

INQ/5A
2 December 2021

NETWORK RAIL INFRASTRUCTURE LIMITED

NETWORK RAIL (HUDDERSFIELD TO WESTTOWN (DEWSBURY) IMPROVEMENTS) ORDER

NETWORK RAIL INQUIRY DOCUMENT

Paper of Order Amendments (To be read in conjunction with updated Network Rail Core Documents NR02.3 and NR02.4 submitted as INQ/9A and INQ/10A)

The references to page numbers and articles in this paper of amendments are references to those pages and articles of the order as applied for on 31 March 2021.

Order Page No.	Description of Amendment	Reason for Amendment
Page 9	<p>after article 6(4), insert:-</p> <p>“(5) The construction of any authorised works on the site of a regulated facility which is subject of an approval under paragraph (3) must be constructed—</p> <p> (a) in accordance with the plans approved or deemed to have been approved under this article; and</p> <p> (b) to the reasonable satisfaction of the Environment Agency,</p> <p>and an officer of the Environment Agency is entitled, on giving such notice as may be reasonable in the circumstances, to inspect and watch the construction of such works.”</p>	<p>Network Rail proposed drafting amendment to address comments from the Environment Agency regarding controls in Article 6 to ensure the delivery of approved plans.</p>

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Page 9	<p>after article 6(4), insert:-</p> <p>“(6) Network Rail must give the Environment Agency—</p> <p>(a) not less than 14 days’ notice in writing of its intention to commence the construction of any authorised works on the site of a regulated facility which is subject of an approval under paragraph (3); and</p> <p>(b) notice in writing of the completion of such works not less than 7 days’ after the date on which such works are first brought into public use”</p>	<p>Network Rail proposed drafting amendment to address comments from the Environment Agency regarding controls in Article 6 to ensure the delivery of approved plans.</p>
Page 9	<p>after article 6(5), insert:-</p> <p>“(8) Any dispute arising between Network Rail and the Environment Agency under this article, if the parties agree, is to be determined by arbitration under article 57 (arbitration), but otherwise is to be determined by the Secretary of State for Environment, Food and Rural Affairs and the Secretary of State for Transport acting jointly on a reference to them by Network Rail or the Environment Agency, after notice in writing by one to the other.”</p>	<p>Network Rail proposed drafting amendment to address comments from the Environment Agency regarding the resolution of any disputes arising under Article 6.</p>
Page 9	<p>article 6(5), leave out “Environmental” and insert “Environment.”</p>	<p>Drafting correction amendment.</p>
Page 9	<p>article 6(5) re-number as article 6(7).</p>	<p>Network Rail proposed drafting amendment in</p>

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		consequence of Network Rail's proposed insertion of new articles 6(5) and 6(6).
Page 9	article 6(6) re-number as article 6(9).	Network Rail proposed drafting amendment in consequence of Network Rail's proposed insertion of new articles 6(5), 6(6) and 6(8).
Page 84	schedule 19, part 3, paragraph 17(2), definition of "drainage work", leave out "watercourse" and insert "main river"	Protective provisions drafting amendment as agreed with the Environment Agency.
Page 84	schedule 19, part 3, paragraph 17(2), after "containing fish and", leave out "the spawn" and insert "fish in, or migrating to or from such waters and the spawn, spawning grounds"	Protective provisions drafting amendment as agreed with the Environment Agency.
Page 84	schedule 19, part 3, paragraph 17(2), after the definition for "the fishery" insert "main river" has the same meaning as in section 221 (general interpretation) of the Water Resources Act 1991(a) Insert new footnote "(a) 1991 c. 57"	Protective provisions drafting amendment as agreed with the Environment Agency.
Page 84	schedule 19, part 3, paragraph 17(2), in the definition for "specified work":- <ul style="list-style-type: none"> at the end of (c), delete "or" 	Protective provisions drafting amendment as agreed with the Environment Agency.

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	<ul style="list-style-type: none"> at the end of (d), insert “; or”. after (d), insert “(e) affect the conservation value of any main river and habitats in its immediate vicinity.” 	
Page 84	schedule 19, part 3, paragraph 18(1), leave out “submission” and insert “receipt” and leave out “require” and insert “request”.	Protective provisions drafting amendment as agreed with the Environment Agency.
Page 84	schedule 19, part 3, paragraph 18(2), leave out “28” and insert “29”.	Protective provisions drafting amendment as agreed with the Environment Agency.
Page 84	schedule 19, part 3, paragraph 18(3)(b), after “submission of the plans for approval” insert “or where further particulars are submitted under sub-paragraph (1) within 2 months of the submission of those particulars,”.	Protective provisions drafting amendment as agreed with the Environment Agency.
Page 84	schedule 19, part 3, paragraph 19, after “temporary or permanent,” insert “before or”.	Protective provisions drafting amendment as agreed with the Environment Agency.
Page 85	schedule 19, part 3, paragraph 20(2), leave out “brought into use” and insert “completed”	Protective provisions drafting amendment as agreed with the Environment Agency.
Page 85	schedule 19, part 3, paragraph 20(5), after “must not except in” insert “an” and at the end insert “in accordance with paragraph 29”.	Protective provisions drafting amendment as agreed with the Environment Agency.

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Page 85	schedule 19, part 3, paragraph 21(1), after “limits of deviation”, leave out “or” and insert “and”.	Protective provisions drafting amendment as agreed with the Environment Agency.
Page 85	schedule 19, part 3, paragraph 21(3), after “expenditure” leave out “reasonably”	Protective provisions drafting amendment as agreed with the Environment Agency.
Page 86	schedule 19, part 3, paragraph 21(4), after “except in a case of” insert “an” and at the end insert “in accordance with paragraph 29”.	Protective provisions drafting amendment as agreed with the Environment Agency.
Page 86	schedule 19, part 3, after paragraph 24 insert:- “25. If by reason of the construction of any specified work the Agency’s access to flood defences or equipment maintained by the Agency for flood defence purposes is materially obstructed, Network Rail must as soon as reasonably practicable provide such alternative means of access as will (so far as reasonably practicable) allow the Agency to maintain the flood defence or use the equipment no less effectively than was possible before the obstruction.”	Protective provisions drafting amendment as agreed with the Environment Agency.
Pages 86 to 87	schedule 19, part 3, re-number paragraphs 25, 26, 27 and 28 as paragraphs 26, 27, 28 and 29.	Consequential amendments due to protective provisions drafting amendments as agreed with the Environment Agency.
Pages	schedule 19, part 4, re-number paragraphs 29 to 37 as	Consequential amendments due to protective provisions drafting amendments as agreed with the Environment

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87 to 89	paragraphs 30 to 38	Agency.
Page 87	schedule 19, part 4, paragraph 30(2), leave out “37” insert “38”	Consequential amendment due to protective provisions drafting amendments as agreed with the Environment Agency.
Page 88	schedule 19, part 4, paragraph 31, leave out “30” insert “31”	Consequential amendment due to protective provisions drafting amendments as agreed with the Environment Agency.
Page 88	schedule 19, part 4, paragraph 32, leave out “31” insert “32”	Consequential amendment due to protective provisions drafting amendments as agreed with the Environment Agency.
Pages 89 to 94	schedule 19, part 5, re-number paragraphs 38 to 62 as paragraphs 39 to 63	Consequential amendment due to protective provisions drafting amendments as agreed with the Environment Agency.
Page 92	schedule 19, part 5, paragraph 49(1)(a), leave out “45” insert “46”	Consequential amendment due to protective provisions drafting amendments as agreed with the Environment Agency.
Page 93	schedule 19, part 5, paragraph 57(a), leave out “45” insert “46”	Consequential amendment due to protective provisions drafting amendments as agreed with the Environment Agency.