

Great North Road Solar and Biodiversity Park (PINS Ref: EN010162) (the “Scheme”)

RWE Generation UK Plc (“RWE”)

RWE submits this written representation, relating to the Great North Road Solar and Biodiversity Park, in accordance with the requirements of the Examining Authority’s Deadline 1.

The RWE group is currently the largest power generator in the UK and a leading renewables developer, generating enough power for around 12 million homes with a diverse portfolio of wind, solar, hydro, biomass and gas, with a clear strategy to become carbon neutral by 2040. RWE is part of the RWE group and operates approximately 7GWe of efficient gas-fired plants in the UK, which support the transition to renewables by providing a firm and flexible source of power, including Staythorpe Power Station. Further information on Staythorpe Power Station is provided below.

RWE also has rights over land within the Order Limits that relate to the operation and maintenance of its power station and is an Interested Party by virtue of such interests and this representation.

Deemed Statutory Undertaker Status

Section 138 of the Planning Act 2008 (the “**PA 2008**”) is engaged where a DCO seeks to authorise the acquisition of land, and a statutory undertaker has a right over such land for the purpose of carrying on their undertaking.

Section 138(4A) of the 2008 Act defines “statutory undertakers” as persons who are, or are deemed to be, statutory undertakers for the purpose of any provision of Part 11 of the Town and Country Planning Act 1990 (the “**TCPA 1990**”).

Section 262(6), Part 11 of the TCPA 1990 provides: “*Any holder of a licence under section 6 of the Electricity Act 1989 shall be deemed to be a statutory undertaker and his undertaking a statutory undertaking – (a) for the purposes of...*”.

RWE holds an Electricity Generation Licence under Section 6(1)(a) of the Electricity Act 1989 and therefore satisfies the licence requirement of this provision.

The purposes under Section 262(6)(a) of the TCPA 1990 include for the purpose of Section 271. Section 271(1) applies where any land has been acquired by a statutory undertaker under the TCPA 1990 or compulsorily under any other enactment, and there subsists over that land a right vested in or belonging to the statutory undertaker for the purpose of the carrying on of their undertaking.

RWE holds rights of this nature within the Order Limits and therefore is a statutory undertaker for the purposes of Section 138 of the PA 2008.

Compulsory acquisition sought in the Order and impact on RWE

Staythorpe Power Station is a 1,850 megawatt (MW) generating station, consists of four combined-cycle gas turbines and has been operational since 2010. It is located approximately two miles west of Newark-on-Trent, Nottinghamshire, between the River Trent and the Nottingham to Lincoln railway line. Staythorpe Power Station is partially visible in the south-eastern corner of Sheet 1 of the Land Plans. RWE also owns and operates equipment within the National Grid sub-station – RWE’s equipment is outside the Order Limits, to the south and east of plot 1/10.

RWE are currently exploring options to retrofit the power station with carbon capture technology to provide approximately 1.5 gigawatts of decarbonised electricity and has already carried out public consultation on these proposals.

The Book of Reference (Document Ref: APP/4.3) indicates that Elements Green Trent Limited (the “**Applicant**”) is seeking to compulsorily acquire permanent new rights and/or impose restrictive covenants over

plots 1/1, 1/3, 1/9 and 1/11 and cause interference to the rights and easements over plot 1/10. These plots are subject to rights held by RWE, as noted in the Book of Reference, and are used for the purposes of its undertaking, in particular by providing access to its equipment.

The Applicant has confirmed that the Book of Reference will be updated to note RWE's rights in plots 1/12 and 1/23. These plots are used to provide critical access to RWE's equipment and the power station.

RWE does not object to the principle of the Scheme, however it needs to be satisfied that there will be no detrimental impact on its rights which ensure the continued safety, operation and maintenance of Staythorpe Power Station. As drafted, the proposed DCO has the ability to affect RWE's rights to the detriment to its functions as a statutory undertaker and its use of the land for the purposes of its undertaking. This possibility is unacceptable to RWE.

RWE is engaging with the Applicant to agree an appropriate form of Protective Provisions and/or a private agreement to secure matters.

RWE Generation UK Plc

9 December 2025