

**The Portishead Branch Line (MetroWest Phase 1)
Development Consent Order**

**Explanatory Note on the Proposed Content of the
Development Consent Order and the Examination Process**

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1 The Applicant for the Development Consent Order (DCO)

- 1.1 The applicant for the Portishead Branch Line (MetroWest Phase 1) DCO is North Somerset District Council (**NSDC**). NSDC will make the application on behalf of itself and the three other "MetroWest authorities". The other authorities are Bristol City Council, Bath and North East Somerset Council and South Gloucestershire Council.
- 1.2 As the Portishead Branch Line will become part of the national rail network once constructed, it will be transferred to, and operated by, Network Rail Infrastructure Limited (**Network Rail**). Network Rail is also likely to assist in procuring the construction of the rail elements of the DCO scheme.
- 1.3 Trains on the Portishead branch line will be operated by the relevant train operating company appointed by the Department for Transport (DfT) as part of the franchising arrangements for passenger train services. Currently the franchise holder is Great Western Railway, owned by First Group PLC.
- 1.4 The powers to operate and maintain the railway will need to be transferred to Network Rail and this will be provided for in the DCO.
- 1.5 The operation of the DCO scheme infrastructure and passenger train services will fall under the regulatory control of the Office of Rail and Road (**ORR**).
- 1.6 NSDC will retain responsibility for the highways elements of the DCO scheme.

2 Development Consent for a Nationally Significant Infrastructure Project (NSIP)

- 2.1 Reopening the Portishead Branch Line for passengers is a nationally significant development that requires a type of consent known as a development consent order (**DCO**) under the Planning Act 2008. The Order will, if made, be a statutory instrument, and give NSDC legal authority to undertake works, acquire land compulsorily, change the nature and layout of highways and public rights of way, as well as promote traffic regulation orders.
- 2.2 In England, the Planning Inspectorate (**PINS**) receives applications for development consent, and then makes a recommendation to the Secretary of State following an examination process carried out by one or more inspectors. The examination is mainly paper based, but a number of hearings will be held during the examination.
- 2.3 For the Portishead Branch Line DCO Scheme the relevant Secretary of State is the Secretary of State for Transport, who will make the decision on whether to grant or to refuse development consent.

3 The Role of Consultation

- 3.1 Consultation is a fundamental step on the path to obtaining development consent. NSDC is now seeking views on its proposed DCO scheme, including Preliminary Environmental Information (PEI). Consultation will take place in accordance with NSDC's revised Statement of Community Consultation and following advertisement in the local and national press. NSDC is required by the Planning Act 2008 to take consultees' views into account. NSDC will then finalise its proposals and make its application for development consent. NSDC proposes to make its application to PINS in Spring 2018.
- 3.2 NSDC will present a draft DCO to PINS when its application is made.

4 The DCO Scheme

- 4.1 The DCO will, if made, provide for most (but not all) of the consents required to construct, operate and maintain the Portishead Branch Line between Portishead and Pill.
- 4.2 One of the main consents provided by a DCO is equivalent to a planning permission, allowing NSDC to carry out the authorised development. The draft DCO will therefore seek consent to rebuild the Portishead Branch Line. It will also include powers for associated development including works to the existing Portbury Freight Line, already operated by Network Rail but as a freight only railway.
- 4.3 Maintenance and operation of the railway will be the responsibility of Network Rail Infrastructure Limited. The DCO will provide powers for the railway element of the DCO Scheme to be transferred to Network Rail, including the powers to operate and maintain the Portishead Branch Line.
- 4.4 The other principal elements of the DCO scheme for which consent will be sought include the new stations and car parks at Portishead and Pill, as well as haul roads and compounds at several locations between Portishead and Pill to be used during construction. Permanent maintenance compounds for Network Rail as reposed at Sheepway, Pill, Ham Green and off Clanlage Road.
- 4.5** The DCO will also seek consent for alterations to the highway network at Quays Avenue Portishead and changes to the bridleway network in the vicinity of Royal Portbury Dock.

5 Main provisions of the draft DCO

- 5.1 The operative provisions of the DCO would, if made, permit NSDC to do various things which it requires statutory authority for; or could not do as of right; and to override certain other rights where this is necessary for the DCO Scheme to proceed. Such provisions include:
- 5.1.1 the right to construct, operate and maintain the Portishead Branch Line, and its associated development;
 - 5.1.2 the associated development will include the new stations at Pill and Portishead, the new highways works at Pill and Portishead together with car parking, footpaths and a new bridge over the railway near Trinity School. Temporary and permanent compounds will also be included in the DCO scheme, as well as works to and diversions of public rights of way and closure of historic level crossings;
 - 5.1.3 powers to stop up and divert footpaths and bridleways
 - 5.1.4 powers to purchase land required for the authorised development compulsorily land, acquire rights over land and to extinguish or override existing rights.
 - 5.1.5 powers to take temporary possession of land for construction and species relocation purposes;
 - 5.1.6 powers relating to minerals and variations to the statutory Compensation Code will also be included;
 - 5.1.7 various environmental consents, including provisions regarding noise and other statutory nuisances;
 - 5.1.8 authority to carry out works impacting specified highways and streets; and

- 5.1.9 temporary and permanent traffic regulation orders.
- 5.2 The operative provisions also include provisions regarding administration of the DCO, and appeals on the discharge of "requirements" (see below).
- 5.3 In addition, the DCO will include the ability for NSDC to transfer the operational railway assets to Network Rail.
- "DCO Requirements"*
- 5.4 Just like a planning permission has "conditions" attached to it (which specify particular characteristics of a development to mitigate its impacts), a DCO includes "requirements" that must be met before or during the construction of the project or regarding its operation. Typical requirements may include:
- 5.4.1 approval of details such as the final appearance of Portishead and Pill stations;
 - 5.4.2 comments regarding the management of construction compounds;
 - 5.4.3 hours of working –no restriction on hours of working will be imposed on Network Rail's existing operational railway between Ashton and Pill. Hours of working may be imposed on the construction (but not operation) of the railway between Pill and Portishead and the associated highway works;
 - 5.4.4 processes to mitigate environmental impacts of the construction of the DCO Scheme.
- 5.5 Other requirements will be proposed following the outcome of discussions with the relevant local planning authority and impacted parties.
- 5.6 Requirements may mean NSDC needs to obtain further consent from the relevant planning authority or other regulator before full implementation of the onshore development.

6 Next steps for the Application

- 6.1 Following this consultation NSDC will review responses and refine its scheme proposals. NSDC will also continue to consult with the public as set out in its Statement of Community Consultation.
- 6.2 NSDC will finalise its proposals and make its application to PINS for the DCO to be made, currently programmed for the Spring of 2018. PINS will then consider if the application is sufficiently well made to be accepted for examination.
- 6.3 If the application is accepted, this will be advertised and notices served on those entitled to receive them. A date by which representations and objections are to be submitted to PINS will be given. This is likely to be in early Autumn 2018.
- 6.4 The examination period will then commence, with a preliminary meeting to discuss how PINS will consider the application. The examination process may include written representations and public hearings. The examination will usually take no more than six months from the preliminary meeting.
- 6.5 PINS then have three months to submit their report to the Secretary of State, who has a further three months to decide whether or not to make the order, or to make it with amendments. If made the order is expected to be issued in Autumn 2019.

Further information about the scheme is available at: <https://travelwest.info/metrowest>