

Sizewell C DCO

Examiner's Second Written Questions (ExQ2)

Network Rail Infrastructure Limited responses

ExQ2	Question to:	Question:	NR Response
NV.2.3	Applicant, Network Rail	<p>Rail Noise Mitigation Scheme</p> <p>(i) Please advise the latest position regards to the likely deliverability of this scheme in light of it being identified as primary mitigation.</p> <p>(ii) If it is not all delivered, what is the back-up position to safeguard receptors that might consequently be subject to adverse noise conditions, particularly for those receptors which would be subject to noise above SOAEL?</p> <p>(iii) Are there any elements which have not been agreed?</p> <p>(iv) It would appear that all of the noise mitigations identified in the rail noise assessment should be secured through the requirements in the DCO. If this is not agreed please explain your position.</p>	<p>Network Rail cannot comment on the specifics of the Applicant's scheme as Network Rail has not been involved in or contributed to the rail noise assessments used to produce the scheme or been engaged in the devising of the scheme itself. The Applicant has not engaged with NR in relation to these issues or provided funding to allow NR to analyse the impacts of the development. As such, Network Rail cannot provide comment on whether the scheme is deliverable.</p> <p>NR however is happy to work with the Applicant to identify suitable mitigations but cannot (for the reasons detailed in the response to NV.2.8(ii)) support noise barriers. One of the ways in which NR has assisted the Applicant is through working to enter into a contract for the delivery of surveys for the Track Replacement Scheme (Continuous Welded Rail). NR has also entered into a framework agreement which provides that the parties will work together to enter into relevant agreements in the future.</p>
NV.2.8	Applicant, Network Rail	<p>Rail Noise Mitigation</p> <p>Paragraph 5.11.13 of NPS EN-1 states that improved sound insulation may be appropriate, but only "in certain situations, and only when all other forms of noise mitigation have been exhausted".</p> <p>(i) Have all other forms of mitigation been exhausted?</p>	<p>i) Network Rail has not been involved in or contributed to the rail noise assessments used to produce the scheme or been engaged in the devising of the scheme itself. The Applicant has not engaged with NR in relation to these issues or provided funding to allow NR to analyse the impacts of the development. As such, Network Rail</p>

		<p>(ii) What progress has been made in the consideration of barriers as an alternative to insulation of people's homes?</p>	<p>cannot provide comment on whether the scheme is deliverable.</p> <p>ii) On 29 July 2021, the Promoter raised with Network Rail that the installation of acoustic noise barriers at the Whitearch mobile home park at Benhall, near Saxmundham would be beneficial to mitigate noise from the Proposed Development. The Promoter noted that these works were not essential and due to the topography of the site, the works would need to be installed on Network Rail land.</p> <p>Network Rail is not agreeable to the installation of noise barriers upon its property on the basis that proposals of this nature would cause set an unacceptable precedent as well as causing risks to safety and negatively impact on the environment:</p> <p>1. Unacceptable precedent</p> <p>The railway was authorised by the Railways Clauses Consolidation Act 1845 and the authorising act pertaining to the East Suffolk Line (the Acts), which permit intensification of use that will arise from operating additional trains. Network Rail does not consider that the proposed intensification of use would be sufficient as to require additional interfaces to control additional noise.</p> <p>As such, Network Rail considers that agreeing to the installation of noise barriers in this case would set an unacceptable precedent that noise mitigation is required where intensified use of the railway has occurred. Other developers and communities may therefore insist on noise barriers which are similarly unnecessary. Resulting in addition unnecessary risk</p>
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<p>NV.2.9</p>	<p>Applicant, Network Rail, ESC</p>	<p>Rail Noise Mitigation</p> <p>Additional assessments of rail noise were undertaken in Woodbridge and Saxmundham to consider the implications of the rail strategy in respect of house boats and park homes.</p> <p>(i) Please provide an update on what the noise mitigation proposed is to be and how this would be secured.</p>	<p>Network Rail has not been involved in or contributed to the rail noise assessments used to produce the scheme or been engaged in the devising of the scheme itself. The Applicant has not engaged with NR in relation to these issues or provided funding to allow NR to analyse the impacts. As such, Network Rail cannot provide comment on whether the scheme is deliverable. See also statement on noise mitigation barriers referred to at NV.2.8 above.</p>

		<p>(ii) In the event screening in these locations would facilitate an improved noise environment for these receptors, has a similar option been considered for other receptors along the line?</p> <p>(iii) Could this be secured in the event it was considered appropriate?</p>	
NV.2.10	Applicant, Network Rail, ESC	<p>Noise and Vibration from Rail Freight</p> <p>ESC have sought additional clarification in respect of the uncertainties of the predictions of noise and ground borne vibration from rail activities. Can the ExA be updated on the current position regarding this updated information and whether the parties are agreed now as to the suitability of its forecasting, and the consequential assessments of noise and vibration and the consequential suitability of any mitigation</p>	Network Rail has not been involved in or contributed to assessments relating to noise and vibration and has not been engaged with the Applicant in relation to any mitigation schemes relating to noise and vibration. The Applicant has not engaged with NR in relation to these issues or provided funding to allow NR to analyse the impacts. As such, Network Rail cannot provide comment on the suitability of any proposed mitigation.
SE.2.0	Applicant, SCC, ESC, Network Rail	<p>Rail Services</p> <p>In trying to understand the socio-economic and community effects which may result from the development. Can you assist the ExA in understanding the status of the Rail Prospectus referred to within the LIR [REP1-045]. This appears to indicate that in order to support economic growth in the region upgrading of the rail line to improve both passenger and freight capacity during the construction period for the development is sought.</p> <p>(i) What status in planning terms does this document have?</p> <p>(ii) Would operating the night time rail freight service as proposed prevent the delivery of rail improvements during this period?</p>	<p>i) N/A</p> <p>ii) Maintenance access will continue to be required as part of any operating timetable and there will therefore be impacts on the operation of night time rail freight service. It is currently proposed that works to be undertaken on the East Suffolk Line will be completed ahead of Sizewell C construction operations or before freight trains commence, dependant on the scheme to minimise disruption. However, this is contingent on night time rail freight services being as currently proposed by the Applicant; any further changes to timetabling will require further assessment of impacts on the delivery of rail improvements. As and when projects</p>

		<p>(iii) Had the Council's or Network rail developed a mechanism to fund the rail improvements envisaged within the prospectus, by for example requiring developer contributions through the Community Infrastructure Levy or other mechanism?</p> <p>(iv) Did the socio economic assessment consider the implications of effects of the DCO scheme on the potential delivery of rail improvements during the proposed construction programme?</p>	<p>emerge, NR assesses and the impacts are reviewed at the time.</p> <p>iii) NR confirms there are no plans in place and funded for the East Suffolk Line as outlined in the prospectus. The Applicant has advised that double tracking will no longer be considered and the freight train movements have been submitted as night time movements as follows:</p> <ul style="list-style-type: none"> • Initially 2 trains (4 paths during night hours) • Rising to 4 trains (8 paths, 7 during night hours and one operating as per the previous flask path) <p>iv) N/A</p>
<p>TT.2.5</p>	<p>The Applicant, Network Rail</p>	<p>Darsham Level Crossing – Safety Concerns</p> <p>Following ExQ1, TT.1.102 both parties were reviewing the situation with regard to the safe operation of this crossing. Provide an update on the progress of these reviews and whether any intervention is required as the result of the Proposed Development</p>	<p>NR have reviewed Level Crossings on the East Suffolk Line with the Applicant. NR are concerned by the increased risk at Darsham level crossing as a result of the proposed additional traffic.</p> <p>NR explored with the Applicant the option of moving the station car park to mitigate this risk. This was deemed not possible by the Applicant, within the timescales available and would necessitate a change in the planning application for the land requested (Temporary to Permanent change).</p> <p>It was concluded by both parties that the only suitable mitigation would be to upgrade to a full barrier crossing.</p>

			<p>The cost is likely to be in the order of circa £4m (based on previous interventions of similar size/design).</p> <p>In principle NR agrees that a 50/50 split of funding would be appropriate (due to existing ongoing reviews of this crossing) however NR cannot commit to this due to not having confirmed funding secured.</p> <p>NR will be applying for funding for this enhancement as part of its funding submission for CP7 (Mar 2024). However, should funding not be secured, the mitigation works could not be delivered and NR could not support the Park & Ride car park operation due to the unacceptable risk.</p> <p>An inability to provide the identified mitigation would result in an unacceptable risk due to the increase in traffic as well as a change in risk profile caused by landscape changes. The impacts will cause rail passengers further inability to traverse the road from the car park and any proposed new floodlighting would impair visibility or potentially create glare additionally impairing visibility for both users wanting to cross the road and drivers using the road.</p> <p>This level crossing is currently under review by NR. Additionally, it also has a higher profile of interest from the Office of Rail and Road (ORR). NR intended to include upgrades to a full barrier level crossing at Darsham in its CP7 settlement. The timescales of such would preclude delivery ahead of any proposed construction activities.</p> <p>NR note that the legal framework agreement provides that the Park & Ride at Darsham can only become operation if mitigation is secured and delivered within 6 to 12 months.</p>
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<p>TT.2.19</p>	<p>The Applicant, Network Rail</p>	<p>Rail Delivery – Timescales</p> <p>In the Network Rail Update [AS-296] it is stated that “the Parties have signed a legal frameworks agreement and have agreed to work together with the aim of delivering 2 tpd by December 2022 and 4 tpd per day by August 2023 (i.e. to be operational)”. Set out in paragraph 1.2.1 of the oral submissions from ISH2 [REP5-107] is that four trains per day is expected from March 2024. In addition, in the Material Imports and Modal Split paper, Appendix A [REP5-114] at the top of Page 7 it states that “It is necessary for the rail capacity to be provided by October 2023 (two trains per day) and March 2024 (four trains per day), otherwise the HGV limits would constrain the ability to bring material to the Main Development Site in sufficient quantities to support the construction programme.” Please confirm the agreed implementation dates and comment on the deliverability of these dates:</p> <p>(i) Two trains / day; and</p> <p>(ii) Four trains / day</p>	<p>AS-296 states that it was the intention of the parties to have a legal framework agreement in place to deliver 2 tpd by December 2022 and 4 tpd by August 2023, not that the agreement has been entered into. At the date of the submission of these responses, the agreement has been completed.</p> <p>The dates referred to in AS-296 (December 2022 and August 2023) were incorrect and do not accord with NR’s submissions to the Examination on deliverability dates or current discussions between the parties. All NR submissions refer to the following dates only:</p> <ul style="list-style-type: none"> (i) Two trains (4 paths) - Oct 2023 (Originally Jan 2024) (ii) Four Trains (8 paths) - Mar 2024 (Originally August 2024) <p>An indicative programme has been established which demonstrates the need by dates of the various interventions or activities to be concluded to enable operations or construction to commence. This programme is not a confirmed activities programme for delivery and implementation.</p> <p>Timeframes are constrained and as the form of the legal framework agreement has now been completed the Applicant and NR have commenced proceedings to enter into relevant development, design and implementation agreements for the East Suffolk Line on both Track Enhancements and Level Crossing interventions. These agreements however are not fully entered into and will continue to evolve through the survey, options development and design phases (track enhancements), before implementation and delivery after the DCO examination has ended. Any mitigations</p>
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