



Great North Road Solar and Biodiversity Park

Statement of Common Ground with RWE Generation UK

Document Reference – EN010162/APP/8.10

Revision number 1

December 2025

EP Rule 8(1)(e) Planning Act 2008

The Infrastructure Planning (Examination Procedure) Rules 2010

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Revision History

Revision	Revision Date	Authorised By	Position	Comment
Issue 1	25/11/25	ES	Head of Planning	Issue for comment
Issue 2	10/12/25			Response from Pinsent Masons on behalf of RWE

1 INTRODUCTION

1.1 PURPOSE OF THIS DOCUMENT

- 1.1.1 This Statement of Common Ground (SoCG) has been prepared to support an application (the Application) for a Development Consent Order (DCO) from the Secretary of State (SoS) for Energy Security and Net Zero under Section 37 of the Planning Act 2008 (PA 2008) for the proposed Great North Road Solar and Biodiversity Park Development (the Development). The Application has been submitted by Elements Green Trent Limited (the Applicant).
- 1.1.2 This SoCG has been produced to confirm to the Examining Authority (ExA) where agreement has been reached between the Parties, and where agreement has not (yet) been reached.
- 1.1.3 SoCGs are an established means in the planning process of allowing all Parties to identify and focus on specific issues that may need to be addressed during the examination. This SoCG will be revised and updated as discussions between the Parties progress during the Examination.

1.2 PARTIES TO THIS STATEMENT OF COMMON GROUND

- 1.2.1 This SoCG has been prepared by (1) Elements Green Trent Limited as the Applicant and (2) RWE Generation UK plc (collectively, 'the Parties').

1.3 TERMINOLOGY

- 1.3.1 In the table in the Issues section of this SoCG:
- "Agreed" (Green) indicates where the issue has been resolved;
 - "Under discussion" (Amber) indicates where a matter is the subject of ongoing discussion; and
 - "Not Agreed" (Red) indicates a final position.
- 1.3.2 Where RWE Generation UK plc expresses agreement, it does so only in so far as it has considered the issue with regards to its statutory remit and on the basis of the information provided by the Applicant. Agreement is offered without prejudice to the submissions of other Interested Parties who may have greater knowledge of technical or site-specific issues.

2 CURRENT POSITION OF THE APPLICANT AND RWE GENERATION UK PLC

2.1 EFFECT ON EXISTING GAS APPARATUS AND OPERATIONS

Table 2-1 Effect on existing generation apparatus and operations

Ref	Relevant Document	Description of Matter	Applicant's Position	RWE Generation UK plc's Position	Status
2.2.1	Paragraph 10-11 RR	Effect on existing generation apparatus and operations	<p>The Applicant notes that as a licence holder under Part 1 of the Electricity Act 1989, RWE benefit from Part 1 of Schedule 13 to the Draft Development Consent Order [EN010162/APP/3.1A] [AS-012], which includes a well preceded set of protective provisions to safeguard electricity apparatus in the context of the powers sought in the Draft Development Consent Order [EN010162/APP/3.1A] [AS-012]. Paragraph 6 of those protective provisions protects the apparatus in land and access to it, and paragraph 8 of those provisions set out a framework for the approval of plans prior to any of the works being carried out insofar as they</p>	<p>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.</p> <p>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.</p> <p>RWE holds rights of this nature within the Order Limits and therefore is a statutory</p>	Agreed

Ref	Relevant Document	Description of Matter	Applicant's Position	RWE Generation UK plc's Position	Status
			<p>might affect electricity apparatus including provision for the electricity licence holder to require protective works to affected apparatus. The Applicant has communicated this to RWE and continues to engage with RWE.</p> <p>RWE does not own any land in the Order Land therefore section 127 of the Planning Act 2008 is not engaged.</p>	undertaker for the purposes of Section 138 of the PA 2008.	
2.2.2	Paragraph 12-13 RR	Affected Land Plots	<p>RWE is listed in the Book of Reference (Part 1 of 2) [EN010162/APP/4.3A] [AS-014] as holding an interest in the following plots: 1/1, 1/3, 1/9, 1/10 and 1/11. RWE's interest is, in the case of 1/1 and 1/3, a right in respect of access and in the case of 1/9, 1/10 and 1/11 rights and easement granted by deed of grant. RWE also claims that it has accrued rights of access over Plots 1/12 and 1/23. The Applicant has therefore updated the Book of Reference (Part 1 of 2)</p>	<p>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 overplots 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</p>	Ongoing discussion

Ref	Relevant Document	Description of Matter	Applicant's Position	RWE Generation UK plc's Position	Status
			<p>[EN010162/APP/4.3A] [AS-014] to refer to these claimed rights.</p> <p>The power over those plots sought in the Draft Development Consent Order [EN010162/APP/3.1A] [AS-012] is as follows:</p> <ul style="list-style-type: none"> - 1/1 and 1/3 - Acquisition of rights by the Creation of new rights (Cable Rights) or imposition of restrictive covenant (Cable Restrictive Covenant) in connection with Work no. 7 (Staythorpe BESS Connection). - 1/9 – Acquisition of rights by the Creation of new rights (Cable Rights) or imposition of restrictive covenant (Cable Restrictive Covenant) in connection with Work no. 6 (National Grid Substation), required for the cable easement for the 400kV underground cable connection to the NGET bay 	<p>providing access to its equipment.</p> <p>The Book of Reference does not note RWE's interests in or use of plots 1/12 and 1/23. These plots are used to provide critical access to RWE's equipment and the power station. RWE and the Applicant are liaising in relation to updates to the Book of Reference.</p>	

Ref	Relevant Document	Description of Matter	Applicant's Position	RWE Generation UK plc's Position	Status
			<p>1/11 and 1/23 -Acquisition of rights by the Creation of new rights (Access Rights) in connection with Work no. 8 (Access).</p> <p>Plots 1/10 and 1/12 –are shown coloured yellow on the land plans (land not subject to compulsory acquisition or temporary use) and the power to compulsorily acquire land in respect of these plots has been excluded pursuant to Article 22(3) of the Draft Development Consent Order [EN010162/APP/3.1B]. The Applicant has a connection agreement with National Grid in respect of this land for the purposes of Work no. 6 (National Grid Substation). The Cable Rights and Cable Restrictive Covenant sought by the Applicant over Plots 1/1 and 1/3 will not affect RWE's rights of access over that land.</p>		

Ref	Relevant Document	Description of Matter	Applicant's Position	RWE Generation UK plc's Position	Status
			<p>With regards Plot 1/9, the Applicant is not aware that RWE has any relevant apparatus within that land parcel, but insofar as they do the protective provisions in Schedule 13 to the Draft Development Consent Order [EN010162/APP/3.1B] will ensure appropriate protection. Furthermore, the Applicant has committed in its Option Agreement for Easement with the landowner (NGET) to engage with the owners of apparatus in the land that may need to be crossed by the Applicant's works and to seek their consent to the proposed plans, risk assessment and method statement for any such crossing.</p> <p>With regards Plot 1/11 and 1/23, the Applicant's proposed access rights over that land will not affect RWE's easement.</p>		

2.2 PROTECTIVE PROVISIONS

Table 2-2 Protective Provisions

Ref	Relevant Document	Description of Matter	Applicant's Position	RWE Generation UK plc's Position	Status
2.2.1	Paragraph 14 RR	DCO	<p>The Applicant acknowledges section 138 of the Planning Act 2008 and notes that the operation of Article 33 of the Draft Development Consent Order [EN010162/APP/3.1B] which permits the Applicant to extinguish relevant rights is subject to the provisions of Schedule 13 which contains protective provisions that benefit RWE.</p> <p>Where CA powers impose new rights/restrictive covenants; these will sit alongside RWE's existing rights. Existing rights will only be affected where land is permanently acquired, which does not apply to any plot in which RWE have an interest.</p> <p>The Applicant continues to engage with RWE as regards the interface of the Development with RWE's interests and is confident the matters will be</p>	<p>Currently, there is insufficient detail on how RWE's rights will be affected by the powers sought by the Applicant under the DCO. As drafted, the proposed DCO has the ability to remove/alter 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.</p> <p>Section 138 of the PA 2008 provides that a DCO may only include provision for the extinguishment of a statutory undertaker's right if the Secretary of State is satisfied that the extinguishment is necessary for the purposes of carrying out the development to which the DCO relates. Otherwise, such provision cannot be included in the DCO. It is not clear to RWE nor</p>	Ongoing discussion

Ref	Relevant Document	Description of Matter	Applicant's Position	RWE Generation UK plc's Position	Status
			resolved before the end of the Examination.	explained in the application for the Scheme why RWE's interests must be extinguished.	

3 SIGNATURES

3.1.1 The above SoCG is agreed between the Applicant and RWE Generation UK plc, as specified below.

Duly authorised	Name
for and on behalf	
of Elements	Job Title
Green Trent	
Limited	Date
	Signature

Duly authorised	Name
for and on behalf	
of RWE	Job Title
Generation UK	
plc	Date
	Signature
