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Dear Mr Irving

Thank you for your letter dated 8 June 2011, in response to our letter of 25 May.

Definition of "maintain" Article 2

We note your explanation for this definition and suggest that it should be referred to in the Explanatory Memorandum. We consider that the words " or bridge" should be included in the new requirement 15 to reflect the wording of Part 11 of the GPDO.

The description of the authorised development Schedule A

Our suggested amendment to the description of the associated development at (b) should also have referred to the deletion of reference to embankments, and to "works" referred to at (e) (f) and (g) as we consider these descriptions too widely drafted.

Acquisition by statutory undertakers Article 18 (5) and Protective Provisions

We note your explanation but it is the statutory undertaker who will be liable to pay compensation and we note that there is no protective provision under which Network Rail would indemnify the statutory undertaker for such compensation. We do not consider that the provision relating to Network Rail repaying expenses is applicable to this situation where there would be liability for statutory compensation. The Funding Statement will also need to deal with this point.

Draft Requirements

In accordance with approved details- requirement 1

We do not consider the words about the environmental statement to be unnecessary. The EIA Regulations refer to a subsequent application which is defined as an application made in pursuance of a requirement imposed by an order in other words where there is a requirement to submit an application for approval of plans or details. There is no such requirement here.

Surface Water Drainage

We suggest that the detail of the protective provisions is agreed with the Environment Agency.

I trust this answers all of your queries but should you need to contact us again, please do not hesitate to do so.

Yours sincerely



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Cc: Colin Murphy, Network Rail
Jenny Camp and David Simmonds

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