

**Application by Esso Petroleum Company Limited for an Order granting Development Consent
for the Southampton to London Pipeline Project**

Summary of Written Representation submitted on behalf of Network Rail Infrastructure Limited

Planning Inspectorate Reference No: EN070005

Reference No: 20022766

Summary of Written Representation

1. Network Rail (**NR**) does not object to the principle of the Proposed Development, subject to the outcome of NR's internal clearance process and the requirements of any regulatory consents. However, NR strongly objects to the proposed temporary and permanent compulsory powers being granted or executed or the extinguishment of the rights held by NR over operational railway land and third party land on which it relies for the carrying out of its statutory undertaking.
2. NR also objects to the Applicant's seeking of powers to carry out works under and/or to the operational and non-operational railway land belonging to NR without first securing appropriate protective provisions for NR's statutory undertaking.
3. NR engineers and the asset protection team are still considering the design of the Proposed Development (as set out in the Book of Reference and further to ongoing discussions between the Applicant and NR). NR will update the Examining Authority at the appropriate Examination deadline. NR can confirm that the depth of the pipeline specified in Class 2 B Rights in the Book of Reference is insufficient.
4. NR submits that it is inconceivable that the construction, maintenance and operation of a pipeline under the heavily used Wessex-route railway lines could be carried out without NR's prior approval due to the significant risks to the safe operation of the railway, the passengers and the train operating companies that use the line and in the event of a problem during any phase of the Proposed Development.
5. NR is in ongoing discussions with the Applicant with regards to the design of the Proposed Development, the private agreements referred to in the Written Representation and the protective provisions to be included in the DCO but until such time as NR is given the assurances detailed in this Written Representation, NR's objection to the DCO cannot be withdrawn.
6. NR requests that the protective provisions appended to the Written Representation be included in the DCO at Part 3 of Schedule 9 and that amendments be made to the Requirements of Part 1 of Schedule 2 to the DCO as set out in the Written Representation (to ensure that NR is consulted in relation to and approves a construction traffic management plan and ongoing maintenance plan regarding the steps to be taken, if necessary, to safeguard the operational railway).
7. If sufficient progress regarding the protective provisions for railway interests and the private agreements between NR and the Applicant is not made between the parties in the coming weeks, NR will request to be heard at an appropriate hearing to explain in detail the impacts of the pipeline scheme. NR will respond to any Written Questions the Panel wishes to ask.

Addleshaw Goddard LLP

14 November 2019