



MetroWest+

Portishead Branch Line (MetroWest Phase 1)

TR040011

Applicant: North Somerset District Council

9.25 ExA.CWR.D4.V1 – Applicant's response to Written Representations submitted for Deadline 3

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Responses to submissions received at Deadline 3

No.	Type / Category	Response topic	Response	Applicant's response
CC-D3-001	Colin Crossman	Shipway Gate Farm	I am again submitting my written representation as a severely affected land owner to register my objections to the metro west plan for my farm.	-
CC-D3-002			1. With regard to the closure of the 2 level crossings and the severance of our farm the applicant states that we rejected a bridge on size grounds. Again this is false - we were not happy but it was quietly dropped when the cost rocketed.	As detailed in the Applicant's post-hearing submissions from the Compulsory Acquisition Hearing on 4 December 2020 (REP3-022) the Applicant does not propose a replacement accommodation bridge as part of the DCO Scheme. Compensation for the closure of the crossings can be claimed by Mr Crossman.
CC-D3-003			2. The "improved" access to the affected land off Sheepway has happened anyway under the Hinkley connected DCO. Even with this access moving animals and crops would still involve considerably more time and cost. This is also disingenuous as it has always been access.	The Applicant refers to its post hearing submissions from the Compulsory Acquisition Hearing on 4 December 2020 (REP3-022), item reference 8.
CC-D3-004			3. The applicant is seeking compulsory powers to acquire this access gateway and portion land not for their use but for any future use by Nat Grid. We have taken legal opinion and this is considered an improper use of a DCO to provide access for a third party. We also object to the principle of a DCO being used.	The Applicant refers to its post hearing submissions from the Compulsory Acquisition Hearing on 4 December 2020 (REP3-022), item reference 8. The Applicant has not seen the legal opinion Mr Crossman has obtained. It is the Applicant's position that the compulsory acquisition of Plot 02/55 for the

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				purposes of delivering Work 11 is an entirely proper use of DCO powers. As further explained in the Applicant's post-hearing submission (REP3-022) Plots 02/55 and 02/121 are required in combination to prevent WPD having an asset it cannot access. The use of compulsory powers to ensure a statutory undertaker's continued access to its apparatus, which would otherwise be inhibited as a consequence of the DCO scheme, is a proper use of powers. There is a compelling case for the compulsory acquisition of Plot 02/55 to enable closure of the accommodation crossing at Plot 02/121.
CC-D3-005			4. At the moment we have a practical, easy to use farm in a ring fence. By severing the holding the value of this farm is significantly reduced with the buildings on one side and the majority of the land on the other.	The Applicant refers to its post hearing submissions from the Compulsory Acquisition Hearing on 4 December 2020 (DCO Document Reference 9.15 ExA.CAH1.D3.V1), item reference 8.
NSC-D3-001	North Somerset Council	Post-hearing response to ExA question at Deadline 3: 4. Article 46 (defence to proceedings in respect of Statutory notice) NSC to provide further detail as to why they are requesting a 12-week notification period. Applicant to provide detail as to why they consider a 4-week period would be appropriate.	Article 46 refers to Traffic Regulation. It is expected that Metrowest will be processing all the orders but will need to notify the police 6 weeks prior to commencement, the Police have recently made such a request to NSC. NSC have not been approached in relation to the creation of any TTRO's and do not have resource to undertake this. (TTRO's have a 12 week notification period). Any traffic regulation order must follow the Road Traffic Regulation Act, and the procedure for this https://www.legislation.gov.uk/ukxi/1992/1215/contents/made . Works are to comply with the permit scheme, link to approved permit scheme https://www.nsomerset.gov.uk/sites/default/files/2020-04/19-20%20DE%20316%20signed.pdf . Ref; Item 5.1.1 iii of	The Applicant refers to its post hearing submissions from the Issue Specific Hearing 1 on 7 December 2020 (REP3-028), item reference 8. The Applicant notes reference to Article 46 as relating to 'defence to proceedings in respect of statutory notice' is repeated in North Somerset Council's submission. Article 46 concerns traffic regulation, and whilst it appears all parties are dealing with the same issue, this is re-confirmed for the avoidance of doubt. As per its post-ISH submission (REP3-028) the Applicant confirms it has subsequently agreed to the proposed 12 week notification period for TRO applications and the amended draft Order submitted

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			the permit doc which covers activities requiring a permit. To ensure compliance with the police notification period of 6 weeks and for compliance with the permit scheme the applicant is to review timescale of 4 weeks notification period.	at Deadline 3 (REP3-005) reflect this change to Article 46.
NSC-D3-002		Post-hearing response to ExA question at Deadline 3: 11. Requirement 30 NSC to comment on the proposed wording.	Requirement 30 Works Affecting M5 Junction 19. Suggested update to wording 'no contractor arrivals are permitted between 07.30hrs and 09.00hrs'	Since Deadline 3 the Applicant has received email confirmation from the Relevant Planning Authority confirming Requirement 30 as drafted by the Applicant is accepted. The point will be recorded as agreed in the next iteration of the Statement of Common Ground to be submitted at Deadline 5.
NSC-D3-003		Post-hearing response to ExA question at Deadline 3: 14. Construction Workers Travel Plan (CWTP) Further consideration of whether the CWTP should be a certified document and whether it needs to be referred to in Requirement 5.	A CWTP is yet to be provided in full, and we do consider that the CWTP should be added to the list of documents in paragraph 2 of Requirement 5. We consider that the CWTP is a key document and that the final version should be a certified document in the same way as the CTMP.	The Applicant refers the ExA to its written response following ISH1 (REP3-028) at issue 21. The Applicant will seek to deal with this matter by way of SoCG and an amendment to the wording of Requirement 5, to be submitted at Deadline 5, as follows: <i>(5) The CEMP for Work Nos. 26, 27, 28 or 29 must, where relevant to that Work, in addition include a construction workers travel plan.</i> <i>This applies only for works in Bristol City Council's administrative area</i>
NT-D3-001	National Trust	Post-hearing submission	1. Many thanks for giving us the opportunity to set out our position. The National Trust acquired the land at Leigh Woods in a number of distinct parcels in March 1933, January 1949 and September 2009. The area of Leigh Woods owned by the National Trust is very highly designated and is a National Nature Reserve (NNR), a Special Area of Conservation (SAC), a Site of Special Scientific Interest (SSSI) and an Ancient Woodland. The	The Applicant responded to the National Trust's relevant representation (RR-021) at Deadline 1 – see the Applicant's document 'Comments on Relevant Representations (Version 2) [REP1-029]. The Applicant continues to engage with the National Trust (and Network Rail) in respect of matters raised in its relevant representation. Subsequently the

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			<p>area acquired in March 1933 is the most heavily affected by MetroWest Phase 1. As we have said in our representations we are supportive of better public transport to and from Bristol to Portishead. However, we are bound to protect the position of the National Trust as a charity.</p>	<p>National Trust made further representations at the Compulsory Acquisition Hearing on 4 December. The Application refers to its submissions in response, submitted for Deadline 3 (DCO Document Reference 9.15 ExA.CAH1.D3.V1).</p> <p>The Applicant believes that the matters raised by the National Trust can be resolved by negotiation. The parties are prioritising the negotiation of Heads of Terms, with a Statement of Common Ground expected to follow for any outstanding matters with the agreement of National Trust and Network Rail.</p>
NT-D3-002			<p>2. As you are aware the National Trust has its own Acts, dated from 1907, which protect its land ownership and management. The National Trust was created for the purposes of promoting the permanent preservation for the benefit of the nation of lands and tenements of beauty or historic interest and as regards land for the preservation of their natural aspect, features and animal and plant life. Those areas of land which the National Trust has declared inalienable cannot be voluntarily sold, mortgaged or compulsorily purchased against the Trust's wishes without special parliamentary procedure. This includes the land that we own at Leigh Woods. The National Trust has made a commitment to look after it forever.</p>	<p>The Applicant has no further comments.</p>
NT-D3-003			<p>3. We would note that we believe that Special Parliamentary Procedures would apply even for temporary compulsory acquisition, though this hasn't been tested.</p>	<p>The Applicant does not believe that Special Parliamentary Procedure would apply. S130(2) of the Planning Act 2008 states:</p> <p>(2) An order granting development consent is subject to special parliamentary procedure, to</p>

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				<p>the extent that the order authorises the compulsory acquisition of land to which this section applies, if the condition in subsection (3) is met.</p> <p>The Applicant is not seeking compulsory acquisition of the relevant NT land. It is seeking a temporary power to access the land for certain works, with the inalienable interest in land remaining with the National Trust at all times. It is therefore submitted the Order including power to secure a of a temporary access over inalienable land is possible as the provisions regarding inalienability do not apply. The clear wording of S130 of the 2008 Act demonstrates that special Parliamentary procedure would not apply to temporary use of NT land by the Applicant if the objection of NT is not withdrawn. In any event however the Applicant will endeavour to reach agreement with NT.</p>
NT-D3-004			<p>4. All areas of National Trust land proposed to be acquired by MetroWest under compulsory acquisition is on a temporary basis. We are supportive of our land only being acquired on a temporary basis. The National Trust can grant leases of up to 99 years without triggering inalienability restrictions subject to internal approvals. Through recent consultation within the Trust we believe that the final proposals will need to go to a Property Board dependent on the future monetary values that we will be obliged to incur should the scheme go ahead as proposed.</p>	<p>The Applicant continues to discuss arrangements for access with NT.</p>
NT-D3-005			<p>5. We have draft Heads of Terms specifically for the access and compound to build Quarry Underbridge 2.</p>	<p>The Applicant continues to discuss arrangements for access with NT and believes it understands the</p>

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			<p>We have agreed outline method statements and principles regarding working with the important designations and nature assets found on site specifically regarding the working and storage areas and the construction of the temporary slope for access onto the railway line. We would want to ensure that the structure is rebuilt in this way and that this rebuild solution is secured through the DCO process. We realise that more detailed design work may still be needed, and where it may affect access to or management of our land we would want to be consulted on any changes or refinements to the design or its implementation. When we have met with MetroWest's nature advisers in the past they haven't understood the works that we have undertaken in this quarry to manage non-native species.</p>	<p>requirements for ecological management within the Avon Gorge.</p>
NT-D3-006			<p>6. The National Trust has managed the rock faces at Leigh Woods based on the railway line below them being for Freight and having regard to the public right of way adjacent to the river. Over the years we have done regular rock works, laser scanning and installation and maintenance of the catch fences. The National Trust is concerned about the increased liability that the line being changed to passenger use would create for us as the adjacent landowner responsible for the rock face above. We are consulting with our insurance broker regarding this specific issue as the public liability sums involved are very high. We feel that it is inappropriate that the National Trust as a charity pays for the increased insurance premiums caused by this change of use.</p>	<p>The liability for neighbouring owners to maintain their land appropriately already exists and the number of train movements can increase without the need for development consent. No change of use, in planning terms, is proposed.</p>
NT-D3-007			<p>7. We note that whilst North Somerset Council have proposed to pay for the installation of catch fences on</p>	<p>The provision of additional catch fences and rock bolting is proposed to assist the NT in its management</p>

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			<p>National Trust land to manage the risks of a rock fall onto the passenger line, from that point onwards it is proposed that the National Trust is responsible for all repair, maintenance and replacement of the catch fences as and when it is required. This is also a great expense that is being passed onto the National Trust as a charity to manage due to the change from a freight to passenger line. These risks are not theoretical as we know that there are rockfalls in this area and Network Rail has drawn our attention to the sad loss of life this year at Stonehaven in Scotland, they have suggested that there may be extra regulations for landowners adjacent to train lines.</p>	<p>of its existing land and liabilities. Negotiations continue.</p>
NT-D3-008			<p>8. The Trust has previously proposed that Network Rail enter into a lease for the cliff face and quarries above the railway line for a term of 99 years. We asked that there was then an option on behalf of the Landlord to renew this lease on the same terms at the end of the term. We proposed that the National Trust reserve conservation work out of this lease as agreed within a five year management plan by Network Rail. This proposal has been rejected by MetroWest.</p>	<p>The Applicant does not believe that a transfer or lease is required for a satisfactory solution to be achieved by the parties.</p>
NT-D3-009			<p>9. Our view is that as the landowner and occupier of the rockface, any works and inspections that MetroWest agreed to do as part of the project would still need to be independently checked and verified by a contractor instructed by the Trust. MetroWest have agreed to pay for this expense. Notwithstanding that the Trust is still unsatisfied with the concept of the proposal that we do take on all future responsibility for the catch fences and rock bolts installed that are necessitated because of the upgrade to the railway line.</p>	<p>The provision of additional catch fences and rock bolting is proposed to assist the NT in its management of its existing land and liabilities.</p>

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NT-D3-010			10. We would note that Network Rail and North Somerset Council been engaging with us on these subjects. The final decision on the placement of the catch fences has yet to be designed, though it has recently been clarified that though MetroWest would try and place them on Network Rail land, realistically these would be on National Trust land.	The Applicant and Network Rail will continue to seek to reach agreement with NT on this issue.
NT-D3-011			11. Whilst the National Trust doesn't doubt that this passenger line would be advantageous, we believe that any private landowner would be concerned about the implications of risk caused by rockfalls and that we are no different. These works and proposals are still under discussion with MetroWest but the National Trust believes it shouldn't be left in a worse position because of the scheme.	The provision of additional catch fences and rock bolting is proposed to assist the NT in its management of its existing land and liabilities.
NT-D3-012	National Trust	In answer to the ExA's action points	The frequency of inspection for an area will depend on its complexity and usage zone. This should take account of the nature and extent of use of the site. The rock faces at Leigh Woods are to be considered the most complex within the National Trust's Bristol portfolio. This is both in terms of the scale of the rock faces and nature conservation. It is believed that failure of rock faces in the Avon Gorge and Nightingale Valley would pose the highest impact from a health and safety point of view and as such this is where the greatest investment in terms of surveys, scaling and vegetation removal lies.	The Applicant and Network Rail will continue to seek to reach agreement with NT on this issue.
NT-D3-013			All the falls have occurred from the rock face that runs diagonally up from the old towpath (River Avon Trail) up to the edge of the plateau 100m above. This is the	The Applicant notes the description.

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			<p>only area where the National Trust ownership comes right down to the towpath; elsewhere the eastern boundary of the site is the old Portishead railway line. At the site of a rock fall is the railway tunnel. The railway was reopened in c. 2000 to carry freight from Royal Portbury docks at the mouth of the Avon.</p>	
NT-D3-014			<p>In addition to the rope access inspections the upper Block House rock face has in the past been laser scanned bi-annually with the aim of detecting rock mass movement in the area adjacent to the extensive 2005 landslide area. From 2020 we decided we could get the same information from measuring between points to assess any movement in the places we would normally scan. The ground conditions on the upper Block House rock face are potentially similar to the landslide area of 2005, and as such, additional investigation and monitoring of this area is advantageous particularly as the tunnel portal which runs beneath this rock face is part of the railway.</p>	The Applicant notes the description.
NT-D3-015			<p>Currently the process we follow is that a contractor carries out 5 days of roped access works in Autumn to do an initial assessment of the rock faces. If the team felt that we needed a second opinion on a certain element, then they will let the National Trust know and we will instruct an experienced geological engineer to come and offer further advice. The contractors will:</p>	The Applicant notes the description.

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			<ul style="list-style-type: none"> • Supply a 5-person inspection team, 3 roped access workers and 2 ground workers • Carry out 5 days of inspections to areas specified by the National Trust to include Nightingale Valley, the area above the Block House and the main rock face. • As part of the inspection, any loose material and invasive vegetation will be removed • A report will be made of the finding of the report, this will include before and after photographs and recommendations for any further work 	
NT-D3-016			<p>The current works carried out are what the National Trust considers to be appropriate for the current use of the site. These are for our own risk management purposes and Network Rail, we understand, undertakes their own checks but with no direct involvement with the National Trust. I am unaware if they have asked the National Trust to undertake works at any point based on their own checks.</p>	The Applicant has no further comment
NT-D3-017			<p>Regarding the statement of common ground, there are Heads of Terms that have been sent regarding various access agreements which we are currently reviewing and we continue to have conversations with MetroWest regarding the installation and ongoing expense for the checks, maintenance and replacement of the proposed new catch fences that are part of the DCO application.</p>	Negotiations with NT continue.

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BCC-D3-001	Bristol City Council	Post-hearing response to ExA question at Deadline 3	As set out in the Rule 8, 9 and 13 letter, issued by the ExA on 26 October 2020 [PD-009], we understand that the deadline for submitting post hearing submissions, including written summaries of oral case put at any of the hearings and any response to further information requested by the ExA, is today. Whilst BCC responded to questions raised by the ExA at the Issue Specific Hearing 1 on the dDCO, the Council did not put forward an oral case, and as such it is deemed that a summary of evidence is not required. We are able to provide an update on the issues raised at the Hearing which required our response or where we agreed with the ExA we would provide a response in writing:	-
			- An update in relation to the preparatory / preliminary works and commencement is being developed as part of the Applicant's SoCG with BCC [REP1-017]. This will be provided in detail at Deadline 4.	<p>The Applicant refers to its post hearing submissions from the Issue Specific Hearing 1 on 7 December 2020 (REP3-028), item reference 2. Please note in particular the changes introduced into the updated draft DCO (REP3-005) to the definition of "commence".</p> <p>The Applicant and the relevant planning authority have continued their discussions and an updated Statement of Common Ground will be submitted at Deadline 5.</p>
BCC-D3-002			- BCC and the Applicant have discussed the implementation of the Construction Workers Travel Plan and it is understood they are looking to update the drafting to incorporate this and/or clarify where this is provided for as part of the DCO. Again, an updated SoCG with this clarification will be provided at Deadline 4.	<p>Requirement 5(5) (incorporating the amendment proposed to be submitted at Deadline 5 reads:</p> <p><i>(5) The CEMP for Work Nos. 26, 27, 28 or 29 must, where relevant to that Work, in addition include a construction workers travel plan.</i></p>

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BCC-D3-003			- An update on planning obligations and agreements will be provided at Deadline 4, as per the Action Points [EV-007b], as discussions between the Applicant and BCC are ongoing.	<p>The Applicant refers to its post hearing submissions from the Issue Specific Hearing 1 on 7 December 2020 (REP3-028), item reference 23.</p> <p>The Applicant does not anticipate the use of a planning obligation to secure a payment for off-site tree planting in the Bristol City Council authority area. At this time the payment mechanism remains to be agreed with the planning authority but both parties continue to discuss the matter and are aiming to resolve it for an updated Statement of Common Ground at Deadline 5.</p>
EA-D3-001	Environment Agency	Post-hearing response to ExA question at Deadline 3	<p>Please find hereunder the Environment Agency's responses in respect of relevant issues raised for Deadline 3.</p> <p>The Agency has maintained direct liaison with the applicant's representatives, particularly regarding the Statement of Common Ground (SoCG). It is understood the applicant's representatives will provide the Examining Authority with an update in respect of this matter.</p>	The Applicant continues to work with EA on the SoCG
EA-D3-002			<p>The Agency can confirm the changes to the draft DCO proposed by the Applicant, as set out below, are acceptable:</p> <ul style="list-style-type: none"> • Work 16 D removed from Schedule 1; • All references to Work 16D removed from the draft Order; • Requirement 30 deleted, and the definition of Easton in Gordano flood mitigation plan in Schedule 2 removed. 	The Applicant has made the changes.

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			The applicant's representatives have been informed of the above	
EA-D3-003			With regard to Action 18 arising from ISH1 on the draft Development Consent Order (progress with obtaining the relevant consents/ permits from the EA) the Agency would advise as follows: The applicant must secure formal approval of the proposed scheme, prior to applying for the relevant Agency consents/permits. This will ensure full details, including the exact nature and location of the works are determined, prior to the submission of any consent/permit application. All authorisations must be approved, prior to any pertinent works commencing. For information, permit applications can take up to 60 days to determine.	The Applicant notes the EA's comments.
ST-D3-001	Stuart Tarr		A Submission on behalf of Ham Green St Katherine's Park and Chapel Pill Lane Residents concerning the Bio-diversity Impacts on the Ham Green fishing lakes of the Pill Tunnel Construction and Maintenance Compound	Mr Tarr's submissions are dealt with in a separate document submitted at Deadline 4 – see DCO Document Reference 9.29 ExA.CAS.D4.V1).

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BPC-D3-001	Bristol Port Company	ExA question at ExQ1 - GC.1.1 The construction programme is set out in	Hinkley Point C Connection DCO Scheme: this scheme is currently under construction, with the construction phase predicted to continue to July 2023	To avoid the need for duplication, please see BPC's comments below in relation to the Applicant's responses to:	The Applicant's proposed new rights over, and its proposed use of, the access track from Marsh

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		<p>paragraph 4.6.1 of Environmental Statement (ES) Chapter 4 [APP-099] has work commencing in Winter 2021-22, with opening in winter 2023-24. Given the delay in the start of the Examination since the acceptance of the Application in December 2019 and the current public health restrictions:</p> <p>Confirm if there is any change to the anticipated programme, and if so, provide reasons for this and an updated programme.</p> <p>Will this affect any of the assumptions in the ES particularly with regard to in-combination cumulative effects (and HRA in-combination effects)?</p> <p>You may wish to combine the answer to this question with the answer to question DCO.1.17.</p>	<p>at Sheepway. The Applicant liaises regularly with National Grid on project interfaces. National Grid has been undertaking ecological mitigation measures, including the translocation of Great Crested Newts. At present, the construction site for Hinkley Point C Connection DCO Scheme has been excluded from the Great Crested Newts District Level Licensing (DLL) application where this crosses the DCO Scheme Order limits at the suggestion of Natural England to avoid having two licensing systems following separate methodologies within the same area. Once the National Grid licensable activities have finished at this location, this part of the Order limits will be drawn into the DLL for the DCO Scheme. For matters such as construction noise and traffic, the delay to the start of construction of the DCO Scheme would be to reduce the overlap and hence duration and possibly magnitude of these cumulative effects.</p> <p>Royal Portbury Dock: obtained planning permission to construct a new cargo storage area on the south side of the disused railway and a new bridge (planning application 16/P/1987/F). While the cargo area is now operational, the port has yet to build the new access</p>	<ul style="list-style-type: none"> • ExA's question Cl.1.3 (in relation to the proposed use of BPC's access track from Marsh Lane); and • ExA's question CA.1.10 (in relation to the severance of part of BPC's site near Court House Farm) <p>for comments in relation to some of the issues raised by the Applicant's response to this question GC.1.1.</p>	<p>Lane in a way that is not incompatible with its use by other persons benefitting from rights over the access track or the use by the Port. The Applicant would comply with the reasonable security requirements of BPC.</p> <p>The Applicant believes it is for BPC to discuss with Network Rail how to resolve the replacement of the existing temporary at grade crossing over the disused railway with a new bridge at Court House farm in accordance with condition 16 of planning permission 16/P/1987/F.</p>

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			<p>bridge over the railway. The delay to the DCO Scheme provides Royal Portbury Dock more time to build their access bridge.</p> <p>Timing is not a problem.</p>		
BPC-D3-002		<p>ExA question at ExQ1 - GC.1.12</p> <p>In their RR [RR-010] BPC state that application documentation indicates that there would be an adverse effect on freight movements during the construction period. However, they could not find where in the application documents the information that resulted in this conclusion can be found. Please either provide this information or signpost where in the application documents this information can be found.</p> <p>You may wish to combine the answer to this question with the answer to question Cl.1.4.</p>	<p>While there will be some impacts on Bristol Port Company (BPC) during the construction of the scheme, due to taking possessions of the line for long weekends and also for up to two line blockades each of a duration of approximately one month, the low levels of freight train traffic on the branch line indicates these impacts will be largely avoided through negotiation with the port and are not predicted to be significant.</p> <p><i>[paragraph omitted for brevity]</i></p> <p>Schedule 4 (of the Track Access Contract held by a train operator) payments compensate passenger and freight train operators for the impact of planned service disruption due to possessions. Subject to the nature of the contractual arrangements between BPC and the freight train operators, BPC may be able to seek compensation from the freight train operators, require them to re-schedule the dates and times of the</p>	<p>BPC is pleased to note that the Applicant agrees that blockades and possessions must be subject to negotiation with BPC to avoid impacts on access for freight traffic between the Port and the national rail network. However, this agreement should be enshrined in enforceable provisions of the DCO, as set out in paragraphs 5.8 and 5.9 of BPC's written representations. If rail access is interrupted, this will lead to disruption to port operations more widely (including disruption to labour and thus other loading/discharging operations) and hence to cargo being delayed at the Port.</p>	<p>The Applicant believes the provisions of the Railways Act 1993 and Network Rail's licences' to operate the national rail network adequately determines how blockades and possessions will be secured and carried out. This is not a subject that the dDCO should cover. The Applicant's summary of oral case at ISH2 (DCO Document Reference 9.23 ExA.ISH2.D4.V1) further deals with this topic.</p>

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			<p>dispatch of freight trains or require them to transport the cargo via an alternative mode of transport. Also refer to the response to question TT.1.6.</p>		
BPC-D3-003		<p>ExA question at ExQ1 – BIO.1.33</p> <p>Paragraphs 3.2.10, 3.2.13 and 3.2.16 of the HRA and Chapter 9 of the ES [APP-75 and APP-142] contain references to new ponds to be created in for Great Crested Newts as part of flood compensation strategies. It would appear that you have done some sensitivity testing in response to post-acceptance s.51 advice and are continuing to discuss Flood Risk Assessment (FRA) matters with the Environment Agency. Can you confirm that these sensitivity analyses and additional works would not lead to changes to the assumptions made around these ponds?</p>	<p>The new Great Crested Newt (GCN) ponds referred to in the HRA and Chapter 9 of the ES (APP-75 and APP-142; DCO Document References 5.5 and 6.12) are located at:</p> <ul style="list-style-type: none"> • [omitted for brevity]; • [omitted for brevity]; and • in the field east of Easton-in-Gordano stream (Work No. 16B) (HRA paragraphs 3.2.13 and 3.3.16). HRA paragraphs 3.2.13 and 3.3.16 refer to the same new pond. <p>These ponds were proposed as part of the European Protected Species (EPS) licence for GCN rather than part of the flood compensation strategies. The Applicant has applied for consent under Natural England's District Level Licensing (DLL) scheme for great crested newts as an alternative to the EPS licence. It is the intention for the scheme to use DLL as the licensing route and the Applicant has recently received the Impact Assessment and Conservation Payment Certificate and intends to sign it</p>	<p>BPC notes from the Applicant's response that the GCN pond proposed at the field east of Easton-in-Gordano stream (as Work 16B) may not be required. As explained in paragraph 5.1 of BPC's written representations the land proposed to be taken for Work 16B is specially safeguarded for port development within North Somerset Council's adopted planning policy. BPC notes NSC's response to the ExA's question GC.1.11 which confirmed this policy and that it should be given substantial weight.</p> <p>Given that it is uncertain that Work 16B is required, in the light of the adopted planning policy and the weight that must be given to it, BPC suggests that Work 16B should be removed from the draft DCO and that the relevant land area (being the whole of plot 05/85, taking into account the Applicant's proposal to remove Work 16D from the draft DCO) should be excluded from the land over which powers of compulsory acquisition may be exercised. Noting</p>	<p>The Applicant has now applied to the Panel for a non-material change to remove Work 16B. Part of plot 05/85 will still be required for permanent access to maintain the adjacent cattle creep bridge.</p>

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			<p>and make the first payment before the end of 2020. The GCN ponds and enhancement areas previously included within the mitigation proposals associated with the scheme may no longer required under DLL. The Applicant is however considering the biodiversity advantages that could be secured if the land at Sheepway and east of the Easton in Gordano Stream were available for such purposes.</p>	<p>also the Applicant's response to the ExA's question BIO.1.35, BPC submits that priority should be given to the adopted planning policy, and the need it reflects, over aspirations for additional biodiversity measures that are not necessary as a result of or in connection with the DCO Scheme.</p>	
BPC-D3-004		<p>ExA question at ExQ1 – BIO.1.37</p> <p>Whilst on our Unaccompanied Site Inspection [EV-001] the ExA observed the existence of a wildlife corridor adjacent to Royal Portbury Dock that is managed/ owned by the BPC.</p> <p>BPC: Provide further detail of the wildlife corridor including why it is provided, what animals use it, how long it has been in existence and any plans/ maps to show the extent of the corridor.</p>	<p>The Applicant produced a proportionate EIA based on the assessment of likely significant effects as required under the National Policy Statement on National Networks, see paragraph 4.15.</p> <p>The effect of the DCO Scheme on most of the non-statutory designated sites along this stretch of the disused railway, particularly those not directly affected by construction works, were assessed as “neutral” - see the ES Chapter 9, Table 9.21 (AS-031; DCO Document Reference 6.12). The Applicant is aware of the potential presence of protected species along the wildlife corridor, such as Great Crested Newts and water vole, as they have been found through the Applicant’s own surveys. During 2016, we also shared our ecological survey data with BPC in the lead up to their</p>	<p>In BPC's response to this question, it provided a copy of BPC's Ecological Management Plan 2018-2022, and drew attention to the specific management measures included in it in relation to Court House Farm and the wetland and saltmarsh area to the east of the M5 near Pill the Area to East of M5.</p> <p>The Applicant should ensure that its works will be in accordance with this Plan, as updated or replaced from time to time. This will necessitate obligations on the part of the Applicant to obtain BPC's approval of certain works and to carry out reasonable additional or amended environmental mitigation measures, as suggested by the protective provisions set out at paragraphs 6.9.5</p>	<p>The Applicant will work with BPC in relation to the impacts, if any, on the wetland and saltmarsh area to the east of the M5 near Pill, but sees no reason for this to be secured in the dDCO, including in protective provisions.</p>

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		<p>The Applicant: Signpost where in the application documentation the effect of the proposed development on this wildlife corridor has been considered and if it hasn't, why not.</p>	<p>submission of their planning application for a new car storage area at Court House Farm. The DCO Scheme would not directly affect the wildlife corridor and construction-related effects would be managed through the CEMP.</p> <p>The impact on protected species using the wildlife corridor close to the DCO Scheme would be no different from the effects we have described in the ES Chapter 9.</p> <p>A principal concern was the potential and realised effect of BPC's planning application for a new car storage area in the fields west of Court House Farm and south of the disused railway, which was granted planning permission in December 2016. It was felt that the creation of a well-lit car storage area on the south side of the railway area would significantly affect the dark corridor along the disused railway which is a regionally important bat commuting route, linked with the North Somerset and Mendip Bats SAC. The Port committed to mitigation measures and monitoring to maintain a dark corridor for bats through this area. This issue is covered in detail in the ES, Chapter 9 and Appendix 9.2 Bat Technical Appendix (AS-036, DCO Document Reference 6.25).</p>	<p>and 6.9.6 of BPC's written representations.</p>	

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BPC-D3-005		<p>ExA question at ExQ1 – CI.1.3</p> <p>When the ExA carried out their Unaccompanied Site Inspection [EV-002] it was noted that works have started on the Hinkley Point C Connection project including on areas of land within the Application around Sheepway, Portbury Wharf and Shipway Gate Farm. Please advise of current timescales for such works, whether there would be any overlap between the projects given the delays caused to both projects as a result of the current COVID-19 pandemic and any proposals to utilise such land in relation to this Application before it is reinstated to its original use and if so who would be liable for its reinstatement?</p>	<p>The Applicant and National Grid Electricity Transmission PLC (NG) have been regularly communicating since 2016 as set out in the draft Statement of Common Ground (SoCG) submitted at Deadline 1 (REP1-023 and DCO document reference 9.3.8). The majority of NG works will be complete prior to the start of the DCO Scheme construction and COVID-19 hasn't impacted on the end date of NG's programme. All NG works are due to be complete in this area in June / July 2023 with only reinstatement remaining to be complete by early 2024. Based a construction start date of early 2023 for the DCO Scheme, there would be some overlap with the works in the Sheepway area and a solution to ensure both projects can continue is set out in the draft SoCG (substantially agreed). The works remaining for NG to complete in 2023 will be pulling conductors through the new 400kV towers and dismantling the 132kV towers. The remaining NG work is of relative short duration so can be managed by regular communication and planning by both parties.</p>	<p>BPC has no comment in relation to the specific interface of the NG works and the proposed DCO scheme works in the vicinity of Sheepway. However, the ExA should be aware that NG's works at the Port (which lies to the east of the Sheepway area) are substantial and on information provided by NG to BPC will be continuing throughout 2023 and into 2024. This is because NG will be working in a west to east direction and its works at the Port include removal of existing 132kV lines even after the new 400kV lines have been erected. BPC notes the Applicant's proposed start date for construction of the DCO scheme in early 2023 but assumes work, <i>eg</i>, to create the proposed construction compounds at Lodway Farm and under the M5, would start before that date.</p> <p>In its written representation (paragraphs 4.7 and 5.4) BPC notes its concerns as to the proposed use of its track which leads from Marsh Lane towards the M5 as a construction haul road, and notes that the track is used frequently by others. These others will include NG,</p>	<p>The Applicant's proposed new rights over, and its proposed use of, the access track from Marsh Lane in a way that is not incompatible with its use by other persons benefitting from rights over the access track or the use by the Port. The Applicant would comply with the reasonable security requirements of BPC.</p> <p>The access track already exists save for a small flat and level area immediately adjacent to the point where the branch line passes under the M5. The Applicant will work with BPC and the other users of the access track to enable all parties to continue to use the route.</p> <p>The appointed contractor(s) will ultimately determine how the DCO Scheme is constructed, and within that use of the Lodway</p>

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				<p>which will be using the track to provide construction access for the purpose of the Hinkley Point C Connection DCO Scheme. From the information as to the respective timetables of the Applicant's proposed works and the NG works set out above it can be seen that NG's works at the Port will require access over the track at a time when the Applicant would also be looking for such access and/or proposing works to the track.</p> <p>Currently, the Applicant has not been able to confirm with sufficient certainty and/or clarity the nature and extent (eg likely frequency and duration, nature of the vehicles using the track) of the construction access which would be needed. Specifically, it has not been able to confirm what works are proposed for the track and the area surrounding it, either in connection with its proposed use as a haul road or in connection with the DCO works more generally. Some of the information which has been made available has been inconsistent.</p> <p>As an example, the proposals include creating a link (which does not</p>	<p>compound, guided by the content and processes of the CTMP [APP-210] and CEMP [APP-211].</p> <p>Noting its interim nature, initial analysis of potential construction traffic has been carried out for the CTMP [APP-210], and this has been updated as part of developing an Statement of Common Ground (SoCG) with Highways England (HE) - see the memo appended to DCO Document Reference 9.23 ExA.ISH2.D4.V1. This analysis does not isolate traffic using the access track from Marsh Lane, but provides details for Royal Portbury Road, which can be used to infer movements using the access track. A number of operating scenarios are included, varying by scale of construction activity and time of the day.</p>

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				<p>currently exist) between the track and the proposed Lodway Farm construction compound, but no further information is available as to what works this will entail and when/how these might be carried out. Clearly these works, and any others which may be proposed, will affect the ability of others to use the track.</p> <p>In its reply to ExA's question Cl. 1.8 the Applicant states "<i>It is anticipated that large or heavy vehicles gain access to the Lodway Farm compound via access point AW 5.1 shown on the Compounds, Haul Roads and Access to Works Plan (APP-024 and DCO document reference 2.29) and the haul road, and thus not generally using access points that involve routeing through Easton In Gordano. Access to areas of the DCO Scheme in the Pill area can be achieved directly from Lodway Farm compound via access point AW 5.1 and haul road and the railway alignment itself.</i>"</p> <p>This suggests that the track will be subject to frequent use by heavy vehicles moving in both directions. BPC considers that use of that kind</p>	<p>The Applicant does not believe the use of the access track by the Applicant would give rise to any serious detriment to the Port's operations. Whilst it will seek to agree matters with BPC it does not believe that protective provisions are relevant to the exercise of the proposed new right.</p>

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				<p>would not be possible without works to the track but that carrying out works will impede necessary use of the track by others, including NG.</p> <p>In its response to ExA's question Cl. 1.8, the Applicant suggests that details of use of the track will be left for the contractor to determine during the construction phase, but BPC submits that this is too late a stage to address the question as to the extent of the use of the track which will be possible at all. Given the current lack of sufficient information it is not possible for BPC or, BPC submits, the ExA to assess in the context of the track the extent to which the Applicant's proposals will conflict with the implementation of the Hinkley Point C Connection DCO Scheme or what the combined effect of the two sets of works will be, or whether the track is able to accommodate them at all or without detriment to other users of it and the wider operation of the Port. Nor is it possible to reach any agreement as to how these issues may be managed and/or mitigated, if indeed they can be.</p> <p>Since that assessment cannot be</p>	

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				made, BPC suggests that protective provisions must be included (as suggested in paragraph 6.3.1 of BPC's written representation so far as relates to the area of the track) to enable the exercise of the powers sought in the draft DCO properly to be controlled when further details are available of what is proposed.	
BPC-D3-006		<p>ExA question at ExQ1 – CA.1.10</p> <p>In their RR [RR-010] the BPC raise a concern regarding potential severance of part of their site near Court House Farm. Provide further detail of this including, if available, a layout of the area in question and details of how this matter would/could be managed or signpost where in the application documentation this matter has been addressed.</p>	<p>BPC own land to the north and south of the disused railway, between Royal Portbury Dock Road and Marsh Lane. The land south of the railway and north of J19 M5 was acquired by BPC from Court House Farm, Marsh Lane in October 2016.</p> <p>BPC applied for planning permission for development of the land that formerly consisted of part of Court House Farm, Marsh Lane, Easton in Gordano. Planning permission was issued by North Somerset Council on 21 December 2016 for the development of the site at Court House Farm. The proposals including a "bridleway/cycle path crossing management plan" dated June 2017. In its consultation response dated 17 November 2016 relating to the proposals Network Rail stated:</p> <p>"With reference to the bridge over the railway, this will be subject to the</p>	<p>BPC has, at its own cost and expense, obtained the 2016 planning permission referred to by the Applicant in its point 1 below to allow it to construct an alternative crossing over the disused railway if the Portishead section opened again. The same permission authorised the construction of the at grade crossing and permits its use until the Portishead branch is re-opened to passenger traffic, as noted in the Applicant's point 3 below.</p> <p>However, the DCO currently makes no provision to ensure that BPC is given adequate time to construct the alternative crossing in accordance with the timetable envisaged by the planning permission and as previously envisaged by BPC and the Applicant.</p> <p>The Planning Officer's report quoted</p>	<p>The Applicant understands that, under the terms of the easement for the crossing at grade entered into between (1) Network Rail and (2) BPC on 4 September 2017 ("the Easement"), Network Rail can terminate the right of BPC to cross Network Rail's land upon 12 months' prior notice if the land is required for the purposes of railway and/or integrated transport related development. Condition 16 of planning permission 16/P/1987/F requires the use of the flat crossing to cease upon the re-opening of the Portishead Branch Line.</p>

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			<p>necessary licence agreement between the Applicant [BPC] and Network Rail being reached before any works can take place. It should be noted that the at-grade "crossing" were not to be acceptable when the Portishead section opens again and construction commences for MetroWest...".</p> <p>The BPC application for planning permission included outline design drawings for a proposed bridge which were considered by the local planning authority. As a result, it did not seem appropriate for the Applicant for the MetroWest scheme to include a bridge - this would consent a second structure to the BPC proposals which had already been worked up to a sufficient level of certainty for the local planning authority to issue planning permission to BPC.</p> <p>Planning permission was issued by North Somerset Council including a temporary at-grade crossing over part of the disused railway. The permission to use the atgrade crossing is limited by condition. After the Portishead branch line is reopened to railway traffic, the at-grade crossing must cease to be used. The Decision Notice 16/P/1987/F dated 21 December 2016 is available at</p>	<p>by the Applicant notes that "<i>On the basis that, the at-grade crossing is closed and the road bridge over the railway is built in a timescale that fits with the MetroWest Phase 1 project, there is no objection to the proposal</i>" [our emphasis added]. Condition 16 of the planning permission requires that the programme for the construction of the bridge must not "<i>impede the re-opening of the Portishead branch line</i>".</p> <p>Neither the Planning Officer's report nor Condition 16 required the bridge to be constructed pursuant to the permission (or the at grade crossing to cease to be used) purely as a result of development consent for the works to re-open the Portishead branch line being obtained. On the contrary, it was accepted by the Applicant that the actual timetable for construction of the bridge could and should be integrated with the timetable for the actual construction of the DCO scheme.</p> <p>However, Network Rail's position has been that BPC will only be permitted a fixed time period running from the date that the DCO is made to</p>	<p>The terms of the Easement, which were agreed by BPC, and Condition 16 together reflect that, at the time the Easement and the related planning permission were granted, it was understood and accepted by BPC that the right to cross the railway at grade would need to give way to the requirements of the MetroWest project against the background of the forthcoming DCO application. It has therefore been unnecessary for the DCO to include powers to extinguish the right of crossing since such termination rights are already dealt with under the Easement (outside the DCO). The BPC appears now to be seeking, by means of the DCO, to bypass the contractual arrangements which were freely entered into by them.</p>

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			<p>https://planning.somerset.gov.uk/onlineapplications/files/1E7DC39E917AF7E1A29C859CF58F8715/pdf/16_P_1987_F--2609267.pdf</p> <p>The permission is for:</p> <p>Development of the site for port related uses. Provision of hardstanding for storage of cargo in transit (e.g. motor vehicles) through Royal Portbury Docks, with associated infrastructure, including a crossing over the disused railway by a crossing at grade and or vehicle bridge between the current Royal Portbury Dock estate and the proposed site Land To West Of Court House Farm Marsh Lane Easton-In-Gordano BS20 ONE</p> <p>The application included a plan for the proposed bridge over the Portishead Branch Line. See: https://planning.somerset.gov.uk/onlineapplications/files/2E749A8173592BF693C585C5DC7E349E/pdf/16_P_1987_FVEHICLE_BRIDGE-2591986.pdf</p> <p>BPC's Design and Access Statement, at 6.45, says:</p>	<p>construct the bridge, and that BPC's use of the at grade crossing must cease at the end of that same time period, regardless of whether the Applicant has decided to implement the DCO, of whether it has funding to enable it to do so and of the stage, if any, that has been reached in the implementation of the DCO works. As explained in its note (3 December) to the ExA for the CA hearing BPC considers that this approach would be manifestly unreasonable because it requires BPC to expend considerable cost in respect of work that might not be necessary. It is also inconsistent with the Applicant's previous view of the appropriate timetable for the construction works for the bridge and the basis and terms of the 2017 easement which as the Applicant's response acknowledges envisaged the at grade crossing needing to be removed only "<i>should the Portishead Branch Line be rebuilt</i>", not merely if a development consent were obtained.</p> <p>BPC will need to be allowed an appropriate period to build the alternative crossing after it is clear that such an alternative is actually required. Therefore BPC does not</p>	<p>Given that these matters are dealt with under the existing contractual framework, the Applicant submits that it is not required and would be inappropriate for the DCO to provide for time constraints on the Port's use of the flat crossing at Court House Farm which would be additional to, and potentially conflict with, those provided for by the Easement .</p> <p>The Applicant believes the matters raised by BPC which relate to the terms of the existing Easement are for negotiation between Network Rail and BPC.</p>

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			<p>"Design considerations</p> <p>6.45 Policy DM22 seeks to safeguard land for future railway expansion. In preparing the scheme design the applicant has discussed the proposed development with James Wilcox Project Manager for the Metro West project. The design has due regard to the land safeguarded for this development will not prejudice the potential development and operation of the rail link. The proposal therefore fully accords with this policy.</p> <p>6.46 The applicant is also in consultation with Network Rail regarding the crossing of their land and the design of the crossing at grade and the vehicle bridge. The crossings will be designed to meet Network Rail's specifications and the appropriate permissions will be secured."</p> <p>The Design and Access Statement can be found at: https://planning.nsomerset.gov.uk/onlinapplications/files/87B496DA1B72FAF892B8BEC6C18F7C5D/pdf/16_P_1987_FPLANNING_DESIGN_AND_ACCESS_STATEMENT-2591976.pdf</p>	<p>agree that the delay to the DCO Scheme has had the effect of providing BPC with more time to build the alternative access nor that "<i>[T]iming is not a problem</i>" (see the Applicant's response to question GC.1.1).</p> <p>BPC's position is that the time allowed to it to build the alternative crossing should run only from when the Applicant receives Full Business Case Approval for the scheme, so that the scheme is fully funded, and notes the Applicant's reference (in its response to question CA.1.5) to this stage involving approval of the Full Business Case by North Somerset Council (Full Council), WECA Committee and by the Department for Transport.</p> <p>Constructive discussions are continuing between BPC and Network Rail with a view to resolving this issue but unless and until a satisfactory agreement is reached and enshrined in legally enforceable obligations BPC's position remains that the draft DCO sought by the Applicant should not be made without amendment to ensure BPC is given adequate time to construct the alternative crossing after it can be assured that full</p>	

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			<p>The Planning Officer's delegated report states (Page 8):</p> <p>"Whilst the Portishead rail line remains in a dis-used state, it is proposing to form an at grade crossing over the dis-used railway track and then build a vehicle bridge over the railway prior to the commencement of the construction phase of the MetroWest Phase 1 project, which includes re-opening the railway.</p> <p>On the basis that, the at-grade crossing is closed and the road bridge over the railway is built in a timescale that fits with the MetroWest Phase 1 project, there is no objection to the proposal. The MetroWest Phase 1 project is aligned to a programme that will commence construction in Oct 2018 however, this timescale is dependent on many factors the applicant will be advised to maintain a dialogue direct with the project regarding the timescales"</p> <p>The report can be found at: https://planning.n-somerset.gov.uk/onlineapplications/files/4A43E3D66306B0AD1F049152A71D617C/pdf/16_P_1987_F--2609268.pdf</p>	<p>funding for the DCO scheme is in place and that the scheme will be proceeding.</p>	

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			<p>Condition 16 of the planning permission states:</p> <p>"The use of the site for storage of cargo in transit (e.g. motor vehicles) shall not be commenced until full details of the temporary at-grade vehicle crossing have been submitted to and approved by the local planning authority. Notwithstanding the submitted plan: 42075A, the security fencing/gates shall not be erected across the railway corridor owned by Network Rail. In addition, the use of the site for the storage of cargo in transit (e.g. motor vehicles) shall not be commenced until a programme of works (including timescales) for the introduction and removal of the temporary at-grade vehicle crossing and construction of the vehicular bridge across the railway line so as to not impede the re-opening of the Portishead branch line have been submitted (in consultation with MetroWest and Network Rail) to and approved by the local planning authority. Details of the atgrade vehicle crossing, bridge and above programme of works, once approved, shall be implemented in accordance with the approved details to the satisfaction of the local planning authority. The</p>		

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			<p>temporary at-grade vehicle crossing must not be used after the Portishead branch line is re-opened to railway traffic.</p> <p>Reason: to ensure that the safeguarded railway corridor is adequately protected in accordance with policy CS10 of the North Somerset Core Strategy and policy DM22 of the North Somerset Development Management Policies July 2016."</p> <p>The bridleway/cycle path crossing management plan submitted by BPC in June 2017 to discharge condition 18 (relating to the neighbouring Bridleway crossing) states:</p> <p>"Prior to the intended re-opening of the Portishead branch line, BPC will stop using this "at-grade" crossing and will be required to build a bridge across the railway and bridleway in order to access the site. This bridge will accommodate the bridleway and cycle path by means of an underpass to the north of the railway for pedestrians, cyclists and horse riders."</p> <p>It is therefore apparent that:</p> <ol style="list-style-type: none"> 1. BPC secured its planning permission only by compliance with policy CS10 of 		

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			<p>the North Somerset Core Strategy and policy DM22 of the North Somerset Development Management Policies July 2016, by including a bridge in its proposals</p> <p>2. BPC already has planning permission for a suitable overbridge and has worked up its details to a sufficient level of certainty meaning there is no need for the Applicant to contemplate an accommodation structure over the railway alignment; and</p> <p>3. with the re-opening of the Portishead Branch Line, the ability for BPC to use the temporary at-grade crossing over the railway will fall away in accordance with condition 16 of the issued planning permission.</p> <p>As a result it is for BPC to bring forward its proposals for access for its Court House Farm site to replace its temporary at-grade crossing. Because of this no powers or bridge proposals were included in the dDCO or accompanying documents.</p> <p>In respect of its interest in the land comprising the disused railway, BPC currently enjoy rights granted pursuant to an easement granted by NRIL in 2017 for an 'atgrade' crossing linking their</p>		

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			<p>land south of the railway with the main Port site (2017 Easement). BPC entered into the 2017 Easement with full knowledge of the future MetroWest proposals and on the understanding the current access would need to be removed should the Portishead Branch Line be rebuilt. The 2017 easement therefore includes a right for Network Rail to terminate the easement if they require the land for railway purposes. BPC and NRIL are currently discussing terms for permission to construct and maintain a replacement bridge in this locality in place of the current 'at-grade' crossing.</p> <p>The plan appended to this document as Appendix CA.1.10-1 shows the locality of the current crossing with the BPC planning application drawings for the proposed new bridge overlaid on NRIL's land ownership (hatched green). The current crossing runs parallel to the east of the proposed replacement bridge.</p>		
BPC-D3-007		<p>ExA question at ExQ1 - TT.1.1</p> <p>ES Chapter 4 [APP-099] paragraph 4.8.8 sets out that the existing maintenance regime required by Network Rail</p>	<p>The existing line from Parson Street Junction to Portbury docks is currently maintained on weeknights on a 1 week in 12 cyclical basis. At weekends the line closed to traffic from 22.00 Saturday night to 18.00 Sunday evening. This frequency is related to current traffic flows and</p>	<p>The Applicant's response acknowledges that the amount of access to and over BPC's rail link that Network Rail (NR) is seeking (via the RRAP comprised in Work 16C and the compulsory acquisition of rights on the terms set out in schedule 10 of the draft DCO over plots 05/104,</p>	<p>The Applicant believes that the powers sought in the Order for the use of the railway (and associated access) over plots 05/104, 05/107, 05/108, 05/165, 05/171, 06/25 and 06/55) will not have any material</p>

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		<p>would be increased.</p> <p>Where are the maintenance compounds located in respect of the existing freight line? What additional maintenance/emergency access is required over and above that necessary for the existing freight line? Provide an overview/summary to explain the purpose of each permanent maintenance compound and the reasons for the location and scale.</p>	<p>makes use of the existing road rail access points (RRAP) at Portbury dock (with agreement of the Port) and at Liberty Lane (Parson Street Jcn). In addition, there is an access point to the line at Ham Green to enable staff to inspect and maintain the silt busters and inspect Pill tunnel.</p> <p>Once the line is upgraded for passenger service the tonnage over the line will significantly increase and coupled with new infrastructure there will be a need to enhance the maintenance regime and integrate fully into the current regime in the greater Bristol area. As a result, the weeknight access to the line will probably be every 6 weeks with a reduction of time at weekends (to allow weekend passenger services to operate).</p> <p><i>[paragraphs omitted for brevity]</i></p> <p>In addition Network Rail will be seeking rights from the Port for Network Rail to use the RRAP next to the Portbury railway dock gates. This access point will allow for the provision to drop off RRVs via low loaders which can then travel up the line towards Bristol and be 'off tracked' into other compounds (such as Monmouth Road and Ham Green) ready for use in possessions.</p>	<p>05/107, 05/108, 05/165, 05/171, 06/25 and 06/55) will increase from the level which BPC currently permits on a voluntary and ad hoc basis. This increased use will necessarily apply also to the access track leading to the RRAP, over which powers of compulsory acquisition of rights are also included in schedule 10 of the draft DCO (in relation to plots 05/100, 05/103, 05/105 and 05/112). While the relevant long term rights and powers are being promoted by the Applicant in the draft DCO, it is clear they are being sought in reality for the benefit of NR, and as a result the Applicant has not been in a position to provide BPC with any information as to the extent of access that is envisaged or what arrangements are proposed so as to manage the exercise of the powers so as to avoid disruption to BPC's rail link - which it operates as part of its statutory undertaking - and to avoid disruption to the use of the access track by others.</p> <p>BPC has to date been able to obtain only limited engagement from NR in relation to the various aspects of the draft DCO powers which will relate, in reality, to NR activities. The resulting</p>	<p>or serious detriment to BPC's undertaking but instead will help to reduce perturbation to the railway network that will benefit the public and the train operating companies and freight operating companies running trains on the Portishead Branch Line. The use of the railway line by Network Rail is more appropriately dealt with by either revisions to the existing connection agreement between BPC and Network Rail or a replacement connection agreement between those parties.</p>

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				<p>lack of information is preventing BPC being able to assess the likely impact of the relevant powers sought in the draft DCO on its operations and undertaking, including in relation to NR's future use of BPC's rail link and the access to it.</p> <p>In the absence of any information enabling that assessment to be made by BPC or, BPC submits, the ExA, BPC considers that the DCO could not safely be made containing the powers of compulsory acquisition of rights on the wide terms set out in schedule 10 and that accordingly protective provisions must be included (as suggested in paragraph 6.2 of BPC's written representation) to enable the exercise of the powers properly to be controlled.</p>	