



BY EMAIL ONLY

FAO: Rynd Smith, Lead Member of the Examining Authority
National Infrastructure Planning
Temple Quay House
2 The Square
Bristol
BS1 6PN

Our ref: KJES/RYP/115040.00407

15 March 2022

Dear Mr Smith

Response submitted by: Network Rail Infrastructure Limited

Registration identification number: 20027909

In relation to: Application by London Resort Company Holdings for an Order Granting Development Consent for the London Resort

We act for Network Rail Infrastructure Limited (**Network Rail**).

Network Rail responded to the Examining Authority's consultation on the timing of the Examination on 10 January 2022. It remains Network Rail's view that the rail network can play an important role in supporting and facilitating sustainable visitor and staff movements to, and from, the London Resort (**the Resort**). However, the realisation of the rail benefits relies on a coordinated and comprehensive rail strategy, underpinned by robust technical assessments. At the moment there is no such strategy, and there are gaps in the technical work.

As set out in its January 2022 submission, Network Rail has identified the need for the following pieces of work to be undertaken prior to the examination commencing:

- (a) review and preparation of an initial design for the improvements required to Swanscombe station, and preparation of costings; and
- (b) RailPlan modelling (based on the TfL model). Network Rail would then need to review the outcomes of the modelling to identify the capacity-related interventions needed on the wider rail network.

It remains Network Rail's view that it cannot fully assist the Examining Authority in its assessment of the application until this further assessment work has been undertaken. As a result, Network Rail continues to support a delay to the start of the Examination to enable that work to be carried out. Without this work the rail



impacts cannot properly be known and so neither Network Rail nor the Examining Authority will be in a position to meaningfully assess the mitigation measures needed to address those impacts.

The further rail modelling and assessment work ought to have been undertaken by the applicant, and Network Rail's input and review of the modelling work requested, prior to submission of the application. Network Rail therefore expects the costs of the station improvements assessment work (referred to in (a) above) and its review of the RailPlan modelling to be borne by the applicant. There continues to be no firm commitment to cover these costs. The Examining Authority is asked to note that the majority of the work identified above would be undertaken internally by specialists at Network Rail. It is only at the point that there is a commitment to cover Network Rail's costs that the further assessment work can be programmed and likely timeframes provided for completion.

If the Examining Authority is minded to start the examination at the end of March 2022, Network Rail asks that:


- (a) any timetables or deadlines connected to the further assessment work be agreed with Network Rail (noting that some of this work will be carried out internally);
- (b) rail specific hearings are scheduled to consider:
 - (i) the impacts of the proposals on the rail network; and
 - (ii) the detail of rail specific mitigation measures which are required;
- (c) any rail-specific hearings be scheduled later in the examination period to allow for the further assessment work to be carried out;
- (d) a hearing session be scheduled to discuss protective provisions; and
- (e) in recognition of the challenges faced by Network Rail, and other rail bodies, further time be allowed for the submission of written representations by statutory bodies.

Network Rail suggests that the time reserved for hearings between 2 and 5 August 2022 could be used for the rail specific hearings, subject to the availability of other rail industry bodies.

As requested by the Examining Authority, we enclose a schedule of the engagement between Network Rail between 1 February and 15 March 2022.

We have registered to speak at the Preliminary Meeting on behalf of Network Rail – we do not intend to orally repeat the points made in this letter but will be available at the Preliminary Meeting to assist the Examining Authority.

Yours faithfully



Dentons UK and Middle East LLP

Network Rail and London Resort Company Holdings - schedule of engagement between 1 February and 15 March 2022

Date	Time	Method	Parties involved	Purpose of engagement	Scope / outcome
22-Feb	18:26	Email	Dentons (acting for NR) to Evershed-Sutherland	Issue by Dentons of revised Costs Recovery Agreement	Sets out NR's proposed mechanism for LHRC to pay NR's costs in connection with necessary further work and seeks engagement on the Statement of Common Ground
25-Feb	07:00	Email	NR & TfL to Richard Hutchings, LRCH	Issue of letter from TfL and NR setting out concerns regarding progress on the London Resort Development Consent Order application	TfL and NR offer a meeting to discuss outstanding issues
25-Feb	09:32	Email	Paul Best (NR) to Tom Stoddart-Scott (LRCH)	Email regarding Costs Recovery Agreement	Sets out NR's proposed mechanism for LHRC to pay NR's costs in connection with necessary further work and seeks engage on the Statement of Common Ground
28-Feb	09:40	Email	Richard Hutchings (LRCH) to NR & TfL	Response from LRCH to letter issued on 25 February	Response details availability over the next two weeks
07-Mar	19:49	Email	Eversheds Sutherland to Dentons	Response regarding Costs Recovery Agreement and engagement regarding protective provisions	Eversheds awaiting instructions on Cost Recovery Agreement. NR to responding regarding protective provisions.
09-Mar	10:47	Email	Richard Hutchings (LRCH) to NR	Response regarding Costs Recovery Agreement Agenda:	Richard Hutchings confirms he will follow up
				1. Introductions	
				2. DCO update (prelim meeting etc)	
			Richard Hutchings (LRCH), Tom Stoddart-Scott (LRCH), Paul Best (NR), Alex Hellier (NR), Benji Deane (GTR), James Harris (GTR), Matteo Catalano (DfT), Ben Olney (HS1), Matthew Rheinberg (TfL), Neil Owen (Southeastern) and others from DfT/WSP	3. Update on rail modelling - liaison with HS1 and Steer report etc	
				4. Use of Railplan	
				5. Swanscombe Station	
10-Mar	14:00	Teams Meeting		6. Other rail issues	Discussion on rail issues. Further meeting with NR, SE, GTR and LRCH to discuss Swanscombe station to be held
				7. SOCGs	LRCH confirm that work to be carried out on Railplan modelling.
				8. AOB	Draft Statement of Common Ground to be shared by LRCH with stakeholders
				Highways specific discussion to follow:	
				9. Update on traffic modelling - liaison with NH and use of KCC model	
				10. Impact on TfL highway network	