

Written Representation by Network Rail Infrastructure Limited in relation to the National Grid (Yorkshire Green Energy Enablement Project) Development Consent Order [202[*]]

Planning Inspectorate Reference Number: EN020024

Registration Identification Number: 20034585

Further to Network Rail Infrastructure Limited's (**Network Rail/NR**) relevant representation submitted on 13 February 2023 (Examination Library Reference RR-001), NR wishes to make this written representation in relation to National Grid Electricity Transmission's (**Promoter/NGET**) application (**Application**) for the above development consent order (**DCO**).

The Application includes provisions which would, if granted, authorise NGET to carry out works on and in close proximity to operational railway land in the control of Network Rail and to use such land temporarily and to acquire permanent interests in such land.

As set out in Network Rail's earlier relevant representation, compulsory acquisition powers are sought in the DCO in respect of new rights and/or the temporary use of 11 plots of land owned by Network Rail:

- six plots forming part of the railway located west of the A19 (plots B2-36, B2-37, B2-40, B2-55, B3-30 and B3-32);
- one plot forming part of the Leeds and York Railway (Harrogate Line) (plot C1-17) located south of the A59;
- three plots forming part of the South Milford and Micklegate Line located near Huddleston Grange (plots E5-04, E5-15) and located south of Hall Lane, Newthorpe (plot E6-22); and
- one plot forming part of the land on Newthorpe Lane, B1222 (plot E6-36).

In addition, the works comprised in the Application, will require the installation and removal of protective netting and scaffolding over rail infrastructure belonging to Network Rail and will require formal track possession in order to facilitate the construction of the Promoter's proposed 400kV overhead line, removal of the existing 275kV overhead line and reconductoring of the existing 275kV overhead line, and installation of crossing protection.

NR objects to the proposed DCO on the ground 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.

Network Rail continues to investigate the extent of this 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 require 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.
- Network Rail and the Promoter are negotiating a private agreement to regulate the manner in which rights over railway property are acquired and works carried out and 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 terms of agreement are progressing well and the parties are confident that this will be completed before the close of the examination.

- 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.