



**Written Representation by Network Rail Infrastructure Limited in relation to The A122 (Lower Thames Crossing) Development Consent Order 202[ ]**

**Planning Inspectorate Reference Number: TR010032**

**Unique Identification Number: LTC-SP013**

Further to Network Rail Infrastructure Limited's (**Network Rail**) relevant representation submitted on 6 February 2023 (Examination Library Reference RR-0787), Network Rail wishes to make this written representation in relation to National Highways' (**Promoter/NH**) application (**Application**) for the above development consent order (**DCO**).

The Application includes provisions which would, if granted, authorise NH to carry out works on and in close proximity to operational railway land in the control of Network Rail, to use such land temporarily and to acquire permanent interests in such land.

As set out in Network Rail's earlier relevant representation, the Book of Reference identifies 52 plots (**Plots**) of land over which Network Rail have rights or own or occupy. The Applicant is seeking, through compulsory purchase (**Compulsory Powers**), the permanent acquisition of rights over 21 plots, temporary possession of 17 plots, all interests and rights over 11 plots, the acquisition of subsoil and rights with temporary possession and use of land at the surface over 2 plots, and both temporary possession and use and acquisition of rights over 1 plot. The Applicant has provided Network Rail with the Table of Interests which detail the proposed works and the nature of the powers sought over each Plot.

Network Rail objects to the use of Compulsory Powers over the Plots to deliver the development to be authorised by the DCO.

Network Rail continues to investigate the extent of the risk to its assets and is liaising with the Promoter in relation to any mitigation required and it is anticipated that this will continue during the examination process. In particular:

- Network Rail require protective provisions to be included within the DCO to ensure that its interests are adequately protected and to ensure compliance with the relevant safety standards. Good progress has been made between the parties on the form of protective provisions to be included in the DCO.
- Network Rail and the Promoter are negotiating a private agreement to regulate the manner in which rights over railway property are to be granted and in which works are to be carried out in order to safeguard Network Rail's statutory undertaking. Engineers for Network Rail are continuing to review the extent of impacts on operational railway and Network Rail property and any mitigation required (including NR's review and prior approval of the design proposals for the parts of the DCO scheme which interface with the railway at detailed design and construction

stages) will be considered in this agreement. The terms of agreement are progressing well and the parties are confident that this will be completed before the close of the examination.

- The completion of the necessary deeds of easement and asset protection agreement to govern the construction, maintenance and, where appropriate, removal of the parts of the development proposed by the DCO which are located on or adjacent to operational railway land.
- Network Rail and the Promoter are in discussions about the effects of the DCO in general and will continue to liaise to address all outstanding matters.

Until satisfactory agreement has been reached with the Promoter on all matters to its satisfaction, Network Rail will not be in a position to withdraw its objection to the making of the DCO.