



MetroWest+

Portishead Branch Line (MetroWest Phase 1)

TR040011

Applicant: North Somerset District Council

9.45 ExA.FI.D6.V1 – Applicant's response to the ExA's Actions from the Issue Specific Hearing 5 (ISH5)

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Application by North Somerset Council for an Order granting Development Consent for the Portishead Branch Line – MetroWest Phase 1

Hearing Action Points arising from the Issue Specific Hearing 5 on Environmental Matters held virtually on Thursday 4 March 2021


Action	Description	Action by	When	Applicant's response
1	Provide a copy of the signed Heads of Terms with the Forestry Commission including a set of coloured up plans that were omitted from the draft version	Applicant	Deadline 6	Terms are now agreed with Forestry Commission. A copy of the document for engrossment will be provided once the Avon Gorge Vegetation Management Plan (AGVMP) is finalised – as it is an appendix to the agreement. A certified copy of the completed agreement will be provided when available.
2	<p>Applicant confirmed that they will provide the final versions of the following documents at Deadline 6 to help with the preparation of the RIES:</p> <ul style="list-style-type: none"> Habitats Regulations Assessment (HRA) (and confirmation that Package 1 has fallen away and Package 2 can be implemented); Environmental Statement (ES); Avon Gorge Vegetation Management Plan (AGVMP); Signed Statement of Common Ground 	Applicant	Deadline 6	<p>The HRA and the AGVMP have been amended to confirm that Package 2 and the woodland habitat compensation measures will be delivered on Forestry Commission land unless the SoS directs otherwise. The recent Government Guidance on Habitats Regulations Assessment has been incorporated within the HRA and applied to the DCO Scheme. As a result, it is no longer necessary to submit the separate HRA road map envisaged at ISH5.</p> <p>Where updates to ES Chapters have been made these will be submitted, together with amended Appendices.</p> <p>All documents submitted will be in the form to be certified except for the Reptile and Toad Mitigation Strategy, which will be submitted in draft for DL6 and in final form for DL7.</p> <p>It is intended that all documents listed, except for the HRA roadmap (which is no longer needed) will be provided by 5pm on 16 March 2021.</p>

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	<p>(SoCG) with Natural England;</p> <ul style="list-style-type: none"> Updated legal opinion on Imperative Reasons for Overriding Public Interest (IROPI); and A HRA roadmap with reference to the tests in the February 2021 Government guidance. 			
3	Provide a written response regarding the potential duplication of positive management measures that Network Rail has committed to in their Vegetation Management Plan and those that are contained within the AGVMP	Applicant	Deadline 6	Please see the Applicant's response to Natural England's response to EXQ2 BIO 2.4 on the duplication between measures that Network Rail is obliged to carry out and the positive management measures in the AGVMP.
4	Provision of a written update on the toad survey currently taking place, and draft reptile and amphibian mitigation strategy	Applicant	Deadline 6	Please see the Applicant's summary of oral case for ISH 5 (9.45 ExA.FI.D6.V1)
5	Provide final Reptile and Amphibian Mitigation Strategy (generic and site specific) after feedback on the draft	Applicant	Deadline 7	The document will be provided at Deadline 7

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	strategy by North Somerset District Council (NSDC)			
6	Provide clarification of the fencing grades with images for each type and review whether the details on the General Arrangement Plans need to be amended	Applicant	Deadline 6	See the proposed Fencing Grades summary document submitted at Deadline 6.
7	Review the wording of Requirements 14 (Avon Gorge Woodlands SAC) and 25 (Permanent fencing outside of the Avon Gorge Woodlands SAC) to enable Network Rail (NR) to be able to alter fencing should they need to for safety/operational reasons, whilst ensuring that any ability to alter the fencing would remain within the scope of the ES particularly in terms of landscape and visual impact	Applicant/ Network Rail	Deadline 6	This is included in the dDCO submitted at Deadline 6.
8	Review the visuals [REP4-012] showing palisade fencing along the Avon Gorge and provide comments	NSDC	Deadline 6	-
9	To provide confirmation of arrangements for off-site tree planting payment to Bristol City Council and update the	Bristol City Council (BCC)/ the Applicant	Deadline 6	The process for dealing with the contribution is agreed. A revised letter will be issued by the Applicant for BCC to consider shortly and it is expected the agreed solution will be recorded in the



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	SoCG accordingly			SoCG between the Parties, on or before Deadline 7.
10	The Environment Agency (EA) and BCC to respond to the proposed wording of Requirement 31 (Clanage Road, Bristol)	EA/ BCC	Deadline 6	-
11	The EA to confirm that they are happy with Requirement 33 (Cattle Creep Bridge, Easton in Gordano)	EA	Deadline 6	-
12	The EA to respond to the comments made at the Hearing regarding whether a flood plan would be required for Portbury Ditch/ Portishead Station	EA	Deadline 6	-
13	Applicant to confirm with the EA that the ground levels at the proposed micro compound under Pill Viaduct would not be altered and the EA to then confirm whether this addresses their concerns	Applicant/ EA	Deadline 6	The EA has now agreed that the following text to be added to the SoCG

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				 <p>The Micro-Compound comprises an existing asphalted area off Underbanks and under Pill Viaduct – see this photo taken from NR's</p> <p>Construction Strategy [APP-074]. The Construction Strategy states "Small welfare unit, small scale deliveries and storage. Pill Library car park to be used for parking."</p> <p>We do not propose any works to this site, which will remain as it is now ie we are not breaking ground and there will be no change in levels.</p>
14	EA to review whether their outstanding objection to the exception test is addressed in light of the proposed changes to Clanage Road Compound and the wording contained within Requirement 31 (Clanage Road, Bristol)	EA	Deadline 6	-

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15	Provide copies of the shadow diagrams for Trinity Footbridge	Applicant	Deadline 6	The Applicant will provide these on 16 March 2021
16	Provide details (including a location plan) of the railway bridge visited by Mr Willmot in Weston Super Mare	NSDC	Deadline 6	-
17	Provide a copy of the Cycling/ Walking Infrastructure Plan referred to by Mr Willmot at the Hearing including confirmation of its status	NSDC	Deadline 6	-
18	Provide a marked up layout plan and cross sections showing the distances between the proposed Trinity footbridge and the adjoining houses gardens and windows	Applicant	Deadline 6	The Applicant will provide these on 16 March 2021
19	Provision of a written version of Mr Willmott's oral submission on the proposed Trinity footbridge	NSDC	Deadline 6	-
20	Provision of further details of destinations of users of the current crossing between Tansy Lane and Galingale Way as set out by Mr Willmot at the hearing.	NSDC	Deadline 6	-
21	Review the planning consent for the 'recently consented'	NSDC	Deadline 6	-

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	footbridge referred to by Mr Willmot at the Hearing to see if it had privacy screening and if relevant provide details of this proposal			
22	Provide examples of other similar bridges to that proposed including details of their proximity to housing	Applicant	Deadline 6 (but if this is not achievable by the beginning of April)	This will be provided at Deadline 7.
23	Review whether the master CEMP needs to include some wording to address the request for an informative made by the Coal Authority [RR-011] given the location of parts of the route within their defined Development High Risk Area	Applicant	Deadline 6	Please see response no.55 in the Applicant's summary of Oral Submissions for ISH 5 (9.45 ExA.FI.D6.V1)
24	Submit a redacted copy of the current works agreement between Network Rail and the Bristol Port Company	Bristol Port Company/ Network Rail	Deadline 6	-
25	Provide a written response to BNP Paribas response [REP5-043] regarding the concern that given the extended barrier downtime that this would potentially lead to vehicles trying to 'beat the barrier'	Applicant	Deadline 6	Please see response no.42 in the Applicant's summary of Oral Submissions for ISH 5. (9.45 ExA.FI.D6.V1)

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26	Provide comments on whether a requirement is necessary for a pre- condition survey and repair of the unsealed section of path on BPC land during works/ on completion	Applicant/ BPC/ NSDC	Deadline 6	<p>Please see the Applicant's summary of its Oral Submissions for ISH 5, line 35 (9.45 ExA.FI.D6.V1)</p> <p>The Applicant therefore does not propose a provision in the dDCO and believes that, if agreement is not possible with Bristol Port Company then the Applicant's protective provisions for BPC and the Compensation Code provide the appropriate processes for dealing with damage to the Port's perimeter access track.</p>
27	Confirm that the planning permission for the replacement bridge for the at grade crossing to Court House farm has not expired	NSDC	Deadline 6	-
28	Provide an estimated time scale for the building of the bridge for the at grade crossing to Court House Farm	BPC	Deadline 6	-
29	To confirm if the Highway Authority would be content for the dedication of a new bridleway link under the M5	BPC/ NSDC	Deadline 6	-
30	Confirm status and details of recent planning application submitted by ETM on Ashton Vale Road	BCC	Deadline 6	-
31	Provide a written response to the concerns raised orally at the hearing by Mr Ovel and Mr Berry regarding a possible siding at Lodway and why the	Applicant	Deadline 6	Please see response no.46 in the Applicant's summary of Oral Submissions for ISH 5 (9.45 ExA.FI.D6.V1)

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	haul road cannot be made 2 way to accommodate construction workers traffic			
32	Provide a copy of the statement he read out at the Hearing	Mr Tarr	Deadline 6	-
33	Confirm where the figures in his response provided at Deadline 4 [REP4-054/055] regarding a current weekday average of 450 motor vehicles using Chapel Pill Lane came from, and how the assumption that 'these will no doubt double with the proposed development' was drawn from given the information provided by the Applicant indicates that there would be one HGV per day during construction and one van per week during operation (except in the case of an emergency)	Mr Tarr	Deadline 6	-
34	Respond in writing to the points raised by Mr Tarr regarding the timings of the consultation on the proposals and changes to the location of the proposed access to the railway and the Ham Green Compound	Applicant	Deadline 6	Please see the Applicant's summary of its Oral Submissions for ISH 5, line 51 (9.45 ExA.FI.D6.V1)
35	Provide wording of a	Applicant	Deadline 6	See revised dDCO Requirement 5



Action	Description	Action by	When	Applicant's response
	requirement for a Construction Workers Travel Plan for all relevant stages of work as agreed by both NSDC and BCC			
36	Provide drawings and photographs of the locations of ground markers for the Unaccompanied Site Inspection (USI)	Applicant	At least 1 day prior to the USI	Please see the Applicant's summary of its Oral Submissions for ISH 5, line 66 (9.45 ExA.FI.D6.V1)