

Responses to Examiner's Questions – Network Rail Infrastructure Limited

ExQ	Question	Response
1.3.8	Please provide details (including a plan) identifying any NR land interests or property affected by the proposed DCO.	<p>The attached plan shows four level crossings on the London, Tilbury and Southend railway line that are affected by the proposed DCO:</p> <ul style="list-style-type: none"> (a) Low Street level crossing (shown marked as TLL 24.10 M.Chns) (b) East Tilbury level crossing (shown marked as TLL 25.12 M.Chns) (c) No. 168 level crossing (shown marked as TLL 24.02 M.Chns) (d) Walton Common level crossing (shown marked as TLL 23.40 M.Chns) <p>Please note that the level crossing shown marked as TLL 24.43 M.Chns on the plan is not affected by the proposed DCO.</p> <p>The railway line more generally would be impacted by the proposed works to the south east of the railway line within Zone C, as more fully detailed in Network Rail's Written Representation.</p>
1.7.39	Please comment on the protective provisions set out in Schedule 9, P6 of the dDCO. Please provide details of any additional protections Network Rail considers are necessary to protect its interests.	<p>The protective provisions included within Part 6 of Schedule 9 to the Proposed DCO are not sufficient to protect the interests of Network Rail. The protective provisions were included in the Proposed DCO without any engagement with Network Rail or a proper understanding of the level of protection required by Network Rail.</p> <p>Network Rail therefore requests that the bespoke protective provisions (as set out in Network Rail's written representation) are included in the proposed DCO for the benefit of the safety of railway interests. Without the bespoke protective provisions, Network Rail has no control over the safe use of the level crossings, meaning that the detriment caused to the level crossings and the safety of the railway users by the increased traffic related to the Proposed Development, cannot be made good by Network Rail without Network Rail allocating funds to carry out improvement works. A cost that should equitably be met by the Applicant. In addition, Network Rail has no control over proposed works that would affect the safety of the railway and its users.</p> <p>The bespoke protective provisions provide for the following:</p>

		<ul style="list-style-type: none">• Consultation with and approval of Network Rail is required in relation to the construction traffic management plan, construction worker plan and detailed design.• The Applicant must enter into an agreement with Network Rail to provide access rights over the access road to allow Network Rail to access Walton Common level crossing.• Minimum requirements on the distance of the access road junction from the Low Street level crossing.• Obligations to provide mitigation works in the form of anti-dazzle fencing and upgrades to fencing and gates at Walton Common level crossing.• An obligation to upgrade works to the road approach to Low Street level crossing.• An obligation to enter into an asset protection agreement requiring Network Rail approval of the design and construction methodology of the gas pipeline, water pipeline and access road.• An obligation that the Applicant repays all Network Rail's reasonable costs incurred as a result of the provision of engineers to approve the travel plans, the provision of services required to ensure the safety of railway property and its users, and as a result of specified works or damages caused to railway property as a result of the Proposed Development.• An obligation that the Applicant indemnifies Network Rail against claims arising out of or in connection with specified works. This is to ensure that Network Rail and the tax payer are not unduly financially burdened as a result of the Proposed Development taking place.
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