



MetroWest+

Portishead Branch Line (MetroWest Phase 1)

TR040011

Applicant: North Somerset District Council

9.66 ExA.FI.D7.V1 – Responses to further information previously requested for
Deadline 7

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Version: 1

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The proposed Portishead Branch Line (MetroWest Phase 1) Order

Applicant's Responses to Further Information Previously Requested for Deadline 7

Document Reference: 9.66 ExA.FI.D7.V1

1. Introduction

- 1.1. Over the course of the Examination, the Examining Authority (**ExA**) has requested that the Applicant submit numerous documents. The following list is designed to outline for the ExA the outstanding actions from prior deadlines where the Applicant had agreed to submit documents at Deadline 7. The table sets out where these documents were requested and signposts the ExA to where the relevant information submitted by the Applicant at Deadline 7 can be found.
- 1.2. At Appendix 1 is a document providing an example and images of a footbridge proposed for MW1 which should reference its proximity to nearby housing. The footbridge is at Moor Lane, Locking Castle, Worle, North Somerset.
- 1.3. At Appendix 2 is a copy of planning permission 00/P/0196/F dated 25 July 2000 – Moor Lane, Locking Castle, Worle.

2. Table of confirmed responses

Item no.	Document Requested by the ExA	Request Reference	Applicant's Response Reference	Deadline 7 Status
1.	Applicant proposed to submit a revised schedule of certified documents.	See the Applicant's Oral Case and response to Actions at the ISH4 (Doc: 9.40 ExA.ISH4.D6.V1 at reference 23 and 24, and 9.44 ExA.FI.D6.V1 at action 18 and 19, respectively).	The revised schedule of certified documents are now included in the dDCO.	Submitted at deadline 7 (14 April 2021).

2.	The Applicant was to consider whether a further revision to the Explanatory Note was required at deadline 7. This would be based on the outcome of discussions regarding the hosting of documents on NSC's website.	See the Applicant's Oral Case and response to Actions at the ISH4 (Doc: 9.40 ExA.ISH4.D6.V1 at reference 25 and 9.44 ExA.FI.D6.V1 at action 20, respectively).	The dDCO has been revised to refer to a new link which the Applicant has created: https://metrowestphase1.org/final-dco-examination-documents/	Submitted at deadline 7 (14 April 2021).
3.	The Applicant was to provide the final SoCG with BCC at deadline 7. This was designed to address the proposed payment method and legitimate expectation which has been largely settled.	See the Applicant's Oral Case from ISH4 and response to Actions at the ISH5 (see Docs: 9.40 ExA.ISH4.D6.V1 at reference 27; 9.41 ExA.ISH5.D6.V1 at ref 9, respectively, and 9.38 ExA.CWR.D6.V1 at ref 001181-D5-003).	The final SOCG is now submitted.	Submitted at deadline 7 (14 April 2021).
4.	The Applicant promised to provide an update on the design to the branch line to account for toad migration within the Reptile and Amphibian Mitigation Strategy. This would outline whether the hollow sleeper design, currently being considered by Network Rail (NR) for the rails, could be adopted. It was proposed that this would be provided after comments were received from North Somerset Council.	The Applicant outlined further information would be provided at deadline 7 in the Oral Case and response to Representations at ISH5 (Doc: 9.41 ExA.ISH5.D6.V1 at ref 5 and 9.45 ExA.FI.D6.V1 at action 5).	The final SOCG is now submitted.	Submitted at deadline 7 (14 April 2021).
5.	The Applicant was to provide additional details of the screening panels for the proposed footbridge, as well as clearer visuals to evidence the visual implications of the bridge's development.	See the Applicant's Oral Case and response to Representations at ISH5 (Doc: 9.41 ExA.ISH5.D6.V1 at ref 23 and 9.41 ExA.ISH5.D6.V1 at ref 24, respectively).	In the timescales allowed, the Applicant has not been able to provide further examples of screening beyond what has already been provided. The screening can be solid or perforated, with the more perforations providing less	Details of screening will be provided to the relevant planning authority for approval under the provisions of the ExA's new

			screening but being more visually intrusive. The Applicant will work with the local planning authority, pursuant to requirement 4, and the ExA's proposed new requirement to address screening and lighting issues at the detailed design stage if the Order is made including Work No 7 as part of the authorised development. Network Rail has agreed to the principle of external screening being attached to the bridge.	proposed requirement.
6.	The Applicant was also required to provide examples and images of similar bridges as the footbridge proposed for MW1 which should reference their proximity to nearby housing for deadline 7.	See Applicant's response to the ExA's Actions from ISH5 (9.45 ExA.FI.D6.V1 at action 22).	Details of Worle footbridge in North Somerset are provided at Appendix 1. The photos below of the footbridge installed at Moor Lane, Locking Castle, Worle provide an example of a footbridge installation which is in proximity to housing, and was approved by the local planning authority (planning permission 00/P/0196/F dated 25 July 2000 – copy of the permission attached at Appendix 2).	Submitted at deadline 7 (14 April 2021).
7.	The Applicant was required to work with the Forestry Commission towards delivering a complete agreement for the provisions on compensatory measures comprising whitebeam planning (package 2) and positive woodland management on Forestry Commission land for deadline 6.	See Applicant's Oral Case and response to Representations at Issue Specific Hearing 3 (Document ref: REP4-017 at Ref 3 and 7).	The agreement with Forestry Commission has been engrossed. The engrossed version is in circulation for completion by the parties. This engrossment version was submitted at deadline 6 (15 March 2021). The Applicant's part has been sealed. The Forestry	The certified copy of the completed agreement is provided at Deadline 7.

			Commission's counterpart is awaited.	
8.	The Applicant was to provide a copy of the concluded compromise agreement with Freightliner for deadline 7. This was proposed to be a short comprise agreement outlining that when the agreement for lease is in place the Applicant would not exercise its CA powers.	See the Applicant's Oral Case and response to Representations at CAH 2 (9.42 ExA.CAH2.D6.V1 at ref 4).	The terms for the agreement with Freightliner Limited are still under discussion.	The Applicant will update the Panel before the examination closes if the agreement has been concluded
9.	The Applicant was to carry out a further refresh of the BoR to ensure it was fully up to date for deadline 7.	See Applicant's Oral Case and response to Representations at CAH 2 (9.42 ExA.CAH2.D6.V1 at ref 14).	The final version has now been submitted.	Submitted at deadline 7 (14 April 2021).
10.	The Applicant was required to provide a further update in regard to negotiations with National Trust at deadline 7.	See Applicant's Oral Case and response to Representations at CAH 2 (9.42 ExA.CAH2.D6.V1 at ref 16).	The Applicant has held several discussions with National Trust and provided revised offers to establish a mutually acceptable way forward. Discussions continue.	A Statement of Common Ground will be submitted before the end of the examination.
11.	Statutory undertakers: the Applicant intended to provide its full S127 case with remaining parties who have relevant representations outstanding at deadline 7. This was also required to address the deed of dedication suggested for work over BPC's land which if not possible would be dealt with via compulsory acquisition for the bridleway. S127 submissions were to be dealt with in full for DL7.	See Applicant's Oral Case and response to Representations at CAH 2 (9.42 ExA.CAH2.D6.V1 at ref 17 and 20).	<p>The final version of the Applicant's S127 case is now submitted.</p> <p>The Applicant is willing to enter in to a deed of dedication with PBC regarding Work No. 18 but needs to maintain compulsory powers until the dedication has occurred or a deed has been entered into by BPC.</p>	Submitted at deadline 7 (14 April 2021).

12.	In collaboration with NR, the Applicant was to provide alternative protective provisions for NGET and update the panel on the current state of negotiations at deadline 7.	See Applicant's Oral Case and response to Representations at CAH 2 (9.42 ExA.CAH2.D6.V1 at ref 18).	The Applicant's proposed protective provisions are now included in the Deadline 7 dDCO. See Schedule 16, part 8.	Submitted at deadline 7 (14 April 2021).
13.	The Applicant was to provide an updated SoCG with NSC that addressed the landscaping requirement for works 1B and 1C. As these works were only required for reseeded the existing railway embankment that could be addressed with the local authority by deadline 7.	See Applicant's response to ExA's Actions from ISH4 (9.44 ExA.FI.D6.V1 at action 3).	The final version is now submitted.	Submitted at deadline 7 (14 April 2021).
14	Landowner negotiations: the Applicant promised to contact every landowner in writing where engagement and negotiations had stalled. The correspondence would emphasise the desire to enter into voluntary agreements and discuss concerns raised in the heads of terms.	See Applicant's response to ExA's Actions from CAH2 (9.46 ExA.FI.D6.V1 at Appendix 2).	The final version is now submitted.	Submitted at deadline 7 (14 April 2021).

Appendix 1

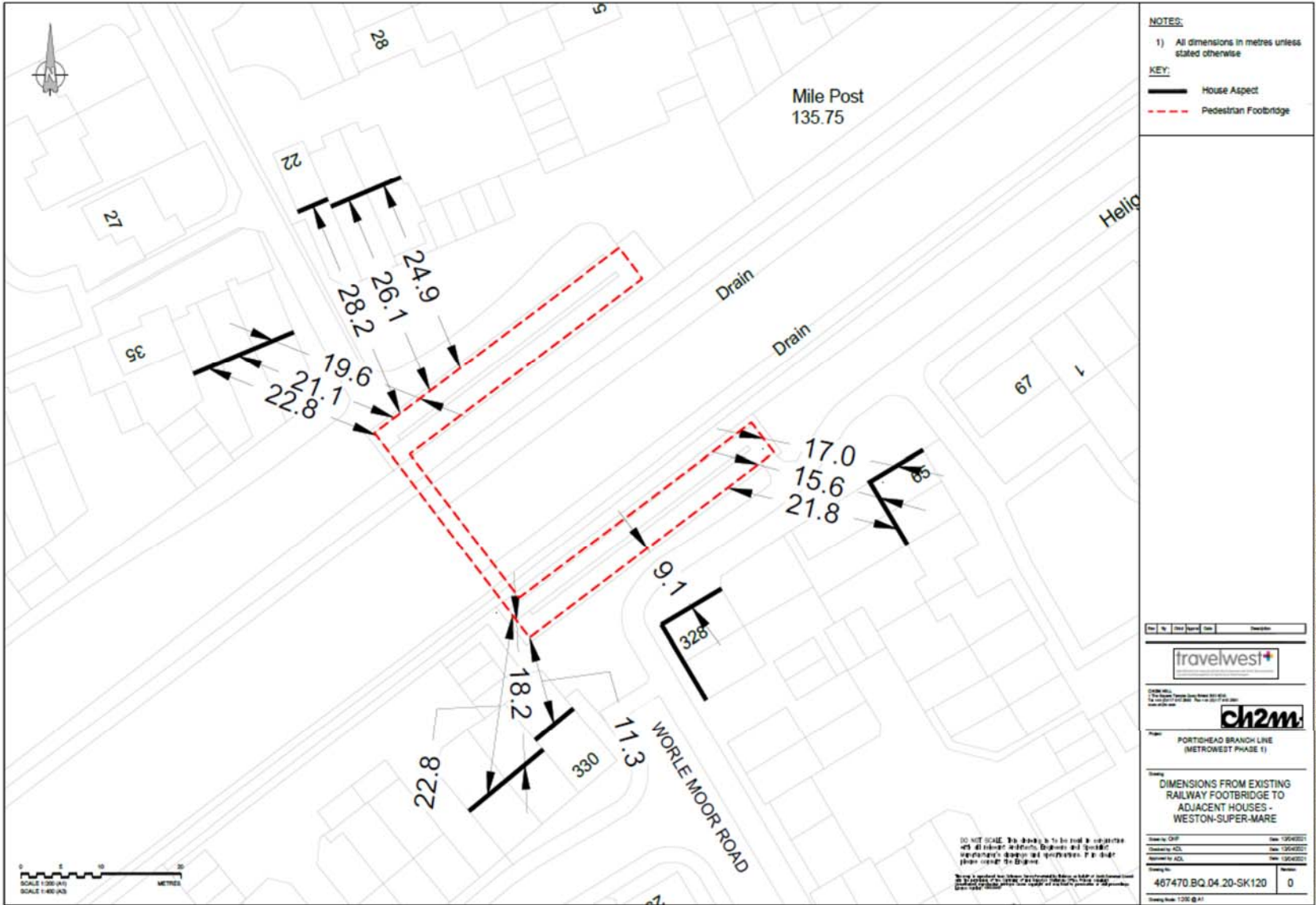
Details of footbridge at Worle Moor Lane, Locking Castle, Worle, North Somerset

A ramped footbridge was implemented at Worle Moor Lane by Network Rail, to replace at pedestrian level crossing. The footbridge was consented by North Somerset Council Local Planning Authority in 2000, planning reference 00/P/0196/F (see appendix 2). The footbridge is unscreened and is located in proximity to housing, as shown in the two photographs below.





The Applicant has measured the distance between the footbridge including the ramps to the housing at various points, shown in the drawing below.



On the southern side of the railway the distance between the footbridge including the ramps and nearby housing ranges between 9 meters and 22 meters. On the northern side of the railway the distance between the footbridge including the ramps ranges between 19 meters to 28 meters.

The Applicant produced a similar drawing showing the distances between its proposed footbridge including the ramps (Trinity Footbridge) and nearby housing, at deadline 6, document reference REP6-151 (9.52 ExA.FI.D6.V1 – Dimensions from Railway (Trinity Footbridge to the Adjacent Portishead Houses)).

By way of comparison the distances to nearby housing for the Applicants proposed footbridge is as follows. On the southern side of the railway the distance between the footbridge including the ramps and nearby housing ranges between 10 meters and 30 meters. On the northern side of the railway the distance between the footbridge including the ramps ranges between 24 meters to 38 meters.

Appendix 2

Copy of planning permission 00/P/0196/F dated 25 July 2000 –

Worle Moor Lane, Locking Castle, Worle, North Somerset

TOWN AND COUNTRY PLANNING ACT 1990

GRANT OF PERMISSION FOR DEVELOPMENT

Notice of Decision

Mr R Sanders
Mason Richards Partnership
155 Aztec West
Almondsbury
Bristol
BS324NG

Application Number: 00/P/0196/F

Category: Full Planning Permission

Application No: 00/P/0196/F
Applicant: Locking Castle Ltd
Site: Moor Lane/ Railway Triangle, Locking Castle Development Area, Weston-super-Mare, North Somerset
Description: Provision of a pedestrian footbridge

North Somerset District Council in pursuance of powers under the above mentioned Act hereby **GRANTS** consent for the above mentioned development subject to the following conditions:

1. The development hereby permitted shall be begun before the expiry of five years from the date of this permission.

Reason 1. In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the approved amended plans and specifications received on 09/05/00 (unless further amended plans and specifications are first submitted to and approved, in writing, by the Local Planning Authority).

Reason 1. The Local Planning Authority wishes to ensure that the development conforms with the approved amended plans and that any proposed alterations are the subject of prior approval.

3. Within one month of the bridge hereby permitted being available for use and the necessary Footpath Diversion Order to divert public footpath AX 20/6 over the bridge having been confirmed, railway security fencing shall be erected in accordance with approved plans and specifications as a means of closing the existing at grade crossing and preventing access on to the railway around the base of the bridge and associated ramps

Reason 1. In the interest of pedestrian safety, the Local Planning Authority wishes to ensure that the existing at grade crossing is closed at the earliest opportunity following the bridge being available for use

THESE NOTES DO NOT APPLY TO DECISIONS FOR WORK ON PROTECTED TREES

Your planning application has been determined and the Decision Notice is overleaf.

These notes are intended as helpful advice before you proceed further. **PLEASE READ THEM CAREFULLY**

Keep the decision safely – it may be needed when you sell your property.

Make sure everyone has a copy who needs it. Most importantly make sure your Builder or Contractor has a copy on site.

PLANNING PERMISSION GRANTED ?

Conditions:

If permission has been granted you will see that it is subject to Conditions. They are an integral part of the Decision and are important because they describe how the Council requires you to carry out the approved work or operate the premises. It is your responsibility to comply fully with them.

Please pay particular attention to those Conditions which have to be met before work commences, such as obtaining approval for the siting and levels of building and the protection of trees on the site.

Informative Note

Informative Notes do not form part of the Decision itself but are included as helpful advice and guidance.

Other Legislation

This Notice grants planning permission only. It should not be taken to imply that the scheme meets the requirements of any other Agency which may be involved. Please make sure that you have obtained all the approvals you need before starting work. If you are in any doubt you should obtain professional advice.

Changes to Plans:

Should you wish to change your plans for any reason, including the need to meet the requirements of other legislation it is important that you notify me before carrying on with work. Many amendments can be quickly agreed but more substantial ones may require fresh application and could even prove to be unacceptable.

Enforcement:

The Council has powers to enforce compliance with planning permission and there are penalties for failure to comply. In cases where terms and conditions of planning permission are not adhered to and the Council finds it necessary to take enforcement action, it almost invariably results in delay and additional expense to the applicant. In extreme cases, it can mean that newly erected buildings have to be demolished.

I look forward to your co-operation in complying fully with the terms and conditions of this planning permission.

PLANNING PERMISSION REFUSED?

- If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or by any of the conditions, then you can appeal to the Secretary of State for the Environment under Section 78 of the TOWN AND COUNTRY PLANNING ACT 1990
- If you want to appeal, then you must do so within six months of the date of this notice, or in the case of an application to display an advertisement, within two months, using a form which you can get from the Department of Environment, Transport & Regions at Tollgate House, Houlton Street, Bristol, BS2 9DJ
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State does not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions imposed, having regard to the statutory requirements, to the provisions of a Development Order or to directions given under it.

This procedure is also available to you should you wish to appeal against any of the Conditions imposed on a grant of planning permission.

In either case it is well worth contacting the Officer who dealt with your application to see if an alternative solution can be reached which would avoid the need for an appeal.

If at a later date an extension of the period of this permission is desired, an application for the purpose should be made to the Council before the expiration of the period.

If you need to write or telephone about the application, please quote the reference number from the Decision Notice.

4. All works comprised in the approved details of landscaping shall be carried out during the months of October to March following substantial completion of the bridge.

Reason 1. To ensure that a satisfactory landscaping scheme is implemented.

5. Trees, hedges and plants shown in the landscaping scheme to be retained or planted which, during the development works or a period of ten years following full implementation of the landscaping scheme, are removed without prior written consent from the Local Planning Authority or die, become seriously diseased or are damaged, shall be replaced in the first available planting season with others of such species and size as the Authority may specify.

Reason 1. To ensure as far as possible that the landscaping scheme is fully effective.

6. The bridge hereby permitted shall not be brought into use until a sign has been erected alongside the entrance ramps at each side of the bridge stating that motorcycles and skateboards are prohibited in accordance with plans and specifications to be submitted to and approved by the Local Planning Authority

Reason 1. In order to deter misuse of the bridge, in the interest of neighbouring residents and the amenities and safety of users of the bridge

7. Prior to the first use of the light columns hereby permitted details of means of preventing light pollution to adjoining houses shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented in full before the first use of the lights and thereafter permanently retained

Reason 1. To minimise the impact of lights on the residential amenity of adjoining houses

The applicant is advised that this application has been approved on the basis of the following plans/letter: 23000 02 Revision A, 23000 03 Rev A, 6689 RT POS 301Rev E, 21941 300 Rev A, 6689 RT POS 305, 6689 RT POS 300 Rev E, 9th May 2000, 10th January 2000, 19th January 2000

INFORMATIVES

1. 1. You are advised that because the bridge is to become a publicly maintained structure, technical details of the bridge must be submitted to and approved by the Local Planning Authority prior to the commencement of works on site. In this respect you are advised to contact Mr P Bush, Tel: 01275 882001.
- 2 You are reminded that it will necessary for you to apply for a Footpath Diversion Order to formally divert Public Footpath AX 20/6 across the bridge hereby approved.
- 3 No works shall commence until the Local Planning Authority has been given at least 14 days notice of the intention to start work.
- 4 During construction pumps used for pumping out water from excavations should be sited well away from watercourses and surrounded by absorbent material to contain oil spillages and leaks. Pumped water should be irrigated over grassland or directed to a settlement lagoon to remove gross solids. At no time should pumped water be discharged directly into a surface water or drain or watercourse.

Date: 25th July 2000

Signed [REDACTED]
Director of Planning & Environment

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