

**From:** [Baxendale, Eleanor](#)  
**To:** [Metrowest1](#)  
**Subject:** Deadline 6 response  
**Date:** 15 March 2021 17:27:29  
**Attachments:** [20210315 Deadline 6 NT response.docx](#)

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Hello

Please find attached the deadline 6 response. I have reviewed the action points from 3<sup>rd</sup> March hearing and can't find that there were any specifically relating to the National Trust. If PINS do require extra information from us could you please let me know.

Kind Regards

Eleanor  
Eleanor Baxendale MRICS  
Estate Manager

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15 March 2021 update

Following the Compulsory Acquisition Hearing on the 3<sup>rd</sup> March I wanted to reiterate the position of the National Trust. As we have said, whilst we are generally supportive of sustainable transport schemes, we are a charity. Our concern is primarily over the increased liability and duty of care. As we have previously said we feel it is unfair that the suggestion is that we take on all future liability and responsibility for the impact of rock falls onto the upgraded passenger line. We believe this isn't the general position in law and have Counsel opinion that supports this view which we have shared with MetroWest. The temporary compulsory purchase of our land means that our land is not permanently acquired. However, the fact it is included in the DCO means that it is needed for the scheme, which we believe shows that there is some ongoing responsibility for the infrastructure by Network Rail. We do not believe that a shared liability sets a precedent that Network Rail doesn't want, but rather is the legal position.

If MetroWest and Network Rail were willing to take this view we would be much more comfortable with the scheme as it affects the National Trust. We are still very willing to talk to MetroWest and Network Rail but have to balance our interests as a charity and it needs to be understood that the proposed rock fences are not protecting our land but the railway.

Internally, we are working on a proposal that we can present to MetroWest that we would find acceptable. Our concern is regarding the increased liability which MetroWest and Network Rail believe will be ours as a neighbouring landowner.

We will continue to engage with the DCO process in order to protect our position.

Eleanor Baxendale MRICS Estate Manager for the National Trust