

**Application by London Resort Company Holdings Limited for an
Order granting Development Consent for the London Resort**

**Section 56 Planning Act 2008: Relevant representation on behalf of
Network Rail Infrastructure Limited**

Planning Inspectorate Reference Number: BC080001

1 Background to this representation and Network Rail

This representation

- 1.1 This is the full response of Network Rail Infrastructure Limited (**Network Rail**) to the section 56 notification. A summary of this response has been included in the Registration and Relevant Representation form.
- 1.2 Network Rail is continuing to review the application material, with the intention that further detail will be provided at the written representation stage.

Network Rail

- 1.3 Network Rail is a statutory undertaker and owns, operates and maintains the majority of the rail infrastructure of Great Britain pursuant to its network licence. Under the terms of that licence Network Rail is under a duty to secure the operation, maintenance, renewal and enhancement of the network in order to satisfy the reasonable requirements of customers and funders.
- 1.4 Network Rail's network excludes the HS1 route and its stations, notably London St Pancras and Ebbsfleet. This is owned by HS1 Ltd, under a concession from the British government. Operation, maintenance and renewal of that route and stations are subcontracted to Network Rail (High Speed) Limited, a subsidiary of Network Rail Infrastructure Ltd.
- 1.5 Network Rail recognises the role that the rail network can play in supporting and facilitating sustainable visitor and staff movements to, and from, the London Resort (**the Resort**). However, The London Resort Development Consent Order, in the form currently proposed, does not include appropriate mitigation measures and safeguards to ensure the safe and efficient continued operation of the rail network.
- 1.6 Network Rail has engaged with the applicant during the pre-application stage and intends to continue to fully engage with the applicant and its consultant team. Network Rail understands HS1 Ltd has engaged to understand the direct impact on the HS1 route.

2 Impact of the proposed development on the railway network

Local stations (excluding HS1 stations)

- 2.1 As detailed below, Network Rail's core concern is the need for enhancements to be delivered at Swanscombe station ahead of the Resort opening, and the absence of a commitment to deliver those enhancements.
- 2.2 The applicant has indicated that up to 64% of visitors would be able to access the Resort by rail within 60 minutes and 81% of staff will use public transport to reach the Resort, of whom 50% are assumed to use the rail network. There is a real opportunity for the rail network to be used as part of a sustainable mode share.
- 2.3 However, despite 64% of visitors being within an hour's catchment by rail, the applicant's assessments assume that only 30% of all visitors will arrive by rail. Network Rail's initial view is that the rail mode share has been understated. If the true figure is higher this may result in additional impact on the rail network beyond that currently assessed. Network Rail is considering the potential impact on its network of a higher rail mode share.

- 2.4 The applicant is suggesting that visitors reaching the Resort by rail (other than those arriving on HS1) will arrive at either Greenhithe for Bluewater station or Northfleet station (both on the North Kent line), then catch a shuttle bus to the Resort. Network Rail considers that neither Greenhithe nor Northfleet stations have sufficient capacity to accommodate the number of additional passenger movements the proposals would generate.
- 2.5 In addition, Network Rail has concerns about the ability of the local road network to accommodate the number of shuttle buses proposed. Relying on shuttle buses to distribute Resort customers and staff could lead to queuing at stations when the bus service is delayed or disrupted.
- 2.6 In summary, the station specific concerns are:
- (a) Northfleet is located in a residential area, with a small subway between platforms and has insufficient space for crowd management.
 - (b) Greenhithe for Bluewater is an existing interchange for passengers travelling to Bluewater – that is an important link and must not be compromised. The station is approximately 15 minutes by bus from the Resort entrance and there may be crowd management issues due to two large attractions being served by bus.
- 2.7 Crucially, the applicant's strategy overlooks Swanscombe station, which is located about 5-10 minute walk from the proposed Gate 1. Whether the applicant intends it or not, visitors will inevitably use that station to access the Resort. Its location makes it the obvious 'destination' station for visitors and staff arriving on the North Kent line as it avoids the need for a shuttle bus journey. The applicant refers in passing to the potential for improvements to Swanscombe station as part of its second phase. Network Rail considers that the impact on local stations cannot be appropriately managed unless enhancements to Swanscombe station are delivered before any part of the Resort opens.
- 2.8 Incorporating Swanscombe station into the access plan for the Resort would also remove an interchange from passengers' journeys. This is important to ensure that the option of rail is as attractive as possible by improving passenger experience and thereby encouraging the use of rail. A direct, short walk from Swanscombe station would be quicker than waiting for, and travelling on, a shuttle bus.
- 2.9 In order to accommodate the anticipated passenger numbers, and the proposal to run longer trains in the peak departure period from the Resort, Network Rail requires Swanscombe Station to be upgraded prior to the opening of the Resort through delivery of the following:
- (a) provision of a new station building with ticket barrier line;
 - (b) step-free access between the platforms (either via a subway or footbridge);
 - (c) provision of an appropriate number of escalators or travelators and lifts to ground level to provide step-free access;
 - (d) additional canopies and shelters covering the platform and queuing areas
 - (e) platform widening; and
 - (f) enhancements to the current entrances for local users.

- 2.10 These enhancements have been discussed with the applicant at pre-application stage. Swanscombe station is operated by London & South Eastern Railway Limited (**LSER**) as part of its franchise arrangement. Network Rail understand that LSER will be submitting their own relevant representation. The detail of the proposals will need to be discussed and agreed with LSER, as the train operating company, and secured through a section 106 agreement.
- 2.11 Network Rail are assessing whether any wider interventions are needed to support the increased demand (and in particular the proposal to run longer trains all day and additional trains in the evening). Network Rail will expect any associated costs to be paid for by the applicant.
- 2.12 Increasing the numbers of trains running on the network will impact on Network Rail's ability to carry out its maintenance duties during possessions. A possession is when engineers are given access to the track for a period during which trains do not run. Due to the existing volume of rail traffic in this area the opportunity for possessions is already limited. Increasing the number of train services, and the profile of visitor demand to the Resort (for example with peaks at weekends and bank holidays), is likely to further limit the opportunities for possessions. This issue is compounded by the likely need for additional maintenance due to the extra wear and tear of the network. Network Rail requires the applicant to cover its costs in carrying a study to assess the railway maintenance implications of the proposals.
- 2.13 The additional loading of passengers onto the network at Swanscombe, Greenhithe and Northfleet may have timetabling implications. To properly understand those impacts Network Rail requires the applicant to cover its costs, or to commission, a timetable study to look at:
- (a) how long trains would need to wait at Swanscombe to accommodate the loading on / loading off of passengers for the Resort; and
 - (b) the impact of that on the passenger and freight timetables.
- 2.14 Notwithstanding that Network Rail considers that Swanscombe is best placed to be the "destination station" for Resort visitors arriving by rail, in the event that Greenhithe and/or Northfleet are to be used to accommodate part of that demand then modifications will be needed to those stations.
- 2.15 Network Rail expects that train operating companies will require stations with a direct service to the theme park to be manned by personnel from the running of the first train through to departure of the last train, which would have cost implications.

Ebbsfleet Southern Link

- 2.16 The Kent Route Study (2018) was prepared in the knowledge of the emerging Resort proposals and identified a need for a new connection on the Chatham Main Line to Ebbsfleet to support the predicted passenger uplift demands due to the Resort and also the proposed Ebbsfleet Garden Community. Based on current projections, by the mid-2030s it is expected that the existing North Kent line will be at capacity and so there is a need for an alternative rail route to the Resort. The southern access link would spread the passenger demand on to other lines beyond the North Kent line and HS1 network, and so improve accessibility. Network Rail will require an appropriate contribution towards that scheme to be secured as part of a section 106 agreement.

Impact on the HS1 network

- 2.17 Network Rail understand that HS1 Ltd is undertaking a study to detail the direct impact on the HS1 route. Network Rail hopes to review the findings of that study once it is finalised.
- 2.18 Network Rail raises three main points regarding the impact on the HS1 network insofar as it impacts on the Network Rail network:
- (a) The impact on the wider network of running 12 car trains;
 - (b) The depot implications of introducing any new rolling stock to accommodate a dedicated shuttle service; and
 - (c) The potential impact of the proposals on Network Rail assets which are needed for the HS1 network.
- 2.19 LSER may need to run 12 car trains to meet the additional demand to and from Ebbsfleet (particularly in the shoulder peaks). Those longer trains run on the high speed network between St Pancras and Ebbsfleet but then subsequently re-join the 'standard' non-high speed network (i.e. Network Rail network), stopping at destinations on the Kent loop including Margate, Sandwich and Dover. Network Rail is assessing the implications of running 12 car trains on the Network Rail network.
- 2.20 Network Rail understand that, although not included in the application, the applicant is in discussions with HS1 Limited about the potential for a dedicated shuttle service on the HS1 line between St Pancras and Ebbsfleet. The delivery of that shuttle service may require the provision of new rolling stock. The arrangements for the provision of that are not clear. HS1 Limited have identified the need for additional stabling for up to five trains on the HS1 network. In the event that it is not feasible to accommodate the additional stabling on the HS1 network this may need to be accommodated on the Network Rail network, however, depot capacity in the area is already constrained. There would be further pressure for additional stabling pressure in the event that LSER run 12 car trains (as referred in paragraph 2.19). A coordinated approach to stabling provision is needed.
- 2.21 The Network Rail network is adjacent to and has interfaces with the HS1 network. Network Rail has certain responsibilities and obligations in relation to the operation and management of its own assets and the interfaces which the HS1 network relies upon. Network Rail is assessing whether the proposed development, and in particular, the proposed land take, would affect any of the assets which the HS1 network relies on. Network Rail objects to any aspect of the proposal which would compromise its future ability to operate and maintain these assets as it does at present.

Impact on Network Rail operations at Tilbury

- 2.22 Part of the applicant's transport strategy relies on the use of ferry services running between the Port of Tilbury on the north bank of the Thames and the Resort on the south side of the Thames. It is proposed that visitors could use domestic passenger services on the London, Tilbury and Southend Railway, arrive into Tilbury Town Station, catch a shuttle to Tilbury Docks, and then a ferry across the river. Network Rail's initial view is that there is an opportunity to explore whether the proportion of visitors arriving from the north of the Thames by rail could be increased. Network Rail are considering if enhancements to Tilbury Town station could help to accommodate the anticipated increase in passenger numbers and support an increase in rail mode share. Any such enhancements would need to be agreed

and coordinated with c2C, the relevant train operating company. Network Rail will require those enhancements to be secured by section 106 agreement.

- 2.23 Network Rail is assessing whether it has any interest in the Order limits in this area and the impact of the proposals more generally on its railway operations in this area.

3 Asset protection

- 3.1 It is essential to the safe and efficient operation of the railway network that Network Rail's assets are appropriately protected during both the construction and operational phases. Network Rail is in the process of applying for internal business and technical clearance. Until the outcome of the clearance process is known Network Rail is unable to comment fully on the impact of the proposals on its operational railway. Network Rail intends to keep the Examining Authority informed regarding the clearance process at the relevant examination deadlines.

- 3.2 To ensure that Network Rail's assets are not adversely impacted:

- (a) the applicant must commit to entering into any asset protection agreement(s) and any other documents required by Network Rail for the benefit and protection of its railway (to be in a form stipulated by Network Rail); and
- (b) Network Rail will need to be confident that the proposals will not compromise its duties to operate, maintain, renew and inspect its railway (particularly at the weekends when the peak visitor numbers are anticipated).

4 Objection to the compulsory acquisition of land

- 4.1 Network Rail has various freehold interests within the Order limits – this land has been acquired by Network Rail for the purpose of its statutory undertaking and is used and/or held for that purpose. The affected interests include land forming part of the platforms and track at Swanscombe station and sections of railway embankment.

- 4.2 The applicant is seeking powers to permanently acquire freehold land belonging to Network Rail, and also to temporarily occupy and acquire new rights, and extinguish existing rights belonging to Network Rail. If exercised these compulsory acquisition powers would seriously compromise Network Rail's ability to carry out its statutory undertaking. Accordingly Network Rail objects to the inclusion of any part of its land in the draft Order and to the grant of compulsory acquisition powers in respect of its land.

- 4.3 In addition, some of the land within Order limits is land that was formerly owned by railway undertakers and which may be subject to access rights, other reserved rights, and/or access rights for the benefit of Network Rail's retained land. Those interests may not be included in the Book of Reference. Network Rail are reviewing this.

- 4.4 The applicant is also seeking to acquire land which is subject to a safeguarding direction for the Crossrail Extension. The safeguarding covers the entirety of Network Rail route in this location, including land around Northfleet and Swanscombe stations. That land has been subject to a formal safeguarding process to ensure that it is protected from any future conflicting development which may compromise the Crossrail Extension. There appears to have been no assessment of the impact of the Order powers on land which is subject to the safeguarding direction or the impact that the acquisition of any interests in or over this land would have on the ability to deliver the Crossrail Extension.

- 4.5 In considering this representation the Secretary of State should have regard to section 127 and 138 Planning Act 2008. Network Rail considers that the Secretary of State, in applying these provisions cannot conclude that the land or rights can be purchased without serious detriment to the carrying on of Network Rail's undertaking, nor can any detriment to the carrying on of the undertaking, in consequence of the acquisition, be made good by the use of other land belonging to or available for acquisition by Network Rail.
- 4.6 Network Rail also objects to all other compulsory purchase powers in the draft Order to the extent that they affect, and may be exercised in relation to, Network Rail's property and interests.
- 4.7 The Statement of Reasons indicates that Network Rail has interests in only two plots which are subject to the Order (plots 261 and 366). However, the Book of Reference indicates that Network Rail have interests in a total of 10 plots. Network Rail is carrying out a review exercise to confirm if it has any other interests (including historic rights) which may be affected by the proposals, and is also analysing the extent of its land interests which are affected by the proposals.

5 Absence of protective provisions

- 5.1 The draft Order, as submitted, does not include any protective provisions in favour of Network Rail. It is essential that these are included to ensure that Network Rail's interests as a statutory undertaker are properly protected. Network Rail expects the protective provisions to be binding on any person to whom the benefit of the provisions of the Order, if made, are transferred. Network Rail is happy to provide a copy of these to the applicant's solicitors for inclusion in future drafts of the Order.

6 Environmental

- 6.1 Network Rail is aware of the environmental sensitivity of the site and is reviewing the environmental implications in respect of its own land, particularly in terms of flood risk and whether the reduction in wildlife habitat may force wildlife towards railway infrastructure. Network Rail will comment more fully on the environmental implications in its written representations.

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