



# MetroWest+

## Portishead Branch Line (MetroWest Phase 1)

TR040011

Applicant: North Somerset Council

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

Author: Womble Bond Dickinson

Date: August 2021





9 August 2021

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Dear Mr O'Hanlon

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

I refer to your letter dated 26 July 2021 which appears to have crossed with my letter dated 21 July 2021 ("the July letter") to Mr Bartkowiak at the Planning Inspectorate and which provided an update for the Secretary of State to take into consideration when determining North Somerset District Council's application for development consent.

I enclose a copy of the July letter together with its enclosures at Annex 1 to this letter and note your intention to publicise the contents of this letter and its annexes. The July letter provides at enclosure 2 a draft proposed Development Consent Order (version 9) showing changes made to the draft Development Consent Order (version 8) at REP7-056; at enclosure 1 a validated Development Consent Order (version 9); at enclosure 3 a Validation Report for the Development Consent Order (version 9) and at enclosure 4 a schedule of changes to the Development Consent Order. The July letter also provides at enclosure 5 a completed Section 278 Agreement with Bristol City Council dated 20 July 2021 and at enclosure 7 exchanges of emails regarding Mr Stuart Tarr's post-Examination representation to the Planning Inspectorate. Those enclosures and the parts of the July letter related to them remain unchanged.

The July letter also contains an update of the position reached with the National Trust and Freightliner and those parts of the July letter remain unchanged save that the Applicant no longer proposes to provide an update to the Secretary of State on or before 1 September 2021 given that the Applicant is providing an update in this letter. The Applicant does however propose to provide the Secretary of State with a final submission on or before 20 September 2021.

Your letter of 26 July 2021 now requests that the Applicant confirms the status of the agreement regarding the protective provisions within the DCO and if an agreement has been reached, to provide the agreed updated set of protective provisions for Bristol Port Company ("BPC"), National Grid Electricity Transmission plc ("NGET"), Western Power Distribution (South West) plc ("WPD") and Exolum Pipeline System Limited ("Exolum"). Your letter also requests a Compulsory Acquisition schedule update.

I have therefore set out below the current status of agreements reached regarding the protective provisions since the July letter as follows:

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## **1. BPC**

Discussions continue with BPC and the position as outlined in the July letter remains unchanged save that the Applicant has updated enclosure 6 with a few more details and an explanation of its position. Enclosure 6 shown in comparison to that enclosed with the July letter is contained at Annex 2 to this letter. Please note, BPC has not seen a copy of the revised enclosure 6.

## **2. NGET**

As referred to in the July letter, since the close of the Examination the Applicant and Network Rail Infrastructure Limited have met several times with representatives of NGET regarding the inter-relationship between the Hinkley Point C Connection Development Consent Order (HPCC DCO) and the Applicant's scheme.

However, on 4 August 2021 NGET served on the Applicant a notice under section 3 of the Compulsory Purchase (Vesting Declarations) Act 1981 of its intention to compulsorily acquire rights and impose restrictions over any of plots 139, 167, 168, 169, 170, 171, 174, 181, 183, 184 and 199 of section F in the HPCC DCO. Temporary possession notices were served under Article 29 of the HPCC DCO by NGET in November 2020 and a temporary at-grade crossing has been constructed over the disused railway at plot 02/70. Further, a temporary haul road and improvements to access arrangements off Sheepway have been provided for the construction of all stages of the HPCC DCO works in this area including the dismantling of W-Route OHL (shown as work 4D of the HPCC DCO at Appendix 1 of REP7 – 048). The Applicant understands that the dismantling works are programmed to be undertaken between August and October 2021. As a result of the notification of an intention to vest, as well as the use of temporary notices and the fairly extensive ongoing works, the Applicant's approach to the protective provisions it had sought in the draft DCO at REP7-056 has altered. The Applicant therefore attaches at Annex 3 revised protective provisions which it has proposed to NGET and which in many respects come closer to the protective provisions submitted by NGET at Deadline 4 at REP4-046. The Applicant also attaches at Annex 4 a comparison to NGET's submitted protective provisions. For the avoidance of doubt NGET has not at this stage accepted the Applicant's revised protective provisions.

The parties have however agreed that they will work together to enter into an agreement to govern the relationship between the HPCC DCO and the Applicant's scheme. Therefore, on the basis that NGET agree to complete this agreement with the Applicant and Network Rail to qualify the operation of these revised protective provisions, the Applicant would be prepared to accept the inclusion of these revised protective provisions in the final Development Consent Order. The Applicant will provide a further update to the Secretary of State with a final position on or before 20 September 2021.

## **3. WPD**

In addition to discussions regarding the HPCC DCO with NGET, parallel discussions have taken place with WPD regarding the inter-relationship between WPD's interests, the HPCC DCO and the Applicant's scheme. Moreover, on 4 August 2021 WPD served on the Applicant a notice under section 3 of the Compulsory Purchase (Vesting Declarations) Act 1981 of its intention to compulsorily acquire rights and impose restrictions over plot number 185 of section B in the HPCC DCO.

Since the July letter, a separate agreement and protective provisions are still being discussed between WPD and the Applicant. A small number of issues remain to be resolved and the Applicant is confident the conclusion to those negotiations will be reached in a short while. As with NGET, the Applicant proposes to provide a further update together with a final submission on or before 20 September 2021.

## **4. Exolum**

Subsequent to the close of the Examination discussions have continued with Exolum. Documents for execution are now settled and have been circulated amongst the parties for signatures. Exolum has agreed to withdraw its representation to the Secretary of State on completion of the protection agreement. It is anticipated that this will occur in the next few days. The Applicant will provide an update to the Secretary of State and a final submission on or before 20 September 2021.

**5. Update regarding Compulsory Acquisition**

The Applicant attaches at Annex 5 an updated Compulsory Acquisition Schedule as requested. A number of agreements are about to be engrossed and good progress has been made towards negotiations generally.

**6. Proposed next steps for updating the Secretary of State**

As has been indicated above and due to the significant changes in land interests and ongoing works, the Applicant proposes to provide a further update on progress and a final submission on or before 20 September 2021. All the parties are working hard to resolve issues and the Applicant is confident that final agreements settling the issues between the parties will be reached by this date.

The Applicant therefore requests that the Secretary of State accepts the 20 September 2021 as a final deadline prior to deciding whether or not to grant development consent for the Portishead Branch Line – MetroWest Phase 1 project.

Yours sincerely



**Kevin Gibbs**

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

**Enclosures**

1. The July letter with its enclosures
2. Enclosure 6 shown in comparison to that enclosed with the July letter
3. Revised protective provisions which the Applicant has proposed to NGET
4. Revised protective provisions shown as a comparison to NGET's submitted protective provisions at REP4-046
5. Updated Compulsory Acquisition Schedule