

**Written Representation by Network Rail Infrastructure Limited in relation to The Gate Burton Energy Park Development Consent Order 202[ ]**

**Planning Inspectorate Reference Number: EN010131**

**Unique Identification Number: 20037248**

Further to Network Rail Infrastructure Limited's (**Network Rail/NR**) relevant representation submitted on 11 April 2023, Network Rail wishes to make this written representation in relation to Gate Burton Energy Park 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 identifies the following 7 plots of land over which Network Rail have rights or own or occupy. The plots are as follows:

- 3-2;
- 5-11;
- 6-3;
- 6-6;
- 6-8;
- 10-15; and
- 15-11.

(together the **Plots**).

The Applicant is seeking, through compulsory purchase (**Compulsory Powers**), the permanent acquisition of rights and temporary use of land over all 7 Plots.

NR objects to the use of Compulsory Powers and temporary powers over the Plots to deliver the development to be authorised by the DCO.

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 order for NR to be in a position to withdraw its objection to the making of the Order, it will require the following matters to be concluded and secured to its satisfaction:

1. Network Rail requires its standard 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. Good progress has been made between the parties on the form of protective provisions to be included in the DCO.
2. Network Rail requires the completion of a framework 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.

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 will of course respond to any Written Questions that the Examining Authority wishes to ask.