

Dated

17 August 2022

**APPLICATION BY LONGFIELD SOLAR ENERGY FARM LIMITED FOR AN
ORDER GRANTING DEVELOPMENT CONSENT FOR THE LONGFIELD SOLAR
FARM SCHEME**

PLANNING INSPECTORATE REFERENCE NUMBER: EN010118

REGISTRATION IDENTIFICATION NUMBER: 20031594

**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 Longfield Solar Energy Farm Limited (**Applicant**) for the Longfield Solar Farm 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 Proposed Development will require the Applicant to seek rights of access over a road that is located near land over which Network Rail have rights of access for the purpose of its statutory undertaking. The Book of Reference (**BoR**) identifies this land as being plots 1/1A, 1/1B, 1/2A, 1/2B, 1/2D/1, 1/2E and 1/2F (**Plots**) and describes the compulsory acquisition powers sought as being the acquisition of new rights (including restrictive covenants) (**Compulsory Powers**). The Applicant is seeking to acquire rights of access over the Plots which may impact on Network Rail's ability to exercise their right of way. The Applicant is also seeking rights and restrictive covenants in order to facilitate access for other works and for the laying of electrical cables in land in close proximity to operational railway.
- 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 31 May 2022.
- 1.6 Whilst negotiations with the Applicant are progressing, as relayed via the Statement of Common Ground (**SoCG**), and Network Rail is hopeful that its concerns can be resolved during the course of the Examination, in the absence of an agreement that safeguards its interests, Network Rail requests that the ExA recommend that the attached Protective Provisions are included in Schedule 15 to the Order.

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

- 2.1 The Applicant is seeking DCO powers in relation to the Plots to carry out Work Nos. 4 and 9 (works to lay high voltage electrical cables, access and temporary construction laydown areas for the electrical cables) and works to facilitate access to Work Nos. 1 to 8 and 10 described in Schedule 1 to the DCO (**Works**).
- 2.2 In order to undertake the Works, the Applicant is seeking:
- (a) compulsory acquisition of interests and rights in the land for the purposes of carrying out the Proposed Development (including environmental mitigation) and for maintaining it (Plots 1/2A, 1/2B, 1/2D/1, 1/2E, 1/2F, 1/1A); and
 - (b) temporary possession for the purposes of facilitating the carrying out of the Proposed Development (Plot 1/1B).

Network Rail Right of Way

- 2.3 Network Rail has a right of access over the line hatched brown on the ROW Plan in Appendix 1 and labelled 'ROW reserved' (**NR Right of Access**).
- 2.4 The NR Right of Access was granted under a Transfer dated 31 March 2017 between (1) Countryside Zest (Beaulieu Park) LLP and (2) Network Rail Infrastructure Limited. Network Rail and any successors in title and those authorised by it hold the right to pass at all times with or without vehicles, plant and machinery and for all purposes in connection with use of the transferred property as a feeder station over and along the access land.
- 2.5 The Works require rights of access over the private road shaded brown to Bulls Lodge Substation, located alongside Bridleway 213 4 (as per the Land Plan in Appendix 2) for the movement of construction vehicles (**Proposed Right of Access**). The Applicant has confirmed that Network Rail does not hold any interests in the Plots but the use of the Proposed Right of Access could affect the ability of NR to exercise the NR Right of Access.
- 2.6 Network Rail is in the process of determining whether the NR Right of Access will be adversely affected by the proposed volume of and residual effects arising from traffic resulting from the Proposed Development. The Applicant has provided details of construction traffic for this Proposed Right of Access where it has been projected that the daily traffic flows will include 46 heavy goods vehicles and 48 large goods vehicles. This provides a projected total of 94 vehicles equating to 188 two-way movements per day. Until such time as confirmation has been obtained in relation to the NR Right of Access, Network Rail is unable to confirm whether the proposed Works affecting the NR Right of Access are acceptable.

Network Rail's objection to the Class Rights identified in the Book of Reference

- 2.7 As we refer above, Network Rail's asset protection team and its engineers are still considering the impacts that may result on operational railway as a result of the proposed works to lay electric cables and facilitate access to further works, as set out in the Book of Reference and, further to ongoing discussions between the Applicant and Network Rail's asset protection team, Network Rail will provide the ExA with further explanation of any matters on which they cannot agree during the course of the Examination.

Status of discussions with the Applicant

- 2.8 Network Rail and the Applicant have already entered into discussions to seek to ensure that the form of protective provisions and any private side agreements are agreed before the close of the Examination. However, until such time as Network Rail is given the protection and assurances requested as detailed in this Written Representation, Network Rail's objection to the DCO will not be withdrawn.
- 2.9 Should sufficient progress regarding the protective provisions and private agreements 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 Panel wishes to ask.

Addleshaw Goddard LLP

17 August 2022

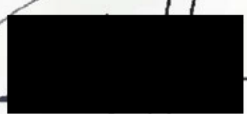
Appendix 1

Plan showing NR Right of Access



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- Purchase area 5399m²
- ROW reserved



EIPs

ETL

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EIPs

EIPs

MS 33

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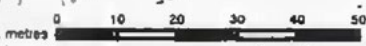
Track

Landinformation

CHELMSFORD
 LTN1 32M 1596YDS
 PURCHASE & RIGHT OF WAY

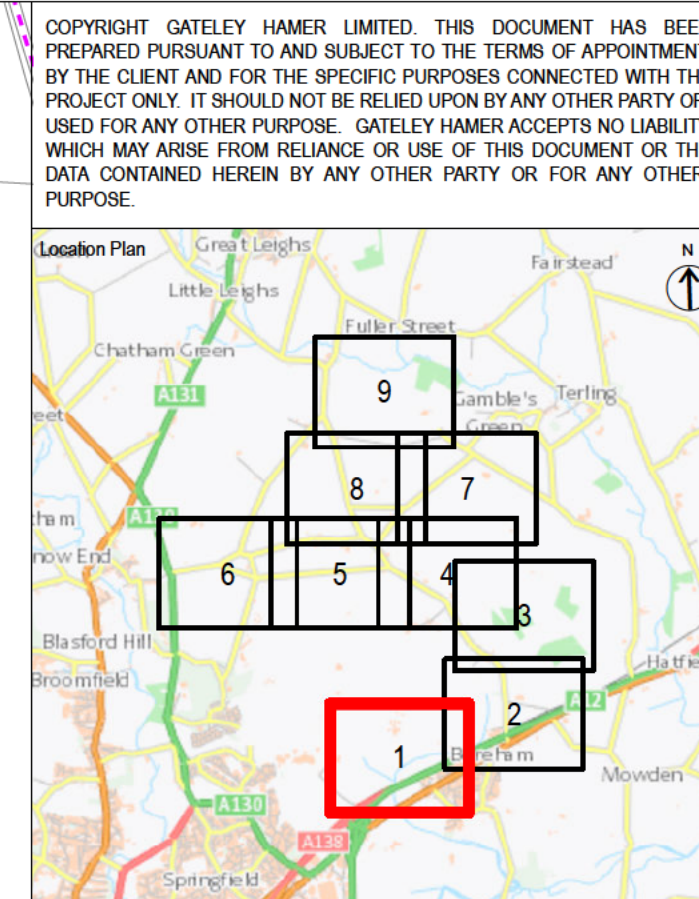
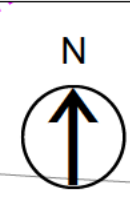
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Date: 06 Jan 2017	Drawn By: C.C.Hilton	
Drawing No: 5411137-1	Rev:	



Appendix 2

Proposed Right of Access



- Notes
- DO NOT SCALE FROM THIS DRAWING, USE ONLY PRINTED DIMENSIONS
 - ALL DIMENSIONS ARE IN METRES UNLESS STATED OTHERWISE
 - THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL OTHER RELEVANT DOCUMENTATION

- Key to Symbols
- Order limits - the area within which the authorised development may be carried out.
 - For clarity, land hatched does not fall within the Order limits or Order land.
 - Order land - freehold to be compulsorily acquired and in relation to which it is proposed to extinguish easements, servitudes and other private rights.
 - Order land - temporary use of land and during any period of temporary possession the exercise of easements, servitudes and other private rights are to be suspended.
 - Order land - new rights to be compulsorily acquired and restrictive covenants to be imposed and land in relation to which existing easements, servitudes and other private rights the exercise of which is inconsistent with the rights and restrictions acquired pursuant to the Order are to be extinguished.
 - Order land - new rights to be compulsorily acquired and restrictive covenants to be imposed and land in relation to which existing easements, servitudes and other private rights the exercise of which is inconsistent with the rights and restrictions acquired pursuant to the Order are to be extinguished. No new rights to be compulsorily acquired, restrictive covenants imposed, nor extinguishment of existing rights etc, in relation to the subsoil of this Order land.
 - Order land - in respect of subsoil only freehold to be compulsorily acquired and in relation to which it is proposed to extinguish easement, servitudes and other private rights.
 - Districts of Chelmsford and Braintree
 - Public Right of Way
 - Bridleway

C01	First Issue	24/02/22	AH	SM	MD
Rev	Description	Date	By	Check	Approved

Purpose of Issue: DCO APPLICATION

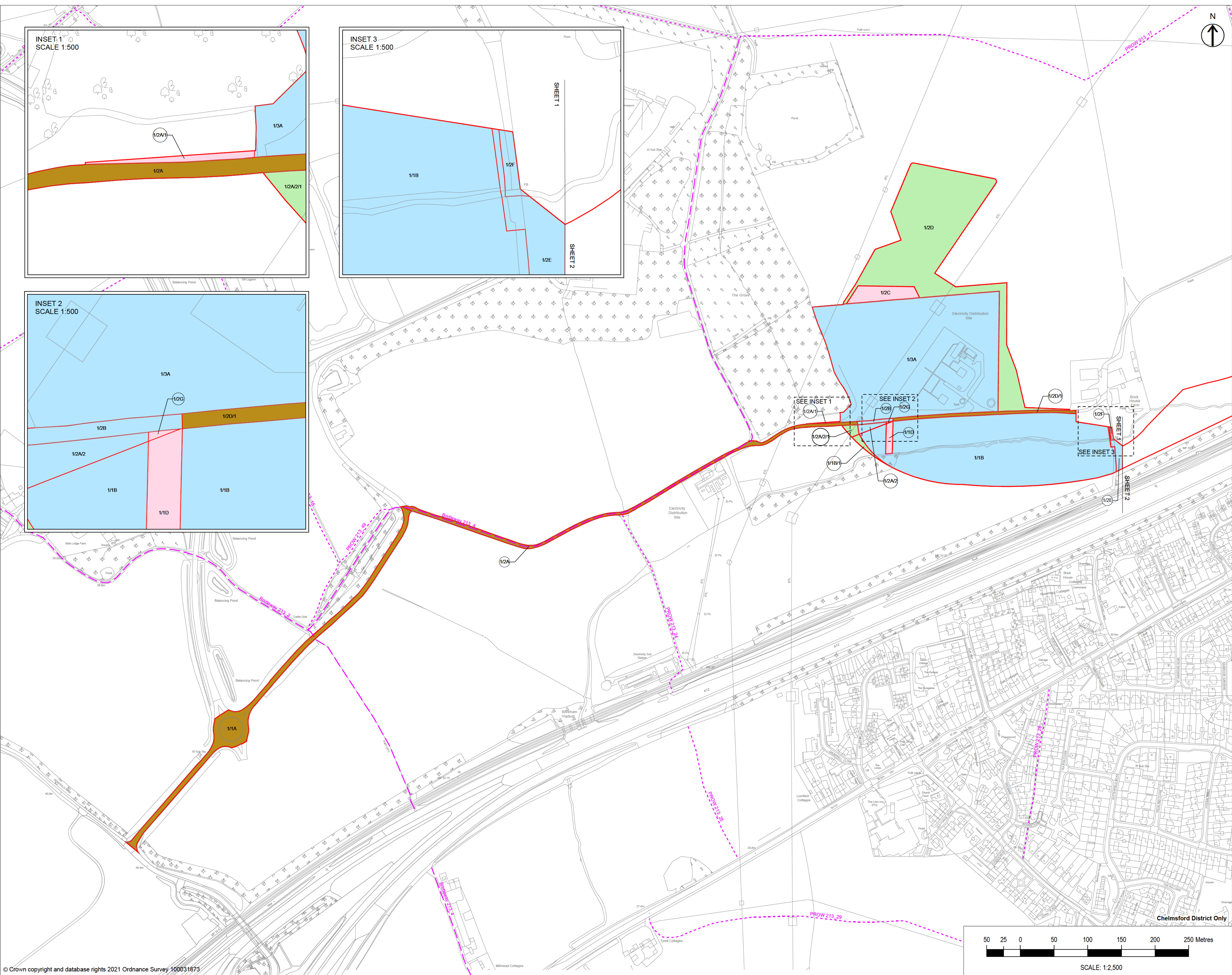
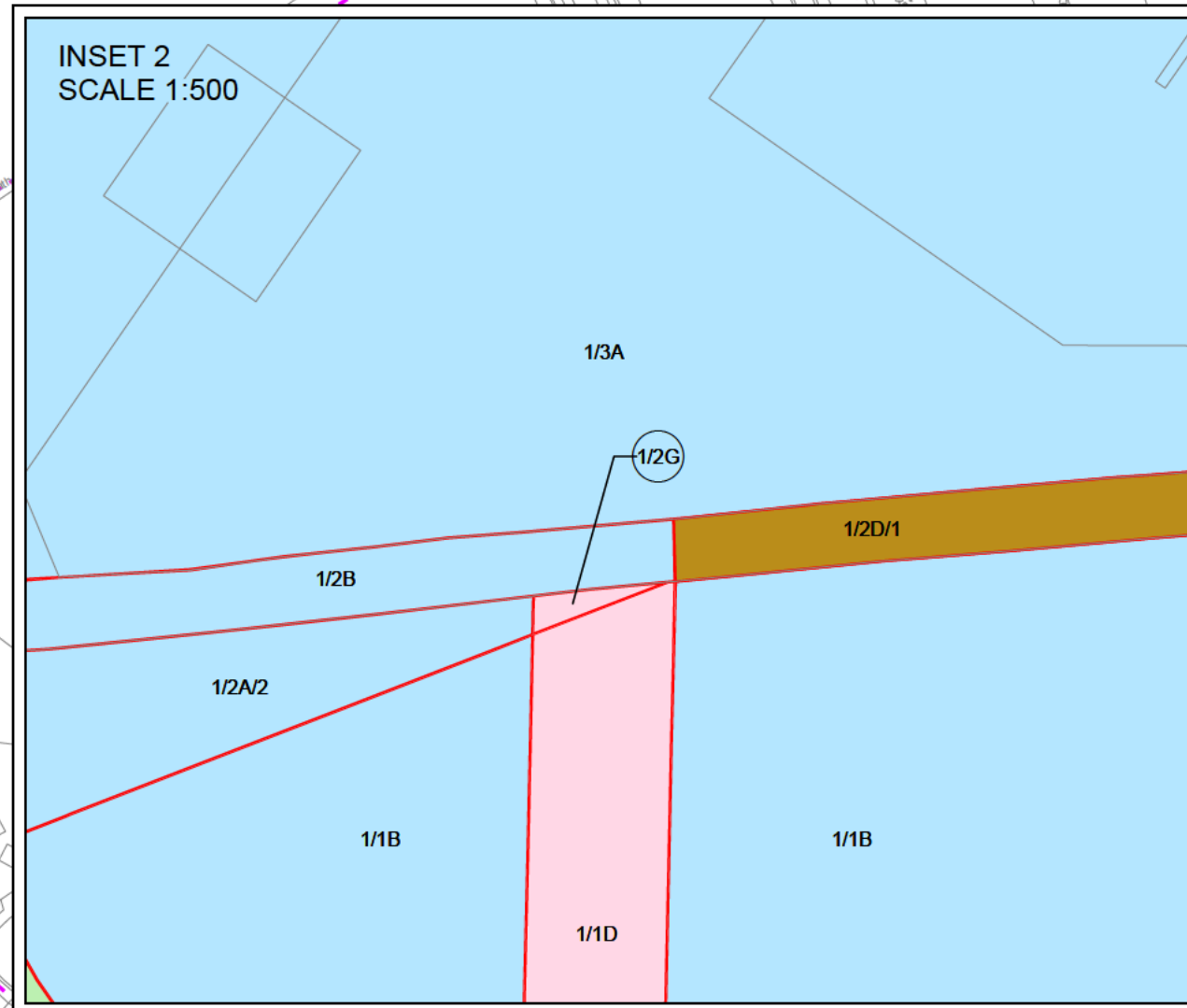
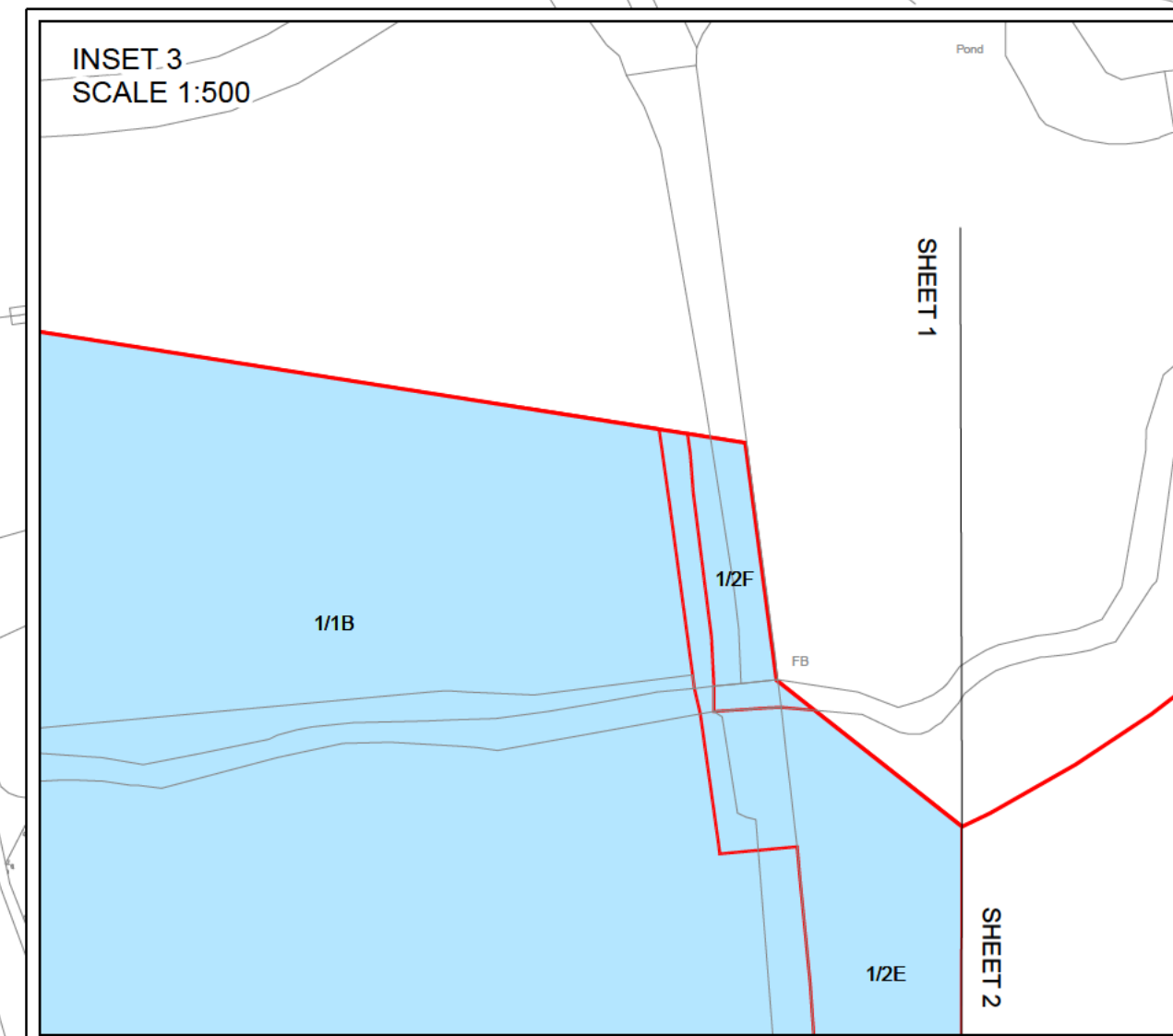
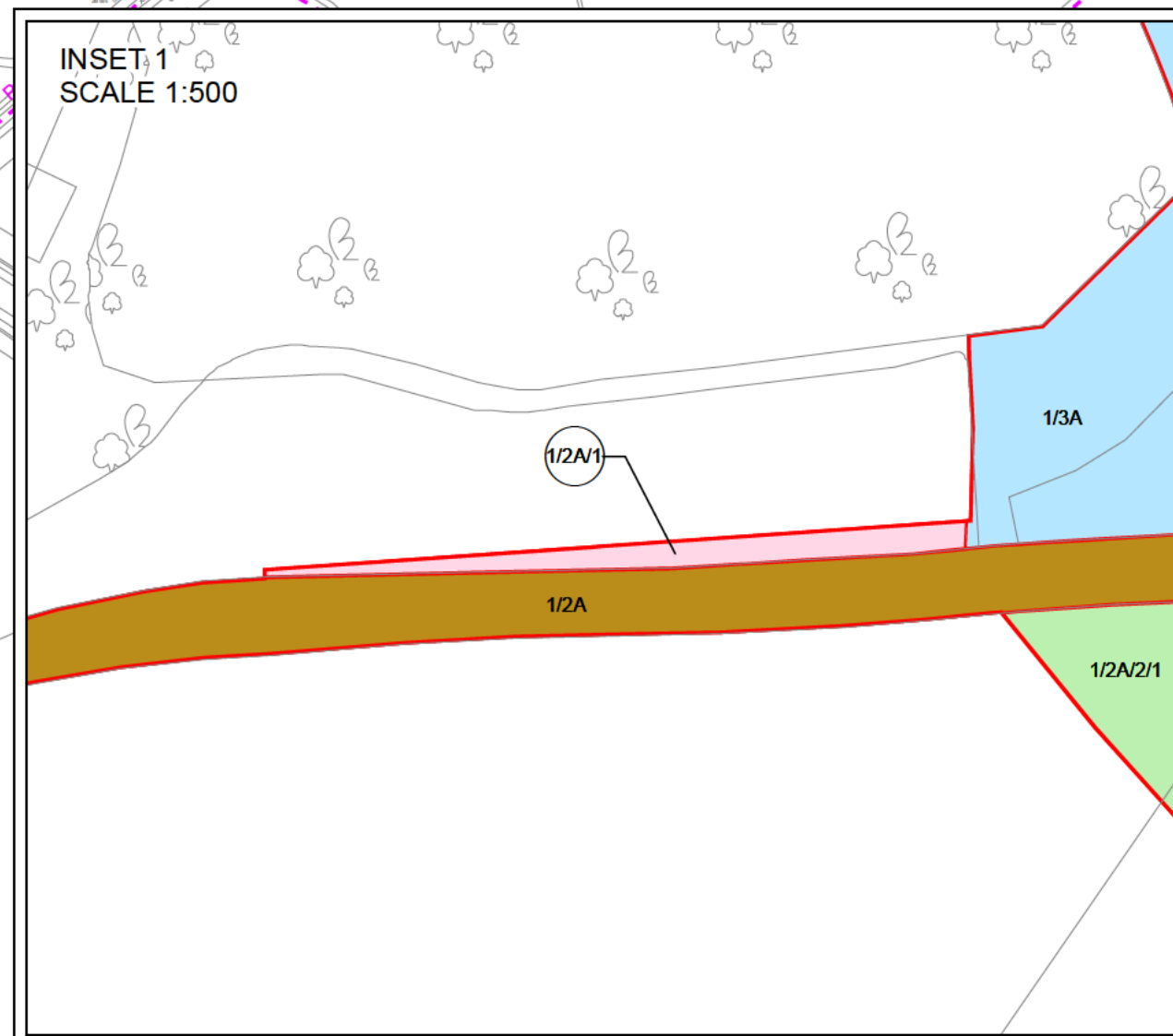
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 Client: [REDACTED] Tel: 0121 234 0000

LONGFIELD SOLAR ENERGY FARM LIMITED

Project Title: LONGFIELD SOLAR FARM

Drawing Title: LAND PLAN IN ACCORDANCE WITH REGULATION 5(2)(i) OF THE INFRASTRUCTURE PLANNING (APPLICATIONS: PRESCRIBED FORMS AND PROCEDURE) REGULATIONS 2009 SHEET 1 OF 9

Drawn	Checked	Approved	Date
AH	SM	MD	24/02/22
GH Project Number	Scale at A1		
125724.005	1:2,500		
Drawing Number	Revision		
GH-125724005-LP-1	C01		



Chelmsford District Only