

Summary of Written Representation by Network Rail (Reference No. 20011596)

1 Summary of Written Representation

- 1.1 Network Rail does not object in principle to the development proposed by the DCO. However it strongly objects to the proposed compulsory and permanent acquisition and temporary use of rights over the plots in which Network Rail and its tenant, Direct Rail Services, have interest, namely Plots 407-409 as shown in the DCO Book of Reference (**Plots**).
- 1.2 The Plots comprise operational land required for the carrying out of Network Rail's statutory undertaking and, as such, Network Rail's access to the Plots must be maintained at all times.
- 1.3 Network Rail considers that the Secretary of State cannot allow the DCO to be granted without amendment, as the test in section 127 of the Planning Act 2008, cannot be satisfied. The Proposed Development would result in serious detriment to Network Rail's undertaking and Network Rail does not have any other land available to it which could be used to avoid such detriment.
- 1.4 Network Rail is in ongoing discussions with the Applicant regarding the property agreements and other documents to be entered into to allow the works proposed by the DCO to be carried out in accordance with the Applicant's timetable, whilst safeguarding Network Rail's access to the Plots. Network Rail also asks that an additional Requirement is included in the DCO which requires a construction management plan to be submitted to, and approved by, the local highway authority and Network Rail before the Highway Improvement Works, insofar as they affect the Plots, are commenced.
- 1.5 Network Rail requests that the protective provisions provided to the ExA [**AS-029**] be included in the DCO at Part 3 of Schedule 15 to the DCO at the next appropriate deadline.
- 1.6 Network Rail is also discussing with the Applicant the need for a Requirement in the DCO to provide for Network Rail's prior approval of a Construction Traffic Management Plan in relation to the works affecting the Plots.
- 1.7 Network Rail is considering the impact of the Proposed Development on the Valley Level Crossing and will respond to the ExA regarding its findings at the next appropriate deadline.

Until such time as Network Rail is given the protection and assurances requested as detailed in this Written Representation, Network Rail's objection to the DCO will not be withdrawn.