



**NORTH
LINCOLNSHIRE
GREEN
ENERGY PARK**

Planning Act 2008

Infrastructure Planning
(Applications
Prescribed Forms and
Procedure) Regulations
2009

North Lincolnshire Green Energy Park

Volume 8

8.2.3 Final Statement of Common
Ground with Network Rail

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GLOSSARY

Acronym	Full term / Description
2008 Act	Planning Act 2008
AFO	Adjacent Facility Operator
AGI	Above Ground Installations
AIP	Approval In Principle
BNG	Biodiversity Net Gain
CCTV	Closed Circuit Television
CBMF	Concrete Block Manufacturing Facility
CEMP	Construction Environmental Management Plan
CCUS	Carbon Capture, Utilisation and Storage
CO2	Carbon Dioxide
CoCP	Code of Construction Practice
CoPA	Control of Pollution Act
CP[X]	Network Rail Control Period
DCO	Development Consent Order
DHPWN	District Heating and Private Wire Network
EA	Environment Agency
EN-1	Overarching National Policy Statement for Energy
EN-3	National Policy Statement for Renewable Energy Infrastructure
EN-5	National Policy Statement for Electricity Networks Infrastructure
EV	Electric Vehicle

ERF	Energy Recovery Facility
ES	Environmental Statement
FRA	Flood Risk Assessment
FGTr	Flue Gas Treatment Residue
H2	Hydrogen
IAQM	Institute of Air Quality Management
IDB	Internal Drainage Board
LVIA	Landscape and Visual Impact Assessment
LLFA	Lead Local Flood Authority
NPS	National Policy Statement
NPSNN	National Policy Statement on National Networks
NR / NRIL	Network Rail Infrastructure Ltd
NSIP	Nationally Significant Infrastructure Project
NLC	North Lincolnshire Council
NLGEP	North Lincolnshire Green Energy Park
PRF	Plastic Recycling Facility
PEIR	Preliminary Environmental Information Report
PRoW	Public Rights of Way
RLB	Red Line Boundary
RHTF	Residue Handling and Treatment Facility
SFN	Strategic Freight Network
SoS	Secretary of State
SoCG	Statement of Common Ground

SoCC	Statement of Community Consultation
SuDS	Sustainable Drainage Systems
TCPA	Town and Country Planning Act
WSI	Written Scheme of Investigation
WTT	Working Timetable

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1.0 INTRODUCTION

1.1 Overview

- 1.1.1 This Statement of Common Ground ('SoCG') has been prepared on behalf of North Lincolnshire Green Energy Park Limited ('the Applicant'). It forms part of the application (the 'Application') for a Development Consent Order (a 'DCO'), that has been submitted to the Secretary of State (the 'SoS') for Business, Energy and Industrial Strategy, under Section 37 of 'The Planning Act 2008' (the '2008 Act').
- 1.1.2 The Proposed Development is an Energy Recovery Facility (ERF) capable of converting up to 760,000 tonnes of non-recyclable waste into 95 MW of electricity and a carbon capture, utilisation and storage (CCUS) facility which will treat a proportion of the excess gasses released from the ERF to remove and store carbon dioxide (CO₂) prior to emission into the atmosphere. It is described in Chapter 3: Project Description and Alternatives of the Environmental Statement (ES).
- 1.1.3 The Proposed Development meets the criteria to be considered as an NSIP under the 2008 Act as a 'generating station' under section 15(2). Section 15(2) defined an NSIP as a proposed generating station which would be located within England, would not be offshore, and would have a total generating capacity of more than 50MW.

1.2 The Proposed Development

- 1.2.1 The North Lincolnshire Green Energy Park (NLGEP), located at Flixborough, North Lincolnshire, comprises an ERF capable of converting up to 760,000 tonnes of non-recyclable waste into 95 MW of electricity and a CCUS facility which will treat a proportion of the excess gasses released from the ERF to remove and store CO₂. Prior to emission into the atmosphere. The design of the ERF and CCUS will also enable future connection to the Zero Carbon Humber pipeline, when this is consented and operational, to enable the possibility of full carbon capture in the future.
- 1.2.2 The NSIP incorporates a switchyard, to ensure that the power created can be exported to the National Grid or to local businesses, and a water treatment facility, to take water from the mains supply or recycled process water to remove impurities and make it suitable for use in the boilers, the CCUS facility, concrete block manufacture, hydrogen production and the maintenance of the water levels in the wetland area.
- 1.2.3 The Project includes the following Associated Development to support the operation of the NSIP:
 - A bottom ash and flue gas residue handling and treatment facility (RHTF);
 - A concrete block manufacturing facility (CBMF);

- A plastic recycling facility (PRF);
 - A hydrogen production and storage facility;
 - An electric vehicle (EV) and hydrogen (H2) refuelling station;
 - Battery storage;
 - A hydrogen and natural gas above ground installation (AGI);
 - A new access road and parking;
 - A gatehouse and visitor centre with elevated walkway;
 - Railway reinstatement works including; sidings at Dragonby, reinstatement and safety improvements to the 6km private railway spur, and the construction of a new railhead with sidings south of Flixborough Wharf;
 - A northern and southern district heating and private wire network (DHPWN);
 - Habitat creation, landscaping and ecological mitigation, including green infrastructure and 65 acre wetland area;
 - New public rights of way and cycle ways including footbridges;
 - Sustainable Drainage Systems (SuDS) and flood defence; and
 - Utility constructions and diversions.
- 1.2.4 The Project will also include development in connection with the above works such as security gates, fencing, boundary treatment, lighting, hard and soft landscaping, surface and foul water treatment and drainage systems and CCTV.
- 1.2.5 The Project also includes temporary facilities required during the course of construction including site establishment and preparation works, temporary construction laydown areas, contractor facilities, materials and plant storage, generators, concrete batching facilities, vehicle and cycle parking facilities, offices, staff welfare facilities, security fencing and gates, external lighting, roadways and haul routes, wheel wash facilities, and signage.
- 1.2.6 The overarching aim of the Project is to support the UK's transition to a low carbon economy as outlined in the Sixth Carbon Budget (December 2020), the national Ten Point Plan for a Green Industrial Revolution (November 2020) and the North Lincolnshire prospectus for a Green Future which is currently being developed. It will do this by enabling circular resource strategies and low-carbon infrastructure to be deployed as an integral part of the design (for example by re-processing ash, wastewater and carbon dioxide to manufacture concrete blocks) and capturing waste-heat to supply local homes and businesses with heat via a district heating network.

1.3 Parties to this Statement of Common Ground

- 1.3.1 This Statement of Common Ground is between the North Lincolnshire Green Energy Park and Network Rail Infrastructure Ltd (Network Rail, NR).
- 1.3.2 Network Rail is a statutory undertaker responsible for maintaining and operating the railway infrastructure and associated estate. It owns, operates, maintains and develops the main rail network. Network Rail aims to protect and enhance the railway infrastructure therefore any Proposed Development which is in close proximity to the railway line or could potentially affect Network Rail's specific land interests, will need to be carefully considered.

1.4 The Purpose and Structure of this Document

- 1.4.1 The purpose of this document is to summarise clearly the agreements reached between the parties on matters relevant to the examination of the Application and to assist the Examining Authority in their determination of the Application. It has been prepared with regard to the guidance in 'Planning Act 2008: examination of application for development consent' (Department for Communities and Local Government, March 2015).
- 1.4.2 The document is structured as follows:
- Section 2 – sets out the key correspondence and engagement between the parties up until the submission of the Application; and,
 - Section 3 – sets out the matters agreed and matters outstanding between the parties during the pre-application stage in respect of the Application.

2.0 SUMMARY OF ENGAGEMENT

- 2.1.1 Table 2.1 below contains a record of key correspondence and engagement between the Applicant and Network Rail pertinent to this SoCG.

Table 2.1: Summary of Correspondence and Engagement

Date	Attendance	Topics Covered
28/09/2020	Nick Gallop (NLGEP) David Young (NR)	Email to NR (Freight Business Development) requesting technical support on the Proposed Development
30/09/2020	Nick Gallop David Young	Phone call to discuss technical support on the Proposed Development

Date	Attendance	Topics Covered
08/10/2020	David Young Nick Gallop	Email update from NR
23/10/2020	David Young Nick Gallop	Email update from NR
28/10/2020	Nick Gallop David Young	Email request for update
11/11/2020	Nick Gallop Kevin Newman (NR)	Email update to NR (Senior Route Freight Manager Eastern Route)
11/11/2020	Nick Gallop Stephen Hind (NR)	Email update to NR (Senior Commercial Sponsor Eastern Route)
25/11/2020	David Young Nick Gallop	Email update from NR
05/02/2021	Nick Gallop David Young Fraser Langford (NR)	Teams call with NR (Freight Business Development and Eastern Route Commercial Sponsor) to review progress with securing technical support resources
05/02/2021	Fraser Langford Nick Gallop David Young	Email from NR (Commercial Sponsor) with draft templates for Basic Services (BSA) Agreement and Client Requirements Document (CRD)
19/02/2021	Nick Gallop Fraser Langford	Teams call to review progress
10/03/2021	Nick Gallop Fraser Langford David Young	Email to NR with updated BSA
31/03/2021	Nick Gallop Fraser Langford David Young Kevin Newman Maria Clayton (NR)	Email to NR requesting update

Date	Attendance	Topics Covered
07/04/2021	David Young Nick Gallop Fraser Langford Kevin Newman Colin Byrne (Buro Happold)	Phone call (DY/NG) and email from NR with update on resourcing
15/04/2021	Fraser Langford Nick Gallop David Young Kevin Newman Colin Byrne	Email from NR with update on resourcing
15/04/2021	Nick Gallop Fraser Langford David Young Kevin Newman Colin Byrne	Email response to NR with update on requirements for technical support
17/05/2021	Nick Gallop Fraser Langford David Young Kevin Newman Colin Byrne	Email response to NR confirming instructions from Applicant to proceed
17/05/2021	Nick Gallop Fraser Langford Andrew Robinson (NR)	Email follow-up to NR (Capacity Planning) on proposed timetable study scope
17/05/2021	Andrew Robinson Nick Gallop Fraser Langford Catherine Priestman (NR)	Email from NR (Capacity Planning) on proposed timetable study
17/05/2021	Nick Gallop Fraser Langford Andrew Robinson	Email response to NR

Date	Attendance	Topics Covered
	Catherine Priestman (NR)	
25/05/2021	Catherine Priestman Nick Gallop Fraser Langford Andrew Robinson	Email response from NR (Capacity Planning) with comments on proposed timetable study scope
25/05/2021	Nick Gallop Catherine Priestman Fraser Langford Andrew Robinson	Email response to NR acknowledging receipt of comments and query on base timetable
25/05/2021	Catherine Priestman Nick Gallop Fraser Langford Andrew Robinson	Email response from NR confirming base timetable details
25/05/2021	Nick Gallop Catherine Priestman Fraser Langford Andrew Robinson	Email response to NR acknowledging receipt
26/05/2021	Fraser Langford Nick Gallop Catherine Priestman Andrew Robinson	Email from NR (sponsor) with query on timetable study programme and confirming paternity leave arrangements
17/06/2021	Nick Gallop David Young Mark Bridel (NR) Rory Higgins (NR)	Meeting in Cleveland with NR (Freight Business Development and Eastern Route Freight Managers) to update on Proposed Development
22/07/2021	Matt Leighton (NR) Colin Hammond (Applicant)	Response to Section 42 consultation

Date	Attendance	Topics Covered
11/08/2021	Nick Gallop Catherine Priestman Fraser Langford Andrew Robinson David Young Mark Bridel Rory Higgins	Email to NR updating on progress with project and completion of timetable study
01/09/2021	Nick Gallop Catherine Priestman	Email to NR requesting feedback on timetable study
01/09/2021	Catherine Priestman Nick Gallop	Email from NR with feedback on timetable study
03/09/2021	Nick Gallop Catherine Priestman Ed Jeffrey (timetable study contractor)	Email to NR acknowledging feedback and request for wording for SoCG
03/09/2021	Catherine Priestman Nick Gallop Ed Jeffrey	Email from NR suggesting contact with NR Sponsor (FL) to discuss SoCG content
09/09/2021	Nick Gallop Fraser Langford	Email to NR with update on Proposed Development programme and results of timetable study
09/09/2021	Fraser Langford Nick Gallop	Email from NR confirming discussion with Town Planning Unit (Tony Rivero) on preparing Statement of Common Ground and forward proposal for sponsor support
19/10/2021	Nick Gallop Fraser Langford	Email response to NR on SoCG and request for update on BSA
10/11/2021	Fraser Langford	Email from NR with draft BSA

Date	Attendance	Topics Covered
	Nick Gallop	
31/03/2022	Nick Gallop Fraser Langford	Email to NR updating on DCO programme and confirming Applicant instructions to proceed with BSA
<i>31/03/2022</i>	<i>DCO application submitted by Applicant</i>	
<i>14/04/2022</i>	<i>DCO application withdrawn by Applicant</i>	
<i>31/05/2022</i>	<i>DCO application resubmitted by Applicant</i>	
<i>27/06/2022</i>	<i>DCO application accepted for Examination</i>	
01/08/2022	Nick Gallop Fraser Langford	Email to NR updating on DCO programme and confirming Applicant instructions to proceed with BSA
19/08/2022	Nick Gallop Mark Bridel Tom Ingrey (NR)	Email to NR (Senior Route Freight Manager and (Lead Strategic Planner) requesting a response to previous email
22/08/2022	Tom Ingrey Nick Gallop Mark Bridel	Response from NR
22/09/2022	Nick Gallop David Young Stephen Hind	Meeting in Leeds to review progress with securing technical support resources
03/10/2022	Nick Gallop David Young Stephen Hind	Follow-up email to NR requesting an update
03/10/2022	Stephen Hind Nick Gallop David Young	Email response from NR
20/10/2022	Nick Gallop David Young	Email to NR requesting attendance at meeting with Vossloh Cogifer to discuss Dragonby Sidings (DY called to send apologies for not being able to attend)
11/11/2022	Nick Gallop David Young	Email to NR summarising outstanding request for technical support ahead of

Date	Attendance	Topics Covered
		internal NR meeting to discuss resourcing
14/11/2022	Nick Gallop David Young	Phone call to review outstanding request for technical support ahead of internal NR meeting to discuss resourcing
15/11/2022	David Young Stephen Hind Fraser Langford Nick Gallop	Email from NR confirming FL to return to project to provide support on co-ordinating NR response to Applicant through SoCG
27/04/2023	Alison Howard Nick Gallop	Teams call to review status of project.

3.0 MATTERS

3.1 Relevant Background Documents

3.1.1 Relevant background documents comprise:

- Network Rail Freight Market Study 2013;
- Network Rail Value and importance of rail freight 2013;
- Department for Transport National Policy Statement on National Networks 2014;
- Rail Delivery Group Keeping the lights on and the traffic moving 2014;
- Network Rail Freight Network Study 2016;
- Department for Transport Freight Strategy 2016;
- Eastern Regional Strategic Plan Control Period 6 2021;
- Network Rail Freight & National Passenger Operators Route Strategic Plan 2021;
- Department for Transport Integrated Rail Plan for the North and Midlands 2021;
- Department for Transport Decarbonising Transport: A Better, Greener Britain 2021
- Network Rail Freight Business Plan 2021;
- Network Rail Freight Strategy 2021;
- Rail Delivery Group Value of Rail Freight 2021;

- Network Rail Network Statement 2022;
- Department for Transport Future of Freight 2022;
- Applicant Document 2.1 Draft DCO;
- Applicant Document 3.1 Book of Reference;
- Applicant Volume 4 Plans, Drawings & Sections;
- Applicant Document 5.1 Planning Statement;
- Applicant Document 5.3 Design & Access Statement;
- Applicant Document 5.11 Rail Operations Report;
- Applicant Document 6.2.13 Volume 6 Environmental Statement Traffic and Transport;
- Network Rail response to Applicant on Section 42 consultation 22/07/21;
- Network Rail response to Planning Inspectorate (via Addleshaw Goddard) 20/09/22.

3.2 Network Rail's role and interest in the Proposed Development

3.2.1 Network Rail is a statutory undertaker responsible for maintaining and operating the railway infrastructure and associated estate. It owns, operates, maintains and develops the main rail network. Network Rail aims to protect and enhance the railway infrastructure therefore any Proposed Development which is in close proximity to the railway line or could potentially affect Network Rail's specific land interests, will need to be carefully considered.

3.3 Network Rail's support for rail freight growth

3.3.1 Network Rail has invested heavily in facilitating freight growth, and further freight enhancements are being planned and delivered currently. Network Rail sees the traffic relevant to Energy Recovery Facilities (ERF) as a component to bringing about freight growth and modal shift from road to rail in Great Britain.

3.3.2 Network Rail has a licence commitment to encourage the growth of freight. Through judicious network planning and development, Network Rail believes it should be possible to maintain growth in both sectors.

3.3.3 As part of this ongoing duty to promote greater use of the rail network, Network Rail's current long-range planning process has involved a national market study¹ to consider growth in rail freight over the next 30

¹ Freight Market Study (Network Rail 2013)

years, followed by a national route study in 2016² to consider options for catering for this growth in the short to medium term.

3.3.4 Network Rail's approach to assessing future demand, which is considered robust by government³, anticipates that much of the onward growth in rail freight will be from containerised intermodal traffic passing across an expanding network of facilities⁴.

3.3.5 Since 1999, successive governments have consistently reiterated the need for greater modal shift of freight from road to rail⁵. This will help to boost the economy by overcoming road congestion and making the logistics industry more productive. It will also help Britain to meet its carbon reduction targets and thus make economic growth more sustainable⁶. Network Rail is therefore working with a number of third parties who are seeking to promote modal shift through new developments, expanding the quantum of industrial floorspace capable of being rail-served, from its current low level of provision.

3.4 Network Rail's involvement with the development

3.4.1 Network Rail is therefore co-operating with the Applicant for the Proposed Development, which should help contribute to achieving these goals. The Proposed Development would create potential to achieve modal shift of freight from road to rail, being located on a branch line from the Strategic Freight Network (SFN), Network Rail's infrastructure has the latent capability to accommodate a new ERF at this location.

3.5 Engagement with the Applicant

3.5.1 The Applicant first engaged with Network Rail in September 2020. This has allowed input to the proposals for the Proposed Development by Network Rail at their formative stage.

3.6 Network Rail's connections to the Proposed Development

3.6.1 The Proposed Development would connect to Network Rail infrastructure via the privately-owned Flixborough Branch Line and Dragonby Sidings yard, which remain in place following the cessation of rail services to and

² Freight Network Study (Network Rail 2017)

³ National Policy Statement for National Networks (NPS) (Department for Transport 2014), paragraph 2.49

⁴ Freight Market Study (Network Rail 2013), Introduction / sections 3.1 to 3.3

⁵ Sustainable Distribution: A Strategy (DfT 1999), Transport 2010, The 10 Year Plan (DfT 2000), Delivering a Sustainable Railway (DfT 2007), Strategic Freight Network: The Longer-Term Vision (DfT 2009), Logistics Growth Review (DfT 2011), NPS (DfT 2014), Rail Freight Strategy (DfT 2016)

⁶ See also Value & Importance of Rail Freight (Network Rail 2013), Keeping the lights on and the traffic moving (Rail Delivery Group 2014), The role and value of rail freight in the UK (Deloitte for Rail Delivery Group 2021)

from Flixborough Wharf in previous years. These rail networks are, and would remain, privately-owned, maintained and operated by third parties outside of Network Rail, save for those elements of Network Rail signalling apparatus and trackwork which form the connection between Dragonby Sidings and Network Rail infrastructure respectively.

- 3.6.2 The connection between Dragonby Sidings and Network Rail's Roxby Gullet Branch Line is at Normanby Park Ground Frame. The connection is maintained in operational condition by Network Rail in line with the terms of a Connection Contract between Network Rail and Vossloh Cogifer as the Adjacent Facility Operator (AFO) at Dragonby Sidings.
- 3.6.3 The Roxby Gullet Branch Line currently carries between 1 and 3 trains per day to or from London or Doncaster, between the hours of 04:00 and 23:00, although timings of trains may vary throughout the day and night.
- 3.6.4 The connecting main line route through Scunthorpe links the port of Immingham with the rest of the country, with around 90 paths in total passing through the area every weekday. The route is well filled with high-value freight and passenger traffic, and the consequences of delay and disruption would be significant.
- 3.6.5 Areas of discussion regarding the development have included:
- **Trackwork** – no changes would be required to the existing turnout or trackwork at Normanby Park Ground Frame;
 - **Signalling** – the current signalling arrangements have been reviewed in the context of current uses by services operating to and from Roxby Gullet and Dragonby Sidings. In the event of a significant increase in the quantum of rail freight traffic from these existing connected facilities and the Proposed Development, further enhancements to the signalling arrangements in the immediate vicinity of Normanby Park Ground Frame could be introduced by Network Rail within its own land ownership and operational sphere if required;
 - **Civil engineering, geotechnical, telecoms and other disciplines** – based on initial discussions regarding the Proposed Development, the Applicant agrees that the emerging designs will not proceed without Network Rail's signature of 'Approval in Principle' and then 'Approval for Construction' plans;
 - **Network capability** – in order to determine the capability of the surrounding rail network to accommodate the additional rail services proposed to and from the Proposed Development, Network Rail provided a technical scope for an independent pathing study and reviewed the study's findings;
 - **Protective Provisions** - the Applicant agrees that Protective Provisions to protect Network Rail's Operational Railway will be required. The Applicant acknowledges that it is reasonable for Network

Rail to refuse its consent for any powers of acquisition of any interest in Network Rail's land or possession of land over Network Rail's railway to be exercised by the Applicant.

3.7 Matters not Agreed

3.7.1 Areas of discussion to be progressed by the Parties include:

- **Proposed works on or near Network Rail operational infrastructure** - The Proposed Development includes a proposed under-track crossing of the Althorpe to Scunthorpe main line by a pipeline for a District Heating and Private Wire Network (DHPWN) in plot 2-6 of document reference 4.2, proposals for a works compound in the area immediately to the west of the Roxby Gullet branch line and to the north of Dragonby Sidings in plot 8-9 of document reference 4.2, and allowing future provision for additional signalling equipment on the Roxby Branch line formation in plot 8-3 of document 4.2;
- **Proposed design and construction arrangements** - Network Rail will need to review the proposed design and method of construction of these proposals before any works are undertaken. Subject to approval, one or more engineering possessions of Network Rail operational infrastructure may be required in order to undertake these works. Network Rail will require further information in order to understand the potential impact that the construction of the proposed scheme could have on operational railway safety. Any construction phase activity involving supply of materials by rail to Dragonby Sidings for onward road-based haulage to the Proposed Development would not include passage over any Network Rail operational railway infrastructure such as bridges and level crossings;
- **Protection of Network Rail's operational railway** – the Applicant will fully protect Network Rail against any liability from the proposals as may affect Network Rail's operational railway, including any rights for power or other utility connections under, over or alongside the railway line;
- **Access by Network Rail to its infrastructure** – the Applicant must ensure that Network Rail will have free access to its infrastructure throughout, to permit access to its operational railway for maintenance, renewals and operational response;
- **Maintenance activity by the Applicant near Network Rail land** - the Applicant will also ensure that subsequent maintenance activities can be carried out without adversely affecting the safety of, or encroaching upon, Network Rail's adjacent land. In addition, security of the railway boundary will require to be maintained at all times.

- 3.7.2 In respect of these proposals, the Applicant will fully engage with Network Rail in order to discuss these points and will be required to enter into any necessary licences and agreements as may be required.

3.8 Proposed Development rail freight interchange facilities

- 3.8.1 Network Rail has been informed by the Applicant of the rail facilities for the Proposed Development. Whilst these are located outside of Network Rail's network, Network Rail has a strong interest in their capability and capacity, particularly in relation to the main line connections and associated signalling. Network Rail needs an assurance of an efficient off-network operation which is needed to ensure that trains enter and leave the network at suitable speeds and punctuality.
- 3.8.2 From the assumptions made by the Applicant and in the layout designs and capacity modelling done so far, Network Rail believes that the facilities being planned could have the capability and capacity to provide an efficient operation for the train numbers envisaged. Network Rail would expect to work closely with the facility operator and train operator(s) on an ongoing basis to review joint issues of efficiency and performance.

3.9 Capability of the national rail network

- 3.9.1 In terms of Network Rail's ability to accommodate the anticipated rail traffic from the Proposed Development, a number of variables would affect this, including:
- The particular time and day that rail freight train operating companies bid for paths;
 - The Working Timetable, including the speed and frequency of trains on the Roxby Gullet Branch Line and the main line route through Scunthorpe (currently around 3 trains per week each way);
 - The origins / destinations selected;
 - The match between network paths and terminal access on the Proposed Development and at origin / destination;
 - The primary routing and acceptable alternatives;
 - The type of equipment (e.g. locomotives) in use and related train speed/acceleration;
 - Maintenance and project requirements.
- 3.9.2 As the main line is a busy route, re-introducing a location with trains accessing and exiting the main line network at low speed might create problems of capacity and performance, especially as the differential between a 55mph passenger train and a heavy freight train accelerating away from low speed will create timetable risks.

- 3.9.3 The Applicant has undertaken a pathing study to assess this, to a scope agreed in advance by Network Rail. The modelling undertaken by Ed Jeffrey in 2021 indicated that paths could be accommodated to support the anticipated 3 x Class 6 trains per day with 2,200 tonne trailing loads to and from the ERF, although this is subject to the origin and destination of each train being known. The Applicant's view is that no ERF operating outside of established long-term public sector waste management contracts would be capable of providing the origin and destination information at this point of the development, given it is entirely dependent upon the Proposed Development securing waste supply contracts which have yet to be tendered.
- 3.9.4 Although no absolute certainty can be provided regarding capacity it is, on the balance of probabilities, feasible that the Proposed Development could use the existing connection to the rail network and be capable of being served by up to three trains per day. The uncertainty caused by likely constraints and competitions on the network, and the unknowns regarding how the network will accommodate future growth, has been set against the Government's ambition, set out in paragraph 2.53 of the National Policy Statement on National Networks, that it is important to facilitate the growth of the intermodal rail freight industry, to support a low carbon sustainable system that is the engine for economic growth.
- 3.9.5 The objective of Network Rail's Network Code is to share capacity on the network for the safe carriage of passengers and goods. When compiling the national Working Timetable (WTT), Network Rail must assess all operators' requirements together and not look at freight services after passenger service or vice versa. If additional freight paths were granted for the Proposed Development, this would not be taking away the opportunity to run further passenger services on the main line in the future.
- 3.9.6 As the designs progress the parties will need to give a greater definition of the underpinning Timetable Planning Rules (sectional running times, headway, and junction margins) in order to build a robust timetable.
- 3.9.7 In the short term, judicious use of the network continues to create further capacity for new traffic, through measures such as better timetabling, more efficient operations and longer trains, as well as exploiting the continued move away from services for coal towards intermodal and other non-bulk traffic. Some of the paths released in this way have been safeguarded for future strategic freight growth, which is essential to allow for expected increases in key freight markets. This provides some confidence that future traffic growth can take place without the need to always build additional capacity.
- 3.9.8 In the medium to long term through the "Strategic Freight Network" (SFN) programme, Network Rail is developing freight capacity and capability significantly during its current funding "Control Period [CP] 6" (2019-2024). Through the Network Rail Freight & National Passenger Operators Route

Strategic Plan, Freight Strategy and Freight Business Plan, Network Rail continues to engage with industry partners regarding their wishes for further freight enhancements during CP6 and beyond. Schemes that are beneficial for capacity and efficiency to move freight are expected to feature when the list is finalised.

- 3.9.9 Future funding is yet to be determined, but the rail planning processes Network Rail now has in place create the optimum environment for continued rail freight development and growth over time. Government has reiterated support for the SFN programme, and the approach taken by Network Rail to its long-term forecasting of rail freight growth. Network Rail and the Applicant believe that this is due to recognition that rail freight has an important role to play in the UK economy and that continuing with investments that help its efficiency and success is good for the UK's industrial productivity, economic growth and the environment.
- 3.9.10 The Department of Transport's longer-term vision for the SFN in particular and rail freight in general sets out what government and industry expect to achieve over time.

4.0 SIGNATURES

4.1.1 This Statement of Common Ground is agreed:

By Addleshaw Goddard LLP on behalf of NRIL:

Signature: 

Date: 15 May 2023

On behalf of the Applicant:

Name: David Jones

Signature: 

Date: 15th May 2023