

West Burton Solar Project

~~Draft~~ Statement of Common Ground with Network Rail Infrastructure Limited Revision A (Tracked)

Prepared by: [West Burton Solar Project Limited](#) ~~Pager Power~~
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Issue Sheet

Report Prepared for: West Burton Solar Project Ltd.
Pre-Examination
Examination Deadline 7

Statement of Common Ground Network Rail Infrastructure Limited

Prepared by:

Name: James Youngs

Title: Project Manager, Island Green Power

Approved by:

Name: Jane Crichton

Title: Associate Director, Lanpro

[Date: May 2024](#)

[Revision: A](#)

Revision	Date	Prepared by:	Approved by:
Original	22 Nov 2023	JC	TS
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1 Introduction

1.1 Purpose of the Document

- 1.1.1 This Statement of Common Ground (SoCG) has been prepared as part of the proposed West Burton Solar Project Development Consent Order (the Application) made by West Burton Solar Project Ltd (the Applicant) to the Secretary of State for Energy Security and Net Zero (the Secretary of State) pursuant to the Planning Act 2008 (PA 2008).
- 1.1.2 This SoCG does not seek to replicate information which is available elsewhere within the Application documents. All documents are available on the Planning Inspectorate website.
- 1.1.3 This SoCG has been produced to confirm to the Examining Authority (ExA) where agreement has been reached between the parties, and where agreement has not ~~(yet)~~ been reached. SoCGs are an established means in the DCO consenting process of allowing all parties to identify and focus on specific issues that may need to be addressed during the examination.

1.2 Parties to this Statement of Common Ground

- 1.2.1 This SoCG has been prepared by (1) West Burton Solar Project Ltd. as the Applicant and (2) Network Rail Infrastructure Limited (Network Rail).
- 1.2.2 Collectively, West Burton Solar Project Ltd and Network Rail are referred to as ‘the parties’.

1.3 Terminology

- 1.3.1 In the tables in **Sections 3 - 5** of this SoCG:
- “Agreed” indicates where the issue has been resolved.
 - “Not Agreed” indicates a final position, and
 - “Under discussion” indicates where these points will be the subject of ongoing discussion wherever possible to resolve, or refine, the extent of disagreement between the parties.

2 Record of Engagement

2.1 Summary of Consultation

2.1.1 The parties have been engaged in consultation since March 2022. A summary of the meetings and correspondence that has taken place between West Burton Solar Project and Network Rail in relation to the Application is outlined in **Table 2.1**.

Table 2.1: Record of Engagement

Date	Form of Correspondence	Key Topics Discussed and Key Outcomes
29/03/2022	Email	Request to discuss the development and site information.
05/ 05/2022 <u>05/2022</u>	Email	Provided site information and further request to discuss potential impacts.
23/ 06/2022 <u>06/2022</u>	Email	Request to discuss potential impacts.
27/07/2022	Email	A Town Planning Technician at Network Rail provided a section 42 consultation response. It advised that additional information relating to glint and glare, construction and traffic works, lighting, drainage schemes, and boundary treatments would be required to properly assess any effects of the development on the railway. It also provided comments on the legal and commercial agreements that would need to be entered into by both parties.
11/10/2022-	Microsoft Teams Call-	A Project Manager from West Burton Solar Project Ltd had an introductory call with a Technical Surveyor from the easement and wayleaves department at Network Rail to discuss the information required to start the clearance process to cross Network Rail owned land.
12/10/2022-	Email-	A Project Manager at West Burton Solar Project Ltd sent the crossing plan and schedule of minimum information to Network Rail to start the clearance process.-
19/12/2022-	Email-	A Project Management Assistant from Network Rail sent an email to a Project Manager at West Burton Solar Project Ltd

Date	Form of Correspondence	Key Topics Discussed and Key Outcomes
		confirming that £10 million public liability insurance would be sufficient to agree the BAPAs, however, that £20 million public liability insurance would need to be provided at the construction phase.-
16/03/2023	Email	Received draft Basic Asset Protection Agreement (BAPA) (0000045063/GM) for Cow Dale Lane crossing from an Assistant Commercial Support at Network Rail
17/04/2023-	Email	The crossing easement passed business and technical clearance. Network Rail sent Heads of Terms to a Project Manager at West Burton Solar Project Ltd to agree crossing easement.
05/05/2023-	Microsoft Teams Call-	Call between a Surveyor at Network Rail, two Surveyors from Network Rail and a Project Manager at West Burton Solar Project Ltd to discuss Heads of Terms for the crossing easement.
22/06/2023	Section 56 Relevant Representation	Received Network Rail's relevant representation published on the Planning Inspectorates website for the Scheme. The response discussed the use of compulsory acquisition powers but did not refer to glint and glare matters or other technical details of the project.
30/09/2023 18/10/2023 26/10/2023 01/11/2023 11/11/2023 16/11/2023 21/11/2023 29/11/2023 14/12/2023	Email	Discussions between the Applicant and Network Rail on the Heads of Terms.

Date	Form of Correspondence	Key Topics Discussed and Key Outcomes
08/01/2024		
03/08 13/10/2023	Call and Email	Discussions with the Commercial A Project Manager at West Burton Solar Project Ltd sent an updated crossing plan and schedule of minimum information to Network Rail regarding to restart the clearance process for transferring the BAPA to be based on a wider crossing area that was included in the name of West Burton Solar Project Ltd. Change Application.
15/09 16/11/2023	Microsoft Teams Call Email	Network Rail confirmed that the crossing location for West Burton had passed the clearance process but that the Heads of Terms are still being negotiated. Representatives from West Burton Solar Project and members involved in the Cottam, Gate Burton and Tillbridge solar projects that are all located nearby in Lincolnshire had a combined call with a surveyor from Network Rail to discuss all the different crossing locations across the projects and to understand if this would present any issues
15/12/2023	Microsoft Teams Call	Follow up call between the four nearby solar projects of West Burton, Cottam, Gate Burton and Tillbridge with a surveyor from Network Rail. Call to discuss progress with easements and BAPAs.
15/12/2023	Email	Network Rail countersigned the BAPA (0000045063/GM) for the crossing.
25/01/2024	Email	Network Rail confirmed over email that the latest version of the Heads of Terms they received on January 8 th 2024 was acceptable, apart from one last outstanding matter concerning payment of legal fees.
30/01/2024	Email	A surveyor from Network Rail cancelled the proposed site visit to meet members from West Burton, Gate Burton and Tillbridge to

Date	Form of Correspondence	Key Topics Discussed and Key Outcomes
		discuss the different crossing locations across the projects.
14/02/2024	Email	Network Rail confirmed over email that the Heads of Terms for the cable easement have been agreed.
19/02/2024	Email	A surveyor from Network Rail cancelled the second proposed site visit to meet members from West Burton, Cottam, Gate Burton and Tillbridge to discuss the different project crossing locations.
23/02/2024 25/02/2024	Emails and calls	Correspondence between the Applicant's solicitors and Network Rail's solicitors regarding protective provisions and framework agreement.
07/03/2024	Email	The updated crossing location passed the technical and business clearance stages and Network Rail sent over the technical and business clearance certificates.
02/04/2024 03/04/2024 11/04/2024 16/04/2024 24/04/2024 25/04/2024	Emails	Correspondence between the Applicant's solicitors and Network Rail's solicitors regarding protective provisions and framework agreement

2.1.2 It is agreed that this is an accurate record of the key meetings and consultation undertaken between (1) West Burton Solar Project Ltd. and (2) Network Rail in relation to the issues addressed in this SoCG.

3 Matters Agreed

3.1.1 **Table 3-1** below details by topic the matters agreed with Network Rail.-

Table 3-1-

Topic	Sub-topic	Details of Matters Agreed
Glint and Glare- NR-001-	Outcomes-	<p>No significant impacts upon identified railway receptors are predicted because:-</p> <ul style="list-style-type: none"> Existing vegetation significantly screens the train driver's primary field of vision from the panelled area where reflections could occur, and the developer has proposed screening along the boundary of the development to further obstruct views of the reflective areas. As a result, the effects are predicted to be 'neutral';- Therefore, once the proposed screening is in place, no impacts are predicted and further mitigation is not required. <p>Further information is provided in Section 16.8 of Chapter 16: Glint and Glare of the Environmental Statement and Section 7 of Appendix 16.1 [APP-132].-</p>
Basic Asset Protection Agreement- NR-002-	Public Liability Insurance-	<p>Agreed that West Burton Solar Project Ltd will have public liability insurance up to £10 million as part of the Basic Asset Protection Agreement. However, public liability insurance up to £20 million will be provided for the construction phase.-</p>
Network Rail Clearance Condition NR-004	Clearance conditions	<p>Network Rail's Clearance Conditions have been shared with the Applicant and will be complied with pursuant to the Framework Agreement to be entered into between the parties.</p>
Draft DCO NR-005	Protective Provisions	<p>Protective Provisions for the benefit of Network Rail have been included in Part 10 of Schedule 16 to the draft DCO submitted at Deadline 6. These are based on Network Rail's standard protective provisions and are agreed.</p>

Topic	Sub-topic	Details of Matters Agreed
<p>Easement Compulsory Acquisition NR-004006</p>	<p>OutcomesN/A</p>	<p>Crossing location has passed both technical and business clearance. Protective Provisions for the benefit of Network Rail have been included in Part 10 of Schedule 16 to the draft DCO submitted at Deadline 6. These provisions include a restriction on the use of compulsory acquisition and temporary use powers without the consent of Network Rail and are agreed.</p>

4 Matters Under Discussion

Table 4.1-4.3 below details the matters under discussion with Network Rail.

4.1 Matters Under Discussion

Table 4.1

Main Topic	Sub-topic	Details of Matters Under Discussion
Cable Easement NR-005/003	Heads of Terms and option for cable easements	Network Rail sent over their Heads of Terms for the cable easement and discussions are ongoing regarding have been agreed. Solicitors have been instructed to negotiate the agreements set out in the document. option and easement.
Framework Agreement NR-007	N/A	A Framework Agreement is being negotiated. Once the Framework Agreement has been completed, Network Rail will formally withdraw its objection.

4.2 ~~Matters Under Discussion (Draft DCO).~~

Table 4.2

Main Topic	Sub-topic	Details of Matters Under Discussion
Draft DCO NR-006	Protective Provisions	Protective Provisions for the benefit of Network Rail have been included in Part 10 of Schedule 16 to the draft DCO [APP-017] (WB3.1). Discussions are ongoing regarding the form of protective provisions and associated framework agreement.

4.3 ~~Matters Under Discussion~~

Table 4.3

Main-Topic	Sub-topic	Details of Matters Under Discussion
Compulsory Acquisition NR-007	Section 56 Relevant Representation	Discussions are ongoing regarding the voluntary property agreements required for the grid connection cables to cross underneath the railway. The Applicant will only agree to a restriction on the use of compulsory acquisition powers in respect of Network Rail's property in the draft DCO [APP-017] (WB3.1) once a voluntary agreement is in place to ensure the deliverability of the Scheme.

5 Matters Not Agreed

5.1.1 — There are no matters “not agreed” with Network Rail Infrastructure Limited.

6 Signatories

6.1.1 The above SoCG is agreed between West Burton Solar Project Ltd. (the Applicant) and Network Rail Infrastructure Limited as specified below.

Duly authorised for and on behalf of **West Burton Solar Project Ltd.**

Name:	Eve Browning
Job Title:	Head of Projects UK
Date:	02/05/2024
Signat	

Duly authorised for and on behalf of **Network Rail Infrastructure Limited.**

Name:	Matthew Henshaw of Addleshaw Goddard LLP (on behalf of Network Rail Infrastructure Limited)
Job Title:	Solicitor
Date:	02.05.2024
Signature:	