

PLANNING ACT 2008

INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES 2010

APPLICATION FOR THE M4 MOTORWAY (JUNCTIONS 3 TO 12) (SMART MOTORWAY)
DEVELOPMENT CONSENT ORDER (Reference TR010019)

RESPONSE TO EXAMINING AUTHORITY'S FIRST WRITTEN QUESTIONS OF
NETWORK RAIL INFRASTRUCTURE LIMITED

The Response to the Examining Authority's First Written Questions of Network Rail Infrastructure Limited (**Network Rail**) is contained in the following table:

<p>9.17</p>	<p>Attached to these questions is a schedule of objections to compulsory acquisition and temporary possession powers. The schedule arises from the ExA's reading of the relevant representations, and comprises:</p> <ul style="list-style-type: none">• Objections to the compulsory acquisition of land and/or rights.• Objections from those with a potential category 3 interest within the meaning of s44(4) of the Planning Act 2008 (as amended) (PA2008) i.e. those who may be able to make a claim for compensation under section 10 of the Compulsory Purchase Act 1965 and/or Section 1 of the Land Compensation Act 1973. <p>The applicant is requested to provide a response to the objections listed in Table 1 and to confirm whether the schedule reflects its understanding of all the objections to compulsory acquisition and temporary possession received to date, and if not to explain why.</p> <p>In responding to each of the objections listed, and with reference to the specific plots in question, can the applicant please:</p> <ul style="list-style-type: none">• Explain in detail why in its assembly of the proposed Order lands it has been deemed necessary for the dDCO to include provision for the associated land/rights to be compulsorily acquired or for land/rights to be taken possession of temporarily?• With reference to relevant evidence in the ES and any draft environmental management plans, where applicable, explain how it is proposed that any interference with third party land/rights would be mitigated or compensated for?• With reference to the ES, explain what consideration has been given to the socio-economic consequences of any interference with land/rights?• Explain what degree of importance has been attributed to the existing use of the land proposed to be compulsorily acquired or temporarily possessed, and why?• Where relevant, provide an update on the progress of discussions with the affected interest; in particular where any agreement has been reached, or where disagreement remains, in relation to the compatibility/safeguarding of future development proposals in the
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	<p style="text-align: center;">vicinity of the scheme?</p> <p>In relation to Table 2, can the applicant confirm that consideration has been given as to whether or not each party listed would have a category 3 interest?</p>
	<p>Network Rail notes that its interests are not listed in Table 1 and would request that the Examining Authority poses question 9.17 to the Applicant again in its second round of written questions, in the context of Network Rail's land and interests.</p> <p>As explained in Network Rail's Written Representation, Network Rail is currently seeking further details in respect of those parts of its land which are affected by this scheme. A table setting out Network Rail's understanding of the land ownership position is set out in Annex 1 of its Written Representation, and is repeated in the Annex of this document for ease of reference.</p>

Bond Dickinson LLP

8 October 2015

ANNEX
LAND OWNERSHIP

KEY	
	Unrestricted Powers to Acquire or Use Land
	Powers Limited to Temporary Use of Land
	Unrestricted Powers to Acquire or Use Land at Motorway Level
	Powers Limited to Temporary Use of Land Below Motorway Level

Sheet	Area Name	Plots/Rights (see Land Plans)	Comments
2	Calcott	02-16	Network Rail owned.
		02-17	Network Rail owned. Highways England has the right to construct a bridge over this land only.
		02-18	Network Rail owned.
4	Pingewood	04-05 (Book of Reference states NR occupier only)	Network Rail will confirm whether it considers that it occupies this land.
		04-06	Network Rail owned.
		04-07 (Book of Reference states NR occupier only)	Network Rail will confirm whether it considers that it occupies this land.
		04-08	Network Rail owned. Highways England has the right to construct a bridge over this land only.
		04-09 (Book of Reference states NR occupier only)	Network Rail will confirm whether it considers that it occupies this land.
		04-10	Network Rail owned.
10	Wokingham	10-06	Land Registry suggests that this is owned by Highways England. Network Rail will confirm if it has any title.
		10-07	Network Rail owned.
		10-08	Network Rail owned. Highways England has the right to construct a bridge over this land only.
		10-09	Network Rail owned.
		10-12	Land Registry suggests that this is owned by Highways England. Network Rail will confirm if it has any title.
22	Chalvey	22-21 (Slough BC)	This land is registered to Slough Borough Council: Network Rail is checking whether it owns any land at the eastern boundary.
		22-22	Network Rail owned.
		22-22a	Network Rail owned.
		22-22b	Network Rail owned.
		22-23	Network Rail owned. Network Rail is not aware of any title in this land being vested in Highways England, and is considering what rights Highways England may have.

		22-23a	Network Rail owned. Network Rail is not aware of any title in this land being vested in Highways England, and is considering what rights Highways England may have.
		22-23b	Network Rail owned. Network Rail is not aware of any title in this land being vested in Highways England, and is considering what rights Highways England may have.
		22-24	Network Rail owned. Network Rail is not aware that Highways England has any title to this land.
		22-24a	Network Rail owned.
		22-24b	Network Rail owned.
		22-25	Network Rail owned.
27	M4/M25	27-12	Network Rail owns the railway through this land. Highways England owns some strips of land adjacent to the railway. Network Rail is considering what rights Highways England may have above the railway.
		27-13	Network Rail owns the railway through this land. Highways England owns some strips of land adjacent to the railway. Network Rail is considering what rights Highways England may have above the railway.
		27-14 (NR access rights)	Network Rail access rights.
		27-15 (NR access rights)	Network Rail access rights.
		27-18 (NR access rights)	Network Rail access rights.