

**Tillbridge Solar Project
EN010142**

**Volume 9
Statement of Common Ground with Network Rail**
Document Reference: EN010142/APP/9.25

The Infrastructure Planning (Examination Procedure) Rules 2010

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1. Introduction

1.1 Purpose of this Document

- 1.1.1 This Statement of Common Ground (SoCG) has been prepared to support the application ("the Application") for the Tillbridge Solar Project ("the Scheme") made by Tillbridge Solar Limited ("the Applicant"). The Application was submitted to the Secretary of State for Energy Security and Net Zero ("the Secretary of State") for a Development Consent Order (DCO) ("the Order") under section 37 of the Planning Act 2008 ("PA 2008") (Ref 1) and accepted for examination on 8 May 2024.
- 1.1.2 This SoCG does not seek to replicate information which is available elsewhere within the Application documents. All documents are available in the deposit locations and/or on the Planning Inspectorate's website at <https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN010142/documents>.
- 1.1.3 SoCGs are an established means in the planning process of allowing all parties to identify and focus on specific issues that may need to be addressed during the examination. 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. The SoCG will be progressed during the examination periods to reach a final position between the Parties and to clarify if any issues remain unresolved. This SoCG will be revised and updated as appropriate and/or required by the ExA at relevant examination deadlines.

1.2 Parties to this Statement of Common Ground

- 1.2.1 This SoCG has been prepared between (1) the Applicant, (2) Network Rail Infrastructure Limited and (3) Network Rail Limited (jointly referred to as 'the Parties').
- 1.2.2 The Applicant is a joint venture between Tribus Clean Energy Limited and Recurrent Energy, a subsidiary of Canadian Solar, who are both experienced developers of renewable energy projects.
- 1.2.3 Collectively, Network Rail Infrastructure Limited and Network Rail Limited are referred to as 'Network Rail'.
- 1.2.4 Network Rail own the operational railway line between Stow Park Road and Willingham Road and non-operational railway line previously connected to the Cottam Power Station. Network Rail's interests are all within the Cable Route Corridor and are presently known to be within plots 18-05, 18-14, 18-15, 18-17, 18-18, 18-19, 18-21 and 21-17. These interests can be identified on the Land and Crown Land Plans **[AS-040]** and in the Book of Reference **[REP1-015]**.

1.3 The Scheme

- 1.3.1 The Order, if granted, would authorise the construction, operation (including maintenance), and decommissioning of ground-mounted solar photovoltaic (PV) arrays. The Scheme will also include associated development to support the solar PV arrays.
- 1.3.2 The Scheme is made up of the Principal Site, the Cable Route Corridor and works to the existing National Grid Cottam Substation. The Principal Site comprises the solar PV arrays, electrical substations, grid balancing infrastructure, cabling and areas for landscaping and ecological enhancement.
- 1.3.3 The associated development element of the Scheme includes but is not limited to access provisions; a Battery Energy Storage System (BESS), to support the operation of the ground mounted solar PV arrays; the development of on-site substations; underground cabling between the different areas of solar PV arrays; and areas of landscaping and biodiversity enhancement.
- 1.3.4 The Scheme also includes a 400kV underground Cable Route Corridor of approximately 18.5km in length connecting the Principal Site to the National Electricity Transmission System (NETS) at the existing National Grid Cottam Substation. The Scheme will export and import electricity to the NETS.

1.4 Terminology

- 1.4.1 Section 3 summarises the issues that are ‘agreed’, ‘not agreed’ or are ‘under discussion’.
- 1.4.2 These terms are used as follows:
 - a. “Agreed” indicates where the issue has been resolved;
 - b. “Under discussion” indicates where these points will be the subject of on-going discussion wherever possible to resolve, or refine, the extent of disagreement between the Parties;
 - c. “Not Agreed” indicates a final position where the Parties have agreed to disagree.

2. Record of Engagement

- 2.1.1 A summary of all meetings and correspondence between the Parties in relation to the Application is outlined in **Table 1**. This includes email correspondence between the Parties to discuss sharing of information, arrangement of meetings and where appropriate to comment on draft documentation. **Table 1** reflects the key meetings and emails to date.

Table 1: Record of Engagement

Date	Form of Correspondence	Key topics discussed
03 March 2023	Letter	Request for Information (RFI) issued to Network Rail to confirm land and/or property interests identified within the Order limits.
26 May 2023	Letter	Section 42 notice issued to Network Rail.
07 August 2023	Email	Email sent to the Network Rail Property Team providing a background to the Scheme and requesting engagement to progress discussions for two easements to cross Network Rail land with high voltage cables.
09 August 2023	Microsoft Teams Call	Description of the Scheme including crossing proposals, the Basic Asset Protection Agreement (BAPA) procedure, the approval in principal procedure and required Risk Assessments and Method Statements (RAMS) submissions and confirmation of level of insurance required ahead of the physical works were discussed with Network Rail. The Applicant's advisors agreed to send the proposal drawings discussed on the call and requested existing railway infrastructure survey information. It was agreed the information would be made available following the BAPA sign off.
09 August 2023	Email	Email from Network Rail acknowledged the presentation for the Application crossing scheme proposals, provided additional application forms and requested additional information from the Applicant to make an official enquiry through the Network Rail system processes.
14 August 2023	Email	Email from the Applicant requesting further discussions regarding crossing of Network Rail land with high voltage cables.

Date	Form of Correspondence	Key topics discussed
15 August 2023	Email	Email from Network Rail with a letter attached confirming initial meeting discussions.
07 September 2023	Letter (via Email)	Letter from the Applicant requesting a copy of Network Rail's standard protective provisions and offering to commence discussions.
08 September 2023	Email	Email from the Applicant requesting further discussions regarding crossing of Network Rail land with high voltage cables.
26 September 2023	Email	Email from the Applicant requesting further discussions regarding crossing of Network Rail land with high voltage cables.
28 September 2023	Email	Email received from Network Rail confirming that the BAPA was sent to the Applicant on 23 August 2023.
04 October 2023	Microsoft Teams Call	Meeting with Network Rail Property Team to discuss next steps for the two railway line crossing which are proposed as part of the Scheme.
10 October 2023	Email	Network Rail provided the Applicant with a copy of their draft standard protective provisions and Framework Agreement for review.
13 October 2023	Email	Network Rail acknowledged receipt of the Scheme as an enquiry through the Network Rail system process.
27 October 2023	Microsoft Teams Call	Meeting with Network Rail to run through the Application scheme crossing proposals in detail including additional geotechnical investigation proposals. Network Rail confirmed that further discussions could not take place until signed BAPAs for both crossings were received from the Applicant.
16 November 2023	Microsoft Teams Call	Initial Network Rail Options Meeting to look to progress option agreement discussions for the two railway crossings required for the Scheme. A project update was provided, technical (engineering) / business (property) clearance documents discussed and areas where the Scheme might conflict with other developers' option areas reviewed.

Date	Form of Correspondence	Key topics discussed
15 December 2023	Microsoft Teams Call	Network Rail Options Meeting #2 – Follow up to the 16 November 2023 meeting to discuss follow up actions. Project specific updates were provided as well as a summary of technical and business clearance document sign off by both parties.
13 February 2024	Email	The Applicant confirmed that the BAPAs for both crossings were signed off and returned to Network Rail.
19 March 2024	Email	Contract documents issued by Network Rail to the Applicant to enable Network Rail BAPA signatures.
19 March 2024	Email	Applicant provided comments on Network Rail's draft standard protective provisions.
12 April 2024	Email	Contract documents returned to Network Rail by the Applicant.
23 May 2024	Email	Operational railway line BAPA signed and issued to the Applicant by Network Rail.
04 June 2024	Email	The Applicant requested that Heads of Terms (HoTs) for an option to take easement are issued for review for the operation railway crossing.
07 June 2024	Email	Network Rail confirmed that the protective provisions are agreed, subject to other agreements between the parties being in place.
12 June 2024	Letter & Email	Section 56 notice issued to Network Rail.
27 June 2024	Email	Network Rail provided the Applicant with a draft Framework Agreement for review.
24 July 2024	Email	Query from Network Rail regarding the drafting of the Heads of Terms (HoTs) for easement.
30 July 2024	Email	Response provided by the Applicant to Network Rail to assist with the drafting of the HoTs.
31 July 2024	Email	Non-operational railway line BAPA signed and issued to the Applicant by Network Rail.
31 July 2024	Email	Two BAPAs and two draft option agreement plans sent to Network Rail to supplement HoTs.

Date	Form of Correspondence	Key topics discussed
05 August 2024	Email	The Applicant provided comments on Network Rail's draft Framework Agreement.
27 August 2024	Email	The Applicant requested an update of the issuing of the HoTs.
01 October 2024	Email	HoTs for easement issued by Network Rail to the Applicant.
29 October 2024	Email	Network Rail provided responses to the Applicant's comments on the draft Framework Agreement.
<u>24 December 2024</u>	<u>Email</u>	<u>HoTs returned to Network Rail by the Applicant.</u>
<u>15 January 2025</u>	<u>Email</u>	<u>Updated HoTs sent by Network Rail to the Applicant.</u>
<u>23 January 2025</u>	<u>Email</u>	<u>Network Rail requested further amendments to the draft Framework Agreement.</u>
<u>12 February 2025</u>	<u>Email</u>	<u>The Applicant provided a response to Network Rail's requested amendments on the Framework Agreement.</u>
<u>19 February 2025</u>	<u>Email</u>	<u>HoTs returned to Network Rail by the Applicant.</u>
<u>25 February 2025</u>	<u>Email</u>	<u>Network Rail provided further response on proposed amendments to the Framework Agreement.</u>
<u>3 March 2025</u>	<u>Email</u>	<u>The Applicant provided a further response on Network Rail's proposed amendments.</u>
<u>7 March 2025</u>	<u>Email</u>	<u>Follow up email sent to Network Rail by the Applicant to obtain an update on the HoTs.</u>
<u>19 March 2025</u>	<u>Email</u>	<u>Follow up email sent to Network Rail by the Applicant to obtain an update on the HoTs.</u>
<u>20 March 2025</u>	<u>Email</u>	<u>Parties confirmed agreement on amendments to the Framework Agreement, subject to confirmation of whether Network Rail requires plans to be appended to the Framework Agreement.</u>
<u>27 March 2025</u>	<u>Email</u>	<u>Follow up email sent to Network Rail by the Applicant to obtain an update on the HoTs.</u>

Date	Form of Correspondence	Key topics discussed
<u>27 March 2025</u>	<u>Email</u>	<u>Updated HoTs sent by Network Rail to the Applicant.</u>
<u>31 March 2025</u>	<u>Email</u>	<u>HoTs returned to Network Rail by the Applicant.</u>

3. Areas of Discussion between the Parties

3.1.1 ~~Table 2~~ **Table 2** below details the areas of discussion and matters that are agreed, under discussion and not agreed between the Parties.

Form

Table 2: Areas of Discussion with Network Rail

Ref.	Relevant Application Document	Description of Matter	Status	Likelihood of Resolution
1.1	N/A	The Scheme requires that electrical cabling cross the Sheffield to Lincoln line and the Torksey branch line in order to connect the Principal Site to the National Grid Cottam Substation. The Applicant is proposing a trenchless crossing solution for the crossing of both lines, with a trench depth of 10 metres below Network Rail infrastructure. Basic Asset Protection Agreements (BAPA) are required in order to progress technical and business discussion with Network Rail. Both parties have now signed and completed BAPAs for the two crossings of Network Rail land.	Agreed	N/A <u>Resolved</u>
1.2	Framework Construction Traffic Management Plan [REP1-021]	The Applicant notes the observations made by Network Rail on the likely implications of the construction phase of the Scheme in terms of Network Rail's interests in their relevant representation [RR-211] and notes that Network Rail is currently reviewing the Framework Construction Traffic Management Plan and will provide comments in due course. The Applicant awaits these comments and will work with Network Rail to resolve them, once	Under Discussion <u>Agreed</u>	High <u>Resolved</u>

Ref.	Relevant Application Document	Description of Matter	Status	Likelihood of Resolution
		received. <u>The Parties have agreed on amendments to the Framework Construction Traffic Management Plan to address the matters raised by Network Rail</u>		
1.3	Draft DCO [REP1-007]	Network Rail's standard protective provisions are included in the draft DCO as submitted at Deadline 1 [REP1-007]. The Parties have agreed on amendments to the protective provisions that will be attached to a separate Framework Agreement.	Agreed	N/A <u>Resolved</u>
1.4	N/A	A draft Framework Agreement is currently being negotiated by the Parties. The contents of this Framework Agreement are substantively agreed, subject to a few one <u>outstanding matters</u> to be finalised. <u>In the event that agreement is not able to be reached within the timeframes of Examination, the Parties will continue to work towards agreement following the close of Examination.</u>	Under Discussion	High
1.5	N/A	Heads of Terms (HoTs) for Cable Easements. The Applicant has requested that discussions advance to agree two option agreements for easement for Network Rail owned land. <u>Discussions remain ongoing between the parties regarding the HoTs, which were most recently exchanged on 31 March 2025</u> were issued by Network Rail on 1 October 2024 and the Applicant is currently reviewing the terms provided. <u>In the event that agreement is not able to be reached within the timeframes of Examination, the Parties will continue to work towards agreement following the close of Examination.</u>	Under Discussion	High

4. References

- Ref. 1 His Majesty's Stationary Office (HMSO) (2008) Planning Act 2008. Available at: <https://www.legislation.gov.uk/ukpga/2008/29/contents> [Accessed 09/09/2024]