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Date: 22 August 2019
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Dear Mr Ranger

**Planning Act 2008 (as amended)
Four Ashes Limited**

**Application for an Order granting Development Consent for the construction of a Rail
Freight Interchange and associated development (West Midlands Interchange)
Examination – Applicant’s Further Update on Network Rail Representations**

With its Deadline 8 submission the Applicant submitted an Update on Network Rail Representations (Document 18.6). In paragraph 4 of that document reference was made to the Applicant having had sight of a letter to be submitted to the Examining Authority at Deadline 8.

The letter referred to in that paragraph differs from the letter that was in fact submitted (in respect of which no criticism is intended). The letter seen by the Applicant did not refer to the protective provisions but the submitted letter does.

The Applicant believes it would be helpful for the Examining Authority to have the Applicants view on the protective provisions that Network Rail have requested be inserted in the dDCO.

It is understood that Network Rail wish the protective provisions to be amended so that they accord with what they consider to be their standard provisions. The Applicant does not object to the inclusion of those protective provisions, subject to the following comments:

1. The references to “of this Part” of this Schedule need to remain so that the provisions are consistent with the remainder of the dDCO. The protective provisions comprise Part 1 of the Schedule, not the entire Schedule.
2. The reference in paragraph 11(11) to Article 49 should remain as Article 48 to accord with the dDCO (Document 3.1E).
3. In paragraphs 20 and 21 the words in brackets should not be capitalised to accord with the remainder of the dDCO and the SI template.

Please do not hesitate to contact me using the contact details above or my colleague, Laura-Beth Hutton (laura-bethhutton@eversheds-sutherland.com or [REDACTED] should there be any queries.

Yours sincerely

[REDACTED]

Morag Thomson

Partner

Planning and Infrastructure Consenting

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