



MetroWest+

Portishead Branch Line (MetroWest Phase 1)

TR040011

Applicant: North Somerset District Council

9.73 ExA.CAS.D7.V1 – Response to submissions made by Mr Millard, 19 April 2021

Author: North Somerset District Council

Version: 1

Date: April 2021

Portishead Branch Line – MetroWest Phase 1

Applicant's Responses to submission made by Mr Millard, 19 April 2021

No.	Type / Category	Response topic	Response	Applicant's response
TR040011-001515-001	Jeremy B. Bell on behalf of Mr S & Mrs J Millard	Land off Chapel Pill Lane	We are writing on behalf of our above named clients and who's land was inspected by the Planning Inspectorate last Thursday 15th April last. You said that the Planning Inspectorate was inspecting at 3pm and so my client turned up an hour early so as to mark the trees, but found that you were already in possession, so he did not have the opportunity to make obvious those trees that were of concern to the client. You stated that he could not speak to the Planning Inspectorate and as a consequence of both of these things our client is concerned that the Planning Inspectorate was not able to view the whole of the site affected by compulsory purchase. We did ask on behalf of our client whether the client could point out the natural features to the Planning Inspectorate at the meeting but you said that he could not, therefore as a consequence the client is not happy that the Planning Inspector viewed the full extent of the site.	<p>The Applicant passed on the ExA's request by email – see Appendix 1 -3 to this document for email with Mr Millard's agent sent 19 April 2021, with previous emails correspondence (8 February, and 22 March 2021) attached.</p> <p>Appendix 4 is email from Jacobs providing the pegging out plan to Mr Millard's agent on 7 April 2021. Appendix 5 is the pegging out plan attached to that email.</p>
TR040011-001515-002			The reason for coming to this conclusion is that the client said that the pegging out was only restricted to part of what was going to be acquired and to illustrate this we attach a copy of the pegging out plan [pasted from the submission below] which was supplied to us and you will see compared to the compulsory purchase plan, the area denoted as 08/27 has not been identified on the land and it is in this corridor there are a number of trees which would appear to require felling and	The site was pegged out to provide the Planning Inspectorate with an indication of the permanent land acquisition and the associated issues. The area pegged was sufficient to get an idea of what is proposed, and was limited by existing features on site. It was not practical to peg out every area affected by MetroWest Phase 1. The pegging out plan was provided to Mr Millard's agent on 7 April 2021 (see appendices 5 and 6).

No.	Type / Category	Response topic	Response	Applicant's response
			which have not been identified on any plan other than the very large mature trees.	<p>By email dated 2 February 2021 the ExA requested:</p> <ul style="list-style-type: none"> Consent to walk across the field/down Hayes Mayes Lane (if not a ProW) with the info on how to access site (eg climbing over gate, can gate be unlocked etc) and the permanent compound to be pegged out <p>(highlighting added) and the Applicant passed this request on to Mr Millard's Agent by email dated 8 February 2021 (see Appendix 2).</p> <p>The area to be pegged out was provided to Mr Millard's agent on 7 April 2021 (see appendices 4 and 5) and no issues were raised by the agent prior to the site inspection.</p> <p>The large trees by the lake edge are unaffected by the MetroWest Phase 1 project, but there are several trees on the slope where the turning area is located. Removal of vegetation and trees will be minimised and as part of the MetroWest Phase 1 Project, new trees and hedges will be planted as set out in [APP-040] 2.45 - 2.46 - Ham Green Highway Works Plans and Pill Tunnel Eastern Portal Compound, Landscaping and Access Plan. The document is available on the Planning Inspectorate website here: https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/TR040011/TR040011-000369-2.45%20to%202.46%20Ham%20Green%20Highway%20Works%20and%20Pill%20Tunnel%20Eastern%20Portal%20Compound.pdf</p>

No.	Type / Category	Response topic	Response	Applicant's response
TR040011-001515-003			We do not know whether an Environmental Impact Assessment has been undertaken and a planting up scheme has been proposed in set-off which we would have thought would have been required as a minimum.	<p>The MetroWest Phase 1 Project has included environmental assessments, as set out in the Environmental Statement. The most relevant chapter of this document is [APP-104] 6.12 - ES Chapter 9 – Ecology and Biodiversity. The document is available on the Planning Inspectorate website here: https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR040011/TR040011-000434-6.12%20ES%20Chapter%209%20Ecology%20and%20Biodiversity.pdf</p> <p>The area is also covered by [APP-045] 2.53 - Environmental Masterplan. The document is available on the Planning Inspectorate website here: https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR040011/TR040011-000375-2.53%20Environmental%20Masterplan.pdf</p> <p>Landscaping is shown on the plan [APP-040] 2.45 - 2.46 - Ham Green Highway Works Plans and Pill Tunnel Eastern Portal Compound, Landscaping and Access Plan. The document is available on the Planning Inspectorate website here: https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR040011/TR040011-000369-2.45%20to%202.46%20Ham%20Green%20Highway%20Works%20and%20Pill%20Tunnel%20Eastern%20Portal%20Compound.pdf</p> <p>Details of the works and information regarding the tree preservation order were provided in the Applicant's agent's email to Mr Millard's Agent on 22 March 2021. See appendix 4.</p>

No.	Type / Category	Response topic	Response	Applicant's response
TR040011-001515-004			Despite meetings with North Somerset Council no detailed design scheme has been shown to our clients or indeed agreed and we would have thought as part of the consultation process that should have happened. We appreciate the difficulties over covid-19 restrictions but nonetheless the clients are not aware of the detailed design and how this impacts the retained land.	<p>Mr Millard has been fully consulted and engaged with. Mr Millard has been provided with the available design drawings [APP-040] 2.45 - 2.46 - Ham Green Highway Works Plans and Pill Tunnel Eastern Portal Compound, Landscaping and Access Plan. The document is available on the Planning Inspectorate website here: https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/TR040011/TR040011-000369-2.45%20to%202.46%20Ham%20Green%20Highway%20Works%20and%20Pill%20Tunnel%20Eastern%20Portal%20Compound.pdf</p> <p>Earlier iterations of this plan were made available to Mr Millard including at the Stage 2 consultation in 2017, at which point the location of the compound had been settled on his land.</p> <p>A meeting was first held with Mr Millard in 2017, where the reason for including land owned by Mr Millard within the scheme was clearly explained. Following this meeting, Mr Millard was kept apprised of proposal for the use of his land. The Applicant became aware that the local Community Land Trust had aspirations to build a number of affordable units on Mr Millard 's land.</p> <p>Discussions continue between Mr Millard (as well as another land owner) and the Community Land Trust is kept informed of the Applicant's proposals.</p> <p>In September 2019 the Applicant issued to Mr Millard Heads of Terms. Mr Millard appointed an agent in December 2019.</p> <p>A summary of the discussions between Ardent and the agent during the period 2017 and 2019 are set out in [REP3-021] Deadline 3 Submission - 9.11 - Compulsory Acquisition Schedule</p>

No.	Type / Category	Response topic	Response	Applicant's response
				<p>Status of Negotiations at 21 December 2020 (Version 2). The document is available on the Planning Inspectorate website here: https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR040011/TR040011-000999-9.11%20ExA.CA.D3.V2%20%20Compulsory%20Acquisition%20Schedule%20(Versions%201%20to%203).pdf</p> <p>Since then, there have been more than 20 instances of Ardent contacting Mr Millard's agent and have repeatedly attempted to progress draft heads of terms with the agent.</p> <p>A summary of the discussions between Ardent and the agent during the period since December 2019 are set out in the following two documents:</p> <ul style="list-style-type: none"> • [REP5-027] Deadline 5 Submission - 9.11 - Compulsory Acquisition Schedule (Version 3). The document is available on the Planning Inspectorate website here: https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR040011/TR040011-001147-9.11%20ExA.CA.D5.V3%20%20Compulsory%20Acquisition%20Schedule%20(Versions%201%20to%203).pdf <p>[REP7-034] Deadline 7 Submission - 9.11 ExA.CA.D7.V5 - Compulsory Acquisition Schedule (Version 5). The document is available on the Planning Inspectorate website here: https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR040011/TR040011-001463-9.11%20ExA.CA.D7.V5%20%20Compulsory%20Acquisition%20Schedule%20(Versions%201%20to%205).pdf</p>

No.	Type / Category	Response topic	Response	Applicant's response
				%20Compulsory%20Acquisition%20Schedule%20(Versions%201%20to%205).pdf On 22 March 2021, Ardent responded to a query from the agent regarding the removal of vegetation and referred the agent to the relevant plans with direct links to where they may be found and included extracts of the plans within the email. These plans included [APP-040] 2.45 - 2.46 - Ham Green Highway Works Plans and Pill Tunnel Eastern Portal Compound, Landscaping and Access Plan and [APP-045] 2.53 - Environmental Masterplan (which are referred to elsewhere in this response).
TR040011-001515-005			The whole of the area should have been pegged out so that the Inspector could see the whole site not just part of it and it is in this connection that we feel the Inspector should be aware of. Whether that makes any difference to the outcome is irrelevant, it is simply the case that we wanted the Inspector to be fully informed before a decision is made.	As set out earlier in the response, the site was pegged out to provide the Planning Inspectors with an indication of the permanent land acquisition and the associated issues, as requested.
TR040011-001515-006			The client made contact with James Willcock at North Somerset Council on Friday, who we understand is the programme manager of Metrowest, but as yet no on-site meeting has been arranged to discuss these points, but hope that a meeting can be arranged this week. We would be grateful if you would make these representations to the Planning Inspector on our clients behalf.	James Willcock has instructed Ardent to assist with setting up a meeting with Mr Millard and proposed a number of dates that he is available for this meeting.

Appendix 1 - Email from Ardent to Mr Millard's Agent, 19 April 2021.

Frances Everett

Subject: RE: Metrowest Pill Tunnel Development Consent Order [WBDUK-AC.FID26403138]

From: Nicola Harrington <NicolaHarrington@ardent-management.com>

Sent: 19 April 2021 13:58

To: 'Jeremy B. Bell FAAV, FARLA, FLAA' <jeremy.bell@gth.net>

Subject: FW: Metrowest Pill Tunnel Development Consent Order [WBDUK-AC.FID26403138]

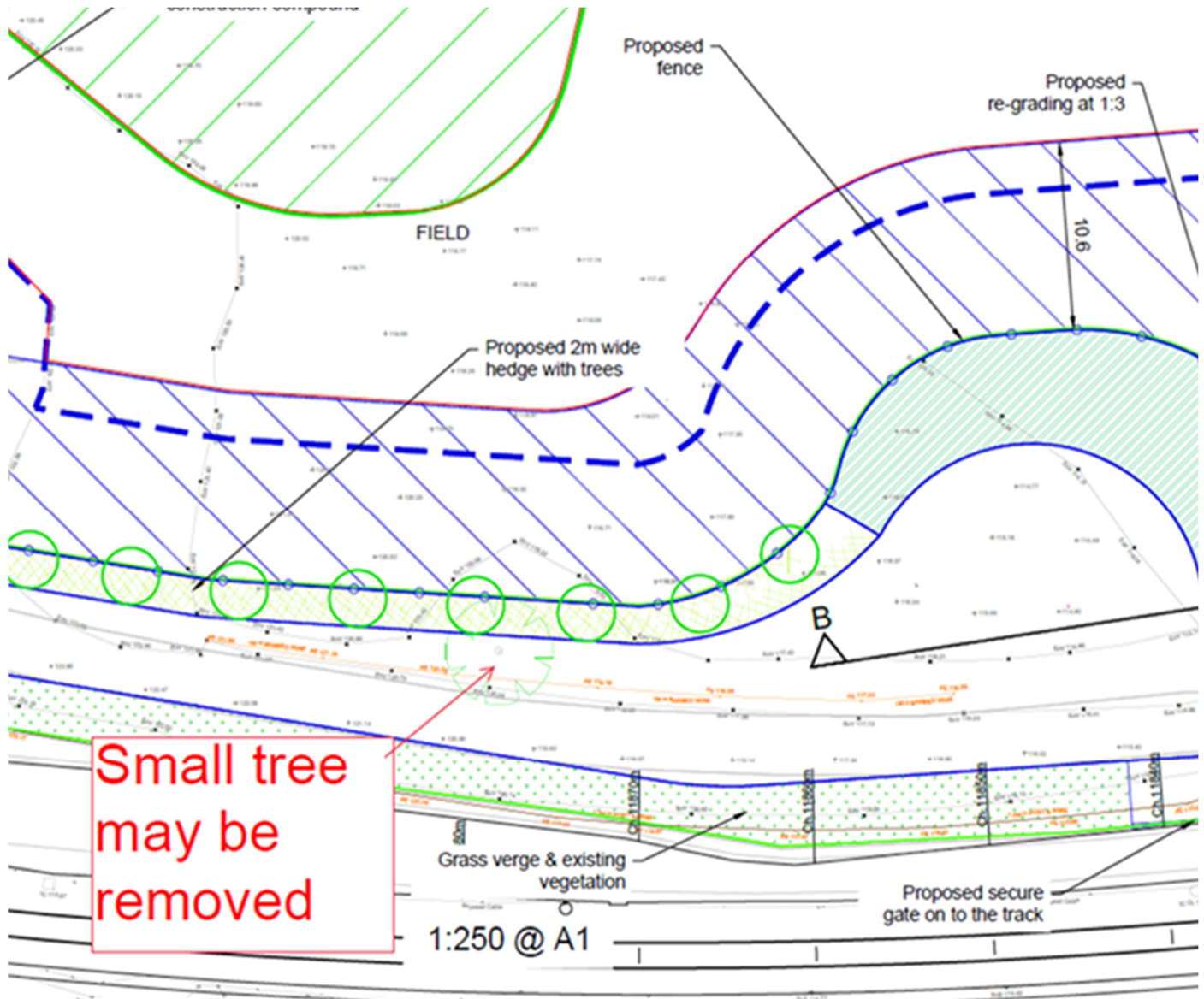
Jeremy good afternoon, James has already asked me to arrange a site meeting and will come back to you shortly with provisional dates and times for this to take place.

In relation to your comments about the trees to be removed, this has already been addressed in my email of 22nd March as attached and I have copied the relevant section of this below:

In relation to the trees you have referred to below which you state need to be removed for track construction works, the Project have checked the land for Tree Preservation Orders and identified one tree (see plan below – taken from the Environmental Masterplan - <https://metrowestphase1.files.wordpress.com/2021/03/2.53-environmental-masterplan-version-3-clean.pdf>) which will be unaffected by the works.

Portal Compound plan (<https://metrowestphase1.files.wordpress.com/2020/01/2.45-to-2.46-ham-green-highway-works-and-pill-tunnel-eastern-portal-compound.pdf>).

As shown on the plan, there is a small tree along the proposed route of the compound which may need to be removed (See below). However, as you can also see large trees have been identified that will be retained and in addition to the hedgerow, an area of woodland planting and trees are proposed.



The Planning Inspectorate was also provided with the attached pegging out plan which I sent to you on 07.04.21 so will be aware of what was being shown on site (the permanent compound area) as this was what they wanted to be shown and not the full extent of the land required from Mr Millard and Hunt at this location.

Hopefully this clarifies matters and I will be in contact shortly with the proposed dates for a site meeting.

Kind regards

Nicola



Nicola Harrington BSc (Hons) MRICS FAAV | DCO

Director

Ardent | Civic House, 156 Great Charles Street Queensway
Birmingham, B3 3HN

Mobile: +44 (0)7717 681 581

E: nicolaharrington@ardent-management.com | W www.ardent-management.com

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Appendix 2 - Email entitled "MetroWest, Planning Inspector requests for Site Visits 15.04.21 or 16.04.21, Mr Millard, Dated 8 February 2021, attached to email from Ardent to Mr Millard's Agent, 19 April 2021.

Frances Everett

From: Nicola Harrington <NicolaHarrington@ardent-management.com>
Sent: 08 February 2021 14:28
To: jeremy.bell@gth.ne
Subject: MetroWest, Planning Inspector requests for site visits 15.04.21 or 16.04.21, Mr Millard

Jeremy good afternoon a request has been received from the Planning Inspector (PI) (email extract as below) to be able to inspect land that is owned by Mr Millard and for the Project to be able to temporarily peg out or mark up on site the proposed footprint of the site compound to be located here prior to the PI's visit.

"Following our decision not to hold the Accompanied Site Inspection, we are proposing to do the Unaccompanied Site Inspection with elements of Access Required Site Inspection. The plan is to undertake the USI on either Thursday 15th or Friday 16th April - dependent on weather (preference is that it's the Thursday with the back up on the Friday).

A few of the sites we decided to look at, we will need permission to enter private land and instructions on how to access the site.

The ExA will most likely be accompanied by the Case Team to ensure that there can be no claim for 'undue influence', etc.

If it is not possible for the site inspection to be carried out on either an unaccompanied basis or an access required basis (also unaccompanied) and we do need an escort then that person/ representative must NOT in any way be connected with the application eg a school caretaker could escort us around the grounds but the Headmaster or the chair of Governors could not.

A few of the sites would also benefit from pegging out or markers being placed down so that we can assess on site what is happening.

Below is the list of matters that we would like to ask the Applicant's to resolve in order to help the ExA undertake the site visit.

Ham Green

- *Consent to walk across the field/down Hayes Mayes Lane (if not a ProW) with the info on how to access site (eg climbing over gate, can gate be unlocked etc) and the permanent compound to be pegged out "*

Ardent have been asked to confirm to the PI that access can be facilitated / granted by the landowners by 10th February 2021 if you are able to come back to me before this time with comments from your Client as to whether they are happy for this inspection to take place.

I look forward to your response, if you have any queries or need any additional information, please do not hesitate to contact me.

Kind regards

Nicola



Nicola Harrington BSc (Hons) MRICS FAAV | DCO Director
Ardent | Civic House, 156 Great Charles Street Queensway
Birmingham, B3 3HN
Mobile: +44 (0)7717 681 581
E: nicolaharrington@ardent-management.com | W www.ardent-management.com

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Appendix 3 - Email entitled "PORTISHEAD BRANCH LINE (METROWEST PHASE 1) ORDER, Mr and Mrs Millard"
Dated 22 March 2021, attached to email from Ardent to Mr Millard's Agent, 19 April 2021.

From: Nicola Harrington <NicolaHarrington@ardent-management.com>

Sent: 22 March 2021 09:52

To: Jeremy B. Bell FAAV, FARLA, FLAA <jeremy.bell@gth.net>

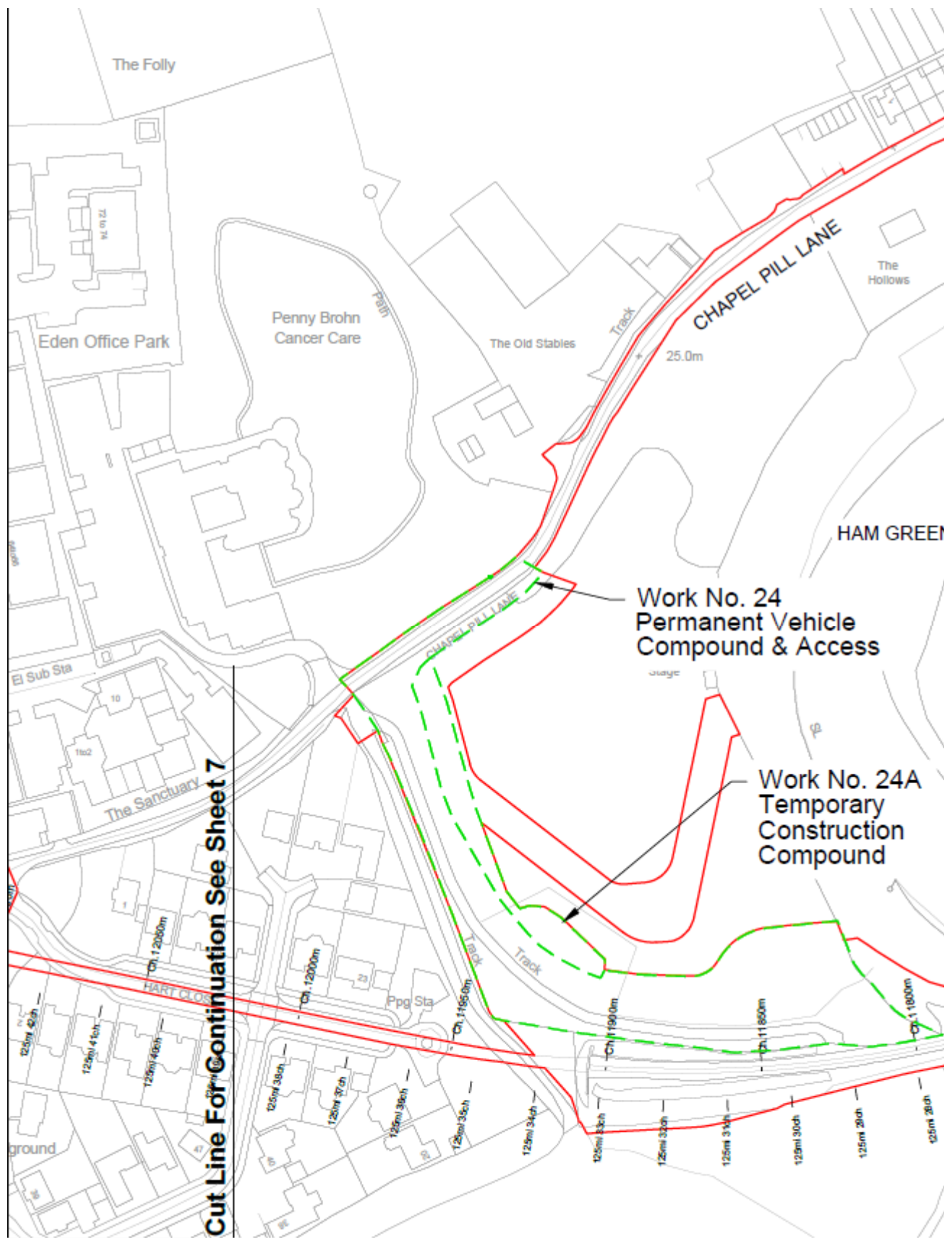
Subject: FW: PORTISHEAD BRANCH LINE (METROWEST PHASE 1) ORDER, Mr and Mrs Millard

Jeremy, hello, as per my email of 17.03.21, I have now collated information as requested about the MetroWest Project's land use and have attached works plans and construction plan extracts below from the DCO submitted documents.

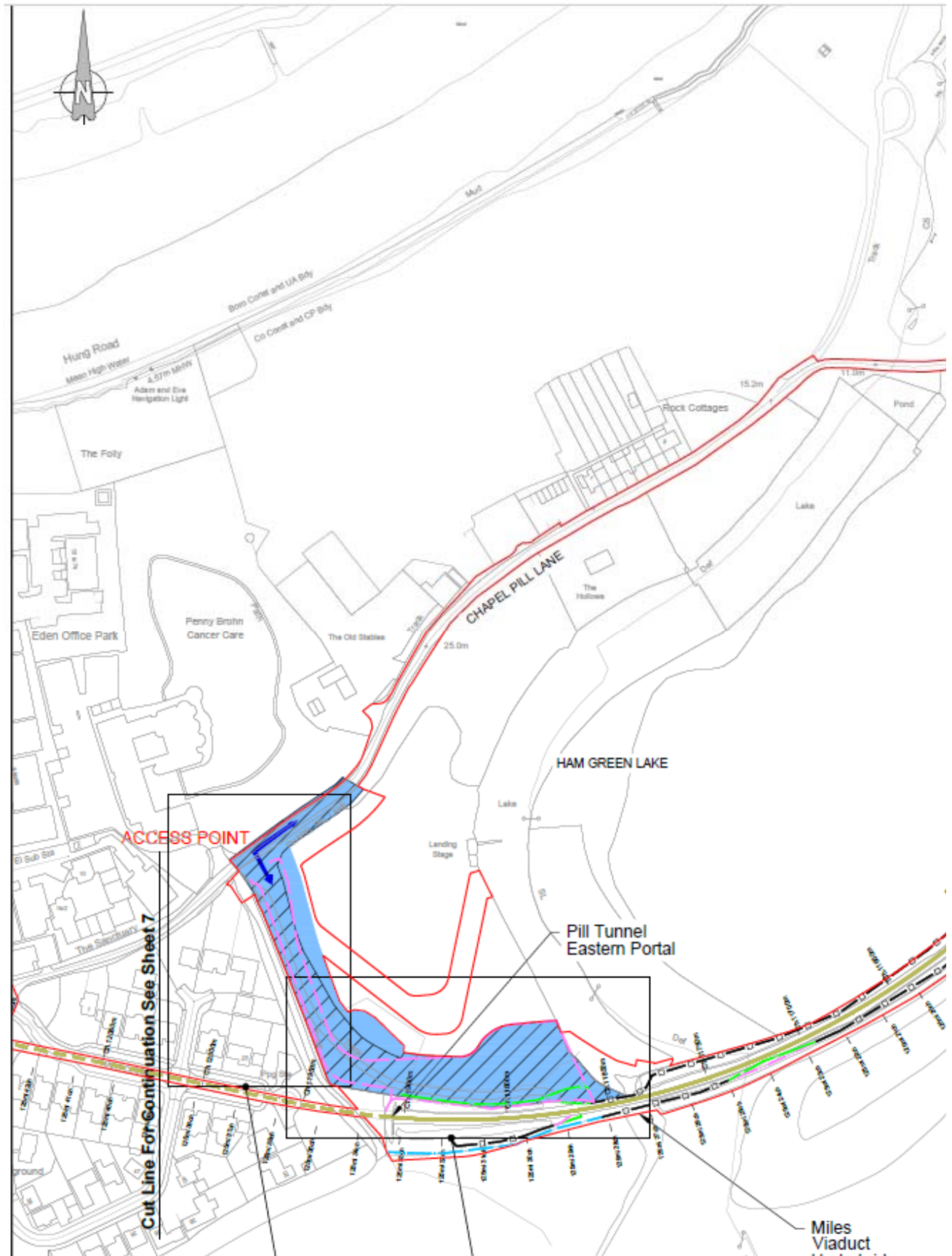
The works scheduled to take place on your Client's land are described in the draft DCO document as below:

Work No. 24 – permanent vehicular compound of 2011 square metres in area, shown on sheet 8 of the works plans, south of Ham Green Lake, together with a road rail vehicle access point, permanent access south from the highway of Chapel Pill Lane to the compound and new fencing, lighting, landscaping, utilities connections, laying of electricity, water, drainage and communications conduits and apparatus together with a new access to Ham Green Lake and improvements to Chapel Pill Lane;

Work No. 24A – temporary construction compound of 6653 square metres in area, shown on sheet 8 of the works plans, accessed from the highway of Chapel Pill Lane, Ham Green, Pill;



The green land shown on the plan as attached and as above is needed on a temporary basis to provide a work area to construct the permanent new access and compound and also to provide Mr Hunt with temporary access to his fishing lake during construction of the permanent new access and compound areas shown in pink on the attached plan.



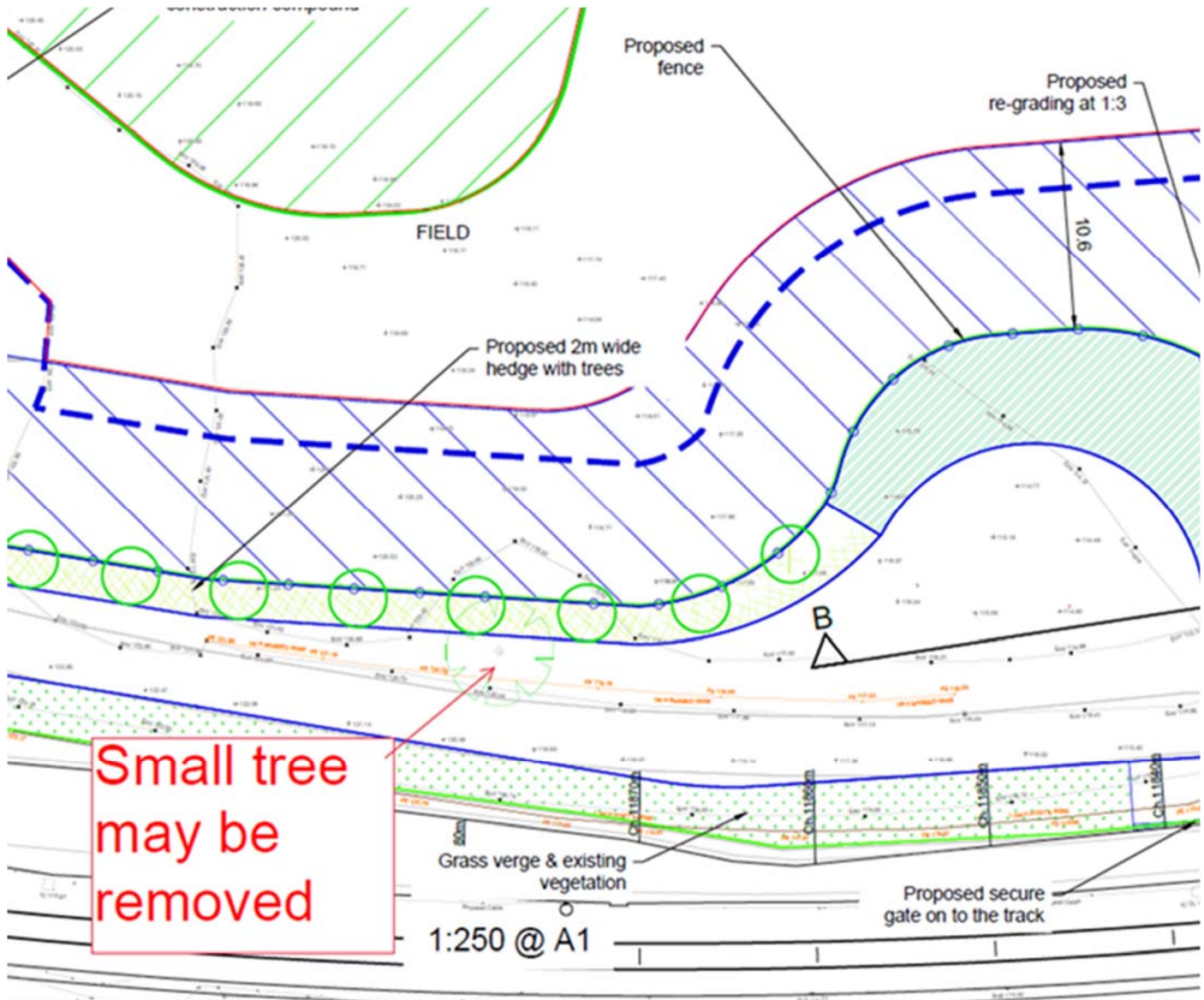
The plan as above also shows the access points proposed into the site during construction.

In relation to the trees you have referred to below which you state need to be removed for track construction works, the Project have checked the land for Tree Preservation Orders and identified one tree (see plan below – taken from the Environmental Masterplan -

<https://metrowestphase1.files.wordpress.com/2021/03/2.53-environmental-masterplan-version-3-clean.pdf>) which will be unaffected by the works.

Portal Compound plan (<https://metrowestphase1.files.wordpress.com/2020/01/2.45-to-2.46-ham-green-highway-works-and-pill-tunnel-eastern-portal-compound.pdf>).

As shown on the plan, there is a small tree along the proposed route of the compound which may need to be removed (See below). However, as you can also see large trees have been identified that will be retained and in addition to the hedgerow, an area of woodland planting and trees are proposed.



In respect to the Planning Inspectors visit to the site, as per my attached email dated 08.02.21, this is planned to take place on 15.04.21 or 16.04.21, this is however going to be an unaccompanied visit and they are not looking for landowners to be present on site as per the text received from the Planning Inspector within my attached email referred to above.

Hopefully this provides you with the additional information you were looking for at this stage, if you have any queries or need any further details please do not hesitate to contact me.

Kind regards

Nicola



Nicola Harrington BSc (Hons) MRICS FAAV | DCO Director
Ardent | Civic House, 156 Great Charles Street Queensway
Birmingham, B3 3HN
Mobile: +44 (0)7717 681 581
E: nicolaharrington@ardent-management.com | W www.ardent-management.com

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Appendix 4 – Email 7 April regarding pegging out plan provided to Mr Millard's agent, 7 April 2021

Frances Everett

From: Nicola Harrington <NicolaHarrington@ardent-management.com>
Sent: 07 April 2021 13:03
To: Jeremy B. Bell FAAV, FARLA, FLAA; 'George Tiley'
Cc: Linfoot, Andrew/BRS; Hopkins-Phillips, Ollie/BRS; Charlotte Potts
Subject: Site compound pegging out, Pill Tunnel Eastern compound
Attachments: 467470.BQ.04.20-SK225 Rev 0.pdf

Importance: High

Jeremy and George, good afternoon, I am informed that Jacobs (Andrew Linfoot and Ollie Hopkins-Phillips) are intending to peg out the above site compound as per the plan attached on Monday 12th April at approximately 11-11.30. The pegs are scheduled to be removed on 17th April from the site.

If you have any queries in relation to this, I have copied Andrew and Ollie into this email and have provided contact details for Andrew as below if you can please inform your clients accordingly of the date and time and also please thank them for their co-operation in allowing this access.

Andrew Linfoot BA MPhil PGDipUD CMLI

Jacobs

Global Technology Lead - Landscape Architecture
Director Landscape Architecture - Water and Environment
+447921 495322 mobile
Andrew.Linfoot@jacobs.com

Kind regards

Nicola



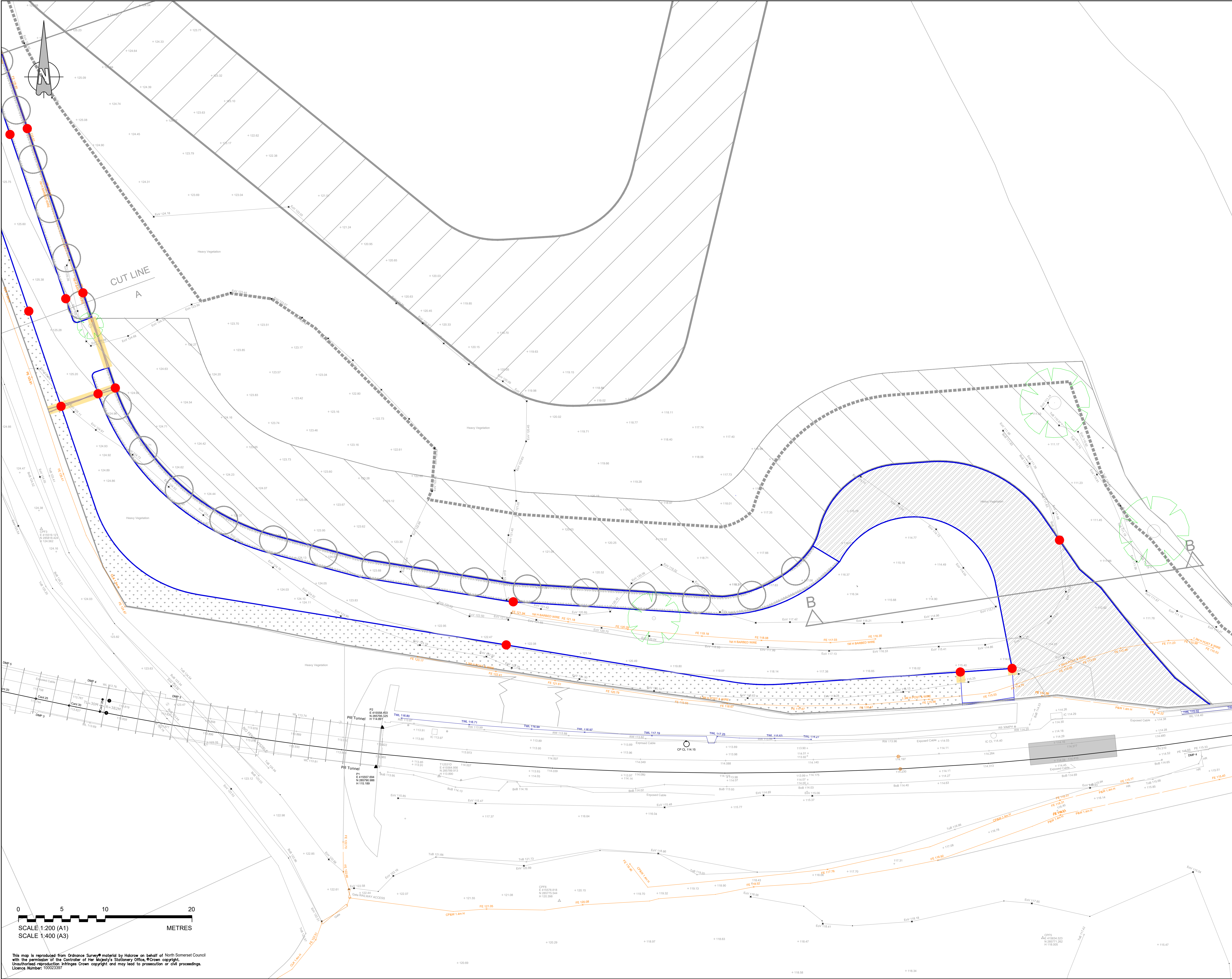
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Appendix 5 – pegging out plan provided to Mr Millard's agent, 7 April 2021



KEY:

Setting out lines

Setting out pegs

Rev	By	Chkd	Apprd	Date	Description
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CH2M HILL
1 The Square Temple Quay Bristol BS1 6DG
Tel +44 (0)117 910 2580 Fax +44 (0)117 910 2581
www.ch2m.com



Project **PORTISHEAD BRANCH LINE
(METROWEST PHASE 1)**

Drawing
**PILL TUNNEL EASTERN COMPOUND
SETTING OUT**

SHEET 2 OF 2

Drawn by: OHP	Date: 01/04/2021
Checked by: ADL	Date: 01/04/2021
Approved by: ADL	Date: 01/04/2021

Drawing No.	Revision
467470.BQ.04.20-SK225	0

Drawing Scale: 1:200 @ A1

0 5 10 20
SCALE 1:200 (A1)
SCALE 1:400 (A3)
METRES

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Drawing file path & name: \\harcrow\proj\Consulting\Projects\467470 NSC Framework 2013\BQ.04.20 MW Phase 1\Highway Engineering\DW AutoCAD\Drawings\Pill Tunnel 467470.BQ.04.20-SK225.dwg