

APPLICATION BY NNB GENERATION COMPANY (SZC) LIMITED FOR AN ORDER GRANTING DEVELOPMENT CONSENT FOR THE SIZEWELL C NUCLEAR POWER STATION
PLANNING INSPECTORATE REFERENCE: EN010012

INTERESTED PARTY REFERENCE: 20026630

RELEVANT REPRESENTATION OF NETWORK RAIL INFRASTRUCTURE LIMITED IN RELATION TO THE APPLICANT'S PROPOSED PROVISION (COMPULSORY ACQUISITION REQUEST IN RESPECT OF ADDITIONAL LAND " CHANGES 11, 12 AND 13)

This is the section 56 representation of Network Rail Infrastructure Limited (Network Rail) provided in respect of NNB Generation Company (SZC) Limited's (Applicant's) application for a Development Consent Order (Order) seeking powers to construct a nuclear power station known as Sizewell C (Scheme). This relevant representation is made in addition to Network Rail's original relevant representation (Examination Library Reference: RR-0006) (Original Representation) and relates to the applicant's proposed provision (Compulsory Acquisition Request in respect of additional land " Changes 11, 12 and 13).

Network Rail has no comment in relation to proposed Changes 11 and 13. However, proposed Change 12 seeks to extend the Order Limit on the Sizewell link road to include 2 plots (Plots) of land owned by Network Rail forming part of the operational railway being the Saxmundham to Leiston branch line (Branch Line) in respect of which compulsory acquisition powers are sought (Compulsory Powers).

The impacts of the Scheme on Network Rail's land including the additional Plots and how these impacts may be mitigated is the subject of further engagement and assessment with the Applicant. For this purpose, Network Rail and the Applicant have an agreement in place for joint working and have formed a joint Project Board.

Until such time as the impacts of the Scheme and how these impacts may be mitigated is clear, to safeguard Network Rail's interests and the safety and integrity of the operational railway, Network Rail objects to the inclusion of the Plots in the Order and to Compulsory Powers being granted in respect of them. The Plots constitute land acquired by Network Rail for the purpose of its statutory undertaking and, accordingly, this representation is made under section 56 and sections 127 and 138 of the Planning Act 2008.

Network Rail considers that there is no compelling case in the public interest for the Compulsory Powers and that the Secretary of State, in applying section 127 of the Planning Act 2008, cannot conclude that new rights and restrictions over the Plots can be created without serious detriment to Network Rail's undertaking; no other land is available to Network Rail by which to make good the detriment. Network Rail also objects to all other compulsory powers in the Order that affect, and may be exercised in relation to, Network Rail's property and interests.

In order for Network Rail to be in a position to withdraw its objection Network Rail requires:

- (a) further information from the Applicant about the Proposed Works and the Freight Use (as defined in the Original Representation);
- (b) agreements with the Applicant regulating the manner in which rights over the Plots are acquired and the manner in which work impacting the Plots, and any other land owned by Network Rail, is carried out, including terms protecting Network Rail's statutory undertaking;
- (c) agreement that the Compulsory Powers will not be exercised; and
- (d) the inclusion of appropriate protective provisions in the Order for its benefit.

Network Rail is concerned that no protective provisions for its benefit have been provided for in the Order but has received confirmation from the Applicant that it does intend to include protective provisions for Network Rail in the next draft of the Order, and is working with the Applicant now to finalise the wording of such protective provisions. Network Rail reserves the right to produce additional grounds of concern when further details of the Scheme and its effects on Network Rail's land are available.