins to run. This period, which must not be less than 28 days, will be specified in the declaration. On the first day after the end of this period ('the vesting date') the rights and the benefit of the restrictions over land described in the declaration will, subject to what is said in paragraph 4, vest in the Company together with the right to enter on the land and exercise the rights or enforce the restrictions. Every person on whom the Company could have served a notice to treat in respect of his interest in the land (other than a tenant under one of the tenancies described in paragraph 3) will be entitled to claim compensation for the acquisition of rights or the imposition of restrictions over the land, with interest on the compensation from the vesting date.

Modifications with respect to certain tenancies

- 3 In the case of certain tenancies, the position stated above is subject to modifications. The modifications apply where the tenancy is either a 'minor tenancy', ie a tenancy for a year or a yearly tenancy or a lesser interest, or 'a long tenancy which is about to expire'. The latter expression means a tenancy granted for an interest greater than a minor tenancy but having on the vesting date a period still to run which is not more than the period specified in the declaration for this purpose (which must be more than a year). In calculating how long a tenancy has still to run, where any option to renew or to terminate it is available to either party, it shall be assumed that the landlord will take every opportunity open to him to terminate the tenancy while the tenant will use every opportunity to retain or renew his interest.
- 4 The modifications are that the Company may not exercise the right of entry referred to in paragraph 2 in respect of land subject to a tenancy described in paragraph 3 unless they first serve notice to treat in respect of the tenancy and then serve every occupier of the land with a notice of their intention to enter and exercise the rights or enforce the restrictions after the period (not less than 14 days from the service of the notice) specified in the notice. The right of entry will be exercisable at the end of that period. The vesting of the rights and the benefit of the restrictions will be subject to the tenancy until the end of that period or until the tenancy comes to an end, whichever happens first.

SCHEDULE

1	2	3	4	5
Plot Number	Plot Description	Owners and reputed owners	Lessees and reputed lessees	Occupiers (except tenants for a month or less)
139	Approximately 26sqm of highway known as Sheepway, Portbury	Unknown & North Somerset Council		
167	Approximately 36sqm of highway known as Sheepway, Portbury.	Unknown & North Somerset Council		
168	Approximately 144sqm of road embankment forming part of the highway known as Sheepway south of disused railway line, Portbury	North Somerset Council		
169	Approximately 213sqm of highway known as Sheepway, Portbury	Unknown & North Somerset Council		
170	Approximately 183sqm of road embankment forming part of the highway known as Sheepway south of disused railway line, Portbury	North Somerset Council		
171	Approximately 531sqm of highway known as Sheepway, Portbury	Unknown & North Somerset Council		
174	Approximately 2748sqm of disused railway line, Portbury	North Somerset Council		
181	Approximately 44sqm of highway known as Sheepway, Portbury.	Unknown & North Somerset Council		
183	Approximately 119sqm of disused railway line, Portbury	North Somerset Council		
184	Approximately 373sqm of road embankment forming part of the highway known as Sheepway south of disused railway line, Portbury	North Somerset Council		
199	Approximately 61sqm of disused railway line, Portbury.	North Somerset Council		

Every person who, if a general vesting declaration were executed in respect of all the land comprised in the Schedule above (other than land in respect of which notice to treat has been served), would be entitled to claim compensation in respect of any such land, is invited to give information to the authority making the declaration in the prescribed form with respect to his name and address and the land in question. The relevant prescribed form is set out below.

PART 2

FORM FOR GIVING INFORMATION

THE NATIONAL GRID (HINKLEY POINT C CONNECTION PROJECT) ORDER 2016

To: National Grid Electricity Transmission PLC, c/o Bruton Knowles LLP, Olympus House, Olympus Park, Quedgeley, Gloucester GL2 4NF

[I] [We] being [a person] [persons] who, if a general vesting declaration were made under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 in respect of all the land comprised in the development consent order cited above in respect of which notice to treat has not been given, would be entitled to claim compensation in respect of [all] [part of] that land, give you the following information, pursuant to the provisions of section 3 of that Act.

Name and address of informant(s)(i) .....

Land in which an interest is held by informant(s)(ii) .....

Nature of interest(iii) .....

Signed .....

[on behalf of] .....

Date .....

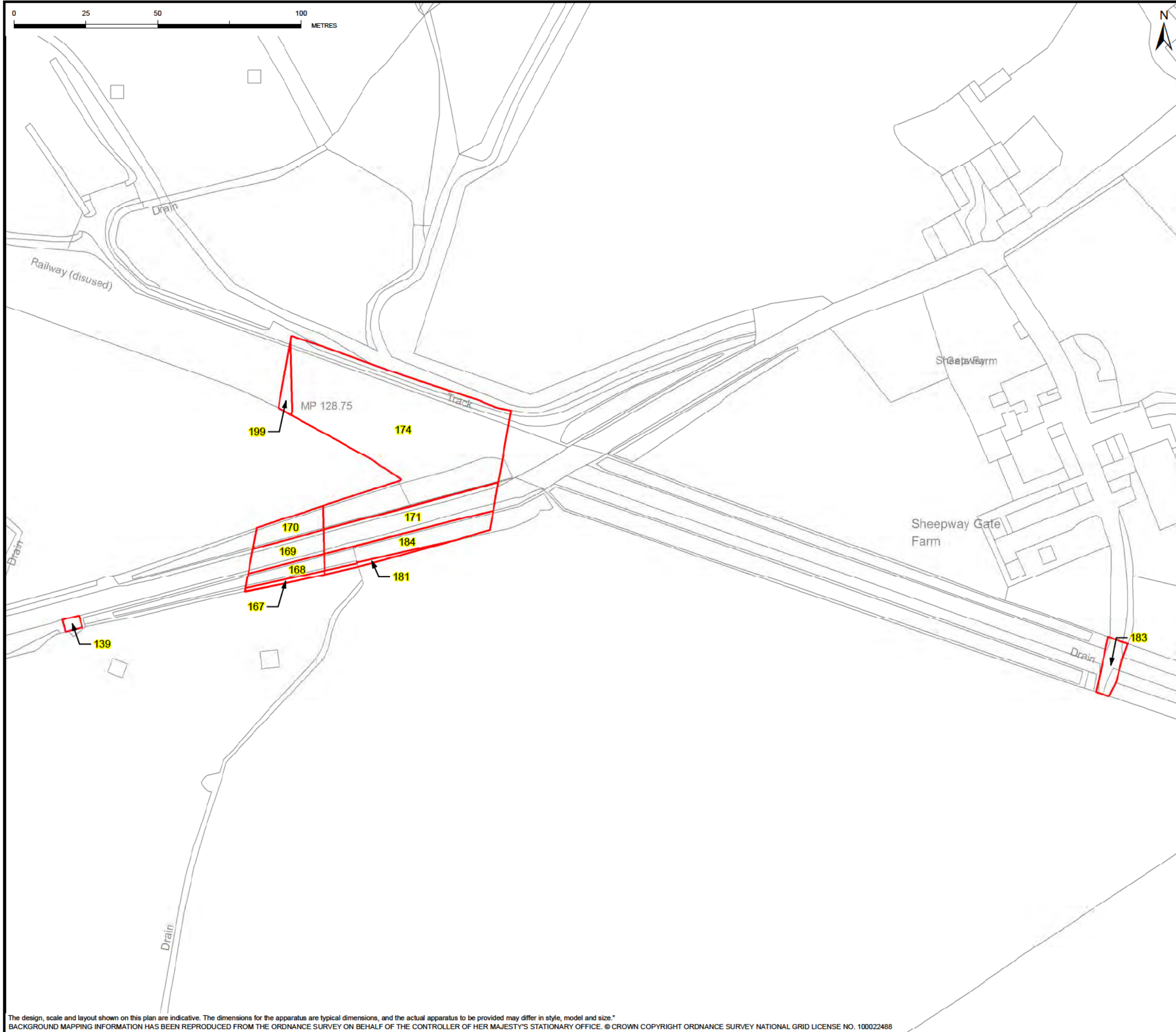
Notes

- (i) In the case of a joint interest insert the names and addresses of all the informants.
- (ii) The land should be described concisely.
- (iii) If the interest is leasehold, the date of commencement and length of term should be given. If the land is subject to a mortgage or other incumbrance, details should be given, e.g. name of building society and roll number.

Bruton Knowles LLP, Olympus House, Olympus Park, Quedgeley, Gloucester GL2 4NF

Agents acting for National Grid Electricity Transmission Plc


DATE: 4th August 2021



HINKLEY CONNECTION PROJECT

Title: SECTION 3 PLAN

Ref. No.: RS/795 Plan: 1 of 1

LEGEND  
 DCO Plot

Coordinate System: British National Grid  
Projection: Transverse Mercator  
Datum: OSGB 1936  
Units: Metre  
Grid Reference  
Eas ing: 348,512  
Northing: 175,983

Version history:

Version	Date	Remarks	Author	Checked
v1	02/08/2021	Published	SB	BJ

1:1250 A3

Notes  
This drawing is scaled at paper size A3, therefore any prints taken at different sizes will affect the accuracy of the measurement units and should not be scaled against.  
