

Application by Highways England for an Order Granting Development Consent for the A38 Derby Junctions Scheme

Deadline 14 - Position Statement of Network Rail Infrastructure Limited (Interested Party Ref: 20022825)

Planning Inspectorate Reference No: TR010022

1 Introduction

1.1 This Position Statement is submitted on behalf of Network Rail Infrastructure Limited (**Network Rail**) and sets out Network Rail's position in relation to the DCO application at Deadline 14.

2 Ford Lane Bridge over the River Derwent

2.1 Network Rail must be able to gain access to the Midland Mainline with vehicles weighing 40 Tonnes for maintenance purposes via the A6 (Ford Lane). As the Applicant's scheme provides for the closure of the access to Ford Lane from the A38, it is essential that the junction between Ford Lane and Duffield Road and the junction between Ford Lane and Lambourn Drive are upgraded to enable access by 40 Tonnes vehicles. Similarly, the Ford Lane Bridge over the River Derwent must be suitable for 40 Tonnes vehicles.

2.2 In its Deadline 9 submission [**REP9-036**], Network Rail:

- asked that Requirement 12 in the draft DCO be amended to provide that Derbyshire County Council must approve the detailed design of the Ford Lane/A6 Duffield Road junction and Ford Lane/Lambourn Drive junction works and the Ford Lane Bridge works in consultation with Network Rail; and
- noted that it had not seen the design of the proposed junction or the verification study confirming the load bearing capacity of the bridge.

2.3 Network Rail repeated these points in its Deadline 12 submission [**REP12-016**].

2.4 In its Deadline 8 response [**REP8-007**] the Applicant stated that "details of [the junction design and bridge verification survey] have not yet been shared with Network Rail as they are still subject to confirmation and agreement with the relevant local highway authorities".

2.5 However, by the time of its Deadline 13 submission [**REP13-006**], the Applicant's position on the junction design and verification survey had changed. It stated that "the bridge assessment and verification survey reports are for the benefit of Derbyshire County Council". It goes on to state that "the DCO does not need to have a requirement requiring consultation with NR and the appropriate body to be consulted is the local highway authority".

2.6 Network Rail notes the stance the Applicant has taken. But it is Network Rail's obligation to safeguard its statutory undertaking. Network Rail is content to rely on the approval of the junction works and the bridge load bearing capacity by the local highway authority provided a Requirement is included in the DCO that the junction to Ford Lane from the A38 may not be closed until the Ford Lane/ A6 Duffield Road junction works and the Ford Lane/Lambourn Drive junction works have been constructed and completed to the satisfaction of the relevant highway authority and the highway authority has confirmed that the Ford Lane Bridge is suitable for 40 tonnes vehicles. We ask that a new Requirement 18 is included in the DCO:

Access to Ford Lane

18. No part of the authorised development to stop up the access to Ford Lane via the A38 (Works No. 28) shall commence until Works No.s 29, 33 and 34 have been completed to the satisfaction of the local highway authority and the local authority has provided confirmation in writing that the Ford Lane Bridge over the River Derwent has suitable load-bearing capacity for vehicles weighing 40 Tonnes.

2.7 Network Rail's position is very simple and remains unchanged; it must have a guarantee that it will be able to gain access to the Midland Mainline for maintenance purposes via A6 (Ford Lane)

at all times. All it asks is that a suitable mechanism is included in the DCO to ensure that simple objective.

3 Schedule 9 – Protective Provisions

- 3.1 Network Rail's Preferred Protective Provisions are the same as submitted at Deadline 10 [REP10-013] and are attached at Appendix 1 to this Position Statement.
- 3.2 Network Rail's Preferred Protective Provisions are now agreed with the Applicant.

4 Conclusions

- 4.1 Network Rail will continue to work co-operatively with the Applicant to agree a Framework Agreement, a Deed of Easement and Bridge Agreement which relate to the road bridge over the railway; this is unconnected to the Ford Lane Bridge over the River Derwent. Conclusion of those agreements will not affect the need for the DCO to safeguard Network Rail's access to the Midland Mainline for maintenance purposes as set out above.
- 4.2 Network Rail maintains its objection to the closure of the access to Ford Lane from the A38 for the reasons stated at paragraph 2 above. Network Rail ask that a Requirement is included in the DCO to reflect its concerns.

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