



# MetroWest+

## Portishead Branch Line (MetroWest Phase 1)

TR040011

Applicant: North Somerset Council

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

Author: Womble Bond Dickinson

Date: August 2021





26 August 2021

Mr O'Hanlon  
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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**

**Applicant's response to the Secretary of State's letter of 13 August 2021 requesting updated information**

I write in response to your letter of 13 August 2021 setting out further matters on which the Secretary of State requires updated information before determining the application.

**Item 1: Addendum to the Environmental Statement**

The Applicant encloses an addendum to the Environmental Statement addressing items 1(a) and 1(b) in your letter of 13 August 2021.

**Item 2: Flood Risk Assessment for Portbury Ditch (Work Number 3)**

The Applicant has prepared a draft FRA for Portbury Ditch (Work Number 3) and has been in contact with the Environment Agency. The draft FRA has used the updated The North Somerset Council Strategic Flood Risk Assessment. The draft FRA has also established that all of Work Number 3 proposed works will be above a level of 7.5 mAOD, and so are considered to be above the Environment Agency modelled 100 year return period present day Portbury Ditch fluvial flood level and are considered likely to be above the future (2076) 100 year return period Portbury Ditch fluvial flood level. However, the Work Number 3 foot and cycle track is partly within EA Flood Zone 3a, and in the future (2076) may flood more frequently, and could be within future 2076 Flood Zone 3b (subject to Environment Agency Portbury Ditch fluvial flood modelling results which have not been available for the assessment).

Since it has not been possible to complete an agreed FRA, the Applicant and the Environment Agency have agreed that the most appropriate remedy is to propose a variation to Requirement 27 of the draft DCO as follows (additional text in bold italics):

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## Portishead Station **and Portbury Ditch**

27 (1) (2) (3) (5) and (6) to remain as in the DCO

(4) Work No 5 **and No 3** must not commence until a Flood Risk Assessment (FRA) for ~~this work~~ **these works have** been submitted to and approved by the relevant planning authority in consultation with the Environment Agency. If the FRA concludes that Work No 5 **and/or Work No 3** is at risk of flooding, then the FRA must include details of the **agreed** mitigation **works, such as to include inter alia** a flood emergency and evacuation plan, that would be required to ensure that **Portbury Ditch**, the station and users would remain safe should a flood event occur.

### **Item 3: Trinity Public Foot and Cycle Track Bridge (Work Number 7)**

The Applicant notes the Secretary of State is minded to remove Trinity Public Foot and Cycle Track Bridge (Work Number 7) from the Order, if made. Further to the Applicant's queries to the Secretary of State by email of 17 August and your response of the same day, the Applicant will provide the updated plans listed (reflecting the removal of the Trinity Public Foot and Cycle Track Bridge and any changes necessary as a direct consequence) on or before 20 September 2021.

The Applicant further notes that the Secretary of State would invite consideration by the Applicant on whether the changes reflected in the updated plans (removing the Trinity Public Foot and Cycle Track Bridge and consequential changes) would necessitate amendments to the draft Order, and if so an amended draft Order is requested. The Applicant confirms it has identified necessary changes to the draft Order and will submit a revised version on or before 20 September 2021. Further the Applicant will undertake a review of the application and provide any further updates it considers may be necessary should the Secretary of State be minded to grant the Order.

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

As noted in the Applicant's letter dated 9 August discussions are continuing with Bristol Port Company but at this stage the protective provisions are not agreed. The Applicant proposes to provide a further update on progress and a final submission on or before 20 September 2021

### **Book of Reference**

Further to the Applicant's queries to the Secretary of State by email of 17 August and your response of the same day, the Applicant will provide an updated Book of Reference on or before 20 September 2021.

The Applicant is grateful for your clarification of the anomalies referred to, described as apparent discrepancies between the Book of Reference and the latest Compulsory Acquisition Schedule (CA Schedule) submitted as Enclosure 5 with the Applicant's letter of 9 August 2021.

The Applicant has previously responded to the query raised during examination regarding plots in the Book of Reference vs the CA Schedule. Generally, the CA Schedule schedules plots with associated land interests where land is required for acquisition or temporarily i.e. plots within Part 1 of the Book of Reference. Therefore, not necessarily every scheduled entry in the Book of Reference may be relevant to the CA Schedule. The Applicant addressed a similar query through a written response following the CA Hearing, regarding scheduling of plots in CA Schedule – see REP3-022 9.15 ExA.CAH1.D3.V1. The Applicant will ensure a sense check is carried out on with regard to plots scheduled in the CA Schedule.

As noted above, prior to the Secretary of State determining the application the Applicant will provide an updated Book of Reference on or before 20 September 2021. As a point of further clarification, should the Secretary of State be minded to grant the Order, the Applicant will undertake a further update to the Book of Reference before it seeks to exercise compulsory acquisition powers under the Order, as is good practice.

The Applicant continues to work towards 20 September 2021 as a final deadline for submissions to the Secretary of State prior to a decision on whether or not to grant the Order.

Please confirm receipt of this letter and enclosures.

Yours sincerely

A handwritten signature in black ink, appearing to be 'K. Gibbs', written in a cursive style.

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