

M25 junction 28 improvement scheme

TR010029

9.90 Applicant's comments on Addleshaw Goddard LLP on behalf of Network Rail Infrastructure Limited's Deadline 5 submission

Rules 8(1)(c)(ii)

Planning Act 2008

Infrastructure Planning (Examination Procedure) Rules 2010

Volume 9

April 2021

Infrastructure Planning

Planning Act 2008

The Infrastructure Planning (Examination Procedure) Rules 2010

M25 junction 28 scheme

Development Consent Order 202[x]

9.90 Applicant's comments on Addleshaw Goddard LLP on behalf of Network Rail Infrastructure Limited's Deadline 5 submission

Rule Number:	Rule 8(1)(c)(ii)
Planning Inspectorate Scheme Reference	TR010029
Application Document Reference	TR010029/EXAM/9.90
Author:	M25 junction 28 scheme, Project Team, Highways England

Version	Date	Status of Version
0	27 April 2021	Deadline 6

Table of contents

Chapter	Pages
1. Purpose and structure of this response	4
2. REP5-069 Addleshaw Goodard LLP on behalf of Network Rail Infrastructure Limited	5

1. Purpose and structure of this response

- 1.1.1 This document provides the comments of the applicant, Highways England, in response to Addleshaw Goddard LLP's written representation, on behalf of Network Rail Infrastructure Limited (REP5-069), submitted to the Examining Authority (ExA) at Deadline 5 (13 April 2021).
- 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. REP5-069 Addleshaw Goodard LLP on behalf of Network Rail Infrastructure Limited

Response reference:	Representation Issue	HE Response
REP5-069-01	<p>As previously indicated, this Firm is instructed by Network Rail Infrastructure Limited (NR) in relation to the DCO Scheme. We write further to our letter of 9 March 2021 and the Applicant's response (document with reference REP4-027).</p> <p>In document REP4-027, the Applicant responded to our letter of 9 March 2021, confirming:</p> <p><i>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.</i></p> <p><i>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.</i></p> <p><i>The Work No. 7 description will be amended to clarify this and the updated draft DCO will be submitted at Deadline 5.</i></p> <p><i>The Book of Reference addendum (TR010029/EXAM/9.58) has been amended to remove Network Rail as an interested party at Deadline 4.</i></p> <p>As we have yet to have sight of the revised Work Plan showing the extent of the amended works (which the Applicant has confirmed by written correspondence will be submitted at Deadline 6), we hereby reserve our client's position in respect of the DCO Scheme until the Work Plan is received and the amended works have been assessed by NR's engineers.</p> <p>Absent our client's satisfaction that there are no impacts from the DCO Scheme (and in particular from Works No. 7) on NR's assets, we would request that the enclosed Protective Provisions are included within the draft Order for NR's benefit.</p> <p>Once we are in receipt of the updated Works Plan showing the revised Works No. 7 and our client has had reasonable opportunity to inspect and assess the revised works, we will write further to you to confirm NR's position in respect of the DCO Scheme.</p>	<p>Highways England has engaged with Network Rail on a number of occasions to explain that the Scheme has no impact on Network Rails Assets. The latest contact was on 12 April 2021 where Highways England explained that, as set out in responses to Network Rail's submissions to the DCO examination and most recently in Highways England document REP4-027, the Scheme has no impact on the railway as it crosses over the M25 using Poplars Railway bridge and no works are proposed to the railway bridge, nor any works which would affect Network Rail's assets. As a consequence, Network Rail no longer appears as an interested party in the Book of Reference for the scheme.</p> <p>Work No. 7, which involves certain works to the M25 (and never included any works to the railway bridge) is now intended to commence a considerable distance away from the railway bridge, at a location north of the M25 viaduct as it crosses the A12. To make this clear Highways England has adjusted the description of Work No. 7 accordingly in the dDCO (TR010029/EXAM/3.1(5)) and on the Works Plans (TR010029/APP/2.3(2)) submitted at Deadline 6.</p> <p>Therefore, Highways England maintains its position that there is no need for any particular arrangements or protective provisions to be made in respect of Network Rail's assets.</p>

© Crown copyright (2021).

You may re-use this information (not including logos) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence:

visit www.nationalarchives.gov.uk/doc/open-government-licence/

write to the Information Policy Team, **The National Archives, Kew, London TW9 4DU**,
or email psi@nationalarchives.gsi.gov.uk.

Printed on paper from well-managed forests and other controlled sources.

Registered office Bridge House, 1 Walnut Tree Close, Guildford GU1 4LZ
Highways England Company Limited registered in England and Wales number 09346363

