

Dear Sir,

Further to my correspondence with Mike Harris in this matter, please see attached note submitted on behalf of Network Rail.

Kind regards

Juliet

Juliet Clark
Senior Associate

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PLANNING ACT 2008

**APPLICATION FOR THE PROPOSED ABLE ENERGY MARINE PARK DEVELOPMENT
CONSENT ORDER**

**COMMENTS ON THE APPLICANT'S WRITTEN SUMMARY OF THE APPLICANT'S
CASE AT THE SPECIFIC ISSUE HEARING ON THE DCO HELD ON 12 JULY 2012
("the Written Summary")**

**SUBMITTED ON BEHALF OF NETWORK RAIL
INFRASTRUCTURE LIMITED**

Planning Inspectorate Reference Number: TR030001

Unique Objector Reference: [REDACTED]

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1. **Comments on paragraph 10 (nature and extent of provisions relating to the railway network) and paragraph 38 (railway network) of the Written Summary:**

1.1 Network Rail agrees that the lead member of the panel made it clear at the outset that the hearing would not consider whether the case for compulsory purchase had been made adequately by Able, and that although Network Rail has a fundamental objection to the compulsory acquisition and loss of track from the Network, this will be a matter for the specific issues hearing on compulsory acquisition.

1.2 However, Network Rail disagree that the issues of concern to it are primarily ones of compulsory acquisition. It was clear at the hearing that the nature and extent of provisions relating to the railway network concerned the regulatory changes proposed in article 47 of the draft DCO, to which Network Rail object strongly for the reasons described in the Written Representation submitted on behalf of Network Rail.

1.3 The Applicant noted that the proposed changes to the Network are purely regulatory, and that no physical works were proposed.

1.4 Representative in attendance on behalf of NR explained that the precise nature of the works were unclear and that although the explanatory memorandum referred to there being no physical works, the masterplan drawings showed several level crossings which Network Rail could not agree to for safety reasons. The Applicant commented that draft DCO contained provisions for creating new railway and that this would allow them to create new sidings. Network Rail consider this to be physical works. At the hearing, Network Rail reiterated its fundamental objection to new level crossings detailed in the Written Representation, which are against the policy of both Network Rail and the Office of Rail Regulation (Network Rail's safety regulator).

1.5 The Applicant was requested to provide additional detail on the proposed physical works to the railway.

2. **Comments in paragraph 51 (protective provisions) of the Written Summary:**

2.1 Able agreed to consider the proposed protective provisions (annexed to Network Rail's Written Representation) and to respond in writing. This has yet to occur.