

Wilson, Andy

From: Elsenaar, Marnix <marnix.elsenaar@addleshawgoddard.com>
Sent: 17 November 2020 11:38
To: Stephen Humphreys
Subject: RE: A38 - SoS Response [BURGES-WORK.FID8959218] [ADDGDD-Live.FID3076379]

EXTERNAL EMAIL

I confirm, on behalf of Network Rail Infrastructure Limited, that the text in your email below is agreed and reflects Network Rail's position.

Kind regards

Marnix Elsenaar
Partner

Addleshaw Goddard LLP

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[REDACTED]

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From: Stephen Humphreys <Stephen.Humphreys@burgess-salmon.com>
Sent: 17 November 2020 11:29
To: Elsenaar, Marnix <marnix.elsenaar@addleshawgoddard.com>
Subject: RE: A38 - SoS Response [BURGES-WORK.FID8959218]

Dear Marnix,

Further to our recent call, I want to set out Highways England's position in respect of the request from the Secretary of State (SoS) received on 3 November.

As the SoS's request was made to both Highways England and Network Rail, and as Highways England is proposing to submit a substantive response to the SoS's letter, I suggest that I append a copy of this email and your response to that letter to demonstrate the position shared (and hopefully agreed) between Highways England and Network Rail.

The SoS has requested an update on the status of the Framework Agreement (FA). The FA has been agreed. The FA provides for a Deed of Easement and Bridge Agreement to be entered into between Highways England and Network Rail and for substantially agreed forms of those documents to be attached to the FA. It is hoped by both parties that those agreements will be substantially agreed within the next few weeks and the FA will then be executed and completed.

Notwithstanding the position regarding the FA, Network Rail's only outstanding objection in respect of the scheme relates to the Ford Lane access (as set out in Network Rail's Deadline 14 representation of 18 June 2020 [REP14-040]). As

such, Network Rail does not consider that the grant of the DCO is contingent on the FA being completed before the grant of the order. This is provided that the form of Protective Provisions agreed between Highways England and Network Rail are included in the DCO. It is noted that the Deed of Easement and Bridge Agreement will need to be completed before works affecting railway property (as authorised by the DCO) begin.

I would be grateful if you could please confirm that the statements in this email are agreed and reflect your client's position.

Best

Stephen

Stephen Humphreys
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