



Your reference

Our reference HENSM/43283-3828

20 September 2022

BY EMAIL TO:

NorthLincolnshireGreenEnergyProject@planninginspectorate.gov.uk

National Infrastructure Planning
Temple Quay House
2 The Square
Bristol
BS1 6PN

Dear Sirs

DCO Scheme: North Lincolnshire Green Energy Park

Our client: Network Rail Infrastructure Limited

Applicant: North Lincolnshire Green Energy Park Limited

Subject: Request for acceptance of the late submission of a Relevant Representation

This Firm is instructed by Network Rail Infrastructure Limited (**NR**) in relation to the DCO Scheme and we write in connection with the registration of interested parties and the submission of relevant representations in respect of the DCO Scheme.

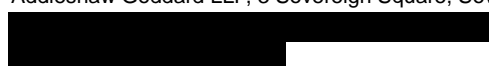
We are aware that the period for the registration of interested parties closed on Thursday 15 September 2022. However, and with our sincere apologies for the delay, we write to respectfully request if the Examination Authority would be willing exercise its discretion to accept the enclosed late submission of NR's Relevant Representations in respect of the DCO Scheme.

Whilst we have previously been in contact with the legal representatives of the Promoter in respect of the DCO Scheme with a view to agreeing protective provisions for NR as part of the Order, the reason for this late submission is due to NR's instructing surveyor being on unexpected long-term sick leave and the resulting difficulty in being able to progress this matter as we have unfortunately been unable to clarify instructions for some time.

We hope the Examining Authority will consider exercising its discretion to accept this late submission of NR's Relevant Representations and its registration as an interested party to the DCO Scheme in light of the circumstances highlighted above.

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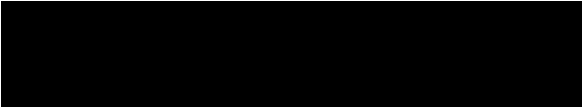
Addleshaw Goddard LLP, 3 Sovereign Square, Sovereign Street, Leeds LS1 4ER

 DX 12004 Leeds

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Please don't hesitate to contact us on the details below should you have any queries.

Yours faithfully



Addleshaw Goddard LLP

Direct line



APPLICATION BY NORTH LINCOLNSHIRE GREEN ENERGY PARK LIMITED FOR THE NORTH LINCOLNSHIRE GREEN ENERGY PARK DEVELOPMENT CONSENT ORDER 202[X]

SECTION 56 PLANNING ACT 2008: RELEVANT REPRESENTATION OF NETWORK RAIL INFRASTRUCTURE LIMITED

This is the section 56 representation of Network Rail Infrastructure Limited (Network Rail) provided in respect of North Lincolnshire Green Energy Park Limited's (Promoter) application for a development consent order (Order) for the North Lincolnshire Green Energy Park (Scheme). Network Rail is a statutory undertaker and owns, operates and maintains the majority of the rail infrastructure of Great Britain, including the the South Humberside Mainline (Railway).

The Order sought by the Promoter includes consent and powers to for the construction and operation of a combined heat and power (CHP) enabled energy generating development, with an electrical output of up to 95 megawatts (MWe), incorporating carbon capture, associated district heat and private wire networks (DHPWN), hydrogen production, ash treatment, and other associated developments for the Project on land at Flixborough Industrial Estate, situated at Stather Rd, Flixborough, Scunthorpe.

The Promoter seeks authority and powers in the draft Order for new rights to be compulsorily acquired over two plots of land owned by Network Rail: to the Railway located west of M181, Scunthorpe (plot 2-6) and to the disused Flixborough Mineral Railway located west of High Street, Dragonby (plot 8-2). Network Rail wishes to ensure that the Scheme will not have a detrimental impact on the operation of the Railway and that the safety of the Railway is maintained during the construction, operation and ongoing maintenance requirements of the Scheme.

As the Promoter proposes to compulsorily acquire new rights to be exercised in close proximity to the Railway, Network Rail wishes to object to the making of the Order on the ground that the rights sought might interfere with the safe and efficient operation of the Railway.

In order for Network Rail to be in a position to withdraw its objection Network Rail will require adequate protective provisions and/or requirements to be included within the Order and an agreement with the Promoter to ensure that the new rights sought are exercised in regulated manner to prevent adverse impacts to the Railway.

Network Rail is continuing to review the Promoter's plans, draft Order and application documents, and will continue to work constructively with the Promoter to clarify any issues raised. The Examining Authority and the Secretary of State will need to be satisfied that railway safety and operations will not be compromised by the making of the Order.

Network Rail respectfully requests that the Examining Authority treats Network Rail as an Interested Party for the purposes of the Examination, and reserves the right to produce additional and further grounds of concern when further details of the Scheme and its effects on Network Rail's assets are available.