

From: [Dixon, Julia](#)
To: [A38 Derby Junctions](#)
Subject: A38 Derby Junctions - Deadline 7 - Comments of Network Rail Infrastructure Limited to Deadline 6 submissions [ADDGDD-LIVE.FID3076379]
Date: 10 March 2020 10:35:37
Attachments: [image006.png](#)

Dear Planning Inspectorate,

Deadline 7 – Submission of Network Rail Infrastructure Limited in response to certain of the Applicant's Deadline 6 Submissions

(A) Ford Lane Bridge

We refer to the following documents submitted by the Applicant for Deadline 6 and extracts from those documents and Network Rail's response to those submissions:

- **Applicant's Written Summary of Oral Submissions to ISH4 19 February 2020 (REP6-018) specifically page 12, the response to ExA Question/Issue No. 3(g):**

"Ford Lane bridge

HE confirmed that it has carried out a further assessment and that DCC had confirmed that it was content with the assessment. The methodology had been agreed and HE were currently liaising with a contractor. There are no capacity issues, the intention is to restrict the bridge to one lane. HE stated that the results of the assessment may be available during the examination.

DCC stated that any measures to narrow the bridge would need to be physical measures to ensure that two vehicles did not attempt to cross at the same time. HE confirmed that this would be the case. DCC content with this approach. HE agreed to provide an update to the ExA regarding Ford Lane Bridge."

"Concerns raised by Network Rail

The primary concerns for Network Rail are the size of vehicle that is able to cross the bridge as they require large vehicles to access their property via the bridge and turning circles.

HE confirmed that Network Rail has confirmed the size of the vehicle required to assess [sic] the track and this can be accommodated. Network Rail requires access for a 40-ton vehicle. The ability to signalise the junction will provide HE with additional scope. HE confirmed that it had considered the full length required and that it had considered the junction with Ford Land [sic] and the A36. HE is to provide a response to issues raised by Network Rail."

- **Applicant's Responses to Actions Arising From ISH4 19 February 2020 (REP6-042) specifically item 2 (pages unnumbered) – Update regarding measures to narrow the highway over the bridge and Applicant's comments on Network Rail's Deadline 5 submission:**

"The design of the measures to restrict the bridge to one HGV at a time will be developed during the detailed design stage in consultation with Derbyshire County Council. Early discussions with Derbyshire County Council indicate that measures such as repositioning the kerbs across the bridge would be an appropriate solution. This position has been agreed by Derbyshire County Council."

(1) NR concern: [The alternative route must be capable of] *"Accommodating 40T vehicles and Network Rail requires reassurance that the route, including the River Derwent Bridge, will be capable of accommodating such vehicles."*

HE response: *"An assessment of the Ford Lane/River Derwent bridge has been carried out and this*

determined that it is capable of carrying a 40T vehicle subject to a verification survey. This verification survey is needed to confirm an assessment assumption regarding continuity of reinforcement. The bridge will be restricted so that only one vehicle may be present on the bridge at a time."

(2) NR concern: "Accommodating articulated low loader vehicles that are capable of delivering 60 feet long lengths of rail to the Midland Mainline. Network Rail is particularly concerned that the access to Ford Lane from the A6 may not be capable of providing access for such vehicles and Network Rail has not received a swept path analysis that provides evidence of the suitability of the A6/Ford Lane junction for such vehicles. Accordingly, Network Rail objects to the closure of the access to Ford Lane from the A38."

HE response: "As a minimum, the kerbs will be repositioned at the A6/Ford Lane junction to accommodate the swept path of an articulated low-loader (that can carry 60ft lengths of rail). Discussions are continuing with Derby City Council to determine the final form of this junction, however, all options being considered will accommodate the swept path of an articulated low loader."

Network Rail's Deadline 7 Submission in relation to the Ford Lane Bridge submissions of the Applicant noted above:

(i) Network Rail remains concerned that it has not been approached directly by Highways England to discuss its recent proposals for the Ford Lane Bridge and it has not yet been provided with the swept path analysis referred to in its Deadline 5 submission.

(ii) Network Rail also remains concerned as to how the proposed measures outlined in the Applicant's responses to Network Rail's Deadline 5 submissions are to be enforced. Network Rail require further clarification in that regard. For example, the proposal to reposition kerbs – how is this to be an enforceable obligation on the Applicant pursuant to the DCO?

(iii) It is noted that the ability to accommodate 40T vehicles is subject to a "verification survey". When is that survey to be made available? How would the Applicant address matters should the verification survey not confirm the bridge as suitable for a 40T vehicle, thereby preventing Network Rail from accessing the Midland Mainline for maintenance purposes?

Network Rail maintain their objection to the closure of the access to Ford Lane from the A38 until it has received satisfactory assurances that its vehicles (of the size and weight previously described) will be able to access the Midland Mainline for maintenance purposes.

(B) Protective Provisions, Framework Agreement and other agreements

- We refer to the following documents submitted by the Applicant for Deadline 6 and extracts from those documents and Network Rail's response to those submissions:

- **Written Summary of Oral Submissions to CAH2 18 February 2020, page 10, Item 8(d) (REP6-015)**

HE provided a summary of the NR plots and what they are seeking in terms of compulsory acquisition:

"Plots 8/5 to 8/8, owned by Network Rail, are required temporarily to undertake works to extend the road bridge. Plots 8/7 and 8/9 are required permanently to accommodate the extended bridge deck. 8/6 is needed to secure air rights to replicate the current situation. Highways England noted that acquisition would not affect the ongoing Network Rail operation once constructed. Network Rail will be able to access the track as before. Highways England confirmed that it is seeking air rights to maintain and manage its own structures. Everything from the track bed to the bridge soffit will remain with Network Rail. The operating space for the railway will not be affected. HE confirmed that it would provide an overview of outstanding points with Network Rail to the ExA."

Network Rail's Deadline 7 submission: It is believed that there is a typographic error in the above response by HE in that Plots 8/5 "and" rather than "to" 8/8 are required temporarily. Plot reference

numbers 8/5 and 8/8 are referred to in Schedule 7 "Land of which temporary possession may be taken" in the draft DCO (REP6-002)

- **Response to the Written Summary of Oral Submissions to ISH3 18 February 2020, Item 32(a) (REP6-016):**

Network Rail's Deadline 7 submission: Network Rail's comments on the Framework Agreement and Protective Provisions were returned to the Applicant's lawyers on 20 February 2020 and a response is awaited. Negotiations are ongoing and it is hoped that agreement can be reached by the close of the Examination.

- **Applicant's Responses to ExA's Questions for ISH3 18 February 2020, Item 32(a) and Document Appendix (REP6-017):**

In response to ExA's request for an update regarding discussions between the Applicant and Network Rail, the Applicant notes:

"Highways England understands that NR is content with the proposed protective provisions in the dDCO subject to a framework agreement (and associated agreements) being finalised between Highways England and NR."

"Highways England will review the Deed of Easement once this has been provided to it by NR."

Network Rail's Deadline 7 submission: Network Rail are not yet content with the proposed Protective Provisions in the dDCO and have made a number of comments on those Protective Provisions throughout the Examination process to the Applicant's lawyers. The latest amendments and comments were sent to the Applicant's lawyers on 20 February 2020. Negotiations are ongoing and it is hoped that agreement can be reached by the close of the Examination.

A precedent Deed of Easement has been provided to HE's solicitors for review.

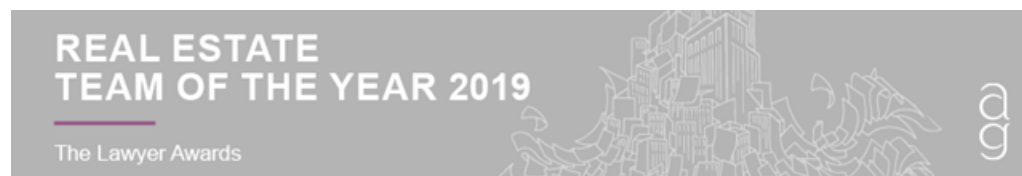
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