

THE PLANNING ACT 2008

**M4 (JUNCTIONS 3 TO 12) (SMART MOTORWAY) DEVELOPMENT CONSENT
ORDER APPLICATION**

TR010019

Network Rail

Response to Written Representations

**Appendix C - Section 56 representation of Network Rail,
dated 9 July 2015**

Deadline III - 5 November 2015

From: Fernandes Natalie [<mailto:Natalie.Fernandes@networkrail.co.uk>]
Sent: 09 July 2015 15:14
To: M4 Junction 3-12 Smart Motorway
Subject: Network Rail's s.56 representation to the DCO application for the M4 Junctions 3 to 12 Smart Motorway project
Importance: High

Dear Sirs,

Further to my email yesterday (below), this is the section 56 representation by Network Rail Infrastructure Limited ("Network Rail") to the proposed M4 Junctions 3 to 12 Smart Motorway project. I would be grateful if you could place this before the Examining Authority for consideration.

Network Rail owns and operates Great Britain's railway network and has statutory and regulatory obligations in respect of it. Network Rail is a statutory undertaker in respect of its railway undertaking.

Network Rail is also an affected land owner, its land and rights are listed within the Book of Reference and the Order provides powers to compulsorily acquire Network Rail land or use it temporarily. Network Rail objects to any proposed compulsory acquisition of its land or any rights in, over or under its land. It is understood that the project interfaces with the railway in a number of places and it will be necessary for the promoter to enter into the required asset protection agreements for those locations. It is also likely that a rights required over Network Rail land will require a grant of easement where appropriate and there may be other legal agreements required to protect the network.

There are standard protective provisions for the benefit of Network Rail which are well precedented in TWA Orders and now in DCOs. Prior to submission of the application, Network Rail was in contact with the promoter regarding the appropriate form that these provisions should take and is pleased to see that these have been incorporated within the draft Order. Network Rail would like to highlight to the Examining Authority the absolute need for these protective provisions to remain included in a DCO where Network Rail's operational infrastructure is affected by the proposal.

Regards

Natalie Fernandes
Legal Counsel (Corporate)
Network Rail Infrastructure Ltd
Mob: 07740 225259

From: Fernandes Natalie
Sent: 08 July 2015 17:19
To: 'M4Junction3to12@pins.gsi.gov.uk'
Subject: s.56 representation for Network Rail - M4 Junctions 3 to 12 Smart Motorway project
Importance: High

Dear Sirs,

We appreciate that the date for s.56 representations on the above scheme has passed.

However, Network Rail's land and interests are affected by the scheme and as such is an interested party. I'd be grateful if you could confirm that the Examining Authority would accept a late representation from Network Rail.

Regards
Natalie

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