



EVERSHEDS

Angus Walker  
Bircham Dyson Bell  
50 Broadway  
London  
SW1H 0BL

Date 14 November 2012  
Your ref  
Our ref CLARKJZ/161318-000192  
Direct dial 0845 497 4559  
[julietclark@eversheds.com](mailto:julietclark@eversheds.com)

Dear Angus

**Able Marine Energy Park Application  
Network Rail**

Further to my email of 12 November 2012, I have had sight of your client's *Response to the Rule 17 Request for Further Information*.

The first request for information is an update on land acquisition, which is set out in Table 1 to the Response. Your client's entry against Network Rail owned land is as follows:

*"discussions between the Applicant and Network Rail are continuing and both parties are hoping for a successful conclusion – by week ending 16 November – that may remove the need for a CPO".*

As you know, the purpose of my email of 12 November was to seek a formal response to the Heads of Terms we sent you on 15th October 2012. Other than your client's rejection of those terms immediately before the opening of the Specific Issues Hearing on Compulsory Purchase Issues on 16th October 2012, we have had no response to those Heads of Terms, nor has your client responded to Network Rail.

I note that the *Summary of the Applicant's Case made at the Compulsory Acquisition Hearings on 16 and 17 October 2012* continues to argue the case for the compulsory acquisition of Network Rail's operational land and at paragraph 41 of that Summary, the Applicant states:

*"Two alternative solutions are offered in the [Heads of Terms proposed by Network Rail] and neither is considered to constitute a reasonable alternative.."*

With this document in mind, the statement in Table 1 of the *Response to the rule 17 Request for Further Information* seems entirely without foundation.

If your client's view remains as is set out in the *Summary of the Applicant's Case made at the Compulsory Acquisition Hearings on 16 and 17 October 2012*, please could you indicate on what grounds you consider that the parties are likely to reach an agreement by the end of next week?

**Eversheds LLP**  
One Wood Street  
London  
EC2V 7WS

Tel 0845 497 9797  
Fax 0845 497 4919  
Int +44 20 7919 4500  
DX 154280 Cheapside 8  
[www.eversheds.com](http://www.eversheds.com)



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Date 14 November 2012  
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Yours sincerely

PP

  
**Juliet Clark**  
**Senior Associate**  
**For Eversheds LLP**