

**Application by Roxhill (Junction 15) Limited for a Development Consent Order for the Northampton Gateway Rail Freight Interchange**

**Planning Inspectorate Reference No: TR050006**

**Reference No. 20011154**

**Response to dDCO Commentary from Network Rail Infrastructure Limited**

Question	Part of DCO	Question	NR Response
Q7 – Commentary on the dDCO	Sch 13 Pt 1, para 4 (possibly para 11(11) (omitted from Doc 3.1C – dDCO, but included in NR's Deadline 3 submission of 30 November), para 22	Please confirm this is the full list of provisions on which there is a difference?	<p>The protective provisions for the benefit of Network Rail (<b>NR</b>) to be included with the next draft of the DCO (to be submitted at Deadline 6) have been agreed between NR and the Applicant.</p> <p>A letter to PINs dated 26 February from the Applicant's solicitors (copy attached) confirms the amendments to the protective provisions that the parties have agreed will be included in the next draft of the DCO.</p>
DCO:5	Article 39	Is NR content with the deletion of Art 39(2) (which happened in the 20 Nov submission – Doc 3.1B [REP2-005])? The ExA had asked its purpose in ISH:37 and the Applicant replied that it replicates para 19 of the protective provisions in favour of NR and can therefore be deleted.	Art 39(2) can be deleted because it is replicated at paragraph 19 of the agreed protective provisions.
DCO:38	Sch 13, Pt 1, protection of Network Rail	The Changes Tracker says Sch 13 Pt 1 para 11(11) is not agreed by NR. But it is deleted now. What is the up to date position please?	This matter is agreed. As stated in our answer to Q7 above, the Applicant and NR have agreed amendments to the protective provisions for the benefit of Network Rail.
DCO:39	Sch 13, Pt 1, para 22	Are the time limits and expert determination provisions now agreed with Network Rail?	Yes. As stated in our answer to Q7 above, the Applicant and NR have agreed amendments to the protective provisions for the benefit of Network Rail.

DCO:40		<p>The DCO Changes tracker says, when explaining the position on Sch 13, that the SoCG with NR (Doc 7.13, ReP1-016) states:</p> <p>"Amendments to several paragraphs in Part 2 as agreed with Network Rail. The protective provisions are agreed except for paragraphs 4(1), 11((11) and 22, as explained in the Statement of Common Ground agreed with Network Rail (Document 7.13) (REP1-016)."</p> <p>Please could the Applicant help the ExA by indicating which page of the 129 page document do this.</p> <p>Is the position that para 4 is acceptable to both parties, but that the Applicants' case that is subject to para 22 as it appears in the Deadline 4, January 2018 draft DCO, Doc 3.1C [REP4-004]?</p> <p>Is the result that the ExA is required to consider and recommend to the Secretary of State whether there should be a timeline for decision and if so what the timeline should be?</p> <p>Please could Network Rail and the Applicant confirm that there are no other issues between them?</p> <p>The ExA will expect to hear concise final submissions from the Applicant and NR on the matters in dispute at ISH5 on 13 March 2019.</p>	<p>As stated in our answer to Q7 above, the Applicant and NR have agreed amendments to the protective provisions for the benefit of Network Rail.</p> <p>On the basis that there are no further points of difference in relation to the protective provisions NR does not anticipate that it will need to attend the hearing into the dDCO [ISH5].</p>
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