

## **NORTH SOMERSET COUNCIL DECISION**

**DECISION OF:** COUNCILLOR JAMES TONKIN THE EXECUTIVE MEMBER FOR PLANNING, BUILDING CONTROL, HIGHWAYS AND TRANSPORT IN CONSULTATION WITH THE EXECUTIVE MEMBER FOR FINANCE AND PERFORMANCE



**WITH ADVICE FROM:** THE DIRECTOR OF DEVELOPMENT AND ENVIRONMENT IN CONSULTATION WITH THE INTERIM HEAD OF FINANCE AND THE HEAD OF LEGAL AND DEMOCRATIC SERVICES

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**DECISION NO: 19/20 DE 135**

**SUBJECT: MetroWest Phase 1 - Submission of Development Consent Order application**

**KEY DECISION: Yes**

**REASON:** The decision relates to expenditure above £500,000 and affects more than one ward.

**BACKGROUND:**

The background to this decision is set out in the report to Council on 25<sup>th</sup> June 2019: MetroWest Phase 1 Submission of Development Consent Order Application and Associated Approvals and a report to the Council on 19<sup>th</sup> February 2019 MetroWest Phase 1 Progress on the Submission of Development Consent Order Application and Associated Approvals.

**DECISION:**

To finalise and submit to the Planning Inspectorate the application for the Development Consent Order (DCO) for the powers to construct Phase 1B of the MetroWest Phase 1 project comprising the works required to re-open the Portishead Branch Railway Line (the DCO Scheme).

**REASONS:**

The report to Council on 25<sup>th</sup> June 2019, set out in detail the scope of the powers sought through the DCO application, an overview of the DCO process and the estimated timescales and costs to achieve a decision by the Secretary of State.

All the report recommendations were agreed by the Council. This decision relates to recommendation 2 of the report, which stated:

*2. Authorise the Executive Member for Planning and Transport in consultation with the Executive Member for Finance and Performance to finalise and submit to the Planning Inspectorate the application for the DCO for the powers to construct*

*Phase 1B of the MetroWest Phase 1 project comprising the works required to re-open the Portishead Branch Railway Line (the DCO Scheme), subject to the following decisions and matters, which are scheduled to be taken on the 14<sup>th</sup> June 2019:*

- a) confirmation by West of England Combined Authority (WECA) of its authorisation to complete the Initial Promotion Agreement version 3 with North Somerset Council (NSC);*
- b) confirmation by the WECA of its agreement to submit the DCO application, as joint promoter in connection with its share of project risks and liabilities;*
- c) confirmation by the WoE Joint Committee of its authorisation for the submission of the DCO application, as co-funder;*
- d) confirmation by the WoE Joint Committee of its approval for the project to drawdown a further £4.491M for 2019/20 and £7.159M for 2020/21, totalling £11.650M of Local Growth Funding allocated to the project, to complete all technical work feeding into the Final Approval Business Case, including the completion of major processes, planning and environmental consents, undertaking detailed design (both the railway and highway works) and the procurement of project construction;*
- e) receipt of a letter of no objection issued by Network Rail to North Somerset Council in respect of the DCO application documentation.*

Since the 25<sup>th</sup> June Council meeting the technical work on the DCO application has progressed and the matters listed in a) to e) have all now been concluded as follows.

**Item a)**

The WoE Joint Committee authorised the West of England Combined Authority (WECA) to enter into the Initial Promotion Agreement version 3 with North Somerset Council (NSC) on 14<sup>th</sup> June 2019. The agreement sets out the respective roles and responsibilities of the two parties and the share of risks and liabilities for the completion of technical work feeding into the Full & Final Approval Business Case for MetroWest Phase 1. Since June the final version of the agreement has been concluded by both parties and the agreement has been authorised and signed.

**Item b) and c)**

The WoE Joint Committee authorised the co-promoters, West of England Combined Authority (WECA) and North Somerset Council to submit the DCO application on 14<sup>th</sup> June 2019.

**Item d)**

The WoE Joint Committee authorised the drawdown of a further £11.65M Local Growth Funding allocated to MetroWest Phase 1 with £4.941M for spend in 2019-20 and £7.159M in 2020-21, on 19<sup>th</sup> July 2019.

**Item e)**

A letter of no objection in respect of the DCO application has been received from Network Rail.

## **OPTIONS CONSIDERED:**

Refer to the 25<sup>th</sup> June 2019 report to Council, for details of the options considered.

## **FINANCIAL IMPLICATIONS:**

### **Costs**

The estimated capital out-turn cost of the project is £116.4M, as set out in detail in the project Outline Business Case in December 2017, of which £16.167M has been spent to date, up to the end of 2018-19 financial year. The estimated cost of proceeding with the DCO application, including the cost of an examination in public in parallel with proceeding with GRIP 5 and other technical work during 2019-20 is £4.491M. Refer to the 25<sup>th</sup> June 2019 report to Council, for further details of the estimated costs.

### **Funding**

The estimated cost of £4.491M for 2019-20 has been approved by Full Council and added into the capital programme for 2019-20. This is to be funded from Local Growth Funding approved by the WoE Joint Committee on 19<sup>th</sup> July 2019.

The project budget sources are set out in the table below.

<b>Funding Source</b>	<b>Total Funding Secured</b>	<b>Spend to date up to 2018-19</b>
Local Growth Funding (Prep Costs Award 2015)	£8,846,000	£8,846,000
Local Growth Funding (Prep Costs Award 2018)	£1,700,000	£1,700,000
Local Growth Funding (Prep Costs Award 2019)	£500,000	£50,000
Local Growth Funding (Devolved Major Project)	£16,274,430	£0
<b>Total Local Growth Funding</b>	<b>£27,320,430</b>	<b>£10,596,000</b>
Economic Development Funding (Swapped with LGF)	£26,079,000	£0
Contributions to date by four Councils	£4,413,000	£4,413,000
NSC additional contribution Dec 17	£5,860,000	£1,158,506
WECA contribution Dec 17	£5,860,000	£0
NSC additional contribution	£15,000,000	£0
DfT Contribution via CP6 Rail Network Enhancements Pipeline	£31,900,000	£0
<b>Total</b>	<b>£116,432,430</b>	<b>£16,167,506</b>

Refer to the 25<sup>th</sup> June 2019 report to Council, for further details of the estimated costs.

## **LEGAL POWERS AND IMPLICATIONS**

A Promotion Agreement has been finalised and entered into with Network Rail, see Decision Notice 19/20 DE 134. The agreement formally sets out the joint working arrangements between the Council and Network Rail to take the project through the DCO process, culminating in a decision by the Secretary of State. Refer to the 25<sup>th</sup> June 2019 report to Council, for details of the legal powers and implications.

**CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS**

MetroWest Phase 1 requires an Environmental Statement to support the Development Consent Order (DCO) application. Climate change and environmental impacts have been assessed in the Environmental Statement, which is currently being finalised. The Environmental Statement will be published along with all the DCO application documents on the Planning Inspectorates DCO website:

<https://infrastructure.planninginspectorate.gov.uk/> after the application has been submitted. Also refer to the report to Council on 19<sup>th</sup> February 2019 and the report to Council on 25<sup>th</sup> June 2019, for further details.

**CONSULTATION**

Refer to the 25<sup>th</sup> June 2019 report to Council, for details of the extensive formal and informal consultation and engagement undertaken by the project team.

**RISK MANAGEMENT**

Refer to the 25<sup>th</sup> June 2019 report to Council, for details of the risk management arrangements.

**EQUALITY IMPLICATIONS**

Have you undertaken an Equality Impact Assessment? Yes

Refer to the 25<sup>th</sup> June 2019 report to Council, for details of the Equality Impact Assessment.

**CORPORATE IMPLICATIONS**

Refer to the 25<sup>th</sup> June 2019 report to Council, for details of the Corporate Implications.

**APPENDICES**

Letter of no objection from Network Rail

**BACKGROUND PAPERS**

Report to Council on 25<sup>th</sup> June 2019: MetroWest Phase 1 Submission of Development Consent Order Application and Associated Approvals and  
Report to Council 19<sup>th</sup> February 2019 MetroWest Phase 1 Progress on the Submission of the Development Consent Order Application and Associated Approvals  
Letter of no objection from Network Rail

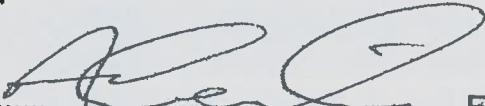
All signatories to this decision sheet, other than Cllr Tonkin + the Interim Head of Finance, who have already signed the decision sheet, have agreed to SIGNATORIES: the decision set out in Decision DE-135 being taken.

DECISION MAKER:

Signed: *[Signature]* ..... Executive Member for Planning, Building Control, Highways and Transport

Date: *6th Nov 2019* .....

Consultee:

Signed:  Executive Member for Finance & Performance

Date: 20/11/19

With advice from:

Signed:  Director of Development & Environment

Date: 7/11/19 in confirmation of my earlier affirmation of my support for the decision via telephone.

Signed:  Interim Head of Finance

Date: 6/11/19

Signed:  Head of Legal & Democratic Services

Date: 7.11.2019 in confirmation of my earlier email affirmation of advice + support to the decision.

