

Written Representation by Network Rail Infrastructure Limited in relation to GT R4 Limited for the Outer Dowsing Offshore Wind Project 202[]

Planning Inspectorate Reference Number: EN010130

Unique Identification Number: 20048942

Further to Network Rail Infrastructure Limited's (**Network Rail/NR**) relevant representation submitted on 11 June 2024, NR wishes to make this written representation in relation to GT R4 Limited's (the **Promoter**) Application (**Application**) for the above Development Consent Order (**DCO**).

The Application includes provisions which would, if granted, authorise the Promoter to carry out works on and in close proximity to operational railway land in the control of Network Rail, to use such land temporarily and to acquire permanent 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 plot of land over which Network Rail have rights or own or occupy. The plot is as follows:

1. Permanent Rights over 18382 square metres of agricultural land, in respect of Railway apparatus (south of Brewster Lane) (plot 15-050);
2. Permanent Rights over 1975 square metres of railway (Wainfleet and Boston) and works (plot 15-053);
3. Permanent Rights over 10247 square metres of agricultural land, in respect of Railway apparatus (north of Collison Gate) (plot 15-054);
4. Permanent Rights over 172 square metres of railway, in respect of Railway apparatus (Wainfleet and Boston) and works (plot 15-055); and
5. Permanent Rights over 6543 square metres of agricultural land, in respect of Railway apparatus (north of Collison Gate) (plot 15-056).

(the **Plots**).

The Promoter has identified that the rights sought to be compulsorily acquired from NR fall within Class D (the **Class Right**) and this Class Right is described in the Book of Reference within the table at page 9.

The Promoter is seeking, through compulsory purchase (**Compulsory Powers**), the permanent acquisition of rights over the Plots (including rights of access to land adjoining the Railway and rights to install a cable under the railway) in accordance with the Class Right above. The Promoter has provided Network Rail with the Table of Interests in the Book of Reference which detail the proposed works and the nature of the powers sought over the Plots.

NR objects to the use of Compulsory Powers and the exercise of the Class Right over the Plots to deliver the development to be authorised by the DCO on the grounds that the proposed works will interfere with the safe and efficient operation of the railway and give rise to impacts on NR's railway and associated

infrastructure. The exercise of these rights which would include, but is not limited to the digging of trenches, directional drilling, auger boring, thrust boring and micro tunnelling, and these are of a particular cause for concern for NR due to the structural impacts that this would have on railway, and the exercise of these on NR property without the necessary provisions in place would be at the detriment of public safety.

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 and the requires a private agreement to regulate the manner in which rights over railway property are to be granted and in which works are to 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.