



MetroWest+

Portishead Branch Line (MetroWest Phase 1)

TR040011

Applicant: North Somerset District Council

9.33 ExA.WQ2R.D6.V2 – Appendix CA.2.2 to Applicant's responses to the Examining Authority's Written Questions ExQ2

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Progress Report on the Status of Negotiations with Statutory Undertakers – 15 March 2021

At Deadline 5, the Applicant provided a progress report on the status of negotiations with each of the Statutory Undertakers listed in the Book of Reference, in response to **EXQ2 Written Question CA.2.2** - "Provide a progress report on negotiations with each of the Statutory Undertakers listed in the Book of Reference (BoR) [APP-057] and an indication of whether these negotiations will be completed before the close of the Examination..." (see document reference 9.33 ExA.WQ2R.D5.V1/REP5-029).

At the second Compulsory Acquisition Hearing, the ExA asked for Bristol Port and the Environment Agency to be added to the below Progress Report and for an update of this Report to be submitted at Deadline 6. The Applicant has also included Network Rail.

The below is a summary of the up-to-date position with the Statutory Undertakers as at Deadline 6.

Company	Utility	Status of Discussions	Bespoke Protective Provisions in the DCO	Private Agreement	Estimate of the timescale for securing agreement	Envisaged impediments to the securing of such agreements
Bristol Water PLC	Water	<p>No Statement of Common Ground in circulation, however detailed discussions have taken place but have concentrated on protective provisions.</p> <p>Following the Applicant providing a draft protective agreement, Bristol Water has since provided alternative terms which the Applicant is currently considering.</p>	No	Yes	April 2021	None

		The Applicant anticipates that this will be completed before the end of the examination.				
CLH Pipeline System Ltd	Fuel pipeline	<p>No Statement of Common Ground in circulation, however detailed discussions have taken place but have concentrated on a private agreement.</p> <p>A draft agreement has been reviewed by CLH legal representatives and comments returned. These comments are now being considered by the Applicant in consultation with Network Rail.</p> <p>Protective provisions for the benefit of CLH have been included in the dDCO.</p> <p>Negotiations are ongoing. The Applicant anticipates that this will be completed before the end of the examination.</p>	Yes	Yes	April 2021	None
GTC Pipelines Limited	Gas	The impact on GTC Pipelines apparatus is minimal and any works in close proximity will be dealt with via the New Roads and Street Works Act (1991) C3 (budget estimate) and C4 (detailed estimate) process prior to construction starting. Standard Protective Provisions for Gas Undertakers are included at Schedule 16, Part 2	No	No	N/A	N/A

		of the draft DCO (document reference 3.1).				
National Grid Electricity Transmission PLC	Electricity Transmission	<p>A Statement of Common Ground is largely agreed but not yet signed.</p> <p>A draft agreement has been circulated and is being reviewed.</p> <p>NGET has proposed the inclusion of its own form of protective provisions. The Applicant does not believe the provisions proposed by NGET are necessary or proportionate. Whilst the Applicant does not believe that S127 or S138 are yet engaged, the Applicant will be proposing its own form of Protective Provisions for NGET and the ExA to consider.</p>	No	Yes	April 2021	None
Openreach (British Telecommunications) PLC	Telecommunications	<p>A Statement of Common Ground is agreed and signed. However it needs to be corrected in one paragraph. Openreach will rely on the standard Protection for Operators of Electronic Communications Code Networks included in Schedule 16, part 3 of the draft DCO (document reference 3.1).</p>	No	No	N/A	N/A
Wales and West Utilities Limited	Gas	No Statement of Common Ground in circulation, however detailed discussions have taken	Yes (proposed)	No	April 2021	None

		<p>place but have concentrated on protective provisions.</p> <p>Wales and West Utilities has provided the Applicant with bespoke protective provisions. The Applicant is currently reviewing these in consultation with Network Rail.</p> <p>The Applicant anticipates that this will be completed before the end of the examination.</p>				
Wessex Water Limited	Sewerage	<p>A Statement of Common Ground has been agreed between the parties. This has been signed by the Applicant and the signed copy from Wessex Water is awaited. This is expected to be signed shortly.</p> <p>Draft Heads of Terms have been issued for the acquisition of Wessex Water land. These are being reviewed by Wessex Water.</p>	No	No	March/April 2021	None
Western Power Distribution PLC	Electricity Distribution	<p>A draft Statement of Common Ground has been issued to WPD but is not agreed. The Applicant and Network Rail are seeking further discussions with WPD and its legal representatives to progress the issues raised by WPD in its written submissions to the examination.</p>	Yes	Yes	April 2021	None

		<p>Protective provisions are included in the dDCO but these, and a side agreement are being negotiated between the parties.</p> <p>The Applicant anticipates that this will be completed before the end of the examination.</p>				
Vodafone Limited	Telecommunications	<p>The impact on Vodafone apparatus is minimal and any works in close proximity will be dealt with via the New Roads and Street Works Act (1991) C3 (budget estimate) and C4 (detailed estimate) process prior to construction starting. Vodafone will rely on the standard Protection for Operators of Electronic Communications Code Networks included in Schedule 16, Part 3 of the draft DCO (document reference 3.1).</p>	No	No	N/A	N/A
Virgin Media Limited	Telecommunications	<p>The impact on Virgin Media apparatus is minimal and any works in close proximity will be dealt with via the New Roads and Street Works Act (1991) C3 (budget estimate) and C4 (detailed estimate) process prior to construction starting. Virgin Media will rely on the standard Protection for Operators of Electronic Communications Code Networks included in Schedule</p>	No	No	N/A	N/A

		16, Part 3 of the draft DCO (document reference 3.1).				
Bristol Port Company (BPC)	Transport	<p>The Applicant has included protective provisions for the benefit of the Bristol Port Company. BPC has proposed its own protective provisions but these are not accepted by the Applicant.</p> <p>The parties are negotiating the terms of an agreement between the Applicant, Network Rail and the Port in relation to the use of Port land for the Scheme.</p> <p>The Applicant hopes that detailed terms for an agreement will be settled by the end of the Examination.</p>	Yes	Yes	April 2021	None
Environment Agency	Environment	<p>The Applicant has included protective provisions in the dDCO for the benefit of the Environment Agency. These are now agreed with the Environment Agency.</p> <p>A SoCG is also being negotiated between the Applicant and the Environment Agency. This is largely agreed and the parties are in the process of resolving the final outstanding issues.</p> <p>The Applicant expects the negotiations on the protective provisions and the SoCG to be</p>	Yes	No	April 2021	None

		finalised before the end of the examination.				
Network Rail Infrastructure Limited	Transport	<p>A draft of the SoCG is in circulation and the Applicant expects the final SoCG to be submitted at Deadline 7.</p> <p>Protective provisions for the protection of Network Rail have been included in the draft DCO at Schedule 16, Part 1 (document reference: 3.1).</p>	Yes	No	Agreed	None