



# MetroWest+

## Portishead Branch Line (MetroWest Phase 1)

TR040011

Applicant: North Somerset District Council

9.12.2 ExA.CWR.D2.V1 – Applicant's response to Deadline 1 submission of Susan Freestone (REP1-043)

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

**Applicant's response to Mrs Freestone's post-hearing representations submitted at Deadline 1 (REP1-043)**

**1. INTRODUCTION**

- 1.1 Following oral representations made by Mrs Freestone at Open Floor Hearing 1 (**OFH1**) on 19 October 2020, the Applicant responded in writing on 23 October 2020 and this response was accepted into the Examination by the Examining Authority (**ExA**) under reference AS-048.
- 1.2 The Applicant provides the following comments in response to Mrs Freestone's post-hearing submission and summary of oral case (following OFH1) submitted at Deadline 1.

**Table 1: Applicant's response to representations REP1-043**

<b>Topic</b>	<b>Mrs Freestone representations</b>	<b>Applicant's response at Deadline 2</b>
1. Introduction	<p>For clarity – Susan Freestone represents her only sibling, Stephen, Ian Bullock having died on October 2018 as stated in the written submission.</p> <p>WBD states that the Applicant continues to work closely with environmental consultants. We have asked for evidence that our land is appropriate for a newt receptor. This request has been ignored and has been presented – only in part - second hand.</p> <p>WBD states that the Applicant will contact our surveyor to ascertain what information is required. We have asked throughout what use is to be made of our land. This is still unclear.</p>	<p>The Applicant has been reviewing its ecological information in relation to its case for acquisition. Further communication will be provided to Mrs Freestone shortly.</p>
2. Biodiversity, ecology and the natural environment	<p>If I read the notes correctly, the land to the west of the motorway, is deemed suitable for the creation of Great Crested Newt habitat. It further states that any new Great Crested Newt habitat should be located to the west of the M5. The land selected for the newt receptor lies to the east of the M5 as clearly stated under point 4 – construction impacts.</p> <p>It now appears that the land to the east is being considered for a more general reptile receptor, particularly slow worms to which the Applicant devotes considerable attention. Point 4.2 of the Reptile Presence/Absence Survey Results revealed a high concentration of slowworms (30) at Watchhouse Hill against 2 at “Lodway Farm”.</p> <p>There were 5 at the Portishead Ecology</p>	<p>For clarity:</p> <p>Plot 05/85 – this plot is bisected by the Easton in Gordano stream to the west of the M5 and south of the disused railway. The western side of Plot 05/85 is required for flood attenuation works.</p> <p>Following discussions with the Environment Agency and Bristol Port Company about the flood attenuation works, the Applicant has included in its submission to the ExA for Deadline 2 a proposal to remove the need to undertake the flood attenuation works. If this is accepted the Applicant will ask to remove this part of 05/85 from the Order land.</p> <p>The eastern side of Plot 05/85 (together with Plot 05/86) is required for Great Crested Newt relocation and other ecological mitigation works. The Applicant has not intended at any time to use the land east of the M5 for Great Crested Newt relocation.</p>

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	<p>Park. Reasons are given why Watchhouse is deemed inappropriate but why is the Ecology Park considered less appropriate than our land as the most suitable site for a receptor?</p>	<p>Plot 05/151 and 05a/05 are on the east side of the M5 and scheduled for acquisition for the purposes of relocation of reptiles currently to be found on the disused railway and operational railway between the M5 and Pill Tunnel, as well as on the former Goods Yard site at Pill railway station/Monmouth Road/Severn Road, Pill.</p> <p>The Applicant's environmental consultants consider Portishead Ecology Park too distant to be used as a relocation site for reptiles to be removed from the railway between the M5 and Pill Tunnel.</p> <p>The Portishead Ecology Park reptile receptor site to the west of the M5 is currently proposed as a receptor site for populations of reptiles from three locations between Portishead and Portbury (Portishead Station car park, Sheepway bridge and east of Station Road), which is considered highly likely to provide the maximum amount of reptiles that the site could accept (that is the site is likely to be above its carrying capacity if reptiles from more locations were to be translocated).</p>
<p>4. Construction impacts</p>	<p>I am confused by the Applicant's response under point 4 since it refers to land to the East of the motorway and land to the north-east. We have always understood that the area required for the construction compound is that which lies to the west of the motorway. It would be very helpful if the applicant would refer to the land by plot number to remove any confusion as to which area is being referred to.</p>	<p>The area required for a construction compound is Lodway Farm, to the east of the M5. The Applicant has set out a plot by plot breakdown for the required plots forming Manor Farm in its response in Topic 2 above.</p>
<p>5. Compulsory Acquisition</p>	<p>WBD states that the Applicant is unaware of any of our land being sought for temporary purposes, yet, in the response to point 4 states that low numbers of slow worms were recorded during the survey of the land subject to <i>temporary</i> compulsory acquisition. Furthermore, under point 4 the heads of term proposed by Ardent, the second option clearly states – As well as a <i>Lease over</i> – plots 50/51 and 05a/05. What is this if not temporary acquisition? Does this mean that the Applicant no longer wishes to acquire those plots or that it wishes to permanently acquire all of our land? If this is so, we have not been informed.</p>	<p>The Applicant considers the land on the eastern side of the M5 (Plot 05/151 and 05a/05) will be required for a period of approximately 8 years.</p> <p>Whilst powers of temporary occupation are proposed in the DCO, the temporary use must cease one year following completion of works in the relevant area. On this basis temporary powers are insufficient in duration for the Applicant's proposed relocation of reptiles from the stretch of the railway from the M5 to Pill Tunnel.</p> <p>It is envisaged that, over a period of time following the relocation of reptiles on to Plot 05/151, the more favourable habitat that will exist in the re-laid railway will lead to migration of the reptiles back to the railway over time. This is why a time limited use of Plot 05/151</p>

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		<p>can be contemplated. However, whilst that time limited arrangement can be secured by agreement (by way of a lease of Plot 05/151) there is no possibility of a time limited power being secured by way of compulsion. On that basis the Applicant must seek freehold acquisition powers over Plot 05/151.</p> <p>The Applicant would be very happy to agree either a leasehold arrangement or a buyback option if the freehold is acquired by agreement, and will approach Mrs Freestone and Mr Bullock to put such arrangements forward as a way of proceeding with the acquisition/lease of Plot 05/151 by agreement.</p> <p>Because a leasehold arrangement cannot be secured under the powers in the DCO, and the temporary possession powers are insufficient in duration, a freehold acquisition power has been sought in the draft DCO and Book of Reference.</p>
Material points	<ol style="list-style-type: none"> <li>1. I think that what I have said today demonstrates clearly one aspect of the inaccurate designation of our land. Furthermore, if there has been no confusion with Lodway Farm, then our land – Manor Farm, receives one mention that I have been able to find in all of the documentation released thus far. Even in this response, under point 4, the Applicant refers to a construction compound on our land. Does this mean that there are to be two such compounds on adjacent sites or is this, indeed, a confusion between Manor Farm and Lodway Farm?</li> <li>2. I am pleased that the Applicant has taken advice from Jacobs on environmental matters. However, the little of that advice that has been reported – that is to site the receptor to the west of the motorway - has been ignored.</li> <li>3. In our submission of 20th September we laid out the sporadic nature of communications with the Applicant, either directly with us or with our agent. I don't intend to reiterate that here.</li> </ol>	<ol style="list-style-type: none"> <li>1. The Applicant can confirm there will be no construction compounds on the Manor Farm title. Manor Farm land is sought only for: <ol style="list-style-type: none"> <li>a. Work 16C – Great Crested Newt Pond and ecological mitigation works; and</li> <li>b. Work 16D – proposed flood mitigation works (but see also the Applicant's Deadline 2 covering letter regarding proposed non-material change).</li> </ol> <p>These works would occupy the land forming Plot 05/85, together with the access to the Cattle Creep Railway Bridge that is Plot 05/86.</p> <p>On the eastern side of the M5 motorway the whole of Plot 05/151 and 05a/05 are currently sought for freehold acquisition for the relocation of reptiles from the railway between the M5 motorway and Pill Tunnel. There is only one construction compound proposed in the close vicinity, on Lodway Farm.</p> </li> <li>2. The Applicant will be providing a further report shortly for Mrs Freestone and the ExA to consider.</li> <li>3. The Applicant has spoken with Mrs Freestone and will be asking Ardent to engage further with Mrs Freestone's and Mr Bullock's agents shortly with a view to advancing Heads of Terms for agreement.</li> </ol> <p>The Applicant wrote to Mrs Freestone on 20th</p>

<b>Topic</b>	<b>Mrs Freestone representations</b>	<b>Applicant's response at Deadline 2</b>
		November setting out a proposal for the Manor Farm land.