

Cottam Solar Project

Draft Statement of Common Ground Network Rail Infrastructure Limited Revision A

Prepared by: Cottam Solar Project Limited
January 2024

PINS Ref: EN010133
Document reference: EX4/C8.3.9_A
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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Revision: A

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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.
22/02/2023	Email	Email from Addleshaw Goddard (instructed on behalf of Network Rail) to info@cottamsolar.co.uk requesting shape files and a copy of the Outline Construction Traffic Management Plan to enable Network Rail to assess impacts on level crossings or bridges from construction traffic (no response received).
07/03/2023	Email	Follow up on Addleshaw Goddard's email of 22 February 2023 (no response received).

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).
23/03/2023	Email	Email from Pinsent Masons (instructed on behalf of the Applicant) to Addleshaw Goddard with an undertaking for Network Rail's legal fees.
24/03/2023	Email	Email from Addleshaw Goddard to Pinsent Masons with draft Framework Agreement and Network Rail's standard protective provisions for comments and approval.
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).
19/06/2023	Email	Email from Pinsent Masons to Addleshaw Goddard with shape files.
30/09/2023 18/10/2023	Email	Discussions between the Applicant and Network Rail on the Heads of Terms.

26/10/2023		
01/11/2023		
11/11/2023		
16/11/2023		
21/11/2023		
29/11/2023		
14/12/2023		
08/01/2024		
10/10/2023	Email	Email from Addleshaw Goddard to Pinsent Masons with Network Rail Clearance Conditions to be appended to the Framework Agreement
22/01/2024	Email	Email from Pinsent Masons to Addleshaw Goddard appending comments on and amendments to the draft Framework Agreement, following progress on the property agreements between Network Rail and the Applicant. The email also appended precedent protective provisions, and requested confirmation from Addleshaw Goddard that these remained the most up to date version.
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.

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

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	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.
Network Rail Clearance Conditions NR-006	Clearance conditions	Network Rail's Clearance Conditions have been shared with the Applicant (via Pinsent Masons) and will be appended to the Framework Agreement to be entered into between the parties.



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 for cable easements	Network Rail sent over their Heads of Terms for the cable easement and most matters have been agreed. Final discussions are ongoing regarding the last outstanding matter in the document. Solicitors have been instructed to negotiate the option and easement.

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]. Network Rail has requested that its standard protective provisions are included in the draft DCO. Discussions are ongoing regarding the form of protective provisions and associated framework agreement. On 22 January 2024, Pinsent Masons requested confirmation from Addleshaw Goddard that the protective provisions included in the draft DCO are the most up to date version to meet Network Rail's requirements.

4.3 Matters under discussion (Compulsory Acquisition).

Table 4-1

Topic	Sub-topic	Details of Matters Under Discussion
Compulsory Acquisition NR-005	N/A	<p>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.</p> <p>Solicitors have been instructed to negotiate the option and easement.</p>



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:	