



MetroWest+

Portishead Branch Line (MetroWest Phase 1)

TR040011

Applicant: North Somerset District Council

9.46 ExA.FI.D6.V1 – Applicant's response to the ExA's Actions from the Compulsory Acquisition Hearing 2 (CAH2)

Author: Womble Bond Dickinson (UK) LLP

Version: 1

Date: March 2021

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 Compulsory Acquisition Hearing 2 held virtually on Wednesday 3 March 2021

The following Appendices are attached:

Appendix 1 - Letter to Babcock Integrated Technology Ltd 12 March 2021 see item 2

Appendix 2 - London Pension Fund – Title Plan vs Land Plan extract’ - See Item 3

Appendix 3 - Detailed plan for negotiations – see Item 7

Appendix 4 – Highway land at Marsh Lane

Action	Description	Action by	When	Response
1	Compulsory Acquisition (CA) Schedule to be updated and ordered to provide an ‘at a glance’ table of the status of negotiations; also the Schedule lists 118 landowners but the table at the front lists 122 – check the discrepancy and correct	Applicant	Deadline 6	Landowners have now been renumbered and grouped per agreement required, rather than number of individual landowners. For example, there may be three individual Freeholders on one title where land is required, but only one agreement/one set of HoTs is required. An updated summary of agreement numbers can be found on pages 1 and 2 of the CA Schedule 9.11 ExA.CA.D6.V4.
2	Written confirmation to Babcock Integrated Technology Ltd [REP5-046] that Work 27 is withdrawn	Applicant	Deadline 6	The Applicant's letter of 12 March 2021 is provided at Appendix 1.
3	Written confirmation if 16/155 encroaches onto land owned by BNP Parabis’ clients in relation to Cala Trading Estate	Applicant	Deadline 6	Regarding plot 16/155, attached at Appendix 2 s a document ‘London Pension Fund – Title Plan vs Land Plan extract’. Title number BL153134 is registered and owned by Bristol City Council. Title BL56479 is the title in which London Pension Fund Authority hold an interest. As displayed by the extracts, the extent of plots 16/155 and 16/35 have been drawn around the edges of registered title boundaries for

Action	Description	Action by	When	Response
				BL153134 and BL56479, to exclude these title interests from land required for compulsory acquisition. The Applicant believe that the Order Limits do not encroach on titles BL153134 and BL56479.
4	Provide an update following meeting with Ms Bigwood [RR-026] on 10 February 2021	Applicant	Deadline 6	The Applicant issued engrossments to Mrs Bigwood and her solicitor in Mid-February 2021. The Applicant is awaiting an update but is optimistic that agreement can be reached by the end of the Examination.
5	Provide clarification of situation with the option agreement as set out at 41 on the CA Schedule and the submission made by the Alvis Family at Deadline 4 [REP4-057]	Applicant	Deadline 6	The Applicant received revised documents (Option, Lease, and two Easements) from the Affected Party in March 2021 which are in an acceptable form. The Applicant is in the process of finalising the Option Agreement for engrossment. The Applicant responded to REP4-057 at Deadline 5 - see ExQ2 – Doc Ref: 9.33 ExA.WQ2R.D5.V1, question ref: BIO.2.1
6	Provide a response to Mrs Stowers' suggestion that access could be taken from the other end of the terrace [REP4-053] and clarification of alternative options for access from Mount Pleasant	Applicant	Deadline 6	Please see line 12 of the Applicant's comments in its summary of oral case at CAH2, line, 12
7	Provide a detailed plan as to what is to be done between now and the end of the Examination to ensure as many negotiations as possible are completed	Applicant	Deadline 6	Please see Appendix 3. Please also see the Applicant's comments in its summary of oral case at CAH2, line 14.
8	Provide either an amalgamated version of the Statement of Reasons and the CA Schedule or properly cross reference the documents	Applicant	Deadline 6	The Statement of Reasons has been amended to refer to the CA Schedule as a single source of the updated position regarding land assembly.
9	Provide a written summary of oral case made at CAH	National Grid	Deadline 6	The Applicant's position is set out in its Summary of Oral case for CAH2.
10	Applicant to confirm why the 'bulge' at either end of the proposed access to Cattle Creep Bridge would be needed and to review whether this could be reduced	Applicant	Deadline 6	The Applicant has tracked a 7.5t Panel Van around the access point (in 05/75) and turning area (05/85). The tracking provides for a margin within plot 05/75 to avoid conflict with roots and overhangs from the existing trees. The Applicant believes the route is of an appropriate width and dimension. The Applicant is discussing the detail of the route and the proposed easement with Bristol Port Company.

Action	Description	Action by	When	Response
11	Provide a copy of a plan for the area around the Marsh Lane bridge showing what land is highway land	Applicant/ North Somerset District Council	Deadline 6	See Appendix 4.

Appendix 1

Letter to Babcock Integrated Technology Ltd 12 March 2021

12 March 2021

Mr R Camm
Osborne Clarke

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

richard.guyatt@wbd-uk.com
Direct: +44 (0)117 989 6877

Our ref:
KJG1/RG1/381278.1
Your ref:

Email: rob.camm@osborneclarke.com

Dear Mr Camm

**Portishead Branch Line - MetroWest Phase 1
Babcock Integrated Technology Limited (Babcock)**

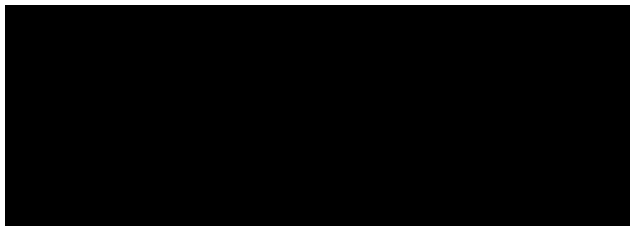
I am writing in response to your letter to the Examining Authority dated 16 February 2021.

I can confirm that Work No. 27 (Pedestrian & Cycle Ramp linking Ashton Vale Road with Ashton Road) has now been removed from the scheme and my client has no intention of reintroducing it into the Order.

Any future proposal to provide a ramp in this location by my client would be subject to an application for planning permission. Your client would be consulted, if any proposal were to be taken forward by the Applicant.

I hope this letter provides you with the assurances that you required and I have provided a copy of it to the Planning Inspectorate for information.

Yours sincerely



Richard Guyatt
Partner
Womble Bond Dickinson (UK) LLP

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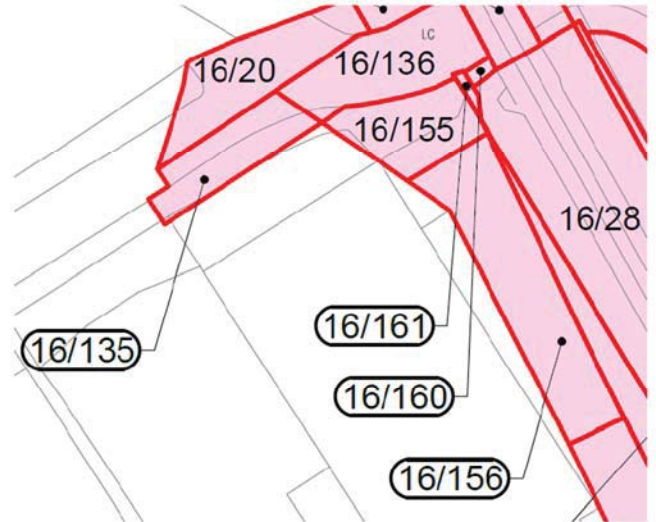
Appendix 2

'London Pension Fund – Title Plan vs Land Plan extract'

Title Plan extract – BL153134



Land Plan extract showing plots 16/135 & 16/155



Appendix 3

Detailed plan for negotiations – see Item 7

Detailed plan of how the Applicant is going to complete negotiations with third party landowners before the end of the Examination process.
Current situation as at 15 March 2021 (Deadline 6)

1. Introduction

The Examining authority at CAH2 on 3 march 2021 requested the Applicant:

"Provide a detailed plan as to what is to be done between now and the end of the Examination to ensure as many negotiations as possible are completed"

This document summaries the Applicant's continuing engagement with landowners to explore acquisition by private treaty.

It also summarises the very considerable volume of freehold land the Applicant has secured since 2008, or which is held by Network Rail Infrastructure Limited

2. Summary of position

A revised re-formatted CA schedule has been submitted at Deadline 6 by the Applicant allocating parties into different sections so that the ExA can more easily see where third party landowner negotiations currently stand.

In summary the categories (excluding Crown land consent) are as follows the highlighted number is the number of landowning parties in each of the categories:

- **SECTION 1: Acquisition concluded or Option Agreement Signed and exchanged** – legal agreement completed - **22 Parties**
- **SECTION 2: Legal agreement being finalised or agreed. Exchange expected shortly** – legal agreement signed. Exchange expected shortly - **9 Parties**
- **SECTION 3: Legal drafting progressing no issues to note** - at an advanced stage of drafting and therefore an agreement expected in the short-term - **11 Parties**
- **SECTION 4: Legal agreement started but little progress**- legal agreements started but unlikely to be completed by the end of the Examination process - **14 Parties**
- **SECTION 5: Heads of Terms in Negotiation** – a detailed update is given regarding negotiations over Heads of Terms and/or alternative terms for a voluntary agreement - **29 Parties**
- **SECTION 6: Temporary Licence Agreements** - The Applicant has issued suggested terms for a temporary licence agreement. The Applicant will not be seeking to enter into the licences at this stage or before the end of the Examination as full construction level details are not yet known and the parties may change between now and start on site, for what will be only a short term licence to enter land - **29 Parties**
- **SECTION 8: Agreement not required** – The Applicant has notified the party that an agreement is unlikely to be required, as the Applicant anticipates works will be within highway boundaries - **6 Parties**

3. Order Land statistics

The total Order Land required is 1,088,458 m2 (100%)

The percentage of land required under permanent freehold acquisition within Order Limits is 497,327 m2 or 46% of Order Limits

Of the 497,327 m2, 476,109.06 m2 (96%) of permanent freehold land is already owned by NSC, NR or is NSC adopted highway.

In relation to land within to Section 2 of the CA Schedule where the Applicant is shortly to complete legal agreements with landowners, the amount of land nearing completion either required permanently, temporarily or for permanent new rights is an additional 103,534 m2 or 9.5% of total Order Limits.

In relation to land within Section 3 of the CA Schedule where the Applicant is progressing legal drafting and there are no issues to note, the amount of land required permanently, temporarily or for permanent new rights within this category is 252,229.96 m2 or 23% of total land within total Order Limits.

In relation to land within Section 4 of the CA Schedule where the Applicant has started and is progressing legal agreements but with little progress, the amount of land required permanently, temporarily or for permanent new rights within this category is 1,281.16 m2 or 0.1% of the total land within Order Limits.

Section 6 where the Applicant is intending to progress agreements until later in the DCO scheme to minimize temporary land requirements currently represents 1,284.62 m² or 0.1 % of the total land within Order Limits.

Section 8 where the agreements are likely to not be required as lands are within highway but the Plots are still part of in the Order Limits required equates to 1705.10 m² or 0.2% of the total land within Order Limits. The Applicant therefore has legal control / is expecting to have legal control of approximately 77% percent of the total land required for the Scheme.

4. The Applicant's Proposed actions

Of the 29 landowners, representing approximately 23% of the total order land that are within Section 5 and which the Applicant is in detailed negotiations with, a high level summary of progress for each landowner is included within this Section, and detailed reference can be made to the latest draft of the CA schedule.

Some of the landowners are in advanced negotiations (such as the Wills Estate and Wessex Water) with the Applicant and are expected to shortly agree and sign off Heads of Terms so that legal agreements can be progressed. Terms with Forestry Commission have just been settled and engrossments are about to be issued.

The Applicant will continue to engage with the Landowners and Agents to facilitate progress of these agreements.

In relation to some of the landowners (such as Highways England, Alliance Homes and Dorset County Council) despite early progress negotiations for voluntary agreements have stalled. The Applicant anticipates this reflects the relatively limited nature of the proposed acquisition and the relevant parties having different management priorities. The Applicant will contact each of these parties within the next 10 working days to seek to recommence negotiations, in addition to the regular chasing by the Applicant's agents that already takes place.

There are a number of parties (14) who are either in the very early stages of negotiation and compensation has not been agreed yet / is under discussions or they are not happy with the Compensation Code based payment that have been proposed by the Applicant. The Applicant will continue to engage with the Landowners and Agents to facilitate progress of these agreements. The Applicant must however consider the advice of its appointed agents and be mindful of the provisions of the Compensation Code when offering settlement terms.

The Applicant is intending to continue to try and progress negotiations and has been doing so for several years with all principal interests in the Order land. Compulsory powers may ultimately be needed to acquire land.

There are a number of parties (such as Messrs Money, O'Hara and Ms Blaney) where construction level information is required by the Landowner/ Agent and which is not yet available at this stage of the Project, this has stalled negotiations until detailed information can be supplied to the Landowner and the landowner are able to evaluate this. Regular contact continues with these parties.

The Applicant will continue to engage with the Landowners and Agents when this information is available and try and expedite the information being made available by the Contractor so voluntary agreements can be negotiated.

Section 5 also includes the National Trust and Bristol Port Company Limited who the Applicant is in detailed discussions with in relation to their land agreements, where meetings are scheduled to take place shortly and the Applicant will continue to work with them to try and find a mutually agreeable solution in relation to the Scheme proposals.

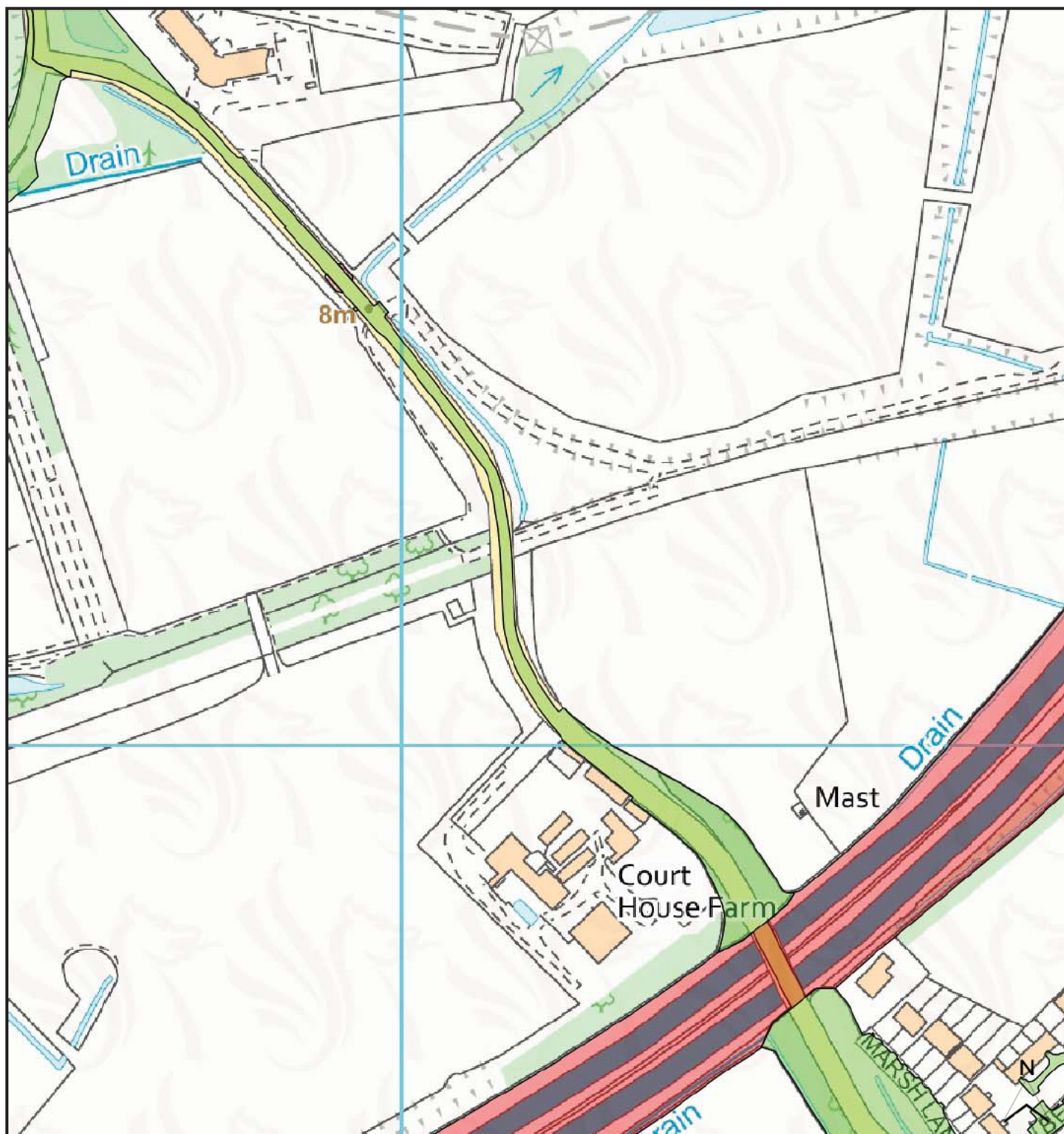
5. Conclusions

Following the Deadline 6 submission, the Applicant will commit to contacting each landowner and/or agent in writing where engagement and negotiations have stalled. In this correspondence, the Applicant will advise its desire to enter into voluntary agreements and offer to discuss any concerns or queries in relation to circulated Heads of Terms by email, by phone or through an arranged meeting.

Regular contact is made with the parties by the Applicant and a record of the engagement is made for any future requirements. This will continue during and after the examination.

Appendix 4

Highway land at Marsh Lane



Land and property

Infrastructure

Highways adoption



A Class Highway



Adopted footpath/cyclepath



B Class Highway



C Class Highway



Class 4 (Unclassified Road)



Highways stopped up (closed)



Pedestrianised Roads



Prospectively Maintained Road (private road)



Not-adopted



Not-adopted with Section 38 Agreement



Not-adopted with Section 106 Agreement



Marsh Lane, Easton-in-Gordano

Scale: 1:3000
 Drawn by: James Willcock
 Date: 15 March 2021