

Dated

23 March 2023

**APPLICATION BY MEDWORTH CHP LIMITED FOR AN ORDER GRANTING
DEVELOPMENT CONSENT FOR THE MEDWORTH ENERGY FROM WASTE
COMBINED HEAT AND POWER FACILITY**

PLANNING INSPECTORATE REFERENCE NUMBER: EN010110

REGISTRATION IDENTIFICATION NUMBER: 20033241

**WRITTEN REPRESENTATION
submitted on behalf of Network Rail
Infrastructure Limited**

1 Introduction

- 1.1 This written representation (**Written Representation**) is submitted on behalf of Network Rail Infrastructure Limited (**Network Rail**) in response to the application by Medworth CHP Limited (**Applicant**) for the Medworth Energy from Waste Combined Heat and Power Facility Development Consent Order (**DCO**). The Applicant seeks development consent for the authorised development described in Schedule 1 to the DCO (**Proposed Development**).
- 1.2 The Book of Reference identified 13 plots (**Plots**) as land owned by Network Rail including 12 plots in respect of which compulsory acquisition powers to acquire new rights are sought. The compulsory acquisition powers sought are described in the BoR as being compulsory acquisition and temporary use of land and acquisition of new rights (including restrictions) (**Compulsory Powers**).
- 1.3 Network Rail objects to all compulsory powers in the Order to the extent that they affect, and may be exercised in relation to, Network Rail's property and interests, particular those affecting the ability of Network Rail to safely operate its undertaking. However, Network Rail is willing to enter into agreements with the Applicant to enable the Proposed Development to be carried out while safeguarding Network Rail's undertaking.
- 1.4 Network Rail also objects to the seeking of powers to carry out works on and/or under operational and non-operational railway land belonging to Network Rail without first securing appropriate protective provisions for Network Rail's statutory undertaking.
- 1.5 Network Rail submitted a section 56 representation (**RR**) on 11 November 2022.

2 Powers sought by the Applicant and the impact on Network Rail

- 2.1 The Applicant seeks Compulsory Powers to lay an overground pipeline (**CHP Connection**) (Works No. 3A and 3B) within land forming part of the disused but operational March to Wisbech railway line (Plots 13/1a, 15/1a, 15/2a, 15/2b, 16/1a, 16/1b, 16/3a and 16/4a) (**Railway Corridor**). In addition, the Application seeks rights of access over the currently disused level crossing on New Bridge Lane (Works No. 4A) which will form part of the main site access to the Proposed Development (Plots 11/1c, 11/4a, 11/4b, 11/5a, and 11/5b).
- 2.2 It is Network Rail's intention to reopen the March to Wisbech railway line for services in the future (**Reopening Project**) which will necessitate installing kit and operating train services within the Railway Corridor alongside the CHP Pipeline. As part of this, the New Bridge Lane level crossing will also need to be brought back into operation to facilitate the crossing of the railway by pedestrians and vehicles.
- 2.3 Network Rail needs to ensure that the Reopening Project is not prevented from being brought forward due to the Proposed Development. The location of the CHP Pipeline within the Railway Corridor presents challenges due to the need for sufficient offsetting distances between the railway kit and the CHP Pipeline. It also needs to ensure that the CHP Pipeline complies with Network Rail standards to prevent interactions between the railway and the CHP Pipeline and ensure the safety of all users.

3 Status of discussions with the Applicant

- 3.1 Prior to and during the course of the Examination, Network Rail and the Applicant have undertaken discussions, and will continue to do so, to ensure that the Proposed Development and the Reopening Project can coexist. The parties are negotiating the form of protective provisions and a private agreement to facilitate the ongoing relationship between the parties

and ensure that Network Rail's interests are protected both with regards to its interests as they exist now and when the Reopening Project is brought forward.

- 3.2 The parties are confident that the form of protective provisions and the private agreement can be agreed before the close of the Examination. However, until such time as the private agreement has been completed, Network Rail's objection to the DCO will not be withdrawn.
- 3.3 Should sufficient progress regarding the protective provisions and the private agreement to be entered into not be made between the parties in the coming weeks, Network Rail will request to be heard at an appropriate hearing to explain in detail the impacts of the scheme on its operations. Network Rail will of course respond to any Written Questions that the Examining Authority wishes to ask.

Addleshaw Goddard LLP

23 March 2023