



BIRCHAM DYSON BELL

OBJ/43

Secretary of State for Transport
c/o Transport and Works Act Orders Unit
Department for Transport
Zone 1/18, Great Minster House
33 Horseferry Road
London SW1P 4DR

Your Ref

Our Ref

ISC/IHM/Y068018

Date

17 February 2012

BY POST AND EMAIL

Dear Sir

**The Croxley Rail Link Order
Application by Hertfordshire County Council and London Underground Limited
Objection from Network Rail Infrastructure Limited (Network Rail)**

We act for Network Rail in relation to the above proposed scheme.

The scheme has a number of potential interfaces with Network Rail's infrastructure and land including the construction of a new viaduct to connect the existing Metropolitan line to the currently disused Network Rail owned Croxley Green branch line, upgrading this line to bring it back into use and sharing track and stations with Network Rail from south of Watford High Street station to Watford Junction station.

Network Rail is supportive of the project and is collaborating with the promoters on it but need to be satisfied on a number of fronts, such as how the works are to be carried out and, in particular, how they will affect Network Rail's infrastructure and land as well as how the transfer of the former Croxley Green branch line will be effected.

Some of the works proposed to be authorised by the Order are to be undertaken on Network Rail's existing operational network. Although agreed protective provisions in favour of Network Rail have been included in the Order as applied for, Network Rail is concerned to ensure that appropriate asset protection agreements are also put in place and warranties obtained in its favour.

The Order proposes the transfer of Network Rail's former Croxley Green branch line and the repeal of legislation affecting it. Network Rail must ensure that agreement giving effect to the transfer relating to this branch line properly protects Network Rail's interests.

In view of our client's statutory obligations for the safe and efficient running of the railway network it is usually inappropriate for any of Network Rail's land to be compulsory acquired or interfered with. Binding obligations therefore must be in place to ensure that any acquisition of, or interference with,

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Network Rail's infrastructure and land is carried out in a consensual manner, whether pursuant to agreement or the exercise of powers and with appropriate safeguards for Network Rail.

Network Rail also seeks to be indemnified in respect of certain liabilities which it may incur in consequence of the proposed project.

Network Rail is at a well advanced stage in its negotiations with the promoters in relation to such matters but some agreements have not yet been concluded. We anticipate that both a framework agreement and property agreement which should adequately protect Network Rail's position will be concluded soon. This will enable Network Rail to withdraw its objection and enable any evidence it might provide at any inquiry into the Order later in its progress to be entirely supportive of it. However until the agreements have been completed, Network Rail lodges this formal objection to the Order in order to protect its position in the meantime.

Any correspondence relating to this objection may be sent to Bircham Dyson Bell LLP at the above address or by email to iancameron@bdb-law.co.uk.

Yours faithfully

A handwritten signature in black ink that reads "Ian Cameron" followed by "Bell" in a cursive script.

Bircham Dyson Bell LLP