

Dated

5 September 2023

**APPLICATION BY ASSOCIATED BRITISH PORTS FOR AN ORDER GRANTING
DEVELOPMENT CONSENT FOR THE IMMINGHAM EASTERN RO-RO
TERMINAL**

PLANNING INSPECTORATE REFERENCE NUMBER: TR030007

INTERESTED PARTY NUMBER: 20037258

**SUMMARY OF WRITTEN REPRESENTATION
submitted on behalf of Network Rail
Infrastructure Limited**

Summary of Written Representation

1. Network Rail (**NR**) does not object in principle to the Proposed Development. However, it objects to the potential impact of the Proposed Development on operational railway as a result of the proposed lighting strategy and the absence of a mechanism in the Proposed DCO to restrict of the use of Kiln Lane Level Crossing and Marsh Road Level Crossing by construction traffic in the event of a closure of Queens Road Bridge. Network Rail also requires that a New Right of Access is obtained prior to its Existing Rights being extinguished and that it is consulted in relation to the lighting strategy proposed for the Proposed Development which may impact on operational railway.
2. NR considers it necessary to require consultation with the Applicant prior to the use of Kiln Lane Level Crossing by construction traffic and for the Applicant to adhere to its requirements in relation to such use. The use of Marsh Road Level Crossing by construction traffic should be prohibited as it is unsuitable for HGVs.
3. To mitigate these risks, NR considers it to be important to secure appropriate protective provisions for NR's statutory undertaking, amendments to the requirements of the Proposed DCO to require its consultation in relation to the lighting strategy and to regulate the use of the level crossings and to enter into an agreement that regulates the use of the level crossings.
4. NR and the Applicant are negotiating a voluntary private agreement which provides for entry into a deed of easement for the New Right of Access in due course, with the Existing Right of Access being retained until this point.
5. NR requests that the protective provisions appended to the Written Representation be included in the DCO at Part 8 of Schedule 4 and that amendments be made to the Requirements of Part 1 of Schedule 2 to the Proposed DCO as set out in the Written Representation (to ensure that NR is consulted in relation to and approves a lighting strategy and to restrict the use of Kiln Lane level crossing and South Marsh Road by construction traffic) to safeguard operational railway.
6. NR has attempted to engage with the Applicant to enter into a voluntary private agreement to secure appropriate mitigation measures without success and until such time as NR is given the protection and assurances requested as detailed in this Written Representation, NR's objection to the Proposed DCO will not be withdrawn.

Addleshaw Goddard LLP
5 September 2023