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STATUTORY INSTRUMENTS

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**2022 No. 1194**

**INFRASTRUCTURE PLANNING**

**The Portishead Branch Line (MetroWest Phase 1) Order 2022**

*Made - - - - 14th November 2022*

*Coming into force 5th December 2022*

**THE PORTISHEAD BRANCH LINE  
(METROWEST PHASE 1) ORDER 2022**

PART 1

Preliminary

1. Citation and commencement
2. Interpretation
3. Incorporation of the Railway Clauses Acts

PART 2

Principal powers

4. Application and modification of legislation
5. Development consent etc. granted by the Order
6. Planning permission
7. Limits of deviation
8. Maintenance of authorised development
9. Benefit of Order
10. Consent to transfer benefit of Order
11. Agreements with Network Rail

PART 3

Streets, Highways and Level Crossings

12. Application of the 1991 Act
13. Street works and power to alter the layout etc. of streets
14. Permanent stopping up of streets
15. Temporary stopping up of streets and public rights of way
16. Bridleways, cycle tracks and footpaths
17. Access to works
18. Agreements with street authorities

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19. Construction and maintenance of new or altered streets
20. Closure of level crossings and crossings over disused railway
21. Accommodation and occupation crossings

#### PART 4

##### Supplemental powers

22. Discharge of water
23. Authority to survey and investigate land

#### PART 5

##### Powers of acquisition

24. Compulsory acquisition of land
25. Modification of Part 1 of the 1965 Act
26. Time limit for exercise of authority to acquire land compulsorily or take land temporarily
27. Compulsory acquisition of rights or imposition of covenants
28. Private rights over land subject to compulsory acquisition or temporary possession
29. Power to override easements and other rights
30. Application of the 1981 Act
31. Acquisition of subsoil or airspace only
32. Rights under or over streets
33. Temporary use of land for carrying out the authorised development
34. Temporary use of land for maintaining the authorised development
35. Disregard of certain interests and improvements
36. Set-off for enhancement in value of retained land
37. Statutory undertakers and electronic communications code network operators
38. Recovery of costs of new connections

#### PART 6

##### Operations

39. Operation and use of railways
40. Operational land for purposes of the 1990 Act

#### PART 7

##### Miscellaneous and general

41. No double recovery
42. Apparatus and rights of statutory undertakers in stopped up streets
43. Felling or lopping of trees
44. Hedgerows
45. Defence to proceedings in respect of statutory nuisance
46. Traffic regulation
47. Application of the Land Compensation Act 1973
48. Application of landlord and tenant law
49. Procedure in relation to further approvals, etc.
50. Service of notices
51. Crown rights
52. Amendment of local byelaws

53. Protective provisions
54. Special category land
55. Documents to be certified
56. Arbitration  
Signature

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## SCHEDULES

### SCHEDULE 1 — Authorised development

In the district of North Somerset:

In the district of North Somerset:

In the City and County of Bristol:

### SCHEDULE 2 — Requirements

#### PART 1 — Requirements

1. In this Part— “Ashton Vale Road and Winterstoke Road Highway...
2. Time limits
3. Stages of authorised development
4. Submission and approval of detail design
5. Construction Environmental Management Plan etc.
6. Landscaping scheme – disused railway
7. Landscaping – other works
8. Temporary fencing
9. Highway accesses
10. Archaeology
11. Surface and foul water drainage
12. Trees
13. Control of invasive plants outside of Avon Gorge Woodlands SAC
14. Avon Gorge Woodlands SAC
15. External lighting and control of artificial light emissions during construction
16. Construction hours
17. Contaminated land and groundwater
18. Works to Winterstoke Road, Bristol
19. Path at Marsh Lane, Easton in Gordano
20. Temporary path at Avon Road, Pill
21. Restoration of land used temporarily for construction
22. Watercourses
23. For the protection of bats
24. Permanent fencing outside of Avon Gorge Woodlands SAC
25. Permanent acoustic fencing
26. Portishead Station and Portbury Ditch
27. Pill Station
28. Operational lighting – highways, bridges, paths and car parks
29. Works affecting M5 Junction 19
30. Clanage Road, Bristol
31. New bridleway east of M5 Avonmouth Bridge
32. Cattle Creep Bridge, Easton in Gordano
33. Perimeter Track between Marsh Lane and the compounds under the M5 Avonmouth Bridge and on Lodway Farm
34. Pill Tunnel Eastern Portal Compound Access, Ham Green
35. Requirement for written approval

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36. Amendments to approved details
37. Anticipatory steps towards compliance with any requirement
  - PART 2 — Procedure for discharge of requirements
38. Applications made under requirements
39. Further information
40. Appeals
41. Interpretation of Part 2 of Schedule 2

SCHEDULE 3 — Streets subject to street works

SCHEDULE 4 — Streets to be stopped up

- PART 1 — Street for which a substitute is to be provided
- PART 2 — Streets for which no substitute is to be provided

SCHEDULE 5 — Streets to be stopped up temporarily

- PART 1 — Street to be stopped up temporarily for which a substitute is to be provided
- PART 2 — Bridleways and footpaths to be temporarily suspended for which no substitute is to be provided during suspension

SCHEDULE 6 — Bridleways, cycle tracks and footpaths

- PART 1 — Footpath to be diverted
- PART 2 — New public rights of way to be created

SCHEDULE 7 — Access to works

SCHEDULE 8 — Closure of crossings

- PART 1 — Crossings: works required
- PART 2 — Crossings: No works required

SCHEDULE 9 — Accommodation and occupation crossings

- PART 1 — Crossings extinguished: works required
- PART 2 — Crossings for which no substitute is to be provided

SCHEDULE 10 — Land in which only new rights, etc., may be acquired

SCHEDULE 11 — Modification of compensation and compulsory purchase enactments for creation of new rights and imposition of restrictive covenants

1. Compensation enactments
2. (1) Without limitation on the scope of paragraph 1, the...
3. (1) Without limitation on the scope of paragraph 1, the...
4. Application of Part 1 of the 1965 Act
5. (1) The modifications referred to in paragraph 4(a) are as...

SCHEDULE 12 — Land of which temporary possession may be taken

SCHEDULE 13 — Hedgerows

- PART 1 — Hedgerows to be removed
- PART 2 — Important Hedgerow

SCHEDULE 14 — Traffic Regulation

SCHEDULE 15 — Amendment of Local Legislation

## SCHEDULE 16 — Protective Provisions

### PART 1 — Protection for Network Rail Infrastructure Limited

1. The following provisions of this Part of this Schedule have...
2. In this Part of this Schedule— “construction” includes execution, placing,...
3. (1) Where under this Part of this Schedule Network Rail...
4. (1) The undertaker must not exercise the powers conferred by...
5. (1) The undertaker must before commencing construction of any specified...
6. (1) Any specified work and any protective works to be...
7. The undertaker must— (a) at all times afford reasonable facilities...
8. Network Rail must at all times afford reasonable facilities to...
9. (1) If any permanent or temporary alterations or additions to...
10. The undertaker must repay to Network Rail all reasonable fees,...
11. (1) In this paragraph— “EMI” means, subject to sub-paragraph (2),...
12. If at any time after the completion of a specified...
13. The undertaker must not provide any illumination or illuminated sign...
14. Any additional expenses which Network Rail may reasonably incur in...
15. (1) The undertaker must pay to Network Rail all reasonable...
16. Network Rail must, on receipt of a request from the...
17. In the assessment of any sums payable to Network Rail...
18. The undertaker and Network Rail may, subject in the case...
19. Nothing in this Order, or in any enactment incorporated with...
20. The undertaker must give written notice to Network Rail if...
21. The undertaker must no later than 28 days from the...

### PART 2 — Protection for Electricity, Gas, Water, Petroleum and Sewerage Undertakers.

22. The following provisions of this Part of this Schedule have...
23. In this Part of this Schedule— “alternative apparatus” means alternative...
24. On street apparatus
25. Acquisition of land
26. Removal of apparatus
27. Facilities and rights for alternative apparatus
28. Retained apparatus
29. Expenses and costs
30. Indemnity
31. Nothing in this Part of this Schedule affects the provisions...

### PART 3 — Protection for Operators of Electronic Communications Code Networks

32. (1) The provisions of this Part of this Schedule have...
33. The exercise of the powers conferred by article 37 (statutory...
34. (1) Subject to sub-paragraphs (2) to (4), if as the...
35. This Part of this Schedule does not apply to—
36. Nothing in this Part of this Schedule affects the provisions...

### PART 4 — Protection for the Environment Agency

37. (1) The following provisions apply for the protection of the...
38. (1) Where in the exercise of the powers conferred by...
39. If, in the exercise of the powers conferred by this...
40. The undertaker must indemnify the Agency in respect of all...
41. Any dispute arising between the undertaker and the Agency under...

### PART 5 — Protection for First Corporate Shipping Limited

42. The provisions of this Part have effect unless otherwise agreed...
43. In this Part— “access works” means works— on, over or...
44. Nothing in this Order affects— (a) any right of BPC...

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45. The undertaker must give written notice to BPC if any...
46. (1) No agreement made under article 11 (agreements with Network...
47. Watercourses and drainage
48. Surveys
49. Streets, access and public rights of way
50. Acquisition and use of land
51. Use of land and execution, maintenance and use of the authorised development
52. (1) If required to do so by BPC (acting reasonably),...
53. (1) The undertaker must present to BPC not less than...
54. Works
55. (1) The undertaker must before commencing construction of any specified...
56. (1) Any specified work and any protective works (and any...
57. The undertaker must— (a) at all times afford reasonable facilities...
58. BPC must at all times afford reasonable facilities to the...
59. (1) If any permanent or temporary alterations or additions to...
60. The undertaker must repay to BPC all fees, costs, charges...
61. If at any time after the completion of a specified...
62. Any additional expenses which BPC may reasonably incur in altering,...
63. (1) The undertaker must pay to BPC all costs, charges,...
64. BPC must, on receipt of a request from the undertaker,...
65. In the assessment of any sums payable to BPC under...
66. BPC's apparatus
67. The Port's railway
68. Trees and other vegetation
69. General
70. Article 49 (procedure in relation to further approvals, etc) will...  
PART 6 — Protection for Exolum Pipeline System Ltd
71. The provisions of this Part have effect for the protection...
72. In this Part of this Schedule— “alternative apparatus” means alternative...
73. Despite any provision of this Order or anything shown on...
74. (1) If, in the exercise of the powers conferred by...
75. (1) Not less than 28 days before starting the execution...
76. (1) Subject to the following provisions of this paragraph, the...
77. (1) If in accordance with the provisions of this Part...
78. Nothing in this Part of this Schedule affects the provisions...  
PART 7 — For the protection of Western Power Distribution Limited (South West) Plc
79. Application
80. Interpretation
81. Precedence of 1991 Act in respect of apparatus in streets
82. No acquisition or extinguishment except by agreement
83. Removal of apparatus
84. (1) Not less than 28 days before the undertaker intends...
85. Expenses and costs
86. Expert determination
87. Nothing in this Part of this Schedule affects the provisions...
88. The provisions of Part 2 of this Schedule do not...  
PART 8 — For the protection of National Grid as electricity undertaker
89. Application
90. Interpretation
91. Except for paragraphs 94 (apparatus of National Grid in stopped...

92. The provisions of Part 2 of this Schedule do not...
93. (1) The undertaker and National Grid will co-operate and work...
94. Apparatus of National Grid in stopped up streets
95. Acquisition of land
96. Removal of existing apparatus
97. Facilities and rights for alternative apparatus
98. Retained apparatus
99. Expenses
100. Indemnity
101. Enactments and agreements
102. Co-operation
103. Access
104. Arbitration
105. Notices
  - PART 9 — For the protection of Wales and West Utilities (“WWU”)
106. For the protection of WWU in this Part of this...
107. In this Part of this Schedule— “alternative apparatus” means alternative...
108. This Part of this Schedule does not apply to apparatus...
109. Regardless of any provision in this Order or anything shown...
110. (1) If, in the exercise of the powers conferred by...
111. (1) Where, in accordance with the provisions of this Part...
112. (1) Not less than 28 days before starting the execution...
113. (1) Subject to the following provisions of this paragraph, the...
114. (1) Subject to sub-paragraphs (2) and (3), if by reason...
115. Nothing in this Part of this Schedule affects the provisions...
116. The provisions of Part 2 of this Schedule do not...
  - PART 10 — For the protection of the National Trust
117. (1) The provisions of this Part of this Schedule have...
118. Powers of compulsory acquisition
119. Works provisions
120. (1) Any activities to be carried out by virtue of...
121. The undertaker must— (a) at all times afford reasonable facilities...
122. (1) Subject to sub-paragraph (2) the undertaker must not in...
123. (1) Subject to sub-paragraph (2) where in the exercise of...
124. Where under this Part of this Schedule the Trust is...
125. The undertaker must repay to the Trust all costs, charges...
126. Expert determination

## SCHEDULE 17 — Documents to be Certified

### Explanatory Note