

From: Jones, Charlotte <Charlotte.Jones@addleshawgoddard.com>
Sent: 20 January 2021 16:49
To: South Humber Bank <SouthHumberBank@planninginspectorate.gov.uk>
Cc: Hodge, Sarah <Sarah.Hodge@addleshawgoddard.com>
Subject: South Humber DCO Submission - Deadline 3 - Network Rail Infrastructure Limited [ADDGDD-Live.FID3314360]

Dear Sir or Madam

EN010107, Deadline 3
IP Reference: 20025443

We refer to the DCO application (**DCO Application**) by EP Waste Management Ltd (**Applicant**) for the South Humber Bank Energy Centre Project. We are instructed by Network Rail Infrastructure Limited (**Network Rail**) in relation to the DCO Application.

Open Floor Hearing

The Examiner has confirmed that it would like to hear Network Rail speak at this hearing. Network Rail confirms that Roland Kettle will be available to speak on its behalf at the Open Floor Hearing and will be joined by Network Rail's legal representation Sarah Hodge of Addleshaw Goddard LLP.

Network Rail would like to discuss the following concerns:

- The impact of the additional vehicle movements resulting from the proposed development on the Kiln Lane level crossing.
- The need for improvement works to the crossing deck and approaching Kiln Lane level crossing
- The measures required to mitigate against risks to the safety of users of the railway at the Kiln Lane level crossing being:
 - the carrying out of improvement works to the crossing deck and approaching road to Kiln Lane level crossing;
 - amendments to the requirements of the DCO to regulate the use of the level crossings; and
 - the inclusion of Network Rail's protective provisions in the DCO.

Issue Specific Hearing

Network Rail confirms that Roland Kettle will be available to speak on its behalf at the Issue Specific Hearing and will be joined by Network Rail's legal representation Sarah Hodge of Addleshaw Goddard LLP.

Network Rail would like to discuss the lack of protective provisions included in the DCO to mitigate against the impact of the additional vehicle movements resulting from the proposed development on the Kiln Lane and Marsh Lane level crossings.

Responses to Examiner's Questions

Network Rail has responded to Examiner's Questions Q15.0.6 and Q15.0.7 in the Statement of Common Ground (Examination Library reference REP1-007) submitted at Deadline 2. However for completeness, please see attached specific responses.

Statement of Common Ground

The Promoter has submitted a negotiated Statement of Common Ground which has been updated from that submitted at Deadline 2. This shows where the parties are still unable to agree and negotiations will continue with the aim of providing a final Statement of Common Ground in due course.

I would be grateful if you could please confirm that this submission has been received.

Kind regards

Charlotte

Charlotte Jones
Associate

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Network Rail Infrastructure Limited (IP Reference: 20025443)

Responses to Examiner's Questions

| ExQ1 | Question to: | Question: | Response: |
|-------------|---------------------|---|---|
| Q15.0.6 | Network Rail | <p>Appendix 2 (Consented Development Officers Report) to the Planning, Design and Access Statement [APP-024] indicates Network Rail raise no objections to planning application DM/1070/18/FUL, subject to the inclusion of informative(s). Whilst the differences between the development permitted under the TCPA Planning Permission and the NSIP application, currently under consideration, are noted, please provide comment on the change in Network Rails position from that set out by NELC in their Consented Development Officers Report.</p> <p>In responding, please bear in mind the documentation before NELC when they considered and approved Planning Application DM/1070/18/FUL. Please draw the ExA's attention to anything within the submitted documentation related to this NSIP Application, including ES Chapter 9: Traffic and Transport [APP-043] and/ or its Appendices [APP-115], [APP-116], [APP-117], [APP-118], [APP-119] and [APP-120], that resulted in Network Rail becoming concerned and caused them to object to the proposed development, as set out in their RR [RR-001].</p> | <p>The more rigorous consultation process associated with a DCO compared to a planning application has meant that the NSIP application received additional scrutiny by the Network Rail team. As such, there were no specific submitted documents relating to this NSIP application that resulted in Network Rail's concerns and objection, but rather the NSIP application afforded Network Rail the opportunity to dedicate more resource to reviewing the impacts of the proposal and object to the proposed development in a way that it had not been able to previously.</p> <p>These reasons were set out by Network Rail in the Statement of Common Ground (Examination Library reference REP1-007) submitted at Deadline 2.</p> |

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| Q15.0.7 | The Applicant and Network Rail | Please comment on whether a realistic fallback position exists in relation to the Planning Permission granted under Planning Reference DC/1070/18/FUL, or has the potential to exist within the lifetime of the above mentioned Planning Permission. Please comment on whether such a fallback position has any bearing on the RR [RR-001] made by Network Rail? | Any fallback position would not have a bearing on the relevant representation made by Network Rail. |
|---------|--------------------------------|--|---|