



Stonestreet Green Solar

Statement of Common Ground with Network Rail Infrastructure Limited

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Revision History

Revision	Revision Date	Authorised By	Position	Comment
Issue 1	19/11/24	MS	Senior Director	For NR Review
Issue 2	9/12/24	SS		For NR Comments
Issue 3	9/12/24	MS	Senior Director	Finalisation

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1 Introduction

1.1 Purpose of this Statement of Common Ground

- 1.1.1 This Statement of Common Ground ('SoCG') has been prepared to support an application (the 'Application') for a Development Consent Order ('DCO') from the Secretary of State for Energy Security and Net Zero under Section 37 of the Planning Act 2008 ('PA 2008') for the proposed Stonestreet Green Solar (the 'Project'). The Application has been submitted by EPL 001 Limited (the 'Applicant').
- 1.1.2 This SoCG has been prepared between (1) the Applicant and (2) Network Rail ('NR') (jointly referred to as the 'Parties'). It has been prepared in accordance with The Planning Act 2008: Examination stage for Nationally Significant Infrastructure Projects guidance¹.
- 1.1.3 NR is listed as a prescribed consultee in Schedule 1 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009² and so has been consulted during the preparation of the Application and following its acceptance.
- 1.1.4 The Examining Authority has requested that the SoCG include the following matters as set out in the Rule 6 Letter [[PD-004](#)] Annex G (dated 22 October 2024):
- Potential cable routes under the rail line including suitability and specification; and
 - The draft DCO ('dDCO'), including protective provisions.
- 1.1.5 It is agreed that any matters not specifically referred to in this SoCG are not of material interest or relevance to the representations submitted to the Examining Authority by NR (the 'Representations') and therefore have not been considered in this document.
- 1.1.6 This SoCG has been produced to confirm to the Examining Authority where agreement has been reached between the Parties, where agreement has not been reached (and that is the Parties' final position) and where discussions are still ongoing. This SoCG will be revised and updated as discussions between the Parties progress during the Examination.

1.2 Description of the Project

- 1.2.1 The Project comprises the construction, operation and maintenance, and decommissioning of solar photovoltaic ('PV') arrays and energy storage, together with associated infrastructure and an underground cable connection to the existing National Grid Sellindge Substation.
- 1.2.2 The Project will include a generating station (incorporating solar arrays) with a total capacity exceeding 50 megawatts ('MW'). The agreed grid connection for the

Project will allow the export and import of up to 99.9 MW of electricity to the grid. The Project will connect to the existing National Grid Sellindge Substation via a new 132 kilovolt ('kV') substation constructed as part of the Project and cable connection under the Network Rail and High Speed 1 ('HS1') railway.

1.3 Current Position

1.3.1 Section 2 of this SoCG addresses the position of the Applicant and NR, following a series of meetings and discussions with respect to the key areas of the Project and the Representations.

1.3.2 This is intended to be a 'live' document and some aspects are still under discussion between the Parties. The intention is to provide a final position in subsequent versions of the SoCG, addressing and identifying where changes have been made and ultimately both Parties agree on relevant points.

1.4 Record of Engagement

1.4.1 The Applicant has been engaged in consultation and engagement with NR throughout the development of the Application. The Applicant consulted NR as a prescribed consultee, in accordance with section 42 of the PA 2008, about the Project and environmental impact assessment as part of the formal pre-application consultation procedure. This process afforded NR the opportunity to provide responses to the information in various stages of the pre-application process.

1.4.2 As highlighted in Table 1.1 below, the Applicant has provided a number of opportunities for NR to engage in the Project during the pre-application stage.

1.4.3 Table 1.1 shows a summary of the meetings and correspondence that has taken place between the Applicant (including consultants on its behalf) and NR in relation to the Application.

Table 1-1: Record of Engagement

Date	Form of correspondence	Key topics discussed and outcomes
May 2022	The Applicant wrote to NR to confirm land ownership details and other affected parties.	Land ownership details.
October 2022	The Applicant wrote to NR inviting it to take part in the statutory consultation that took place between 25 October and 29 November 2022.	n/a

Date	Form of correspondence	Key topics discussed and outcomes
17 April 2023	The Applicant met with NR.	Connection to the Sellindge Substation via ducts under the railway line and potential works required.
4 May 2023	The Applicant met with NR.	Connection to the Sellindge Substation via ducts under the railway line and potential works required.
June 2023	The Applicant wrote to NR inviting it to take part in the statutory consultation that took place between 12 June and 17 July 2023.	n/a
30 June 2023	The Applicant met with NR.	Connection to the Sellindge Substation via ducts under the railway line and potential works required.
November 2023	The Applicant wrote to NR inviting it to take part in a targeted consultation that took place between 13 November and 13 December 2023.	n/a
January 2024	The Applicant wrote to NR requesting comments on the protective provisions.	Protective provisions.
February 2024	NR provided updated protective provisions. The Applicant responded.	Protective provisions.
April 2024	NR and the Applicant's solicitors met to discuss the protective provisions.	Protective provisions.
April 2024	NR wrote to the Applicant requesting details regarding the Project and interaction with NR infrastructure. The Applicant resent plans and	Project details.

Date	Form of correspondence	Key topics discussed and outcomes
	details that had previously been provided.	
May 2024	The Applicant's solicitors contacted NR's solicitors to request comments on the protective provisions that had been provided in February 2024.	Protective provisions.
June 2024	NR wrote to the Applicant to explain that any new infrastructure crossing NR land would require a new land agreement, notwithstanding the cable ducts already exist and a land agreement has been granted to UKPN for their use. The Applicant responded and requested a meeting with NR.	Land agreement.
August 2024	The Applicant, NR and UKPN met to discuss the NR requirements regarding protective provisions and other documentation.	Protective provisions
September 2024	NR provided updated comments on the protective provisions to the Applicant.	Protective provisions
October-November 2024	NR and UKPN engaged to agree protection agreements to allow UKPN to confirm the existing ducting is suitable for the grid connection cable.	Protective provisions.
November 2024	The Applicant provided responses to NR's comments on the protective provisions.	Protective provisions

1.4.4 It is agreed that this is an accurate record of the key meetings and consultation undertaken between the Parties in relation to the issues addressed in this SoCG as at the date of this SoCG.

1.5 Format of Document and Terminology

1.5.1 This SoGC has been structured to reflect matters and topics of interest to NR in relation to the Project as set out in the Representations.

1.5.2 Section 2 summarises the issues that are 'agreed', 'not agreed' or are under discussion under the topics of interest in Table 2.1.

1.5.3 The following terminology is applied in Section 2:

- 'Agreed' indicates where the issue has been resolved.
- 'Not Agreed' indicates a position where both Parties have reached a final position that a matter cannot be agreed between them.
- 'Under Discussion' indicates where points continue to be the subject of on-going discussions between Parties.

1.5.4 For any issues that are 'Under Discussion', the Parties have also indicated the likelihood that disagreement will remain by the end of the Examination using a "Low" (Green), "Medium" (Amber) and "High" (Red) traffic light model, as requested in the Rule 6 letter.

2 Areas of Discussion between the Parties

Table 2-1: Areas of Discussion

Ref	Relevant Document	Description of Matter	NR Current Position	Applicant's Current Position	Status
1.	Examining Authority Rule 6 Letter, Annex G	Potential cable routes under the rail line including suitability and specification	<p>NR require certainty on the use of the existing ducting and confirmation on the cable route(s). This information is imperative for NR to assess the impact of the DCO and determine which agreements and conditions need to be in place to ensure NR's land and assets are protected.</p> <p>NR have only received confirmation from UKPN on cable route(s) today (9 December 2024). NR therefore require time to review.</p>	<p>UKPN is contractually required to provide all aspects of the Grid Connection for the Project from the Project Substation to the point of connection at the UKPN substation, within the National Grid Sellindge Substation. This includes the cable connection. The Applicant and UKPN expect to utilise existing electrical ducting under Network Rail's infrastructure and Network Rail has indicated a strong preference for this approach as otherwise a new undertrack crossing ('UTX') would be required.</p> <p>UKPN is in the process of confirming the existing electrical ducting is of sound quality and is expected to be able to confirm this before Deadline 2.</p>	In discussion

Ref	Relevant Document	Description of Matter	NR Current Position	Applicant's Current Position	Status
2.	Examining Authority Rule 6 Letter, Annex G	The dDCO, including protective provisions	NR would like to protect its position to raise any comments in the future (if required)	With the exception of the protective provisions, NR has not raised any comments on the dDCO.	In discussion
3.	Para 3, Representation	Protective provisions	<p>NR note that the dDCO currently does include protective provisions for the protection of the railway however it is a version which has not yet been agreed with the NR. Therefore NR wishes to use its standard protective provisions, on the face of the dDCO, which will be necessary given the proximate location of the works to the railway.</p> <p>The outstanding issues in the protective provisions are subject to the framework agreement which was to be circulated after NR had certainty over the cable routes.</p> <p>NR have provided a draft framework agreement and returned the draft protective provisions to the Applicant on 9 December 2024.</p>	<p>Discussions have been ongoing between the Applicant and NR regarding the protective provisions since early 2023.</p> <p>The version of the draft protective provisions as at the date of submission of the Application is included in Part 7 of Schedule 13 to the Draft DCO (Doc Ref. 3.1 (B)). The Applicant has informed NR that it has included the Applicant's preferred form of protective provisions in the dDCO, but that these are subject to further negotiations between the Parties.</p> <p>An updated draft of the protective provisions was sent by the Applicant to NR on 13 November 2024.</p>	In discussion

Ref	Relevant Document	Description of Matter	NR Current Position	Applicant's Current Position	Status
4.	Para 4, Representation	Existing rights	<p>The dDCO proposes to include the power to compulsorily acquire new rights over plots 3/14, 3/15, 3/16, 3/17, 3/20, 3/21, 5/5, 5/6, 5/7, 5/12, 5/14, 5/16, 5/17, 5/18 and 5/19 as set out in Schedule 10 of the dDCO. NR will require its existing rights to be retained, as well any existing rights yet to be determined.</p> <p>In addition, the dDCO also seeks compulsory acquisition of plot 3/29, which NR has rights over (the extent of the right is yet to be reviewed).</p>	<p>The Applicant and UKPN have been engaging with NR's Asset Protection Team. Discussions on the protective provisions are ongoing, as set out in this table.</p> <p>Plots 3/14, 3/15, 3/16, 3/17 and 3/20 relate to the compulsory acquisition of new rights as detailed in Schedule 10 of the dDCO. NR is a Category 2 person as defined in Section 57 of the PA 2008 for these plots. The key works in these areas relate to installation of underground electrical cables and creation/upgrading of access to the Project Station.</p> <p>Plot 3/21 relates to the compulsory acquisition of new rights as detailed in Schedule 10 of the dDCO. NR is a Category 1 (freehold owner) person as defined in Section 57 of the PA 2008. The key works in this area involve vegetation clearance to ensure visibility for arriving construction traffic.</p> <p>Plots 3/29 relates to the compulsory acquisition of this</p>	In discussion

Ref	Relevant Document	Description of Matter	NR Current Position	Applicant's Current Position	Status
				<p>area where NR is a Category 2 person as defined in Section 57 of the PA 2008. The key works in this area relate to installation of underground electrical cables and creation/upgrading of access to the Project Station.</p> <p>Plots 5/5, 5/6, 5/7, 5/12, 5/14, 5/16, 5/17, 5/18 and 5/19 relate to the compulsory acquisition of new rights as detailed in Schedule 10 of the dDCO. NR is a Category 1 (freehold owner) person as defined in Section 57 of the PA 2008 for these plots. The key works in these areas relate to installation of underground electrical cables by UKPN. It is expected that this will utilise existing electrical ducting where NR/UKPN have already agreed a private agreement for such use. If this is not the case new private agreements will be required.</p>	
5.	Paras 5 and 6, Representation	Agreements	NR will require the Applicant to: A) include NR's standard protective provisions in the DCO;	See above responses to section 3 and section 4.	In discussion

Ref	Relevant Document	Description of Matter	NR Current Position	Applicant's Current Position	Status
			<p>B) potentially enter into a property agreement (easement) to govern the installation, operation and maintenance of any cable (subject to NR's asset protection process); and</p> <p>C) enter into a framework agreement that describes and attaches the documents referred to above, the protective provisions, clearance conditions and any necessary basic asset protection agreement, asset protection agreement, structures agreement or other engineering documents required for the benefit and protection of NR's assets.</p> <p>Without those agreements and satisfactory protective provisions being in place NR considers the proposed development, if carried out in relation to the aforementioned plots, would have serious detrimental impact on the operation of the railway and would prevent NR from operating the railway safely and efficiently and in accordance with its Network Licence. Until such agreements are in place, NR is</p>		

Ref	Relevant Document	Description of Matter	NR Current Position	Applicant's Current Position	Status
			unable to withdraw its objection to the DCO.		

3 Signatures

This SoCG has been prepared and agreed by the Applicant and NR.

On behalf of EPL 001 Limited

Name:

Signature:

Position:

Date:

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On behalf of Network Rail

Name:

Signature:

Position:

Date:

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References

¹ *Planning Act 2008: Examination stage for Nationally Significant Infrastructure Projects*. [online] GOV.UK. Available at: <https://www.gov.uk/guidance/planning-act-2008-examination-stage-for-nationally-significant-infrastructure-projects> [Accessed 14 Oct. 2024]

² Legislation.gov.uk. (2023). *The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009*. [online] Available at: <https://www.legislation.gov.uk/uksi/2009/2264/schedule/1/made>