

Cottam Solar Project

Statement of Common Ground with Network Rail Infrastructure Limited

Prepared by: Pager Power

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Infrastructure Planning (Examination Procedure) Rules 2010



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Issue Sheet

**Report Prepared for: Cottam Solar Project Ltd.
DCO Submission**

Statement of Common Ground

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Date: May 2023

Revision: 0

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1 Introduction

1.1 Purpose of this document

- 1.1.1 This Statement of Common Ground (SoCG) has been prepared as part of the proposed Cottam Solar Project Development Consent Order (the Application) made by Cottam Solar Project Ltd (the Applicant) to the Secretary of State for Energy Security & 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's 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) Cottam Solar Project Ltd. as the Applicant and (2) Network Rail Infrastructure Limited (Network Rail).
- 1.2.2 Collectively, Cottam 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 May 2022. A summary of the meetings and correspondence that has taken place between Cottam Solar Project and Network Rail in relation to the Application is outlined in **Table 2-1**.

Table 2-1 - Record of Engagement

Date	Form Correspondence	Key topics discussed and key outcomes
16/05/2022	Email	Received draft Basic Asset Protection Agreement (BAPA) (0000043544/AS) for Blyton crossing from Lisa Cooper (Assistant Commercial Manager) at Network Rail
11/10/2022	Microsoft Teams Call	James Youngs from Cottam Solar Project Ltd had an introductory call with Kelvin Gill (Technical Surveyor) from the easement and wayleaves department at Network Rail to discuss the information required to start the clearance process for the three crossings that will require an easement.
12/10/2022	Email	James Youngs (Cottam Solar Project Ltd) sent all three crossing plans and schedule of minimum information to Kelvin Gill (Network Rail) to start the clearance process.
19/12/2022	Email	Tosan Fregene (Project Management Assistant) from Network Rail sent an email to James Youngs (Cottam Solar Project Ltd) 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	Network Rail AssetProtectionEastern@networkrail.co.uk has been contacted regarding glint and glare but has not provided any response to date (apart from a standard automatic reply). Network Rail relevant representation response does not refer to glint and glare matters (RR-022).
16/03/2023	Email	Iqra Zaman (Assistant Commercial Support) from Network Rail sent draft BAPA for Marton

		crossing (0000045064/GM) to James Youngs (IGP).
21/03/2023	Email	Mark Whitehead (Construction Manager Assistant at Network Rail) confirmed over email to James Youngs (IGP) receipt of enquiry for crossing near Cottam Power Station to progress BAPA (0000302314).
17/04/2023	Email	All three crossing easements passed business and technical clearance. Kelvin Gill (Network Rail) sent Heads of Terms to agree easement to James Youngs (IGP).
05/05/2023	Microsoft Teams Call	Call between Michael Moody (Surveyor at Network Rail), Kelvin Gill (Network Rail) and James Youngs (Cottam Solar Project Ltd) to discuss Heads of Terms for the three easements.
09/05/2023	Email	Dave Franks (Construction Manager at Network Rail) confirmed the location of one signal position within the proximity of the project in an email to James Youngs (Cottam Solar Project Ltd).

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

3 Matters Agreed

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

3.1 Matters Agreed (To be confirmed by 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"> • Where effects are predicted to have a 'Moderate' impact or higher the developer has proposed mitigation in the form of screening to significantly obstruct the visibility of the reflective area; • Where effects are predicted to have a 'Low' impact mitigation is not recommended; • Therefore, once the proposed mitigation strategy will be in place, the overall impact of the Scheme upon the nearby identified railway receptors is predicted to Minor/Negligible Adverse. <p>Further information is provided in Section 16.8 and 16.9 of Chapter 16: Glint and Glare of the Environmental Statement [APP-051] and Section 7 of Appendix 16 [APP-140].</p>
Basic Asset Protection Agreement NR-002	Public Liability Insurance	<p>Agreed that Cottam Solar Project Ltd would have public liability insurance up to £10 million as part of the Basic Asset Protection Agreement. However, public liability insurance up to £20 million would need to be provided for the construction phase.</p>

4 Matters Under Discussion

Tables 4-1 – 4-3 below detail by topic the matters agreed with Network Rail.

4.1 Matters under discussion

Table 4-1

Topic	Sub-topic	Details of Matters Under Discussion
Cable Easement NR-003	Heads of Terms	Network Rail sent over their Heads of Terms for the cable easement and discussions are ongoing regarding the agreements set out in the document.

4.2 Matters under discussion (Draft DCO).

Table 4-1

Topic	Sub-topic	Details of Matters Under Discussion
Draft DCO NR-004	Protective Provisions	Protective Provisions for the benefit of Network Rail have been included in Part 10 of Schedule 16 to the draft DCO [AS-012]. Discussions are ongoing regarding the form of protective provisions and associated framework agreement.

4.3 Matters under discussion (Compulsory Acquisition).

Table 4-1

Topic	Sub-topic	Details of Matters Under Discussion
Compulsory Acquisition NR-005	N/A	Discussions are ongoing regarding the voluntary property agreements required for the grid connection cables to cross underneath the railway. The Applicant can only agree to a restriction on the use of compulsory acquisition powers in respect of Network Rail's property in the draft DCO [AS-12] once a voluntary agreement is in place to ensure the deliverability of the Scheme.





5 Matters Not Agreed

5.1.1 None

6 Signatories

6.1 Overview

6.1.1 The above SoCG is agreed between Cottam Solar Project Ltd. (the Applicant) and **Network Rail Infrastructure Ltd**, as specified below.

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

Name:	
Job Title:	
Date:	
Signature:	

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

Name:	
Job Title:	
Date:	
Signature:	