
EAST YORKSHIRE SOLAR FARM

**East Yorkshire Solar Farm
EN010143**

**Statement of Common Ground between East Yorkshire Solar
Farm Limited and Network Rail Infrastructure Limited**

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Statement of Common Ground

Signatures

This Statement of Common Ground has been prepared and agreed by East Yorkshire Solar Farm Limited and Network Rail Infrastructure Limited

Helen Standing, NSIP Development Manager on behalf of East Yorkshire Solar Farm Limited

01/07/2024

Date:.....

Signed:.....

Sarah Hodge, Legal Director on behalf of Network Rail Infrastructure Limited

02/07/2024

Date:.....

Signed:.....

1. Introduction and Purpose

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) made to the Secretary of State for Energy Security and Net Zero for a Development Consent Order (DCO) under section 37 of the Planning Act 2008 (PA 2008) for the proposed East Yorkshire Solar Farm (the Scheme). The Application is submitted by East Yorkshire Solar Farm Limited (the Applicant).
- 1.1.2 This SoCG has been prepared between (1) the Applicant and (2) Network Rail Infrastructure Limited (Network Rail) (jointly referred to as the Parties).
- 1.1.3 Network Rail is the owner and infrastructure manager of most of the railway network in Great Britain. Network Rail is a non-departmental public body of the Department for Transport with an ultimate parent company (Network Rail Limited) that has no shareholders, and which reinvests its income in the railways. Network Rail is listed as a prescribed consultee in Schedule 1 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 and so has been consulted throughout the preparation of the Application and following it being accepted for Examination.
- 1.1.4 The Examining Authority has requested that this SoCG includes the following matters as set out in the Rule 6 Letter **[PD-002]**:
- a. Impacts on the operations of the statutory undertaker;
 - b. Compulsory Acquisition affecting Network Rail land and assets; and
 - c. Protective provisions;
- 1.1.5 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 Scheme

- 1.2.1 The Scheme comprises the construction, operation (including maintenance) and decommissioning of a solar photovoltaic electricity generating facility with a total capacity exceeding 50 megawatts and export connection to the national grid, at National Grid's Drax Substation. A detailed description of the Scheme is included in Chapter 2: The Scheme, Environmental Statement Volume 1 which was submitted with the DCO Application **[APP-054]** and a description of the development to be authorised is set out in Schedule 1 of the draft DCO **[AS-008]**.

1.3 Format of Document and Terminology

- 1.3.1 Section 2 of this SoCG summarises the engagement the Parties have had with regard to the Scheme.
- 1.3.2 Section 3 of this SoCG summarises the issues that are 'agreed', 'not agreed' or are 'under discussion'. 'Not agreed' indicates a final position where the Parties have agreed to disagree, whilst 'Agreed' indicates where the issue

has been resolved. The Parties have also indicated the likelihood that agreement will be reached on each item.

1.3.3 Abbreviations used within the SoCG are provided in Table 1 1 below.

Table 1-1. Abbreviations

Abbreviation/Term	Definition
AIL	Abnormal Indivisible Loads
CEMP	Construction Environmental Management Plan
CTMP	Construction Traffic Management Plan
DCO	Development Consent Order
ES	Environmental Statement
HGV	Heavy Goods Vehicle
LGV	Light Goods Vehicle
PA	Planning Act 2009
PEI Report	Preliminary Environmental Information Report
PV	Photovoltaic
SoCG	Statement of Common Ground
SuDs	Sustainable Urban Drainage Systems
SWDS	Surface Water Drainage Strategy
TA	Transport Assessment

2. Record of Engagement

2.1 Record of Engagement

2.1.1 The table below sets out a summary of the meetings and correspondence between the Parties in relation to the Scheme.

Table 2-1. Schedule of Meetings and Correspondence

Date	Form of correspondence and attendees	Summary of topics discussed and outcomes
7 December 2022	Meeting (Teams)	Meeting with BOOM and Network Rail to start the process of obtaining an easement over the railway for the purposes of an HDD crossing between Solar PV areas 3b and 3c.
18 January 2023	Meeting (Teams)	Meeting with BOOM and Network Rail regarding the business clearance process starting on the easement over railway. Details were shared of contacts for S42 letters.
31 January 2023	Email	Email from the Applicant to Network Rail notifying them of the dates of the Section 42 Statutory Consultation and offer of pre-launch briefing
3 May 2023	Letter	Letter from the Applicant to Network Rail notifying them of the dates of the Section 42 Statutory Consultation
14 June 2023	Email	Email from Network Rail to the Applicant with their Section 42 Response to the Statutory Consultation
26 June 2023	Meeting (Teams)	BOOM discussed asset protection requirements. Network Rail raised that the following should be considered in relation to works near their assets: any cranes, vibration from drilling, ensuring no grounding on level crossing from project vehicles, and glint and glare. Network Rail agreed to advise on drilling depth and stand offs. BOOM asked Network Rail to lift the standard letter of objection before end of August 2023.
25 July 2023	Meeting (Teams)	Meeting to discuss next steps. Network Rail agreed to share call off contract, timelines and requirements for BOOM to follow, including standard approach for the

crossing under the tracks. Network Rail notes that the Scheme is at an early stage and most of the info required by Network Rail will come from the detailed design. Network Rail requested to review the Glint and Glare assessment once it's ready.

31 August 2023	Letter	Letter from Applicant notifying Network Rail of the Targeted Consultation period following changes made to the Order limits following the Statutory Consultation.
1 September 2023	Email	Email from Applicant notifying Network Rail of the Targeted Consultation period following changes made to the Order limits following the Statutory Consultation.
24 January 2024	Letter	Letter from the Applicant notifying Network Rail of the relevant representation period.
25 January 2024	Email	Email from the Applicant notifying Network Rail of the relevant representation period.
13 February 2024	Relevant Representation	Relevant Representation from Network Rail with their comments on the Scheme.
16 April 2024	Completion call	Solicitors acting for Network Rail and the Applicant completed an Option Agreement relating to a grant of an easement to the Applicant.
Ongoing	Email	Emails between Network Rail and the Applicant regarding final form protective provisions and related agreement.

3. Areas of Discussion between the Parties

3.1 Compulsory Acquisition Powers affecting Network Rail’s land and assets

Table 3-1. Compulsory Acquisition affecting Network Rail land and assets

Ref	Relevant Application Document	Summary of Description of Matter	Network Rail Current Position	Applicant Current Position	Status
3.1.1	Relevant Representation	Compulsory Powers in relation to Hull to Selby Line operational land - Book of Reference [AS-012] and Land Plan [AS-004] plot 15	<p>The Book of Reference recognises plot 15 (Plot), identifiable on Sheet 15 of the Land Plans, as land owned by Network Rail in respect of which compulsory acquisition powers to acquire new rights are sought (Compulsory Powers).</p> <p>Network Rail notes that the Compulsory Powers are sought in relation to operational railway land forming part of the operational railway being the Hull to Selby Line (Railway Line).</p> <p>Network Rail objects to the inclusion of the Plot in the draft DCO [AS-008] and to the acquisition of Compulsory</p>	<p>The Applicant and Network Rail have now concluded a voluntary Option Agreement for the land rights required.</p> <p>The Applicant therefore considers that with the agreement of this voluntary Option Agreement the compulsory acquisition rights in the draft DCO [AS-008] are appropriate.</p>	Agreed

Ref	Relevant Application Document	Summary of Description of Matter	Network Rail Current Position	Applicant Current Position	Status
			<p>Powers in respect of it. The Plot constitutes land owned by Network Rail for the purpose of its statutory undertaking and, accordingly, this representation is made under section 56 and sections 127 and 138 of the Planning Act 2008.</p>		
3.1.2	Relevant Representation	Other Compulsory powers	<p>Network Rail objects to all other compulsory powers in the Order to the extent that they affect, and may be exercised in relation to, Network Rail's property and interests.</p>	<p>The Applicant and Network Rail have now concluded a voluntary Option Agreement for the land rights required.</p> <p>The Applicant therefore considers that with the agreement of this voluntary Option Agreement the compulsory acquisition rights in the draft DCO [AS-008] are appropriate.</p>	Agreed

3.2 Protective Provisions


Table 3-2: Protective Provisions

Ref	Relevant Application Document	Summary of Description of Matter	Network Rail Current Position	Applicant Current Position	Status
3.2.1	Relevant Representation	Protective provisions	Network Rail welcomes the fact that there are protective provisions for its benefit in the draft DCO [AS-008] and, if necessary, will provide detailed comments on, and amendments to, the protective provisions when it submits its detailed Written Representation.	Schedule 14 part 6 of the Draft DCO [AS-008] provides protective provisions for Network Rail. The Applicant and Network Rail have agreed a form of protective provisions (which have been included in the updated Draft DCO submitted at Deadline 1) and corresponding framework agreement.	Agreed

3.3 Impacts on Network Rail's operations


Table 3-3: Impacts on the operations of the statutory undertaker

Ref	Relevant Application Document	Summary of Description of Matter	Network Rail Current Position	Applicant Current Position	Status
	Relevant Representation	Rowlandhall Lane access	The Applicant proposes to access a compound via Rowlandhall Lane to carry out construction works including the use of tractor-trailers. Network Rail's engineers are	The Applicant has prepared a Framework CTMP [APP-113] . At Section 3.4.7 there is explanation that no HGVs will use the Rowlandhall Lane Level Crossing. A detailed CTMP will be prepared	Agreed

Ref	Relevant Application Document	Summary of Description of Matter	Network Rail Current Position	Applicant Current Position	Status
			<p>determining the extent to which any additional works or mitigation measures are required to ensure the safety of the Rowlandhall Level Crossing and that HGV routing will not be conducted in this area.</p>	<p>which will need to be approved post consent prior to construction by East Riding of Yorkshire Council and North Yorkshire Council (the relevant local authorities) in consultation with Network Rail. This must be in accordance with Framework CTMP [APP-113] and this is secured by a requirement in Schedule 2 to the Draft Development Consent Order [AS-008].</p> <p>Compound C (access point located approximately 800 m south of the Rowlandhall Lane Level Crossing on Rowlandhall Lane) will be serviced by a maximum of 14 two-way daily Tractor-Trailer vehicles bringing materials from Compound B, therefore only these vehicles will be required to use the Rowlandhall Lane to gain access. The Framework CTMP [APP-113] has been amended at section 3.4 to include the commitment that the</p>	

Ref	Relevant Application Document	Summary of Description of Matter	Network Rail Current Position	Applicant Current Position	Status
				<p>Applicant will consult Network Rail prior to any proposed use of the Rowlandhall Lane Level Crossing and that all tractor-trailer vehicles that are categorised as large or slow in accordance with existing signage must call the signaller prior to crossing Rowlandhall Lane Level Crossing and comply with any instructions given to them. This has been submitted into examination at Deadline 1.</p>	
	Section 42 Response to Statutory Consultation	Glint and Glare	<p>Network Rail’s key concerns will include how the scheme impacts on railway operations in terms of glint and glare issues causing distraction for train drivers approaching and passing the site.</p>	<p>An assessment of the Scheme’s impact on Glint and Glare is set out in Chapter 16: Other Environmental Topics, ES Volume 1 [AS-016].</p> <p>The Glint and Glare Assessment (Appendix 16-2, ES Volume 1 [APP-112]) considered all parts of the Hull to Selby Railway within the 1 km Study Area, as shown on the Rail Receptors map which accompanies Appendix 16-2. The detailed modelling found there to</p>	Agreed

Ref	Relevant Application Document	Summary of Description of Matter	Network Rail Current Position	Applicant Current Position	Status
				<p>be no impacts upon rail receptors within 1 km of the Solar PV Site.</p>	
	<p>Section 42 Response to Statutory Consultation</p>	<p>Construction management, lighting, boundary treatments and drainage scheme design</p>	<p>Network Rail requires details of the management of construction works around the operational railway and details such as boundary treatments, any lighting and drainage schemes that may impact on the operational railway.</p>	<p>The Framework CEMP [APP-238] and Framework CTMP [APP-113] set out details relating to the management of construction works and how they will interact with the operational railway. Requirement 11 and 13 of the draft DCO [AS-008] require a detailed CEMP and detailed CTMP to be approved post consent prior to construction by the relevant local authorities. This detailed CEMP and CTMP must substantially accord with the Framework CEMP and Framework CTMP.</p> <p>The Framework LEMP [APP-246] provides details of the proposed boundary treatments considered appropriate to the geographical area and which in some instances have been chosen to screen sensitive receptors and soften views as well as provide increased structure, ecological connectivity and interest within the landscape.</p>	<p>Agreed</p>

Ref	Relevant Application Document	Summary of Description of Matter	Network Rail Current Position	Applicant Current Position	Status
				<p>Appendix A presents the Landscape Masterplan which illustrates these treatments in proximity of the railway.</p> <p>The Scheme is not proposing any visible lighting during its operation from CCTV or artificial lighting for security purposes. These design principles are set out in the Outline Design Principles Statement [APP-235]. Task lighting may be required during temporary periods of maintenance/repair.</p> <p>A Framework SWDS [APP-098] (Appendix 9-4, ES Volume 2) has been produced for the Scheme which aims to manage surface water from the Scheme. This strategy incorporates SuDs to manage surface water from the Solar PV Site so that the Scheme remains safe throughout its lifetime and does not increase flood risk elsewhere. This drainage strategy does not affect the operational railway.</p>	

Ref	Relevant Application Document	Summary of Description of Matter	Network Rail Current Position	Applicant Current Position	Status
				<p>Requirement 9 of the draft DCO [AS-008] requires a detailed SWDS to be approved post consent prior to construction by the relevant local authorities. This detailed SWDS will be substantially in accordance with the Framework SWDS [APP-098].</p> <p>The Applicant considers that the proposed detailed CEMP, CTMP, LEMP and SWDS will appropriately manage any impacts on the operational railway.</p>	
	Section 42 Response to Statutory Consultation	Construction and operational traffic routing	<p>Network Rail wish to understand the routing of construction traffic (including HGVs/abnormal loads) and subsequent operational site traffic and the traffic routing's interaction with railway assets such as bridges (with low clearance/weight restrictions) and railway level crossings.</p>	<p>The Applicant has prepared a Framework CTMP [APP-113]. This includes details of HGV routing and abnormal loads. A detailed CTMP will be prepared which will need to be approved post consent prior to construction by East Riding of Yorkshire Council and North Yorkshire Council (the relevant local authorities) in consultation with Network Rail. This must be in accordance with Framework CTMP [APP-113] and this is secured by a requirement in</p>	Agreed

Ref	Relevant Application Document	Summary of Description of Matter	Network Rail Current Position	Applicant Current Position	Status
				<p>Schedule 2 to the Draft DCO [AS-008].</p> <p>The Applicant discusses at section 5.3 of the TA [APP-112] that operational traffic is expected to be one to three staff on-site per day arriving in their own vehicles. Other visitors (e.g. maintenance workers and deliveries) will be needed on-site on an ad hoc basis. The number is not expected to be more than four visitors per day. Solar PV panel replacements from on-site storage would be transported via transit van and the removed (waste) solar PV panels would be stored at Johnson's Farm (Solar PV Area 1e), until they can be taken from the Site for recycling. This would be infrequent, totalling around one LGV per year.</p> <p>In addition, if a transformer failure occurred during the operational</p>	

Ref	Relevant Application Document	Summary of Description of Matter	Network Rail Current Position	Applicant Current Position	Status
				<p>phase this could result in one AIL trip for delivery and removal.</p> <p>The TA [APP-112] therefore confirms that there would be low levels of operational traffic which would not impact Network Rail's operations.</p>	