

THE PORTISHEAD BRANCH LINE (METROWEST PHASE 1) ORDER

Summary of requirements for the Order land

1. LAND SUBJECT TO COMPULSORY ACQUISITION

- 1.1 This Appendix describes the Land which is to be subject to the compulsory acquisition powers.
- 1.2 The DCO Scheme overall consists of 9 miles of former or existing railway between Portishead and Parson Street in Bristol, together with additional highway works, the latter principally in Portishead.
- 1.3 From Portishead to the Old Portbury Station the former railway land is owned by the Council, with Network Rail owning the track bed from Portbury to Portbury Junction, and then the operational railway from Portbury Junction, through Pill to Parson Street.
- 1.4 From Portbury Junction to Parson Street the railway is operational railway forming part of the national rail network, operated as a freight only line serving Royal Portbury Dock.
- 1.5 Land is required outside of the former branch line and existing freight line for various purposes as outlined below.

2. THE DETAIL OF THE PURPOSES IN SEEKING COMPULSORY ACQUISITION POWERS

- 2.1 The purpose of acquisition powers is to enable the Council to construct and operate the DCO Scheme on the Order land.
- 2.2 A range of acquisition powers is necessary. Compulsory acquisition of freehold land from parties other than the Council or Network Rail is required for a relatively small amount of land for the NSIP itself. Rights over land, both temporary and permanent, are required to affect the works, whilst a power to use the Land temporarily for maintenance purposes is also sought. Land is required for the associated development.
- 2.3 Powers sought for interests in land include:
 - 2.3.1 Permanent acquisition of freehold interests;
 - 2.3.2 Permanent new rights over land to be exercised for the benefit of the Council or by Network Rail, for instance the right to install and retain soil nails under gardens at Sambourne Lane in Pill;

- 2.3.3 Temporary exclusive possession of land for construction purposes, for instance the proposed temporary compounds at Portbury Hundred, Lodway and under the M5 Viaduct; and
- 2.3.4 Temporary use of land on a non-exclusive basis, such as using the paths at the Portbury Wharf Ecology Park for access to ecological mitigation works.
- 2.4 In addition, powers are sought to extinguish existing rights in land subject to compulsory acquisition or to extinguish or suspend existing rights in land which will be incompatible with the exercise of the rights sought in the DCO. Where land is to be occupied temporarily during construction, existing rights in the land can be suspended by the Council.
- 2.5 A summary of the purposes for which land is required is set out below:
- 2.5.1 Land at Portishead
- Land at Portishead is required to be purchased compulsorily for the construction of the new station, two new car parks, a new boulevard connecting the new station with the Portishead town centre and for the highway works required to divert Quays Avenue to the west. The Council has already acquired land comprising the railway track bed and land to the west of the existing Quays Avenue, required for the diversion of Quays Avenue. The lands are required to enable the highway diversion, station construction and car park and right of way network.
- 2.5.2 Land between Portishead and Portbury
- The majority of the Order lands in this section are required temporarily for the construction of the railway on the track bed already owned by the Council. Open space land is required to be occupied temporarily at Tansy Lane for the construction of the new bridge over the railway at this location. Permanent acquisition is required of some areas of open space land for the footpath connecting the new bridge to the wider highway network. Land is also sought temporarily for ecological mitigation and species relocation works, principally north of Galingale Way and south of the railway; and at the Portbury Wharf Ecology Park.
- In addition, in the vicinity of Sheepway a new road rail access point is proposed together with a small permanent compound that will be used by Network Rail for operation and maintenance of the railway. This compound is essential to allow for efficient maintenance of the railway for works in the vicinity of Portishead Station through to the old Portbury Station. Access powers are also sought for National Grid Electricity Transmission PLC to allow their Hinckley Grid Connection DCO and the DCO Scheme to be constructed and to operate without significant impact on each other.
- 2.5.3 Old Portbury Station to Portbury Junction

The majority of the Order lands in this part of the DCO scheme are again required for temporary access for construction purposes. A new permanent access is proposed from the Portbury Hundred for agricultural purposes to replace the existing level crossing at Elm Tree Farm, which will be extinguished.

A new permanent access for railway maintenance purposes will be provided on the site of the former route known as "the Drove" next to the Wessex Water pumping station and north from the Portbury Hundred highway.

In the vicinity of Marsh Lane, Easton in Gordano, new rights for Network Rail to access the Port's level crossing located close to the Avonmouth viaduct of the M5 motorway are sought. This will also form an essential road rail access point for operation and maintenance purposes (as well as for construction purposes) enabling road rail vehicles to use the Port's existing level crossing to gain access to the National Rail Network via the Port's railway to the point where it becomes part of the national rail network at Portbury Junction.

A temporary compound is proposed under the M5 at Avonmouth viaduct for construction purposes.

For all of these lands there is a compelling need in the public interest for the acquisition of new rights and temporary occupation powers to enable the railway to be constructed efficiently and as swiftly as possible. The permanent rights of access and use of the road rail access point are essential for the swift operation and maintenance of the railway in an area where access to the railway is limited, whilst the access from Marsh Lane will provide a suitably designed and reasonably approximate access from the National Motorway Network to Network Rail's railway.

2.5.4 Easton in Gordano, Lodway, Pill and Ham Green

South of the railway temporary powers are sought to use the existing grazing land at Lodway Farm for a principal maintenance compound for construction of the DCO scheme. The large areas of compound required at this location, as well as under the M5 and at Elm Tree Farm are essential because of the large volumes of storage of rail, ballast, sleepers and other construction materials necessary for the construction of the new railway as part of the DCO scheme.

Also in this location, the acquisition of temporary powers over rear gardens at Lodway Close is essential to enable access to the Avon Road/Lodway Close overbridge and also to effect the embankment widening works required for two parallel railway lines at this location. On the northern side of the railway, temporary powers over Jenny's Meadow and the temporary closure of the existing access route to the M5 from Avon Road is required for similar purpose. In addition the acquisition and demolition of garages to the south of Avon Road is required to provide suitable compound areas and crane access for the heavy lifting operations required to remove the existing bridge and replace it.

In the vicinity of Pill Station, the powers sought over rear gardens on the south side of the railway to enable access for fencing works and also to secure the stability of the embankment by way of insertion of soil nails under the rear gardens of neighbouring properties.

East of Pill Station permanent new rights are sought for Network Rail to access the abutments of the Pill Viaduct to carry out maintenance on an ongoing basis. The structure is now old and this will be the first time that it has carried two lines over the majority of its length. On that basis Network Rail believes that additional powers of access to the abutments are now required.

Temporary powers are sought to permit works on the land forming Victoria Park, Pill in proximity to the viaduct as maintenance works are necessary to bring the viaduct up to the specification for carrying passenger trains on parallel lines over the viaduct.

Temporary powers to access back gardens at Eirene Terrace and Mount Pleasant are also sought, to provide a safety zone in back gardens whilst work is carried out on the railway embankment above.

At Ham Green, a new road rail access point and maintenance compound, together with access for emergency vehicles to the eastern portal of Pill Tunnel, are viewed as essential for the evacuation plan for Pill Tunnel should an incident occur in the tunnel.

2.5.5 From Ham Green to Clifton Suspension Bridge

Permanent acquisition between Ham Green and Clifton Suspension Bridge is limited. Temporary powers are sought along the River Avon Towpath throughout the Avon Gorge to enable Network Rail access to carry out remedial works to the railway which is for a large part of its length raised on retaining walls.

Powers to install rock dowels, together with rights of access for these works, are sought at various locations in the Avon Gorge where rock and cliff side strengthening works are necessary. These works are required to provide additional stability on the cliff face representing the greater risk that is presented by frequent passenger services as opposed to occasional freight services along this part of the Portishead branch line.

In addition, Quarry Bridge No.2 is to be reconstructed and temporary powers are sought to enable this reconstruction to a specification requested by the benefitting landowner. Network Rail have investigated other ways of constructing this bridge but it is essential that a temporary compound and ramp are provided at the location of Quarry Bridge No.2 to enable the works to be carried out as required by the neighbouring landowner.

Temporary powers over land are also required to install catch fences at certain locations within the Gorge.

2.5.6 Clanage Road and Winterstoke Road

South of the Suspension Bridge, the lands required are located in the City of Bristol. Clanage Road, a new permanent compound (together with a larger temporary compound), are sought on land south of the footpath that runs from Clanage Road over the railway to the open space on the River Avon side of the railway. This permanent access is required as a road rail access point to enable Network Rail to access the railway at the southern end of the Avon Gorge, with accesses throughout the Avon Gorge being impossible to secure as a result of the topography of the Gorge.

At the junction of Winterstoke Road and Ashton Vale Road, land is required for the widening of Winterstoke Road to provide a wider left turn lane into Ashton Vale Road. Land is also sought for temporary purposes during construction and also land is sought south of Ashton Vale Road along the existing track used for maintenance purposes by the Metro Bus Scheme (and a permissive cycleway) to enable the diversion of the public footpath using the Barons Close level crossing north to the Ashton Vale Road level crossing.

At the South Liberty Lane Freightliner Depot, land is required to enable Network Rail to carry out works within Freightliner's facility to provide appropriate track layouts for the proposed works at Parsons Street and to allow Freightliner to carry out additional shunting manoeuvres within the perimeter of the South Liberty Lane facility.

Interests in the Order Land other than Freehold Interests

- 2.6 Some of the land required is already held by the Council or Network Rail. That land is scheduled in the Book of Reference to enable the Council to have the ability extinguish or override all private rights over the land it holds that is incompatible with the construction and operation of the DCO Scheme. The draft Order permits the Council to extinguish or override (or in the case of temporary possession, to suspend) any incompatible existing rights.
- 2.7 The provisions are essential to enable the Council and Network Rail to build and operate the DCO scheme without the risk of injunctions being sought to prevent activity in breach of the existing rights.

Extinguishment of private rights over accommodation and occupation crossings

- 2.8 Private accommodation crossings are specifically identified as a right that exists over the railway trackbed which it is intended will be extinguished by the Order if the DCO Scheme is implemented. Many of the crossings have not been used for many years.
- 2.9 The restoration of rail services, both by reason of the physical works of construction and then by the operation of passenger services over the crossings for the first time in many years, justifies the extinguishment of the relevant private right.
- 2.10 For the accommodation crossings at Shipway Gate Farm (two crossings) and Elm Tree Farm (one crossing), these crossings are clearly still in use. It is not practicable without significant impact on

Sheepway Gate Farm to provide an alternative accommodation bridge. The highway at Sheepway crosses a railway close to Shipway Gate Farm and it is proposed that the two accommodation crossings will be closed and replaced by an improved access on the southern side of Sheepway Gate Farm.

- 2.11 At Elm Tree Farm, a new permanent access will be provided on the northern side of the Portbury Hundred to provide access to the fields that will be severed by the closure of the accommodation crossing allowing access from that field to the highway of Sheepway in the vicinity of the Old Portbury Station. These fields will be used as a temporary construction compound and the new access will be provided as an access for construction work. The access will however then be left in situ and available to the owner of the relevant field as a replacement highway access.

Acquisition of new rights over land

- 2.12 The specific rights that are to be acquired or created are necessary for the purpose of constructing the Development to carry out construction and maintenance thereafter together with the right to impose restrictive covenants to protect the works where required – principally to protect the soil and rock strengthening works in the vicinity of Pill Station.

Land over which the Council requires to take temporary possession.

- 2.13 The specific purposes for which this Land will be used are as haul road, construction compounds, ecological mitigation measures and for access to the works. The temporary uses are required as essential adjuncts to construction of the Development.

3. SPECIAL TYPES OF LAND

Statutory Undertakers' Land and Apparatus

- 3.1 Powers are also sought to affect the rights and apparatus of statutory undertakers. There are over 100 crossings or proximity situations along the route of the Portishead branch line. Whilst the vast majority of undertaker's apparatus will remain in situ it is essential that the DCO Scheme includes powers to implement works to alter or divert statutory undertakers' apparatus where this is necessary.
- 3.2 All statutory undertakers have been contacted and the programme of full engagement with statutory undertakers has been embarked on. Where relevant, protective provisions will be included in the DCO to protect the interests of the relevant statutory undertaker.

Open Space Land

- 3.3 Open space land holds special status under the Planning Act 2008 with additional procedures required, under sections 131 and 132 of the Planning Act 2008. A DCO application proposing the acquisition of open space land is potentially subject to Special Parliamentary Procedure

(consideration of the Order by a Committee of both Houses of Parliament) if a certificate is not issued by the Secretary of State when deciding to make the Order, to say that Special Parliamentary Procedure is not required.

Open space at Portishead

- 3.4 On the north and south side of the railway in the vicinity of Trinity School, open space land has been provided by the developers of the Ashlands and The Vale Estates. This land is required to be transferred to the Council pursuant to the relevant planning agreements for those developments but the transfer has not yet taken place. The land is needed to provide the additional footpath and cycle path network proposed in the vicinity of Trinity School and connecting to Portishead Station. As the required freehold land is less than 200 square metres the need for exchange land can be avoided.
- 3.5 A temporary compound and working space will occupy the open space on the Tansy Lane side of the railway, for the construction of the new bridge over the railway at this location. Temporary possession of open space does not lead to the requirement for exchange land, as the land is simply occupied on a temporary basis and then reverts to its previous use.
- 3.6 Additional planting as screening for the new bridge will be provided on the land already in the Council's ownership, or to be transferred to the Council pursuant to the existing Planning Agreement relating to the development of the surrounding land as the Ashlands Estate, will be provided as part of the mitigation to screen the bridge at Tansy Lane.
- 3.7 For the land on the south side of the railway, north of Galingale Way, where land comprising open space is proposed to be acquired, exchange land will be provided north of the new Portishead Station also on the land currently comprising south of Harbour Road, close to the Portbury Ditch.
- 3.8 Overall, in Portishead there will be no net reduction in publicly available land as a result of the DCO Scheme albeit the status of some of the land will be changed from open space to public right of way.

Portbury Wharf Ecology Park

- 3.9 The Portbury Wharf Ecology Park has also been provided as open space by the developers of the Ashlands Estates. As with the land at Tansy Lane it is due to become part of the Council's estate in due course but the relevant transfers have not yet taken place. In this location land is required on a temporary basis for works to the railway including drain and culvert clearance and erection of fences. Translocation of species is also proposed in this area.
- 3.10 A small area of permanent right acquisition is proposed for a new pond at this location. No exchange land is offered on the basis that the area is not changing in character and will remain open space, in a condition no less advantageous than existing. The proposed activity underlying the acquisition of new rights – the creation of a new pond - would not change the nature of the

use of the land as an ecology park. On this basis exchange land may be avoided because the new right leaves the area as no less advantageous to the owner, the public and others interested in the land and the giving of land in exchange is unnecessary in the interests of those persons entitled to the relevant rights or in the interests of the public. This is in accordance with S132 (3) of the Planning Act 2008.

Open Space in Pill

- 3.11 Three areas of open space in Pill are affected by the DCO Scheme.

Jenny's Meadow

- 3.12 Jenny's Meadow is an area of amenity and ecological habitat land at the western end of Avon Road, Pill, adjacent to the River Avon. No permanent works are proposed in Jenny's Meadow but the Council proposes to lay temporary matting on the existing path from the terminus of Avon Road west then south to the access road providing a cycle and maintenance vehicle route from Avon Road to the M5 Avon Viaduct. This temporary diversion of the cycle route will allow for working space and a compound area on the existing cycle and maintenance vehicle route whilst works are carried out the embankment and for replacing the railway over bridge between Avon Road and Lodway Close. No permanent additional rights nor freehold acquisition are proposed and therefore the requirement to provide exchange land is not engaged.

Victoria Park, Pill

- 3.13 Land at Victoria Park, Pill lies beneath and to the sides of the existing Pill Railway Viaduct. The areas underneath the arches and on either side of the arches are open space and form a town green being part of Victoria Park.
- 3.14 The land is in the Council's freehold ownership and is subject to rights of access in favour of Network Rail. A new drain will also be installed beneath the viaduct arches to take run off from the viaduct in to the Markham Brook. It is proposed that, for completeness, the Order includes powers of temporary use of land on a non-exclusive basis parallel to the viaduct and underneath the viaduct arches to allow Network Rail access to carry out remedial works on a temporary basis to the structure of the viaduct. No permanent additional rights nor freehold acquisition are proposed and therefore the requirement to provide exchange land is not engaged.

Watch House Hill

- 3.15 It is proposed that Network Rail will receive a new right of way over the existing permissive cycle path that extends from the car park on The Green at Ham Green parallel to the railway into the Watch House Hill open space. The route will be used for smaller operational maintenance purposes for the new Pill junction that will be located above Pill Methodist Church. The new right is proposed to be granted to reduce operational perturbation due to the lack of access for maintenance to Pill junction. No additional physical works are proposed along the cycle path. As

the access will be exercised on the existing permissive path and without closing the permissive path to the public, it is not proposed that any exchange land is offered for the grant of this new right and it will be submitted to the Secretary of State that exchange land is unnecessary in this circumstance.

Statutory Undertakers

- 3.16 Statutory undertakers who have operational land within the Land may object to the proposed acquisition on the basis land that the undertaker holds may not be taken without there being significant detriment to the undertaking. The Port of Bristol Company and Network Rail are both statutory undertakers for the purposes of the DCO application.
- 3.17 The Council is in consultation with each of the identified undertakers and is hopeful of reaching agreement with them prior to the close of the examination period. Specialist consultants are instructed by the Council to engage with each undertaker. It is not intended that any equipment of statutory undertakers will be significantly affected by the Development being constructed and no permanent removal or significant re-alignment is proposed of any equipment of statutory undertakers.