

Written Representation by Network Rail Infrastructure Limited in relation to the Five Estuaries Offshore Wind Farm Order 202[]

Planning Inspectorate Reference Number: EN010115

Unique Identification Number: 20049276

Further to Network Rail Infrastructure Limited's (**Network Rail/NR**) relevant representation submitted on 19 June 2024, NR wishes to make this written representation in relation to Five Estuaries Offshore Wind Farm Limited's (the **Promoter**) application (**Application**) for the above development consent order (**DCO**).

The draft DCO submitted with the Application includes provisions which would, if granted, authorise the Promoter to carry out works on, under and in close proximity to operational railway land in the control of Network Rail and to use such land temporarily, permanently acquire new rights over such land and to permanently acquire NR's freehold interests in such land.

As set out in Network Rail's earlier relevant representation, the Book of Reference (document reference number 4.1) identifies the following plots of land over which Network Rail have rights, own or occupy. The relevant plots are as follows:

1. Acquisition of Rights over 436571 square metres of agricultural land, access track, pond and hedgerow, drains, pylons and overhead cables (plot 05-014);
2. Acquisition of Rights over 103 square metres of railway (plot 05-016);
3. Acquisition of Rights in respect of railway apparatus over 5373 square metres of access track (plot 05-017); and
4. Acquisition of Rights in respect of railway apparatus over 56801 square metres of agricultural land (plot 05-019).

(together the **Plots**).

The Promoter has identified the Acquisition rights sought to be compulsorily acquired from NR (the **Acquiring Rights**).

NR objects to the use of the Acquiring Rights over the Plots to deliver the development to be authorised by the DCO on the ground that the proposed works will interfere with the safe and efficient operation of the railway and will give rise to impacts on NR's railway and associated infrastructure and without the

necessary provisions in place, the exercise of the above would compromise public safety on or near the railway.

Network Rail continues to investigate the extent of the risk to its assets and is liaising with the Promoter in relation to any mitigation required and it is anticipated that this will continue during the examination process. In particular:

- Network Rail requires protective provisions to be included within the DCO to ensure that its interests are adequately protected and to ensure compliance with the relevant safety standards.
- Network Rail requires a private agreement to regulate the manner in which rights over railway property are to be granted and in which works are to be carried out in order to safeguard Network Rail's statutory undertaking. Engineers for Network Rail are continuing to review the extent of impacts on operational railway and Network Rail property and any mitigation required (including NR's review and prior approval of the design proposals for the parts of the DCO scheme which interface with the railway at detailed design and construction stages) will be considered in this agreement.
- The completion of the necessary deeds of easement and asset protection agreement to govern the construction, maintenance and, where appropriate, removal of the parts of the development proposed by the DCO which are located on or adjacent to operational railway land.
- Network Rail and the Promoter are in discussions about the effects of the DCO in general and will continue to liaise to address all outstanding matters.

Until satisfactory agreement has been reached with the Promoter on all matters to its satisfaction, Network Rail will not be in a position to withdraw its objection to the making of the DCO. Network Rail reserves the right to be heard at an appropriate hearing to explain in detail the impacts of the scheme on its operations.

Network Rail notes the Examining Authority's written questions and requests for information (ExQ1) issued on 8 October 2024 and will respond separately.