

NOTICE OF AUTHORISATION OF COMPULSORY ACQUISITION UNDER SECTION 134(7) OF THE PLANNING ACT 2008

THE PORTISHEAD BRANCH LINE (METROWEST PHASE 1) DEVELOPMENT CONSENT ORDER 2022

NOTICE OF AUTHORISATION OF COMPULSORY ACQUISITION

The above Order (**Order**), made under the Planning Act 2008 by the Secretary of State for Transport and published on 14 November 2022 includes provision authorising the compulsory acquisition of land and of rights over land (by creating new rights over it and/or the imposition of covenants (**New Rights**)) as described in Schedule 1 below. The land over which these powers have been authorised is collectively referred to in this notice as the Order land.

The Order includes provision authorising the acquisition for the purpose of the construction, operation and maintenance of the MetroWest local rail network, which consists of: a 5.4km railway line from Portishead to Pill; construction of a new railway station at Portishead (including a car park, pedestrian and cycle access and associated highway works); the reopening of the railway station at Pill (including a car park, pedestrian and cycle access and associated highway works); construction of associated permanent and temporary compounds; modifications to the existing Portbury Freight Line between Royal Portbury Dock and Ashton Junction in Bristol (which includes, repairs, and/or modifications to bridges, tunnels, culverts and retaining walls, as well as replacement of track, sleepers and ballast); and the modification of the existing pedestrian and cycle routes and modification of the existing bridleway forming part of the National Cycle Network route 26 between Portishead and Pill (**Project**).

A hard copy of the Order and the Statement of Reasons explaining why the compulsory acquisition powers have been sought has been deposited at the following locations and may be inspected free of charge from 12 December 2022 until 30 January 2023 at the following locations which are open during the hours set out below:

- Weston-super-Mare Library, Town Hall, Walliscote Grove Road, Weston-super-Mare BS23 1UJ (no appointment necessary, but documents can be prepared for viewing if notice is given in advance). Opening times: Mon to Fri: 9.30am – 6pm, Sat: 9.30am – 4pm, Sun: closed and closed: 26 to 28 December 2022 and 2 January 2023). Website: <https://www.n-somerset.gov.uk/directories/libraries/weston-super-mare-library>
- Portishead Library, Horatio House, 24 Harbour Road, Portishead BS20 7AL. Opening times: Tue to Fri: 9.30am – 5pm (opens 10am on the second Thursday of every month), Sat: 9.30am – 1pm (closed on Sunday and Monday). Opening hours Christmas 2022: Sat 24 Dec: 9.30am – 1pm, 26 – 28 Dec: closed, 29-30 Dec: 9.30am – 5pm, 31 Dec: 9.30am – 1pm. Website: <https://www.n-somerset.gov.uk/directories/libraries/portishead-library>
- The Pill Resource Centre, 4 Baltic Place, Pill BS20 0EJ. Opening times: Mon – Wed: 9.30am – 3.30pm, Thu: 11.15am – 3.30pm, Fri: 9.30am - 11.15am, Satu: 10am – 12noon, Sun: closed. Opening hours Christmas 2022: 26 – 27 December: closed. Website: <https://pillandeastoningordano.org/34-2/>

Electronic copies of the Order and of the Secretary of State for Transport's combined decision letter and Statement of Reasons are available to view online through North Somerset District Council's (the **Council**) website at: <https://metrowestphase1.org> or through the Planning Inspectorate's website at: <https://infrastructure.planninginspectorate.gov.uk/projects/south-west/portishead-branch-line-metrowest-phase-1/>.

A person aggrieved by the Order may submit a challenge only in accordance with section 118 of the Planning Act 2008, which stipulates that any proceeding must be brought by filing a claim form for judicial review before the end of the period of 6 weeks beginning with the day after the day on which the Order was published (or, if later, the day on which the statement of reasons for making the Order is published).

Once the provisions in the Order authorising compulsory acquisition come into force, the Council may acquire any of the land (including any existing rights and / or New Rights) described in Schedule 1 below by executing a general vesting declaration under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981. A statement on the effect of Parts 2 and 3 of that Act is set out in Schedule 2 below.

Any person who would be entitled to claim compensation if a general vesting declaration were executed is invited to give the Council information about the person's name, address and interest in land, using a prescribed form. The information should be addressed to: Metrowest c/o Ardent Management, The Brew House, Wilderspool Business Park, Greenalls Avenue, Warrington WA4 6HL, or sent by email to: metrowest@ardent-management.com. The prescribed form is set out in Schedule 3 below.

SCHEDULE 1: DESCRIPTION OF THE LAND, THE NEW RIGHTS AND COVENANTS TO BE IMPOSED

The Order land (as defined in Article 2 of the Order) is shown on the land plans (as defined in Article 2 of the Order) and described in the deposited book of reference (as defined in Article 2 of the Order) within the local authority areas of North Somerset District Council and Bristol City Council. This notice relates to so much of the Order land as is shown on the land plans shaded pink (compulsory acquisition of all interests and rights in land (including, as required, subsoil and surface land)), shaded blue (creation and compulsory acquisition of new rights (including, where necessary, a right to impose restrictive covenants)) and shaded green (temporary possession and use of land).

The Order grants the Council compulsory acquisition powers over the Order land and such rights over the Order land as may be required for any purpose for which that land may be acquired under article 24 (compulsory acquisition of land) of the Order, by creating them as well as acquiring rights already in existence. The Order grants the Council powers to compulsorily acquire rights and create new rights in the land. The Order also authorises interference with existing rights and the breach of existing restrictive covenants over the Order land and provides for the extinguishment, temporary suspension or discharge of rights or restrictive covenants.

In the case of the Order land specified in column (1) of Schedule 10 (land in which only new rights etc.as may be acquired) of the Order, the Council's powers of compulsory acquisition are limited to the creation of such new rights in the land or the imposition of restrictive covenants, as may be required for the purpose specified in relation to that land in column (2) of that Schedule. The Council may also temporarily use the Order land to carry out the authorised development (as defined in article 2 of the Order) pursuant to article 33 of the Order and may temporarily use the Order land to maintain the authorised development pursuant to article 34 of the Order.

1) Freehold land to be acquired in the District of North Somerset:

- i. The disused Portishead Branch Line railway (the disused railway) from a point west of the disused railway crossing the Portbury Ditch in Portishead, to Portbury Junction, Pill
- ii. Parts of, and land in the vicinity of, Quays Avenue, Phoenix Way and Harbour Road, Portishead
- iii. Part of, and land in the vicinity of, the highway of Sheepway, Portbury and land north of the bridge carrying the highway of Sheepway over the disused railway
- iv. Part of the A369 Portbury Hundred west of Station Road, Portbury
- v. Land north of the disused railway, west of Station Road, Portbury
- vi. Parts of and land in the vicinity of Station Road and Royal Portbury Dock Road, Portbury
- vii. Part of the former Drove, north of the A369, Portbury
- viii. Parts of Marsh Lane, Easton in Gordano
- ix. Land north of the disused railway, east of the M5 motorway, Pill
- x. Part of the former Manor Farm, Easton In Gordano, south of the M5 motorway
- xi. Parts of the land to the west of the M5 Avonmouth Bridge and north and south of the disused railway corridor, Easton in Gordano
- xii. the disused railway corridor, west of the junction with the railway line servicing Royal Portbury Dock, Easton in Gordano
- xiii. Network Rail's Portbury Freight Line between Portbury Junction, Pill and Rowham Hill, Bower Ashton
- xiv. Land north east of the railway corridor; south of Monmouth Court and Severn Road, Pill
- xv. The former Pill station and Pill Station goods yard
- xvi. Parts of Station Road, Heywood Road and Lodway, Pill
- xvii. Parts of railway tunnel, Ham Green, Pill running west from Hart Close, Ham Green, Pill
- xviii. Land south of Chapel Pill Lane, Pill.

2) Freehold land to be acquired in the City and County of Bristol:

- i. Network Rail's Portbury Freight Line railway between Rownham Hill, Bower Ashton and a point north of Ashton Drive, Ashton, Bristol;
- ii. Land east of Clanage Road, Bower Ashton; and
- iii. Parts of Winterstoke Road and Marsh Road, Ashton, Bristol.

3) Land comprised in the Order over which New Rights are sought, and of which temporary possession may be taken, in the district of North Somerset:

- i. Land north of Harbour Road and Phoenix Way, Portishead
- ii. Land east of Quays Avenue, Portishead north and south of the disused railway
- iii. Parts of Portbury Wharf Ecology Park and land north of the bridge carrying the highway of Sheepway over the disused railway
- iv. Land south of the disused railway east and west of the crossing of the highway of Sheepway over the disused railway
- v. Land west of Station Road and north of the A369 Portbury Hundred, Portbury and north of the disused railway, Portbury
- vi. Land north of the A369 Portbury Hundred, east of Station Road, Portbury
- vii. Land north and south of the disused railway to the east and west of Royal Portbury Dock Road and Portbury Dock Road, Portbury
- viii. Land north and south of the disused railway to the east of and in the vicinity of Marsh Lane, Easton in Gordano
- ix. Land north of and beneath the M5 motorway to the south of Royal Portbury Dock
- x. Land south of the disused railway to the east of the M5 motorway at Lodway Farm, Pill
- xi. The Bristol Port Company's spur railway to Royal Portbury Dock from Network Rail's Portbury Freight Line
- xii. Land to the rear of properties on Lodway Close, Hardwick Road and Sambourne Lane, Pill
- xiii. Land at Avon Road, Marine Parade and Mariner's Way, Pill
- xiv. The cycle track and part of Jenny's Meadow north of the disused railway, between Avon Road, Pill and the M5 motorway
- xv. Land forming part of the Pill Memorial Park car park, Pill
- xvi. Land north of the Portbury Freight Line west of Underbanks, Pill
- xvii. Land to the rear of properties on Star Lane, Pill
- xviii. Land forming part of Victoria Park, Pill
- xix. Land south of the disused railway and west of Underbanks, Pill
- xx. Land forming part of Watch House Hill, Ham Green, Pill
- xxi. Parts of gardens to the rear of Mount Pleasant and Ham Green, Pill
- xxii. Part of Chapel Pill Lane, Pill and land south of Chapel Pill Farm
- xxiii. Land to the north of the Ham Green Viaduct, Chapel Pill Lane, Pill
- xxiv. Land to the north and the south of the Portbury Freight Line at Chapel Pill, Ham Gree
- xxv. Parts of the River Avon towpath between Pill and Rownham Hill
- xxvi. Parts of the Avon Gorge and Leigh Woods to the west of the Portbury Freight Line and north of the Clifton Suspension Bridge and land south of the Clifton Suspension Bridge.

4) Land comprised in the Order over which New Rights are sought, and of which temporary possession may be taken, in the City and County of Bristol:

- i. Part of the River Avon towpath, south of Rownham Hill, Bower Ashton
- ii. Land east of Clanage Road, Bower Ashton
- iii. Part of Winterstoke Road, Ashton, Bristol
- iv. Part of the South Liberty Lane Freight Terminal, Ashton, Bristol
- v. Parts of the Avon Gorge and Leigh Woods.

5) Description of the New Rights

Some or all of the following new rights as detailed more fully in Schedule 10 of the Order are sought over the land described in 3) or 4) above for the benefit of the remainder of the Order Land, to:

- i. To access the Order Land (with or without vehicles, plant and machinery) and for the purposes of installation, inspection, maintenance, use, repair, cleanse, retain, renew, replace, remove a drainage pipe for the purpose of draining water from the adjoining highway or adjoining land; removal a drainage pipe; removal of cables and other conduits and to distribute electricity through the installed cables.
- ii. To access, pass and repass the Order Land (with or without vehicles plant and machinery) to access and remain upon the Order Land (with or without vehicles, plant and machinery) for all purposes in connection with access to the adjoining land.
- iii. To access and remain upon the Order Land (with or without vehicles, plant and machinery) for the purpose of inspecting, reconstructing, maintaining, repairing, cleansing, clearing, refurbishing, replacing and removing a culvert, watercourse and head wall; an accommodation bridge and associated walls, embankments and structures.
- iv. To access, pass and repass and remain upon the Order Land (with or without vehicles, plant and machinery, including road and rail vehicles) to access the national railway network and for all purposes in connection with access to neighbouring land.
- v. To access the Order Land for the purpose of installation, laying, maintenance, use, transmittance, retaining, renewal, replacement, inspection and removal of railway signalling and communications apparatus; alter or removal of existing railway; replace railway track and signalling communications and apparatus and replacement and removal of abutment and arches of a viaduct.
- vi. To enter onto the Order land for the purposes of insertion, inspection, maintenance, adjustment, repair, removal, retain and renewal of soil nails at least 1 metre below the current surface of the Order Land with access for all necessary workmen, contractors or other authorised persons, vehicles, machinery and other apparatus at any time; carrying out site soil and environmental surveys and mitigation measures and geotechnical ecological archaeological and site investigations; making trial holes and to undertake works to upgrade, stabilise, repair, improve, install or replace fences
- vii. The imposition of covenants to protect ground strengthening works.

SCHEDULE 2: STATEMENT ON THE EFFECT OF PARTS 2 AND 3 OF THE COMPULSORY PURCHASE (VESTING DECLARATIONS) ACT 1981

Power to execute a general vesting declaration

1. Once the provision in The Portishead Branch Line (MetroWest Phase 1) Order 2022 which authorises compulsory acquisition comes into force, the Council may acquire any of the land (including any existing rights and / or new rights) described in Schedule 1 above by executing a general vesting declaration under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 (the **Act**). This has the effect, subject to paragraphs 3 and 5 below, of vesting the land in the Council at the end of the period mentioned in paragraph 2 below.

Notices concerning general vesting declaration

2. As soon as may be after the Council executes a general vesting declaration, they must serve notice of it on every occupier of any of the land specified in the declaration (except land where there is one of the tenancies described in paragraph 4) and on every person who gives them information relating to the land in pursuance of the invitation contained in the notice of the authorisation of the compulsory acquisition. When the service of notices of the general vesting declaration is completed, a period specified in the declaration, of not less than three months, will begin to run. On the first day after the end of this period the land described in the declaration will, subject to what is said in paragraphs 3 and 5, vest in the Council together with the right to enter on the land and take possession of it. Every person on whom the Council could have served a notice to treat in respect of his interest in the land (other than a tenant under one of

the tenancies described in paragraph 4) will be entitled to claim compensation for the acquisition of his/her interest in the land, with interest on the compensation from the vesting date.

3. The "vesting date" for any land specified in a declaration will be the first day after the end of the period mentioned in paragraph 2 above, unless a counter-notice is served under Schedule A1 to the Act within that period. In such circumstances, the vesting date for the land which is the subject of the counter-notice will be determined in accordance with Schedule A1.

Modifications with respect to certain tenancies

4. In the case of certain tenancies, the position stated above is subject to modifications. The modifications apply where the tenancy is either a "minor tenancy", i.e. a tenancy for a year or a yearly tenancy or a lesser interest, or "a long tenancy which is about to expire". The latter expression means a tenancy granted for an interest greater than a minor tenancy but having on the vesting date a period still to run which is not more than the period specified in the declaration for this purpose (which must be more than a year). In calculating how long a tenancy has still to run, where any option to renew or to terminate it is available to either party, it shall be assumed that the landlord will take every opportunity open to him/her to terminate the tenancy while the tenant will use every opportunity to retain or renew his/her interest.

5. The modifications are that the Council may not exercise the right of entry referred to in paragraph 2 in respect of land subject to a tenancy described in paragraph 4 unless they first serve notice to treat in respect of the tenancy and then serve every occupier of the land with a notice of their intention to enter and take possession after the period (not less than three months from the service of the notice) specified in the notice. The right of entry will be exercisable at the end of that period. The vesting of the land will be subject to the tenancy until the end of that period or until the tenancy comes to an end, whichever happens first.

SCHEDULE 3: FORM FOR GIVING INFORMATION

THE PORTISHEAD BRANCH LINE (METROWEST PHASE 1) ORDER 2022

To be addressed to: Metrowest c/o Ardent Management, The Brew House, Wilderspool Business Park, Greenalls Avenue, Warrington WA4 6HL, or sent by email to: metrowest@ardent-management.com.

[I] [We] being [a person] [persons] who, if a general vesting declaration were executed under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 in respect of all the land comprised in the order cited above in respect of which notice to treat has not been given, would be entitled to claim compensation in respect of [all] [part of] that land, give you the following information, pursuant to section 134(7)(cza) of the Planning Act 2008.

1. Name and address of informant(s) (i).....

2. Land in which an interest is held by informant(s) (ii).....

3. Nature of interest (iii).....

Signed

[on behalf of]

Date

(i) In the case of a joint interest insert the names and addresses of all the informants.

(ii) The land should be described concisely.

(iii) If the interest is leasehold, the date of commencement and length of term should be given. If the land is subject to a mortgage or other incumbrance, details should be given, e.g. name of building society and roll number.

North Somerset District Council

9 December 2022