



# MetroWest+

## Portishead Branch Line (MetroWest Phase 1)

TR040011

Applicant: North Somerset Council

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

Author: Womble Bond Dickinson

Date: July 2021





21 July 2021

For the Attention of Bart Bartkowiak  
Case Manager, National Infrastructure Planning  
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**By email only**

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Dear Mr Bartkowiak

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

### **Applicant's Post-Examination Update and Submissions**

I write to provide documents and updates for the Secretary of State to take into consideration when determining North Somerset District Council's application for development consent.

You will find attached:

1. Validated Development Consent Order (in Word format)
2. PDF showing changes made to the Order since the close of the Examination
3. Validation Report
4. Schedule of Changes to the Development Consent Order
5. PDF of agreement with Bristol City Council under S278 Highways Act 1980
6. Commentary on revised protective provisions for Bristol Port Company – Schedule 16 part 5 of the draft Order
7. Exchanges of emails regarding Mr Stuart Tarr's post examination representation to the Planning Inspectorate

I set out below further updates regarding certain S127 parties, with whom discussions continue, as well as a brief update on negotiations with the National Trust.

### **Item 1: Validated Development Consent Order and Validation Report**

Following the close of examination, a final Validation Report for the draft Development Consent Order was delayed in the validation system. The Validation Report was received a few days after the close of the Examination. The Applicant understands the validated draft Order has been supplied to the Secretary of State by the Planning Inspectorate.

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As you will see from Item 2 below, the Order has been changed subsequently – albeit the changes are minor. The Validation Report enclosed relates to the latest draft of the Order. The Validation Report from April 2021 can be provided if required.

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

Two further changes have been made to the draft Order.

Revised protective provisions include for the protection of Bristol Port Company – Schedule 16, part 5 (see further Item 4 below).

In addition a certified document – the Bridleway Extension under the Elevated M5 Plan – was omitted from the schedule of certified documents and this has now been rectified.

### **Item 3: Section 278 Agreement with Bristol City Council**

The Applicant encloses for information an agreement made with Bristol City Council as local highway authority under Section 278 of the Highways Act 1980 relating to highway works in the administrative area of Bristol City Council.

### **Item 4: Bristol Port Company**

Discussions have continued with Bristol Port Company with a view to settling both protective provisions and a suite of agreements. Those discussions have progressed well but continue.

The parties have therefore agreed to settle revised protective provisions, which are provided in the revised draft Order and are set out at Appendix 1 to Enclosure 6 as part of the commentary on the revised protective provisions.

The document forming Enclosure 6 provides a summary of the parties' positions on protective provisions which are now largely, but not wholly agreed. Bristol Port Company expressly does not agree the provisions incorporated at Part 5 of Schedule 16 to the draft Order.

The appendices to Enclosure 6 provide a version of the protective provisions now in the revised draft Order (Appendix 1), a comparison showing changes made (Appendix 1) and then at Appendix 3 a version of the protective provisions showing (in bold type) Bristol Port Company's additional requested protective provisions. The Applicant does not agree to the additional wording being included in the Order.

The Applicant understands that Wedlake Bell on behalf of Bristol Port Company will be providing comments on the form of protective provisions direct to the Secretary of State via the Planning Inspectorate.

The Applicant submits that the protective provisions included in the current draft Order are appropriate and no further amendments are necessary. The Applicant does not agree the additional wording proposed by Bristol Port Company and represented in Appendix 3 to the document forming Enclosure 6. The Applicant does not accept that the additional protections requested regarding the crossing at Court House Farm, nor preventing compulsory acquisition of Bristol Port Company's land are necessary. The reasons the Applicant does not agree to the additional wording being included in Schedule 17 part 5 of the draft Order is in each case set out in red font in the fourth column of Enclosure 6.

The Applicant can provide additional submissions to the Secretary of State if required and reserves its ability to do so on the basis it has not yet seen the submissions that may be provided by Bristol Port Company.

### **Item 5: National Grid Electricity Transmission plc and Western Power Distribution (South West) plc**

Since the close of the Examination the Applicant and Network Rail Infrastructure Limited have met several times with representatives of National Grid Electricity Transmission plc and Western Power

Distribution (South West) plc regarding the inter-relationship between the Hinkley Point C Connection Development Consent Order and the Applicant's scheme. A conclusion to those negotiations has not yet been reached but discussions continue.

On this basis the Applicant proposes that it provides a further update to the Secretary of State on or before 1 September 2021, with a final position, if this is needed, set out by the parties on or before 20 September 2021.

#### **Item 6: Western Power Distribution (South West) plc**

In addition to discussions regarding the Hinkley Point C Connection Development Consent Order, separate protective provisions are still being discussed between Western Power Distribution (South West) plc and the Applicant. The Applicant is hopeful that the conclusion to those negotiations will be reached very soon. As with National Grid Electricity Transmission plc the Applicant proposes to provide a further update on or before 1 September 2021, together with a final submission, should this be needed, on 20 September 2021.

#### **Item 7: Exolum Pipeline System Limited**

Subsequent to the close of the Examination discussions have continued with Exolum Pipeline System Limited. Documents for execution are now settled and it is anticipated that this will lead to Exolum Pipeline System Limited withdrawing its representation to the Secretary of State. It is anticipated that this will occur in the next few weeks. The Applicant will provide an update to the Secretary of State on or before 1 September 2021 and, should it prove to be necessary, a final submission will be provided on or before 20 September 2021.

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

Since the close of the Examination a number of meetings have taken place between Network Rail Infrastructure Limited, National Trust and the Applicant. Discussions have proceeded very well and an agreement between the parties is shortly to be circulated for execution by the parties.

On this basis again the Applicant suggests that it sets a deadline of 1 September 2021 to provide further updates to the Secretary of State, albeit it is hoped that an update can be provided well before this time. Should it prove to be necessary then a final submission would be made by the parties on or before 20 September 2021.

#### **Item 9: Freightliner**

The discussions between Freightliner Limited and Network Rail Infrastructure Limited have continued and should lead to an agreement for lease being concluded shortly. As with the other updates above, the Applicant proposes that it provides a further update by 1 September 2021 and a final submission by 20 September 2021.

#### **Item 10: Response to Mr Tarr's post-Examination representation**

After the close of the Examination Mr Stuart Tarr, who acts on behalf of the Ham Green Residents, raised further concerns in relation to the Applicant's proposed works 24 and 24A and their relationship with a proposal for development by the Pill and District Community Land Trust.

The Applicant has provided a response to Mr Tarr. Mr Tarr's submission and the Applicant's responses form Enclosure 7.

#### **Update regarding Compulsory Acquisition**

The Applicant proposes to provide a revised schedule of updates regarding compulsory acquisition on or before 1 September 2021. A number of agreements are about to be engrossed and good progress has been made towards negotiations generally.

The Applicant has secured one additional freehold plot – this is plot 01/299 on sheet 1 of the Land Plans. The freehold of this land, to the south of the Portishead Branch Line and north of the highway of Sheepway in Portishead has been secured by North Somerset Council.

In addition, agreement has been concluded with Mrs Freestone and Mr Bullock regarding their land at Easton in Gordano. It is anticipated that Mrs Freestone will inform the Secretary of State in the next few days that her representations are withdrawn.

### **Proposed next steps for updating the Secretary of State**

As has been indicated above, the Applicant proposes to provide a further update on general progress on or before 1 September 2021. Where matters remain outstanding at that point then a further update will be provided on or before 20 September 2021.

The updates will include the positions regarding the remaining Section 127 representations and an update on the compulsory acquisition. It is not anticipated at this time that there will be further changes to the draft Development Consent Order albeit it is possible that there could be further changes to Schedule 16 of the draft Order.

The Applicant will endeavour to provide updates just as soon as it possibly can in relation to the remaining matters and is grateful to both the Planning Inspectorate and the Department for their patience and understanding in this regard.

Yours sincerely

### **Kevin Gibbs**

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

### **Enclosures**

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