



# MetroWest+

## Portishead Branch Line (MetroWest Phase 1)

TR040011

Applicant: North Somerset Council

9.77 SoS.CL.PE.V1 - Applicant's Cover Letter for Submissions to the Secretary of State for Transport

Author: Womble Bond Dickinson

Date: September 2021





20 September 2021

For the Attention of Kevin O'Hanlon  
Great Minster House  
33 Horseferry Road  
London, SW1P 4DR

**By email only**

**Womble Bond Dickinson (UK) LLP**

3 Temple Quay  
Temple Back East  
Bristol  
BS1 6DZ

Tel: 0345 415 0000  
Fax: 0345 415 6900  
DX: 200561 Bristol Temple Meads

kevin.gibbs@wbd-uk.com  
Direct: +44 (0)117 989 6930

Our ref:  
KJG1/KJG1/381278.1  
Your ref:

**Email:**

Dear Mr O'Hanlon

**Applicant: North Somerset District Council  
Development Consent Order application for Portishead Branch Line – MetroWest Phase 1  
Application Reference: TR040011**

**Applicant's Post-Examination Submissions**

This letter is further to my letter dated 26 August 2021 and is in response to your letter of 13 August 2021 and your further explanatory email dated 17 August 2021 regarding the application for the MetroWest Phase 1 project ("the Application").

Your email of 17 August noted that you were satisfied to receive all updated plans including consequential changes to the Application as requested in item 3 of your letter of 9 August regarding the removal of Trinity Bridge from Work No 7, by today's date.

These changes necessitate some amendments to the draft DCO ("dDCO") and other Application documents which are attached and listed below. In addition the Applicant has revised the Book of Reference and Compulsory Acquisition Schedule as highlighted in your email of 17 August 2021.

The Applicant is also taking the opportunity to update the Secretary of State for Transport ("SoS") on remaining s 127 objections, negotiations with other parties such as the National Trust and Freightliner and the Protective Provisions.

You will therefore find attached:

1. Revised Development Consent Order (in Word format)
2. Comparison of the Development Consent Order (in PDF) showing changes made to the Order since version 9 (Annex 1 to the Applicant's letter to the SoS dated 9 August 2021)
3. Schedule of Changes to the Development Consent Order since version 9.
4. Revised Explanatory Memorandum
5. Comparison of the Explanatory Memorandum (Version 6 compared to Version 5)
6. Updated Guide to the Application
7. Revised Statement of Reasons (SoR)

Womble Bond Dickinson (UK) LLP is a limited liability partnership registered in England and Wales under number OC317661. VAT registration number is GB123393627. Registered office: 4 More London Riverside, London, SE1 2AU, where a list of members' names is open to inspection. We use the term partner to refer to a member of the LLP, or an employee or consultant who is of equivalent standing. Womble Bond Dickinson (UK) LLP is authorised and regulated by the Solicitors Regulation Authority (SRA number 449247).

Womble Bond Dickinson (UK) LLP is a member of Womble Bond Dickinson (International) Limited, which consists of independent and autonomous law firms providing services in the US, the UK, and elsewhere around the world. Each Womble Bond Dickinson entity is a separate legal entity and is not responsible for the acts or omissions of, nor can bind or obligate, another Womble Bond Dickinson entity. Womble Bond Dickinson (International) Limited does not practise law. Please see [www.womblebonddickinson.com/legal](http://www.womblebonddickinson.com/legal) notices for further details.

8. Comparison of the Statement of Reasons (Version 6 compared to Version 5)
9. Update on Utility Providers and Comments on Proposed Protective Provisions (Schedule 16 of the dDCO)
10. Revised Compulsory Acquisition Schedule (clean copy and comparison to the schedule submitted at deadline 7 )
11. Updated Book of Reference (clean copy and comparison to the Book of Reference submitted at deadline 7)
12. Revised Land Plans
13. Revised Special Category Land Plans
14. Revised Works Plans
15. Revised General Arrangement Plans
16. Revised Cross Section Plans
17. Revised Longitudinal Profile of Railway Alignment (Section) Plans
18. Revised Compound, Haul Road and Access to Works Plans
19. Revised Permanent Traffic Regulation Order Plans
20. Revised Crossings to be Extinguished Plans
21. Revised New Highways Plans
22. Revised Diversion Routes for Pedestrians and Cyclists Plans (Parts 1 and 2)
23. Revised Trinity Footbridge Plans
24. Revised Portishead Station Plans
25. Revised Portishead Station Car Park Layout, Landscape and New Boulevard and Access Plans
26. Revised Disused Railway Engineering Plans (Grip 4 Minor Civils)
27. Addendum to the Environmental Statement (versions 2a and 2b – see Item 11 below)
28. Addendum to the Master Construction Environmental Management Plan
29. Addendum to the Construction Traffic Management Plan
30. Revised Environmental Statement Appendix (4.3) Schedule of Mitigation (PDF and tracked copies) – part of document 6.25
31. Revised Schedule of Mitigation (clean copy and comparison to the schedule submitted at deadline 7) – document 6.31
32. Addendum to the Habitats Regulation Assessment
33. Addendum to the Design and Access Statement
34. Addendum to the Planning Statement

### **Item 1: Revised Development Consent Order**

Following the Applicant's submission to the SoS on 9 August which included at Annex 1 a validated dDCO (version 9), a further dDCO has been provided to account for amendments to the Order resulting from the removal of the Trinity Foot and Cycle Bridge and further positions as of today's date with Western Power Distribution (South West) Plc (WPD), National Grid Electricity Transmission Plc (NGET) and Bristol Port Company (BPC) after further discussions with the parties.

A full list of these amendments has been set out in the attached Schedule of Changes as specified in Item 2 below. A Validation Report for the latest draft of the Order has unfortunately not been able to be provided at this deadline for technical reasons. The Applicant proposes to submit a validated dDCO and Validation Report in the next few days. In addition, by 30 September (see Item 3 below) Applicant should

be in a position to agree terms with National Grid Electricity Transmission Plc ("NGET") and Western Power Distribution (South West) Plc ("WPD"). It then proposes to submit a final validated dDCO and Validation Report.

### **Item 2: Schedule of Changes to the Development Consent Order**

Since the latest version 9 of the dDCO, the Applicant has made several amendments to the dDCO to account for the removal of Trinity Foot and Cycle Bridge and the position to date on Protective Provisions ("PPs") with NGET, WPD and the Environment Agency (EA). These are detailed in the schedule of changes provided at Enclosure 3 to this letter.

### **Item 3: Progress on agreement with NGET and WPD**

Since the Applicant's previous updates to the SoS on 9 and 26 August 2021, the Applicant and Network Rail Infrastructure Limited have continued discussions with representatives from NGET and WPD regarding the inter-relationship between the Hinkley Point C Connection Development Consent Order and the Applicant's scheme. The Applicant can confirm that a framework agreement governing the timeframe for works over the connected site at Sheepway is being actively progressed and the Applicant hopes to be in a position to enter into a final agreement with both WPD and NGET and for both parties to withdraw their objection by 30 September 2021.

The Applicant has however now incorporated the PPs attached at Annex 3 to my letter of 9 August 2021 in the dDCO which as stated in my letter in many respects come closer to the protective provisions submitted by NGET at Deadline 4 at REP4-046.

### **Item 4: Western Power Distribution (South West) Plc**

In addition to discussions regarding the Hinkley Point C Connection Development Consent Order, a separate agreement on WPD's PPs has been engrossed (although not yet completed) and therefore the WPD PPs in the validated dDCO are final but WPD is waiting for agreement on the framework agreement before withdrawing its objection.

### **Item 5: Bristol Port Company ("the Port")**

Following the submission of the Applicant's update on 26 August 2021, the Applicant can confirm that it has now reached agreement with the Port and the PPs submitted with the validated dDCO represent the agreed PPs between the Applicant and the Port.

We expect the Port to withdraw its remaining objection save for one element between the parties relating to Court House Farm. The SoS has our representation on Court House Farm which are summarised in enclosure 6 to my letter dated 21 July 2021 updated at annex 2 to letter dated 9 August 2021

### **Item 6: Exolum Pipeline Systems LTD**

Following the close of examination, discussions between the Applicant and Exolum Pipeline System Ltd (Exolum) continued to finalise Exolum's protection under the Order. The Applicant is pleased to confirm that the final agreement between North Somerset District Council, Network Rail and Exolum has now been completed. As a result, Exolum intend to withdraw their objection to the MetroWest Phase 1 Development Consent Order Application.

### **Item 7: Freightliner Limited**

The Applicant has reached agreement with Freightliner Limited as provided for in the Statement of Common Ground at REP7-061. Therefore all matters between the Applicant and Freightliner are agreed and it is expected that Freightliner will shortly withdraw its representations regarding the Order.

### **Item 8: National Trust**

The Applicant has reached agreement with National Trust and all matters set out in the Statement of Common Ground in REP7-060 are settled. Agreement with National Trust was concluded on 17

September 2021, including National Trust's Consent to its land being included in the Order. It is anticipated National Trust will confirm this to the Secretary of State in the next few days

#### **Item 9: Update on Compulsory Acquisition**

The Applicant has provided a refreshed Book of Reference and a revised Compulsory Acquisition Schedule. The CA Schedule has been amended as a result of the removal of Trinity Foot and Cycle Bridge from the Order and the final agreements with landowners which have been settled in relation land, including Bristol Port Company, National Trust and Alvis Brothers.

The Secretary of State's letter of 13 August referred to some anomalies on the Book of Reference (BoR). The Secretary of State further clarified this issue in an email dated 17 August 2021.

The Applicant believes the identified anomalies between the Book of Reference and CA Schedule result from the nature of the scheduled interest in the BoR. For interests comprising presumed half width of highways, or where either easements or restrictive covenants benefit the scheduled owner, the CA Schedule does not record the relevant plot subject to the easement or restrictive covenant as being a plot that is proposed to be transferred to the Applicant. This is because the owner would not convey the freehold of those plots subject to the easement or restrictive covenant. The Applicant has sought to make this clear throughout the CA schedule by indicating in column G where the relevant party holds the benefit of easements and covenants over other plots.

#### **Item 10: Revised plans**

At the request of the SoS to remove the Trinity Foot and Cycle Bridge from the Application, the Applicant has provided further revised plans to account for the amendment.

The following plans have been amended to reflect the change:

- The 'Works Plans' (Document reference: 2.3, Version 7) have been amended to remove Work No. 7 from the order along with other amendments to the works for the proposed public right of way network near to Portishead Station set out on sheet 1 of the plans.
- The 'Land Plans' (Document reference: 2.2, Version 5) have been amended to revise the plots adjacent to the railway line which were no longer required to accommodate the proposed Trinity Foot and Cycle Bridge; as well as the removal of further vegetation located near to the proposed Portishead Station site, as a result of relocating the adjacent foot and cycle path shown on sheet 1 of the Land Plans;
- The 'Special Category Land Plans' (Document reference: 2.5, Version 2) have been amended to reflect the latest land plans – principally the reduction in the areas of plot 01/223;
- The 'General Arrangement Plans' (Document reference: 2.4, Version 5) have been amended to remove the Trinity Foot and Cycle Bridge and associated works at Portishead that are no longer required and to amend the landscaping proposals as a consequence of the bridge being removed from the Application ;
- The 'Cross Section Plans' (Document reference: 2.36, Version 3) have been amended to remove the sections showing the Trinity Foot and Cycle Bridge;
- The Longitudinal Profile of Railway Alignment (Section) Plans (Document reference: 2.9, Version 2) have been amended to remove the Trinity Foot and Cycle Bridge;
- The 'Portishead Station Car Park Layout, Landscape and New Boulevard and Access Plans' (Document reference: 2.38, Version 3) have been amended to remove the Trinity Foot and Cycle Bridge and associated works at Portishead that are no longer required and to amend the landscaping proposals as a consequence of the bridge being removed from the Application;

- The 'Compound, Haul Road and Access to Works Plan' (Document reference: 2.29, Version 5) is amended to show the Compound at Tansy Lane remains in the Order land and will be used as a compound for constructing Portishead Station and the new railway;
- The 'Permanent Traffic Regulation Order Plans' (Document reference: 2.31, Version 2);
- The 'Crossings to be Extinguished Plans' (Document reference: 2.32, Version 3) are amended to remove the proposed temporary crossing to make available a route across the railway during the preconstruction period for the previously proposed Trinity Foot and Cycle Bridge;
- The 'New Highways Plans' (Document reference: 2.35, Version 3) are amended to reflect the changes proposed to the network of public rights of way as a result of the previously proposed Trinity Foot and Cycle Bridge being removed from the application;
- The 'Diversion Routes for Pedestrians and Cyclists (Part 1 and 2)' (Document reference: 2.34, Version 2) no longer shows the temporary diversion proposed for the construction period for the proposed Trinity Foot and Cycle Bridge;
- The Trinity Footbridge plans (DCO Document Reference: 2.15 to 2.17), including the following individual plans which make up the series:
  - I. The 'Trinity Footbridge Proposed Landscaping General Arrangement Plan' (Document reference: 2.16, Version 2) has been adjusted to remove the landscaping required as screening for the proposed Trinity Foot and Cycle Bridge, which is no longer required;
  - II. The 'Trinity Footbridge Proposed General Arrangement Plan' (Document reference: 2.15, Version 2) now shows the Applicant's proposals in the vicinity of Tansy Lane but without the proposed Trinity Foot and Cycle Bridge;
  - III. The 'Trinity Footbridge Proposed Electricity Layout General Arrangement Plan' (Document reference: 2.17, Version 2) now only shows the proposed lighting for the lighting along the proposed new foot and cycle track;
- The series for the Portishead Station Plans have been revised. Specifically, the 'Portishead Station Co-Ordination Plan' (Document reference: 2.12, Version 2) has been altered to remove the southern pedestrian ramp of the proposed Trinity Foot and Cycle Bridge from the plan. This forms part of the broader Portishead Station Plans (Document reference: 2.11 to 2.14, Version 2); and
- The 'Disused Railway Engineering Plans (Grip 4 Minor Civils)' (Document reference: 2.7, Version 3) have been amended to remove the Trinity Foot and Cycle Bridge and associated works at Portishead that are no longer required and to amend the landscaping proposals as a consequence of the bridge being removed from the Application.

#### **Item 11: Addendum to Environmental Statement and associated documents**

The Applicant has provided a further addendum to the Environmental Statement to supplement its core chapters with the purpose of revising the description and summary of the Landscape and Visual Impacts Assessment (LVIA) based on the removal of the Trinity Road Foot and Cycle Bridge from the dDCO at the request of the SoS.

This Addendum document comprises two versions of the ES Addendum No. 2. Version 2a highlights further comments the Applicant has on carbon and cumulative effects, compared with ES Addendum No. 1 which was submitted on 26 August 2021. The additional changes are highlighted in blue, so that these stand out for ease of reference.

Version 2b presents all the text changes the applicant proposes to the ES in grey, whether underlines (new text) or strikethrough (deleted text).

The overall content of the two versions of the Addendum No. 2 document is identical.

In addition addendum documents are provided for the following documents, to reflect the Trinity Foot and Cycle Bridge no longer being included in the DCO Scheme:

the Construction Environmental Management Plan;

the Construction Traffic Management Plan the Design and Access Statement;

the Planning Statement;

the HRA.

**Item 12: Amended Schedule of Mitigation**

Standalone copies of the Schedule of mitigation are provided (Part of the Environmental Statement - document 6.25 -and as document 6.31) (together with tracked versions illustrating the changes made). No changes to the proposed mitigation for the remaining proposed works have been made, but cross-referencing to revised requirement numbering was needed. This resulted from the removal of two requirements from Schedule 2 to the dDCO. Providing the Schedule of mitigation as a refreshed document was the most effective and clear way of setting out the proposed mitigation contained in the latest draft of the DCO.

Yours sincerely

A handwritten signature in grey ink, appearing to be 'Kevin Gibbs', with a long horizontal flourish extending to the right.

**Kevin Gibbs**

Senior Counsel - Head of Strategic Planning  
Womble Bond Dickinson (UK) LLP



## Enclosures

1. Revised draft Development Consent Order (in Word format)
2. Comparison of the Development Consent Order (in PDF) showing changes made to the Order since version 9 (the Applicant's last update on 9 August 2021)
3. Schedule of Changes to the draft Development Consent Order
4. Revised Explanatory Memorandum
5. Comparison of the Explanatory Memorandum (Version 6 compared to Version 5)
6. Updated Guide to the Application
7. Revised Statement of Reasons
8. Comparison of the Statement of Reasons
9. Update on Utility Providers and Comments on Proposed Protective Provisions (Schedule 16 of the dDCO)
  
10. Revised Compulsory Acquisition Schedule clean copy and comparison to the schedule submitted at deadline 7)
11. Updated Book of Reference (clean copy and comparison to the Book of Reference submitted at deadline 7)
12. Revised Land Plans
13. Revised Special Category Land Plans
14. Revised Works Plans
15. Revised General Arrangement Plans
16. Revised Cross Section Plans
17. Revised Longitudinal Profile of Railway Alignment (Section) Plans
18. Revised Compound, Haul Road and Access to Works Plans
19. Revised Permanent Traffic Regulation Order Plans
20. Revised Crossings to be Extinguished Plans
21. Revised New Highways Plans
22. Revised Diversion Routes for Pedestrians and Cyclists Plans (Part 1 and 2)
23. Revised Trinity Footbridge Plans
24. Revised Portishead Station Plans
25. Revised Portishead Station Car Park Layout, Landscape and New Boulevard and Access Plans
26. Revised Disused Railway Engineering Plans (Grip 4 Minor Civils)
27. Addendum to the Environmental Statement (versions 2a and 2b – see Item 11)
28. Addendum to the Master Construction Environmental Management Plan
29. Addendum to the Construction Traffic Management Plan
30. Revised Environmental Statement Appendix (4.3) Schedule of Mitigation
31. Revised Schedule of Mitigation (PDF and tracked copies)
32. Addendum to the Habitats Regulation Assessment
33. Addendum to the Design and Access Statement
34. Addendum to the Planning Statement