

From: [Henshaw, Matthew](#)
To: [M25 Junction 28](#)
Cc: [Williams, Emily](#)
Subject: M25 Junction 28 Improvements Scheme - Network Rail Submission [ADDGDD-Live.FID3353792]
Date: 07 July 2021 21:16:18
Attachments: [Letter - PINS - NRIL Submission Withdrawing Objection to DCO \(07.07.2021\).pdf](#)

Dear Sirs

We are instructed by Network Rail Infrastructure Limited (**NR**) in connection with the M25 Junction 28 Improvements Scheme (**Scheme**).

Please see the attached submission on behalf of NR with regards to the withdrawal of its objection to the Scheme.

Yours faithfully

Addleshaw Goddard LLP



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Your reference TR010029

Our reference HENSM/43283-3228

7 July 2021

BY EMAIL TO:

M25Junction28@planninginspectorate.gov.uk

National Infrastructure Planning
Temple Quay House
2 The Square
Bristol
BS1 6PN

Dear Sirs

DCO Scheme: M25 Junction 28 Improvement Scheme
Our client: Network Rail Infrastructure Limited
Applicant: Highways England
Subject: Network Rail Infrastructure Limited's Response to the Applicant's Deadline 6 Submissions

This Firm is instructed by Network Rail Infrastructure Limited (**NR**) in relation to the DCO Scheme.

We write further to our letter of 13 April 2021 (REP5-069-01) and the Applicant's response to that letter contained in document TR010029/EXAM/9.90 dated 27 April 2021, confirming:

Highways England has engaged with Network Rail on a number of occasions to explain that the Scheme has no impact on Network Rail's 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.

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.

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.

Following discussions with the Applicant, NR is satisfied that the works (as shown on the existing works plans, sections and engineering drawings) will not give rise to any impacts on its assets should the DCO be granted in the form sought by the Applicant. Moreover, should any non-material amendments be

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made to the works resulting in the distance of the works from Poplars Railway Bridge being reduced, NR is satisfied that it would need to be consulted on any such amendments as a consultee of the original application for the DCO (under Regulation 7 of The Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011) (**2011 Regulations**).

With regards to any material amendments which may be subsequently made to the works pursuant to the 2011 Regulations which have the effect of reducing the distance of the works from Poplars Railway Bridge, it is possible that the Applicant would not be required to consult with NR on those amendments if it is deemed by the Applicant that NR is not directly affected by the changes and the Secretary of State does not require NR to be consulted. Despite this, NR foresees circumstances where NR may conclude that such works being carried out at a closer distance to Poplars Railway Bridge would have potential impacts on the operational railway network and NR would, in those circumstances, seek the imposition of appropriate protective measures in the carrying out of such works.

NR has been in discussions with the Applicant in this regard and the Applicant has provided NR with a letter dated 7 July 2021 which unequivocally confirms that the Applicant shall be required to consult with NR in circumstances whereby the effect of any such amendment to the DCO would be to reduce the distance of the works authorised by the DCO to be less than 75 metres (being the distance under the current scheme design) from Poplars Railway Bridge. In light of this confirmation being provided by the Applicant in writing and whilst NR would always prefer for its standard protective provisions to be included within the order, it is willing in the circumstances to accept the written confirmation from the Applicant as providing sufficient protection against any risks of impacts from the scheme on its assets.

On this basis, NR is content to withdraw, and hereby formally withdraws, its objection to the DCO.

Should you have any queries, please don't hesitate to contact us.

Yours faithfully



Matthew Henshaw

