

Your reference

Our reference HENSM/43283-33828

15 December 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: Network Rail Infrastructure Limited's Response to First Written Questions dated 23 November 2022**

This Firm is instructed by Network Rail Infrastructure Limited (**NR**) in relation to the DCO Scheme and we write in response to the First Written Questions dated 23 November 2022.

**1. Q1.0.12 Network Rail (i only)**

***PRoW***

***i) Will either the footbridge(s) or level crossing require any form of illumination?***

**NR Response:** Our understanding is that the footbridges numbered #1 and #2 (as shown on Sheet 3 at Appendix B of the Rail Operations Report (APP-045)) and user worked crossings numbered #1 and #2 (as shown on Sheets 1 and 2 respective of the Rail Operations Report (APP-045)) are to be provided as part of the private railway forming part of the DCO Scheme and do not therefore fall within or impact upon NR's operational railway.

Nevertheless, NR is seeking clarification from the Promoter on these matters for completeness and would request the right to make further representations in respect of this question should that be necessary.

**2. Q7.0.11 Statutory Undertakers**

***Protective Provisions***

10-65478695-3/43283-3828

Addleshaw Goddard LLP, One St Peter's Square, Manchester M2 3DE  
Tel +44 (0)161 934 6000 Fax +44 (0)161 934 6060 DX 14301 Manchester

**A number of Statutory Undertakers, including Network Rail (NR); Northern Powergrid; Anglian Water Services Limited, Etc., have either noted:**

- i) that Protective Provisions in their favour have not been included within the dDCO;**
- ii) that their standard Protective Provision wording has not been used; or**
- iii) that site specific circumstances in regard to Protective Provisions have not been taken into account.**

**The ExA would ask all Statutory Undertakers to:**

- a) provide copies of their preferred wording or, if they have previously provided wording to the Applicant, explain why the wording in the current version of the dDCO should not be used;**
- b) where relevant, advise what site-specific circumstances, in regard to Protective Provisions, have not been taken into account; and**
- c) provide confirmation that the parties are willing to enter into a side agreement, or has commenced preparation of such a side agreement, or already entered into such a side agreement to the satisfaction of the relevant parties.**

**Please note that the above information will be published on our website, so commercial and/ or confidential details need not be given.**

**NR Response:** There are no protective provisions for the benefit of NR currently included within the draft Order. NR has commenced discussions with the Promoter with regards to the inclusion of NR's standard protective provisions and copies of such have been provided to the Promoter. A copy of the protective provisions once discussed and agreed with the Promoter will be provided in due course.

NR and the Promoter are willing to enter into a side agreement and a copy of which is to be imminently provided by NR to the Promoter for review.

### **3. Q14.0.7 Applicant, ORR, NR, HSE**

#### **Planning Policy – Transport Infrastructure Rail**

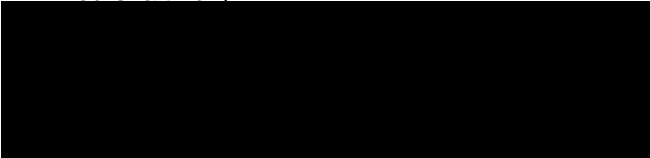
**The location of the proposed development appears to be consistent with EN-3 in as much as it is located adjacent to an existing navigable waterway and a railway line, albeit the latter is disused.**

- i) Based on the information contained in the Rail Operations Report 5.11 [APP-45] and any other relevant submissions could the Applicant or the ORR confirm whether the proposed railway line is within the scope of ORR regulation?**
- ii) Has it been confirmed by the regulator (ORR or HSE) that the works proposed to reinstate the railway infrastructure are sufficient for it to be certified as compliant with relevant standards so it can support both the construction and operation of the ERF?**
- iii) Has it been confirmed by the regulator that the operating proposals as set out in Rail Operations Report 5.11 [APP-45] would be adequate for a licence (or other operating permit as relevant) to be granted for its operation?**
- iv) Has it been confirmed by NR that the impact on the wider rail network of the proposed development would be 'minor or not significant' as described in the Rail Operations Report 5.11 [APP-045]?**

**NR Response:** Our understanding is that only part **iv)** of this question is relevant to NR. NR cannot confirm at this stage that the impacts of the proposed development on the wider rail network would be "minor or not significant" (as described in the Promoter's Rail Operations Report). This matter is being considered by NR's engineers and we reserve the right to make further representations on this matter in due course.

Should you have any queries, please don't hesitate to contact us on the details below.

Yours faithfully



**Addleshaw Goddard LLP**

