

Your reference EN010154

Our reference CLARMA/43283-5123

19 March 2026

BY EMAIL TO:

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National Infrastructure Planning
Temple Quay House
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Dear Sirs

DCO Scheme: Fosse Green Energy

Our client: Network Rail Infrastructure Limited

Applicant: Fosse Green Energy Limited

Subject: Network Rail Infrastructure Limited's Response to Second Written Questions dated 27 February 2026

This Firm is instructed by Network Rail Infrastructure Limited (**NR**) in relation to the DCO Scheme and we write in response to the Second Written Questions dated 27 February 2026.

1. DCO.2.29 Applicant, Network Rail

Both – clarify, including by reference to a plan or plans, precisely what Network Rail operational infrastructure and/or non-operational land assets it is considered would be affected by the proposed development.

NR Response:

Rights identified in the Book of Reference

As set out in the Relevant Representation dated 27 October 2025 and Written Representation dated 23 January 2026, the draft DCO submitted with the Application includes provisions which would, if granted, authorise the Applicant to exercise powers to:

- a) permanently acquire rights over land in which Network Rail is an occupier in respect of rights;
and
- b) proposed to extinguish, suspend or otherwise interfere with Network Rail's rights;

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as summarised in respect of the plots and rights below:

1. Rights in respect of restrictive covenants and easements contained in a Conveyance dated 22 November 1977 (Plot 13/3); and
2. Rights in respect of rights to access contained in a Conveyance dated 24 November 1977 (Plot 13/6).

(Together the **Rights**)

The Rights described above, appear to relate to accommodation rights owed to unknown third-party beneficiaries. Accommodation rights are rights owed to third party beneficiaries arising out of works which were required to accommodate neighbouring land severed when the railway was originally constructed and which Network Rail may still owe to neighbouring owners.

Any extinguishment, interference and/or suspension of the Rights could negatively impact Network Rail's ability to comply with such obligations to maintain the accommodation works. Should these rights not be protected adequately, it could result in Network Rail breaching these obligations and incurring unnecessary costs as a result of claims for failing to meet its obligations.

While the Applicant has indicated they do not intend to extinguish the rights identified and proposes they are to co-exist with any rights to be acquired, the draft Order does not include any Protective Provisions for the benefit of Network Rail, and as such does not provide explicit protection for Network Rail's Rights, nor precludes extinguishment nor other interference.

Indirect Impacts

These are impacts that, although falling outside of the Order Boundary, may still impact Network Rail's operational and non-operational assets during construction and/or maintenance of the scheme and may propose a detriment to their railway undertaking.

Glint and Glare Impacts

Further, since our last submission, Network Rail's technical advisors and engineers have reviewed the glint and glare assessment.

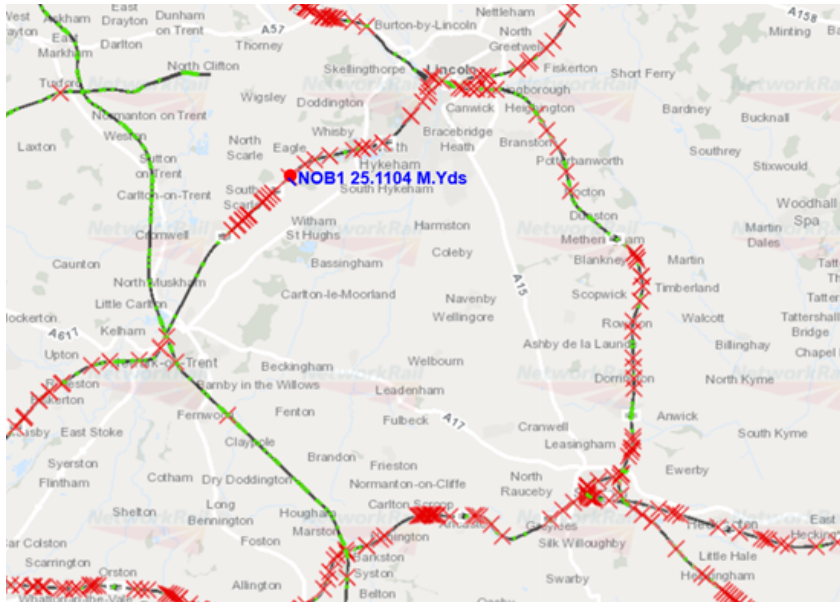
Network Rail's signal sighting engineer believes there may be impacts on the signals along operational railway line may be affected by reflections from the panels. The three signals identified as potentially being affected are located along the NOB1 line in the northern section of the Land Plans, located on the Nottingham East Junction to Lincoln line at Swinderby Station.

It is noted that vegetation is cited in the glint and glare assessment as a mitigation measure against glint and glare impacts, however, this is not a permanent solution.

A further signal sighting report has been requested from the Applicant to better understand the potential impacts on these signals and we await their provision.

Construction and Travel Movement

Review by Network Rail's surveyors of the Framework Construction Travel Management Plan (document 7.18) confirms that no railway assets are located within the boundary, however, it has been noted that the Scheme is surrounded by a railway corridor. As shown on the image below.



Further, the Framework Construction Travel Management Plan depicts a proposed route for the transformer to take from the A46 to the site, which does not appear to cross any railway assets (e.g. level crossings located within the area). However, we have requested further information around the wider construction routes, and abnormal load movements and await provision to confirm the position.

Given the location of the Scheme within a railway corridor, there is a likelihood that abnormal loads associated with the Scheme could interact with railway assets, such as level crossings. Once the further information regarding the wider route has been provided, and our engineers have had the opportunity to review, we will provide an update on the risks identified and continue to discuss the same with the Applicant.

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 Applicant in relation to any mitigation required.

2. DCO.2.29 Network Rail

Network Rail – explain why you consider that any Network Rail operational infrastructure and/or land assets would need to be made the subject of protective provisions

NR Response:

The inclusion of Protective Provisions is necessary to prevent the extinguishment, interference with, or restriction of the Rights. A copy of these Protective Provisions is attached to our Relevant Representations.

Given that the scheme is located within a railway corridor comprising operational railway and Network Rail land, Network Rail's standard form Protective Provisions must be included in the Order to ensure Network Rail's assets are properly protected during the construction and operation of the project as the Scheme. Further mitigation and protection may be required once the requested additional information has been provided and reviewed by Network Rail's engineers.

To date the Applicant 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.

Should you have any queries, please don't hesitate to contact us on the details below.

Yours faithfully

Handwritten signature in black ink, reading "Addleshaw Goddard LLP". The signature is written in a cursive style with a horizontal line underneath the "LLP" part.

Addleshaw Goddard LLP

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