

Stonestreet Green Solar

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

PINS Ref: EN010135

Doc Ref. 8.3.8(D)

Version 5

Deadline 6

April 2025

EP Rule 8(1)(e)

Planning Act 2008

The Infrastructure Planning (Examination Procedure) Rules 2010



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
Issue 4	6/1/25	MS	Senior Director	Updates to reflect WR
Issue 5	06/03/25	MS	Senior Director	Updates to reflect current position
<u>Issue 6</u>	<u>27/04/25</u>	<u>MS</u>	<u>Senior Director</u>	<u>Updates to reflect current position</u>

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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 final 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	Project details.

Date	Form of correspondence	Key topics discussed and outcomes
	and 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

Date	Form of correspondence	Key topics discussed and outcomes
December 2024	NR submitted Written Representation for Deadline 1 of the Examination	Protective Provision, Article 7(3)(c) and Existing Rights
February 2025	After further correspondence between the parties, NR provided the Applicant with comments on the protective provisions.	NR and the Applicant are very close to agreeing the protective provisions
<u>April 2025</u>	<u>After further correspondence between the parties, the protective provisions included in Part 7 of Schedule 13 to the Draft DCO (Doc Ref. 3.1)(F)) [REP5-003]) have been agreed.</u>	<u>NR's solicitors have confirmed to the Applicant that NR wrote to the ExA on 16 April 2025 to formally withdraw NR's holding objection to the Project.</u>

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: Protective provisions

Ref	Relevant Document	Description of Matter	NR Current Position	Applicant's Current Position	Status
1	Paras 1.5 to 1.7 and Section 3, WR to Deadline 1	Confirmation of the cable route	<p>In order to ensure that interests are protected, Network Rail have agreed the protective provisions that have been drafted for Part 7 of Schedule 13 to the DCO.</p> <p>The Protective Provisions require reasonable approval of the Network Rail engineer and work must not be commenced except in accordance with such plans as have been approved in writing by the engineer or settled by arbitration.</p>	It is confirmed that the existing ducting is expected to be used for the cable crossing. However, to ensure that the delivery of the Project is not jeopardised in the event that unforeseen circumstances mean the existing ducts are not available to be used by the Project due to future damage or other unforeseen circumstances, the land and rights needed for the alternative option of installing new ducts under the railway (Option B) are included within the Application.	Agreed
2	Examining Authority Rule 6 Letter, Annex G	The dDCO, including protective provisions	As above.	<p>The Applicant confirms that the protective provisions are close to being agreed with NR.</p> <p>Agreement is expected prior to Deadline 5.</p>	<u>Under discussion</u> <u>Agreed</u>

Ref	Relevant Document	Description of Matter	NR Current Position	Applicant's Current Position	Status
3	Paras 1.1 to 1.4, WR to Deadline 1	Existing rights	As above.	The Applicant confirms that the protective provisions are close to being agreed with NR. Agreement is expected prior to Deadline 5.	Under discussion <u>Agreed</u>
4	Paras 4.1 to 4.3, WR to Deadline 1	Scope of the compulsory acquisition	As above.	The Applicant confirms that the protective provisions are close to being agreed with NR. Agreement is expected prior to Deadline 5.	Under discussion <u>Agreed</u>
5	Paras 4.4. WR to Deadline 1	Article 7(3)(c) of the dDCO	As above.	The Applicant confirms that the protective provisions are close to being agreed with NR. Agreement is expected prior to Deadline 5.	Under discussion <u>Agreed</u>

3 Signatures

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

On behalf of EPL 001 Limited

Name:

Signature:

Position:

Date:

.....

On behalf of Network Rail

Name:

Signature:

Position:

Date:

.....

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 *Planning act 2008 - guidance related to procedures for the compulsory acquisition of land* (2013) GOV.UK. Available at: https://assets.publishing.service.gov.uk/media/5a748a8ce5274a7f9902904a/Planning_Act_2008_-_Guidance_related_to_procedures_for_the_compulsory_acquisition_of_land.pdf (Accessed: 06 January 2025).

³ Legislation.gov.uk. (2023). *The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009*. [online] Available at: <https://www.legislation.gov.uk/ukxi/2009/2264/schedule/1/made>