

**NETWORK RAIL INFRASTRUCTURE LIMITED**

**COMMENTS ON EXA'S FIRST WRITTEN QUESTIONS**

**HIGHWAYS ENGLAND'S RESPONSE**

<p><b>Question Ref 9.17</b></p>	<p><i>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</i></p> <ul style="list-style-type: none"><li><i>• Objections to the compulsory acquisition of land and/or rights.</i></li><li><i>• 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.</i></li></ul> <p><i>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.</i></p> <p><i>In responding to each of the objections listed, and with reference to the specific plots in question, can the applicant please:</i></p> <ul style="list-style-type: none"><li><i>• 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?</i></li></ul> <p><i>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?</i></p> <ul style="list-style-type: none"><li><i>• With reference to the ES, explain what consideration has been given to the socio-economic consequences of any interference with land/rights?</i></li><li><i>• 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?</i></li></ul> <p><i>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 vicinity of the scheme?</i></p> <p><i>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?</i></p>
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	<b><i>Network Rail Infrastructure Response</i></b>	<b>Highways England's Comment</b>
	<p><i>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.</i></p> <p><i>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.</i></p>	<p>Noted request. If the Examining Authority request as such, Highways England will provide this information.</p> <p>Highways England has reviewed the table at Annex 1 and has provided comments in each case, which are also repeated here for ease of reference.</p>

**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*

<i>Sheet</i>	<i>Area Name</i>	<i>Plots/Rights (see Land Plans)</i>	<i>Comments</i>	<i>Statement of Reasons</i>	<i>Highways England Response</i>
2	Calcott	02-16	<i>Network Rail owned.</i>	At motorway level: land within existing motorway boundaries retained for construction and operation of the Scheme.  At railway level: temporary land required for access for inspection and possible refurbishment of the bridge.	The Book of Reference reflects this understanding.  This land is required for temporary use only for Work No: 1a, 1b, 2a, 2b.
		02-17	<i>Network Rail owned. Highways England has the right to construct a bridge over this land only.</i>	At motorway level: land within existing motorway boundaries retained for construction and operation of the Scheme.  At railway level: temporary land required for access for inspection and possible refurbishment of the bridge	Network Rail and Highways England are both recorded as owner or reputed owner in the Book of Reference.  It is understood that Highways England own the bridge over this land. As highway authority for the motorway, Highways England holds an ownership in the highway.  This land has been identified for permanent acquisition at highway level, and temporary use only below for Work No: 1a, 1b, 2a, 2b.
		02-18	<i>Network Rail owned.</i>	At motorway level: land within existing motorway boundaries retained for construction and operation of the Scheme.  At railway level: temporary land required for access for inspection and possible refurbishment of the bridge	The Book of Reference reflects this understanding.  This land is required for temporary use only for Work No: 1a, 1b, 2a, 2b.

<i>Sheet</i>	<i>Area Name</i>	<i>Plots/Rights (see Land Plans)</i>	<i>Comments</i>	<i>Statement of Reasons</i>	<i>Highways England Response</i>
4	Pingewood	04-05 (Book of Reference states NR occupier only)	Network Rail will confirm whether it considers that it occupies this land.	Land within existing motorway boundaries retained for construction and operation of the Scheme.	Noted.  Highways England holds a registered title to this land, although it is understood Network Rail may be a reputed owner of the land, based on land referencing information.  This land is identified for permanent acquisition for Work No: 1a, 1b.
		04-06	Network Rail owned.	At motorway level: land within existing motorway boundaries retained for construction and operation of the Scheme.  At railway level: temporary land required for access for inspection and possible refurbishment of the bridge	The Book of Reference reflects this understanding.  This land is required for temporary use only for Work No: 1a, 1b.
		04-07 (Book of Reference states NR occupier only)	Network Rail will confirm whether it considers that it occupies this land.	Land within existing motorway boundaries retained for construction and operation of the Scheme	Noted.  Highways England holds a registered title over this land, although it is understood Network Rail may be a reputed owner of the land, based on land referencing information.  This land is identified for permanent acquisition for Work No: 1a, 1b.
		04-08	Network Rail owned. Highways England has the right to construct a bridge over this land only.	At motorway level: land within existing motorway boundaries retained for construction and operation of the Scheme.  At railway level: temporary land required for access for inspection and possible refurbishment of the bridge	Network Rail and Highways England are both recorded as owner or reputed owner in the Book of Reference.  It is understood that Highways England own a bridge over this land, as highway authority for the motorway.  This land has been identified for permanent acquisition at highway level, and temporary use only below for Work No: 1a, 1b.

<i>Sheet</i>	<i>Area Name</i>	<i>Plots/Rights (see Land Plans)</i>	<i>Comments</i>	<i>Statement of Reasons</i>	<i>Highways England Response</i>
		04-09 (Book of Reference states NR occupier only)	Network Rail will confirm whether it occupies this land.	Land within existing motorway boundaries retained for construction and operation of the Scheme.	Noted.  Highways England holds a registered title to this land, although it is understood Network Rail may be a reputed owner of the land, based on land referencing information.  This land is required for permanent acquisition for Work No: 1a, 1b.
		04-10	Network Rail owned.	At motorway level: land within existing motorway boundaries retained for construction and operation of the Scheme.  At railway level: temporary land required for access for inspection and possible refurbishment of the bridge	The Book of Reference reflects this.  This land is required for temporary use only Work No: 1a, 1b.
10	Wokingham	10-06	Land Registry suggests that this is owned by Highways England. Network Rail will confirm if it has any title.	At motorway level: land within existing motorway boundaries retained for construction and operation of the Scheme.  At railway level: temporary land required for use for inspection and possible refurbishment of the bridge	Noted.  Highways England holds a registered title to this land, although it is understood Network Rail may be a reputed owner of the land, based on land referencing information.  This land is required for permanent acquisition for Work No: 1a, 1b, 5a
		10-07	Network Rail owned.	At motorway level: land within existing motorway boundaries retained for construction and operation of the Scheme.  At railway level: temporary land required for use for inspection and possible refurbishment of the bridge	The Book of Reference reflects this.  This land is required for temporary use only for Work No: 1a, 1b, 5a.

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		10-08	<i>Network Rail owned. Highways England has the right to construct a bridge over this land only.</i>	At motorway level: land within existing motorway boundaries retained for construction and operation of the Scheme.  At railway level: temporary land required for use for inspection and possible refurbishment of the bridge	Network Rail and Highways England are both recorded as owner or reputed owner in the Book of Reference.  It is understood that Highways England own the bridge over this land as highway authority of the motorway.  This land has been identified for permanent acquisition at highway level, and temporary use only below for Work No: 1a, 1b, 5a.
		10-09	<i>Network Rail owned.</i>	At motorway level: land within existing motorway boundaries retained for construction and operation of the Scheme.  At railway level: temporary land required for use for inspection and possible refurbishment of the bridge.	The Book of Reference reflects this.  This land is required for temporary use only Work No: 1a, 1b, 5a.
		10-12	<i>Land Registry suggests that this is owned by Highways England. Network Rail will confirm if it has any title.</i>	At motorway level: land within existing motorway boundaries retained for construction and operation of the Scheme.  At railway level: temporary land required for use for inspection and possible refurbishment of the bridge.	Noted.  Highways England holds a registered title to this land, although it is understood Network Rail may be a reputed owner of the land, based on land referencing information.  This land is required for permanent acquisition for Work No: 1a, 1b, 5a.
22	Chalvey	22-21 (Slough BC)	<i>This land is registered to Slough Borough Council: Network Rail is checking whether it owns any land at the eastern boundary.</i>	Temporary land required for access and working space for widening Windsor Branch railway underbridge to the South, including realignment of M4 and J6 Eastbound on-slip.	The Book of Reference reflects this.  Slough Borough Council owns plot 22-21, which matches the extent of the land registry title.  This land is required for temporary use only for Work No: 1a, 16b, 17

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		22-22	<i>Network Rail owned.</i>	<p>At motorway level: land within existing motorway boundaries retained for construction and operation of the Scheme.</p> <p>At railway level: temporary land required for access and working space for widening Windsor Branch railway underbridge to the South, including realignment of M4 and J6 Westbound off-slip and embankment strengthening and widening.</p>	<p>The Book of Reference reflects this.</p> <p>This land is required for temporary use only for Work No: 1a, 1b, 16b, 16c, 17.</p>
		22-22a	<i>Network Rail owned.</i>	Land required for widening Windsor Branch Railway Underbridge	<p>The Book of Reference reflects this.</p> <p>This land has been identified for permanent acquisition for Work No: 16b, 16c, 17.</p>
		22-22b	<i>Network Rail owned.</i>	Land required for widening Windsor Branch Railway Underbridge	<p>The Book of Reference reflects this.</p> <p>This land has been identified for permanent acquisition for Work No: 16b, 16c, 17.</p>
		22-23	<i>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.</i>	<p>At motorway level: land within existing motorway boundaries retained for construction and operation of the Scheme.</p> <p>At railway level: temporary land required for access and working space for widening Windsor Branch railway underbridge to the South, including realignment of M4 and J6 Westbound off-slip and embankment strengthening and widening.</p>	<p>Network Rail and Highways England are both recorded as owner or reputed owner in the Book of Reference.</p> <p>Highways England own a bridge over this land, as highway authority of the motorway.</p> <p>This land has been identified for permanent acquisition at highway level, and temporary use only below for Work No: 1a, 1b, 16b, 16c, 17.</p>

<i>Sheet</i>	<i>Area Name</i>	<i>Plots/Rights (see Land Plans)</i>	<i>Comments</i>	<i>Statement of Reasons</i>	<i>Highways England Response</i>
		22-23a	<i>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.</i>	Land within existing motorway boundaries retained for construction and operation of the Scheme.	<p>Network Rail and Highways England are both recorded as owner or reputed owner in the Book of Reference.</p> <p>Highways England own a bridge over this land as highway authority of the motorway.</p> <p>This land has been identified for permanent acquisition for Work No: 1a, 1b, 16b, 16c, 17.</p>
		22-23b	<i>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.</i>	Land within existing motorway boundaries retained for construction and operation of the Scheme.	<p>Network Rail and Highways England are both recorded as owner or reputed owner in the Book of Reference.</p> <p>Highways England own a bridge over this land as highway authority of the motorway.</p> <p>This land has been identified for permanent acquisition for Work No: 1a, 1b, 16b, 16c, 17.</p>
		22-24	<i>Network Rail owned. Network Rail is not aware that Highways England has any title to this land.</i>	<p>At motorway level: land within existing motorway boundaries retained for construction and operation of the Scheme.</p> <p>At railway level: temporary land required for access and working space for widening Windsor Branch railway underbridge to the South, including realignment of M4 and J6 Westbound off-slip and embankment strengthening and widening.</p>	<p>Network Rail and Highways England are both recorded as owner or reputed owner in the Book of Reference.</p> <p>Highways England own a bridge over this land as highway authority of the motorway.</p> <p>This land has been identified for permanent acquisition at highway level, and temporary use only below for Work No: 1a, 1b, 16b, 16c, 17.</p>



<i>Sheet</i>	<i>Area Name</i>	<i>Plots/Rights (see Land Plans)</i>	<i>Comments</i>	<i>Statement of Reasons</i>	<i>Highways England Response</i>
		22-24a	<i>Network Rail owned.</i>	Land required for widening Windsor Branch Railway Underbridge	<p>Network Rail and Highways England are both recorded as owner or reputed owner in the Book of Reference.</p> <p>Highways England own a bridge over this land as highway authority of the motorway.</p> <p>This land has been identified for permanent acquisition for Work No: 16b, 16c, 17.</p>
		22-24b	<i>Network Rail owned.</i>	Land required for widening Windsor Branch Railway Underbridge	<p>Network Rail and Highways England are both recorded as owner or reputed owner in the Book of Reference.</p> <p>Highways England own a bridge over this land as highway authority of the motorway.</p> <p>This land has been identified for permanent acquisition for Work No: 16b, 16c, 17.</p>
		22-25	<i>Network Rail owned.</i>	<p>At motorway level: land within existing motorway boundaries retained for construction and operation of the Scheme.</p> <p>At railway level: temporary land required for access and working space for widening Windsor Branch railway underbridge to the South, including realignment of M4 and J6 Westbound off-slip and embankment strengthening and widening</p>	<p>The Book of Reference reflects this.</p> <p>This land is required for temporary use only for Work No: 1a, 1b, 16b, 16c, 17.</p>

<i>Sheet</i>	<i>Area Name</i>	<i>Plots/Rights (see Land Plans)</i>	<i>Comments</i>	<i>Statement of Reasons</i>	<i>Highways England Response</i>
27	M4/M25	27-12	<i>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.</i>	Land within existing motorway boundaries retained for construction and operation of the Scheme.	<p>Network Rail and Highways England are both recorded as owner or reputed owner in the Book of Reference.</p> <p>Highways England own a bridge over this land as highway authority of the motorway.</p> <p>This land had been identified for permanent acquisition for Work No: 1a, 1b, 27a, 27b. However, Highways England has identified the permanent requirement of this plot is at highway level only, and as such has removed plot 27-12 and replaced it with the plots in the supplementary table below.</p>
		27-13	<i>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.</i>	Land within existing motorway boundaries retained for construction and operation of the Scheme.	<p>Network Rail and Highways England are both recorded as owner or reputed owner in the Book of Reference.</p> <p>Highways England own a bridge over this land as highway authority of the motorway.</p> <p>This land had been identified for permanent acquisition for Work No: 1a, 1b, 26a, 26b. However, Highways England has identified the permanent requirement of this plot is at highway level only, and as such has removed plot 27-13 and replaced it with the plots in the supplementary table below.</p>
		27-14 (NR access rights)	<i>Network Rail access rights.</i>	Land within existing motorway boundaries retained for construction and operation of the Scheme.	<p>The Book of Reference reflects this.</p> <p>This land has been identified for permanent acquisition for Work No: 1a, 1b, 27a, 27b.</p>

<i>Sheet</i>	<i>Area Name</i>	<i>Plots/Rights (see Land Plans)</i>	<i>Comments</i>	<i>Statement of Reasons</i>	<i>Highways England Response</i>
		<b>27-15 (NR access rights)</b>	<i>Network Rail access rights.</i>	Land within existing motorway boundaries retained for construction and operation of the Scheme.	The Book of Reference reflects this.  This land has been identified for permanent acquisition for Work No: 1a, 1b, 27a, 27b.
		<b>27-18 (NR access rights)</b>	<i>Network Rail access rights.</i>	Land within existing motorway boundaries retained for construction and operation of the Scheme.	The Book of Reference reflects this.  This land has been identified for permanent acquisition for Work No: 1a, 1b, 27a, 27b.

New plots identified by Highways England that are not contained in the table above:

<i>Sheet</i>	<i>Area Name</i>	<i>Plots/Rights (see Land Plans)</i>	<i>Comments</i>	<i>Statement of Reasons</i>	<i>Highways England Response</i>
27	M4/M25	27-12a	N/A – new plot	At motorway level: land within existing motorway boundaries retained for construction and operation of the Scheme.  At railway level: temporary land required for access for inspection and possible refurbishment of the bridge.	It is understood that Network Rail owns this land, and that Highways England own a bridge over this land as highway authority of the motorway.  This land has been identified for permanent acquisition at highway level, and temporary use only below for Work No: 1a, 1b, 26a, 26b.
		27-12b	N/A – new plot	At motorway level: land within existing motorway boundaries retained for construction and operation of the Scheme.  At railway level: temporary land required for access for inspection and possible refurbishment of the bridge.	Network Rail owned  This land has been identified for temporary use only for Work No: 1a, 1b, 27a, 27b.
		27-12c	N/A – new plot	At motorway level: land within existing motorway boundaries retained for construction and operation of the Scheme.  At railway level: temporary land required for access for inspection and possible refurbishment of the bridge.	It is understood that Network Rail owns this land, and that Highways England own a bridge over this land as highway authority of the motorway.  This land has been identified for permanent acquisition at highway level, and temporary use only below for Work No: 1a, 1b, 27a, 27b.
		27-12d	N/A – new plot	At motorway level: land within existing motorway boundaries retained for construction and operation of the Scheme.  At railway level: temporary land required for access for inspection and possible refurbishment of the bridge.	Network Rail owned  This land has been identified for temporary use only for Work No: 1a, 1b, 27a, 27b.

<i>Sheet</i>	<i>Area Name</i>	<i>Plots/Rights (see Land Plans)</i>	<i>Comments</i>	<i>Statement of Reasons</i>	<i>Highways England Response</i>
		27-12e	<i>N/A – new plot</i>	<p>At motorway level: land within existing motorway boundaries retained for construction and operation of the Scheme.</p> <p>At railway level: temporary land required for access for inspection and possible refurbishment of the bridge.</p>	<p>It is understood that Network Rail owns this land, and that Highways England own a bridge over this land, as highway authority of the motorway.</p> <p>This land has been identified for permanent acquisition at highway level, and temporary use only below for Work No: 1a, 1b, 27a, 27b.</p>
		27-12f	<i>N/A – new plot</i>	<p>At motorway level: land within existing motorway boundaries retained for construction and operation of the Scheme.</p> <p>At railway level: temporary land required for access for inspection and possible refurbishment of the bridge.</p>	<p>Network Rail owned</p> <p>This land has been identified for temporary use only for Work No: 1a, 1b, 27a, 27b.</p>
		27-13a	<i>N/A – new plot</i>	<p>At motorway level: land within existing motorway boundaries retained for construction and operation of the Scheme.</p> <p>At railway level: temporary land required for access for inspection and possible refurbishment of the bridge.</p>	<p>Network Rail owned</p> <p>This land has been identified for temporary use only for Work No: 1a, 1b, 26a, 26b.</p>
		27-13b	<i>N/A – new plot</i>	<p>At motorway level: land within existing motorway boundaries retained for construction and operation of the Scheme.</p> <p>At railway level: temporary land required for access for inspection and possible refurbishment of the bridge.</p>	<p>It is understood that Network Rail owns this land, and that Highways England own a bridge over this land, as highway authority of the motorway.</p> <p>This land has been identified for permanent acquisition at highway level, and temporary use only below for Work No: 1a, 1b, 26a, 26b.</p>

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		27-13c	<i>N/A – new plot</i>	<p>At motorway level: land within existing motorway boundaries retained for construction and operation of the Scheme.</p> <p>At railway level: temporary land required for access for inspection and possible refurbishment of the bridge.</p>	<p>Network Rail owned</p> <p>This land has been identified for temporary use only for Work No: 1a, 1b, 26a, 26b.</p>
		27-13d	<i>N/A – new plot</i>	<p>At motorway level: land within existing motorway boundaries retained for construction and operation of the Scheme.</p> <p>At railway level: temporary land required for access for inspection and possible refurbishment of the bridge.</p>	<p>It is understood that Network Rail owns this land, and that Highways England own a bridge over this land, as highway authority of the motorway.</p> <p>This land has been identified for permanent acquisition at highway level, and temporary use only below for Work No: 1a, 1b, 26a, 26b.</p>