

**From:** Jones, Charlotte [REDACTED]  
**Sent:** 18 February 2021 14:37  
**To:** South Humber Bank <SouthHumberBank@planninginspectorate.gov.uk>  
**Cc:** Hodge, Sarah [REDACTED]  
**Subject:** South Humber DCO - Network Rail Infrastructure Limited - Written summary of hearing submissions [ADDGDD-Live.FID3314360]

Dear Sir or Madam

**EN010107, Deadline 4**  
**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.

I attach the written summary of Network Rail's oral submission made at the Open Floor Hearing held on 8 February 2021.

The actions arising out of the Issue Specific Hearing relating to Network Rail have been picked up in the latest version of the Statement of Common Ground which is being submitted by the Applicant's solicitors ahead of Deadline 4.

I would be grateful if you could please confirm receipt of this submission.

Kind regards

Charlotte

**Charlotte Jones**  
Associate

**Addleshaw Goddard LLP**



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**NETWORK RAIL INFRASTRUCTURE LIMITED**  
**SOUTH HUMBER DOC OPEN FLOOR HEARING**  
**8 FEBRUARY 2021**

**Attendees**

**Network Rail Infrastructure Limited (NR)**      Roland Kettle (RH)  
Adrian Brown (AB)

**Addleshaw Goddard LLP**      Sarah Hodge (SH)  
**(on behalf of Network Rail Infrastructure Limited)**

**Submissions (made by SH on behalf of NR)**

1. SH confirmed that Network Rail felt it was important to attend the hearing given its serious concerns around elements of the project. The details of which were not repeated as they are already set out in written submissions made previously including the Statement of Common Ground with Network Rail submitted at Deadline 3 Examination Library Reference REP3-006) and Network Rail's Written Representation (Examination Library Reference REP2-021).
2. SH summarised, in brief, Networks Rail's key concerns being:
  - (1) the impact that increasing the HGV movements over the Kiln Lane level crossing by approximately 624 a day would have on (a) the crossing itself and (b) the safety of the users of the Kiln Lane level crossing;
  - (2) concerns around the lack of control over any significant future increase in the anticipated HGV movements due to the proposed development; and
  - (3) concerns around the cost of mitigating the impact of the proposed development on the Kiln Lane level crossing.
3. SH also confirmed that Network Rail wanted to make Mr Kettle (Head of Asset Protection and Optimisation at Network Rail who has over 13 years' experience at NR including as a Principle Health and Safety Manager) and his colleague Mr Brown, available at the hearing to answer any questions the Examining Inspector had.

4. SH went on to confirm that, there have been without prejudice communications between Pinsent Masons representing the Applicant and Addleshaw Goddard representing Network Rail ongoing since December 2020, and that terms (which are confidential) had been agreed.

Following the completion of relevant agreements/obligations related to these terms, Network Rail would be satisfied that its concerns have been mitigated, and would be in a position to withdraw its objection.

Therefore, no further submissions were intended to be made, and it was confirmed that a final update, would be provided to the Examining Inspector at Deadline 4, if not before.

### **Examining Inspector response to submissions**

The Examining Inspector expressed approval that an agreement between the parties had nearly been reached but that in light of this many questions that would have been raised were likely be redundant. Notwithstanding this, and noting the obligations of confidentiality agreed between the parties, the Examining Inspector asked the following questions with the responses set out below:

1. Have the protective provisions for inclusion in the Order been agreed, as requested in the schedule to the Statement of Common Ground?

SH confirmed that the protective provisions have been agreed between the parties.

2. Will a section 106 agreement be entered into to secure any payments or contributions?

SH confirmed that a section 106 agreement would not be entered into

3. Have Network Rail's safety concerns been met?

SH confirmed that, once the terms and obligations of the proposed agreement have been carried out. Network Rail's safety concerns will have been met.

4. Have the requirements for the Order been agreed?

SH noted this was more challenging to answer as there were still some differences on requirements depending on whether or not the proposed agreement is entered into. However, requirements are largely agreed. Any points of disagreement would be confirmed at Deadline 4 when it is anticipated that an updated Statement of Common Ground would be submitted.

RH and AB confirmed SH's submissions and responses to the Examining Inspector's questions were correct and that they had nothing further to add.

Nick McDonald (acting for the Applicant) confirmed agreement with Network Rail's position as put forward by SH and confirmed he had nothing further to add.