

**Written Representation by Network Rail Infrastructure Limited in relation to the Springwell Energy Farm Limited application for the Springwell Solar Farm Development Consent Order 2021**

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**Planning Inspectorate Reference Number: EN010149**

**Unique Identification Number: 20054696**

Further to Network Rail Infrastructure Limited's (**Network Rail/NR**) relevant representation submitted on 17 February 2025, NR wishes to make this written representation in relation to Springwell Energy Farm Limited's (the **Promoter**) application (**Application**) for the above development consent order (**DCO**).

The Application includes provisions which would, if granted, authorise the Promoter to carry out works in close proximity to operational railway land in the control of Network Rail and disapply railway legislation which allows NR to carry out its statutory undertaking in respect of the region.

#### **Impacts on NR / Protective Provisions**

Further investigations have now been carried out by Network Rail and it is confirmed that there are no plots or rights in land being acquired under the Order in which Network Rail have an interest and no unidentified property interests. A response to Examiner's question Q1.6.4 confirming this has also been provided separately.

Notwithstanding this, Network Rail need to ensure that their assets are properly protected during the construction and operation of the project as the Scheme is directly adjacent to Network Rail land and the operational railway. As such, their standard form Protective Provisions require to be included on the face of the Order. A copy of these Protective Provisions is attached to this submission. To date the Promoter has not accepted the need for Protective Provisions and it has also not been possible to agree the need for a Framework Agreement which would include the Protective Provisions.

In the event the Promoter agrees to the inclusion of the Protective Provisions on the face of the Order and confirms to the Examining Authority that this is agreed, Network Rail would be in a position to withdraw their objection to the Scheme on these grounds without insisting on a Framework Agreement.

#### **Asset Protection input**

Due to the proximity of the construction works to the operational railway, further dialogue is required between the Promoter and NR's Asset Protection team. It may be that an Asset Protection Agreement (BAPA or APA) is required to mitigate any impacts.

Network Rail Asset Protection also require to consider the Glint and Glare report provided by the Promoter and come to a view on this and whether further mitigation may be needed.

Updates on these discussions will be provided to the Examination when available.

#### **PRoW Impacts**

The concerns raised by Network Rail in relation to certain PRoW closures and the impacts this would have on the Scopwick Yard Level Crossing have now been addressed by the Promoter. It is understood

that the PRow Management Plan is being amended at Deadline 1 to ensure an east / west route is maintained at all times through construction, operation and decommissioning. Provided these changes are reflected in the PRow Management Plan, Network Rail no longer object on this basis.

### **Traffic Routing**

Network Rail have now reviewed the Outline CTMP and traffic routing for AILs and can confirm that no specific mitigations are required, with the usual procedures for abnormal loads being sufficient. For HGV capacities, any weight restricted public road bridges will be signed at the bridge. Any public road bridges without a signed restriction can be taken as 40/44t capacity.

For passing beneath underbridges, all bridge heights will be signed at the bridge. NR do not hold records of bridge heights/clearances, it's the responsibility of the haulier to survey the proposed route to check height of bridge compared to the height of vehicle, to prevent any bridge strikes.

The Promoter has confirmed to Network Rail that *"AIL movements will be subject to a formal application process prior to loads moving and that this is controlled by current AIL legislation and permitting, allowing Network Rail (and other infrastructure operators e.g. National Highways and Lincs Highways) a technical review and permitting process at that time. This has been agreed with National Highways."* On this basis, Network Rail have no objection in relation to the traffic routing, provided normal procedures are followed. This has also been confirmed in the response to Examiner's question Q1.13.7.

### **Conclusion**

As set out above, Network Rail continues to investigate the extent of the risk to its assets from the construction and operation of the Scheme and is liaising with the Promoter in relation to any mitigation required. It is anticipated that this dialogue will continue during the examination process.

Until agreement has been reached with the Promoter on all matters to its satisfaction, including confirmation that the attached Protective Provisions will be included on the face of the DCO, Network Rail will not be in a position to withdraw its remaining objections to the making of the DCO. Network Rail reserves the right to be heard at an appropriate hearing to explain in detail the impacts of the scheme on its operations and also reserves the right to supplement these representations once further determinations have been made in respect of the interference of Network Rail rights.

Submitted Deadline 1, 03.06.25

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