

Our reference CREWC/HENSM/43283-4756
Interested Party reference LTC-SP013

12 December 2024

BY EMAIL TO:

LowerThamesCrossing@planninginspectorate.gov.uk

National Infrastructure Planning
Temple Quay House
2 The Square
Bristol
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Dear Sir / Madam

DCO Scheme: Lower Thames Crossing Project
Our client: Network Rail Infrastructure Limited
Subject: Response to request from PINS for comments in connection with response from Applicant dated 26 November 2024

This Firm is instructed by Network Rail Infrastructure Limited (**NRIL**) in relation to the application by National Highways (**Applicant**) for the Lower Thames Crossing Project DCO.

We write in response to your letter of 28 November 2024 requesting an update from NRIL in relation to the progress of negotiations with the Applicant since the close of the Examination Period.

Negotiations with the Applicant on the Protective Provisions for the protection of railway interests (**PPs**) and the side agreement are ongoing, although at this stage negotiations have been reduced to a small number of outstanding points. At this stage, NRIL maintains our objection that the form of PPs on the draft Development Consent Order (**Order**) are inadequate for the reasons set out in our submission dated 21 December 2023.

In the Applicant's revised draft Order dated 10 May 2024 (please find a link to the document [here](#)), at page 343 the Applicant sought to amend the PPs in the draft Order to incorporate a table detailing height restrictions (**Table**). You will note that this amendment was requested approximately five months after the end of the examination period on 20 December 2023.

Our client has been assessing the matter since and has concluded that the height restrictions must be 'height above the railhead' as opposed to the 'height above the level of the surface of the land'. This is because the land or ballast surface topography will vary across the width and length of the rail corridor and so is not an appropriate baseline for measuring appropriate airspace heights for the purpose of restricting compulsory acquisition powers. The heights specified in the table have not been approved by NRIL either.

We are due to meet with the Applicant on 16 December 2024 to discuss an agreed approach to the form of the Table to be included in the draft Order and we will write to you in due course to confirm the position agreed with the Applicant.

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On this basis, as at the current date, NRIL's objection extends to the inclusion of the height restrictions in the draft Order as currently drafted, as it does not adequately deal with the matter of restricting compulsory acquisition of land / airspace over the operational railway.

Should you have any queries, please do not hesitate to contact us.

Yours faithfully

Addleshaw Goddard LLP

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