

Tween Bridge Solar Farm

9.11 Statement of Common Ground with Network Rail Infrastructure Ltd

Deadline ~~1-5 May~~ August 2026

Document Reference: 9.11

Revision ~~1~~ 2

Statement of Common Ground

Table of Contents:

1 Introduction 3

1.1. Purpose of this document 3

1.2. Parties to this Statement of Common Ground 4

1.3. Terminology 4

2 Record of Engagement 5

2.1. Summary of consultation and engagement 5

3 Current Position 7

4 Signatures 109

List of Tables:

No table of figures entries found.

List of Figures:

No table of figures entries found.

1 Introduction

1.1. Purpose of this document

- 1.1.1. This Statement of Common Ground (hereafter referred to as the 'SoCG') has been prepared to support the Examination of the Development Consent Order (DCO) application (the 'DCO Application') for Tween Bridge Solar Farm (the 'Scheme').
- 1.1.2. The DCO Application is for a Nationally Significant Infrastructure Project (NSIP) for the construction, operation (including maintenance) and decommissioning of a solar photovoltaic (PV) array electricity generating facility, Battery Energy Storage System (BESS) and associated infrastructure which would allow for the generation and export of electricity.
- 1.1.3. The SoCG is a 'live' document that has been prepared by the Applicant and Network Rail Infrastructure Ltd.
- 1.1.4. The SoCG has been prepared in accordance with the Guidance for examination of DCO applications which was published in 2024 by the Department for Levelling Up, Housing and Communities¹.
- 1.1.5. This Guidance comments that:

"A statement of common ground is a written statement prepared jointly by the applicant and another party or parties, setting out any matters on which they agree, or indeed disagree. A SoCG helps to ensure that the evidence at examination focuses on the material differences between the main parties and therefore makes best use of the lines of questioning pursued by the Examining Authority".
- 1.1.6. The aim of this SoCG is to therefore provide a clear position of the progress and agreement made or not yet made between the Applicant and Network Rail Infrastructure Ltd on matters relating to the Scheme. Where matters are yet to be agreed, the parties will continue to proactively work to reach agreement.
- 1.1.7. The SoCG will be updated as more information becomes available and as a result of ongoing discussions between the Applicant and Network Rail Infrastructure Ltd.

¹ Planning Act 2008: Examination stage for Nationally Significant Infrastructure Projects (April 2024)

1.2. Parties to this Statement of Common Ground

- 1.2.1. This SoCG has been prepared by (1) the Applicant and (2) Network Rail Infrastructure Ltd.
- 1.2.2. Network Rail has existing infrastructure and land interests which is located within the Order Limits where interactions may occur. Collectively, the Applicant and Network Rail Infrastructure Ltd are referred to as 'the parties'.

1.3. Terminology

- 1.3.1. Section 3 of this document sets out the relevant matters raised though discussion between the parties. It provides a summary of the position of each party and identifies the status of discussions on each matter:
- 1.3.2. "Agreed" indicates where the issue has been resolved between the parties and is not anticipated to be subject to further discussions;
- 1.3.3. "Under discussion" indicates where a matter remains in active dialogue between the parties and a final position has not been reached;
- 1.3.4. "Not Agreed" indicates where the parties have established a final position that they cannot resolve the matter and will remain a point of difference.

2 Record of Engagement

2.1. Summary of consultation and engagement

2.1.1. The parties have been engaged in consultation and engagement throughout the development of the Scheme. Table 2-1 shows a summary of the meetings and correspondence that has taken place between the Applicant and Network Rail Infrastructure Ltd in relation to the Scheme. This is limited to engagement which is materially relevant to the contents of this SoCG and does not seek to include every correspondence between the parties (e.g. that which was primarily administrative).

2.1.2. Table 2-1: Record of Engagement

Table 2-1 – Record of Engagement since 2022		
Date	Method	Purpose / Description
29.11.2022	Written	Proposed plans for a cable easement crossing over Network Rail Infrastructure Limited land sent to Network Rail Infrastructure Limited
01.05.2023–07.06.2023	Written	Correspondence with the Network Rail Infrastructure Limited on the proposed plans
20.06.2023	Written	Schedule of Minimum Information provided by Network Rail Infrastructure Limited issued to RWE for completion
22.03.2024	Written	Schedule of Minimum Information provided by Network Rail Infrastructure Limited agreed and completed by RWE
	Written	Completed Schedule of Minimum Information sent back to Network Rail Infrastructure Limited
03.04.2024–12.06.2024	Written	Correspondence with the Network Rail Infrastructure Limited on the proposed Heads of Terms and plans

Statement of Common Ground

25.11.2024– 06.03.2025	Written	Correspondence with the Network Rail Infrastructure Limited on the proposed Heads of Terms
26.03.2025	Written	Business Clearance certificate issued
06.03.2025	Written	Heads of Terms agreed by Network Rail Infrastructure Limited and sent to RWE Legal team
16.04.2025	Written	Technical Clearance certificate issued
15.07.2025– 23.09–2025	Written	Correspondence with the Network Rail Infrastructure Limited on the proposed Heads of Terms and Option Agreement
<u>19.03.2026 – 23.07.2026</u>	<u>Written</u>	<u>Correspondence with Network Rail's lawyers with regards to protective provisions</u>

3 Current Position

- 3.1.1. The table below provides a summary of the current position of the Applicant and the EA in relation to specific matters that have been under discussion to date.
- 3.1.2. Where a matter is not represented in the table, it should be assumed that it is either: (i) agreed between the parties and has not been the subject of detailed discussion; or (ii) not relevant to the discussion between the parties.
- 3.1.3. As noted above, this is a 'live' document and there are some aspects that 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 where agreement had been reached between the parties.

Table 3-1 Current Position:

Ref	Topic	Network Rail Infrastructure Limited Position	Applicant Position	Status
1	Compulsory acquisition powers in relation to Network Rail Infrastructure Ltd land and rights	Network Rail objects to the Applicants proposals to compulsorily acquire new rights over Network Rails operational land as well as land in close proximity to railway assets. Network Rail objects to the making of the Order in principle on the ground that the compulsory acquisition powers sought are likely to interfere with the safe and efficient operation of the Railway and cause a serious	The Applicant is in ongoing discussions with Network Rail regarding protective provisions and <u>positive progress has been made in this regard. The Applicant</u> will continue to engage with Network Rail to seek to agree to the protective provisions for the benefit of Network Rail prior to the close of examination.	Under discussion

Statement of Common Ground

		detriment to the carrying on of Network Rail's statutory undertaking. In order for Network Rail to be in a position to withdraw its objection Network Rail will require adequate protective provisions to be included within the Order. Network Rail have provided that the protective provisions should be in the form set out at Appendix 1 to its Relevant Representation [RR-024]. Network Rail also requires that an agreement be entered into with the Applicant to ensure that the new rights sought are exercised in a regulated manner to prevent adverse impacts to the Railway.		
2	Protective Provisions	Network Rail acknowledges that while the Applicant has included protective provisions in the draft DCO, these are not in a form which are acceptable to Network Rail. In order for Network Rail to be in a position to withdraw its objection Network Rail will require adequate protective provisions to be included within the Order. Network Rail have provided that the protective provisions should be in the form set out at Appendix 1 to its Relevant Representation [RR-024].	The Applicant is in ongoing discussions with Network Rail regarding protective provisions and will continue to engage with Network Rail to seek to agree to the protective provisions for the benefit of Network Rail prior to the close of examination. <u>At Deadline 5, the Applicant has included in Schedule 14, Part 8 of the Draft DCO [Document Reference 3.1 Revision 8] an updated set of protective provisions for the protection of railway interests. These incorporate any changes to drafting which have</u>	Under Discussion

Statement of Common Ground

			<u>been agreed between the Applicant and Network Rail.</u> <u>Whilst further discussions are ongoing with regards to other aspects of the protective provisions, the Applicant's firm view is that these protective provisions provide a robust and high degree of protection for Network Rail's interests, such that there would no detriment to its undertaking or interference with the safe and efficient operation of the railway.</u>	
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4 Signatures

This Statement of Common Ground is agreed upon:

On behalf of Network Rail:

Name:

Signature:

Date:

On behalf of the Applicant:

Name:

Signature:

Date:

DRAFT