

Your reference

Our reference HENSM/43283-4075

11 July 2023

National Infrastructure Planning
Temple Quay House
2 The Square
Bristol
BS1 6PN

Dear Sirs

DCO Scheme: Yorkshire GREEN

Our client: Network Rail Infrastructure Limited

Applicant: National Grid Electricity Transmission

Subject: Network Rail Infrastructure Limited's Response to the Further Written Questions dated 20 June 2023

This Firm is instructed by Network Rail Infrastructure Limited (**NR**) in relation to the DCO Scheme and we write in response to the Further Written Questions dated 20 June 2023.

1. Q4.2.1 - Sustained objections/ Protective Provisions

The Applicant's updated Protective Provisions Progress Schedule [REP4-016] indicates that it is unlikely that all Protective Provisions will be agreed and ready for inclusion in the dDCO to be submitted at Deadline 5 (the Deadline agreed by the Applicant for completion of Protective Provisions at ISH1).

In instances where agreement cannot be reached by D5, the Applicant has been requested to submit its wording and any alternative wording under discussion from Statutory Undertakers.

a) If it is clear that you will not reach agreement with the Applicant on Protective Provisions by Deadline 5, submit an explanation of the areas of disagreement, reasons why and your preferred wording. Submit this at Deadline 5.

b) It is clear from some parties' submissions that agreement of Protective Provisions would not resolve all outstanding objections. Confirm here whether all your outstanding objections can be resolved through agreement of Protective Provisions or not.

c) These matters will be explored further at hearings during the week commencing 17 July 2023, at which your presence will be requested. At Deadline 6, the ExA requires an update on progress, either in response to this question or as a written submission of oral representations given at a relevant hearing(s).

NR Response:

NR RESPONSES TO EXQ2 - YORKSHIRE GREEN DCO (11.07 2023) CLEAN.DOCX [10-65478695-3\43283-3828]

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(a) Please see Section 5 of the draft Statement of Common Ground between NR and the Applicant which sets out the areas of matters not yet agreed.

(b) NR's objections can be resolved through the inclusion of Protective Provisions provided that those Protective Provisions are in a form acceptable to NR.

(c) This is noted and understood. At this stage Network Rail would not anticipate attending or being represented at the hearings but will, if necessary, provide a written update and will update the ExA in any event at Deadline 6 (28 July 2023).

2. Q4.2.3 – PA2008 s127 and s138 cases to satisfy the Secretary of State

These matters will be explored further at hearings during the week commencing 17 July 2023, at which your presence will be requested. At Deadline 6, either in response to this question or as a written statement of oral representations given at a relevant hearing:

a) provide any update with regards to agreeing matters with the Applicant; and

b) provide any comments you may wish to make, with reasoning, on the s127 and s138 cases (as appropriate) that will have been submitted by the Applicant.

NR Response:

We will update the Examining Authority at Deadline 6 but in the absence of agreement with the Applicant to ensure safeguards are in place there remains ongoing concern that there will be serious detriment to the carrying on of NR's undertaking.

3. Q4.2.10 - Deeds of Easements, Framework Agreement, Asset Protection Agreement

The SoCG with the Applicant states that precise terms of easements and precise form of the framework agreement are still outstanding [REP3-026], Table 5.1. Your WR also refers to 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 [REP2-081].

a) Can the Applicant and Network Rail provide an update on the progress of these agreements, setting out any areas of continued disagreement.

b) What is your opinion on the likely timescale for their agreement and completion?

c) As this is a private agreement of which the ExA has not had sight, explain how the ExA can be satisfied that it would have sufficient information in order to be able to report on this matter should agreement not be reached between the two parties by the close of this Examination?

NR Response:

(a) NR has sent the Applicant its proposed Heads of Terms in respect of the easements that will be required for the overhead power line crossings as well as the rights of access over the existing bridge and temporary licences on 5 July 2023 and these are to be discussed between the parties over the next 1-2 weeks before the property documentation is prepared. The draft Framework Agreement was provided to the Applicant's solicitor on 2 May 2023 and we understand the Applicant's solicitor is in the process of reviewing the draft and taking instructions. We are able to confirm that the Applicant has previously entered into a basic asset protection agreement with NR in respect of the assets affected by the DCO Scheme, the purpose of which agreement is to protect the railway and to facilitate the design and construction of works which potentially impact on the safety or operation of the railway (**BAPA**).

(b) We would estimate the Framework Agreement will be agreed and completed within the next 4-6 weeks. We estimate the required property documents will be agreed within the next 6 weeks.

(c) Should the Framework Agreement not be agreed the week prior to the close of the Examination, NR will submit the points in contention between the parties in order that the ExA has sufficient information to report on the respective positions of NR and the Applicant.

3. Q14.0.5 - Rail safety concerns

Can Network Rail expand on the particular safety concerns that are summarised in [RR-001] and [REP2-081] in terms of which particular locations and types of operation are the focus of its concerns.

NR Response:

As set out in its representations [RR-001] and [REP2- 081] the Applicant seeks compulsory acquisition of rights and/or the temporary use of 11 plots of land owned by NR. In addition, the works comprised in the DCO Scheme require the installation and removal of protective netting and scaffolding over rail infrastructure belonging to NR and will require formal track possession in order to facilitate the construction of the Applicant'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. It is acknowledged by the Applicant that its proposals impose risks to the operational railway such that it is deemed necessary for the works to be undertaken under a railway possession and /or Isolation.

The very nature of the works proposed in these locations pose a safety concern to passengers, workers and the public and will need to be undertaken under safety supervision by agreement with NR in order that:

- Risks imparted to the operational railway from the design and during construction and maintenance are minimised or avoided;
- Interaction with NR's assets, such as traction power overhead lines and signalling equipment are understood and associated risks are minimised;
- Safety risks associated with working close to the railway infrastructure are minimised or avoided.

NR is under an obligation to ensure that any work on or near the railway is done safely and to the appropriate railway industry standards. The affected railway should be considered to be operational 24 hours a day and any overhead electrified equipment present is energised at 25kV. No plant, materials or equipment are to be placed in a position where in the event of accident, malfunction or failure it could fall within 4 metres of railway boundary. NR needs to be certain that safety measures are in place to prevent mishap.

The BAPA referred to above facilitates the testing by NR's Asset Protection and Optimisation team (ASPRO) of the feasibility of the DCO Scheme works and allows ASPRO to assess the relevant risks associated with the carrying out of the DCO Scheme if granted. At present, only a small proportion of the agreed costs under the BAPA have been expended which means that the affected plots have not been fully surveyed or risk assessed for NR to provide a comprehensive assessment of the specific risks associated with the DCO Scheme. NR will require further information and agreement with the Applicant regarding (i) the detailed design (and mitigation measures proposed) and (ii) an agreed programme of works to assist the understanding of railway interface activities and timescales in order to enable NR's resources to be planned and therefore avoid delays or disruption not only to railway operations but also to the proposed works.

To ensure that all safety requirements have been met, NR would require information including but not limited to:

- Mining Risk Assessment – It is important for Network Rail to understand the depth of the foundations in order to ensure risk of collapse to the railway is avoided.
- Permanent Design of the Tower/Substation as well as the Distance Off Track (DOT)
- Distance of Boundary
- Available Access to the work taking place (ie. Roads, Level Crossings etc)
- Time of work taking place – to ensure minimum rail traffic

- A safe lifting plan – including information on vehicles and collapse radius - crane positioning and operations including the calculation of compound collapse radius to establish if proposals pose a risk to the railway.
- Details confirming the integrity of any railway boundary fence, or other barrier to the railway will not be compromised. Failure of or damage to fencing allows access to the railway to unauthorised persons/vehicles which can themselves cause damage or threat to railway as well as danger to themselves
- Clearance of Cables - to ensure sufficient clearance between rail infrastructure and cables
- Temporary work designs – Crash netting, Cranes etc. – to ensure the proposed protection of track is fit for purpose
- Timescales to evacuate or ability to access emergency services in case an emergency occurs
- Protection Netting for Cables – to ensure no encroachment / collapse on the line – risk to personnel and infrastructure
- Vibration Monitoring – to ensure there is no risk to the stability of the railway
- A Method Statement for the Substation
- An Electro-Magnetic Current Survey + Stray Current Testing – to avoid electrocution and corrosion to nearby infrastructure.
- Sequence of Construction for the Substation
- Glint & Glare Survey / details of lighting - to avoid derailment and the safety of train drivers and passengers.- lighting schemes could interfere with the sighting of railway signalling or distract train drivers
- Permanent Works Design and demolition plan – to ensure demolition materials on or near to the railway are avoided and to ensure no hazard on the line
- Assurance that no tracked vehicles are used over level crossings as this can cause damage to the infrastructure and create a safety hazard.

NR's ASPRO team has been involved in projects such as the DCO Scheme and are well aware of the challenges faced in ensuring railway safety is not compromised. NR has well established safety processes and provided agreement with the Applicant can be reached to ensure these are followed correctly, NR is confident that this will minimise both risk to and damage on or nearby the railway.

Should you have any queries, please don't hesitate to contact us on the details below.

Yours faithfully



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