

19 January 2021

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Our ref:
TN2/RG1/381278.1
Your ref:
TR040011

Dear Mr Bartkowiak

Applicant: North Somerset District Council
Development Consent Order application for Portishead Branch Line – MetroWest Phase 1
Application Reference: TR040011
DCO Document Reference: 9.22 ExA.CL.D4.V1

Applicant's Deadline 4 Submissions

In accordance with the examination timetable at Annex A of the Rule 8 letter, I provide the following updates:

1. Applicant's Summary of submissions for ISH2;
2. Applicant's Summary of submissions for ISH3;
3. Applicant's responses to actions arising from ISH2;
4. Applicant's responses to actions arising from ISH3;
5. Responses to Written Representations of Mr Stuart Tarr provided prior to ISH2 and ISH3;
6. Comments on the responses received at Deadline 3;
7. Responses to further information previously requested for Deadline 4;
8. List of remaining updates to documents still required following Work 16D being removed;
9. Updated Statement of Common Ground with Natural England;
10. Updated Works Plan to correct boundary at Clanage Road and to remove Work 16D;
11. Phase 1 Survey Part 2: figures to accompany the Phase 1 Survey report (APP-133).
12. Document regarding application for non-material changes to the proposed development to remove Works 10B, 12C and 16B from the dCO;
13. Updated Consents and licences Document; and
14. An updated Guide to the Application.

Item 1: Oral Case and response to Representations – Issue Specific Hearings 2 and 3

The Applicant encloses:

- (i) Applicant's Oral Case and response to Representations at the Issue Specific Hearing on 11 January 2021 (ISH2) (DCO Document Reference 9.23 ExA.ISH2.D4.V1) together with appendices under the same document reference; and

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- (ii) Applicant's Oral Case and response to Representations at the Issue Specific Hearing on 12 January 2021 (ISH3) (DCO Document Reference 9.24 ExA.ISH3.D4.V1) together with appendices under the same document reference.

Item 2: Applicant's responses to actions listed for ISH2 and ISH3

The Applicant encloses:

- (i) Applicant's responses to actions listed arising from ISH2 (DCO Document Reference 9.26 ExA.FI.D4.V1) together with appendices under the same document reference; and
- (ii) Applicant's responses to actions listed arising from ISH3 (DCO Document Reference: 9.27 ExA.FI.D4.V1) together with appendices under the same document reference.

Item 3: Applicant's Comments on Written Representations of Mr Stuart Tarr

The Applicant encloses:

- (i) Applicant's response to written submission ref. AS-053 of Mr Stuart Tarr (DCO Document Reference 9.29 ExA.CAS.D4.V1); and
- (ii) Applicant's response to written submission ref. AS-058 of Mr Stuart Tarr (DCO Document Reference 9.30 ExA.CAS.D4.V1).

The Applicant will respond to Mr Tarr's further points raised in ISH2 and ISH3 at Deadline 5 once post-hearing written submissions have been received from him.

Item 4: Comments on the responses received at Deadline 3

A number of parties have provided responses or further comments at Deadline 3. The Applicant provides its responses to those submissions (DCO Document Reference 9.25 ExA.CWR.D4.V1).

The Applicant notes in particular that further information is expected from those representing ETM and Manheim. The Applicant has therefore provided only short responses at this stage and will provide additional information and submissions at Deadline 5 when it has seen the further submissions that are awaited.

Item 5: Responses to further information previously requested by Deadline 4

Please find enclosed a document providing the Applicant's responses to actions that remained following the ExA's previous action lists, as follows:

- (i) Applicant's further response to the ExA's actions from CAH1 (DCO Document Reference 9.19 ExA.FI.D4.V2). This document is submitted as Version 2 of document REP-039 submitted at Deadline 3; and
- (ii) Applicant's further response to the ExA's actions from ISH1 (DCO Document Reference 9.20 ExA.FI.D4.V2). This document is submitted as Version 2 of document REP3-040 submitted at Deadline 3.

Item 6: Revised draft DCO

The Applicant has reviewed the last submitted dDCO, provided at Deadline 3, and considered the additional changes it can now make.

These are few in number and the Applicant has not yet had the opportunity to update all the supporting documentation following the ExA's decision to allow the dDCO to be amended for the removal of Work 16D.

The amendments to the dDCO regarding the removal of Work 16D were made at Deadline 3, in anticipation of the Panel's decision.

The changes are:

(i) revision to requirement 5 – the previous change to requirement 5 (5) incorrectly referred to staged not Works. It should read:

"(5) The CEMP for Work Nos. 26, 28 or 29 must, where relevant to that work, in addition include a construction workers travel plan."

(ii) In Schedule 15 – Amendment of Local Legislation, reference to Byelaw 10 should be removed.

The Applicant is now seeking to make further changes to the DCO Scheme and dDCO (which it believes to be non-material). See item 10 below.

Given the very limited number of current changes, together with the potential need for substantial further revisions to the dDCO and supporting documentation, the Applicant believes a revised dDCO at Deadline 4 would serve limited purpose and potentially lead to both confusion and a proliferation of documentation.

The Applicant has therefore decided to not provide a revised dDCO at Deadline 4.

If this is not acceptable to the ExA a revised dDCO can swiftly be provided in clean and tracked versions, together with a note confirming the few changes to be made.

The Applicant encloses a document listing the changes to documentation it believes is needed as a result of the Panel's decision of 22 December 2020 – see DCO Document Reference 9.31 ExA.FI.D4.V1.

Item 7: Updated Statement of Common Ground (SoCG) with Natural England

The Applicant continues to progress matters with stakeholders in relation to SoCGs and expects to provide a substantial number of updates at Deadline 5.

The Applicant submits an updated version of the SoCG with Natural England (DCO Document Reference 9.3.6 ExA.SoCG-NE.D4.V3). This is submitted as Version 3 superseding the previous iteration, REP3-017, and remains largely agreed but is yet to be signed.

Item 8: Replacement Works Plan

At ISH2 the ExA asked for confirmation whether the land belonging to the Caravan Club at Clanage Road, north of Work No 26, was included in Order Land.

The Applicant can confirm the Works Plan currently before the examination, in error, shows part of the Caravan Club land within Order Limits. The Land Plan and Book of Reference do not include that land.

The Works Plan has been corrected and a revised Works Plan is enclosed (DCO Document Reference 2.3 (Version 5). This replaces Version 4 at REP3-003.

No change to the Land Plan or Book of Reference is required.

Item 9: Extended Phase 1 Habitat Survey – Part 2 (Figures)

The Applicant is providing a copy of the Extended Phase 1 Habitat Survey (Part 2 – Figures) (DCO Document Reference 6.25) which was submitted in November 2019. The Applicant has been unable to find this document in the Examination Library. The Extended Phase 1 Survey Report – Part 1 is at APP-133 but not the figures.

As this has not been previously commented on by any other party it is hoped and anticipated that the absence of the Figures has not presented the ExA, any affected party or interested party with any

difficulties but the Applicant felt it appropriate to provide the figures forthwith on their omission becoming apparent.

Item 10 : Application for Non-Material Change to the draft DCO

The Applicant requests that the ExA consider a second change to the draft Development Consent Order and related application documentation.

The Applicant believes that this proposed change is a non-material change to the Order and asks that the ExA proceed accordingly. It reflects the conclusion of negotiations with Natural England regarding District Level Licencing for great crested newts.

In addition, the Applicant has noted the concerns of the ExA regarding Work No. 27. The Work has been further discussed with Bristol City Council and both the Applicant and Bristol City Council have agreed that Work 27 can be deleted.

Provision of the ramp would instead be left for agreement between Network Rail, Bristol City Council and the Applicant, together with neighbouring owners as required, if it is decided at a later stage that it would be desirable to install the ramp. Any required consents would be sought outside of this application for development consent.

The ExA will find the application for the proposed changes at DCO Document Reference 9.28 ExA.FI.D4.V1.

Item 13: Updated Consents and Licences Document

An updated Consents and Licences document is provided, as requested by the ExA, at DCO Document Reference 5.3 (Version 2). This replaces document APP-073.

Item 11: Update on Section 135 Consents

The Applicant continues to progress matters with the Government Legal Department ("GLD") which is advising the following Crown authorities:

Department for Transport (DfT) – GLD has reviewed the affected land interests and advised DfT. The Applicant awaits comments from DfT.

Department of Health and Social Care (DoHSC) – GLD has reviewed the affected land interests and advised DoHSC. GLD has confirmed it will shortly provide a formal response.

DEFRA/ Forestry Commission – GLD and Forestry England (on behalf of the Forestry Commission) are liaising to confirm GLD's instructions to progress the matter.

The Applicant is also engaging (with the assistance of GLD) with the Ministry of Defence ("MoD") which has instructed its in-house property lawyer. The Applicant awaits comments on behalf of the MoD following completion of its review of the affected land.

Item 12: An updated Guide to the Application

This is enclosed. Please see DCO Document Reference 1.4 (Version 8).

Concluding Remarks

The Applicant is happy to provide such further information as the ExA may require in respect of the above submissions.

The Applicant notes that, for Deadline 5, if not before, the Applicant will provide a revised draft Statement of Reasons, Land Plan, Book of Reference and Explanatory Memorandum to accompany a revised draft DCO, hopefully reflecting also the proposed non-material changes referred to in item 10 above.

Please confirm safe receipt of this letter and enclosures.

Yours sincerely

Richard Guyatt

Partner

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