

Written Representations by Network Rail Infrastructure Limited in relation to The Pear Tree Solar Farm Development Consent Order 2021[*] (DCO)

Planning Inspectorate Reference Number: EN010157

Registration Identification Number: F67EB834C

Applicant: RWE Renewables UK Solar and Storage Limited

Application: The Pear Tree Solar Farm Order 202*

Further to Network Rail Infrastructure Limited's (**Network Rail/NR**) relevant representation submitted on 30 May 2025, NR wishes to make this written representation in relation to RWE Renewables UK Solar and Storage Limited (the **Promoter**) application (**Application**) for the above development consent order (**DCO**).

The draft DCO submitted with the Application includes provisions which would, if granted, authorise the Promoter to carry out works on, under and in close proximity to operational railway land in the control of Network Rail and to permanently acquire new rights over NR's freehold interests in such land, as well as extinguish, suspend and/or interfere with NR's rights over and apparatus on third party land and, at present, the draft DCO (document reference number 3.1) does not contain any protective provisions for the protection of Network Rail's assets.

As set out in Network Rail's earlier relevant representation, the Book of Reference (document reference number 4.2) identifies the following plots of land over which Network Rail own, occupy or own over. The relevant plots are as follows:

1. Freehold owner/Reputed - Permanent acquisition of new rights over 3035 square metres of operational railway (Hull to Driffield, North Eastern Rail); north of Beverley South Western Bypass, A1079 and south of Halfway House, Woodmansey, Minster and Woodmansey, Unregistered Land, (Plot 16-3);
2. Occupier in respect of apparatus - Permanent acquisition of new rights over 87343 square metres of agricultural land, trees, hedgerow, public footpaths (Woodmansey Footpath No.4 and Skidby Footpath No.12) and drain (Fox Drain Tributary); north-west of Hall Ings Farm and south of Beverley South Western Bypass, A1079, Woodmansey, Minster and Woodmansey, Skidby, Dale. (YEA64793 - Absolute Freehold), (Plot 16-10);
3. Occupier in respect of apparatus - Permanent acquisition of new rights over 30311 square metres of agricultural land, trees, hedgerow, track and public footpath (Skidby Footpath No.12); north of Creyke Beck Substation and west of Dunswell Road, Skidby, Dale. (YEA64793 - Absolute Freehold) (plot 17-1);
4. Occupier in respect of apparatus - Permanent acquisition of new rights over 4694 square metres of grassland, hedgerow and track; east of Creyke Beck Substation and west of Dunswell Road, Skidby, Dale. (YEA68081 - Absolute Freehold) (Plot 17-6),

(together the **Plots**).

Further, should the Promoter's proposals (dated 6 June 2025 and 6 August 2025 respectively) to amend the Order boundary and plot configuration in certain areas of the scheme, Network Rail reserves the right to make additional representations in respect of any proposed amendments (should the Examining Authority be minded to permit the same) to plot boundaries and/or subsequent additional impacts. We have requested further information from the Promoter in order to assess any relevant potential impacts, and will continue to discuss the same with them.

Network Rail continues to investigate the extent of the risk to its assets and is liaising with the Promoter in relation to any mitigation required and it is anticipated that this will continue during the examination process. In particular:

- Network Rail requires protective provisions to be included within the DCO to ensure that its interests are adequately protected and to ensure compliance with the relevant safety standards. The content and format of these protective provisions is contained within Appendix 1 of the NR's relevant representations submitted on 30 May 2025. It is inconceivable that the proposed development should be carried out without any protection afforded to Network Rail. As the current draft Order doesn't contain any protective provisions for the protection of Network Rail's assets, Network Rail must maintain a strong objection to the granting of the DCO on the basis of the current draft Order and hereby requests that the Examining Authority:
 - does not grant the DCO in the absence of appropriate protective provisions being placed on the Order;
- Network Rail requires a private agreement to regulate the manner in which rights over railway property are to be granted and in which works are to be carried out in order to safeguard Network Rail's statutory undertaking. Engineers for Network Rail are continuing to review the extent of impacts on operational railway and Network Rail property and any mitigation required (including NR's review and prior approval of the design proposals for the parts of the DCO scheme which interface with the railway at detailed design and construction stages) will be considered in this agreement.
- The completion of the necessary deeds of easement and asset protection agreement to govern the construction, maintenance and, where appropriate, removal of the parts of the development proposed by the DCO which are located on or adjacent to operational railway land.
- Network Rail and the Promoter are in discussions about the effects of the DCO in general and will continue to liaise to address all outstanding matters.

Until satisfactory agreement has been reached with the Promoter on all matters to its satisfaction, Network Rail will not be in a position to withdraw its objection 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.