

**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**

On behalf of the Secretary of State, the Planning Inspectorate made a decision on 25 January 2024 to accept a request from West Burton Solar Project Limited (the **Applicant**) to include additional land within the Scheme Boundary, Network Rail Infrastructure Limited (**Network Rail**) have received correspondence dated 8 February 2024 that has invited Network Rail to make additional representations as part of their objection to the Scheme.

Further to Network Rail's relevant representation submitted on 5 June 2023 (the **Relevant Representation**), and Network Rail's previously submitted Written Representations on 12 December 2023 (the **Written Representations**), Network Rail wishes to make this Additional Written Representation (**Additional Written Representation**) in relation to the Planning Inspectorate's decision to extend the Scheme Boundary for the above Development Consent Order (**DCO**).

As previously mentioned in the Written Representations, the application includes provisions which would, if granted, authorise the Applicant 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.

In addition to the submission made in Network Rail's Relevant Representation and Written Representation, the following plots of land are now identified as being as owned by Network Rail or having Network Rail Apparatus in situ, and are plots in which compulsory acquisition powers are being sought:

- 05-063;
- 05-063a;
- 06-068;
- 06-069;
- 06-070;
- 06-071;
- 06-072;
- 06-072a;
- 06-072b
- 06-073;
- 06-073a;
- 06-073b;
- 06-074;
- 06-074a;
- 06-077; 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 Applicant in relation to any mitigation required and it is anticipated that this will continue during the remainder of 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 Additional Written Representations discussions are still ongoing with the Applicant in regards to the protective provisions.
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 still 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. A draft framework agreement is currently undergoing discussion.

Network Rail and the Applicant continue to be 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 Applicant 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.