

# M25 junction 28 improvement Scheme

TR010029

## 9.67 Applicant's response to Addleshaw Goddard LLP on behalf of Network Rail's Deadline 3b Submission

Rules 8(1)(c)(ii)

Planning Act 2008

Infrastructure Planning (Examination Procedure) Rules 2010

Volume 9

March 2021

# Infrastructure Planning

## Planning Act 2008

### The Infrastructure Planning (Examination Procedure) Rules 2010

### M25 junction 28 scheme

### Development Consent Order 202[x ]

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<b>Rule Number:</b>	Rule 8(1)(c)(ii)
<b>Planning Inspectorate Scheme Reference</b>	TR010029
<b>Application Document Reference</b>	TR010029/EXAM/9.67
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<b>Version</b>	<b>Date</b>	<b>Status of Version</b>
0	17 March 2021	Deadline 4

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# 1. Purpose and structure of responses to written representations

- 1.1.1 This document provides the comments of the applicant, Highways England, in response to Addleshaw Goddard LLP's two additional submissions (AS-034) and (AS-035) on behalf of Network Rail Infrastructure Limited submitted to the Planning Inspectorate (PINS) on 9 March 2021. Section 3 of this document contains the response to Network Rail Infrastructure Limited's further representation (AS-034). Section 3 of this document contains the response to Network Rail Infrastructure Ltd.'s response to the Examining Authority's Written Questions (AS-035).
- 1.1.2 Highways England has sought to provide comments where it is helpful to the Examination to do so, for instance where a representation includes a request for further information or clarification from Highways England or where Highways England considers that it would be appropriate for the Examining Authority (ExA) to have Highways England's views in response to a matter raised by an Interested Party in its representations. Where issues raised within a representation have been dealt with previously by Highways England, for instance in response to a question posed by the ExA in its first round of written questions or within one of the application documents submitted to the Examination, a cross reference to that response or document is provided to avoid unnecessary duplication. The information provided in this document should, therefore, be read in conjunction with the material to which cross references are provided.
- 1.1.3 Highways England has not provided comments on every point made within the representation (for instance, Highways England has not responded to comments made about the adequacy of its pre-application consultation given that Highways England has already provided a full report of the consultation it has undertaken as part of its application for the Development Consent Order (DCO)) and the Planning Inspectorate has already confirmed the adequacy of the pre-application consultation undertaken when the application was accepted for Examination. In some cases no comments have been provided, for instance, because the written representation was very short, or because it expressed objections in principle to the Scheme or expressions of opinion without supporting evidence.
- 1.1.4 For the avoidance of doubt, where Highways England has chosen not to comment on matters raised by Interested Parties, this is not an indication Highways England agrees with the point or comment raised or opinion expressed.

## 2. AS-034 Addleshaw Goddard LLP on behalf of Network Rail further representation

Response reference	Representation issue	Highways England response
AS-034-1	<p>In particular, the Scheme includes works (referred to as Works No. 7 on Works Plan with reference TR010029/APP/2.3) to be carried out beneath the underbridge numbered B/U LTN1 11rA (also known as Poplars Railway Bridge). NR has ascertained that in carrying out these works, the Promoter will need to ensure that:</p> <ul style="list-style-type: none"> <li>the works are designed and executed safely taking into consideration that this part of the railway carries four railway lines with 25kv overhead line infrastructure installed. The works must accommodate the respective supporting infrastructure including the overhead lines' support portal structures, the cables at high level, any underground cables, any signalling equipment and cable routes;</li> <li>any plant and machinery are controlled in a manner which does not give rise to any risk that the integrity of the existing structure of the underbridge would be affected; and</li> <li>in the design and execution of the works there is no impact on the existing drainage of embankments including weep holes to the abutments and the retaining and wing walls to the structure.</li> </ul> <p>Accordingly, NR hereby confirms that it has no objection in principle to the Scheme subject to the following matters being concluded and secured to the satisfaction of NR:</p> <ol style="list-style-type: none"> <li>the Draft Development Consent Order should include specific provisions for the protection of NR to address the aforementioned potential impacts;</li> <li>the Promoter and NR shall enter into a framework agreement to make further provision for their respective interests so far as the design, construction and operation of the Scheme interfaces with NR's operational railway (including NR's review and prior approval of the design proposals for Works No.7 at detailed design and construction stages); and</li> <li>the Promoter and NR shall enter into a form of asset protection agreement to govern the construction of the parts of the Scheme which are located on or adjacent to operational railway land.</li> </ol> <p>NR is progressing discussions with the Promoter and its legal representatives with regards to the agreement of these matters and setting these out in an agreed draft Statement of Common Ground which shall be submitted as soon as possible in due course.</p>	<p>Highways England confirms that no works are being carried out in the immediate vicinity of Poplars Railway Bridge. Works in Work No. 7 will commence just north of the M25 Brook Street Viaduct, approximately 125 metres to the north of the railway bridge, involving construction of the proposed loop road. Accordingly, there is no need for any particular arrangements or protective provisions to be made in respect of Network Rail's assets.</p> <p>Other works to be undertaken in Work No. 7 include the break out and removal of the existing M25 northbound on-slip tie in to the main carriageway and the construction and tie-in of the proposed M25 northbound on-slip.</p> <p>The Work No. 7 description will be amended to clarify this and the updated draft DCO will be submitted at Deadline 5.</p> <p>The Book of Reference addendum (TR010029/EXAM/9.58) has been amended to remove Network Rail as an interested party at Deadline 4.</p>

### 3. AS-035 Addleshaw Goddard LLP on behalf of Network Rail Response to the Examining Authority's written questions

Question reference	Question	IP response	Highways England's response
GQ1.5	<p>In its RR [RR-002], Network Rail states that it wishes to object to the Proposed Development on the ground that the proposed works might [ExA emphasis] interfere with the safe and efficient operation of the railway. The Works Plans [APP-006] show Work No.7 (M25 northbound improvement works) commencing northwards of the Network Rail bridge (i.e. not underneath it) towards the development site.</p> <p>Explain in more detail how the Proposed Development (other than Compulsory Acquisition (CA) matters which are asked in the section below) would affect the operation of the railway</p>	<p>In response to question GQ 1.5, NR is in discussions with Highways England (Promoter) in order to fully ascertain the impacts (if any) of the Proposed Development on NR's operations and NR has requested that the Promoter make contact with NR's engineers in this regard.</p> <p>As yet, NR is not in a position to confirm whether or not the Proposed Development will have any impact on the safe and efficient operation of the railway. NR will confirm the position on this matter as soon as it has been ascertained between NR's engineers and the Promoter.</p> <p>We will update PINS as soon as possible on this matter.</p>	See above.

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Highways England Company Limited registered in England and Wales number 09346363

