

**Written Representation by Network Rail Infrastructure Limited in relation to the West Burton Project Order 202[ ]**

**Planning Inspectorate Reference Number: EN010132**

**Registration Identification Number: 20038289**

Further to Network Rail Infrastructure Limited's (**Network Rail**) relevant representation submitted on 5 June 2023 (**Relevant Representation**), Network Rail wishes to make this written representation in relation to West Burton Solar Project Limited's (**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 the Network Rail's Relevant Representation, the Book of Reference identifies the following plots of land as owned by Network Rail in respect of which compulsory acquisition powers are sought:

- 06-068;
- 06-069;
- 06-070;
- 06-071;
- 06-072;
- 06-073;
- 06-074; and
- 06-083

(together the **Plots**).

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

Network Rail 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 risks 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 Network Rail to be in a position to withdraw its objection to the making of the DCO, 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. As at the date of these Written Representations no progress has been made between the parties on the form of protective provisions to be included in the DCO and Network Rail still awaits the Promoter's comments on Network Rail's standard protective provisions, which were issued to the Promoter on 13 June 2023.

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's property and any mitigation required (including Network Rail'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. Draft framework agreement was issued to the Promoter on 13 June 2023 and at the date of these Written Representations the Promoter's comments are still outstanding.

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 Network Rail's 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.