



# MetroWest+

## Portishead Branch Line (MetroWest Phase 1)

TR040011

Applicant: North Somerset District Council

9.10 ExA.WQ1.D2.V1 – Appendix GC.1.5-1 to Applicant's responses to the Examining Authority's Written Questions ExQ1

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**Table of responses for GC.1.5 in the Examining Authority's EXQ1 Round of Written Questions –  
Progress update on Consents and Licences Required Under Other Legislation (APP-073; DCO document reference 5.3)**

	<b>Nature of Consent</b>	<b>Legislation</b>	<b>Consenting Authority</b>	<b>Anticipated Application Date</b>	<b>Content of Consent/Licence</b>	<b>Update on progress with obtaining these consents/licences</b>	<b>Update on these consents/licences from emerging Statements of Common Ground with the relevant consenting authorities</b>
1	Habitat Regulations Assessment	The Conservation of Habitats and Species Regulations 2017	Secretary of State	Parallel to DCO process	The relevant Secretary of State is the competent authority for the purposes of the Habitats Directive and the 2017 Habitats Regulations. The Applicant has submitted a Habitat Regulations Report (DCO Document Reference 5.5) with the Application.	Progressed during development of the SoCG between the Applicant and Natural England (DCO document reference 9.3.6 ExA.SoCGNE.D1.V1).	The SoCG between the Applicant and Natural England (DCO document reference 9.3.6 ExA.SoCGNE.D1.V1) sets out the topics that have arisen through consultation with Natural England as part of the HRA process and the Applicant's and Natural England's position.  The SoCG provides a summary of outstanding matters (Section 9).
2	Building Regulation approval	Building Regulations 2010	Local Authorities	Post DCO	Operational buildings may require Building Regulations approval if they are manned and therefore not covered by the exemption set out in Building Regulations 2010, Regulation 9 & Schedule 2 'Exempt Buildings and Work' – "Part CLASS2" – 'Buildings not frequented by people'. This would be sought by the contractor.	This will be secured via the tendering process. They will be listed requirements in the tender documents, which will specify division of responsibility for securing consents so it will be clear which is a client responsibility and which is a contractor responsibility.	n/a

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3	Consent for working on Site of Special Scientific Interest (SSSI) land	Section 28E of the Wildlife and Countryside Act 1981	Natural England	Parallel to / post-DCO	<p>In order to carry out works within the Avon Gorge, the Applicant is required to seek consent from Natural England under section 28E of the Wildlife and Countryside Act 1981.</p> <p>In accordance with Natural England advice on Nationally Significant Infrastructure Projects, draft licences are being prepared. Natural England will be invited to consider the acceptability of the proposed works in principle at the pre-application and Examination stages. Letters of No Impediment will be submitted to the Planning Inspectorate when provided.</p>	Progressed during development of the SoCG between the Applicant and Natural England (DCO document reference 9.3.6 ExA.SoCGNE.D1.V1).	The SoCG (DCO document reference 9.3.6 ExA.SoCGNE.D1.V1) sets out the Applicant's and Natural England's position regarding consent for works within the Avon Gorge SSSI (Item 7.1.1).

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4	Crown Consent	Section 135 of the Planning Act 2008	Secretary of State	During the DCO process	Consent to acquire third party interests in Crown land.	<p>The Applicant is seeking Crown consent from the four Crown authorities with land interests affected by the proposed Order: Department of Health and Social Care; Department for Transport; Ministry of Defence; and Department for Environment, Food and Rural Affairs (Defra). It is the Applicant's aim to secure Crown consent from each of these bodies prior to the closure of the Examination.</p> <p>The Applicant is in correspondence with the Government Legal Department which is assisting with the engagement with each of the Crown authorities. The Applicant is also in direct correspondence with Forestry England (in respect of which the relevant Defra land interests are held).</p> <p>The Applicant will provide regular updates during the course of the Examination on progress towards securing the Crown consents.</p>	n/a
5	Land Drainage Consent	Section 23 Land Drainage Act 1991	Internal drainage board (IDB)	Post DCO	Land Drainage Consent will be required if any obstructions to the flow of water in an ordinary	The Applicant will apply for land drainage consents before construction works start.	This has been agreed in SoCG issue no. IDB1.3i (DCO document reference 9.3.7

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			or, if no IDB is in place, the lead local flood authority for the area		watercourse (i.e. not a main river) are proposed.		ExA.SoCGNSLIDB.D1.V1)
6	Environmental Permit for water discharge or waste operations / registration of exempt waste operations and water discharges (as necessary)	Environmental Permitting (England and Wales) Regulations 2016	Environment Agency	Post DCO	The Environmental Permitting (England and Wales) Regulations 2016, which came into force on 1 January 2017, consolidate the Environmental Permitting (England and Wales) Regulations 2010 and subsequent amendments. They require most waste management activities and discharges to surface or groundwater to have a permit. However, there are some exceptions to this, being activities that do not need a permit but the exemptions generally require to be registered with the Environment Agency.	Hazardous waste would need to be removed from the site using hazardous waste consignment notes as waste code 170503* and sent for appropriately permitted disposal or remediation before any further use. The Non-hazardous waste would be coded as 17 05 04.  The Applicant will apply for a permit before construction works start.	This has been included in the SoCG issue no. 6.1.13, to be agreed (DCO document reference 9.3.3 ExA.SoCGEA.D1.V1).
7	Environmental Permit for flood defence or flood risk activity works	Environmental Permitting (England and Wales) Regulations	Environment Agency	Post DCO, where flood defences need crossing	Flood Risk Activity Permits may be required pursuant to the Environmental Permitting (England and Wales) Regulations 2016 from the	This only applies to the Clanage Road compound area. A flood plan was produced for the Clanage Road compound and issued to the EA within the FRA	This has been included in the SoCG issue no. 9.1.7, to be agreed (DCO document reference 9.3.3 ExA.SoCGEA.D1.V1).

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		2016			Environment Agency for river and main stream crossings.	(APP-076 to APP-092; DCO Document Reference 5.6). The compound is well over 16 m away from the nearest main river, and if loose ballast needs to be stored here a Flood Risk Activity Permit will be applied for.	
8	European Protected Species (EPS) Licence & District Level Licensing (DLL)	The Conservation of Habitats and Species Regulations 2017, Regulation 55	Natural England	Parallel to / post-DCO	<p>It is an offence to deliberately kill, capture or disturb European protected species, and to damage or destroy their breeding sites or resting places. EPS Licences can be obtained to allow persons to carry out activities that would otherwise be prohibited, without committing an offence.</p> <p>Under DLL developers make a conservation payment to Natural England to cover the creation and/or restoration of GCN ponds away from a proposed development, rather than providing for on-site GCN ponds.</p>	<p>Natural England has issued Letters of No Impediment ("LONI") for bats to the Applicant.</p> <p>A draft EPS licence for great crested newts has been prepared and further information is needed to support a LONI (and a licence application). The further information was not submitted to Natural England because the Applicant has applied for consent under Natural England's District Level Licensing scheme for great crested newts as an alternative to the EPS licence. Under DLL developers make a conservation payment to Natural England to cover the creation and/or restoration of GCN ponds away from a proposed development, rather than providing for on-site GCN ponds.</p>	The SoCG (DCO document reference 9.3.6 ExA.SoCGNE.D1.V1) sets out both the Applicant's and Natural England's position regarding EPS licences for bats (Item 7.1.2) and great crested newts (Item 7.1.3).

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						<p>Natural England has issued a draft Impact Assessment and Conservation Payment Certificate that the Applicant is currently considering.</p> <p>Dormouse habitat assessment of the freight line from Ham Green to Bower Ashton, through the Avon Gorge, was undertaken in 2020 and concluded that a dormouse licence is required. The Applicant is drafting the licence with the aim of obtaining a LONI from Natural England and will need to obtain a licence in advance of the licensable activities, commencing as detailed in the Master CEMP Ver. 02 (AS-046; DCO Document Reference 8.14).</p>	
9	Water Abstraction Licence (if required)	Sections 24, 24A, 25 and 32 Water Resources Act 1991	Environment Agency	Post DCO	A Water Abstraction Licence may be required pursuant to the Water Resources Act 1991 from the Environment Agency by the contractor for the abstraction and/or impounding of water for construction works or during operation.	The contractor will apply for a Water Abstraction Licence if required before construction works start.	No mention in SoCG.

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10	Wildlife Licences	Section 16 Wildlife and Countryside Act 1981	Natural England	Parallel to / post-DCO	<p>It is an offence intentionally to kill, injure or take any wild bird or the nest of a wild bird included in Schedule ZA1 unless under and in accordance with the terms of a licence. DCO works are to be undertaken so as to avoid disturbance to nesting birds.</p> <p>Nevertheless, a licence may be requested to do so, but this would likely be granted only in exceptional circumstances such as for health and safety reasons.</p> <p>An application for a licence to displace any species protected under Schedule 5 or 8 would be made under section 16(3)(c) in the event that, prior to construction, the presence of such species is confirmed within any part of the Order land and the impacts on them cannot be avoided.</p>	<p>Survey of WCA Schedule 1 birds to be undertaken in advance of construction works as detailed in the Master CEMP Ver. 02 (AS-046; DCO Document Reference 8.14).</p> <p>The Applicant intends to apply for a licence where the removal of Bristol rock-cress (a protected wild plant listed in Schedule 8 of the WCA) is necessary.</p> <p>Survey of Schedule 5 species water voles to be undertaken in advance of construction works as detailed in the Master CEMP Ver. 02 (AS-046; DCO Document Reference 8.14). Should water voles be confirmed in habitat to be affected by the project, the Applicant or the contractor (depending on the programme) will submit and obtain a licence in advance of the licensable activities commencing.</p>	<p>The SoCG (DCO document reference 9.3.6 ExA.SoCGNE.D1.V1) sets out the Applicant's and Natural England's position regarding protected species licensing: Schedule 8 wild plants (Item 7.1.4)</p>



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11	Licence for work affecting badgers	Protection of Badgers Act 1992, Section 10	Natural England	Post DCO	<p>Badgers and their setts are protected under the Protection of Badgers Act 1992, which makes it illegal to kill, injure or take badgers or to interfere with a badger sett. Licences to allow works to proceed close to active Badgers setts, as works that would cause disturbance as defined by Natural England, will be acquired where necessary.</p> <p>All identified setts within the Order limits will be re-surveyed in a pre- construction walkover survey in order to assess their status and current use. The pre- construction walkover survey will also allow any newly excavated setts to be identified.</p> <p>Other measures to be complied with would be specified by Natural England within the licence.</p>	Natural England has issued Letters of No Impediment ("LONI") for badgers.	The SoCG (DCO document reference 9.3.6 ExA.SoCGNE.D1.V1) sets out the Applicant's and Natural England's position regarding licences for badgers (Item 7.1.2).

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12	National station access conditions (NatSACs)	National Station Access Conditions 2013	Office of Rail Regulation	Post submission of DCO	<p>The NatSACs are the standard rules that govern the relationship between all contracting parties at a station and as such play an important role in managing the interface between different parties in the railway “system”. They cover matters such as the process for agreeing physical changes to a station, charging for access and the remedies available when things go wrong.</p> <p>Consents may be required from the Office of Rail Regulation in the event that variations to the NatSACs are required for the new stations being delivered as part of the DCO.</p>	These will be drafted in the design phase (GRIP 5) and will be finalised and authorised prior to the stations opening in 2024.	n/a
13	Notice of Street Works	Traffic Management Act 2004	Highways Authority	Post DCO	Permit schemes under the Traffic Management Act 2004 provide that the Applicant would need to book time on the highway through a permit.	<p><u>Bristol City Council</u></p> <p>The Applicant has given appropriate consideration to the traffic impacts on Winterstoke Road and Ashton Vale Road, and is working with them to prepare a highway works agreement to secure the proposals. The Applicant has agreed an approach in principle and work on final agreements is ongoing.</p>	<p><u>Bristol City Council</u></p> <p>Included in section 16.1.1 of the SoCG (DCO document reference 9.3.2 ExA.SoCGBCC.D1.V1)</p> <p><u>North Somerset Council</u></p> <p>Included in section 14 of the SoCG (DCO document reference 9.3.3)</p>

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						<p><u>North Somerset Council</u></p> <p>A Planning Performance Agreement is being produced between North Somerset Council as Local Planning Authority and the Applicant, which will cover financial and programming arrangements for discharge of Requirements and other procedural matters that form part of the DCO.</p>	<p>ExA.SoCGBCC.D1.V1)</p>

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14	Permit for transport of abnormal loads (if necessary)	Road Vehicles (Authorisation of Special Types) (General) Order 2003/Road Traffic Act 1988	Secretary of State, Highways England, Local Highway Authority or the police and bridge owners (if any) as appropriate	Post DCO	<p>The Road Vehicles (Construction and Use) Regulations 1986 (Construction and Use Regulations) are the primary legislation for the construction and maximum dimensions for all vehicles.</p> <p>The Road Vehicles (Authorisation of Special Type) General Order 2003 permits the use of vehicles and/or loads, which cannot comply with the maximum permitted weight, either gross or axle weight, for the class of vehicle being used for transporting a load. It also contains the regulations for loads, which exceed the maximum width permitted by the Construction and Use Regulations, agricultural vehicles and many other miscellaneous vehicles. The legislation is in the most part permissive in that (with some exceptions) providing the haulier complies with the requirements of notification procedures, an abnormal load can be moved without the need for any</p>	Separate Planning Performance Agreements are being produced between Bristol City Council and North Somerset Council as Local Planning Authority and the applicant, which will cover financial and programming arrangements for discharge of Requirements and other procedural matters that form part of the DCO.	<p><u>Bristol City Council</u></p> <p>Included in section 9 of the SoCG (DCO document reference 9.3.2 ExA.SoCGBCC.D1.V1)</p> <p><u>North Somerset Council</u></p> <p>Included in section 14 of the SoCG (DCO document reference 9.3.3 ExA.SoCGBCC.D1.V1)</p>

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					permit or authorisation.		

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15	Working in close proximity to aviation fuel pipeline	Part IV Energy Act 2013	CLH Pipeline System (CLH-PS) Limited	Post-DCO	The former Government Pipeline and Storage System (GPSS) was constructed under the Land Powers (Defence) Act 1958 and its ongoing operation is now pursuant to powers under Part IV of the Energy Act 2013. CLH Pipeline System (CLH-PS) Limited acquired the GPSS and has taken the benefit of the Part IV Energy Act 2013 rights. CLH-PS has wide-ranging powers to ensure the safe operation of its pipeline, and it may be necessary to obtain consents from CLH-PS in order to undertake proposed works under the DCO.	The Applicant is in correspondence with CLH and intends to secure consent for working in close proximity to its apparatus by way of Protective Agreement.  The Applicant will provide further update on progress towards agreement with CLH through the course of the Examination.	n/a
16	Temporary Road Traffic Orders (if construction phase requires closure of any public highway)	Road Traffic Regulation Act 1984	Highways Authority	Post-DCO	The Applicant has the power under the DCO to temporarily stop up, alter or divert any street within the Order limits. However Temporary Road Traffic Orders ( <b>TTRO</b> ) can be sought where construction activities require temporary restrictions to the public highway, which would include those outside the Order limits. Therefore if construction activity requires any	Separate Planning Performance Agreements are being produced between Bristol City Council and North Somerset Council as Local Planning Authority and the applicant, which will cover financial and programming arrangements for discharge of Requirements and other procedural matters that form part of the DCO.	<u>Bristol City Council</u> Included in section 9 of the SoCG (DCO document reference 9.3.2 ExA.SoCGBCC.D1.V1)  <u>North Somerset Council</u> Included in section 14 of the SoCG (DCO document reference 9.3.3 ExA.SoCGBCC.D1.V1)

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					restrictions to the public highway that are not included in the proposed DCO, TTROs will be discussed with the relevant highway authority after the DCO is granted and before works commence.		
17	Control of noise on construction sites	S60/61 Control of Pollution Act 1974	North Somerset District Council and Bristol City Council	Post-DCO	Network Rail Infrastructure Limited will apply to the relevant noise control officers for consent to emit noise from the works	Will not be updated in the design and build phase of the project.	<p><u>Bristol City Council</u></p> <p>Agreed in Table 19.1 of the SoCG (DCO document reference 9.3.2 ExA.SoCGBCC.D1.V1).</p> <p><u>North Somerset Council</u></p> <p>Table 14.1 of the SoCG (DCO document reference 9.3.3 ExA.SoCGBCC.D1.V1) states that “the applicant’s proposal to apply for consent under s61 if necessary is noted.”</p>

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18	Waste carrier registration	Waste (England and Wales) Regulations 2011 (S.I. 2011/988)	Environment Agency	Post-DCO	<p>All waste carriers, brokers or dealers must register with the Environment Agency. Network Rail or their contractors will need to be registered if they regularly transport waste as part of their business.</p> <p>The Regulations also impose an obligation on the waste transferor to maintain records of information including the material transferred, the amount, and the details of the transferor.</p>	Will not be updated in the design and build phase of the project.	No mention in SoCG
19	F10 – Notification of Construction Project	Construction (Design and Management) Regulations 2015	Health and Safety Executive	Post-DCO	The Construction (Design and Management) Regulations 2015 require particulars of the Project to be notified to the Health and Safety Executive in advance of construction. This notice would be issued by the appointed contractor.	This will be secured via the tendering process. They will be listed requirements in the tender documents, which will specify division of responsibility for securing consents so it will be clear which is a client responsibility and which is a contractor responsibility.	n/a



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20	Trade Effluent Discharge Consent	Section 118 Water Industry Act 1991	Wessex Water	Post-DCO	A consent to discharge trade effluent to the public sewer may be required pursuant to the Water Industry Act 1991 from the sewerage undertaker if the contractor needs to discharge effluent to the local sewerage network. If trade effluent is discharged to the public sewer without consent or authorisation the occupier of the premises shall be guilty of an offence.	To be sought by the contractor.	n/a
21	Notice of Demolition	Section 80 Building Act 1984	North Somerset District Council and/or Bristol City Council	Post-DCO	Notice of intended demolition must be given to the Local Authority, the public gas and electricity suppliers, and the occupier(s) of any adjacent building, not less than 6 weeks before demolition works start.	Separate Planning Performance Agreements are being produced between Bristol City Council and North Somerset Council as Local Planning Authority and the applicant, which will cover financial and programming arrangements for discharge of Requirements and other procedural matters that form part of the DCO.	<u>Bristol City Council</u> Included in section 9 of the SoCG (DCO document reference 9.3.2 ExA.SoCGBCC.D1.V1)  <u>North Somerset Council</u> Included in section 14 of the SoCG (DCO document reference 9.3.3 ExA.SoCGBCC.D1.V1)

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22	Hazardous Substances Consent	Planning (Hazardous Substances) Regulations 2015	North Somerset District Council and/or Bristol City Council	Post-DCO	<p>Sites which are to hold certain quantities of hazardous substances at or above defined limits (as detailed in Schedule 1 to the Planning (Hazardous Substances) Regulations 2015) are required to obtain consent from the 'Hazardous Substances Authority'. This body is usually the relevant local planning authority, which would consider any such application for consent in consultation with the Health and Safety Executive.</p> <p>The existing track ballast on the disused line contains hydrocarbons, heavy metals and asbestos. The contaminated ballast is to be removed from the site and processed at a licenced facility, but any on-site storage of hazardous substances will be subject to Hazardous Substances Consent where the substance/quantity thresholds are likely to be reached.</p>	Separate Planning Performance Agreements are being produced between Bristol City Council and North Somerset Council as Local Planning Authority and the applicant, which will cover financial and programming arrangements for discharge of Requirements and other procedural matters that form part of the DCO.	<p><u>Bristol City Council</u> Included in section 9 of the SoCG (DCO document reference 9.3.2 ExA.SoCGBCC.D1.V1)</p> <p><u>North Somerset Council</u> Included in section 14 of the SoCG (DCO document reference 9.3.3 ExA.SoCGBCC.D1.V1)</p>